

The regular meeting of the DeRuyter Town Board was held at 7:30 p.m. on September 13, 2018 at the Genevieve Staley Civic Center.

Present were Supervisor Degear, Superintendent Cook, Clerk Marshall, Councilmen Barnes, Hathaway, Jones, and Coon. DeRuyter Central School Board Member Jodi Wiesing and Superintendent of DeRuyter Central School, David Brown were also present.

Supervisor Degear began the meeting with the Pledge of Allegiance.

Motion made by Councilman Barnes, Seconded by Councilman Jones to accept the minutes. All in favor and carried.

**PRESENTATION: DAVID BROWN, SUPERINTENDENT OF DERUYTER CENTRAL SCHOOL:**

- DeRuyter Central School received a grant, allowing every child to receive free breakfast and lunch.
- The Pre-K grant must be submitted by the end of October. The district is hopeful they can provide a full-time program for four-year old's, for five days a week, starting in January.
- Every tax payer should have seen a reduced tax bill this year, due to the Compressor Plant coming on the tax rolls this year. Although each tax payer will have different equalization and assessed values, everyone should see a reduction.
- Next year, the 2019-2020 fiscal year, there will be an increase of almost 20%, at this point, it is only an estimate, in hopes there is no increase from New York State.
- The Board of Education has been working on the final phase of the Capital Project. There is work that needs to be done, a roof, boiler, amongst other things.

**TOWN CLERK'S REPORT:**

- Monthly written report was submitted and discussed.
- Clerk Marshall stated, it has been busy collecting school taxes. Everything is running smoothly.

**HIGHWAY SUPERINTENDENT REPORT:**

- Fall clean-up day is September 22, 2018 at the Highway Garage, from 7:00 a.m. until Noon. No tires will be accepted at this clean-up.
- Road side mowing is almost complete for the year. There is only a few more roads to cover.
- There is ditch work to do, when the weather turns cooler.
- There is some grading work that needs to be done.
- More trees have fallen at the cemetery, next week more trees will be removed.

**SUPERVISOR'S REPORT:**

- The monthly written report, statement, highway account balances, and line item balances were submitted and discussed.

**CORRESPONDENCES:**

- NYMIR Insurance responded by email to Supervisor Degear regarding the elevator repair. The roof would not be covered due to wear and tear, as there was no indication of storm damage. However, the interior water damage to the elevator is covered. The quote provided for the repairs were reasonable and totaled \$14,979.00. NYMIR did honor this cost and waived the \$1000.00 deductible.

**OLD BUSINESS:**

- The Town Hall roof has been worked on, there is still tin work that needs to be completed.
- The Town Hall elevator repairs are still in factory being made. An estimated time of two weeks and we should have the part here at the Town Hall.
- The project budget for the elevator, Town Hall Roof, the Highway Garage Roof, and the Highway Storage Building Roof was submitted and discussed. The elevator is covered by insurance. The Town Hall Roof, the Highway Garage Roof, and the Highway Storage Building Roof will be covered by HUD and Casino Revenue Monies.
- Three Contractors submitted bids for the Highway Roof project as follows:
  - 1) Hayes Home Improvement: \$39,890.00
  - 2) Lakecounty Construction & Contour, LLC: \$73,710.00
  - 3) Ladd Construction Inc.: \$36,165.00

**ENTER INTO AN AGREEMENT WITH LADD CONSTRUCTION  
FOR THE REPLACEMENT OF HIGHWAY DEPARTMENT ROOFS**

The following resolution was offered by Councilman Barnes, who moved its adoption, seconded by Councilman Jones, to wit:

**WHEREAS**, the Town of DeRuyter issued a Request for Proposals (RFP) for the replacement of roofs at the Highway Garage and at the Highway Department storage building; and

**WHEREAS**, upon review of the RFP responses, the DeRuyter Town Board finds the proposal from Ladd Construction to be both the most appropriate and best cost.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of DeRuyter hereby authorizes the Town Supervisor to enter into an agreement with Ladd Construction for the replacement of the roofs at the highway garage and highway storage building.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Edwin Coon	Councilman	Voted	Yes
Cedric Barnes	Councilman	Voted	Yes
Robert Hathaway	Councilman	Voted	Yes
Robert Jones	Councilman	Voted	Yes
Daniel Degear	Supervisor	Voted	Yes

All in favor and carried.

**OLD BUSINESS:**

- The Highway Garage now has the Internet changes from Spectrum. It was installed on September 12, 2018. The County IT department will need to come and complete set up.

**NEW BUSINESS:**

- Starting October 9, 2018, New York State has changed their Sexual Harassment Training/Policy. Each employee must receive training on an annual basis. Every employer in the State of New York is required to provide employees with sexual harassment prevention training pursuant to Section 201-g of the Labor Law.

**TOWN BOARD RESOLUTION**

**AUTHORIZING THE TOWN SUPERVISOR AND HIGHWAY SUPERINTENDENT  
TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF HAMILTON  
FOR THE PURCHASE OF ROAD SALT BRINE**

The following resolution was offered by Councilman Barnes, who moved its adoption, seconded by Councilman Hathaway, to wit:

**BE IT RESOLVED**, that the Town Board of the Town of DeRuyter hereby authorizes the Town Supervisor and/or the Town Highway Superintendent to enter into an agreement with the Village of Hamilton for the purchase of road salt brine to be used for snow and ice control.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Edwin Coon	Councilman	Voted	Yes
Cedric Barnes	Councilman	Voted	Yes
Robert Hathaway	Councilman	Voted	Yes
Robert Jones	Councilman	Voted	Yes
Daniel Degear	Supervisor	Voted	Yes

All in favor and carried.

**TOWN BOARD RESOLUTION**

**AUTHORIZING THE TOWN SUPERVISOR AND HIGHWAY SUPERINTENDENT**

**TO ENTER INTO AN AGREEMENT WITH MADISON COUNTY**

**FOR SNOW AND ICE CONTROL**

The following resolution was offered by Councilman Barnes, who moved its adoption, seconded by Councilman Coon, to wit:

**WHEREAS**, the Board of Supervisors of Madison County adopted Resolution No. 18-348 on August 14, 2018 designating the improved roads of the County Road System of the County upon which snow and ice removal should be performed; and

**WHEREAS**, the County Superintendent of Highways was authorized to enter into agreements with the Town for the aforementioned purpose starting October 1, 2018 through April 30, 2019 at rates specified in the Agreement.

**NOW THEREFORE BE IT RESOLVED**, that the Town Superintendent of Highways of the Town of DeRuyter, Madison County be and hereby is authorized and directed to enter into an agreement with the County of Madison to perform snow and ice removal upon the improved County Road System. The Board of the Town of DeRuyter hereby authorizes the Town Supervisor and/or the Town Highway Superintendent to enter into an agreement with Madison County for Snow and Ice Control as per the attached agreement.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Edwin Coon	Councilman	Voted	Yes
Cedric Barnes	Councilman	Voted	Yes
Robert Hathaway	Councilman	Voted	Yes
Robert Jones	Councilman	Voted	Yes
Daniel Degear	Supervisor	Voted	Yes

All in favor and carried.

**TOWN BOARD RESOLUTION**

**AUTHORIZING THE TOWN SUPERVISOR**

**TO ENTER INTO AN AGREEMENT WITH RED HAWK FIRE & SECURITY**

**FOR MAINTENANCE OF THE CIVIC CENTER FIRE ALARM SYSTEM**

The following resolution was offered by Councilman Barnes, who moved its adoption, seconded by Councilman Coon, to wit:

**WHEREAS**, the Genevieve D. Staley Civic Center has an alarm system for the detection of fire and smoke; and

**WHEREAS**, the said alarm system must be inspected and maintained as prescribed by law, and

**WHEREAS**, Red Hawk Fire and Security has the appropriate skills, as well as knowledge of the Civic Center's system, to preform said inspections and maintenance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of DeRuyter hereby authorizes the Town Supervisor to enter into an agreement with Red Hawk Fire and Security for the inspection and maintenance of the fire alarm system at the Genevieve D. Staley Civic Center

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Edwin Coon	Councilman	Voted	Yes
Cedric Barnes	Councilman	Voted	Yes
Robert Hathaway	Councilman	Voted	Yes
Robert Jones	Councilman	Voted	Yes
Daniel Degear	Supervisor	Voted	Yes

All in favor and carried.

**Issue:**

On Monday, September 10, 2018, a Viet Nam era veteran stopped into the DeRuyter Town offices and made known his frustration that the town is, in his opinion, improperly displaying the US Flag in front of the Genevieve D. Staley Civic Center. He stated that the US Flag must be flown in a position of prominence per the US Flag Code and that his interpretation of the code requires that the US Flag should be positioned higher than all other flags.

**US Flag Code**

**Section 175. Position and manner of display**

- (c) *No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: Provided, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.*
- (e) *The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.*
- (f) *When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.*
- (g) *When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.*

**Town Interpretation:**

The US Flag must be situated in a position of superior prominence per section 175, paragraph (c) of the US Flag Code. This would typically mean in a center position and on a higher staff per section 175, paragraph (e) of the US Flag Code.

DeRuyter has a unique situation because in 1982, the NATO ship Admiral DeRuyter designated the Town of DeRuyter as a “Flagship Town” in recognition of 200 continuous years of Dutch-American diplomatic relations. The Town of DeRuyter, therefore, flies a Dutch flag in addition to the US Flag, the NYS Flag and the POW/MIA flag. The fact that a flag of another nation is displayed, section 175, paragraph (g) of the US Flag Code stipulates that the two nation flags are to be flown from separate staffs of the same height.

The result of the Dutch flag being flown in the Town of DeRuyter display, the position of prominence for the US Flag is on the staff to the far left of the display so that no other flag is displayed to the US Flag’s right.

It is imperative to ensure that no flag flies higher than the US Flag at any given time. The US Flag must be hoisted first and lowered last. At times of half-mast, all other flags must be lowered to half-mast prior to the lowering of the US Flag.

Additionally, the Town of DeRuyter, having limited staffing and resources, cannot ensure that daily raising and lowering of the flag can be accomplished resulting in the necessity that the flag is displayed twenty-four hours a day. US Flag Code section 174, paragraph (a) stipulates that a flag may be displayed twenty-four hours a day for a patriotic effect if the flag is properly illuminated during the hours of darkness. The Town of DeRuyter does illuminate the flag during the dark hours.

**NEW BUSINESS:**

- A proposal was made from the Town of DeRuyter with the Village of DeRuyter. The Town will provide labor necessary to complete specific work for the Village, starting January 1, 2019 and continue for two years.

**ACCEPTING THE 2019 TENTATIVE TOWN BUDGET  
AND CALLING FOR A PUBLIC HEARING**

The following resolution was offered by Councilman Jones, who moved its adoption, seconded by Councilman Coon, to wit:

**WHEREAS**, the Town Supervisor of the Town of DeRuyter duly filed with the Town Clerk the Tentative Budget of said Town for the fiscal year beginning January 1, 2019; and

**WHEREAS**, the Town Clerk of the Town of DeRuyter, duly presented said Tentative Budget to the Town Board as prescribed by law, at Town Board meeting on September 13, 2018, at which time such Tentative Budget was considered, discussed and reviewed.

**NOW, THEREFORE, BE IT RESOLVED**, that said Tentative Budget is hereby set forth, and be it

**FURTHER RESOLVED**, the said Tentative Budget is hereby approved as and shall become the Preliminary Budget of the Town of Cazenovia, for the fiscal year beginning January 1, 2019; and be it

**FURTHER RESOLVED**, that said Preliminary Budget shall be kept in the Office of the Town Clerk of the Town of DeRuyter, and said Town Clerk is hereby authorized to reproduce copies of same for public distribution upon request; and be it

**FURTHER RESOLVED**, that the Town Board shall conduct a public hearing as to the adoption of the proposed 2019 Town Budget at the Genevieve D. Staley Civic Center located at 735 Utica Street in the Town of DeRuyter on Thursday, November 8, 2018 at 7:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested shall be heard.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Edwin Coon	Councilman	Voted	Yes
Cedric Barnes	Councilman	Voted	Yes
Robert Hathaway	Councilman	Voted	Yes
Robert Jones	Councilman	Voted	Yes
Daniel Degear	Supervisor	Voted	Yes

All in favor and carried.

**OTHER BUSINESS:**

- None at this time.

**PUBLIC COMMENT:**

- None at this time.

**EXECUTIVE SESSION:**

Motion made by councilman Hathaway, seconded by councilman Jones to enter into Executive Session as defined within New York State Public Officers Law, for the purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters relating to appointment, promotion, demotion, discipline or removal.

All in favor and the motion was carried, the board entered executive session at 8:20 p.m.

Motion made by councilman Coon, seconded by councilman Hathaway to exit executive session.

All in favor and the motion was carried, the board exited executive session at 8:39 p.m.

**PAYMENT OF CLAIMS:**

- Motion made by councilman Coon, seconded by councilman Hathaway to accept the Supervisor's statement. All in favor and carried.
- Motion made by councilman Coon, seconded by councilman Hathaway to approve the payment of the following claims:

<b>Abstract #16</b>	<b>\$25,576.24</b>
<b>Abstract #17</b>	<b>\$40,279.76</b>

All in favor and carried.

Motion made by Councilman Coon, seconded by Councilman Hathaway to Adjourn the meeting. All in favor and carried.

Respectfully Submitted,

Rebecca Marshall, Town Clerk

