

**DRAFT**

**TOWN OF DANBY  
TOWN BOARD MINUTES  
SEPTEMBER 8, 2008**

**PRESENT:**

Supervisor Dietrich

Councilpersons: Eugene Beavers, Leslie Connors, Daniel Klein, Joseph Salino

**Others Present:**

Carol Szczepanski - Town Clerk

Roy Casterline - West Danby Water District Superintendent

Susan Beeners - Code Enforcement Officer

Carl Seamon - Highway Superintendent

Laura Shawley - Bookkeeper

**Members of the Public:**

Ronda Roaring, Ames Brown, Joel Gagnon, Bonnie Tyler

Supervisor Dietrich called the meeting to order and led all present to the Pledge of Allegiance to the American Flag.

**ADDITIONS TO THE AGENDA**

Under Old Business:

1. Request for reducing speed limit on NYS Rte. 96B

Under New Business

1. Task Force Proposed Local Law - "A Local Law Related to the Right to Engage in Agricultural Activity in the Town of Danby".
2. NYS Assembly - Proposed Resolution of support Bill A11606.

Supervisor Dietrich reported that he is supposed to come up with a broader definition of the Ride-Share Program. He has requested that Dwight Mingle forward information from the Transportation Committee on other municipalities who have run this type of program as a general thing.

**PRIVILEGE OF THE FLOOR**

Ronda Roaring - reported that she has been in touch with the County regarding the transportation of water from Catatunk Creek and plans for the up-grade (paving) of South Danby Road and mowing along the road.

**REPORTS:**

Councilperson Connors asked that copies of written reports submitted at the agenda meeting be made available at board meetings for the public.

**Highway Report**

Laura Shawley reported that the Highway Department is gathering quotes for trucks and financing information.

**Planning Board**

Susan Beeners reported on the Hamlet Steering Committee and that she is working on a list to get people to come to the October 2<sup>nd</sup> public information meeting. There will be two Chirret meetings on October 24<sup>th</sup> and 25<sup>th</sup>. One session will be at the Danby Federated Church and One at the West Danby Church.

**Recreation Partnership**

Supervisor Dietrich reported that there is an up-coming meeting.

**Danby Community Council**

Councilperson Klein reported that there was a meeting last week and they have passed a budget to submit to the Town Board. The Danby Area News is still working on their problem with distribution. They will be changing the dates of their meetings but not able to change October. Starting in November the meetings will be the second Thursday monthly.

**Senior Citizens**

Carol Szczepanski reported that the Danby Seniors met last Thursday. The Honorable Frank Proto addressed the group with information on County Legislature Programs. Beginning in October the meetings will be held on the first Thursday monthly at NOON. On September 24<sup>th</sup> the Danby Seniors will be taking a train trip out of Ulster County through the Adirondacks and on October 22 will be going to the Clements Theater in Elmira to see the stage play "Mama Mia".

**Dog Control**

The clerk reported that a report from the SPCA has not been received at this time. Supervisor Dietrich reported that negotiations with the SPCA are on-going.

**DEMPC**

Councilperson Beavers reported that DEMPC had a meeting between the Highway Department and the Fire District personnel and discussed the frame work using the existing Shared Service Agreement. They are working on a formal document for shared services. They also had a meeting with Cortland Pump concerning doing shared upgrades to the fuel systems and cost.

**Danby Community Park**

Supervisor Dietrich reported that the Danby Community Park met last week and are seeking ways to vitalize their on-going project. They are looking at ways people can use the area and asked if the youths that the Town used building the trail will be available and/or be interested in continuing work. There were many suggestions of what could be provided for public use.

**COMMUNICATIONS:**

1. N YS Assembly Bill A11606 - related to toxic fracing solutions - there will be a meeting at the Woman’s Community Building on toxic fracing September18th.
2. Association of Towns request for support of HR6603 - Tax Relief Act of 2008.
3. Brochure - Reducing Inequity in Transportation to Events to School.

**OLD BUSINESS**

**Raise from the Table - Draft Local Law - Amendment to “Emergency Towing of Vehicles”**

A motion was made by Councilperson Klein and seconded by Councilperson Salino that the Town Board of the Town of Danby raise from the table the Draft Local Law - Amendment to Emergency Towing of Vehicles”.

Discussion:

Councilperson Beavers said that he thinks that the draft local law is flawed and making it harder than it needs to be. The City of Ithaca and the Town of Ithaca use set figures for a reason. There are different towing fees for wrecker service for days, weekends and holidays.

The Town Clerk will request a copy of the towing laws from Tompkins County Highway Department and the Town of Ithaca.

**Motion to Table - Draft Local Law - Amendment to “Emergency Towing of Vehicles”**

A motion was made by Councilperson Klein and seconded by Councilperson Salino that the Town Board of the Town of Danby table the Draft Local Law - Amendment to Emergency Towing of Vehicles”.

A vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye
Dietrich	Aye

**Carried Unanimously**

**Motion to Raise From the Table -Request for Appointment to Water Resources Council**

A motion was made by Councilperson Connors and seconded by Councilperson Klein that the Town Board of the Town of Danby raise from the Table the Request for Appointment to the Water Resources Council.

Discussion:

Supervisor Dietrich reported that he agreed to write an article in the Danby Area News.

**Motion to Authorize the Supervisor to Write Letter**

A motion was made by Councilperson Connors and seconded by Councilperson Klein that the Town Board of the Town of Danby authorizes the Town Supervisor to write an article for the

Danby Area News that the Town is seeking a resident for representation on the Water Resources Council.

A vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye
Dietrich	Aye

**Carried Unanimously**

**Speed Limit Request**

The Town of Danby would like to petition New York State for a speed limit reduction through the Town of Danby. Traffic has increased and continues to speed through. The Planning Board and many residents have requested the speed limit to be reduced. The Town Supervisor will write a letter to accompany the necessary form that is to be sent to Tompkins County that they file with the NYS Department of Transportation..

**NEW BUSINESS**

**RESOLUTION NO. 70 OF 2008**

**AUTHORIZATION FOR TOWN SUPERVISOR TO EXECUTE VARIOUS AGREEMENTS RELATED TO TEST WELL DRILLING FOR UPPER BUTTERMILK CREEK/DANBY CREEK AQUIFER STUDY**

By Councilperson Klein: Seconded by Councilperson Salino

**WHEREAS**, the Town Board of the Town of Danby on February 13, 2006 authorized the Town Supervisor to enter into agreement with the U.S. Geological Survey and Tompkins County related to participating in the Upper Buttermilk Creek/Danby Creek Aquifer Study; and

**WHEREAS**, the Town Board on September 10, 2007 authorized the Town Supervisor to execute a well drilling/sampling agreement with the Danby Park Association, and also authorized assistance from the Town Attorney and from T.G. Miller P.C. in the preparation of contractual documents related to the Aquifer Study; and

**WHEREAS**, the Town Board on October 15, 2007 awarded a contract to Barber and DeLine for the project entitled “Test Drilling in the Upper Buttermilk/Danby Creek Valley” and authorized the Town Supervisor to execute an agreement related to said contract; and

**WHEREAS**, one test well was drilled in 2007 on the Danby Highway Department property; and

**WHEREAS**, five additional test wells are planned for 2008, as described to the Town Board by the Code Enforcement Officer; **NOW THEREFORE, IT IS**

**RESOLVED**, that the Town Board of the Town of Danby authorizes the Town Supervisor to execute related agreements with the contractor and with owners of the proposed test well sites,

with assistance from the Code Enforcement Officer, Town Attorney, U.S.G.S. Project Engineer, and T.G. Miller, P.C. to accomplish the test well project.

A vote on the resolution resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye
Dietrich	Aye

**Carried Unanimously**

**Association of Towns Request for Support of HR6603**

There was no action on HR6603 - Local Officials Tax Relief Act of 2008

**Schedule of Budget Workshops**

October 6, 2008 - 6:00 P.M. - Review of Jennings Pond, Food Pantry , Court, Library and Clerk, Seniors

October 13 - 6:00 p.m. - Community Council Zoning and Comprehensive Plan

Following the board meeting - Planning Board and BZA

October 20 - Highway and Water District

**Finger Lakes Trail Meeting Request to Use Town Hall Building**

A motion was made by Supervisor Dietrich and seconded by Councilperson Beavers that the Town Board of the Town of Danby approve Finger Lakes Trail Group be given permission to use the Town Hall on November 17<sup>th</sup> at 7:00 pending submission of a Certificate of Insurance.

A vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye
Dietrich	Aye

**Carried Unanimously**

**Request for Dog Enumeration**

The Town Clerk submitted a request to have a dog enumeration performed in the Town.

**Motion for Town Clerk to Hire a Dog Enumerator**

A motion was made by Supervisor Dietrich and seconded by Councilperson Salino that the Town Board of the Town of Danby authorize the Town Clerk to hire a dog enumerator for the enumeration in he Town of Danby to be completed in five(5) months.

A vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye

Salino                   Aye  
Dietrich                Aye

**Carried Unanimously**

**Task Force Draft Right to Farm Law**

A Draft local law related to the right to engage in agricultural activity in the Town of Danby was presented to the board by Councilperson Klein. After discussion Councilperson Klein will obtain additional information. The draft local law will be sent to the lawyer, Tompkins County Farmlands Protection Board and to Tompkins County Planning for review if the Town Board finds the draft favorable.

Susan Beeners said that the Zoning Ordinance does not regulate CAFO's. If zoning ordinances can be changed to regulate CAFO's then she would recommend that the Task Force work on coming up with an amendment to the Zoning Ordinance before having any reference to CAFO's in the Right-to-farm-law.

Supervisor Dietrich said that it has been suggested that this draft go before the lawyer and Ed Marks from County Planning.

**NYS Assembly Bill Summary A11606**

The Assembly Bill Number: 11606 is entitled: An act to amend the environmental conservation law, in relation to prohibiting the use of certain fracing solutions". The board reviewed the proposed bill and passed the following resolution.

**RESOLUTION NO. 71 OF 2008**

By Councilperson Salino: Seconded by Councilperson Beavers

**WHEREAS**, the Town has received information from NYS regarding Assembly Bill A11606 entitled: "An act to amend environmental conservation law, in relation to prohibiting the use of certain fracing solutions", **NOW THEREFORE, IT IS**

**RESOLVED**, that the Town Board of the Town of Danby supports NYS Assembly Bill No. A1106 and directs the Town Clerk to send notice of the Towns support to NYS Senator James Seward and NYS Assemblywoman Barbara Lifton.

A vote on the motion resulted as follows:

Beavers                Aye  
Connors               Aye  
Klein                   Aye  
Salino                 Aye  
Dietrich               Aye

**Carried Unanimously**

**Approval of Supervisor's July Report**

A motion was made by Councilperson Salino and seconded by Councilperson Beavers that the Town Board of the Town of Danby approves the Town Supervisor's July 2008 report as submitted.

A vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye

**Carried**

**Approval of Town Clerk's August 2008 Report**

A motion was made by Councilperson Beavers and seconded by Councilperson Salino that the Town Board of the Town of Danby approves the Town Clerk's report for August 2008 as submitted.

A vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye
Dietrich	Aye

**Carried Unanimously**

**APPROVAL OF WARRANTS**

**General Fund Warrant No. 9 of 2008**

A motion was made by Councilperson Beavers and seconded by Supervisor Dietrich that the Town Board of the Town of Danby approves the General Fund Warrant No. 9 of 2008 in the amount of \$11,861.73 voucher numbers 341-372.

A vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye
Dietrich	Aye

**Carried Unanimously**

**Highway Department Fund Warrant No. 9 of 2008**

A motion was made by Councilperson Beavers and seconded by Councilperson Salino that the Town Board of the Town of Danby approves the Highway Department Fund Warrant No. 9 of 2008 in the amount of \$9,374.00 voucher numbers 127-133.

A vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye
Dietrich	Aye

**Carried Unanimously**

**West Danby Water District Fund Warrant No. 9 of 2008**

A motion was made by Councilperson Beavers and seconded by Councilperson Salino that the Town Board of the Town of Danby approves the West Danby Water District Fund Warrant No. 9 of 2008 in the amount of \$313.75 voucher numbers 49-56.

A vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye
Dietrich	Aye

**Carried Unanimously**

**CD Account CD7668 Fund Day Account**

A motion was made by Councilperson Beavers and seconded by Councilperson Salino that the Town Board of the Town of Danby approves the CD7668 expense as submitted in the amount of \$31.00.

A vote on the motion resulted as follows:

Beavers	Aye
Connors	Aye
Klein	Aye
Salino	Aye
Dietrich	Aye

**Carried Unanimously**

**ADJOURNMENT:**

On a motion the meeting adjourned at 8:35 p.m.

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Carol W. Szczepanski, Town Clerk