

**Danby Town Board
Minutes of Agenda Meeting
May 3, 2010**

Present:

Supervisor: Ric Dietrich
Councilpersons: Leslie Connors, Dylan Race, Dan Klein

Excused:

Kathy Halton

Others Present:

Town Clerk Pamela Goddard
Code Enforcement Susan Beeners
Bookkeeper Laura Shawley

Members of the Public:

Joel Gagnon, Ronda Roaring, Ted Crane, Nancy Medsker, Al Becker

Call to Order

Supervisor Dietrich called the meeting to order at 7:07pm.

Privilege of the Floor:

Ronda Roaring wishes to submit amendments to the Danby Dog Ordinance. She will send these to the Town Board and Clerk via Email in the next week. Roaring would also like to have a discussion about DECALS. She asks that these issues be on the May 10 agenda.

On a related matter, Supervisor Dietrich reported that further adjustments to the Dog Control contract with Tompkins County Animal Control (TCAC, a.k.a. SPCA) will be undertaken this Fall, following changes at the state level.

Discussion of BZA and Planning Board Chairs:

Supervisor Dietrich led a conversation about the method of making decisions and Town Board's need to set direction. The time has come for the Town Board to review Zoning Laws and update various sections of the zoning ordinance. Reviewing the Zoning Ordinance and Comprehensive Plan should be an ongoing process. This effort may involve more than one board or committee in the town. Dietrich expressed concern about the way decisions are made by the BZA. He compared the BZA to the Supreme Court, as the legal arm of Town zoning. This is the Town legacy and is the primary contact residents may have with town government. Residents sometimes have difficulty understanding the reasoning of BZA opinions. There is some interest on the part of members of the BZA to review problems in the Zoning Ordinance based on appeals which come before them.

The BZA has made a recommendation that Allen Becker be appointed Standing Chair. There was a difference of opinion on the part of the Town Board regarding this appointment. There were concern that Becker does not "present a good face" for the BZA and the Town of Danby, and that he can be aggressive and rude to residents. Conversely, it was suggested that the Town Board should have confidence in the people it has appointed to the Board and their recommendation. Some years prior, Becker needed to be removed as BZA Chair due to inappropriate behavior. Alan Wagner's name was mentioned as a possible alternative.

The Planning Board has also made a recommendation for its Chairperson, contingent on the party being in agreement. The answer to that question should be known by the May 10 meeting.

It was agreed that appointments to the Planning Board and BZA chairs would be made at the May 10 Town Board meeting when the full board will be present.

Official Undertaking for Town Clerk:

Clerk Goddard reported that she learned of this legal requirement during recent training at the Town Clerks Conference. By state mandated Town Law 25, town clerks are required to execute and file an Official Undertaking within 30 days of taking office. The Official Undertaking is an official recognition of bonding for the Town Clerk and other key town personnel. This should normally be done during the annual round of resolutions at the start of each year. Supervisor Dietrich raised the question of to what level other staff in the Town Hall are bonded. Information will be sought from Bookkeeper Shawley. A fully drafted resolution will be brought to the May 10 Town Board meeting.

Road Excavation Law:

The staff met in the past few weeks to review who needs to take care of what tasks related to this draft law. Progress has been made. The Highway Superintendent and his assistant are working on the sections related to permits, fees, and forms. Supervisor Dietrich would like to see all laws related to industrial activity in place by August 2010. This road excavation law will be integrated into any road engineering and construction laws potentially drafted by Delta Engineering. Dietrich would like to set a time line leading up to a Public Hearing and adoption of the Law. Leslie Connors would like to attend future meetings. A meeting time will be set by Email communication.

Road Engineering and Construction Laws:

Dietrich has been meeting with representatives of other towns through the TCCOG and is frustrated by a lack of progress there. There is an effort towards collaborative agreements in this direction. Dietrich has volunteered to try to facilitate this process, but some towns are not yet up to passing this type of legislation. Dietrich believes that Danby should move ahead regardless of what other towns do. Dryden is "on board" with Delta Engineering for road testing and road laws.

A second meeting will be held with Delta Engineering on Thursday, May 6 at 6:30 pm. Delta will bring a sample contract to this meeting. Representatives from the Town Board are invited to attend. Kathy Halton expressed the hope, via Email prior to the May 3 meeting, that a resolution regarding this contract can be passed at the May 10 meeting.

Community Beautification Program:

Dan Klein introduced a resolution to sign a contract with the Community Beautification Program (through Cooperative Extension) in order to receive funds for specific beautification projects. Klein noted that administering this project is part of his job, and that he will recuse himself when it comes to a vote. The Town spends the money, submits receipts, and is reimbursed through the Community Beautification Fund. The money for these projects is collected from the County Hotel Room Tax, to be used for beautification of public buildings and routes traveled by tourists. Two requests for beautification projects in Danby. The contract is for a total of \$2,500. One for landscaping around the entrance to the Community Park and the other for landscaping around the two "Welcome to Danby" signs on Route 96b. (These signs were paid for by Community Beautification funds in 2009.) The contract is between the Community Beautification Program and the Town of Danby.

The Community Park landscaping project is the first installment of a multi-phase plan. The entire project (if funded) will include native red twig dogwood plantings along the Route 96B road front, planting cedars along the driveway, a stonewall along the entrance, and to do similar landscaping on the Town Hall property to mirror the entrance to the Park. If the first part of the landscaping is done well, the Community Beautification Program is likely to award more money in future years.

Resolution No. 61 of 2010 – COMMUNITY BEAUTIFICATION FUNDS

Resolved, That the Town Board of the Town of Danby authorizes the Town Supervisor to sign a contract for up to \$2,500 with the Community Beautification Program.

Moved by Race, Second by Connors. The motion passed.

In Favor: Connors, Race, Dietrich

Abstained: Klein

Mowing:

Two bids were received for mowing Town properties. As presented, the bids did not offer pricing for the same services in the same way; bookkeeper Shawley was asked to compare the two bids against what was budgeted and spent in 2009 and bring these numbers to the board for its May 10 meeting. A mowing contract will be voted on at that time.

There was some discussion about how best to maintain the area around the daffodils in the lawn closest to the road. In hindsight, those daffodils were not planted in the best location. Alternate suggestions were either to not mow that area for the first few mowings (in order to allow the bulbs to regenerate) or to mow them down and start over with cluster plantings. Since they did not bloom well this year, it was recommended to go ahead and mow those down and then replant daffodils in a different location. This could be a volunteer project for the youth program.

Copier Replacement:

Information was presented regarding the need to replace the Town Hall copier. The current copier is over ten years old, jams frequently, and sometimes overheats stuck bits of paper. Information and estimates about various models, options, and service contracts is being gathered from different companies. Supervisor Dietrich asked the board to authorize the Clerk and Bookkeeper to move ahead with this purchase. It was suggested that a resolution with a dollar amount be brought to the board for the next meeting.

Conservation Advisory Council:

Klein presented additional information about the establishment of a Conservation Advisory Council. This is allowed by NYS. The CAC would have a number of responsibilities, with its authority subject to Town Board approval. The CAC would inventory and make a plan for properties owned by the Town. It would have the ability to accept donations of land to the Town, fundraise for the purpose of land preservation, work with individual land owners help them with land conservation, and help facilitate and accept conservation easements. There would be an education component and a map-making component to the CAC.

Beeners suggested that, should this go forward, the Town look closely at budgeting and routinely set aside money for support staff to assist with CAC tasks such as mapping, and open space index, etc. Dietrich suggested that the Danby CAC steering committee gather information and suggestions from other towns which already have Conservation Advisory Councils in place (such as Dryden and the town of Ithaca). Some of these charges overlap with efforts already underway through the Critical Environmental Areas committee. Connors suggested that someone from the CAC group meet with the CEA committee for information sharing. She would also like to see a definition of "Open Space" somewhere in the document establishing a Danby Conservation Advisory Council.

Lifton Bill:

Kathy Halton had asked, via Email, the Town Board to consider supporting this bill by resolution. The purpose of this bill is, "to clarify the role of municipalities in governing oil, gas, and solution mining development within their jurisdiction, allowing for any local government to enact or enforce local laws or ordinances of general applicability if the local laws do not expressly regulate the oil, gas and solution mining industries regulated by state statute, regulation, or permit. Local governments shall not be prevented from enacting or enforcing local zoning ordinances or laws which determine permissible uses

in zoning districts.” This bill hopes to bring some of the rights of home rule, allowing local governments to enact and enforce laws which are currently preempted by state laws through the Department of Environmental Conservation.

A question was raised regarding the viability of this bill, as there is no Senate companion bill. Dietrich expressed the view of the Gas Drilling Task Force that a resolution of support from the town would be another way of letting state representatives know that we are unhappy with the present situation. Part of the DGDTF has been following all legislative efforts and has asked for support regarding this bill.

Resolution No. 62 of 2010 – RESOLUTION IN SUPPORT OF ASSEMBLY BILL A.10633

Resolved, That the Town Board of the Town of Danby is in support of Assembly Bill A.10633 -Amending State Environmental Conservation Law to Allow Local Governments to Enact or Enforce Certain Laws and Ordinances (Pending Committee Action 5/4/10)(ID # 1969), sponsored by Assemblywoman Barbara Lifton.

Moved by Klein, Second by Dietrich. The motion passed.

In Favor: Connors, Klein, Race, Dietrich

It was suggested that Seward be approached on the same issue. A certified copy of the resolution will be sent to Lifton.

Credit Card Resolution:

Bookkeeper Laura Shawley presented more information regarding a draft resolution describing how credit cards may be used to pay bills at the Town of Danby offices. The draft credit card policy spells out who is responsible for what, how many cards may be issued, and how they may be used. There are current store credit accounts at Staples, Home Depot, and Lowe’s. These are credit cards which could be used anywhere, including price shopping via the Internet. The need for these credit cards is related to emergency management and to ease purchase of supplies in an emergency (such as the recent West Danby Water District emergency). Use of these credit cards needs to be authorized and cards need to be in specific people’s names. This policy would also formalize credit cards already issued (but not currently in use) at the Highway Department.

It was asked who in Town Hall would need cards. The draft policy is based on a policy from the Town of Dryden and meets all state requirements. This draft still needs editing to be entirely appropriate for the Town of Danby. The policy also needs to “fill in the blanks” with the number of cards, authorized names, and at what credit limit. Bookkeeper Shawley and Clerk Goddard will complete the policy and bring it back to the Board. Shawley asked the board to read through this draft to inform themselves of the Board responsibility including the monthly audit. It was also suggested that the Board pass a resolution regarding the general policy and then a second resolution, to be updated annually at the Organizational Meeting, naming personnel to be issued cards.

Records Management Update:

Clerk Goddard presented an update on training received related to managing electronic records, an upcoming presentation by Suzanne Etherington (Region 6 Advisory Officer of the State Archives and Records Administration) to the Town staff and department heads to be held on May 5 regarding department responsibility for records management. Etherington has offered to make a presentation to the Board regarding the board’s role in records management and what the Town should be doing legally and ethically.

Mary Ann Barr will be sitting in on that presentation and will then meet with Goddard to draft a work plan for her role as a second Deputy Clerk with a special focus on records management/archival assistance. Goddard will try to bring a proposal for this position at the next Town Board meeting.

Farmers Market update:

The insurance problem vexing the Farmers Market has been side-stepped through a plan that the Youth workers will sell produce for other vendors on consignment. The youth workers are covered by insurance through Cooperative Extension. Any additional vendors will need to have their own insurance. The market will move back to the pavilion at the Fire Hall. The market will be held for eight weeks on Thursdays, 4-7 pm. Each week will feature a special event beyond music. The kick-off for the Danby Farmers Market will be held during Danby Fun Day, with regular markets starting the following Thursday.

Traver/Travor Road signs:

There was a short discussion about the need for road signs to be consistent on Traver/Travor Road and whether a possible change would be done for historical or safety reasons. At one end of the road the sign reads "Traver Road" and at the other end it reads "Travor Road." Mr. Traver recently came to the Town Hall to complain about the spelling error, since the road is named for his family.

This can be seen as an emergency management issue—which road is being dispatched to? The assessment department has it listed as "Travor Road." CEO Beeners recommended that the state inventory of roads be checked, and then the Town Board decide whether it is worth changing the addresses of the residents who live at the "Travor" end of the road. Five houses on the road would need to have their addresses changed.

NYSERDA Grant Update:

Dan Klein has been trying to get one representative from each involved town together for a meeting, but with no success to date. Sue Beeners gives a brief update on the status of these grant projects.

Health Care Consortium:

Ric Dietrich gives a brief update on the status of this effort. This is still much ado about nothing. There are still problems with union agreement and additional problems with the State's uncertainty about the viability of Consortium reserves in the case of a catastrophic event. Various solutions are being explored.

Broadband Project:

Supervisor Dietrich presented a brief update on Chuck Bartosch's project, which needs to be "shovel ready" for money to be spent by the end of October. There is a need for residents to fill out a brief survey regarding their likely use of this service. A short discussion was held as to how best to reach people and get a good result from the survey in order to turn this information around in three weeks. This missed the deadline for the Danby Area News. It could be posted on the web site or sent out through a separate mailing. After some discussion, it was decided to use various town email lists to as many Danby residents as possible, encouraging people to fill out an on-line questionnaire. Ted Crane, Dan Klein, and others will work on this.

Requests for short presentations to the Town Board at May 10 meeting:

CEO Beeners reported that two groups wished to address the Town Board regarding zoning concerns as Guest Speakers during its May 10 meeting. (This seems to be the year of neighborhoods.)

Waldorf School: Representatives from the school would like to make a short presentation about their proposed project. This could be kept short, possibly ten or fifteen minutes. They will be introducing themselves and making themselves available for questions. A contingent of Gunderman and Comfort Road neighbors may show up as well. Waldorf School representatives have heard concerns from the neighbors and are looking at ways to mitigate them. There will be a hearing on this application for rezoning on May 19 through the planning board.

Oasis Club: Pamela Kaminsky, owner/manager of Oasis Dance Club, would like to have some trial

events with outside amplified music. This relates to the 2005 resolution banning outside amplified sound unless a variance is requested through the BZA and Town Board. Kaminsky has gone to the neighbors requesting permission. The neighbors are mixed on the issue - some saying yes and some no. This will potentially need to go to two boards. Kaminsky will make a short presentation and be available for questions.

Adjournment

A motion to adjourn the Meeting was made at 9:25 pm.

Pamela S Goddard, Town Clerk