

**Danby Town Board  
Minutes of Agenda Meeting  
June 7, 2010**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Code Enforcement Susan Beeners  
Bookkeeper Laura Shawley

**Members of the Public:**

Joel Gagnon, Ronda Roaring, Ted Crane, Liz Owens Roe

**Call to Order**

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

**EMC Report:**

Eric Banford reported on activities and monthly meetings of the Environmental Management Council. Banford will commence forwarding the minutes of these meetings to members of the Danby Town Board. Over the past three months, presentations have been made by Sustainable Tompkins, sustainable initiatives through Ithaca College, the City Planning Department regarding dredging the canal, and the Cayuga Lake Monitoring Project. Banford has reported to the EMC about the group in Danby studying Critical Environmental Areas.

As a member of the Energy Committee, Banford reported on the wind farm initiative in Enfield and its relation to Danby. He's been looking at the Enfield Wind Farm and an idea for Towns bonding to create a community-owned initiative. There is the potential for wind farms to be a good investment in local energy, creating a steady energy flow with long-term stable costs to the Towns involved. By making this a community owned project, profits would be kept in the local area.

Environmental studies have already been done for the site in question. Banford has established a working group exploring NYSERDA grants and other funding streams to support this renewable energy proposal. Banford will be looking for a resolution of support for this project. A draft version of the proposal and resolution should be available to the board by the June 14 meeting. Information will also be published in the Danby Area News.

**Health Care Consortium:**

Ric Dietrich gave an update on the status of the Consortium, and encouraged board members to ask questions of Laura Shawley. He requested a formal poll of the board, as to whether Danby stays in the Consortium. This will require an initial investment of \$2.5 million from the Consortium, with \$133,000 from the Town. The payback period is three to five years with a possible 3% interest. The Consortium will cover approximately 2,000 people. The Town's financial contribution will need Board approval.

There was discussion as to proposed providers/administrators, the range of benefit options, and costs. Dietrich and Shawley presented this as an important measure towards stabilizing health care costs for the Town. As of this date, most of the municipalities in Tompkins County have formally “bought in” to the program. Dietrich requested that formal poll/vote be taken on Monday June 14, 2010. Shawley will draft a proposed resolution.

**NYMIR:**

Ric Dietrich gave an update on the board’s request for a review of general insurance costs. After shopping around, the New York Municipal Insurance Reciprocal (NYMIR), created specifically for New York municipalities, looks good for Danby. Dan Klein added that Don Barber, in Caroline, is on its Board of Directors and many municipalities have joined this group. This could be another cost saving measure for best practices. Danby’s current municipal insurance runs through the end of 2010. It is anticipated that Danby will change to NYMIR in 2011.

**Danby Fun Day Parade:**

While there is some question as to whether there will be a parade for Fun Day this year, it was suggested that a resolution to close the road be passed in case it is needed.

**Resolution No. 72 of 2010 – CLOSING OF N.Y. STATE ROUTE 96B FOR PARADE ON JULY 10,2010**

**Resolved**, that the Town Board of the Town of Danby, in compliance with Section 1604, Paragraph 2, of the Vehicle and Traffic Law, which authorizes a Town to close a road for a Parade, is officially closing New York State Route 96B on Saturday, July 10, 2010, from 10:30 a.m. until 11:55 a.m., from the intersection of East Miller and West Miller Roads to the intersection of Bald Hill Road; and it is

**Further Resolved**, that the Town Board approves the extension of this time period, from 10:15 a.m. to 12:15 p.m., if the Danby Fire Department deems such extension necessary to facilitate the safe movement of the Parade participants; and it is

**Further Resolved**, that there will be a detour route from the West Miller Road intersection with Route 96B to Comfort Road, to Lieb Road, to the Bald Hill intersection with Route 96B.

Moved by Dietrich, Second by Connors. The motion passed.  
In Favor: Connors, Halton, Klein, Race, Dietrich

**Town Credit Card Policy:**

A corrected copy of the proposed Danby Credit Card policy was presented to the board. The TB will take this to formal vote on Monday June 14, 2010. There will be two resolutions, one to pass the policy and a second to name the card holders.

**DECALS:**

There was a brief discussion of the alternate resolutions regarding Ronda Roaring’s request that the Town Hall no longer be used as a DECALS (NYS Department of Environmental Conservation Automated Licensing Service) center for issuing hunting and fishing licenses. Clerk Goddard presented the board with two alternative resolutions, either authorizing the Town Clerk to continue or terminate selling these licenses from the Town Hall office. Dan Klein suggested that the TB discuss and move on the DECALS resolution authorizing the continued use of the Town Hall for this purpose. The TB will have address this on Monday June 14, 2010.

There was also a discussion about the recent FOIL request from Ronda Roaring regarding the use of the Town Hall for DECALS sales. Though this FOIL request had been met by the Town Clerk, Roaring was requesting that the same request be presented to Laura Shawley. In the opinion of the Town Board, the question is not simply whether the Town makes money from the sale of hunting licenses. The sale of these licenses from the Town Hall is a matter of public service. Regarding re-submitting the FOIL request to a second level of government, no further action will be taken.

#### **Energy Financing/PACE Program:**

Dan Klein reviewed previous resolutions of support for the Property Assessed Clean Energy (PACE) program for home energy retrofits, passed in November 2009. A resolution for "Support to Amend Existing Enabling Legislation (A40004)" to "strengthen and correct technical deficiencies" within the current law was presented. The specific request is that counties as well as towns be permitted to administer this program. The Town Board is also urged to write to legislators, as a municipality and as individuals, to pass these corrections. The TB will move on this resolution on Monday June 14, 2010.

#### **Road Excavation Law:**

Ted Crane is nearly finished working on proofreading/syntax editing for the Road Excavation Law. Draft copies, with lists of changes, have been sent to the Board. Kathy Halton expressed concern that the law specify the regulation of any substances spread on roadways. This issue is addressed in Section 3.3 of "Prohibitions." A proofed copy of the completed revision will be sent to the Town Attorney for "prudence sake." The final draft will be sent to the board prior to the next Board meeting.

The Town Board wants this passed by August. There was a brief discussion regarding the timing of a public hearing for this law.

#### **Resolution No. 73 of 2010 – SETTING PUBLIC HEARING**

**Resolved**, that the Town Board of the Town of Danby, as lead agency for environmental review for the proposed Road Excavation and Construction Law, sets a type one action public hearing at 7:00 pm July 12, 2010.

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

In Favor: Connors, Halton, Klein, Race, Dietrich

#### **2009 Budget Transfers:**

A list of budget transfers for the year ended December 31, 2009 was presented to the TB and explained by bookkeeper Laura Shawley. This is done to balance the budget at the end of the year as part of the fiscal annual report.

#### **Resolution No. 74 of 2010 – APPROVAL OF BUDGET TRANSFERS**

**Resolved**, that the Town Board of the Town of Danby approves the budget transfers for the year ended December 31, 2009, as received.

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

In Favor: Connors, Halton, Klein, Race, Dietrich

**Privilege of the Floor:**

Ronda Roaring raised the issue of a “Nepotism Policy.” She suggests making a policy prohibiting a Town employee from supervising, paying, or promoting a family member. This policy was proposed to prevent future errors, at a time when there is no current problem. Kathy Halton reported on information presented about this issue received in training during the January “New Elected Officials School” through the Association of Towns in January. She related concerns about available people with skills for town governments in Towns under 3,000 residents. The primary concerns relate to transparency, making an effort to reach out beyond the families of current employees, and having the most qualified and skilled people for the job. Halton and Roaring will work together to draft a sample policy.

Liz Owens Roe made a report about her Community Service Awards initiative and informed the Board as to how she would like to proceed. Following several months of notices posted in the Danby Area News and the Broader View Weekly, soliciting names for Community Service Awards, a list of 25-30 names has been compiled. Names have been suggested from the Danby and West Danby Fire Departments, the Library, Seniors meetings, and the Churches. Roe will consult with Leslie Connors and others to refine the list. Those being honored have given over 20 years of service to Danby, or given special service “beyond the call of duty” in particular areas.

Roe suggests that \$100-200 will cover the cost of printing certificates and frames. She would like there to be a proclamation, if possible. The honorees will be recognized by a posted list at Danby Fun Day on July 10. An article will be published in the DAN as well. Some of the 2010 Community Service Awards will be in memorium.

For ongoing recognition, Roe suggests that a Town committee be formed, including one Board member, to honor a few people each year through Community Service Awards. Roe will bring an estimate of costs to the June 14 meeting. The Board expects to endorse this at that meeting.

**County Development:**

Sue Beeners presented information about a meeting regarding the County’s initiation of a Development Focus Strategy, looking at established and emerging development focus areas, to be held Monday June 14. Since this is the same time as the Town Board meeting, it was suggested that members of the Planning Board be encouraged to attend as representatives of Danby. Goddard will send a reminder invitation to the Planning Board regarding this meeting.

Beeners gave a brief overview of a water and sewer feasibility study final report and the current level of infrastructure in Danby, particularly West Danby. This study is available for review through the Code Enforcement Office and will circulate among the town board.

**Gas Drilling Task Force:**

Kathy Halton gave an update on activities. The GDTF will have a booth at Fun Day and will continue its survey of residents. Sixty surveys have been received to date. A Neighbor-to-Neighbor Forum, based on survey responses, is planned for some time in August or September. This forum will be organized by Jennifer Tiffany. Various measures are being taken to reduce the volume of Email generated by the GDTF Email list.

The GDTF is also working on legislative matters, to put pressure on bills to extend an moratorium on gas drilling permits until 120 days following the EPA study. Halton is also attending the county wide gas drilling subcommittee meetings and a statewide meeting of regional gas drilling task forces on June 19 in Binghamton.

**West Danby Chapel Proposal:**

Sue Beeners presented information about a proposal for the West Danby Chapel which will be coming before the Planning Board. The proposal includes an expansion of the reception and wedding rentals currently occurring at the Chapel, with additional parking and a party tent and valet parking in an adjacent parcel across the road. This would require a special permit use for the Chapel and a zoning variance for the parking site. The Church was previously zoned commercial A-1 for a cottage industry/furniture making. The current proposal has been in the works since January 2009, and was revived in January 2010.

There was a lengthy discussion about potential problems with traffic safety issues at that intersection, neighbor input regarding noise and proximity issues, etc. A complete application has not yet been submitted. Beeners has advised the petitioner as to all of the required information including hours of operation, traffic and noise mitigation methods, and evidence of neighbor support. Beeners suggests that, if approved, there would be a zoning change by the Town Board on recommendation of the Planning Board to make this its own little package. It is hoped that the Chapel will explore collaborations with the Myers Garden and nearby B&Bs.

**Englehart Letter:**

Ric Dietrich reported on responses to a letter sent to the board by Matthew Englehart and posed a question regarding the way that this property is being advertised as a commercial property. Dietrich asked whether it was advisable for the Board to inform Engelhart, through an official letter, that the property is zoned for a single use. The opinion of the CEO, backed by the Board, was that this would be inadvisable.

A related question was raised as to whether this PDZ could be rescinded when the current business moves off the property. Beeners advised that it could be rezoned but should not reflect a "taking." It could be subdivided as per terms of the local law. Beeners advised that there is a purchaser interested in the property for a use that would require rezoning.

**NYSERDA Grants:**

Ric Dietrich and Dan Klein reported on the status of activities related to the Danby NYSERDA grant awards. In a nutshell, the processes are mired in beauracracy.

**Salt Barn and Highway CHIPS funds:**

Dietrich and Shawley presented a short update on the status of the Highway Salt Barn project. This was followed by a longer discussion of the possible repercussions of CHIPS money not forthcoming to the Town. A decision has been made to hold off on road work projects until it is clear that this money from the State will be available. Dietrich advised that this may be the last year that highway improvement project support is included in the state budget. (The Highway crew is still active in dust control, roadside mowing, and some small projects.)

**Cell-Town Initiatives:**

Beeners gave a short report on current initiatives through the TCCOG Cell Tower Committee. This effort may include a request for fund from the Town of Danby for legal services required for reviewing related ordinances. A discussion followed regarding efforts related to identifying suitable sites for cell towers, directing cell tower infrastructure to those locations and related ordinances. There is a concern, through TCCOG, that tower requests may soon increase and that current regulations may be out of date. Dietrich posed the question as to whether it would be viable for Danby to purchase land for lease to towers as a potential revenue stream for the town.

**Records Management:**

Clerk Goddard presented an update on records management activities and training received by Goddard and Deputy Clerk Barr. Progress is being made in weeding old files and increasing access to needed files.

**Conservation Advisory Council:**

The proposal will be sent to the Town attorney for review. The TB will move a resolution establishing the CAC to formal vote on Monday June 14, 2010.

The Board held a related discussion regarding the need for a riparian buffer/stream bank protection ordinance. There was a recent perceived problem with some logging along Buttermilk Creek, which is not a protected stream. Soil and Water looked at this activity and was unconcerned. There is interest in taking this up in the future through the Planning Board, CAC, and/or Gas Drilling Task Force.

**Adjournment**

A motion to adjourn the Meeting was made at 9:23 pm.

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Pamela S Goddard, Town Clerk