

**Danby Town Board  
Minutes of Regular Meeting  
March 14, 2011**

**Present:**

Councilpersons: Leslie Connors, Kathy Halton, Dan Klein, Dylan Race

**Excused:**

Supervisor: Ric Dietrich

**Others Present:**

Town Clerk	Pamela Goddard
Legislator	Frank Proto
Code Enforcement	Sue Beeners
Public	Ronda Roaring, Eric Banford, Ted Crane, Robert Roe, Liz Roe, Garry Huddle

**The meeting was called to order at 7:00pm with the Pledge of Allegiance.**

**Privilege of Floor**

Ted Crane informed the Board that the Town of Dryden is considering a "Sound Performance" amendment to its Zoning Ordinance. He reviewed Dryden's proposed zoning amendment and distributed copies of some comments he prepared in advance of the Dryden public hearing. He encouraged the TB to review these materials and consider a strong "Sound Protection" ordinance for Danby which would protect against industrial noise and yet not impact residents for common usages.

Klein gave a brief update on discussions about Youth Services and distributed a report on activities in 2010.

**RESOLUTION NO. 40 OF 2011 - APPROVAL OF MINUTES**

**Resolved**, that the Town Board of the Town of Danby approves the minutes of February 7 and 14, 2011.

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

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

**Warrants: #3 of 2011**

Water District - #013-018 for a total \$940.00

**Moved by Race, Second by Halton. The motion passed.**

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

Highway Fund - #031-046 for a total \$33,722.34

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

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

General Fund - #089-122 for a total \$15,477.36

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

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

**NYS DEC d/SGEIS:**

Halton presented a resolution, drafted by the Danby Gas Drilling Task Force. Frank Proto questioned why the Town was considering this prior to the State DEC releasing the draft Supplemental Generic Environmental Impact Statement? Halton explained that the Task Force was responding to a suggestion that communities write to the DEC and State representatives with lingering concerns over

the dSGEIS, particularly wastewater management and cumulative effects. There is also concern that a comment period of 30 days will not provide enough time for proper review and response. Proto suggested that the TB implore Danby's State representatives to ensure that the comment period is extended. The Board asked the Town Clerk to include Seward, Lifton and other regional representatives in the distribution list.

**RESOLUTION NO. 41 OF 2011 - RESOLUTION FOR RECONSIDERATION OF THE NYS DEC DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL STATEMENT (D/SGEIS) ON THE OIL, GAS AND SOLUTION MINING REGULATORY PROGRAM**

**WHEREAS**, the use of high-volume, slick-water, horizontal hydraulic fracturing (HVHF) and other technologies to extract natural gas from the Marcellus and Utica Shale formations concerns all residents of the Town of Danby;

**WHEREAS**, the Town of Danby has spent several years preparing for this process, which could possibly be used within our town borders;

**WHEREAS**, much of the information that has come into the public domain in the last two years has shown that there are serious risks to a community's drinking water, air and overall health and welfare from this process;

**WHEREAS**, the Town of Danby has formed a Task Force to educate itself on the benefits and risks of this process of natural gas extraction; and

**WHEREAS**, the Town of Danby and the Danby Gas Drilling Task Force both reviewed the draft SGEIS and wrote to the DEC when the draft regulations came out that there was absolutely no consideration of the cumulative effects of high-volume hydraulic fracturing included in that draft;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Danby requests that the NYS DEC: Withdraw the current draft SGEIS regarding shale gas extraction in order to expand its scope so that it better addresses the crucial issues of managing wastewater and cumulative effects of shale gas extraction;

Require any company using the process of HVHF to have individual Environmental Impact Statement (EIS) reviews before any permits are issued by the DEC for hydraulic fracturing, before there is any deep well injection of fracking fluids, and before there is any commitment to wastewater treatment;

Establish a citizens' advisory committee, for the purpose of revising the SGEIS to better protect our natural resources; and

Allow a substantial comment period for the community response to the final draft of the SGEIS of at least 60 days.

To be sent to Governor Andrew Cuomo, Judith Enck, EPA Regional Administrator; Joseph Martens, DEC Commissioner; Tompkins County Legislature; Tompkins County Council of Governments.

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

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

**704 East Miller Road:**

Beeners presented a resolution proposing action to be taken regarding an unsafe building at 704 East Miller Road. The resolution includes setting a date for a hearing during which the owner could address the Board. Once this resolution is served to the owner, the owner must commence removal of the structures within 30 days and complete removal in 60 days, unless extended for good cause shown.

**RESOLUTION NO. 42 OF 2011 - RESOLUTION AND ORDER DETERMINING THE BUILDINGS AT 704 EAST MILLER ROAD ARE UNSAFE, DIRECTING REMEDIATION, AND SETTING A DATE FOR A HEARING REGARDING THE UNSAFE BUILDING**

**WHEREAS**, the Town of Danby Code Enforcement Officer inspected the buildings at 704 East Miller Road, Town of Danby Tax Parcel 6.-1-25, Richard S. Taft, Owner ("the Owner"); and

**WHEREAS**, as a result of such inspection the Code Enforcement Officer prepared a report dated March 7, 2011 (the "CEO Report"), determining that the abandoned house and the shed in the rear yard at 704 East Miller Road

are unsafe and dangerous, as defined in Town of Danby Local Law No.4 of 2000, "A Local Law Providing for the Repair or Removal of Unsafe Buildings and Collapsed Structures" (as amended by Local Law No. 1 of 2002); and

**WHEREAS**, the Code Enforcement Officer recommends certain actions be taken to secure the buildings and to minimize the danger to life and property from the present damaged and hazardous condition, all as more particularly set forth in the CEO Report; and

**WHEREAS**, the Town Board has reviewed the CEO Report; and

**WHEREAS**, pursuant to NYCRR Part 617 of the Implementing Regulations pertaining to Article 8 (State Environmental Quality Review Act), the adoption of this resolution and order is a Type II Action, being a routine or continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment, and therefore no further environmental review is necessary;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Danby determines that the adoption of this resolution and order is a Type II Action, and therefore no further environmental review is necessary; and it is further

**RESOLVED**, that the Town Board of the Town of Danby determines that the buildings at 704 East Miller Road are unsafe and dangerous, as defined in Town of Danby Local Law No. 4 of 2000 (as amended by Local Law No.1 of 2002), in the manner and for the reasons set forth in the CEO Report; and it is further

**RESOLVED**, that the Town Board of the Town of Danby hereby **ORDERS** the Owner of the property at 704 East Miller Road, 6.-1-25, Richard S. Taft, to comply with the recommendations of the CEO Report, being that the contents of the buildings must be removed, the buildings must be demolished, and all debris and abandoned materials must be removed from the site unless portions of the debris can be lawfully disposed of on the premises; and it is further

**RESOLVED**, that a hearing be held before the Town Board in relation to the dangerous and unsafe building on April 4, 2011 at 7:30 p.m., at the Town Hall, 1830 Danby Road, Ithaca, New York; and it is further

**RESOLVED AND ORDERED**, that the Town Code Enforcement Officer cause a copy of this Resolution and Order, together with the Notice required by Section 6 of said Local Law No. 4 of 2000 (as amended by Local Law No. 1 of 2002) and the CEO Report, to be served upon the Owner in any manner authorized by said Local Law.

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

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

### **Legislative Report:**

Frank Proto asked for assistance informing the public about two items: Ag Assessment filing must be done by the end of the month and a notice from NYSEG regarding more limited payment options which may negatively impact some residents, particularly senior citizens and those with limited computer options.

Proto also reported on the County road restriction proposal. The County is redrafting the law, following input from a public hearing in January. There are still questions about enforcement. The Town of Caroline plans to enter into contracts with individual haulers. The County Road Use Law should be finalized by April 1, 2011.

Finally, Proto presented bad news about the state budget and its impact on County social services. If the Governor's budget passes without any changes, the effect on the County will be a 1.3 million dollar loss. Reductions would need to be made by July 1. Some reductions might be retroactive to October 2010. Proto pointed out that the impact is doubled by the loss of money circulating through the community. Proto said that he is not in favor of a 2% tax cap without mandate relief.

### **Appointment Procedures:**

There was a short discussion regarding procedures for appointing representatives to various Town boards and committees. Written descriptions are needed for each positions. It was suggested that members of the board read through the proposed policy carefully, send comments via Email, with a possible vote in April.

### **Town Wide Meeting:**

There was further discussion about a meeting of all Danby boards and groups on April 7. Halton gave a report of a work-session meeting held with Beeners and Goddard. Discussion during the meeting will focus on three areas: For each group, what are the goals for the future, what are the plans to get to those goals, and what actions are taking place? A hand-out containing information from each group/presenter will be compiled and distributed after the meeting. The issue of how questions from the public will be handled was discussed. Time will be allocated for Q&A after all have made a short presentation. Follow-up sessions in small groups will be encouraged.

### **Emergency Management:**

Goddard gave an update. Training specifically addressing the Public Information Officer's role in an emergency has been scheduled by the County for April 13.

### **Gas Drilling Task Force:**

Minutes from the February meetings of the GDTF were distributed. Halton reported on a request from the Task Force for a resolution of support to engage in a survey of the town. There was a discussion about how this resolution should be worded. The Board wishes to review the survey questions prior to a survey being conducted. It was reported that the intent is to model a survey on the Spencer/Van Etten "Listening Project" survey, letting people speak their minds without pushing an agenda.

### **RESOLUTION NO. 43 OF 2011 - SURVEY REGARDING SHALE GAS EXTRACTION**

**RESOLVED**, that the Town Board of the Town of Danby expresses support for the Danby Gas Drilling Task Force's preparation of a representative survey of Town residents to assess the views of the people of Danby regarding shale gas extraction and possible town responses. The delivery of this survey is contingent on Town Board review of the questions to be presented.

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

### **Guest Speaker:**

Dominic Frongillo, Community Energy Educator with Cooperative Extension, gave a presentation about an energy education grant project in place during the past year. Research has shown that the benefits of energy efficiency upgrades include job creation (equivalent to 12 full time jobs for projected upgrades in Danby alone) and helps position the town better regarding sourcing locally produced energy (such as biofuel through the Danby Land Bank.) In order to realize these benefits there must be a market, financing mechanisms, and a work force.

The energy education initiative has focused on public education/marketing, such as the "Lighten Up Tompkins" energy resources bag event last October. In a single day, 300 volunteers distributed up to 3,200 bags across six towns (400 bags in Danby). Collectively, the use of donated compact fluorescent light bulbs will save the participating towns \$278,000 over seven years through energy savings.

Education efforts continue on a variety of levels, in the schools and through property owner education. Frongillo asked the board for assistance in targeting community groups where energy education might be helpful and appropriate.

**EMC Report:**

Eric Banford gave a short report. Small scale wind projects are being investigated across the county. These are in the range of 30 feet tall, rather than 100 feet tall. The EMC is participating in a public forum at the Women's Community Building on April 6, 6:30pm, focused on renewable energy and energy efficiency.

**Written Reports:**

Goddard distributed several reports, including the Highway Report, Code Enforcement, EMC, Fire District, and the monthly Town Clerk's report.

**Adjournment**

The Meeting was adjourned at 8:33pm.

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Pamela S Goddard, Town Clerk