

**Danby Town Board
Minutes of Regular Meeting
July 18, 2011**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Code Office Sue Beeners
Bookkeeper Laura Shawley
Public Garry Huddle, Theresa Klinger, Ronda Roaring, Anne Klingensmith.

The Meeting of the Danby Town Board was opened at 7:04pm.

Privilege of the Floor

Dan Klein reported that the Danby Community Council is showing films as part of its public programming and the DCC would like to suggest that the Town investigate purchasing a digital projector for this purpose and for community education sessions. Other members of the Board suggested that Klein or the DCC do some research and bring more information back to the Board.

RESOLUTION NO. 79 OF 2011 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of June 6, 13, and 27.

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

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

Warrants

General Fund - #258-315 for a total \$50,464.61

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

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

Highway Fund - #103-119 for a total \$83,627.91

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

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

Water District - #033-038 for a total \$855.51

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

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

Discussion of Legal Matters/Attorney Fees

During the voting of the Warrant, Halton highlighted two bills from the Town Attorney, as a way of keeping these costs in the Board's awareness. There followed a discussion about the large legal expenditures needed for drafting and passing several local laws and amendments to the Town Comprehensive Plan. While it was recognized that the attorney's services are being well used, there was concern about where things stand with that line of the budget.

There was a discussion about reducing attorney fees by delegating some preliminary work to members of the Planning Board, Gas Drilling Task Force, and others. The needs at this time are due to a special and extraordinary circumstances. CEO Beeners related this effort to that which was undertaken during a major zoning update in the early 1990s. Members of the Board agreed that Guy Krogh has particular understanding and skill in this area. The Board asked for a time-line/general outline of needs still to be met. There is "round two" of the Comp Plan and Zoning review, the Road Use

Law, Aquifer Protection Ordinance, and designation of Critical Environmental Areas. Some of the tasks related to these efforts will be undertaken by people other than the Town Attorney, including the Code Enforcement Officer and Town Clerk. Bookkeeper Shawley offered to direct her assistant to track what projects the Attorney is working on, in order to give the TB a better picture of expenditures.

Shawley took the opportunity to give a mid-year overview of Town finances. She reported that, overall, at the half way point in the year, the Town is doing well with respect to financial expenditures. The General and Highway Funds have fewer expenditures than they did at this time last year. With the inclusion of the July attorney bills, the Town has met its budgeted amount for legal fees. Shawley said that there would be a need to juggle some line items in order to cover increased legal fees. This is a normal and accepted part of the budget process. Additional money is available in the “unallocated insurance” line. This will be necessary as there are several efforts underway that will need attorney review.

There will need to be at least one major purchase (of a grader) for the Highway Department. Bookkeeper Shawley is looking into the feasibility of taking on a BAN. This may be a good time, financially, to take this on this expenditure. The Highway Department will put together a proposal.

Finances are in good shape for the Water Department.

Approve Town Supervisor’s Reports

Supervisor’s Reports were presented for January through May 2011.

RESOLUTION NO. 80 OF 2011 - APPROVE SUPERVISOR’S REPORTS

Resolved, that the Town Board of the Town of Danby accepts the Supervisor’s Reports for January through May 2011.

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

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

Authorize Town Court Grant Application

Town Justices Klinger and Huddle explained the process they are undertaking to submit a grant for an upgrade to software to track Court Cases and a possible “stress alarm”. This grant is through the Justice Court Assistance Program. The Justices answered some questions from the Board, particularly about the “stress alarm” system—how it is used and why it is needed. This system is an emergency alert system, connected to law enforcement and emergency response such as the Sheriff’s Department.

The Board asked for assurance that approving the request to submit a grant does not equal approval for possible alterations to the building, etc. Such assurance was given. The application requests the justices to prioritize the Court needs and requests. Additional details and a request for approval will be presented, should the Court be awarded the grant. Additional information about the grant proposal will be presented to the Town Board during one of its August meetings.

RESOLUTION NO. 81 OF 2011 - AUTHORIZE TOWN COURT GRANT APPLICATION

Whereas, the Town Board Town Court is eligible to submit a grant to the New York State Office of Court Administration for funding from the 2011 Justice Court Assistance Program (JCAP) for the purchase of court related items, and

Whereas, Town of Danby Justice Theresa Klinger and Town Justice Garry Huddle are requesting authorization from the Town Board to permission for the Danby Town Court to submit a grant application to the New York State Court Administration for funding from the 2011 Justice Court Assistance Program (JACP) in the amount not to exceed \$30,000;

Now, Therefor, it is

Resolved, that the Town Board of the Town of Danby approves the request from the Danby Town Court to submit a grant to the New York State Office of Court Administration for funding from the 2011 Justice Court Assistance Program (JACP) in the amount not to exceed \$30,000.

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

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

Authorize Deputy Town Clerk to Issue Marriage Licenses

Clerk Goddard explained the need for the Deputy Clerk to be authorized to issue marriage licenses during her absence, while she is on vacation. The Office of Vital Records had advised that Town Clerks go to their local governing body for such authorization.

RESOLUTION NO. 82 OF 2011 - DEPUTY CLERK MAY ISSUE MARRIAGE LICENSES

Whereas, the New York State Office of Vital Records has advised that a Town Clerk may designate a Deputy Clerk to issue marriage licenses in their absence; and

Whereas, the "Marriage Equity Act" allowing same sex couples to apply for a marriage license and be legally married in this state will take effect on July 24, 2011; and

Whereas, the Danby Town Clerk will be on vacation the week of July 25 through 30 and it is anticipated that some couples may wish to apply for a marriage license during that time;

Now, Therefor, it is

Resolved, that the Town Board of the Town of Danby authorizes Deputy Clerk Susan McLellan to issue and sign marriage licenses in the Town Clerk's absence.

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

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

Set Public Hearings, Amendments to Comprehensive Plan and Zoning

Beeners presented two sets of resolutions that consider setting public hearings related to the adoption of amendments to the Town of Danby Comprehensive Plan and a *Local Law Amending and Clarifying the Town of Danby, Tompkins County, New York, Zoning Ordinance to Prohibit Gas and Petroleum Mining and Related Activities*. There was a discussion about the procedure for these hearings and the most appropriate timing for these sets of hearings.

Beeners advised that the public hearings for the SEQRA determinations may be more involved than has happened in the past. A simple synopsis of each SEQRA determination may take 10 minutes, and then there will need to be sufficient time for public comments.

RESOLUTION NO. 83 OF 2011 – PROPOSED TOWN OF DANBY COMPREHENSIVE PLAN AMENDMENT - CONSIDER SCHEDULING PUBLIC HEARINGS

Whereas, the Town Board of the Town of Danby is considering adoption of a “Town of Danby Comprehensive Plan Amendment”; and

Whereas, such consideration of adoption is subject to environmental review under Environmental Conservation Law Article 8 and NYCRR Part 617, commonly referred to as SEQRA; and by resolution of the Town Board on July 11, 2011 has been classified as Type I action, with the Town Board of the Town of Danby acting as lead agency; and

Whereas, the Town Board on July 11, 2011 authorized the Town Clerk to issue a Notice of Intent to all potential involved and interested agencies; and referred said proposed “Town of Danby Comprehensive Plan Amendment” to the Town of Danby Planning Board for review and recommendation;

Now, Therefor, it is

Resolved, that the Town Board of the Town of Danby schedules a public hearing to review potential environmental impacts and a public hearing to consider adoption of the proposed “Town of Danby Comprehensive Plan Amendment” for Monday, September 12, 2011 beginning at 6:30 p.m. and 6:45 p.m. respectively at the Danby Town Hall, 1830 Danby Road, Ithaca New York to hear all persons interested in the proposed action.

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

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

There was further discussion about setting public hearings for the *Local Law Amending and Clarifying the Town of Danby, Tompkins County, New York, Zoning Ordinance to Prohibit Gas and Petroleum Mining and Related Activities*. Beeners advised that this Local Law was still undergoing revisions. She explained the thread of revisions, illustrated by a draft presented to the Board. These revisions include a change in the name of the law and other revisions so that the prohibition does not single out high volume hydrofracking.

There was a discussion about definitions of “heavy industry,” “mining activities,” and other changes that may be addressed in a second round of zoning amendments. The second round of amendments may include further clarifications and thresholds for heavy industry and mining. There was preliminary discussion about what work might be accomplished in “Phase Two” and who would undertake this work. It was understood that this law has to be functionally independent of anything that might be done in “Phase Two.”

After a review of the continuing process of revisions, the Board decided to delay setting public hearings for the Local Law until a final draft could be presented to the Town Board, following Planning Board review on July 28, 2011. It is anticipated that these will also be set for Monday, September 12 to begin at 7:30 and 7:45 respectively.

Set Special Public Information Meeting

There was a discussion about dates in August during which various gas drilling related programs will be held. A presentation of a “build out map” regarding potential gas drilling will be held on August 23. It was agreed that a Public Information session should be held on a different date. This Public Information session will be focused on presenting information and answering questions and concerns regarding the actions to be taken on September 12. The Board expressed interest in having the Town Attorney attend, in order to assist with answering questions. Members of the Town and Planning Board and the Code Enforcement Officer will also address aspects of the amendment and the procedure for adoption. Members of the Gas Drilling Task Force may address specifics in the NYS DEC dSGEIS.

There was a discussion about the format for the meeting. Notice of this special meeting will be published in the Danby Area News.

RESOLUTION NO. 84 OF 2011 - PUBLIC INFORMATION MEETING

Resolved, that the Town Board of the Town of Danby holds a special Public Information meeting for Monday August 22, 2011 at 7:00 p.m., in the Danby Town Hall, for the purpose of presenting information and answering questions about proposed amendments to the Town of Danby Comprehensive Plan and a Local Law Amending and Clarifying the Town of Danby, Tompkins County, New York, Zoning Ordinance to Prohibit Gas and Petroleum Mining and Related Activities.

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

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

Various Short Reports

Clerk Goddard informed the Board about the part time work being done by a Youth Services Summer Intern working in the Town Clerk's office one day a week through mid-August.

Dietrich gave a short report about the revised contract with Tompkins County Animal Control for dog control services. The contract fee for 2011 is going up, due to recalculated service numbers for all of the participating Towns, based on recent dog enumerations. The fee may change if Lansing joins the Animal Control collective.

Dylan Race gave an update on the Recreation Partnership. The Town is still under a five year contract with the Partnership. A new budget was passed for this program with 0% cost increase. The goal is to make the impact of this budget as light as possible, by cutting some part-time positions and giving more work to full-time employees. No programs have been cut, but some fees have been raised.

Road Law Updates

Dietrich gave a brief update. A rough time-line of actions related to adoption of a Road Use Law package should be available from the Town Attorney by the August 1 TB meeting. This will include additional public hearings associated with these laws.

Code Enforcement Position

Beeners gave an update on the options available for filling the currently vacant Code Enforcement Assistant position. There was a discussion as to whether this should be 20 or 30 hours a week. The position falls into a Civil Service category at 30 hours a week.

There is currently a list of "eligibles" for this position. Some of these people have very low test scores. A new eligibles list will be released in August. None of these people are from Danby. The test for this position may not be offered in 2011. Beeners would like to have a local person who might be able to be cultivated for the position of Code Enforcement Officer in the future. There may also be the need for staff with specialized skills and experience, such as Environmental Planning/GIS work. Beeners will start taking a closer look at the eligibles list in August. John Daniels (the current part-time temporary assistant) will be leaving in August.

Beeners also gave an update on the required demolition at the Taft property on East Miller Road. Arrangements for demolition are in process.

Adjournment

The Meeting was adjourned at 9:03pm.

Pamela S Goddard, Town Clerk