

**Danby Town Board
Minutes of Regular Meeting
August 8, 2011**

Present:

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

Excused:

Councilperson: Dylan Race

Others Present:

Town Clerk Pamela Goddard
Code Office Sue Beeners
Bookkeeper Laura Shawley
Public Ronda Roaring, Elizabeth Owens Roe, Frank Kruppa

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

RESOLUTION NO. 89 OF 2011 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of July 11 and 18.

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

In Favor: Connors, Halton, Klein, Dietrich

Warrants

General Fund - #316-350 for a total \$9,601.63

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

In Favor: Connors, Halton, Klein, Dietrich

Highway Fund - #120-128 for a total \$11,708.03

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

In Favor: Connors, Halton, Klein, Dietrich

Water District - #039-043 for a total \$396.95

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

In Favor: Connors, Halton, Klein, Dietrich

Subcommittee regarding Legislative actions

Dietrich outlined the need and rationale for an advisory committee. This advisory committee could review and prioritize numerous details which might go into a "part B" zoning amendment related to high impact industrial activity.

Beeners outlined some of the concerns that might be addressed by an advisory committee. There are comments which need to be drafted in response to the released SGEIS, final review of the Road Use Law, a "phase one" revision of the Aquifer Protection Ordinance. A more extensive "phase two" Aquifer Protection Ordinance would be drafted following the completion of an expanded aquifer study (to include West Danby). This would involve consultation with a water resources expert to establish thresholds, define stream corridor dimensions, and review whether there are any conflicts with the target hamlet zones and aquifer protection zones. There is also a question as to whether "phase two" aquifer protection or "conservation zones" of "water resource overlays" would be a better strategy. Descriptions of Critical Environmental Areas still need to be completed.

Beeners recommends that the following considerations be included in a "phase two" zoning update: in addition to "conservation overlays" there is a fairly immediate need for ordinances which ad-

dress impacts related to light, sound, and air pollution, and which set thresholds for heavy industry. Beeners hypothesized that these would be fairly easy for members of an advisory group to research through other municipal zoning laws. The Slottjes might be able to assist with this.

In response to a question from Connors, Halton stated her understanding that these efforts would help protect the town in the event that the planned prohibition of gas and petroleum mining and related activity is challenged. The Town Attorney had strongly recommended that these additional considerations be added to the “toolbox” to protect the town. Beeners pointed out that the current draft zoning amendment does not prohibit stockpiling, gravel and sand quarries, and other accessory support activities. Halton also stated that Krogh suggested that the new ordinances be reviewed to assure that they will integrate with each other and with existing ordinances. The advisory committee could work on this effort.

Connors repeated her concern that such considerations might take away from the focus and energy needed to accomplish efforts already underway. She questioned why there was a need for ordinances against industrial nuisance impacts if there is a law banning heavy industry in Danby. Connors did not question the need for Aquifer Protection and CEA designation, but did question the need for ordinances related to industrial activity such as noise and light.

Dietrich agreed that there is a need to focus on immediate efforts. Timelines are being drafted for review and passage of efforts including the “phase one” amendments to the Comprehensive Plan and Zoning Ordinance, Road Use Laws, and “phase one” Aquifer Protection Ordinance. He also agreed that there are additional important efforts which need review. Specific people have expressed interest in exploring some of these concerns. Their advice could be useful. He suggested sending out a letter to request assistance.

There was a discussion about how to prioritize a list of efforts, draft a letter, and who to include in a request for help. Halton offered to help send such a request and to be a Town Board representative of an advisory committee. Dan Klein made a proposal and resolution.

RESOLUTION NO. 90 OF 2011 - FORM ADVISORY COMMITTEE TO THE TOWN BOARD

Resolved, that the Town Board of the Town of Danby forms an advisory committee to the Town Board to advise on various aspects concerning possible industrial development in Danby including but not limited to aquifer protection, designation of Critical Environmental Areas, regulations of noise, light, air pollution and other various negative impacts, and it is

Further Resolved, that the Town Board designates Kathy Halton as Town Board representative to this committee, and it is

Further Resolved, that Halton will convene and chair the first meeting of this committee, and it is

Further Resolved, that the committee will determine its internal structure and process.

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

In Favor: Halton, Klein, Dietrich

Opposed: Connors

Public Education Information Meeting

The TB held a discussion about the structure of this meeting (scheduled for August 22 at 7pm) and who would speak. The Town Attorney will be available to answer legal questions. Beeners has volunteered to present a summary of the amendments to the Comprehensive Plan and Zoning which are scheduled for public hearing on September 12. Klein volunteered to coordinate and moderate the Meeting on behalf of the TB. The Clerk will send a memo to those who have been volunteered to talk about various aspects of the draft and review process.

Road Law Updates

Shawley (as Assistant to the Highway Supervisor) gave an update of a meeting with the Town Attorney during which a timeline was set for review and public hearing of this proposed law. She had spent time comparing the proposed County RUL with the draft RUL for Danby. Some changes need to be made to the draft law from Delta Engineering. The Town Attorney is working on this revision and expects to have it back to the TB and the Delta attorney during the week of August 15. There will be a deadline of August 30 for comments from the TB and Delta.

It is hoped that the final draft of the RUL will be available in time to schedule a public hearing during one of the September TB meetings. It is anticipated that a public hearing will be held in October. Shawley suggested that Steve Mesmer of Delta Engineering attend the public hearing in order to answer questions. It may be useful for him to meet with the TB during RUL review in August or early September. He would be able to explain the engineering basis for this law and how it works with related technical manuals.

Seek Applicant for Vacant Planning Board Seat

Connors suggested that a letter of appreciation be sent to Ray Van de Bogart for his years of service on the Planning Board. The Clerk will do so.

There was a discussion of posting the vacancy, as per the appointment policy. A request for applications will be posted on the Town web site, a notice placed on the Town bulletin board, and in the September DAN, etc. The TB set an October 1 deadline for applications and letters of interest. The Board intends to review letters at the first October TB meeting and interview candidates at second October TB meeting.

There was also a discussion of listing upcoming vacancies and requesting application for upcoming vacancies on the BZA, CAC, Water District, etc.

Water District Report

Shawley gave a report of activities in the West Danby Water District, particularly related to water tank replacement. Miller recommends revisions to the previous study, based on information from the County Health Department. The Health Department recommends that two smaller tanks be installed, rather than one big one, and the possible drilling of a backup well. This would require an updated study, which might help to leverage funds through grants and a NYS revolving loan program. The updated report would cost up to \$3,000. TG Miller will help with the grant submission process.

RESOLUTION NO. 91 OF 2011 - AUTHORIZE WATER DISTRICT TANK STUDY

Resolved, that the Town Board of the Town of Danby authorizes the expenditure of up to \$3,000 for an updated study by TG Miller related to the Water District tank system.

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

In Favor: Connors, Halton, Klein, Dietrich

Highway Department Report

Shawley gave an update on progress being made with electrical and insulation work underway at the Town Highway Barn. This will be done in time for the winter months.

Shawley responded to a question by Halton regarding the floor of the Salt Shed. Crushed concrete is being delivered and laid down on the floor. The Salt Shed floor will be finished with oil and stone. Work has been done on this gradually over the summer so that the crushed concrete can settle and form a strong floor.

Equipment and labor rates related to the pavement management system are being supplied to Delta Engineering, in order to help set bond amounts for potential Road Use Agreements. It is anticipated that road assessments will be done as soon as these other figures are received by Delta. A more detailed assessment of roads is undertaken after haul routes for a particular use have been established.

Youth Services Update

Dietrich gave an update on an upcoming meeting of County Youth Services. Dietrich is unclear as to the status and future of this program. Dietrich's priority is employment and mentoring through youth services. He asked for help. Klein offered to review recent correspondence and offer what help he could.

Animal Control Updates

Dietrich gave an update of the changing dynamics of negotiations for the next Tompkins County Animal Control contract. These primarily are impacted by the possibility of Lansing rejoining the TCAC consortium. A meeting will be held on Friday August 19 to work out more details of various options.

There was a short discussion about the possible need to raise license fees for dogs in the Town of Danby. There was a suggestion that violation fees be raised, so that the burden of dog control does not fall on those who are responsible owners.

Adjournment

The Meeting was adjourned at 8:28pm.

Pamela S Goddard, Town Clerk