

**Danby Town Board
Minutes of Regular Meeting
August 13, 2012**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Code Office Sue Beeners
Bookkeeper Laura Shawley
Public Terry Ross, James Reagan, Ronda Roaring,
Sandra Fish, Bill Fish, Jim Holahan

The Meeting of the Danby Town Board was opened at 7:03pm.

Privilege of the Floor

Jim Reagan read a letter to the Board regarding ongoing problems related to patrons of the Oasis Dance Club. He reported problems with trespass, vandalism, domestic disputes, and underage drinking. Reagan and his partner will be sending a letter to campus security/student life at both Ithaca College and Cornell outlining their concerns for students' well being and safety when visiting the Oasis.

Garry Huddle made a request on behalf of the Town Justices for up to \$100 in "Court petty cash" for the purpose of making change in the collection of fines. The Court does not currently have a "bank" for making change. There have been times when the Justices have needed to make change out of their personal wallets. The Supervisor directed the bookkeeper to work with the court on this matter. The bookkeeper advised the Board that this would need official Town Board approval.

Roaring raised concerns about what she perceived as a lack of timeliness for minutes and meeting dates being posted on the Town web site in relation to the Open Meetings Law. Specific concerns included changes in dates of meetings for the Conservation Advisory Council and the Planning Board and a lack of public notice about these changes. She was also concerned that minutes from the Conservation Advisory Council have not been posted on the Town web site.

The Town Clerk noted that the Planning Board meeting change was posted on the Town message board and Town web site more than the required 72 hours prior to the meeting. There is no legal requirement for a paid legal notice to be placed in the paper of record. Notice was sent to one or more newspapers serving Danby.

Warrants

GENERAL FUND

#312-377, for a total \$24,184.75

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

HIGHWAY FUND

#097-112 for a total \$34,981.32

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

WATER DISTRICT FUND

#040-045 for a total \$2,679.98

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

Approval of Minutes

Connors requested a minor change to the July 9 minutes.

RESOLUTION NO. 81 OF 2012 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of July 9, 2012, as amended.

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

RESOLUTION NO. 82 OF 2012 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of July 16, 2012.

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

Short Road Determination

The Town Clerk read letters from the West Danby Fire Department and the Danby Highway Superintendent affirming that Short Road, from the intersection with NYS Rt.34/96 to its intersection with Brown Road, has been traveled and worked as a year-round Town road for over ten years and that it has been used by Emergency Vehicles and public traffic alike. Code Officer Beeners presented the following proposed Resolution.

RESOLUTION NO. 83 OF 2012 -ACKNOWLEDGE DETERMINATION OF THE TOWN HIGHWAY SUPERINTENDENT THAT SHORT ROAD IS A YEAR-ROUND ROAD

Whereas, the Town Board of the Town of Danby has received the determination of the Town Highway Superintendent that the entire length of Short Road, from its intersection with NYS Rte. 34/96 to its intersection with Brown Road, has been traveled and worked as year-round Town road for over ten years; and his determination that it should continue to be a year-round road used primarily for residential access; and

Whereas, Local Law No. 2 of 2002, Section 3 provides that the Town Superintendent of Highways, in the event he (or she) finds it to be in the best interest of the town, may classify one or more roads or portions thereof as one of the following types of roads – low volume collector; residential access; farm access; resource/industrial access; agricultural land access; recreational land access; or minimum maintenance road;

Now Therefore It Is

Resolved, that the Town Board acknowledges that said determination of the Town Highway Superintendent is classified as a Type 2 action for SEQR purposes, and it is

Further Resolved, that the Town Board acknowledges the determination of the Town Highway Superintendent that the entire length of Short Road, from its intersection with NYS Rte. 34/96 to its intersection with Brown Road, is a year-round road used primarily for residential access; and it is

Further Resolved, that the Town Clerk is directed to send certified copies of this resolution to the Tompkins County Highway Department and the N.Y. State Department of Transportation Regional Engineer.

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

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

33 Maple Avenue Determination for Demolition

Information, including photographs, had been sent from the Code Office to the Town Board. If approved, the demolition order will be sent to the owners, Albert and Karen Grover. Beeners noted that the demolition order requires that the demolition begin 30 days after the order is served on the owners (demolition to commence approximately mid-September) and be completed 30 after demolition commences (approximately mid-October). Beeners also noted the large accumulation of rubbish around the property as a health and safety hazard.

Terry Ross presented information about the property in question. She has been the occupant at 33 Maple Avenue since she was placed with the Grover family as an infant. The property is currently owned by her foster brother, who lives in California. She reported that Albert Grover has no interest in the property. In contrast, Ross considers this her home and has a strong attachment to the property.

Ross is trying to work a “gift deed” so that she can take care of the property. She has engaged a lawyer to assist her with this deed. Ross reported that, according to the terms of her foster-mother’s will, Grover is responsible for building maintenance but that he has done nothing to help. Ross expressed concern that if the demolition process moved too quickly, Grover would divest of the property by donating it to Cornell University. She requested that the process allow enough time for her lawyer to work with the Grovers on a property transfer to her.

The Board held a discussion regarding how the proposed demolition order could help all parties. There was also concern that this is a health and safety issue and needs to be dealt with through proper legal methods. Beeners suggested that the proposed date of August 30, 2012, as noted in the Code Officer Report and Compliance Order, for the removal of rubbish and debris be extended until September 7, 2012. Ross agreed that rubbish and debris could be removed by that date.

The Board set a date for a hearing for the owner to respond to the demolition order, as noted in the resolution below.

RESOLUTION NO. 84 OF 2012 - ORDER DETERMINING THE BUILDING AT 33 MAPLE AVENUE IS UNSAFE, DIRECTING REMEDIATION, AND SETTING A DATE FOR A HEARING REGARDING THE UNSAFE BUILDING

Whereas, the Town of Danby Code Enforcement Officer inspected the building at 33 Maple Avenue, in the hamlet of West Danby, Town of Danby Tax Parcel 17.-1-42, Albert and Kareen Grover, Owners (“the Owners”); and

Whereas, as a result of such inspection the Code Enforcement Officer has determined that the former residence (“the building”) at 33 Maple Avenue is 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) by reason of structural and other damage resulting from a fire; and

Whereas, the Code Enforcement Officer recommends certain actions be taken to secure the building 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, It Is

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 building at 33 Maple Avenue is 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 Owners of the property at 33 Maple Avenue, Tax Parcel 17.-1-42, Albert and Kareen Grover, to comply with the recommendations of the CEO Report, being that all building contents must be removed, the building must be demolished, and all demolition debris must be removed from the site unless portions of the debris can be lawfully disposed of on the premises, the swimming pool must be emptied of all garbage, rubbish and debris and same must be removed from the site; and it is

Further Resolved, that a hearing be held before the Town Board in relation to the dangerous and unsafe building at 5:00pm on August 27, 2012 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 Owners in any manner authorized by said Local Law.

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

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

CSEA Negotiations

Dietrich gave an update and presented some information compiled by bookkeeper Shawley. The Town is looking to have employees’ health care contribution connected to their salary increase. When health care costs go up, the employee contribution will also increase. Two different proposals were presented. These proposals are part of the current union contract negotiations. The health care contribution calculation is primarily for the six employees in the Highway Department, but will be a basis for all staff/employee health care payments including those of elected officials.

Proposed Revision to Local Law #1 of 1987 Regarding “Junk Vehicles”

Code Officer Beeners presented information drafted by the code office for a proposed revision/ amendment to Danby’s local law regarding “junk vehicles.” The Code Office is working to update and clarify definitions of unlicensed/unregistered vehicles with no outward appearance of damage and the number of the same allowed on any property. The proposed revision is being drafted to bring Danby’s local law in line with state law. Current state law permits one operable unlicensed/unregistered vehicle to be stored on a property.

Beeners asked for general Town Board approval to send this draft revision to the Town Attorney for legal review. The Board gave its approval for attorney review. Beeners further suggested that hearings on this local law revision and a revision to the Local Law relating to building permits be bundled together for consideration at the same time.

Danby Community Park Association Update

Dietrich made a short report on research being done regarding any possible level of Town responsibility related to early grants written for the purchase and development of the Danby Community Park. There is no evidence that the Town would be responsible for Park Association debt should the DCPA default or go bankrupt. Further information will be provided as it is available.

Broadband Update

Dietrich provided information about a local citizens advisory to be formed. Dietrich intends that this local committee express a preference for how to proceed. There are several options for bringing high speed internet to Danby, including collaboration with other Towns. Information about a preliminary meeting will be included in the September Danby Area News.

Oasis Code Compliance Update

Code Officer Beeners gave a short report on a meeting between the Code Office and a representative from the State Liquor Authority. Efforts are being made to enhance communication between Danby Code, the Liquor Authority, and the County Sheriff's office regarding violations.

Beeners reported on fencing that has been installed. An estimate has been sought regarding an oil treatment for the parking lot, in order to control concrete dust. The Town Highway Department has met with the owners of Oasis to help coordinate scheduled work on the driveway.

Veteran's Exemption - Status Report

Dietrich and Shawley gave a brief update on the process of establishing a tax break for Veterans. Danby is the only Town in Tompkins County that has not yet passed a Veterans' Exemption. Assistance is needed in order to package up the different aspects of this tax exemption. The Town Clerk offered the assistance of her deputy, Sue McLellan. McLellan will work with Shawley on this project. Information will be compiled and distributed to the board for further consideration in September.

Building Maintenance Report

Beeners gave a report on various Town Hall improvement projects. Sill repair has been completed and inspected. Painting is tentatively scheduled to begin in late August or early September. Insulation work was begun on August 7 in the Town Hall attic. All old insulation has been removed and the ceiling will be air-sealed with a skim coat of spray foam insulation followed by blown in cellulose for an R-60 value. The contract has been revised to reflect current installation options. The new project cost is \$13,305. Repairs to loose ceiling boards will be added on and billed based on time and materials.

Bids are being sought for work on the Town Hall floors. Bids are also being solicited for replacing sidewalk on the north side of the building. It is hoped that the Highway Department can do the sidewalk demolition. The Board asked whether it might be possible for the Highway Department to replace the sidewalk as well. This will be looked into.

Short Reports and Correspondence

Goddard presented the Town Clerk's report and Records Management Report. The summer intern has been assisting with a records inventory and database of vault archives. Obsolete records from the Supervisor's office have been disposed of. The Town Clerk's office processed 41 dog license renewals, five building permits, and several copies.

Reports from the Town Justices and Fire District were circulated.

Youth Services “Smart Group” Information

Dietrich gave some information about a meeting which will be held about community youth services. Community Council president, Christal Trutmann and TB member Dan Klein are planning to attend. There is a tentative date of September 27 for this meeting.

Community Council Report

Klein reported on a recent meeting of the Danby Community Council. The DCC has started its budget process with the intention of keeping level funding. There is a chance that the DCC may need to ask for additional funds to increases in the cost for CCE’s Youth Services programming.

Set Budget Workshop Meetings

There was a brief discussion about scheduling budget meetings for 2012. The Board agreed to tentatively use every Monday evening in October for budget workshops, as needed.

Adjournment

The Meeting was adjourned at 8:34pm.

Pamela S. Goddard, Town Clerk