

**Danby Town Board
Minutes of Special Meeting
March 26, 2013
Approved**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Public Ted Crane

The Danby Town Board meeting was opened at 7:02 pm

Addition to Agenda

Leslie Connors expressed concern about feral pigs extending their range into the Danby State Forest. These animals are invasive and detrimental to the ecosystem. There have been signs of them off Michigan Hollow Road. Connors suggested engaging local hunting groups to begin to address the problem.

West Danby Water District Improvement Grant.

Clerk Goddard reviewed the status of signed paperwork from the granting agency related to a negative declaration of environmental significance for improvements to the West Danby Water District system. This paperwork has been received and the town can declare itself lead agency for the project, designate a certifying officer, and to file and distribute a Combined Finding of No Significant Impact (FONSI).

RESOLUTION NO. 41 OF 2013 - RESOLUTION MAKING NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS FROM WEST DANBY WATER DISTRICT IMPROVEMENT PROJECT

Whereas, the Town Board, on behalf of the West Danby Water District ("WDWD") has determined that certain improvements to the WDWD distribution system are both needed and in the public interest, including the installation and improvement of hydrant flushing systems, new water meters, water meter reporting and billing systems, and a new 90,000 gallon water tank; and in furtherance thereof the Town board commissioned the preparation of a Map, Plan and Report ("MPR") pursuant to Town Law §202-b to identify the project and the costs associated with the same; and

Whereas, the total project cost was estimated in the MPR as \$404,800, all of which is proposed to be paid for by a grant award from the NYS Community Block Grant Project, the agreements for which have already been submitted to NYSOCR; and

Whereas, it was determined that this action is a Type I Action and that the Town Board of the Town of Danby was to be Lead Agency for environmental review, all Involved and Interested Agencies were duly identified, and a Notice of Intent to be Lead Agency was duly prepared and delivered as required by law; and

Whereas, all Involved and Interested Agencies have either concurred in the determination that the Town Board should be Lead Agency for coordinated environmental review, or have otherwise not responded or objected to such Lead Agency designation; and

Whereas, the environmental impacts identified were:

- i. Potential impacts resulting in physical changes to the land where there were slopes in the project area exceed 10-15%. In this regard, water tanks must be built at elevation to generate water pressures necessary to meet health department requirements and provide sufficient pressure for fighting fires. In this respect, this impact

is almost unavoidable. Given the low population density in the area and the mitigation of runoff due to short-term stormwater protection during construction phases, and related permanent stormwater practices to limit land impacts, this potential impact is deemed mitigated and a small impact;

ii. The project has the potential to impact groundwater in that it will potentially remove more than 45 gallons of groundwater per minute and in that it may use more than 20,000 gallons of groundwater per day. However, as a water district that uses groundwater wells to generate the underlying water supply, some groundwater impacts are unavoidable. In this case, the existing well(s) have ~100 gallons per minute capacity and water usage is estimated as 26,880 gallons per day. Thus, these impacts are at the low end of the spectrum, and the improvements to the water system will actually decrease the potential environmental impacts due to increased storage capacity and increased system efficiency. Given these facts, this potential impact is considered a small impact;

iii. The project has several potential construction impacts relative to air pollution, noise, dust and erosion potentially causable due to construction activities. However, these impacts are by their nature temporary in nature and are small-scale and limited to small localized areas. The nearest dwellings are estimated to be 2,000' away, thus limiting the potential for some of these impacts to occur. Further, these potential impacts are mitigated by storm water permitting and practices, on site storm water controls, and limitations of hours of operation. Thus, these impacts are deemed mitigated and non-significant; and

Whereas, and overall, the project will improve an existing water system with no increase in its service area or size; land disturbance will be less than one acre with minor localized impacts mitigated through standard erosion and sediment control techniques; the tank replacement site is remote from occupied structures with no significant impacts expected related to temporary construction activity; wetlands and surface water are remote from the site and will not be impacted; agricultural lands are not involved in project construction, nor would there be any water infrastructure expansion involving agricultural lands; and project review has involved several agencies, which agencies have responded that there would be no adverse impact with respect to historic, cultural, and archeological resources, agricultural lands, wetlands, or rare or endangered plants and animals; and

Whereas, and after weighing: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan and/or Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Town Board found that these factors did not cause any potential impact to be or be likely to become significant; and

Whereas, after due deliberation upon this matter and a review and analysis of each and all potential environmental impacts, and the input from each and all Involved and Interested Agencies, if any, and the Lead Agency having made a negative declaration of environmental impact; accordingly, it is hereby

Resolved, that the Town Board of the Town of Danby be and hereby is again declared to be the Lead Agency; and it is further

Resolved and Determined, that this declaration is made in accord with Article 8 of the Environmental Conservation Law of the State of New York and the New York SEQRA Act, and the Regulations promulgated thereunder, and accordingly, the Town Board of the Town of Danby, based upon (i) its thorough review of the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and all statements and evidence presented, if any, and the comments of Involved and Interested Agencies, if any, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including, but not limited to, the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the EAF, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQRA for the above referenced proposed action, and determines that an Environmental Impact Statement is therefore not required; and it is further

Resolved, that a Responsible Officer of the Town Board of the Town of Danby is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative

Declaration, which fully completed and signed EAF and determination of significance shall be incorporated by reference in this Resolution; and it is further

Resolved that the Town Clerk deliver and/or file a copy of this Resolution with the following persons and agencies:

1. The Town Clerk of the Town of Danby.
2. The Town Supervisor of the Town of Danby.
3. All Involved and Interested Agencies.
4. Any person requesting a copy.

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

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

RESOLUTION NO. 42 OF 2013 - RESOLUTION CLASSIFYING ACTION, DESIGNATING CERTIFYING OFFICER, AND FINDING NO SIGNIFICANT IMPACT RELATED TO VARIOUS NATIONAL ENVIRONMENTAL POLICY ACT PROVISIONS, FOR THE WEST DANBY WATER DISTRICT IMPROVEMENT PROJECT

Whereas, the Town Board, on behalf of the West Danby Water District ("WDWD") has determined that certain improvements to the WDWD distribution system are both needed and in the public interest, including the installation and improvement of hydrant flushing systems, new water meters, water meter reporting and billing systems, and a new 90,000 gallon water tank; and in furtherance thereof the Town board commissioned the preparation of a Map, Plan and Report ("MPR") pursuant to Town Law §202-b to identify the project and the costs associated with the same; and

Whereas, the total project cost was estimated in the MPR as \$404,800, all of which is proposed to be paid for by a grant award from the NYS Community Block Grant Project, the agreements for which have already been submitted to NYSOCR; and

Whereas, the Town Board by Resolution on March 26, 2013 has made a negative determination of environmental significance ("Negative Declaration") for the project as a Type I action in accordance with SEQRA, and has determined that an Environmental Impact Statement is therefore not required; and

Whereas, in order to be eligible for receipt of the grant award, the Town must conduct an environmental review pursuant to the National Environmental Policy Act of 1969 and in accordance with 24CFR Part 58.22; accordingly, it is hereby

Resolved, that the Town Board of the Town of Danby designates Fredric Dietrich, Town Supervisor, to act as Certifying Officer with the authority and capability to assure compliance with all relevant environmental requirements; and it is further

Resolved, that this project is neither exempt nor categorically excluded, so that an Environmental Assessment is required; and it is further

Resolved and Determined, that the Town Board, having reviewed the Environmental Assessment prepared for this project, finds that the project will have no significant impact on the quality of the environment; and it is further

Resolved, that the Town's Certifying Officer is authorized to file and distribute a Combined Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF), and subsequently, to file a Request for Release of Funds Certification Form along with relevant environmental assessment documents as required by law; and it is further

Resolved that the Town Clerk deliver and/or file a copy of this Resolution with the following persons and agencies:

1. The Town Clerk of the Town of Danby.
2. The Town Supervisor of the Town of Danby.
3. All Involved and Interested Agencies.
4. Any person requesting a copy.

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

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

Zoning Ordinance Update

There was a short discussion related to setting a public hearing for LL #2 of 2013: Amendments to the Town of Danby Zoning Ordinance.

RESOLUTION NO. 43 OF 2013 – SET PUBLIC HEARING AMENDMENTS TO TOWN OF DANBY ZONING ORDINANCE - A LOCAL LAW MAKING VARIOUS AMENDMENTS TO ARTICLE V, "GENERAL PROVISIONS", OF THE TOWN OF DANBY ZONING ORDINANCE

Whereas, the Town Board of the Town of Danby is considering adoption of a proposed local law entitled "A Local Law Making Various Amendments to Article V, "General Provisions;" and

Whereas, such adoption is a Type II action under SEQRA, needing no further environmental review; now, therefore, it is

Resolved, that the Town Board of the Town of Danby sets a public hearing date of May 13, 2013 to consider adoption of a proposed local law entitled "A Local Law Making Various Amendments to Article V, "General Provisions;" and it is

Further Resolved, that the Town Clerk is directed to make notification to interested agencies as provided for zoning amendments. (e.g., adjoining municipalities and county legislatures, State Office of Parks, Recreation, and Historic Preservation).

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

Highway Department Bid for New Truck

Dietrich and Shawley explained the need for legal notice to start the legal bid process for the purchase of a pickup truck. Shawley informed the board that the highway department hopes to move on this in April.

RESOLUTION NO. 44 OF 2013 – AUTHORIZE BID FOR NEW TRUCK PURCHASE

Whereas, The Highway Department is in the need of a new truck,

Resolved, that the Town of Danby Highway Superintendent of Highways is authorized by the Town Board to go out for bids for the purchase of a pickup truck in accordance with the provision of Article 5-A of the General Municipal Law.

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

Advertise for Mowing Services

Dietrich explained the need to advertise for mowing services. This is a yearly procedure. This will be advertised in the Ithaca Journal and other local papers.

Appointment Local Advisory Board for Assessment Review

There was a short discussion related to appointees for the Local Advisory Board for Assessment Review. Tom Seaney and Gould Colman served in 2012. The Town Clerk will follow up with Seaney and Colman to schedule a date in May for "Assessment Grievance Day."

RESOLUTION NO. 45 OF 2013 – APPOINT LOCAL ADVISORY BOARD FOR ASSESSMENT REVIEW

Resolved, that the Town Board of the Town of Danby appoints Tom Seaney and Gould Colman to serve as the 2013 Local Advisory Board for Assessment Review.

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

Recruit Candidate for Board of Zoning Appeals

Goddard reported on efforts to date, including contacting Gay Huddle to have something included in the “Danby Town Talk” column of the Ithaca Journal. Notice that the town is seeking candidates for the BZA, Conservation Advisory Council, and Planning Board Chair have been published in the Broader View Weekly. Current members of the BZA have been contacted so that they might recommend candidates for the board. Joe Schwartz has some ideas. There is a BZA hearing coming up in the spring.

Aquifer Protection Ordinance

Halton reported on a discussion held by the Danby Gas Drilling Task Force related to the proposed Danby Aquifer Protection Ordinance. Those who attended the most recent GDTF meeting were in agreement about holding a multi-board meeting to discuss philosophical questions related to the proposed ordinance. There is a question as to whether philosophical or technical concerns should be addressed first.

Halton has contacted an academic for some outside review of technical concerns in the preliminary draft. She has asked him for an estimate of time and costs for a formal technical review.

Halton and Dietrich advocated for working with the philosophical questions, related to how much of the town to include, first. Connors suggested that a joint meeting of the Town and Planning boards, including the topic of a water resource protection, be held at the May Planning Board meeting. She will discuss this with the PB during its March meeting.

Other Correspondence/Short Reports

Klein reminded the board that a representative of the Chamber of Commerce will make a presentation to the TB during the April 8 meeting related to “Welcome To...” signs at the entrances to Tompkins County. The local municipality needs to apply for and maintain the signs.

Dietrich informed the board that a representative of the Finger Lakes Land Trust contacted him about making a presentation to the board. The FLLT has recently made a general presentation. This may be redundant, unless there is new information. Halton will follow up with the FLLT.

Clerk Goddard informed the board that Yapple Road has been approved for a 40mph speed limit.

The board received a thank you letter from Ithaca Talent Education for the use of the town hall for a recital.

Highway Department Biomass Boiler

Halton asked for an update on the boiler at the Highway Barns. Dietrich and Shawley gave a short report. The system did not quite meet the full heating needs of the building this past winter. The Highway department has changed the type of wood chips being used and this made an improvement. They recommended getting an extended warranty, for at least another year and a full heating season, in order to know whether this is actually functioning properly.

Road Use Laws

Information was distributed about the County Road Use Law. This led to an extensive discussion regarding requests from other municipalities, who have not yet written and passed Road Use Laws, to use the forms, etc. adopted by Danby. While the basic Road Use Law is available to any municipality as public information, and is posted on the town web site, there were concerns about sharing the engineering standards manual. This was created specifically for the Town of Danby with a system of forms and procedures.

During extensive discussion the board expressed the concern that the engineering services, forms, and program and technical manuals are proprietary products through Delta Engineering. A large fee, over \$10,000, was paid for these materials. These are copyrighted by Delta and Danby is using the system through license. It was suggested that these municipalities be put in contact with Delta Engineering. There was agreement that this system is not Danby's to give to other municipalities.

Laura Shawley reported that the system was tried in relation to the expansion project at Stork Engineering, and worked perfectly as intended. The process determined that the project will not use town roads. The Town of Danby Highway Department and Tompkins County Highway Superintendent are working together regarding the use of County Roads and local impacts.

Adjournment

The Meeting was adjourned at 8:07 pm.

Pamela Goddard, Town Clerk