

**Danby Town Board
Minutes of Regular Meeting
August 19, 2013
Draft**

Present:

Supervisor: Ric Dietrich
Councilpersons: Kathy Halton, Dan Klein

Absent/Excused:

Councilpersons: Leslie Connors, Dylan Race

Others Present:

Town Clerk Pamela Goddard
Code Office Susan Beeners
Bookkeeper Laura Shawley
CAC Joel Gagnon
Public Ronda Roaring, Jim Holahan, Robert Roe, Tom Dilliplane

The Danby Town Board meeting was opened at 7:05pm

Highway Department Amended Resolution

Laura Shawley explained the need to slightly amend resolution No.69 of 2013. The original resolution had a slight inaccuracy in the wording. This amendment is needed to go forward with the equipment purchase and installation.

RESOLUTION NO. 83 OF 2013 - AMENDMENT TO RESOLUTION NO. 69 OF 2013

Whereas, Resolution no. 69 of 2013 stated that the Town of Danby would be purchasing three sets of Tenco plow and dump equipment from Wayne's Welding,

Now therefore be it

Amended, that the Town of Danby will be purchasing three sets of plow and dump equipment from Tenco and that Wayne's Welding will be doing the installation.

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

In Favor: Halton, Klein, Dietrich

Legislator's Report

Frank Proto reported on several items. Discussion between Proto and Dietrich regarding Youth Services. Dietrich reported concerns from the Danby Community Council regarding a plan to bus local youth to countywide programming, resulting in higher costs with less local programming. This plan may be on hold for at least one year. Proto reported that the County budget now includes the same funding for Youth Services in 2014 as at the present time. This budget in not yet approved.

Proto reported on various projects to expand and improve buildings housing the County Legislature, the Department of Social Services, and the County Jail. Each of these projects comes with a high price tag (an estimated \$1.55 million for Human Services). Proto also reported that sales tax receipts are rising. The Mortgage Recording Tax proposal (intended to help fund TCAT capitol improvements) has been approved by the Governor. In the future, revenue from the MRT may be used for either capitol or operational expenses at TCAT.

There was a discussion about the TCAT bus stop near the Danby Fire Hall park-and-ride and whether it was possible to have a bus stop shelter on the northbound side of the road. This is complicated, as that area is private property.

Other topics of discussion between Proto and the Board included the closing of regional psychiatric centers, transportation for an “Early Intervention Program,” the Central New York Medical Reserve Corps (disaster relief staff which are pre-certified to help in emergencies), a proposed horse park for New York (now slated for Saratoga Springs—Proto is advocating for this to be located in Tompkins County), and the re-application program for the basic STAR school tax exemption.

Aquifer Protection Ordinance

Sue Beeners reported on progress with the draft Aquifer Protection Ordinance. The new draft ordinance is simplified. Beeners described the “Prohibited Uses” as realistic in terms of justification and enforcement. The Planning Board would be enabled to require ground water monitoring.

These regulations would apply to new industrial and commercial uses and to existing uses which are expanded to a level triggering a site plan review. The Board had some questions about who would be exempt from the Prohibited Uses provisions of the Ordinance. This only applies to one and two family residences in cases when a use triggers review. Examples are uses of radioactive materials and other extreme toxins. The current draft needs some clarification in this area.

The Ordinance will need to go to the Town Attorney for review. It will also require a map of various protection zones, related to the USGS report on Danby’s aquifer. A rough draft has gone to the Planning Board for comments. A complete draft, following attorney review, will still need an official Planning Board recommendation. The Ordinance will come back to the Town Board for possible action after the Planning Board review. Beeners anticipates that this will be ready for Attorney review in the next month.

Conservation Advisory Council—Deputron Hollow

Beeners recommended that any discussions about negotiations with possible landowners about boundary disputes and/or ownership be held in closed session under the legal restrictions section of the Freedom of Information Law. She fully supports the Town Board authorizing a preliminary survey of the property with no field work and without setting survey pins.

Joel Gagnon reported on the status of this property. There is some question as to property boundaries, and therefore tax assessment, overlap with neighboring properties. He reported that Attorney Krogh recommends a survey to start. This is part of the CAC charge to create a management plan for this Town owned property.

RESOLUTION NO. 84 OF 2013 - AUTHORIZE SURVEY OF DEPUTRON HOLLOW PROPERTY

Resolved, that the Town Board of the Town of Danby authorizes the survey of the Town owned property on Deputron Hollow Road, for a cost not to exceed \$2,500.00.

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

In Favor: Halton, Klein, Dietrich

Conservation Advisory Council - Conservation Easement Template

Joel Gagnon reported on the status of a template Conservation Easement agreement drafted by the Conservation Advisory Council with input from Attorney Krogh. Developing a Conservation Easement program is a charge of the CAC. This would be a basic template for negotiations between a property owner and the Town of Danby for Conservation Easements. Before this is used in discussions with land owners, the CAC would like to know whether the Town Board approves of the approach of this Easement Template.

Gagnon gave an overview of this template Conservation Easement agreement and the current philosophy of the CAC. The Danby CAC has worked to create a minimalist Easement agreement template with the goal of preserving open space. The CAC hopes to do this without infringing on a property owner’s use of the land any more than absolutely necessary. The goal is to minimally restrict the use of the land while holding the development rights to the land.

Gagnon noted several ways in which this template Conservation Easement agreement is different from the one used by the Finger Lakes Land Trust. The Land Trust seeks to protect more narrowly defined “special” pieces of land, such as properties in its “Emerald Necklace.” The Danby CAC seeks to protect open space in the Town of Danby, in line with the Danby Comprehensive Plan. They have worked to balance the need to protect against catastrophic uses and still allow reasonable property use. Klein noted that any Conservation Easement agreement will be a voluntary contract between the landowner and the Town.

There was extensive Q&A between Gagnon and members of the Town Board. There was discussion about the potential expense of easements to landowners and to the Town. Klein and Gagnon explained ways in which the different financial structure of municipalities, as compared to the Finger Lakes Land Trust, require less of a financial match from the property owner. Property owners may be asked to contribute to surveying fees and other costs related to drawing up legal documents. Improper development would be monitored, in part, through the Code Office building permit process. The municipality does not need to receive endowment funds as the municipality will exist, in some form, in perpetuity. Future Conservation Easements will need to balance the costs associated with monitoring compliance with the collective benefits of preserving open space and the rural character of Danby.

There was discussion about the potential tax benefits of a Conservation Easement to property owners. The Federal and State governments recognize the loss of development value on such properties and grant a meaningful tax reduction. At this time, Tompkins County assessment is not granting tax reductions for protected properties. Gagnon asserted that, for many property owners, the main incentive is to protect the land.

There was a discussion about a public information session to inform residents and property owners about the general concept of Town-held voluntary conservation easements. This public information session would take place after the Town Board has voted on a formal resolution of approval for the basic Easement template. It was suggested that the Town Board members be given some additional time to read the draft template before taking action. The preliminary Conservation Easement Template will be considered again during the September TB meetings.

Time Warner Franchise Agreement

A copy of the new Franchise Agreement with Time Warner Cable (drafted by the Tompkins county Council of Governments) was distributed electronically to the Town Board. Ric Dietrich answered some general questions about this proposed Franchise contract agreement. This is the first collective agreement drafted by regional municipalities with input from the City of Ithaca attorney.

Dietrich explained some of the things covered by this franchise agreement, particularly in the area of line buildout. Proto asked about T-W’s responsibility to provide government access stations without requiring customers to purchase additional equipment. Dietrich expects that contract negotiations between the municipalities and T-W will be long and drawn out.

Dietrich will write an article for the September Danby Area News, inviting residents to provide feedback about Time-Warner cable service and the draft Franchise Agreement. A Public Comment session will be held during one of the September TB meetings. A copy of the draft agreement will be available through the Town Clerk.

Short Reports

Beeners gave a short Code Enforcement report. She reported on plans for the floor repair/refinishing project. The piano will be refitted with rubber casters to protect the newly refinished floor. There was a question as to whether this expense (\$200-350) should be paid from the Town Hall budget line or from the Community Council funds. The library will be closed for the duration of the floor repair project. Town Offices will be open to the extent possible.

There was a discussion about taking down and cleaning the curtains and making them flame retardant at the same time. They were last cleaned in 1998. Members of the TB preferred to postpone this action until a later time.

Monthly reports from the Town Clerk and Town Justices were circulated among the Board. Correspondence related to town resident grievances and request improved methods for dealing with grievances was received from Ronda Roaring and circulated to the Board.

Dietrich suggested that minutes of county government meetings, particularly Tompkins County Council of Governments, will be made available to Board members. Most of these minutes are available on line at County web sites.

Adjournment

The Meeting was adjourned at 9:05 pm.

Pamela Goddard, Town Clerk