

**Danby Town Board  
Minutes of Regular Meeting  
April 14, 2014  
DRAFT**

**Present:**

Supervisor: Ric Dietrich  
Councilpersons: Leslie Connors, Jim Holahan, Jack Miller

**Excused:**

Councilperson: Rebecca Brenner

**Others Present:**

Town Clerk Pamela Goddard  
Code Officer Sue Beeners  
Bookkeeper Laura Shawley  
Public Ted Crane, Ronda Roaring, Deanne DeMark, Erick Palmer, Craig Palmer,  
Dan Klein, Garry Huddle, Ted Melchen, Katharine Hunter.

**The Danby Town Board Meeting was opened at 7:03pm**

**Privilege of the Floor**

Justice Huddle reported on “Panic Button” test conducted by the justices as part of the court of-fice renovations. This test did not work exactly as intended. The call center did not follow the proper procedure. A similar problem at another location in the same week. The problem is being addressed.

Ted Melchen spoke in favor of the Marsh Road extension request and added information regarding his consideration of putting his own adjacent land into a conservation easement. Additional discussion was held during the scheduled agenda item.

**Warrant**

**ABSTRACT #4 OF 2014: GENERAL FUND**

#137-197 for a total of \$42,062.91

**Moved by Connors, Second by Holahan. The motion passed.  
In Favor: Connors, Holahan, Miller, Dietrich**

**WATER DISTRICT**

#016-017 for a total of \$648.07

**Moved by Holahan, Second by Connors. The motion passed.  
In Favor: Connors, Holahan, Miller, Dietrich**

**HIGHWAY FUND**

#058-082 for a total \$46,472.85

**Moved by Miller, Second by Connors. The motion passed.  
In Favor: Connors, Holahan, Miller, Dietrich**

## Approve Minutes

### RESOLUTION NO. 49 OF 2014 - APPROVE MINUTES

**Resolved**, that the Town Board of Town of Danby approves the minutes of March 10 and 17, 2014.

**Moved by Holahan, Second by Connors. The motion passed.**

**Abstain: Connors**

**In Favor: Holahan, Miller, Dietrich**

## Hazard Mitigation Plan Resolution

Beeners thanked Connors for reading and responding to the plan. There were questions about the revision process for the plan. Legislator Klein provided information about on-going revisions and updates to the county Hazard Mitigation Plan. Each municipality needs to adopt on-going updates in order to be eligible for FEMA reimbursement funds in the case of an emergency.

### RESOLUTION NO. 50 OF 2014 - TO AUTHORIZE THE ACCEPTANCE AND ADOPTION OF THE MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN UPDATE FOR THE TOWN OF DANBY, TOMPKINS COUNTY, NEW YORK

**Whereas**, the Tompkins County Planning Department, with the assistance from Barton & Loguidice, P.C., has gathered information and prepared the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York; and

**Whereas**, the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York has been prepared in accordance with the Disaster Mitigation Act of 2000 and Title 44 Code of Federal Regulations (CFR), Part 201; and

**Whereas**, Title 44 CFR, Chapter 1, Part 201.6(c)(5) requires each local government participating in the preparation of a Multi-Jurisdictional Mitigation Plan or Plan Update to accept and adopt such plan; and

**Whereas**, the Town of Danby has reviewed the 2013 Hazard Mitigation Plan Update, has found the document to be acceptable, and as a local unit of government, has afforded its citizens an opportunity to comment and provide input regarding the Plan Update and the actions included in the Plan;

**Whereas**, the Town of Danby will consider the Tompkins County HMP Update during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment data, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable; **Now Therefore, be it**

**Resolved**, that the Town/Village of Danby, as a participating jurisdiction, adopts the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York, dated December 2013.

**Moved by Connors, Second by Holahan. The motion passed.**

**In Favor: Connors, Holahan, Miller, Dietrich**

## West Danby Water District Grant Voucher

Clerk Goddard presented one voucher related to the West Danby Water District grant project; time sheet number four from Tod Sukontarak for hours related to installing new water meters.

### RESOLUTION NO. 51 OF 2014 - AUTHORIZATION TO PAY - WATER DISTRICT GRANT

**Resolved**, that the Town Board of Town of Danby approves special payment of an invoice related to the OCR WDWD Improvement Grant: 40 hours of work from Tod Sukontarak at \$25 per hour for \$1,000.00, to be paid out of a dedicated checking account for this purpose.

**Moved by Connors, Second by Holahan. The motion passed.**

**In Favor: Connors, Holahan, Miller, Dietrich**

## **Approve Bid Award - West Danby Water District Water Tank**

Clerk Goddard provided some background information on the bid process and bids received. A second bid was received from "ASI" with a base bid of \$326,165.00 and an "add alternate bid" of \$12,000. There was a question about what the "add alternate bid" covered. Goddard was not able to provide that information and suggested that the question be directed to project manager, Matt Cooper. The improvements will be paid through the grant project.

### **RESOLUTION NO. 52 OF 2014 - RESOLUTION TO ACCEPT BID FROM STATEWIDE AQUASTORE, LLC. FOR IMPROVEMENTS TO THE WEST DANBY WATER DISTRICT, CDBG PROJECT NO. 300PW57-12**

**Whereas**, the Town of Danby published an advertisement for bids, related to the West Danby Water District Improvements Project, in the Ithaca Journal on February 20th and 22nd, 2014, and

**Whereas**, the bid opening date was on March 26th, 2014 at the Danby Town Hall, and

**Whereas**, two bids were received, with the apparent low bidder being Statewide Aquastore, LLC, with a Base Bid of \$242,752 and an Add Alternate Bid No. 1 of \$21,710, and

**Whereas**, the Superintendent of the West Danby Water District, with approval of the commissioners of the West Danby Water District, has recommended that the bid from Statewide Aquastore, LLC be accepted; **Now Therefore, be it**

**Resolved** that the Town of Danby accepts the Base Bid of \$242,752 and the Add Alternate Bid No. 1 of \$21,710 from Statewide Aquastore, LLC, and further authorizes the Town Supervisor to enter into a construction agreement between the Owner (Town of Danby) and the Contractor (Statewide Aquastore, LLC.)

**Moved by Connors, Second by Holahan. The motion passed.**

**In Favor: Connors, Holahan, Miller, Dietrich**

## **Deputy Supervisor**

Dietrich informed Board and those present that he has appointed Gould Colman as his Deputy Supervisor for 2014. Colman will serve primarily as a backup for signing checks, should the Supervisor be unable to do so. Dietrich described Colman as a longstanding, involved member of the community. Colman was pleased to accept the position.

## **Legislator's Report**

Dan Klein made a short report on activities at the County Legislature. He gave an update on his report of a possible discontinuance of bus service, especially to West Danby, through Tioga Transit. This public transportation service may go out of business, as it is losing all state funding. This is an important service for Danby residents, as it is the only bus service through West Danby. Klein reported that the NYS budget includes two million dollars for rural bus services, but it has not been indicated how or where this money will be allocated. Sixteen counties are effected by losses in state funding for bus service related to medicaid visits. Medicaid funds are now going to taxi trips instead. Bus service is slated to continue for another month.

Klein announced that funds for Danby Fun Day have been approved through a county tourism grant.

Klien informed the Board that he nominated Danby resident, Maya Patt, for a "Distinguished Youth" award through the county. Klein invited people to attend the award ceremony at the county legislature meeting on April 15.

## **Marsh Road Extension Request**

Supervisor Dietrich continued the discussion regarding the process of making a decision on the Palmer petition to change the road classification on a section of Marsh Road from minimum seasonal to year round round. Code Officer Beeners distributed a packet of information to the Board. This packet was also distributed to the Palmers. The intent of this packet is to describe the process to date and to show both sides of the issue. There was a discussion of what information to share with the pub-

lic and how. It was agreed that this should be shared with those who express interest. The packet included two draft resolutions, in favor and in opposition of the request, to change the road designation.

There was a discussion of cost and process for conservation easement on the Palmer property. Erick Palmer and Ted Melchen made comments regarding the possibility of placing their land in conservation easement, in relation to the question of a change in the road designation. Melchen asserted that he would like to see the entire area protected by conservation easements. This would be to the benefit of all. Palmer stated that his conservation easement was contingent on the change in road designation. He further stated that he would like to see the area protected and not have more dwellings in that area. Melchen stated that he would also put his 42 acres into easement, should the road designation request be approved.

Dietrich noted that the Town Attorney will be in attendance during the next Town Board meeting, to answer questions from the Board. It is anticipated that a decision will be made during that meeting.

### **Financial Workshops**

Bookkeeper Shawley offer to continue information sessions for the Board members. The Board accepted this offer. Workshops will be held over the next several months, starting at 6pm, prior to the second TB meeting of the month.

### **Website/Email Research Report**

Holahan made a report on preliminary research into Town email addresses/archiving/service. There was a general discussion of costs and service. Additional research still needs to be done. No decisions were made.

### **Correspondence**

There was a discussion of a letter from Senator Seward, asking for support related to a “home rule” bill allowing Towns to make their own designation for speed limits. Dietrich and Klein presented different perspectives on the implications of these bills. A certified traffic engineer would be needed to review and “sign off” on speed limit changes.

### **Short Reports**

Goddard presented Town Clerk’s Reports for February and March, including information on the number of building permits, planning and zoning fees, and dog licenses processed in these months. Proposals for mowing have been advertised, with a deadline of May 8. This will be awarded during one of the May TB meetings. Records Management destruction of non-required documents is ongoing, and six boxes of old documents will be sent to Challenge Industries for shredding.

Bench reports from Justices Klinger and Huddle were circulated among the Board. Justice Huddle gave a report on demolition and reconstruction of the court room and office. This work is underway and should be completed sometime in May. Superfluous office furniture and equipment will need to be properly disposed of.

The monthly Code Report was circulated among the Board. Beeners added information regarding flood mitigation for the entrance to White Hawk Eco-Village. The current culvert engineering is not sufficient for a 50- or 100-year flood. New building permits for White Hawk contain strong provisions that this situation needs to be taken care of in the next year.

Beeners reported that Steve Winkley with the New York Rural Water Association is currently engaged for a 12 month, free, technical assistance consultancy with Danby. Winkley is a Source Water Protection Specialist and will be reviewing the draft Aquifer Protection Ordinance and is gathering GIS information from several sources for the Buttermilk Creek, Six Mile Creek, and Catatunk Creek areas. Winkley will be looking at vulnerable areas in these watersheds and watershed recharge areas. He will present an information meeting to the Town and Planning Boards in May or June.

Connors made a short report, acknowledging a discussion between herself, Deputy Highway Superintendent Jack Shawley, Jr., and representatives from a forestry service in relation to Time Warner and NYSEG clearing trees to reclaim an area of right of way in an area of Durfee Hill Road. Connors was favorably impressed with the questions Shawley asked and the amount of time he spent on this issue.

### **Adjournment**

The Meeting was adjourned at 8:43pm.

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Pamela Goddard, Town Clerk