

**Danby Town Board
Minutes of Regular Meeting
April 13, 2015
Draft**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Code Officers Matt Cooper, Sue Beeners
Public Ted Crane, Ronda Roaring, Garry Huddle, Frank Darrow, David Hall, Pat Woodworth, Charles Tilton, Julie Clougherty, Alison Christie, Katharine Hunter, Gould Colman.

The Danby Town Board Meeting was opened at 6:08pm

Code Office Staffing Discussion- Planner Position

Town Board discussed changes in staffing the Code Enforcement office with Matt Cooper and Sue Beeners. Beeners, due to her disability, attended via video conference. Cooper and Beeners presented an overview of the need, and timeliness, of restructuring the Danby Code Enforcement Office. They recommended a full-time Zoning/Code/Fire Enforcement Officer to meet urgent day-to-day needs. They further recommended a part-time Planner to address longer term issues and look at the “big picture.” The model and salary recommendations will stay within the current budget.

There was an extensive discussion of questions and concerns from Town Board. Brenner stated that she supports the shift to a full-time Code Officer, and expects that this will enable the code officer to be proactive on enforcement issues. She expressed concern that the top candidate for Planner may not have enough relevant experience. Brenner advocated for the use of various planning consultant experts, used on an, “as needed basis,” who may be available through local planning firms.

Beeners advised that the Board was highly unlikely to find anyone local with better experience than the current top candidate. This person has been working in the field, in Rochester and Ithaca, since 2011. Beeners expressed some urgency in finding someone familiar with local and regional planning issues, due to limits on Beeners’ ability to manage a growing workload with her disability. She outlined three major projects currently in the works in addition to the pending Aquifer Protection Ordinance. She described and advocated for the skills and experience of the top applicant.

Brenner asked questions regarding how the time of the Planner would be prioritized and what the reporting structure would be for this position. Miller asked whether the basic office structure would be the same as it is now. Beeners confirmed that the basic reporting and work-flow structure will remain unchanged. She outlined the duties, jobs, and meetings expected for the Planner position, including interactions with the Planning Board and Board of Zoning Appeals.

Beeners described the criteria for screening applicants. She enumerated several reasons for not going with a Planning Consultant firm, and concluded with support of the top applicant.

Dietrich, Connors, and Holahan voiced support for the recommendation of the Code Office regarding both the restructuring of positions and the prime candidate for Planner. Connors expressed preference to go with a person rather than a consulting firm, to facilitate residents building a relationship with the Code/Planning staff. Holahan stated that, while he understands Brenner’s position that the Planner should have a high level of experience, he agreed that this would be hard to find. Holahan expressed confidence in Cooper and Beener’s recommendation.

The transition period was discussed, particularly in light of the coming month prior to Cooper's departure.

Dietrich addressed some budget constraints. A probationary period was discussed. A time for the Board to review the project list for priorities and set goals.

Miller asked what, in the opinion of the Code Office, would be the ideal time frame for a hire and transition. Beeners expressed the hope that the TB would interview as soon as possible and immediately hire. The board agreed to set an interview with a candidate for 6pm, prior to the next TB meeting on April 20.

Meeting recess at 6:55 - Meeting reconvened at 7:10

Privilege of the Floor

Gould Colman asked that the TB project their conversation toward the audience and speak at a volume which can be heard. There was a short discussion of difficult acoustics in the room and the need for a better sound system.

Frank Darrow spoke regarding the review process for proposed zoning changes at PDZ #10 on Gunderman Road. He stated that, at an earlier meeting, he had been encouraged by discussion of a small review group. Darrow was disappointed that no such group was formed. He expressed concern about the process moving forward.

Ronda Roaring spoke regarding an applicant to the Conservation Advisory Council. She noted that the applicant has good experience and skills but thought that he should not be appointed at this time.

Approve Minutes

The minutes of March 2, 9, 16, and 19 were moved as a group. No changes were proposed.

RESOLUTION NO. 46 OF 2015 - APPROVE MINUTES

Resolved, that the Town Board of Town of Danby approves the minutes of March 2, 9, 16, and 19 2015.

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

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

Appoint applicant to Conservation Advisory Council

There was a discussion regarding appointing Don Schaufler, applicant to the CAC. The Conservation Advisory Council has communicated support for Schaufler's appointment to a two year term.

There was a reminder that Schaufler will be leading a tree identification walk, sponsored by the CAC, at the Danby Community Park on Saturday April 18.

RESOLUTION NO. 47 OF 2015 - APPOINTMENT TO CONSERVATION ADVISORY COUNCIL

Resolved, that the Town Board of Town of Danby appoints Don Schaufler to a two year term on the Conservation Advisory Council, effective immediately and running through December 31, 2016.

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

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

Warrants

ABSTRACT #4 OF 2015:

HIGHWAY FUND

#052-075 for a total \$51,896.65

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

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

WATER DISTRICT

#015-024 for a total of \$4,536.51

Moved by Miller, Second by Holahan. The motion passed.

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

GENERAL FUND

#115-172 for a total of \$42,915.38

Moved by Holahan, Second by Miller. The motion passed.

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

Danby Community Council Contract

There was an extensive discussion of some potential changes in wording of the 2015 Danby Community Council contract. The bulk of the discussion was regarding editorial guidelines related to the Danby Area News.

Brenner suggested that the phrase “outdoor recreation” be added to section 4, “Provide community and social programs.” This change was agreed on with the representatives of the DCC.

Brenner suggested that the phrase “with the author’s permission” be added to “reword for clarity” in the “Role of the Editor” section of Attachment B - Danby Area News Guidelines. There was extensive discussion of whether this is feasible, given the often tight editorial process in order to meet publication deadlines. Breener and Connors advocated for the inclusion of a “variety of voices” in the DAN and suggested that edits for clarity be kept at a minimum. DAN editor Crane advocated for the most clear and readable publication possible. He also stated that there was often insufficient time to contact authors for permission to make editorial changes. Gould Colman characterized this as a conflict between principal and practice. Colman stated that the current language of the contract assumes that the editor has community concern at heart.

After further discussion, with suggestions for rewording the “Role of the Editor” guidelines from members of the Community Council and Town Board, it was agreed to have the following wording in the guidelines:

“In order to fit a submitted item into the available space or layout, the Editor may excise portions of the text, but should preserve the original intent of the item. When changes are required, the Editor will make an effort to review the proposed changes with the author/submitter. The Editor may secure general ‘approval of changes deemed necessary’ from the author at the time of submission.”

The Town Board moved to approve the contract for 2015, with these changes.

RESOLUTION NO. 48 OF 2015 - APPROVE DANBY COMMUNITY COUNCIL CONTRACT

Resolved, that the Town Board of Town of Danby approves DCC contract, with amended changes, for the year 2015.

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

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

Discussion - Gunderman Road Planned Development Zone

David Hall reported that there had been some progress since the last TB meeting but nothing to present at this time. He suggested that the revised proposal be reviewed by the Town Attorney, in order to assure completeness, prior to further review by the Town and Planning Boards. He stated that Code Officer Beeners had advised him that there is a mechanism for billing the applicant for such use of the Town Attorney. Hall was willing to be billed for the attorney's fees. Hall suggested that there be a meeting which would include his planner, architect, the Town Attorney, and a Danby Code Officer in order to assure that all the required documentation is in place. Following this, the revised document would be presented to the Town Board.

There was a discussion among Board members as to the proper and most appropriate procedures for further review of the revised proposal. Dietrich and Connors asked whether the proposal was different enough to require new Planning Board review? Hall expressed the view that the revised site plan for changed uses is not significantly different. He stated that the work being done tightens parameters for uses. Brenner disagreed, expressing the view that this would significantly change the uses of the current PDZ.

Connors clarified the process for multi-department review of any change in zoning or local law, including review by the Planning Board, Town Attorney, County Planning and the County Health Department. These steps take place prior to review and consideration by the Town Board.

Frank Darrow expressed some concerns about the process, as described by Hall. Darrow stated that he hoped to see specifics beyond an architectural diagram. He would like to see a site plan with specifics about the business, the limits on the businesses, and how conflicts between potential businesses will be resolved, etc. Darrow expressed discomfort with what he heard as Hall's "trust me" attitude, particularly in regards uses which Hall has not yet fully considered. Hall responded that the site plan being drafted by his architect and planner will include specifics outlined by Darrow and others. He agreed that this document is needed prior to public hearing review.

Ted Crane expressed concerns regarding the process of review, rather than the details of this particular proposal. He stated that he would like to hear the Board discuss what it would like to see happen at this location. Crane suggested that such a discussion take place prior to review by the Town Attorney, so that the Board's perspective might inform the discussion with the Town Attorney.

Unity House Meeting

There was a brief discussion regarding how to manage and address the public questions which were collected during the April 8 public information meeting regarding the Unity House residence on Nelson Road. Brenner expressed concern that questions be addressed which were not aired during the April 8 meeting. Some of these are substantial questions. Brenner further expressed her view that Unity House did not fully address several of the questions and concerns brought forward by the public. Brenner suggested that remaining questions be directed to the Office for People with Developmental Disabilities. Connors volunteered to tabulate and list the packet of questions. She further volunteered to forward those questions to Ann Marie Peterson, Deputy Director, OPWDD.

Dietrich stated his intention to draft a letter, to be signed by the entire Board, thanking the participants for their involvement during the April 8 public information meeting.

Brenner expressed her interest in drafting and presenting a resolution in support of legislation for municipal notification and "home rule" in relation to sexual offender residences. There was a related discussion of relative value of community dialogue in these matters.

Dietrich floated an idea to work with the Danby Community Council to host additional information regarding initiatives such as Neighborhood Watch. These events may take place at a future date, possibly at the Danby Fire Hall.

Zoning Change Recommendation from Planning Board

Dietrich reminded the TB to review material, sent in February by Planning Board Chair Frank Kruppa, regarding recommended revisions to the Town of Danby Zoning Code. This topic will be up for discussion at the April 20 meeting.

Board Liaison/Committee Reports

Dietrich gave a brief update on progress drafting the Aquifer Protection Ordinance. The Town Attorney has reviewed the draft ordinance and those comments are being considered by Steve Winkley (NY Rural Water Association.) Dietrich advised the Board that it will need to consider the process for the next steps, including review by the Planning Board for recommendation to the TB and public information sessions. Connors noted that Winkley suggested a public information session about the water well survey as a lead-in to impacts on the APO.

Connors reported on continued work on review and revision of the Comprehensive Plan by the Planning Board.

Miller reported on actions and activities of the Conservation Advisory Council. Jake Brenner presented a review of the Open Space Inventory, in progress. The Marsh Road Conservation Easements are moving along. There will need to be a change in the location of the emergency vehicle turn-around, due to the location of a wetland. The CAC is collaborating with the Danby Community Park and Community Council to present a tree identification walk on Saturday April 18.

Clerk Goddard gave a report on tax collection and activities in the Clerk's office.

Bookkeeper Shawley advised the Board that she would like to make a financial report at the April 20 meeting. She also reminded the Board that there will be a presentation about the status of the Health Insurance Consortium at the April 20 meeting.

Other Discussion/Comments

Dietrich reported on a renewed financial request by the Finger Lakes Land Trust. Any municipal donations to such an organization require a contractual agreement. Dietrich also stated an understanding that the Conservation Advisory Council wants to negotiate some terms and agreements regarding allowed agricultural use for the recently acquired West Danby property, prior to considering financial assistance to the FLLT.

Katharine Hunter raised concerns regarding Neighborhood Watch. She expressed concern about neighborhood vigilantism and potential violence. She cautioned the TB to approach this carefully.

Frank Darrow thanked the TB for its efforts related April 8 public information session. He expressed his personal dismay at the level of hostility shown to the Unity House staff and proposal. He thanked the Board for attempting to create an opportunity for constructive dialogue.

Adjourn

The meeting was adjourned at 9:10 pm

Pamela Goddard, Town Clerk