

**Danby Town Board
Minutes of Regular Meeting
May 11, 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, CJ Randall
Guest Presenter Melissa Kemp
County Legislator Dan Klein
Public Ted Crane, Ronda Roaring, Garry Huddle, Frank Darrow, David Hall, Pat Woodworth, Charles Tilton.

The Danby Town Board Meeting was opened at 6:30pm

CDRC “Debrief” April 8 Public Information Meeting

Town Board met privately with Jeff Shepardson to “debrief” the April 8 mediated Public Information session regarding the Nelson Road Unity House facility. The Board and Shepardson reviewed which parts of the process went well and which could have been managed better.

Meeting recess at 6:58 - Meeting reconvened at 7:05

Privilege of the Floor

Ted Crane reported that he had been informed, over the weekend, by a friend on Tupper Road, that there is a public hearing scheduled in the Town of Newfield for Thursday, May 14 regarding a permit for a Verizon cellphone Tower to be erected at 126 Tupper Road. Crane provided a letter from the Tompkins County Department of Planning that raised concerns that the proposed project may be built within one of the region’s important viewsheds, as noted in the Tompkins County Scenic Resources Inventory. Crane noted that not only would the tower impact the view from Thatcher’s Pinnacles on the Finger Lakes Trail in the Danby State Forest, but it will also impact views from residences and properties Bruce Hill, Hilltop, Jersey Hill, Gunderman, and Comfort Roads, and from long sections of the Finger Lakes Trail.

Crane presented a draft resolution in support of the County’s objections to the tower, for the Board’s consideration. He stated that he had reviewed the proposal SEQR, in particular the visual impact section, and noted that none of the significant viewshed areas in Danby were sampled. Members of the Board asked questions regarding the proposal and hearing. Further discussion on this matter was held at a later time in the meeting.

Ronda Roaring raised a concern about Clarity Connect relay poles. She noted that poles are being erected on South Danby Road, with service available in the Fall. Her concern was whether these relays would serve her area of South Danby Road and how the extended antennae on poles would impact views. Roaring also informed the Board that the Conservation Advisory Council has moved its meeting to the fourth Thursday.

Community Solar Development

Code Officer Matt Cooper introduced Melissa Kemp, Director of Community/Utility Solar Development RENOVSUS. Cooper explained an opportunity for the Town via a remote net metering solar installation project. Remote net metering involves installing one large solar array which can provide electric supply for multiple locations. This opportunity is available to municipalities as well as farms and businesses. Cooper informed the Board that Kemp has assisted the Town of Enfield with preparing a preliminary application as a rate “placeholder. Locking in a more favorable electric rate can have a major financial impact on the rate of return.

Kemp further explained an extra financial incentive available until June 1, in addition to current state and federal incentives. She described two methods to “hold a place” in the electric rates charged, allowing the project to be “grandfathered in,” should the Town wish to pursue this in the next year an a half. The Town may issue an Request For Proposals or put in a Preliminary Interconnection Application. Kemp said that school districts and municipalities are doing both, depending on their situation. Kemp offered to work with the Town, providing a model RFP should Danby decide to use that option. She additionally offered to help draft a Preliminary Interconnection Application, if the Town has a selected site, pro bono. She encouraged the Town to take advantage of this opportunity.

There was extensive Q&A regarding the pros and cons of these two methods of locking in the current rate. Brenner asked for clarification as to whether a host site needs to be identified in an RFP or PIA? Does the host site need to be in the Town of Danby? Kemp clarified that the host site does not need to be within the Town boundaries. It can be located anywhere in NYSEG territory, even quite distant from the locations/meters served. It would be preferable to have it in the Town, at a location such as the Highway Department property. A specific location would not need to be specified with an RFP. An Interconnection Application requires a specified location. While an RFP provides more flexibility, Kemp advised that Danby could do either or both.

There was a discussion regarding the project and what entities could be included. The Town of Danby, Highway, West Danby Water District, and Fire Departments/Districts can all be included. All bills would need to be under the same name, e.g. “Town of Danby.” Currently, the Highway Department and West Danby Water District are already billed to the Town of Danby. The Fire Districts have their own billing. Cooper reported that they are interested joining this project and would be willing to shift their billing to the Town.

There was a question as to whether the Town Hall could be included in this application, as it already has a solar electric installation. Kemp stated it currently can not, but she expected that decision to change in the near future. There is significant pressure from groups such as colleges/universities and other commercial operations for this restriction to be removed. Q: what would be the completion deadline for a project? A: end of 2016.

There was a question as to what locations may be considered for the host site. In Danby, two sites currently being considered: Highway Department property and school district property on Gunderman Road. In response to a question of how much space needed for a Danby remote net metering site, Kemp answered about one half an acre for an estimated 400 panels or less. Kemp described this as an average size installation for a municipality.

There was a discussion of which method to use to “hold a place” and whether to draft a resolution at this time or for the next Town Board meeting. Brenner proposed a resolution for consideration.

RESOLUTION NO. 54 OF 2015 - AUTHORIZE REQUEST FOR PROPOSAL/AGREEMENT APPLICATION

Resolved, that the Town Board of Town of Danby resolves to prepare a Request for Proposal for Remote Net Metering and/or a Preliminary Interconnection Application for a possible future project.

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

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

Warrants

ABSTRACT #5 OF 2015:

GENERAL FUND

#173-220 for a total of \$31,287.65

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

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

HIGHWAY FUND

#076-097 for a total \$42,955.72

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

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

WATER DISTRICT

#025-029 for a total of \$803.55

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

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

Approve Minutes

The minutes of April 8 and 20 were moved as a group. The minutes of April 13 moved separately to allow Connors to abstain, as she had not had a chance to sufficiently review them ahead of time.

RESOLUTION NO. 55 OF 2015 - APPROVE MINUTES

Resolved, that the Town Board of Town of Danby approves the minutes of April 8 and 20, 2015.

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

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

RESOLUTION NO. 56 OF 2015 - APPROVE MINUTES

Resolved, that the Town Board of Town of Danby approves the minutes of April 13, 2015.

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

In Favor: Brenner, Holahan, Miller, Dietrich

Abstain: Connors

Legislator's Report

Klein reported on two hour meeting he attended with Supervisor Dietrich and Sheriff Lansing. During this meeting, Sheriff Lansing responded verbally to the list of questions compiled by the Town of Danby in regards to the Cady/SWAT incident on Hornbrook Road around New Year's Eve. Klein took notes and will write up the responses from the Sheriff. It is still to be decided exactly how and when the responses will be released to the public.

Klein reported on "Sparkler Law," voted on by the Legislature the previous week. A measure to make sparklers legal in Tompkins County was defeated 7-6. Klein reported that both the Danby and West Danby Fire Departments had requested that the proposal be turned down. Sparklers will now continue to be illegal in Tompkins County.

Establishment of a West Danby Van Pool is still facing problems, Klein reported. Although a contract has been signed, most of those who were interested have found alternative methods of commuting to their work. It's taken over six months to get the project to this point. Klein is making a last attempt to recruit participants for the project.

Klein gave a report on the Hillview Road Landfill, as one of the ongoing projects of the Facility and Infrastructure Committee. This landfill was in use from 1970-1992. There were few regulations regarding what could be dumped when this landfill was first opened. Consequently, there are an estimated 8 tons of radioactive waste from several local industries in the Hillview Road landfill. It has

been monitored since it was closed and capped. Although the DEC requires that such landfills be monitored for 30 years, the County is likely to extend monitoring “forever” due to what has been disposed there. Klein reported that the leachate from the Hillview Road landfill is “getting better” according to the DEC. The DEC approved a reduction in monitoring to once a year, down from a high of four times a year, with 19 monitoring locations (down from 29).

Consideration of Newfield/Verizon Tower Resolution

Supervisor Dietrich opened a discussion regarding the proposed resolution regarding Verizon’s proposal for a cell phone tower on Tupper Road in Newfield. He asked whether the Board wished to consider this, as Newfield has scheduled a public hearing for May 14.

Brenner stated that she would have liked to have had more time to study the question. Crane agreed with Brenner’s concern regarding the lack of time for investigation. News of this hearing had not been sent to the Town of Danby and was only forwarded to him a few days prior to the Danby Town Board meeting.

There was a discussion regarding the concerns expressed by Tompkins County Planning. A letter from County Planning makes note of impacts on scenic views. In order to mitigate those impacts, County Planning suggested that Verizon revisit use of the County communications tower on Curtis Road. However, although County Planning makes this recommendation, the County Public Safety Commission has been reluctant to allow any co-location on its communications towers. Connors asked whether Danby should lobby for the use of the Curtis Road tower? Dietrich and Crane expressed doubt that such an effort would be successful.

Following discussion, the Board decided to consider the draft resolution as written by Crane.

RESOLUTION NO. 57 OF 2015 - VERIZON CELL PHONE TOWER IN NEWFIELD

Whereas, Verizon Communications (operating as Upstate Cellular Network) has applied to the Town of Newfield for a special permit to erect a Tower at 126 Tupper Road, and

Whereas, the Town of Newfield will hold a public hearing on the proposal on Thursday, May 14, 2015, and

Whereas the proposed tower will be approximately 200 feet tall, at or near the peak of a hill with about 1400 foot elevation, and would be erected in what is now an open field surrounded by trees that are estimated to be 40 feet tall, and

Whereas, the Tompkins County Department of Planning has determined that the proposal may have negative inter-community or county-wide impacts, and has urged the Town of Newfield to modify the proposal, and

Whereas, the impacts determined by the Tompkins County Department of Planning center around the effect of the tower on existing viewsheds, many of which originate from within the Town of Danby, that, “are distinguished as some of the best scenic views in the County,” and

Whereas, the visual impacts will be apparent to residents and landowners on Hilltop Road, Jersey Hill Road, Bruce Hill Road, Gunderman Road, and Comfort Road, to hikers on the Finger Lakes Trail, and to visitors to the Pinnacles, all within Danby, and

Whereas, none of the visual impact studies accompanying the special permit application included observations from within the Town of Danby,

Now, Therefore, be it

Resolved, that the Town of Danby supports the objections raised by the Tompkins County Department of Planning, and

Further Resolved, that the Town of Danby recommends additional visual impact studies, to be included in Appendix B (“Visual EAP”) of the full SEQR included with the special permit application, be performed from affected properties on Hilltop, Jersey Hill, Bruce Hill, Gunderman, and Comfort Roads, and

Further Resolved, that the Town of Danby recommends that suitable landscaping and other mitigating changes be required as part of the special permit, including, but not limited to, the planting of tall trees surrounding the proposed tower and artificial foliage on the tower itself.

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

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

Finger Lakes Land Trust Request

Dietrich provided updated information regarding the legality of Danby making a financial gift to the Finger Lakes Land Trust in support of a land purchase in West Danby. In the Fall of 2015, the Finger Lakes Land Trust had made a request of \$1,000 in support. According to the Town Attorney, there are no legal impediments to make a gift for this purpose. Connors asked whether there is a list of benefits to Danby, in return for this financial contribution? Dietrich stated that Attorney Krogh had listed some of these benefits in an Email communication. This will be forwarded to the Board.

Website/Email Report

Holahan made a short report on progress made in web site set-up and updates and Email access training, on behalf of IT/webmaster Jordie VanHam.

Code Office Report

The new Danby Planner, CJ Randall, made her first Code Office report. She reported that she is working to get up to speed on the various projects currently before the Town. Randall made note that one of her specialties is grant writing, and advised the Board of some grant opportunities which may help support current projects. She will work on some funding grants for this summer.

Board Liaison/Committee Reports

Miller reported on actions and activities of the Conservation Advisory Council. Final review of the Melchen and Palmer conservation, with minor revisions, is being made by the Town Attorney. It is not anticipated that the revisions will change the substance of the easements. There was some discussion of changes in wording to the Palmer easement, which clarifies the allowed footprint of a proposed house. Action on these easements should be on the next Town Board agenda.

Clerk Goddard gave a report on activities in the Clerk's office. In addition, the Justice's reports were distributed to the board.

Adjourn

The meeting was adjourned at 8:40 pm

Pamela Goddard, Town Clerk