

**Danby Town Board  
Minutes of Regular Meeting  
July 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 CJ Randall  
Public Ted Crane, Ronda Roaring, Garry Huddle, David Hall

**The Danby Town Board Meeting was opened at 7:04pm**

**Privilege of the Floor**

Ronda Roaring raised a concern wandering domestic fowl, specifically a peacock that had wandered over to South Danby Road from Travor Road.

Ted Crane presented two petitions regarding the southern portion of Comfort Road; 1) to maintain the unpaved rural character of the section (from Lieb to Bald Hill, houses numbers 888-1116), under Town control, so that it will not become a thoroughfare, and 2) to assign a lowered speed limit of no more than 30mph to this section of road. The road is currently unposted and has the same 55 mph speed limit as the rest of Comfort Road, which is all paved and mostly a County road.

Twenty-five residents, representing all but two households, signed both of these petitions and expressed strong approval for this request. Crane reported that, of the households that did not sign, one was holding out for an even lower speed limit—no more than 20 mph on this section of road. Crane further reported that there is a deaf family living on this section of road, and they are very concerned about the current speed level on the road.

Dietrich reported that the subject of these petitions have been reviewed by the Highway Department. Not only does the Highway Department have no concerns about these requests, they are very supportive of the requested measures. There are no plans to pave or apply an oil and stone surface to this road. A lowered speed limit and posted weight limits would reduce wear and tear on the road.

There was a preliminary discussion of the procedure to recommend a lowered speed limit on a road. Shawley reported that there may be changes in procedures since the last time road speed limits were requested. In the past, approval from the County and NYS DOT was required for lowered speed limits. The Board requested additional information, prior to considering action on these petition requests.

David Hall gave an update on the processes for “New Moon Harvest” (previously the Oasis Dance Club) and plans for PDZ10 on Gunderman Road. An article about “New Moon Harvest” was published on the front page of Tompkins Weekly. Hall’s planner is working with the Town Attorney on a revised proposal for uses at the Gunderman Road PDZ#10. Meetings between Hall’s planner, the Town planner (CJ Randall), Town Supervisor, and Town Attorney are ongoing. The revised draft should be forthcoming. CJ Randall noted that “PDZ 10, the Last Incarnation” should be sent to the Supervisor, as an update.

## **Warrants**

Shawley informed the Board that there was not warrant for the West Danby Water District fund for the month of June. Any expenditures will be included in the next (July) warrant to be approved in August.

### **ABSTRACT #7 OF 2015:**

#### **HIGHWAY FUND**

#134-158 for a total \$48,105.81

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

#### **GENERAL FUND**

#280-319 for a total of \$28,135.76

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

## **Approve Minutes**

The minutes of June 15 were approved. Connors asked for clarification on the process of organizing the legal documents related to all of the Danby Planned Development Zones. Goddard clarified that this is being done through the scanned documents in the Laserfiche records archive. This is part of the continuing organization of Town records as part of the Records Management program.

### **RESOLUTION NO. 68 OF 2015 - APPROVE MINUTES**

Resolved, that the Town Board of Town of Danby approves the minutes of June 15, 2015.

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

## **Highway Department - Approval to Spend Funds**

Shawley presented information on behalf of the Highway Department regarding current projects in road repairs. The funds to be spent on Brown Road does not include labor and equipment costs.

### **MOTION - AGREEMENT TO SPEND TOWN HIGHWAY FUNDS, 2015**

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvements of highways, and received from the New York State for repair and improvement of highways shall be expended as follows:

#### **General Repair**

1. A sum not to exceed \$40,000 in materials shall be spent for storm repair on Brown Road. The shoulder will be rebuilt from the creek to the road surface. Funds will be spent from the road repair line in the 2015 budget.
2. A sum not to exceed \$25,566.28 what be spent on Fisher Settlement Road for repairs needed for winter recovery. Funds will be covered by the CHIPS reimbursement set aside of the Town of Danby for winter recovery in 2015.
3. A sum not to exceed \$50,000 shall be spent to reconstruct Curtis Road, approximately one mile starting at Hill Road. The road will be dug up, have the proper drainage installed, and finished with an oil and stone surface. Funds will be covered by the CHIPS allocation for the Town of Danby from New York State.
4. A sum not to exceed \$40,000 shall be spent on Peters Road from South Danby road to resident #104. The road will be dug up, have the proper drainage installed, and finished with an oil and stone surface.

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

## **Approval of the 2015 Amendment to the Municipal Cooperative Agreement for the Greater Tompkins County Municipal Health Insurance Consortium**

Laura Shawley, the Town of Danby representative to the Greater Tompkins County Municipal Health Insurance Consortium, provided some background information regarding a proposed resolution to approve an amendment to the Consortium Municipal Cooperative Agreement. According to the terms of the Cooperative, the agreement requires review every five years. The updates in the Municipal agreement reflect the growth in the Consortium, including the addition of another Union representative seat on the Consortium board.

### **RESOLUTION NO. 69 OF 2015 - APPROVAL OF THE 2015 AMENDMENT TO THE MUNICIPAL COOPERATIVE AGREEMENT FOR THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM**

**Whereas**, the Town of Danby is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

**Whereas**, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010) and Amendment (2014) that provides for the operation and governance of the Consortium, and

**Whereas**, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans, and

**Whereas**, the Agreement sets forth in Section Q2 that continuation of the Consortium under the terms and conditions of the Agreement, or any amendments or restatements thereto, shall be subject to Board review on the fifth (5<sup>th</sup>) anniversary of the Effective Date and on each fifth (5<sup>th</sup>) anniversary date thereafter (each a "Review Date"), and

**Whereas**, by motion 005-2015, adopted on May 28, 2015, the Consortium's Board of Directors recommends approval of the 2015 amended agreement based on review of the document by the Municipal Cooperative Agreement Review Committee, the New York State Department of Financial Services, and the Consortium's legal counsel, and

**Whereas**, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by its municipal board,

**Whereas**, the Town of Danby is in receipt of the proposed amended Agreement and has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the attached 2015 Amended Municipal Cooperative Agreement,

#### **Now, Therefore be it**

**Resolved**, that the Town of Danby approves and authorizes the (Mayor or Supervisor) to sign the 2015 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium, and

**Further Resolved**, that the Clerk of the Town of Danby is hereby authorized to execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

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

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

## **Draft "Single Payer Health Care" Resolution, from TCCOG**

Laura Shawley reported information regarding a proposed resolution in support for a "Single-Payer" approach to controlling health care costs. This information was provided by Don Barber, the chair of the Health Insurance Consortium. Barber provided the names of two persons who can present more complete information to the Town Board. Shawley and Dietrich will arrange a presentation.

## **Proposed Subdivision and Zoning Changes Update**

Supervisor Dietrich gave a brief update on the status of proposed changes to Subdivision regulations and the Zoning Ordinance made by the Planning Board last Fall. An opinion from the Town Attorney was received in May. Dietrich suggested that the Planning Board review the attorney's comments and send any changes/revisions back to the TB.

Randall reported that this is on the July Planning Board agenda. She advised that this is a good time to review the definitions of minor and major subdivision in regards the current SEQR process through NYS and what is allowed (in state regulations) by permit. Dietrich noted that allowed uses in commercial zones, in relation to the PB recommendations, are also problematic. A report will be made at the next TB meeting.

## **Aquifer Protection Ordinance/Water Resources Update**

Planner CJ Randall gave a brief update of a presentation made by Steve Winkley, with NY Water Resources, in June. A PDF of the powerpoint presentation has been circulated to the Board and is on file in the Town Clerk's office. Winkley has been in frequent communication with the Town Attorney, regarding a draft Aquifer Protection Ordinance. He hopes that this draft will be complete and ready for review by the end of the Summer or early Fall. The next meeting with Steve Winkley will take place on August 13.

## **Van Woert Road - Recommendation to Abandon**

Planner CJ Randall gave an a review of concerns from Lions Camp Badger (Fisher Settlement Road) regarding the use of ATV use on an unmaintained road right of way, "Van Woert Road." Randall and Hanson visited the site. The road has not been maintained in over 10 years and there is no record of the road being maintained in the Town CHIPS records. A small section of road, accessed from the Town of Spencer, is maintained by Spencer.

Camp Badger has asked that the road be officially designated as abandoned. The old roadbed is currently a property line and is currently marked as a nature trail. As private property, the property owners can mark it as they wish regarding appropriate access and use.

There was a discussion regarding notification of neighbors and the Town of Spencer. Randall has prepared a draft SEQR review of the proposal, a draft resolution, and support documents. She will transmit these to the Town Board in the next week.

Concerns were expressed by Ronda Roaring regarding use of the roadbed. She urged the Town not to give up its rights to this and other old roads, advising that these be used as trails and recreation ways. She additionally expressed strong concerns about the use of ATVs on Town roads, particularly along South Danby Road, in the Town of Danby.

Further discussion on this issue is to take place at the next TB meeting.

## **Stormwater Coalition Grant - Letter of Support**

Planner CJ Randall provided information about a grant application being prepared for a Water Quality Incentive Program by the Stormwater Coalition. Participating municipalities are being asked to send a letter of intent in support. Dietrich asked Randall to contact Assemblywoman Barbara Lifton for a letter of support from her office.

Danby is the only municipality which is not currently an "MS4" municipal member of the Stormwater Coalition. Danby is not yet under the oversight of NYS and the EPA regarding storm water control measures under the Clean Water Act. Randall advised that Danby is not far from MS4 status and will eventually need to meet these requirements.

Randall responded to questions from members of the Town Board. Dietrich noted the importance of Stormwater control measures for the Town of Danby and Tompkins County. Randall will draft a letter of intent in support for the Supervisor to sign.

**RESOLUTION NO. 70 OF 2015 - LETTER OF INTENT IN SUPPORT OF A WATER QUALITY INCENTIVE PROGRAM (WQIP) GRANT APPLICATION FOR STORM WATER CONVEYANCE SYSTEM MAPPING AND SEWER SHED DELINEATION**

**Whereas**, the New York State Department of Environmental Conservation Water Quality Improvement Project Program has funding available for Municipal Separate Storm Sewer Systems (MS4) comprehensive system mapping, and

**Whereas**, on behalf of the Stormwater Coalition of Tompkins County, of which the Town of Danby is a member, the Tompkins County Soil and Water Conservation District is summing an application titled "Stormwater Conveyance System Mapping and Sewershed Delineation," and

**Whereas**, the benefit to the Town of Danby will be a complete stormwater conveyance system map, including sewer shed delineation, access to the information through an online mapping application, and

**Whereas**, the cost to the Town of Danby will be staff time to work with the Stormwater Coalition program coordinator regarding the data collection and project implementation,

**Now, Therefore be it**

**Resolved**, that the Town of Danby Town Board authorizes the Supervisor to sign a letter of intent in support of the application and that the Town of Danby will participate in this project if funding is awarded.

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

**Stormwater Coalition - Consider Joining**

Planner CJ Randall and Bookkeeper Shawley provided information regarding advantages to formally joining the Stormwater Coalition. Should the grant be awarded, there will be a 25% match from participating municipalities. "In Kind Services" through the Coalition can be used for this match, for formal members. There are other benefits as well, as outlined in a five point memo prepared by Randall. In addition to Coalition support for compliance of minimum storm water control measures, and group projects such as this grant proposal, the Coalition provides training to municipal staff, an exchange of information, and fosters cooperation among MS4 municipalities. There is an annual contribution of approximately \$1,500.

There was a discussion of storm water control concerns currently facing Danby. Several creek areas were noted for repeated flooding problems.

Randall advised the Board that all MS4 municipalities are required to have a town-wide storm water management plan. Templates and examples of such plans are available through the Stormwater Coalition. The mapping which will be done through the grant (should the funds be awarded) will greatly assist in designating the most critical areas for control in the Town of Danby.

**South Hill Recreation Way Update**

Planner CJ Randall reported that a grant is being drafted through the County to fund the extension of the South Hill Recreation Way trail. At the same time, a trail extension is in process from the Chain Works/Emerson Project across to the "bridge to nowhere" near Buttermilk Falls Park and the inlet along Route 13. Funding for that project may supersede work on the South Hill Recreation Way. Randall will continue to update the Board as the project progresses.

**Broadband Installation Update**

Connors asked why an update on Broadband installations was directed to the Planning Board in June, rather than to the Town Board, or a joint meeting of the Town and Planning Boards. She asked that an update from Clarity Connect be made to the Board. Dietrich and Randall responded with information as to the current progress. It is anticipated that, once installations are complete, there will be 95% coverage with an estimated 240 households, currently unserved, receiving high speed internet service. The remaining 5% are scattered across the Town. Once installation begins, it should progress quickly. The exact time-line for installations is still uncertain. Randall will forward coverage maps to the Board.

Dietrich noted that there were specific questions from members of the Planning Board, and that Clarity Connect was asked to make a report to them. Arrangements will be made to have a progress report to the Board at a future meeting. Brenner suggested that information regarding progress on installation be posted on the Town web site. There is an update in the July issue of the Danby News.

### **Short Reports**

Copies of the Justice's reports were distributed.

Connors made a report on cemetery repairs in the West Danby Baptist Church cemetery.

The Town Clerk's report noted that \$1,001.66 was distributed to the Town Supervisor for the month of June. This included 25 dog licenses, four building permits, and a few fishing licenses. \$28.34 was distributed to the NYS DEC for fishing license sales and \$27 to the Animal Population Control Program through the NYS Department of Ag & Markets.

### **Adjourn**

The meeting was adjourned at 8:43 pm

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Pamela Goddard, Town Clerk