

**Danby Town Board  
Minutes of Regular Meeting  
April 11, 2016  
DRAFT**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Highway Super. Carl Seamon  
Legislator Dan Klein  
Co-op Ext. Chrys Gardener  
Public Ted Crane, Ronda Roaring, Frank Darrow, David Hall, Pat Woodworth, Charles Tilton, Raymond and Charlotte Mayo, Lew and Pam Billington, Gladys Varone-Lacey, Naomi and Bob Strichartz, Ed and Linda Fetherbay, Susan Franklin, Jim Rundle, Tamara Lovell, Al Becker, Sarah Elbert, Jody Scriber, David and Adrianna Hall, Gary Bortz, Steve Willcox, Dave Mastroberti, Joe Schwartz, Bill Evans, Colleen Strong, Katharine Hunter, Scott Davis, and more.

**7:00 - Presentation on Co-operative Extension Beautification Grants**

Chrys Gardener, from Cooperative Extension of Tompkins County, made a presentation to the TB regarding a matching grant program for funding landscape planting, benches, sidewalks, murals, and other beautification projects. Projects may receive up to \$3,000 in funding. Funds for these grants come through the County Tourism Tax (hotel/motel bed tax). The municipal match may be satisfied through volunteer or staff time and/or materials.

Gardener gave several examples of projects in other Towns across Tompkins County. These include various Main Street revitalization projects, plantings around welcome signs, and other garden projects. Funded projects must be planned/installed on major traffic routes and are not appropriate for side roads. Beautification projects at Jennings Pond would also qualify, as would the use of large trees as a traffic-calming tool.

Application for the grants is made through a one page narrative to include the location of the project, a rough sketch of what is to be done, and a simple budget. Grants are considered on rolling deadlines throughout the year. Gardener encouraged developing a volunteer “beautification brigade” to manage the plantings. Youth programs and Scouts can be very helpful.

**Regular Meeting Opened at 7:30pm**

**Privilege of the Floor**

Pat Woodworth spoke regarding the process of considering and making appointments during the March 21 Town Board meeting. She characterized this process as “embarrassing.” Woodworth stated that Connors’ motion to appoint an applicant, in opposition to the recommendation of three seated members of that Board, as an “insult,” and that it was not surprising that those three then chose to resign. She urged the Town Board to apologize to those persons. Woodworth suggested that any future appointments to the BZA may appear tainted. She hoped that the resigning members might return.

Ray Mayo expressed disapproval of the TB decision to discount the recommendation of the BZA when making an appointment at the March 21 meeting. He stated that he, “didn’t recognize the town any

more.” He also characterized this action as a conflict of interest and an insult to the BZA members who had resigned and to the community at large. Mayo also spoke in opposition to making the Highway Superintendent an appointed, rather than elected, office.

Bill Keokosy asked how long the process would take to replace the three BZA members who have resigned, as he has two projects pending in the Town of Danby—each of which may require a variance approval to proceed. He asked when an active BZA be available?

Ted Crane informed residents of the Physics Bus, an upcoming Danby Community Council event. He also spoke regarding the appointment of David Hall to the Board of Zoning Appeals and the subsequent resignation of three seated BZA members. He stated that it was important to recognize that, when a Board recommends someone who is not already a currently seated member, it as an indication of support for new views. Crane urged the Town Board to, “find a way to undo your ill-advised actions” of the previous meeting.

Ed Fetherbay spoke in support of the BZA members who had resigned.

Linda Fetherbay spoke regarding the appointment and resignation of members of the BZA. She spoke in support of the resigning members. In her view, Wagner was the more qualified applicant. She suggested that the TB apologize and ask the resigning members to reconsider their resignation.

Naomi Strichartz spoke to express her “shock and disappointment” to the Town Board members, regarding the actions of March 21. She expressed concern that those members of the TB who voted in favor of Hall’s appointment to the BZA now have the further opportunity to appoint additional members to the BZA who would support of Hall’s application for a use variance at PDZ10. Strichartz characterized this as an embarrassment.

Bob Strichartz stated that he agreed with Woodworth’s comments, but that this was becoming a situation of “two sides locking horns” and that this did not bode well for moving on. Strichartz asked the TB to find a way to reduce the tension and undo the mistakes which were made so that things can move in a productive manner. Strichartz urged Hall to reconsider his appointment to the BZA at this time.

Gladys Verona-Lacey spoke in support other comments regarding BZA appointments. She stated that it was important for the community to work together.

Katharine Hunter spoke in agreement of requests that the Board rethink its action regarding appointment to the BZA.

Ronda Roaring spoke in support of the many people, including the Danby Community Council, who put time and energy into the well-being of Danby. She urged more transparency for the Town Board and for appointments to its secondary boards.

Jim Rundle presented a written statement to the board, regarding the recent BZA appointment actions. He supported Bob Strichartz comments regarding finding a positive way to resolve the matter. Rundle spoke, as a Planning Board member, regarding an open seat on that board. He noted that, although the PB had voted to support Ted Melchen for re-appointment, there was some question as to whether Melchen was able to serve. In that case, Rundle voiced his support of Jody Scriber’s application to the PB.

Susan Franklin informed residents about the Youth Program Grants available through the Danby Community Council. She also stated that she was appalled that current actions by the Town Board was reminiscent of our dysfunctional Federal Congress and urged the Board to fix the problem.

David Hall responded to many of the comments regarding to his appointment to the Board of Zoning Appeals. He stated that he was “not invested” in being a member of the BZA, but simply wished to serve the Town. He further disputed what he characterized as attacks on his character from other members of the BZA. He stated that he felt there was a problem in the BZA in the past few years and that he had tried to bring it to light. He further stated that no Town Board members knew ahead of time that he intended to suggest a use variance for his property rather than a zoning change.

Adrianna Hall spoke in response to those who had spoken against her husband’s appointment to the BZA and in opposition to the proposal for their property. She said there was no “bargaining chip” or “conspiracy.” She stated that they had “run out of time” for a clinic to serve people on the autism spectrum.

Jody Scriber said that it was “up to all of us” to work together and do what’s best for Danby. She urged all to find a way to work together and compromise and collaborate for the good of the community.

Scott Davis spoke as a new member of the community. He directed comments to Hall regarding the appointment procedure, supporting the views of seated board members who made a recommendation based on qualifications.

Gary Bortz spoke as a remaining member of the Board of Zoning Appeals. He stated that he did not support the actions of those three members who had resigned. Bortz asked for clarification that Alan Wagner had been asked to fill one of the vacant slots and had refused. Supervisor Dietrich confirmed this. Bortz stated that he disagreed with decisions being made based on personalities and that, in his view, this was the case with the other members of the BZA and with Wagner. He also disagreed with the timing of these resignations, as there were pending variance requests.

Lew Billington spoke, as a resident with a pending variance request. He asked whether it was necessary to have all five seats on the BZA filled in order to have a functioning board? There was some discussion regarding how many members are needed to have a quorum and/or functioning board. Supervisor Dietrich stated that, pending approval of the TB, the BZA positions will be advertised immediately in the hopes that positions can be filled as soon as possible.

Supervisor Dietrich asked the Clerk to read a proposed advertisement for positions. The full text of this advertisement is recorded in the minutes below.

Al Becker spoke regarding the resignations from the BZA. He stated that his recommendation for Wagner over Hall was based on qualifications. Becker stated that he had brought questions to the County Board of Ethics and there may be an investigation of the situation.

Frank Darrow urged good will in order to move forward.

Charles Tilton stated that he had consulted with the Ethics Board and learned that members of boards must be “impartial and free from conflicts of interest or even the appearance of conflict of interest and political influence” in the fulfillment of their responsibilities. He asked the board to be impartial and do due diligence.

### **Legislator’s Report**

Dan Klein provided information about TCAT reducing bus service over the summer. The current seven round trips per weekday from Danby to Ithaca will be reduced to five. He reported that is a problem of a shortage of drivers. There was a brief discussion regarding methods of recruiting drivers. Klein stated that he was not optimistic that this problem would be solved soon. Additional information, with exact routes, will be published in the May Danby Area News.

## **Warrants**

### **ABSTRACT #4 OF 2016:**

#### **GENERAL FUND**

#132-173 for a total of \$20,893.58

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

#### **HIGHWAY FUND**

#80-100 for a total \$113,262.60

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

#### **WEST DANBY WATER DISTRICT**

#15-16 for a total of \$265.50

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

## **Approve Town Board Minutes**

### **RESOLUTION NO. 41 OF 2016 - APPROVE MINUTES**

**Resolved**, That the Town Board of the Town of Danby approves the minutes of March 7, 14, and 21, 2016.

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

## **Board Position Appointments - Planning Board Vacancy**

Brenner moved an appointment to a vacancy on the Planning Board. Connors stated that the other person being considered was unable to apply at this time. She suggested that this person be considered when the next vacancy is open, if they are interested.

### **RESOLUTION NO. 42 OF 2016 - APPOINT PLANNING BOARD REPRESENTATIVE FOR 2016-2020**

**Resolved**, that the Town Board of the Town of Danby appoints Jocelyn Scriber to fill a seven year term on the Planning Board, beginning immediately and ending 31-Dec-2022.

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

## **Board Position Appointments - Board of Zoning Appeals Vacancy**

Supervisor Dietrich advised the Board that it should move rapidly to advertise the vacancies in the Danby Board of Zoning Appeals. There is a need to fill at least one vacancy within sixty days, in order to hear extant variance requests. Dietrich would like to set up interviews as quickly as possible. Clerk Goddard clarified that this advertisement will be posted on the Danby web site, be sent to the Danby Email distribution list, published in the Danby Area News, and shared with local media.

There was a discussion regarding the appointment procedure for the three seats. Dietrich urged the Board to hold special meetings for interviews, as needed. Brenner suggested that there be an application deadline, or timeline for applications. She stated that it was important to find the best candidates possible.

Connors suggested that it might be timely to appoint one person, recruited by the TB, so that there is a functioning Board of Zoning Appeals. Dietrich responded that, "That would be a mistake at this time." He stated that it was important to be open and transparent with the process. Connors stressed the importance of having a functioning BZA.

Holahan suggested that a preliminary application deadline be set for the end of April. There was discussion supporting having a “rolling deadline” to continue receiving applications in order to best fill all three vacancies.

There was agreement to advertise applications for the BZA with the following language:

The Town Board of the Town of Danby is seeking three members for the Board of Zoning Appeals to complete the remainders of:

- a one-year term (ends December 31, 2016);
- a two-year term (ends December 31, 2017); and
- a three-year term (ends December 31, 2018).

Members of the Board of Zoning Appeals:

- Must be residents of the Town of Danby
- Must submit a Letter of Interest and be appointed by the Town Board
- Are expected to fulfill the New York State attendance and training requirements for BZA members
- Follow Town Law, Section 267 (a)

The Board of Zoning Appeals (BZA) consists of five citizens, appointed by the Town Board. These are not salaried positions; however, they play an important role in ensuring that the zoning process is equitable. A zoning law is a community's guide to its future development. The Danby Board of Zoning Appeals is a quasi-judicial body, existing primarily to act as a buffer for aggrieved applicants requesting relief from the zoning. BZAs have two appellate functions: the review of applications for use and area zoning variances, and the power to render interpretations of the zoning regulations. The Board of Zoning Appeals also conducts environmental quality review (SEQRA) when necessary.

State law requires that BZA members receive at least four hours of training each year on the Town's zoning ordinance and on case law that affects BZA decisions. Training materials will be provided by the Town. Trainings are also available regionally and online for if you are unable to attend a scheduled in-house trainings. Meetings to hear variance appeals are typically held once a month or once every two months, scheduled as needed to hear variance applications.

Please contact Town Clerk (607.277.4788, [[townclerk@townofdanbyny.org](mailto:townclerk@townofdanbyny.org)]) to fill out an application to join!

Applications received by May 2 will be considered at the May 9 Town Board meeting.

Applications are welcome after this date and will be considered until all vacancies are filled.

## **Hornbrook Road SWAT Incident Review**

Dietrich reported on meetings related to the Federal Dep't of Justice review of the 2015 SWAT incident on Hornbrook Road. A meeting was held on April 7 in the Town Hall to gather comments from key officials and a few residents. Dietrich informed the Board and residents that a report will be drafted following these meetings. He is following the County's lead in this matter. Local impressions of the meeting will be shared in the Danby Area News. Frank Darrow reported, as one of the participating residents, that this was a positive session, and that the investigators seemed determined to be as helpful as possible in working to bridge a gap between law enforcement and residents.

## **Adjourn**

The meeting was adjourned at 9:00 pm.

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Pamela Goddard, Town Clerk