

**Danby Town Board
Minutes of Regular Meeting
May 09, 2016
DRAFT**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Legislator Dan Klein
Code Officer Paul Hansen
Public Ted Crane, Ronda Roaring, David Hall, Pat Woodworth, Charles Tilton, Lew and Pam Billington, Esther Greenhouse, Earl Hicks, Katharine Hunter, Scott Davis, Joseph Bargher, Jim Seeley, Jeff Ward, Kent, McNeil, Norbert Nolte.

Regular Meeting Opened at 7:00pm

Legislator's Report

Dan Klein provided information regarding dangers at the intersection of Coddington Road and Burns Road. This intersection is in the Town of Ithaca, not Danby. This intersection is scheduled for a redesign and upgrade. This will most likely take place during 2018. Klein reported that this new redesign for the Coddington Road/Burns Road intersection, up to the turn at East King Road, is being undertaken with the awareness and support of that immediate neighborhood.

Brenner asked about a second dangerous intersection at East King and Troy Roads. This is currently a two-way stop, up and down hill on East King Road. She asked whether the County would consider making this a four-way stop. Klein responded that he would pass on this request.

Klein informed the Board that Danby Fun Day has received another grant award through Tompkins Tourism.

Privilege of the Floor

Ted Crane informed residents of an upcoming Danby Community Council concert event. He also spoke regarding the interview process for filling Board of Zoning Appeals vacancies. He presented a set of questions that might be asked of applicants to the BZA or any appointed board. Crane stated that the questions are intended to focus on the skills, relevant to Town business, that the applicants bring and on potential effects of the applicants' liabilities and conflicts on Town business and image. Brenner thanked Crane for his input, and noted that it would have been helpful to have the list of questions prior to the meeting. Other Board members agreed that there were good questions in Crane's list, and that these could be helpful in future interviews.

BZA Vacancies - Interviews

Five applicants for vacancies to the Danby Board of Zoning Appeals were present: Joseph Bargher, Esther Greenhouse, Earl Hicks, Norbert Nolte, Scott Davis. There was encouragement from the Code Office to appoint at least one person to the BZA at this meeting so that training can be held and an outstanding variance request heard as soon as possible.

A question was raised as to what a quorum, and passing vote, would be if there were only three BZA members present at a hearing. It was clarified that, as Danby has a five member Board of Zoning Appeals, a majority vote (for a successful appeal) would require at least three votes. This is true whether other members are absent or have resigned. Therefore, a decision would need to be unanimous with only three members present for a decision to pass. Less than three positive votes—or a tie vote—is a default denial of the variance request.

The Board had an in-depth discussion to compile a set of questions which would be asked of each of these applicants. The final list of questions was posted on a bulletin board for all to see:

- 1) What experience do you bring to this position—such as involvement with local government boards (Danby or other locations) and/or other life experience?
- 2) Are you aware of the time commitment for training and service and are you able to meet that commitment?
- 3) What is your vision for Danby?
- 4) How do you deal with conflict, external (from residents, etc.) or internal (within a committee)? How would you deal with a friend or neighbor who had a variance request?
- 5) What hobbies or other interests do you have?

The Board discussed the interview process. It was agreed that all interviews would be conducted in open meeting. Each applicant would be interviewed individually, with all the other applicants waiting in a different room.

Interviews were conducted with Scott Davis, Esther Greenhouse, Earl Hicks, and Norbert Nolte, following approval of warrants and minutes. Joseph Bargher had left the meeting, without any comments to the Board. Each applicant was given 10 minutes to respond to the set questions, and to ask questions of their own to the Board.

Warrants

ABSTRACT #5 OF 2016:

GENERAL FUND

#174-215 for a total of \$21,555.71

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

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

HIGHWAY FUND

#101–120 for a total \$32,311.44

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

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

WEST DANBY WATER DISTRICT

#17-25 for a total of \$1,454.67

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

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

Approve Town Board Minutes

Connors suggested a small addition to the minutes of April 11. Clerk Goddard agreed. There will be the addition of a sentence: "Plantings and projects in Town cemeteries may be included in beautification grants."

MOTION - APPROVE MINUTES

Resolved, That the Town Board of the Town of Danby approves the minutes of April 11, 12, and 18, 2016.

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

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

Year End Financial Report

Dietrich gave a short description of the 2015 year-end financial report. This has been completed and sent to the NYS Comptroller's office, following an extension. Financial materials will be sent to a reviewer as a preliminary audit. A full audit will be conducted of the 2016 financial records and procedures. Bookkeeper Shawley will provide a more complete report at a future TB meeting.

Town Clerk's Report

Clerk Goddard presented a report of revenue through the Clerk's office in the month of April. A total of \$2,108.72 was distributed to the Town Supervisor, including revenue from 41 dog licenses, seven building permits, and three fishing licenses. \$83.58 was distributed to NYS DEC and \$55.00 to the NYS Animal Population Control Program.

Solar Installation SEQRA Resolution

Hansen reported that the land swap on Hornbrook Road is in process, with the Town Attorney.

Hansen explained the need for a SEQRA resolution related to the Solar Power Purchase agreement, as the proposed site for a solar installation is on the edge of a wet land. There is a 100-foot buffer required for most development near a wetland. The Town has been given preliminary approval to put a solar installation within this 100-foot buffer. Hansen stated that the DEC is looking favorably on the question, as this is preferable to the Highway Department using the same area for gravel storage. The solar installation will prevent further encroachment on the wetland, related to materials storage.

RESOLUTION NO. 46 OF 2016 - SEQRA INTENT TO DECLARE LEAD AGENCY – HORN BROOK ROAD SOLAR INSTALLATION

Whereas, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Section IX of Local Law 2 of 1991 Environmental Review of Actions in the Town of Danby, require that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

Whereas, State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and

Whereas, the Town of Danby has advertised according to law to solicit proposals for a turnkey generating system, grid interconnection and all ancillary equipment and services for a solar generating system to be designed, installed, owned, and operated by the proposer and/or third party investors; and

Whereas, the Town of Danby has reviewed the proposals received through a Request for Proposal process in accordance with the elements requested and the evaluation process outlined in the RFP; and

Whereas, The Town of Danby is installing a 170 kW DC, grid connected, non-residential Solar Photovoltaic array generating system to be located at the Town of Danby Highway Department, tax parcel #10.-1-82.1 (93 Hornbrook Road) through a long-term power purchase agreement pursuant to Article 9 of the New York Energy Law.; and

Whereas, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and an Unlisted Action under the State Environmental Quality Review Act, both of which require environmental review; and

Whereas, a freshwater wetlands joint application has been sent to the US Army Corps of Engineers and NYS Department of Environmental Conservation;

Whereas, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies; and

Whereas, the Town Board is the local agency with primary responsibility for approving the action;

Now Therefore, be it

Resolved, that the Town Board of the Town of Danby hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Town Board intends to declare itself Lead Agency for purposes of SEQRA for this Type I and Unlisted Action, unless objection to such designation is received within thirty (30) days.

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

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

Hansen reported on two proposals received for Solar Purchase Power Agreement. The Town Board will consider an award to a Preferred Provider at the May 16 TB meeting.

Enter Executive Session

Connors recommended using executive session for a discussion of applicants to the BZA, according to procedures in the Danby Appointment Policy. Holahan moved entering executive session to discuss applicants to the vacancies on the Board of Zoning Appeals.

RESOLUTION NO. 47 OF 2016 - ENTER EXECUTIVE SESSION

Resolved, that the Town Board of the Town of Danby enters executive session to discuss particular applicants to appoints to the Town of Danby Board of Zoning Appeals.

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

In Favor: Connors, Holahan, Miller, Dietrich.

Opposed: Brenner.

Enter Executive Session at 9:08pm

Close Executive Session at 9:18pm

Reconvene Regular Meeting at 9:21pm

Board Position Appointments - Board of Zoning Appeals Vacancies

Holahan informed residents that the TB would make two appointments at this meeting. The appointment of the vacant one year term on the BZA will be considered at the May 16 TB meeting. The Board thanked all of the applicants for their interest and willingness to serve.

RESOLUTION NO. 48 OF 2016 - APPOINT BOARD OF ZONING APPEALS REPRESENTATIVE FOR 2016-2018

Resolved, that the Town Board of the Town of Danby appoints Norbert Nolte to fill the remainder of a three year term on the Board of Zoning Appeals, beginning immediately and ending 31-Dec-2018.

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

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

RESOLUTION NO. 49 OF 2016 - APPOINT BOARD OF ZONING APPEALS REPRESENTATIVE FOR 2016-2017

Resolved, that the Town Board of the Town of Danby appoints Earl Hicks to fill the remainder of a two year term on the Board of Zoning Appeals, beginning immediately and ending 31-Dec-2017.

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

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

Adjourn

The meeting was adjourned at 9:25 pm.

Pamela Goddard, Town Clerk