

**Danby Town Board
Minutes of Regular Meeting
September 12, 2016**

Present:

Councilpersons: Rebecca Brenner (Deputy Supervisor), Leslie Connors, Jim Holahan, Jack Miller

Excused:

Supervisor: Ric Dietrich

Others Present:

Town Clerk	Pamela Goddard
Planner	CJ Randall
Bookkeeper	Laura Shawley
Public	Ted Crane, Ronda Roaring, Pat Woodworth, Charles Tilton, Garry Huddle, Bill Sheffield, Rose Lorry, Jim Seeley, Jeff Ward, Kent McNeil.

Regular Meeting Opened at 7:06pm

Privilege of the Floor

Ted Crane expressed concerns about the limited amount of time allowed for public review of local laws coming to Public Hearing. He noted that, while this meets the specific legal requirements for public notification, it does not permit much time for the public to absorb and comment on the pending legislation.

Warrants

ABSTRACT #9 OF 2016:

GENERAL FUND

#340-393 for a total of \$40,219.52

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

HIGHWAY FUND

#192-216 for a total \$114,722.42

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

WEST DANBY WATER DISTRICT

#42-47 for a total of \$2,204.79

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

Approve Town Board Minutes

MOTION - APPROVE MINUTES

Resolved, That the Town Board of the Town of Danby approves the minutes of August 8 and 15, 2016.

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

Code Enforcement Local Law - Set Public Hearing and SEQR review

RESOLUTION NO. 79 OF 2016 - PUBLIC HEARING FOR LOCAL LAW 4 OF 2016, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

Whereas, this action is to set a Public Hearing date for consideration of the enactment of Local Law 4 of 2016, Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, repealing Local Law No. 1 of 1987 and Local Law No. 1 of 2007; and

Whereas, the New York Department of State enacted new minimum standards for local government administration and enforcement of the Uniform Code which went into effect on December 28, 2015;

Whereas, the Town Board of the Town of Danby finds that it is necessary to adopt a new local law for the administration and enforcement of the Uniform Code so that the Town's law incorporates and addresses the changes in the minimum standards enacted by the Department of State as well as to comprehensively articulate the authority and procedures for administration and enforcement of the Uniform Code; 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 Public Hearing for Local Law 4 of 2016 to be scheduled on September 19, 2016 at 7pm.

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

In Favor: Holahan, Miller, Brenner

(Connors arrived at 7:20, following a Tompkins County meeting.)

RESOLUTION NO. 80 OF 2016 - SEQRA INTENT TO DECLARE LEAD AGENCY – LOCAL LAW 4 OF 2016, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

Whereas, this action is consideration of the enactment of Local Law 4 of 2016, Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, repealing Local Law No. 1 of 1987 and Local Law No. 1 of 2007; and

Whereas, the New York Department of State enacted new minimum standards for local government administration and enforcement of the Uniform Code which went into effect on December 28, 2015;

Whereas, the Town Board of the Town of Danby finds that it is necessary to adopt a new local law for the administration and enforcement of the Uniform Code so that the Town's law incorporates and addresses the changes in the minimum standards enacted by the Department of State as well as to comprehensively articulate the authority and procedures for administration and enforcement of the Uniform Code; and

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, 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, 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 Unlisted Action.

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

In Favor: Connors, Holahan, Miller, Brenner

Planner Randall noted that the SEQR declaration is an administrative, unlisted action. She provided additional information about revisions to the Code Enforcement and Fire Prevention Law. These changes are in response to changes in NY Code Law made in Dec. 2015 by the NYS Department of State

clarifying responses to violations. The proposed Local Law repeals two existing Town of Danby Laws; the Uniform Code Law and Property Maintenance Law. The substantive changes combine the previous laws into one comprehensive ordinance clarifying violations and the procedures for addressing violations. Fire safety and property maintenance are addressed in section 12. Section 16 outlines and clarifies orders to remedy violations.

Climate Smart Communities - Resolution of Support

Randall reported on meetings and explained the intent of this resolution of support. The Climate Smart Community initiative developed out of meetings through the Tompkins County Council of Governments Energy Task Force. Randall attends these meetings of planners and elected municipal officials. NYSERDA (New York Energy and Research Development Authority) has dedicated funds for “Clean Energy Communities.” Joining the Climate Smart Community pledge does not obligate the Town to specific actions, but does facilitate collective grant proposals with other “Climate Smart Communities” in Tompkins County. The Towns of Ulysses, Caroline, Ithaca and City of Ithaca have joined in this pledge. Randall will provide updates, as projects progress.

RESOLUTION NO. 81 OF 2016 - CLIMATE SMART COMMUNITY SUPPORT

Whereas, the Town Board of the Town of Danby believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

Whereas, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

Whereas, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

Whereas, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

Whereas, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

Therefore it is Hereby Resolved that Town Board of the Town of Danby, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities Pledge, which comprises the following ten elements:

1. Pledge to be a Climate Smart Community.
2. Set goals, inventory emissions, plan for climate action.
3. Decrease community energy use.
4. Increase community use of renewable energy.
5. Realize benefits of recycling and other climate-smart solid waste management practices.
6. Reduce greenhouse gas emissions through use of climate-smart land-use tools.
7. Enhance community resilience and prepare for the effects of climate change.
8. Support development of a green innovation economy.
9. Inform and inspire the public.
10. Commit to an evolving process of climate action.

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

In Favor: Connors, Holahan, Miller, Brenner

Tax Cap Override - Budget Overview

Bookkeeper Shawley made a short report on the advisability of passing a Tax Cap Override Local Law for the 2017 budget. The Town of Danby was able to stay under the NYS Tax Cap for the first three years of the program. When requirements for the Tax Levy Limit changed in 2016, it was no longer possible or advisable to budget under the limit. In order to override the Tax Cap, a municipality must pass a local law, effective for just one year. Passing such a local law does not obligate the Town to budget over the Levy Limit, but allows it to do so if needed. Shawley noted that it's possible that the Town of Danby may not need to override the levy limit for the 2017 budget.

A Public Hearing for LL #3 of 2016, Override the Tax Levy Limit, had previously been set for Monday September 19 at 7pm.

Budget Process

There was a brief discussion with Bookkeeper Shawley and the Town Board, regarding setting October budget workshops. Shawley asked the Board to consult their calendars so that meetings can be set at the next meeting.

Scoping Meeting - Town Board, Planning Board, Conservation Advisory Council

There was a brief discussion regarding timing and topics for a joint municipal board scoping meeting. This meeting has been postponed to November, when Supervisor Dietrich should be able to attend. Brenner suggested that the Board put more time into crafting an agenda for that scoping meeting.

Code Planning Report

CJ Randall provided information on selected items from monthly Code Enforcement/Planning report. The Fire District should vote soon as to whether they will join in the Solar Power Purchase Agreement. The agreement can move ahead, whether or not the FD joins the municipal agencies which are taking part. The final Agreement should be available for review and action at the next TB meeting.

Randall reported that the TCCOG Energy Task Force is researching a joint community shared solar arrangement with Cornell Cooperative Extension. This would, potentially, allow residents to buy into solar farm resources. Research on this is in preliminary stages.

Randall reported on development activity in the form of minor subdivision requests. These are going before the Planning Board. She stated that there has been some community concern related to an elevated awareness of subdivision development, lot sizes allowed, etc. as a result of neighbor notification in the new process. The "Part II" part of the environmental review for the Verizon data tower (109 feet, plus the base) at the American Legion property will be going before the PB in the next few months. County Planning has found no intermunicipal concerns with this tower installation.

Amendments to the Local SEQR law are with the Town Attorney. Several of these amendments relate to the recently passed Groundwater Protection Law. County Planning would like to Danby to review energy efficient and "Green" building standards as part of this review/revision. CJ would like to propose potential tax incentives for residents to include these standards in construction. She will draft suggestions for Town Board review.

Bridge NY culvert replacement applications have been submitted. These are to access funds which would fully fund culvert replacement, up to one million dollars per project, for up to three culvert projects per municipality. Danby has applied for projects at Durfee Hill Road, West Jersey Hill Road, and Deputron Hollow Road. Randall anticipates that the culvert on West Jersey Hill Road will be awarded a grant, as this site has the most traffic of these. That culvert was constructed in 1955. This site is also a trout stream. Information about the award should be announced in the next month.

Short Reports and Correspondence

The Justices' reports included several minor traffic violations and illegal swimming. Justice Huddle described various building improvements that will be included in the next court grant proposal, including expansion of the justices' bench/clerk desk, a payment window to the court office in the hallway, and repairs to the handicap access ramp and sidewalks. This grant application must be submitted by October 1. A resolution authorizing the grant application will be considered at the Sept. 19 TB meeting.

The Town Clerk's report included information regarding \$4,713.50 received in the month of August for 62 dog licenses, and three building permits, three planning fees, and hunting license sales. \$2,933.90 was distributed to the Town Supervisor with the remainder of the funds distributed to relevant NYS agencies. Bookkeeper Shawley reported that she had completed the internal audit of the Town Clerk's office and that all procedures met the Comptroller's recommendations.

Clerk Goddard shared various correspondence, including a request for funds for 2017 from the Community Science Institute. the 19th Annual "Danby Down & Dirt" trail race will be held Saturday Oct. 1, beginning at 9am on Michigan Hollow Road, sponsored by the Finger Lakes Runners Club. The FL Runners have a land use permit from the NUS DEC for this purpose.

Adjournment

The meeting was adjourned at 8:00 pm.

Pamela Goddard, Town Clerk