

**Danby Town Board
Minutes of Budget and Regular Meeting
October 17, 2016**

Present:

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

Excused:

Supervisor: Ric Dietrich

Others Present:

Town Clerk	Pamela Goddard
Code Officer	Paul Hansen
Bookkeeper	Laura Shawley
Public	Ted Crane, Ronda Roaring, Pat Woodworth, Charles Tilton,, Bill Sheffield, Kelly Makosch.

Budget Review Meeting Opened at 5:45pm

Information presented by Laura Shawley.

Questions from the Town Board.

Invitations will be made for representatives of the Jennings Pond program and Danby Community Park Association to attend the next budget meeting, Monday Oct. 24.

Budget Review Meeting Closed at 6:40pm

Regular Meeting Opened at 7:00pm

Privilege of the Floor

Ronda Roaring commented on zoning changes that may be needed to preserve rural character in Danby. She urged the Board to include this matter in its agenda for a joint board scoping meeting. She reported that other residents are also concerned about this matter, as is reflected in the Danby Comprehensive Plan. She also stated that she supports the Town of Danby allocating funds toward land preservation. In her view, this would best be done on the local level, through the Conservation Advisory Council, rather than through regional agencies.

Ted Crane asked for clarification regarding the agenda item, "meeting room acoustics." Brenner briefly responded that the Board will begin a discussion regarding ways to make meetings more accessible to those who have difficulty hearing. Crane noted that the room acoustics are currently very good for music events and other presentations, but that there are problems with hearing what is said by Board members. Crane agreed that there are technical solutions to the problem, but that the difficulty could be addressed by Board members speaking clearly, one at a time, and at a level appropriate to the presence of an audience, as some already do.

Finger Lakes Land Trust - Request for Resolution of Support

Kelly Makosch, speaking on behalf of the Finger Lakes Land Trust, presented information regarding a pending acquisition of land on Heisey Road, near NYS Rt.96B. This land already includes a one mile section of the Finger Lakes trail. Makosch stated that, when funds are available from NYS, the property will be sold back to NYS and will be added to the State Forest. The FLLT will be asking Tompkins County to help fund a land survey required for the property acquisition, as noted in the resolution below. The FLLT asked the Town of Danby for a resolution and letter of support for the project.

Makosch answered a question regarding how the FLLT was approached about this property? She reported that the property owner had been in discussions the the Land Trust for some time. She stated that he is "excited" about adding to the State Forest, preserving resources, and keeping the property intact.

FLLT Resolution of Support

RESOLUTION NO. 87 OF 2016 - RESOLUTION IN SUPPORT OF FINGER LAKES LAND TRUST REQUEST FOR FUNDING FROM THE TOMPKINS COUNTY CAPITAL RESERVE FUND FOR NATURAL, SCENIC, AND RECREATIONAL RESOURCE PROTECTION AT TAX PARCEL 13-1-22

Whereas, property owned by Gregory Vaeth, 158 acres of woodland on Heisey Road in the Town of Danby, has been recognized by Tompkins County Planning as a conservation priority due to the fact that it encompasses a portion of a county-designated Unique Natural Area; and

Whereas, this property was identified during the Finger Lakes Land Trust systematic review of public and private sector open space lands delineated in the Emerald Necklace Plan as one of the ten highest focus area priorities for protection as a large block of private land that is adjacent to the Danby State Forest and thus also a priority project of New York State's Open Space Plan; and

Whereas, this acquisition will secure approximately one mile of the Finger Lakes Trail along with woodlands that provide habitat for a diversity of wildlife, including neotropical songbirds and wide ranging mammals such as the Fisher; and

Whereas, the Finger Lakes Land Trust has secured an agreement to purchase approximately 145.3 acres of the 158.1 acre property, partnering with the New York State Department of Environmental Conservation (NYSDEC) and the Finger Lakes Trail Conference for \$181,000.00 with the intention of managing the site as a public conservation area with continued use of the hiking trail on the property that has traditionally been used by the public; and

Whereas, the Land Trust seeks a grant of \$6,500.00 from Tompkins County's Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection; and

Whereas, the Town Board recognizes the value of this acquisition as a local and regional open space asset that will benefit the citizens of Danby;

Now Therefore, Be It

Resolved, that the Town Board of the Town of Danby supports the Finger Lakes Land Trust request for funding from the Tompkins County Capital Reserve Fund for Natural, Scenic, and Recreational Resource Protection to support the acquisition of a portion of the Vaeth property.

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

In Favor: Connors, Holahan, Miller, Brenner

Set Budget Hearing

There was a brief discussion of setting a Public Hearing for the 2017 Town of Danby budget. Further discussion, and possibly final review of the 2017 Budget will take place at a special meeting, 5:30pm Oct. 24.

RESOLUTION NO. 88 OF 2016 - SET HEARING, 2017 TOWN BUDGET

Resolved, that the Town Board of Town of Danby sets a Hearing for the 2017 Budget, to take place on November 14 at 7:00pm in the Danby Town Hall.

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

In Favor: Connors, Holahan, Miller, Brenner

Set SEQR Local Law Public Hearing

There was a brief discussion regarding a public hearing and consideration of passage of the SEQR Local Law.

RESOLUTION NO. 89 OF 2016 - SET HEARING, SEQR LOCAL LAW

Resolved, that the Town Board of Town of Danby sets a Hearing related to the SEQR Local Law, to take place on November 21 at 7:00pm in the Danby Town Hall.

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

In Favor: Connors, Holahan, Miller, Brenner

RESOLUTION NO. 90 OF 2016 - SEQRA DECLARATION OF LEAD AGENCY – A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1991 PROVIDING FOR ENVIRONMENTAL REVIEW OF ACTIONS IN THE TOWN OF DANBY

Whereas, the Town Board of the Town of Danby finds it necessary to amend Local Law 2 of 1991, entitled “PROVIDING FOR ENVIRONMENTAL REVIEW OF ACTIONS IN THE TOWN OF DANBY” to ensure maximum consistency with Section 617: State Environmental Quality Review, and to ensure consistency with 2013 New York State Department of Environmental Conservation updates to the Environmental Assessment Forms; 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, 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 Unlisted Action, unless objection to such designation is received within thirty (30) days.

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

In Favor: Connors, Holahan, Miller, Brenner

Proposed Power Purchase Agreement - Hornbrook Road Solar Installation

The Board discussed the status of the Solar Power Purchase Agreement contract. Brenner asked for clarification that the Agreement is for 25 years and that the Town is considering a buy-out at 10 years. Code Officer Hansen confirmed this timeline. The lease will include options for buy-out at different stages during the lease. The buy-out will not be compulsory.

Hansen stated that the Contract document is, “substantially complete.” Board members asked what aspects of the contract need to be worked out? Hansen explained that there are three parties involved: the Town of Danby, Renovus, and the investors. There are still investor concerns/interests that need to be addressed.

Hansen reported that NYSERDA is trying to finalize outstanding Power Purchase Agreements by the end of the calendar year. In addition, the Town Attorney has advised moving this along. While the contract is not 100% complete, a resolution of approval would be an indication to the Investors that the Town clearly wants to build a solar array. The Contract may be approved, following the legally required period of “Permissive Referendum,” if any changes are not substantial. The Permissive Referendum is particularly related to the lease of Town property for the installation.

There was some discussion as to whether the Fire District is “on board” for this project? Hansen expressed optimism, but this is still not certain. Hansen and Supervisor Dietrich are in discussion with the

Fire Commissioners. Wording of the Memorandum of Understanding for this project is still being crafted between the Commissioners and the Town.

There was a question from Crane as to whether appropriate to approve a contract agreement when the contract is not complete, lacks specific dollar amounts, and has not been reviewed by the Board? The Board discussed this concern. Brenner supported moving this forward. Connors expressed concern about approving something they had not yet seen. Hansen responded that the current contract, being considered at this time, has not changed since a copy was sent to the Board. Holahan expressed a “Catch 22” in his decision; wanting to move the project forward without delay while still having concern about approving a contract that could change. Hansen again assured the Board that, regardless of the wording of the resolution on the table, it will have a final review of the contract prior to signing.

RESOLUTION NO. 91 OF 2016 - RESOLUTION TO APPROVE PROPOSED POWER PURCHASE AND LEASE AGREEMENT – HORN BROOK ROAD SOLAR INSTALLATION

Whereas, the Town Board previously determined that it would be in the best interests of the Town to pursue the potential for entering into an agreement for the production of electricity via a solar panel array on Town-owned land, as a fiscally and environmentally prudent method of power production for Town facilities;

Whereas, the Town Supervisor signed the Standardized Contract for Interconnection of New Distributed Generation Units with Capacity for 2 MW or Less in Parallel with Utility Distribution Systems on June 1, 2015;

Whereas, in furtherance thereof, a Request for Proposal was issued by the Town Board, dated March 15, 2016, and regarding the proposed installation of a 144 kW DC, grid connected, non-residential Solar Photovoltaic array generating system 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;

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, Renovus Solar, Inc. submitted a proposed Power Purchase Agreement and Solar Site Lease, in furtherance of their proposal, which such documents have been carefully reviewed by the Town Attorney and Town Board members; 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 Board is the local agency with primary responsibility for approving the action;

Whereas, this is an Type I 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 permit was approved by the New York State Department of Environmental Conservation under Article 24 and a water quality certification was approved under Section 401 of the Clean Water Act effective July 21, 2016;

Whereas, this Board, acting as Lead Agency in environmental review, did on May 16, 2016 review and accept as adequate: a Short Environmental Assessment Form, Part 1 and Part 2, prepared by Lead Agency and Town Planning staff and made a Negative Declaration of Environmental Significance for the project, and

Now Therefore, Be It

Resolved, that the Town Board does hereby approve the proposal submitted by Renovus Solar, Inc., dated October 17, 2016 for the development, financing, construction, and operation of a twenty-five (25) year 144 kW DC, grid connected, non-residential Solar Photovoltaic array generating system to be located at the Town-owned site at the Town of Danby Highway Department, tax parcel #10.-1-82.1, at 93 Hornbrook Road, Ithaca, NY, 14850; and be it

Further Resolved, that the Town Board hereby approves and authorizes the Town Supervisor to execute the proposed twenty-five (25) year Power Purchase Agreement with Renovus Solar, Inc. attached hereto; and be it

Further Resolved, that the Town Board hereby approves and authorizes the Town Supervisor to execute the proposed twenty-five (25) year Solar Site Lease with Renovus Solar, Inc. attached hereto; and be it

Further Resolved, that pursuant to the requirements of §64 of New York State Town Law, a notice of permissive referendum regarding the execution of the aforesaid Lease shall be duly published and posted, prior to the execution thereof.

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

In Favor: Connors, Holahan, Miller, Brenner

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

On review of a poll of availability conducted on the Internet, the Board confirmed that a joint Board planning/scoping meeting will be held on Tuesday November 29, 7pm. This will include the Town Board, Planning Board, and Conservation Advisory Council. An agenda has been set for that meeting. Clerk Goddard will contact the various Board/Council Chairs and make sure that the meeting is noted in the municipal calendar.

Meeting Room Acoustics

There was a brief discussion regarding ways to improve acoustics in the meeting room. Brenner offered to have an Ithaca College theatre student to review the room and make recommendations for simple adjustments or recommend equipment which would improve auditory access to meetings. Holahan and Miller supported this effort.

A resident in the room suggested that simply re-configuring the tables might make it easier for voices to project into the room. This will be tried at the next meeting. Crane suggested that the Town explore ADA grants to cover the cost of wireless broadcast to hearing aids.

Aquifer Study Test Well - DCPA Park; Decommission

Holahan asked the status of decommissioning and capping the Aquifer Study test well in Dotson Park (owned by the Danby Community Park Association). At the time of the Aquifer Study (circa 2007-2009) the well was found to have elevated levels of arsenic. The Board had asked for a final water study of this well prior to it being capped. Code Officer Hansen will follow up.

Code Planning Report

Paul Hansen made a short report on activities in the Code Enforcement Office. Hansen reported that Chris Muka has pleaded guilty to a Code Offense, will be paying a fine and following a timeline for remediation of junk storage. Remediation of storage must be complete by January 1, 2017 and the building must be stabilized by sometime in March, 2017.

Short Reports and Correspondence

The Town Clerk's Report for the month of September included information about DEC hunting license sales, dog license renewals, and other fees collected by the office. Goddard also shared the most recent municipal shelter reports from NYS. All categories were reviewed as "satisfactory."

Adjournment

The meeting was adjourned at 8:13 pm.

Pamela Goddard, Town Clerk