

**Danby Town Board  
Minutes of Regular Meeting  
September 18, 2017**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Code and Planning CJ Randall, Paul Hansen  
Legislator Dan Klein  
Public Ted Crane, Ronda Roaring, Katharine Hunter, Pat Woodworth, Charlie Tilton, Matt Ulinski

**Regular Meeting Opened at 7:07pm**

**Privilege of the Floor**

Ronda Roaring directed comments to Legislator Dan Klein, about a letter he had sent to Danby residents regarding Ted Crane and his candidacy for a seat on the Town Board. Klein confirmed that he had sent the letter. Roaring spoke to correct misinformation regarding Crane's relationship with the Town of Danby as webmaster. Klein had written that Crane was "fired" as town webmaster. Roaring asserted that, in fact, Crane's contract of many years was not renewed and that there was a difference.

Ted Crane spoke on three items. He reminded those in attendance about Danby Fun Day, September 23. Crane commented on a proposed resolution in regards to DEC permitting with the Cargill Salt Mine, looking forward to hearing more information. He spoke in favor of the Town Board passing a Tax Cap Override Local Law as a preventive measure and good governance.

**Tax Cap Override Discussion**

Discussion regarding Tax Cap Override and the timeline for budget preparation and public notification carried over from Privilege of the Floor. Clerk Goddard noted that NYS municipal law stipulates that the Tentative budget must be presented to the Board at a public meeting on or before October 5. Therefore, a special meeting will need to be scheduled for this purpose. The Board can consider the adoption of a Tax Cap Override Local Law at that meeting, thereby allowing time for public hearing and passage prior to a public hearing the budget itself. Bookkeeper Shawley confirmed that the Tentative Budget would be completed by September 30. Supervisor Dietrich stated that, at this time, he anticipated that the 2018 Budget would stay under the Tax Cap.

Additional discussion took place later in the meeting.

**Bid Opening - Town Hall Renovation Project**

Two project bids, related to a renovation of the Town Hall front entrance for the purpose of improved accessibility, were received and opened by the Town Board. Romig Construction in Horseheads made a bid of \$96,800.00. Marchuska Brothers Construction in Endicott made a bid of \$189,000.00. The Marchuska bid did not include any itemization of work.

There was a brief discussion regarding process for responding to the bids. Supervisor Dietrich and Councilperson Connors wanted time for the Code Officer to analyze the bids and present an opinion.

Code Officer Paul Hansen responded to the bids as presented. Both bids are at amounts much higher than estimated. The amount of information presented between the bids was vastly different. Based on the lack of information from Marchuska Brothers, Dietrich's opinion was that there was only one viable bid.

Brenner noted that the Romig Construction bid included \$30,000 for the purchase of windows with additional high price points for materials. Hansen responded that this amount should not have been included in the bid, as it was specified that the Town of Danby would purchase and supply doors and windows. He further thought that the bidder might be inflating the cost of time and materials. Hansen thought that there might be other contractors who are still interested, and that there is not a need to rush the process.

A decision was made to not award the contract at this time. Bid presenters, and others who had expressed interest in the project, will be recontacted and the project will be put out for another round of bids. Clerk Goddard is to inform the bidders of the status of the project at this time.

### **Article 78 Suit related to Salt Mine Operation/DEC approval**

Town Board members Connors and Brenner drafted a resolution appropriate to the Town of Danby. There was brief discussion regarding details of the revisions of the Town of Ulysses resolution.

#### **TOWN OF DANBY RESOLUTION 59 OF 2017: OBJECTING TO THE DEC PERMITTING CARGILL MINE EXPANSION WITHOUT PROPER ENVIRONMENTAL REVIEW.**

**Whereas**, The Town Board of Danby recognizes the economic, social, recreational, and ecological importance of Cayuga Lake and its watershed to the State and to the local community; and

**Whereas**, communities adjacent to Cayuga Lake, as well as many lake shore residents obtain drinking water from Cayuga Lake, and

**Whereas**, New York has established the State Environmental Quality Review (SEQR) process to systematically consider environmental factors early in the planning stages of actions and projects that are directly undertaken, funded or approved by local, regional and state agencies; and

**Whereas**, environmental review early in the planning stages allow a project to be vetted, and modified as needed, to avoid adverse impacts on the environment; and

**Whereas**, Cargill's proposed shaft construction, the mining of the one-mile connecting tunnel, and expanded salt mining have potential adverse impacts that have not been properly reviewed as a whole and vetted under SEQR in contrast to the Hampton Corners Salt Mine in Livingston County which is carrying out its second Draft Environmental Impact Statement; and

**Whereas**, SEQR discourages the "segmentation" of projects, meaning that the environmental review of a single action or project should not be divided into various activities or stages as though they were independent, unrelated activities, resulting in a less complete environmental review than would be required for the single action or project; and

**Whereas**, NYSDEC has nevertheless issued Cargill a permit to construct Shaft #4 which is proposed to be connected to Cargill's ongoing salt mining operations under Cayuga Lake, with such permit issuance being based on an improperly "segmented" environmental review which treats shaft construction and ongoing salt mining as independent, unrelated activities; and

**Whereas**, both the shaft construction and the ongoing salt mining have potential adverse impacts that have not been properly reviewed and vetted under SEQR; and

**Whereas**, adverse impacts include impacts on local water resources, including groundwater and the waters of Cayuga Lake; and

**Whereas**, many of these unreviewed adverse impacts on local water resources, including groundwater and the waters of Cayuga Lake, involve various ways in which substantial quantities of salt would be incidentally brought into contact with such local water resources, not only during current mining operations but also during the post-operational period after the mine is closed and abandoned; and

**Whereas**, "the abandonment of dry salt mines raises a difficult problem, as post-abandonment mine flooding is, in most cases, highly probable, with possible severe consequences at ground level;" and

**Whereas**, "the majority of salt mines succumb to collapse and flooding;" and "Flooding, whether intentional or inadvertent, is 'game over' for successful containment or control of the salinity associated with the brine that will inevitably be squeezed out of the mine;" and

**Whereas**, some of the adverse impacts involve gradual sagging or other loss of mechanical integrity of rock layers above the mine; and

**Whereas**, the “carbonate beam supporting the overlying rocks in the area north of the present mine under the Cayuga Lake has been eroded out or greatly thinned,” resulting in “a geological condition with more risk than the Retsof mine was in, before it collapsed;” and

**Whereas**, subsidence is an ongoing process that also tends to open up groundwater flow pathways in bedrock above a mine; and

**Whereas**, the 1994 collapse and flooding of the Retsof salt mine in Livingston County and subsequent salinization of an adjacent fresh water aquifer provides an example of various adverse impacts and some of the factors implicated in salt-mine collapse; and

**Whereas**, these and other potential adverse impacts on the environment should be subject to full and proper environmental review under SEQR; and

**Whereas**, since 1975, and despite several applications for mine expansion by Cargill, the NYSDEC has never requested a full environmental impact study of the mining risks; and

**Whereas**, the DEC reviewed the Cargill Shaft 4 project and concluded that the action meets their standards, and on 16 August 2017 issued an applicable permit without full environmental review of the project in its entirety; **Now, Therefore, It Is**

**Resolved**, that the Town of Danby joins with other municipalities and Cayuga Lake stakeholders in a soon to be filed Article 78 proceeding to require environmental review under SEQR pertaining to all Cargill’s proposed projects including Cargill’s Shaft #4 project and all proposed construction and expansion of the Cargill Mine, and it is

**Further Resolved**, that a copy of this resolution be forwarded by the Town Clerk to Governor Andrew Cuomo, NYSDEC Commissioner Basil Seggos, Senators Patricia Helming and Thomas O’Mara, Senate Leader John Flanagan, Senate Minority Leader Andrea Stewart-Cousins, Assemblywoman Barbara Lifton, Assembly Speaker Carl Heastie, Assembly Minority leader Brian Kolb, Chair of the Assembly’s Standing Committee on Environmental Conservation Steve Englebright, and Tompkins County Legislature Chair Michael Lane.

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

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

## **Planned Development Zone Amendment LL - SEQR, Lead Agency**

Planner Randall provided information regarding the timeline for consideration and adoption of a Local Law amending the Town of Danby Planned Development Zones. Randall reviewed what this action will mean for each of the PDZs currently existing in Danby.

- PDZ #1 will revert to low density residential
- PDZ #2 will be broken into a mobile home park and low density residential
- PDZ #3 evaporate as it was related to agriculture
- PDZ #4 will change from dedicated carpet cleaning to general Commercial
- PDZ #5 (Stork) will not change
- PDZ #6 will revert to low density residential
- PDZ #7 will revert to low density residential
- PDZ #8 will stay the same, as it is completely built out
- PDZ #9 will revert to low density residential
- PDZ #10 will revert to low density residential
- PDZ #11 will stay the same as it is already built out
- PDZ #12 will stay the same as it is already built out
- PDZ#13 will revert to low density residential with the existing Bed and Breakfast allowed to operate with no additional build-out
- PDZ #14 will revert to low density residential
- PDZ #15 will stay the same, as it is fully built out
- PDZ #16 will revert to low density residential
- PDZ #17 will revert to low density residential
- PDZ #18 will revert to low density residential

- PDZ #19 will stay the same as it is in the process of being fully built out.

Randall confirmed that letters of notification have been sent to all of the PDZ property owners.

Roaring expressed support for this action. Connors noted that this is a project that has been under consideration for some time. She thanked Randall and the staff for all of their work

#### **RESOLUTION NO. 60 OF 2017 - SEQRA DECLARATION OF LEAD AGENCY, A LOCAL LAW TO AMEND PLANNED DEVELOPMENT ZONES IN THE TOWN OF DANBY, NEW YORK**

**Whereas** the Town Board of the Town of Danby determined that modification of selected Planned Development Zones, as enumerated by the Town of Danby Zoning Ordinance, would bring equity and consistency to the treatment of each of the parcels within those subject areas; and

**Whereas** the Town Board directed that a draft local law, entitled "A Local Law to Amend Planned Development Zones," be prepared for the Town Board's consideration; 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** the Town Board is the local agency with primary responsibility for approving the action; and

**Whereas** the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.7; and

**Whereas** this is a Type I Action under the Town of Danby Environmental Review of Actions Section V 1(a) and a Type I Action under the State Environmental Quality Review Act Section 617.4(b)(2), both of which require environmental review; and

**Now Therefore, be it**

**Resolved**, that the Town Board has determined that the proposed changes are a Type I Action pursuant to the Town of Danby Environmental Review of Actions Section V 1(a) and a Type I Action under State Environmental Quality Review Act Section 617.4, together with Notice that the Town Board intends to declare itself Lead Agency for purposes of SEQRA for this Action, unless objection to such designation is received within thirty (30) days.

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

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

There was a brief discussion of the date for holding a Public Hearing. October 16, the second meeting of the month, was suggested. Randall stated that this would give County Planning and other agencies enough time to review the LL and make any comments.

#### **RESOLUTION NO. 61 OF 2017 - SET PUBLIC HEARING**

**Resolved**, that the Town Board of the Town of Danby sets a Public Hearing in consideration of A Local Law to Amend Planned Development Zones in the Town of Danby, to take place at the Danby Town Hall on Monday October 16, 2017, at 7:00pm.

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

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

### **Town Scoping Meeting**

Planner Randall initiated a discussion regarding holding an all-boards scoping meeting this Fall for initiatives for 2018. She reviewed of what was discussed during the 2016 Scoping Meeting and reported on what has been accomplished since that meeting, including a CAC work plan, changes to the Town's Environmental Quality Review law, consideration and amendment of Planned Development Zones, undertaking a Natural Resources Inventory, certification as a Clean Energy Community, that are all done or underway.

Randall suggested using the previous year's discussions as a starting point for continued scoping for the next calendar year. Some items that might be on the agenda for the 2017 Scoping Meeting include Hamlet Zoning, Wind Zoning, other revisions to the Zoning Code, Watershed issues, and to scope out the work plan with any other topics the Boards may want to consider for 2018.

Randall will send out a poll to all board and advisory council members, in order to settle on a date. It is anticipated that the meeting will take place in the second half of November.

In a related matter, Randall reported that the Town of Danby has received its Clean Energy Community designation. Publicity on this will be sent out by NYSERDA.

### **Set Dates for Special Meeting and Budget Public Hearing**

Clerk Goddard presented a timeline, as set by NYS municipal law, regarding dates for the presentation of the Tentative Budget (no later than October 5), and for a Public Hearing regarding the final Preliminary Budget, no later than the Thursday following election day (November 9, in 2017). She noted that, the Board will need to decide prior to October 5 whether it is going to undertake the process for adopting a Tax Cap Override Local Law. Bookkeeper Shawley confirmed that the Tentative Budget will be prepared by September 29.

The Board discussed dates for budget meetings. Tentative Budget to be presented in open meeting at a special meeting, held at 7:30pm on October 2. The Board to decide at that time whether to enact a 2017 Local Law Overriding the Tax Cap. This will allow enough time for legal notice and preparation prior to a Public Hearing tentatively set for October 16 (as needed).

The Board tentatively agreed to hold a Public Hearing for the final Preliminary Budget on Monday, November 6 at 7:30pm. The Budget must be adopted no later than November 20.

### **Planning and Code Report - Various Updates**

Planner Randall presented information from Attorney Krogh regarding the formation of special districts. This is, to some extent, in response to potential development on Brown Road in West Danby. Randall noted that the developers in question have not yet presented a complete application. In a related matter, Randall reported on a Project Review Committee meeting related to this potential development. Randall gave a brief description of infrastructure concerns with possible costs to the Town. Krogh's memo addresses some of these infrastructure concerns.

Hansen reported that the Hornbrook Road solar array is installed and "up and running." Code violations are going to Court after Hansen returns from a two week vacation.

There was a brief discussion of renovation of Town Hall sidewalk and gardens. A recommendation was made to delay work by the Highway crew for at least a week until the Code Officer and Highway Superintendents can be available for over sight.

### **Legislator's Report**

Dan Klein reported on an ongoing study regarding possible consolidation of police services, as a municipal shared services initiative. The report is to be received by the Tompkins County Legislature at it's September 25 meeting. Following that meeting, the report will be posted on the Tompkins County website.

### **Short Reports, Correspondence**

Clerk Goddard reported that a food scraps recycling station has been delivered to the Town Hall parking lot. Food scraps recycling will take place on Saturday mornings.

### **Adjournment**

Adjournment was at 8:24 pm.

---

Pamela Goddard, Town Clerk

