

**Danby Town Board  
Minutes of Regular Meeting  
May 6, 2019, 7pm, Danby Town Hall**

**Present:**

Councilpersons: Leslie Connors, Ric Dietrich (Supervisor), Jim Holahan, Jack Miller, Matt Ulinski

**Others Present:**

Town Clerk Pamela Goddard  
Planning John Czamanske  
Bookkeeper Laura Shawley  
Highway Carl Seamon, Jack Shawley Jr.  
Public Ted Crane, Ronda Roaring, Rick Dobson, Susan Franklin.

**Meeting Opened at 7:10 pm**

**Privilege of the Floor**

Rick Dobson spoke on several topics. He was upset that he was “kicked off” the Fire Department. He also stated his interest in developing his property with housing appropriate for senior citizens.

Ted Crane announced upcoming events sponsored by the Danby Community Council, including a rock and mineral show taking place on Sunday May 10. Crane also encouraged the Board to research electric vehicle options for its highway fleet maintenance, as cheaper to operate, quiet, and non-polluting.

**Warrants**

**ABSTRACT #5 OF 2019:**

**GENERAL FUND**

#149-218 for a total of \$102,627.98

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

**HIGHWAY FUND**

#103-146 for a total \$69,322.60

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

**WEST DANBY WATER DISTRICT FUND**

#9-12 for a total \$420.69

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

**Approve Minutes**

**MOTION - APPROVE MINUTES**

Moved, That the Town Board of the Town of Danby approves the minutes of April 1 and 8, 2019.

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

## **Stormwater/Drainage District**

A resolution was prepared by Town Attorney Guy Krogh. Planner Czamankse and Supervisor Dietrich gave background information on this action. Czamanske distributed a Danby Town Board resolution from February 2006 in which the Town Board clearly expressed its intention to consider the establishment of a Drainage District on the lands involved in the Danby CMC development subdivision (Beardsley Lane). This consideration included the potential conveyance of Stormwater Management Areas and Easements.

At the time that the Beardsley Lane subdivision was approved in 2004, two parcels were dedicated for a drainage district. Parcels 2.-1-9.9 and 2.-1-9.14 have been held by the Danby CMC Development Co. For reasons unknown, further action on creating the Drainage District stopped. In recent years, the CMC Development Co. has stopped paying taxes on these two parcels. Rather than go into foreclosure, the Town has been given the option to take title to these parcels.

Czamanske described some of the steps in creating a drainage district. He advised the Board that there is \$10,000 in an escrow account, established in 2006 for this project. This should be enough to pay an engineer for a study and plan to create a drainage district. This activity had been previously agreed to in Resolution No. 25 of 2006, in which it is stated that the "Town Board directs Town staff, the Town Attorney, and the Town's consulting engineer to prepare the materials necessary for consideration of establishment of such a Drainage District, including but not necessarily limited to maps, plans, reports and proposed resolutions."

Dietrich made a case for the Town to take title to these, so that the land will be available for a drainage district in the near future. He was also concerned that the residents of Beardsley Lane may not know about the long-standing intention for a stormwater collection Drainage District. Dietrich asked Czamanske for clarification on the action of creating a Drainage District. Czamanske informed the Board that a hearing should be held after the receipt of an engineer's study, recommendation, and plan. It is expected that this study will be complete in 6-8 months time. Action to create the Drainage District will be subject to Permissive Referendum, if one is triggered by a petition from the residents.

Once the Drainage District is created, the cost of maintenance for the stormwater collection ponds would be assessed to the properties in the District. In 2006, the annual cost of maintenance was estimated at approximately \$4,000 per year. That cost, according to a draft engineer's report from 2006, would include inspection, unclogging outlet pipes, removal of debris, mowing, cattail management, removal of animal burrows, pond bank erosion and repair, and mosquito treatment. There was some question as to whether mosquito treatment was still required. This engineering report and estimate will need to be updated. In the 13 years since the ponds were created, they have collected a considerable amount of silt. This silt will need to be dredged from the collection ponds. Therefore, the first year maintenance cost will almost certainly be higher than following years.

There was further discussion regarding informing residents of Beardsley Lane/CMC Development regarding the final creation of a Drainage District and impacts on taxes in the district area. It is estimated that 24 properties would be impacted. Information about Drainage District assessment should be included in the deeds for each property. Dietrich expressed the concern that, while this action needs to be completed, it's important to inform the residents of Beardsley Lane that the Drainage District assessment will be added in future years.

There was further discussion of the action at hand, which is simply taking title of the properties which are slated for foreclosure. These properties already have storm water ponds. This action would simplify the future process of following up on the 2006 intention to create a Drainage District. These stormwater ponds were created with a primary intention to protect against stormwater surge and to protect the vulnerable Buttermilk Creek. The cost of back taxes can be paid out of the escrow account held by the Town. These parcels will be tax exempt, once the Town has title to them. Dietrich urged the Board to not delay this action.

## **RESOLUTION NO. 41 OF 2019 - DRAINAGE DISTRICT TITLE ACCEPTANCE**

**Whereas**, the County of Tompkins has conducted, or will shortly complete, an in rem tax foreclosure under the Real Property Tax Law against two parcels of land in the South Point Subdivision development upon which are situated stormwater ponds and management facilities benefitting the said subdivision, and the County will only sell at tax sale such lands, or immediately transfer the foreclosed title to the Town for the drainage district or other public purposes, and the County would not have foreclosed had the Town not agreed to accept such title; and

**Whereas**, such stormwater parcels were intended to be dedicated to the Town of Danby and a drainage district to be formed to manage such facilities for the benefit of owners of lots and homes in said subdivision, all as noted in the resolutions of approval by the Town of Danby Planning Board, in the SWPPP, and upon the filed subdivision plat; and

**Whereas**, this action, being mainly ministerial and being in furtherance of the subdivision approval and drainage district review already reviewed and approved by the Planning Board, including having been the subject of a duly issued negative declaration under SEQRA, does not require any supplemental review under SEQRA as the mere passage of time has not produced any known likelihood of an increased probability of a moderate or significant adverse environmental impact, including because a drainage district is intended to manage and ensure the future functionality of stormwater controls and thus to effect a mandated environmental benefit and not an environmental harm; and

**Whereas**, upon due deliberation upon the foregoing and the subject matter of this approval, and in consideration of the needs of the Town and the to-be-formed drainage district, now therefor be it

**Resolved**, that the Town Supervisor be and hereby is authorized to accept title to such lands, and to negotiate the final form of agreement and related deeds and documents of conveyance, each in a manner as he deems in the best interests of the Town, and that such Town Supervisor be and hereby is further authorized to execute such agreements, deeds, and any related filing or conveyance instruments by, for, on behalf of, and in the name of the Town of Danby.

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

## **Highway Equipment Proposal**

Highway Superintendents Seamon and Shawley brought a proposal to the Board, in consideration of purchase of a “compact excavator” to replace a 1979 backhoe. The backhoe is well past its life expectancy. A compact excavator would be a more flexible piece of equipment for use on seasonal roads and for general ditching and road repair.

Jack Shawley provided further information about the vehicle. This is a track vehicle, and deemed safer to use than some other heavy trucks. The Highway Department has a purchase price quote of \$94,286 from December 2018. This includes costs for some additional excavating and ditching buckets.

There was a discussion of how this purchase fits into the multi-year equipment replacement plan, drafted by the Highway Department during the past year. Replacement of the 1979 backhoe fits into the plan to gradually update equipment. The new excavator will also expand the flexibility of the fleet. It is hoped that this will increase productivity as well. In response to a question regarding impact to the budget, Bookkeeper Shawley said that they are working on a plan to fund this through several different accounts. The purchase of this vehicle had not been included in last Fall’s plans for the 2019 budget. Shawley will calculate whether this can be paid for in full from the Highway Fund Balance, thereby avoiding interest fees.

There was no action taken at this meeting. The Highway Department will bring additional information and a draft resolution to the following TB meeting.

Dietrich raised a related question regarding the NYS DoT ditching project along highway 96B, and whether the amount of soil removed would trigger environmental review and permitting. He is concerned about over ditching along the state highway and other routes and the impacts to soil and water in the region. Shawley and Seamon reported that the NYS DoT has stated that it is working with Tompkins County Highway to hydroseed the ditches. Connors supported Dietrich’s goal for more responsible ditching.

## **Speed Limits and Speed Limit Enforcement**

Supervisor Dietrich informed the Board that he is working on setting up a meeting with the County Sheriff in order to discuss enforcement of speed limits on side roads in Danby. There have been recent requests for speed reduction on some roads. There are also complaints regarding speeding on roads that are currently posted with a reduced speed limit. Dietrich would like a discussion of common goals regarding traffic enforcement. After this first meeting, there may be an article regarding this topic in the Danby Area News.

There was some discussion of the relative effectiveness of stop signs and other traffic slowing measures.

## **Recreation Partnership Representative, Update**

Ulinski reported on a meeting of the Recreation Partnership. The Rec. Partnership will be updating its bylaws and will be working on the 2020 budget soon. As in past years, Danby residents make good use of Rec. Partnership programming. \$4,500 in scholarships were awarded to Danby residents. This amount of scholarship funding has not increased in the past 20 years. Ulinski will advocate for an increase in scholarships for Danby families.

## **Community Block Development Grant, Update**

Holahan and Dietrich reported on the status of this project. The signed agreement is now in hand. The next step is to complete the environmental review forms. Laura Shawley reported that these are three quarters done, with the help of Planner John Czamanske. Czamanske stated that these are straightforward, fillable forms. They should be signed by Danby representatives and sent to the CBDG/Housing Renewal representative by the middle of May. The Request for Proposals template is in place and will be sent out once the environmental review forms are submitted.

Clerk Goddard confirmed that the public hearing, previously set for May 13, is cancelled. As per the CBDG guidelines, such a public hearing is best scheduled when the housing survey is three quarters complete. At that time there is something to report to the community.

## **Haefele internet/cable Franchise**

Dietrich reported, provided information on a potential franchise agreement with Haefele for South Danby. This proposal is intended to facilitate cable and internet connections in South Danby, particularly along South Danby Road. Dietrich informed the Board that the Town Attorney has confirmed that a municipality may have more than one franchise agreement with cable/internet providers. The Town Attorney is working on language for an agreement at this time. Lee Haefele will be invited to a TB meeting to answer questions.

There was general Q&A between residents, Board members, and the supervisor. Haefele has reapplied for internet buildout funds available from NYS. These will help cover costs for buildout in South Danby, including Larue, Peters, and parts of South Danby Roads. A franchise agreement allowing Cable TV services is required.

There were questions about areas that are not covered, for example areas of Coddington Road, Durfee Hill Road, etc. Dietrich stated that he is still in communication with Spectrum, but that it is doubtful that there will be complete buildout in this direction.

## **Timber Harvest Workshop, Update**

Dietrich and Ulinski gave general information about an upcoming workshop, Friday May 10, on Timber Harvest in Danby and Tompkins County. Several members of the TB plan to attend. There was clarification regarding where this will be held. The first part is at the County Highway building on Bostwick Road. Second part, site visit in Danby.

## **Planning Report**

There was a brief update that the Danby Community Park Association has a signed agreement for the grant to install a “playscape” natural playground. The TCAT bus shelter in the Dotson Park will be installed by the end of this week. At the same time, there are plans to remove the old bus shelter at the Fire Station property on Gunderman Road. There was a discussion about the removal of the old shelter. Some residents, particularly those on Gunderman, still use that Park & Ride. A request will be made to delay removal for some time, perhaps six months.

John Czamanske reported on various subdivision and potential development requests, including cidery and meadery proposals. More of his time has been working on the Beardsley Lane Drainage District project.

Czamanske reported that there was an April BZA “meet and greet” meeting, with a focus on training needs. Czamanske is working on a training session with the Town Attorney for the Zoning Appeals board.

The Natural Resources Inventory final document was presented to the Planning Board. They will do a final review of this document in May, with an expected vote to recommend approval by the Town Board. The recommendation and NRI document will then come to the TB for action, possibly in June.

Czamanske is scheduling a site plan conference for White Hawk EcoVillage. The site plan review for rezoning was delayed as a utility plan had not been done. Czamanske will write a memo to the Planning Board with recommendations regarding this site plan.

Dietrich reported that John Norman is working on code violations. Enforcement of current violations has been complicated by having a series of Code Enforcement Officers review situations and come to different conclusions. This has impacted some development proposals, in example proposals for cideries. In at least one case, a permit for construction was issued in error. This is in process of correction.

Ulinski asked for further information regarding proposals from three cider and mead making businesses. All three are in process of providing more information. The Townline Road Meadery and the Cidery on Sandbank Road are in agricultural districts and do not need PB site plan review. They do, however, need storm water SWIP review related to ground disturbance and driveway design. The third business, proposed for Route 96B, is on hold due to a conflict with local zoning. This venture would need to request rezoning, with a possible appeal to the BZA.

## **Town Clerk’s Report**

A total of \$3,642.60 was collected in April for two marriage licenses, one planning fee, six building permits, 56 dog licenses, and several fishing licenses. A check in the amount of \$3,042.13 was distributed to the Supervisor. In addition, \$467.47 was distributed to the NYS DEC, \$70 to the animal population control program, and \$45 to the NYS Health Department.

## **Adjournment**

The meeting adjourned at 8:30 pm.

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Pamela Goddard, Town Clerk