

**Danby Town Board  
Minutes of Regular Meeting  
December 9, 2019, 7pm, Danby Town Hall**

**Present:**

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

**Others Present:**

Town Clerk	Pamela Goddard
Justice	Garry Huddle
Bookkeeper	Laura Shawley
Planner	Jason Haremza
Legislator	Dan Klein
Public	Ted Crane, Ronda Roaring, Pat Woodworth, Joel Gagnon, Sarah Schnabel, Margaret Corbit, Bruce Richards, Alexandra Pfeifer, Richard Lazarus, Katharine Hunter, Betsy Wilkinson, Nancy Lazarus, Tina and Phil Berler

**Meeting Opened at 7:04 pm**

**Privilege of the Floor**

Ted Crane informed the TB and residents of Danby Community Council programs taking place during December.

Crane also thanked Supervisor Ric Dietrich for his years of service to the Town of Danby, noting specific qualities. Crane especially noted Dietrich's strengths in being able to manage contentious meetings in an even-handed way, and his ability to see the big picture including ways that various issues are connected.

Katharine Hunter thanked Clerk Pamela Goddard for her service to the Town of Danby, and all the ways she has helped residents.

Joel Gagnon also thanked Dietrich and Goddard for their service, noting that they had been honored at the West Danby picnic in the summer.

Garry Huddle thanked the Highway Department for installing a new culvert pipe near his home on Gunderman Road. This will, hopefully, reduce flooding on the lower area of Gunderman Road.

Ronda Roaring read a section of NYS Town Law, regarding the duties of a Town Clerk.

Pat Woodworth thanked Goddard and Dietrich for their years of service to the Town.

**Legislator's Report**

Klein reported that the County is planning on merging three land protection funds to one. While the three funds were established with different intentions, they do have some overlap. Klein stated that he has no objection to the consolidation of these funds. However, the financial merger will eliminate certain categories for funding specifically, some recreational and trail funding available to municipalities. Klein opposes the merger for this reason. Dietrich expressed only a small concern about this, in relation to any change in County support for the expansion of the South Hill Recreation Way. Dietrich believes that funding would be available through other sources.

Klein reported that there is a proposed merger of the County Health Department and Mental Health Departments. He opposes this merger, as no case has been made as to the advantages of this.

Klein also thanked Dietrich, Miller, and Goddard for their service, noting that these are under-appreciated jobs.

## **Justices' Report**

Written copies of the Court financial reports were circulated with the TB. Justice Huddle reported that November was a busy month in the Court. He anticipated that December would be more quiet, as there are two dates with no Court due to the end-of-year holidays. He stated that January will be, "a nightmare" due to some changes in the Court system. Huddle is particularly concerned about changes in the bail system and the limits on holding dangerous people after arraignments.

## **Warrants**

### **ABSTRACT #17 OF 2019:**

#### **GENERAL FUND**

#490-534 for a total of \$50,193.73

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

#### **HIGHWAY FUND**

#327-365 for a total \$109,132.03

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

#### **WEST DANBY WATER DISTRICT FUND**

#37-40 for a total \$3,264.71

**Moved by Ulinski, Second by Connors. 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 October 28 and November 4, 2019.

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

## **Housing Grant**

Holahan and Haremza explained the intent behind the resolution below. It was agreed that the Planner will sign the contract on behalf of the Town.

### **RESOLUTION NO. 68 OF 2019 - AUTHORIZATION TO EXECUTE A CONTRACT WITH TOMPKINS COUNTY TO ADVANCE THE MUNICIPAL HOUSING AFFORDABILITY GRANT**

**Whereas**, in Resolution 66 of 2019, passed on October 7, 2019, the Town Board of the Town of Danby authorized an application to Tompkins County for up to \$10,000 in grant funding to support an investigation of ways affordable hamlet density could be facilitated. It is understood that the Town will match the grant amount with a 10% contribution in money or in-kind services; and

**Whereas**, the Tompkins County Legislature approved the \$10,000 grant on November 7, 2019; and;

**Whereas**, the Town's in-kind contribution will take the form of a portion of the Town Planner's regular work duties; and

**Whereas**, Tompkins County requires that a contract be executed with the Town of Danby by December 15, 2019, to encumber the county funds,

#### **Now Therefore, Be It**

**Resolved**, that the Town Board of the Town of Danby authorizes the Town Planner to sign a contract to secure the \$10,000 in county funding.

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

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

## **South Hill Recreation Way Update**

Dietrich opened a discussion of the Town responsibility related to a pending agreement with NYSEG for use of tax parcel 5.-1-13 for recreational use. Connors asked if there is an estimate of cost to the Town at this time and whether there would be more information before the Public Hearing in January? Dietrich responded that a completed engineering study is needed before a true estimate of costs will be known. The "trail" will need a lot of work before it can be used for recreational purposes.

The TB will need to hold a Public Hearing regarding the proposed land agreement between the Town of Danby and NYSEG. No new property owners have been identified, related to this trail license agreement. Property owners adjacent to the land in question will be notified prior to the Hearing.

### **RESOLUTION NO. 69 OF 2019 - TO SET A PUBLIC HEARING TO CONSIDER ACCEPTANCE OF A LICENSE FOR RECREATIONAL TRAIL FROM NEW YORK STATE GAS AND ELECTRIC (NYSEG)**

**Whereas**, the 2003 Town of Danby Comprehensive Plan includes Strategy E2.1.2 to consider trail systems and;

**Whereas**, the South Hill Recreation Way extension (AKA Coddington Trail) extension along the former Delaware, Lackawanna, and Western Railroad right-of-way in the northeastern part of the Town of Danby is shown on the 2010 Tompkins County Multi-Use Trail Map prepared by the Ithaca/Tompkins County Transportation Council (ITCTC) and;

**Whereas**, the South Hill Recreation Way extension is included as an 'action area' in the 2014 Tompkins Priority Trails Strategy and;

**Whereas**, NYSEG proposes to grant to the Town, and the Town wishes to accept from NYSEG without warranty a revocable, non-exclusive license to Tax Parcel Number 5.-1-13 in the Town of Danby to allow for the public's use of said parcel for walking, hiking, jogging, bicycling, and cross-country skiing, all recreational activities permissible along the trail,

#### **Now Therefore, Be It**

**Resolved**, that the Town Board of the Town of Danby sets a public hearing pursuant to § 247 of the General Municipal Law of the State of New York on Monday, January 13, 2020 at 7PM in the Town Hall, 1830 Danby Road, Ithaca, NY, to consider the Town's acquisition of interim rights to use land owned by NYSEG in connection with the South Hill Recreation Way extension.

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

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

## Howland Road Hemp Operation

On behalf of himself and his neighbors on Howland Road, Richard Lazarus read and distributed a statement and set of questions/requests. The statement detailed concerns about a hemp processing operation and questions for the farm business operators.

The neighborhood has been surprised and disturbed by the amount of road traffic and the industrial noise level related to the hemp operation. The neighborhood is working on an additional formal letter to be sent to the Danby Town Board, the NYS Department of Agriculture and Markets, the Cornell University department authorized to hold the license on this operation, NYS Assemblywoman Barbara Lifton, and others.

The Howland Road neighbors specifically petitioned action by the Town Board:

1. Reduce speed limit and add traffic calming measures such as speed bumps on Howland Road.
2. Inspect security at the farm and assure that the Danby Fire and Rescue first responders are aware of the presence of five 1000-gallon propane tanks at the farm.
3. Consider zoning changes taking into account legal hemp growing and processing. Additionally, determine guidelines regarding usual and customary practices concerning hemp in advance of the end of the NYS three year test period for the product. Further, consider in advance how the Town will respond to the probable legalization of recreation marijuana and how this will effect allowable agricultural practices.

Supervisor Dietrich thanked the neighbors for their input and agreed that this is a difficult and complicated matter. Ulinski asked for more information on the process for reviewing and addressing the neighborhood concerns and requests? Dietrich and Haremza responded. Some of these concerns and requests have already been researched and addressed in some way. The Town will be sending a letter to the US Department of Agriculture, commenting on the hemp initiative as experienced in Danby. This letter is being drafted by Planner Haremza.

Haremza presented some additional information, based on ongoing conversations with the NYS Dept. of Ag and Markets. There are two LLCs involved in this project - Green Fox and Larchwood Farms. Larchwood Farms is an operation of the Crispell family. Haremza is continuing research, and has asked NYS Ag and Markets to release information about hemp operations. The site is scheduled for inspection next summer and Haremza has asked to be informed and included when that inspection takes place. NYS Ag and Markets reported that drying plant material is included in the grower authorization. This may include indoor growing capacity.

There were supporting comments and concerns from other residents. There is ongoing noise related to the operation, both from the dryers and from workers, heavy equipment, and transport vehicles. Residents were confused and concerned about the definition of "agriculture" for a large scale operation. When does agriculture cross over to industry?

There was a brief discussion regarding the Town's ability to lower the speed limit or make other limitations in response to temporary situations. This is authorized in the Town of Danby Road Use Law. There is a process for establishing haul routes, set weight limits, etc. The Road Use Law is limited, when operations are determined to be agricultural.

Bruce Richards, a Planning Board member, spoke to say that he contacted the grower/operator. He reported on information gathered. He thought that the Crispells are open to working with the neighborhood, particularly in relation with noise abatement and proper storage of propane. Richards learned that there is a short window for drying the crop before it gets moldy. The difference in value for a well dried crop is substantial. A "clean crop" is very valuable. The Crispells are currently using old tobacco drying equipment. Richards expects that they will upgrade to better-filtered hemp drying equipment once they have the income from this harvest. The neighbors thanked Richards for his research. Neighbors are concerned that, the facility will need to be expanded in order to make the business model work, and this will result in greater impacts.

Neighbors asked whether the Danby "Right to Farm Law" can be reviewed and amended? This may be considered by the new TB in 2020. Haremza supported the review and revision of some of the Town of

Danby Zoning Ordinance, and has discussed this with both the Supervisor and Supervisor elect. Haremza reminded residents that NYS elevates agriculture and limits towns' ability to regulate such operations.

Crane asked whether anyone in the neighborhood has taken sound pressure measurements? Lazarus reported that he has taken measurements at 50-55db at the farm property line, which is about the level of a conversation, but the energy is concentrated in lower frequencies. This results in a constant, problematic and disturbing hum.

### **Code Office Update**

Dietrich asked Planner Haremza to announced that a new Code Officer has been hired. Steve Cortwright had his first day today. He will be working for the Town full time, and is currently working through the existing back-log of projects, emails, and phone messages. Haremza looks forward to working with Cortwright. Dietrich stated that he is relieved to have two good people in the Code and Planning offices.

### **Broadband Update**

Dietrich made a brief report on the status of broadband buildout. More detailed drawings are needed from Clarity Connect, regarding where conduit will be installed for internet buildout, before the Town signs off on authorization for the buildout. In South Danby, Haefele has given residents multiple reassurances that installation will be completed as per contract with Empire State Development funding. Installation on Howland Road, for example, should be complete by March or April. Crane inquired about the status of an upgrade to "basic rate" bandwidth, promised years ago but not realized.

### **Planning Report**

Planner Haremza presented a written Planner's report regarding recent activities and planned activities for December. He has been working with the Board of Zoning Appeals and the Planning Board on various proposed development projects. Rogue Creek Cidery submitted a new proposal, following the BZA upholding an earlier Code Office determination. The new proposal is now determined to meet the "customary agricultural uses" permitted in a Low Density Residential District.

Haremza has been working with the PB on various site plans and subdivision proposals, set for public hearing for December. The committee of the PB is also working on Commercial Design Guidelines to augment the Site Plan Review process. A final draft of this will be reviewed by the full PB at its December meeting.

Haremza has refined a draft scope of work for the Hamlet Housing Affordability grant. This \$10,000 grant will focus on water and wastewater infrastructure to promote development in the hamlet.

### **Town Clerk Report**

Goddard made a financial report of activity through the Clerk's office. A total of \$772.50 was collected in November. This reflects four days of hunting/fishing license sales, one impoundment fee, one FOIL request set of copies, and 33 dog licenses. \$465,15 was disbursed to the Town Supervisor account. The rest was distributed to the NYS DEC, and the NYS animal population control program.

### **Adjournment**

The meeting adjourned at 8:34 pm.

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Pamela Goddard, Town Clerk