

**Danby Town Board  
Minutes of Regular Meeting  
February 3, 2020, 7pm, Danby Town Hall**

**Present:**

Councilpersons: Leslie Connors, Joel Gagnon (Supervisor), Jim Holahan, Matt Ulinski  
Councilpersons not present: Sarah Schnabel

**Others Present:**

Town Clerk	Alexandra Pfeifer
Justices	Garry Huddle and Theresa Klinger
Bookkeeper	Laura Shawley
Planner	Jason Haremza
Code Officer	Steve Cortright
Public	Rich Bennett (Bureau of Census), George Blanchard, Bruce Richards, Ted Crane, Pat Woodworth, Jonathan Zisk, George Wagner (Six Mile Creek Rod and Gun Club), Margaret Corbit, WW Blawvec, Ronda Roaring, Nancy Lazarus, Rick Lazarus, Susan Franklin, Marnie Kirchgessner, Katharine Hunter, Carrie Lamontagne

**Meeting Opened at 7:03pm**

**Additions or deletions to the Agenda**

Gagnon introduced two items: one for a Court Audit, and the other for an agreement with the Health Insurance Consortium Ethics Policy.

**Census Presentation and Q & A Session by Rich Bennett: Census Partnership Specialist**

Rich Bennett gave a thorough presentation about the upcoming 2020 Census. He noted that the Census makes an impact on communities and the quality of life. As of March 12<sup>th</sup>, the goal is to have identified everyone by household (the number of people living there). He reiterated that the census bureau understands the protection of personal information.

The 2020 Census will be asking nine questions: name, sex, age and date of birth, if you are of Hispanic, Latino, or Spanish origin, race, whether a person lives or stays somewhere else, relationship (to those who you live with), whether you rent or own, and your phone number. He emphasized that new this year is the ability to go online to fill out the census information, and that it can also be done on the phone and on paper.

Since language is often an issue in filling out the questionnaires, Bennett remarked that the form is available in English and 12 other languages, and that there are translation guides for 59 other languages. He also noted that, in the Ithaca area, Collegetown and Ithaca College are the most undercounted population, along with those ages 5 and under.

Before taking questions, Bennett asked the audience to spread the word so that the bureau could get the most complete count possible on April 1<sup>st</sup>, because the results of the Census impact the quality of life in your community.

George Blanchard asked how accurate the count was, and was told that it was anyone's guess.

Ted Crane asked about the mapping methodology. Bennett told him that people would be knocking on doors from August-September, and that there is the ROAM mapping system on [census.gov/roam](https://census.gov/roam).

Marnie Kichgessner was concerned about those residents who didn't have reliable internet access. Bennett told her about the TCPL's efforts to provide instruction and computers to those who didn't have internet access. She remarked how difficult it was getting to the library with the parking situation. Besides the library, there would also be mobile units in those areas where access to the internet is weak.

Katharine Hunter mentioned that she only knows about the Census because she pays attention. She asked if there could be road signs about the Census by the town hall. Bennett encouraged the use of signs and partnering with other towns to get the word out.

## **Privilege of the Floor**

George Wagner reiterated his opposition to further trail development in the area between Banks and Middaugh Rd.

Ted Crane remarked on the minutes of January 6, 2020 and January 13, 2020. He also mentioned that the DCC concert would be held on Saturday February 22, 2020 from 3-5 rather than on a Sunday.

Margaret Corbit gave an extensive summary of what has been happening with the Howland Rd. Hemp operation from December 11, 2019 until the present, and said that the Hemp operation should never have been authorized in the first place.

## **Justices' Report**

Huddle and Klinger reported that the Town of Danby Court was one of the 278 courts to receive a grant. The \$6,200 grant will be used to get new chairs for the court room and for new office furniture. Huddle also added two new surveillance cameras-one on the side of the building with the gazebo, and the other behind the building (where the shed is located). Court fees paid to the Town: Klinger \$1024.00 and Huddle \$2,525.00

## **Code Officer's Report**

Cortright hoped that this month's report is closer to what the TB wanted. He processed six building permits, 13 certificates of compliance which he closed out in the midst of the office organization. He also had two fire calls as the code officer and went on 30 construction inspections. The construction total was \$149k. Ulinski asked for a copy of the building permit compliance report.

## **Planner's Report**

Haremza noted that the Planning Board changed their meetings from the 3<sup>rd</sup> Thursday of the month to the 3<sup>rd</sup> Tuesday of the month.

Ulinski asked Haremza about the Hemp operation. Haremza recounted his visit to the Hemp operation that he conducted with Bruce Richards. He noted that those who ran the operation were responsive to his questions about the operation. Margaret Corbit asked if cultivating hemp came up, and Haremza said that he didn't ask that question. She remarked that the operation was processing CBD oil. Haremza said that if so, then it would be crossing the line from agricultural to industrial.

Rick Lazarus asked Bruce Richards about Dutchess Lumber in Cortland. Richards remarked that they did their best to mitigate the noise from the lumber mill by creating baffles and sound suppression with the lumber.

Carrie Lamontagne remarked how they were no longer getting brownouts caused by the Hemp operation, now that NYSEG came and fixed the transformer. She also mentioned that at one point the power was out for 12 hours.

Ronda Roaring wondered why the filing from the Dept. of State wasn't found.

Marnie Kirchgessner remarked that the Town of Enfield also dealt with similar noise issues with an organic flour mill.

## **Designating a Representative from the Town of Danby to the Cayuga Lake Watershed Intermunicipal Organization (IO)**

Gagnon explained the intent behind the resolution below. It was agreed that the Planner will be the designate on behalf of the Town.

### **RESOLUTION NO. 38 OF 2020– TO DESIGNATE A REPRESENTATIVE FROM THE TOWN OF DANBY TO THE CAYUGA LAKE WATERSHED INTERMUNICIPAL ORGANIZATION (IO)**

*Revised 2-3-2020*

1. **Whereas** the Intermunicipal Organization (IO) consists of appointed representatives from municipalities within the Cayuga Lake watershed; and
2. **Whereas** the IO has completed multiple projects in the watershed such as stream and habitat restoration, stormwater retention, and roadbank stabilization, since the Watershed Restoration and Protection Plan (RPP) was completed in 2001 and updated in 2017; and

3. **Whereas** the IO meets six to eight times per calendar year and the Town of Danby can gain useful information about projects, grant opportunities, and contribute to the environmental protection of Cayuga Lake by participating in the IO meetings and activities; and
4. **Whereas** the Town has invested in professional staff resources and amongst that staff the Town Planner is the best suited to represent the Town at IO meetings. The Town Planner will share information with the Code Officer, Deputy Highway Superintendent, and other Town staff and officials.

**Now Therefore, be it Resolved** that the Town Board of the Town of Danby designates the Town Planner, ex officio, as the Town's representative to the Cayuga Lake Watershed Intermunicipal Organization (IO); and

**Be it Further Resolved** that the Town Board of the Town of Danby designates the Town Supervisor, ex officio, as the Town's alternate representative to the Cayuga Lake Watershed Intermunicipal Organization (IO).

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

### **Designating a Representative from the Town of Danby to the Tompkins County Stormwater Coalition**

Gagnon explained the intent behind the resolution below. It was agreed that the Planner will be the designate on behalf of the Town.

#### **RESOLUTION NO. 39 OF 2020– TO DESIGNATE A REPRESENTATIVE TO THE TOMPKINS COUNTY STORMWATER COALITON**

1. **Whereas** the Stormwater Coalition of Tompkins County (SCTC) was formed in 2003 following the implementation of the Phase II Stormwater Program by the New York State Department of Environmental Conservation (NYSDEC). The Coalition consists of 11 municipalities within Tompkins County and Cornell University; and
2. **Whereas** the purpose of the Stormwater Coalition of Tompkins County (Coalition) is to:
  - Exchange information and foster cooperation among municipal separate storm sewer systems (MSSSS or MS4s) to assist MS4s in complying with the EPA Phase II Stormwater regulations;
  - Facilitate the use of resources to assist MS4s in meeting the requirements of the U.S. EPA Phase II Stormwater regulations and the permit conditions of current New York SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems;
  - Identify funding mechanisms to meet the financial needs of complying with the Phase II Stormwater regulations and current New York SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems;
  - Protect and/or improve local water quality in accordance with Federal, State, County, and local water quality regulations, planning documents and policies; and,
  - Facilitate consistency of stormwater management and regulations across municipal boundaries; and
3. **Whereas** the SCTC meets six times per calendar year and the Town of Danby can gain useful information about stormwater, erosion and sediment control, and related training and grant opportunities from participating in the SCTC meetings and activities; and
4. **Whereas** the Town has invested in professional staff resources and amongst that staff the Town Planner is the best suited to represent the Town at SCTC meetings. The Town Planner will share information with the Code Officer, Deputy Highway Superintendent, and other Town staff and officials.

**Now Therefore, be it Resolved** that the Town Board of the Town of Danby designates the Town Planner, ex officio, as the Town's representative to the Tompkins County Stormwater Coalition.

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

### **Setting a Special Meeting of the Town Board on February 24 to hold a Public Hearing regarding the Housing Conditions Survey**

Haremza explained the need for a public hearing, it being a requirement of the grant that funded the housing study.

#### **RESOLUTION NO. 40 OF 2020– TO SET A SPECIAL MEETING OF THE TOWN BOARD ON FEBRUARY 24 TO HOLD A PUBLIC HEARING REGARDING THE HOUSING CONDITOINS SURVEY**

1. **Whereas** the Town of Danby was awarded a Community Development Block Grant (CDBG) in the amount of \$30,000 from the New York State Department of Housing and Community Renewal (HCR), Project Number 300CP129-18, and

2. **Whereas** this CDBG funding has been awarded for the purpose of carrying out a Housing Conditions Survey of the entire town; and
3. **Whereas** the Town issued a Request for Proposals on July 23, 2019 for consultant assistance to undertake the Housing Conditions Survey; and
4. **Whereas** the Town entered into a contract for consulting services with C.T. Male Associates (the consultant); and
5. **Whereas** the consultant and their subconsultant has prepared a draft report on housing conditions and the housing market in the Town of Danby; and
6. **Whereas** it is important to share the results of this analysis with the public, hear public comments on the draft report, and comply with the requirements of NYS HCR.

**Now Therefore, be it Resolved** that the Town Board of the Town of Danby sets a special meeting of the Town Board at 7PM on February 24 to hold a public hearing for the consultant to present the draft report and for Town officials, Town staff, and the consultant to hear public comment on said draft report.

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

**In Favor: Connors, Holahan, Ulinski, Gagnon**

### **Appointment of Jonathan Zisk to the CAC (Conservation Advisory Board)**

Gagnon explained that Jonathan Zisk initially applied to become a member of the CAC, but wanted to attend a meeting before deciding to “formally” apply. Although he had an interview at the CAC meeting, it was also agreed that he should explain his background and motivations to the TB. Zisk has a Ph.D. in Analytical Chemistry, and has also started to work with Bruce Richards on a paper regarding the Emerald Ash Borer and what might be done with the 59 trees in question.

### **RESOLUTION NO. 41 OF 2020– TO APPOINT A MEMBER OF THE CAC (CONSERVATION ADVISORY BOARD)**

**Resolved** that the Town Board of the Town of Danby appoints Jonathan Zisk as a member of the CAC (Conservation Advisory Board).

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

**In Favor: Holahan, Ulinski, Gagnon. Abstain: Connors**

### **Appointing a Town Representative to the Recreation Partnership and the Tompkins County Youth Services Board**

Gagnon recommended that Marnie Kirchgessner be nominated as Town of Danby representative to both of these boards. Kirchgessner addressed the TB, telling about her work with children and in public service. Ulinski, who was a former representative to the Youth Services Board, supported Kirchgessner for both positions.

### **RESOLUTION NO. 42 OF 2020– TO APPOINT A REPRESENTATIVE FROM THE TOWN OF DANBY TO THE RECREATION PARTNERSHIP AND THE TOMPKINS COUNTY YOUTH SERVICES BOARD**

**Resolved** that the Town Board of the Town of Danby nominates Margaret “Marnie” Kirchgessner to represent the Town of Danby on the Recreation Partnership Board, and.

**be it further Resolved** that The Town Board of the Town of Danby nominates that Margaret “Marnie” Kirchgessner be appointed to Tompkins County Youth Services Board to represent the Town of Danby.

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

**In Favor: Connors, Holahan, Ulinski, Gagnon.**

### **Tompkins County Soil and Water Conservation District**

#### **MOTION-AGREEMENT WITH THE TC SOIL AND WATER CONSERVATION DISTRICT**

Moved, That the Town Board of the Town of Danby authorizes the Town Supervisor to sign the agreement with the Tompkins County Soil and Water Conservation District for engineering services, as needed.

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

**In Favor: Connors, Holahan, Ulinski, Gagnon.**

### **Court Audit**

#### **MOTION – COURT AUDIT**

Moved, That the Town Board of the Town of Danby designates Leslie Connors as the point of contact for the audit for the Town of Danby Court.

Moved by Gagnon, Second by Holahan. The motion passed.  
In Favor: Holahan, Ulinski, Gagnon. Abstain: Connors

## **Health Insurance Consortium Ethics Policy**

### **MOTION–**

Moved, That the Town Board of the Town of Danby authorizes Laura Shawley, Town of Danby Representative on the Board of directors of the Municipal Health insurance Consortium, to sign an agreement to abide by the Health Insurance Consortium Ethics Policy.

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

## **Warrants**

### **ABSTRACT #3 OF 2020:**

#### **GENERAL FUND**

#38-71 for a total of \$42,988.33

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

#### **HIGHWAY FUND**

#20-35 for a total \$22,119.54

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

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

#4 for \$100.00

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

## **Planner presentation on draft findings of Housing Condition Analysis**

Haremza gave a brief presentation on the Housing Conditions Analysis, noting that less than 20 homes are dilapidated and that a 1/3 are substandard (mostly among those built before the 1920's). Also found was the need for senior housing that would be located in the northern part of town. The findings also emphasized the need for subsidized housing. Haremza received 14 responses from the Housing Survey, and noted that residents can continue to submit their responses. Ted Crane remarked that in 2018 there were 1320 properties in the Town of Danby.

## **South Hill Recreation Way Update**

Gagnon recounted his meeting with the principals of the Recreation Way extension: Ithaca, Caroline, and Dryden. He is reviewing the licensing agreement, because the terms are not ideal. Therefore, the group is revisiting the issue/re-negotiating with NYSEG in the hope of getting a better deal. He noted that Dryden already signed the licensing agreement. Gagnon also noted that an agreement has to be made first before anything else can happen with the trail.

## **WVPP/Sexual Harassment Policy**

Ulinski would like all the members of the TB to be present to vote on the resolution to hire a consultant for the Workplace Violence Prevention Program and the Sexual Harassment Policy. He noted that the town is required by the state to have a WVPP in place.

## **Changing residency requirement for the highway superintendent**

Gagnon would like the Town Board to consider passing a local law to eliminate the residency requirement for the highway superintendent so that the pool of those eligible to run for the position can include those living outside the town – which includes most of those currently employed by the highway department. Ulinski noted that it would open the pool from 3k to 15k. Ted Crane said that he knew of 4 residents who were interested in the position. Connors noted that this wouldn't prevent them from applying, but that there would be a bigger pool to choose from.

## **Town Clerk's Report**

Total disbursements for the month: \$2072.50. Pfeifer paid Supervisor \$1962.50, \$65 to the Animal Control Population Program, and \$45 to the NYS Dept of Health for 2 marriage licenses. Also collected was \$712 for 61 dog licenses. The remainder was made up of BZA, Planning, and Building Permit Fees.

## **Adjournment**

The meeting adjourned at 9:04 pm.

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Alexandra Pfeifer, Town Clerk