

Town of Danby Conservation Advisory Council

Minutes of Meeting on Tuesday, March,10 2020
Danby Town Hall, 1830 Danby Road, Danby, New York

Council Members present: Jonathan Zisk (acting chair),
Joel Gagnon, Don Schaufler, Mary Woodsen, George Adams,
Katharine Hunter

Council Members absent: Clare Fewtrell (chair), Ruth Sherman

Others present: Ronda Roaring (Danby resident), Bill Keokosky
(Danby resident)

Meeting opened at 7:08 pm

Deletions or Additions to Agenda – None

Privilege of the Floor

Bill Keokosky commented that, besides the problems of ash trees on Danby-owned land discussed at last meeting, there is also the hazard of ash trees falling into the road, especially since they tend to lean phototropically toward the light. He noted in a small stretch of land near his property there were 19 dying ash trees in highway dept. right of way. This opened up a discussion of ownership of the sides of the road and liability of trees falling in road and injuring someone. Gagnon responded that the town does not own the land next to the road and court has ruled that on these country roads right-of-way is established by use (in favor of property owner).

Zisk suggested a workshop on maintenance and how to handle trees on the side of the road. Hunter suggested this could also include liability and maintenance of trees along property lines. This could be a focus group or article in DAN for sometime in future.

Approve Minutes MOTION for February 11, 2012

**Gagnon moved to approve
Adams seconded
Unanimous approval, except for Schaufler who abstained**

Reports and Updates

1) Status of Ash Tree report

Adams made presentation at town board meeting on behalf of CAC. Gagnon reported that Town Board, on review of Ash Tree report, said that based on the weight of the evidence in the report the decision was to leave the West Danby land alone. PoF: Roaring mentioned that she had also brought up that the Finger Lakes Land Trust (FLLT) 537 acre Lindsay-Parsons Biodiversity Preserve surrounds the 23 acre W. Danby property (after-note: Though most of the Preserve acreage is east of Route 34, Sylvan Lane, one of the northern boundary lines of the Preserve leads right to the West Danby fire station and water pumping station. Other strips of FLLT Preserve land are north and west of it, while a good size FLLT parcel is south). Hope is for a future biological control, and issue of ash trees can be revisited, but put away for the moment. Schaufler's opinion is that our actions might change people's perceptions about what is being accomplished, but, in the long run, a few acres in a hillside of trees didn't make a big difference.

2) Planning Group – Gagnon

Gagnon reported that 2 meetings had been held so far and it had been decided to work on – not interim changes – but just the larger planning process. They had divided into two smaller groups to accomplish that. One group was to encourage growth in clusters where that might be appropriate. The other was to look at where priority conservation areas ought to be in the town, which dovetails with what CAC is doing. Also a Publicity subgroup and a Taxes subgroup looking for mechanisms for tax relief had formed. Gagnon has drafted an informatory email but needs a strategy session with Town Planner, Jason Haremza, before sending it.

Next meeting is Tuesday, April 7th, at 7pm

3) Pipeline and Herbicide Spraying – Hunter and Zisk

Adams said that he had been unable to penetrate to a person in pipeline companies. Hunter would like to get Danby to tell pipe land companies that they can't spray, as she has suggested at town board meetings. Rather than talking to companies, Gagnon suggested that the town let people whose property was affected know that they had an alternative option to spraying. Hunter suggested property owners could be proactive and remove small trees and bushes themselves. Zisk asked how are they going to publicize that? Adams said that he had a list of property owners. Other ways of getting in touch with them were through the Danby (CAC?) website or the Danby News.

The new deputy town clerk, Jennie Caldwell, is the person to call for loading things on website. She is working with Jordie van Ham.

4) Highway Department and Invasive Species Training (PRISM) – Ruth

Ruth absent. What are best management practices for roadside ditches? Question was raised by Schaufler – does highway department spray? No – all mechanical. PoF: Roaring mentioned that you can't spray into a ditch on the side of the road since the water drains into larger waterways. State routinely sprays on side of the road. Japanese knot weed re-roots itself from cuttings.

5) Developing graphics for Easement poster (to identify property as protected by Danby Conservation Easement)

PoF: Roaring suggested contacting a class at Ithaca College which she volunteered to do since she knows a professor there who works with art students. She will check with her and let Fewtrell know. Designs suggested were simple icons (Schaufler) like a tree shape or complex interconnectivity designs (Zisk). Hunter voted for a plaque.

Gagnon suggested a contest. Zisk brought up the Environthon, a program for high school students under aegis of Soil and Water Conservation, which used the 5 fundamental issues soil, farming, aquatics, wildlife, and forestry. Also some special political issue. So he suggested a complex interconnectivity design. Others suggested something simpler that could be made out at a distance.

6) Other easement prospects –

- Woodsen’s suggestions were June Pollack (with whom she connected through a drawing done by a June’s grand-daughter) and Dan Hoffman, who for various reasons, need to wait till spring – these were long-term people she has been talking to. Ted Melchen has a parcel on Nelson.
- Schaufler said a neighbor had asked how Danby could guarantee an easement’s long-term lifetime – did easement have “teeth”?
- Adams asked what could he tell person that would induce them to donate an easement.
- Gagnon said that easements could be temporary or permanent, but that we do not have a temporary option in Danby. Discussion started about local laws (allowed by special state authorization) for property tax abatement created by towns as an easement incentive and how it is being used by other NY towns like Bethlehem in Albany county (see <https://ecode360.com/29181974> tax percentage reduction can go up to 90% if easement is in perpetuity) or Pittsford near Rochester (see <https://ecode360.com/6437492> where tax abatement is 100%). They created a town task force for creating and overseeing the conservation easement exemptions.
- Adams has a call into Bethlehem to find out more about this. Gagnon said that when Danby had tried before there had been a “chill reception” from legislators to creating yet more tax-exempt land.
- The only incentive in Danby currently is the NY State Tax Credit (After-note: The Conservation Easement Tax Credit (CETC) offers New York State taxpayers a refundable income tax credit on their town and county property taxes (sometimes applied to school district as well, if they opt in). The tax credit is available to owners of land under a conservation easement (CE). The maximum credit available is \$5,000. It is also refundable as cash if it can’t be taken as credit. See <https://www.dec.ny.gov/lands/26428.html>)
- PoF: Keokosky (sec.) noted that both the Finger Lakes Land Trust (FLLT) easements and Danby conservation easements were

authorized under the same NY State law(see <https://www.nysenate.gov/legislation/laws/ENV/49-0303>) that applies to both not-for-profit organizations and municipal (public) bodies. So both had the same “teeth”. Gagnon said that only court action, eminent domain, or an act by state legislature could terminate a permanent Danby easement (Which is “in perpetuity”).

- Explanatory documents are on Danby web page: easement template, etc. – Link to FLLT should be added.
- New (and some older) members were unclear about town easements and desired a class to learn more.

Open Space Inventory Discussion

High priority is to get conservation easements near other protected or state properties. Target an area. Zisk asked what were the criteria?

Jake Brenner of Ithaca College (see last month’s minutes) used weighting to prioritize variables, but no one knows the criteria he based them on. Difficulties of understanding are complicated by the fact that he used a whole different set of maps.

Gagnon said regarding purchase of development rights (pdr) that the main money so far has been for good farm land. PoF:

Keokosky(sec): suggested looking at “nys draft forest program.pdf” that she emailed for grant options. She says it reflects a change of perspective from agricultural land to forests. (After-note: see

https://www.dec.ny.gov/docs/lands_forests_pdf/osp09eappe.pdf

Page 12-16 of this appendix to Forest Program describes the addition of a new region, the Finger Lakes/Northern Plateau, to the Forest Legacy Program – emphasis on refocusing national attention on the importance of the forest resources in protecting water quality in the Finger Lakes region and the upper Susquehanna River watershed. It also makes the Legacy Forest program funds available to that area. See Section 3D “Means for Protection”. This could possible prevent logging – if the owner wants to sell.)

Zisk asked where are we going with this? – We need to work with the maps, right? Gagnon had a different idea. He suggested looking at

maps is not a committee process. What we might look at is naming the most important criteria. ---Apply this to layers of our current GIS map of Danby. The question was what had Jake Brenner used? But so far Adams has been unable to get Brenner to respond. There was some disagreement on how much we know from what he did. How rough a draft it was? How arbitrary it was and how things had changed (e.g., carbon sequestration)? Validation of online NY Soil Survey Maps (Tompkins County GIS Soil)

We are hung up on necessity to move in and out of views in maps and inability to do that. There are also a lot of personal criteria based on what people love (e.g., meadows as habitats for larks and bobolinks).

Zisk – what are we going to do about criteria?

Schaufler suggested that we use FLLT's way of prioritizing acquisitions, but Gagnon noted they now use a much broader brush, guided by their different initiatives, such as the Watershed Initiative or the Emerald Necklace Initiative.

Schaufler wondered about the county Environmental Management Council (EMC) criteria for UNAs. Adams said they just completed the inventory updating UNA maps. PoF: Roaring said that UNA criteria were based on Craig Tuft's thesis.

Zisk is going to ask Karen Edelstein – who worked with GIS to implement them – to send list of UNA criteria.

Zisk concluded, we can collect several lists and compare criteria. Ask what is missing. What features are hard to quantify? Gagnon: we need to act quickly to determine important conservation areas in town and how can we preserve them. Neither conservation nor regulatory mechanisms are enough. Other imaginative, non-regulatory methods may exist. For instance, Bethlehem uses transfer of development rights (like carbon credits, only conservation credits).

Follow-up: Talk with Jake Brenner and Karen Edelstein

Next Meeting is on April 14 at 7p.m.

Adjournment

The meeting ended at 9 p.m.

Submitted by Elizabeth Keokosky (Secretary)