

Town of Danby Conservation Advisory Council (CAC)

Minutes of Video Conference (Zoom) Meeting on
Tuesday, April 14, 2020
Danby, New York

Council Members present: Clare Fewtrell (chair), Joel Gagnon, Don Schaufler, Mary Woodsen, Ruth Sherman, Jonathan Zisk, Katharine Hunter

Council Members absent: George Adams,

Others present: Jason Haremza (Town Planner), Ronda Roaring (Danby resident),

Zoom Meeting opened at 7:46 pm and was called to order at 7:50.
(The meeting began late because a meeting of the Board of Zoning Appeals, which Zoom host (Haremza) was also hosting, lasted much longer than expected.)

Deletions or Additions to Agenda – None

Privilege of the Floor - None

Approve Minutes MOTION for March 10, 2012

Gagnon moved to approve

Hunter seconded

Unanimous approval, Sherman abstained

Reports and Updates

1) Planning Group and Open Space Inventory– Gagnon giving update

Conservation Working Group (a Planning Group subgroup) met on April 7th – next meeting Wednesday, April 15th – and is trying to identify priority conservation areas in the town. At Haremza's

suggestion, they are looking at criteria for Open Space using the Natural Resources Inventory as a starting point, but also giving further thought to other important criteria for identifying conservation areas – choosing 3 criteria. Haremza is still collating results, He said there were 10 responses - which he will send out tomorrow.

Discussion followed on clarifying what this working group was doing and how it related to CAC responsibilities and goals: Fewtrell said that CAC had tried to work on Open Space Inventory (OSI) criteria and didn't get far. Now another group was working on it, but this didn't mean that CAC should not be involved, and members of CAC had been attending these Conservation Working Group sessions. She felt CAC had plenty of other tasks to work on. Gagnon explained that responsibility for defining OSI criteria had been expanded to include as many people as wanted to participate, as well as CAC members and other board members who wish to be involved. Gagnon said he felt CAC and Conservation Working Group would augment each other and pool resources. When he asked if others felt the same way, several people replied that they "hadn't thought about it."

Zisk said that what Adams and he were doing with Haremza on GIS was more the "nuts and bolts of it." What they were doing in the Working Group was broader – Haremza's asking people for their choice of criteria was a little bit like weighting – if everyone chose their top 3, then overlapped choices would be given more weight. Zisk wanted to know what would happen to CAC GIS work if OSI went to Planning Group? He and Gagnon agreed that there was overlap, at the same time agreeing with Fewtrell that in their limited amount of time why have two groups do the same thing. Fewtrell saw no problems with going ahead on GIS, she remarked that she had only felt uncomfortable leading CAC on OSI because she couldn't see where it was going.

PoF: Secretary Keokosky raised question as to whether the new group was taking over CAC's mission, and would this interfere with CAC trajectory of becoming a Conservation Board if they decided do this? Fewtrell did not feel this was a problem and said the CAC could approve it (resulting OSI). Keokosky suggested she might want to articulate this relationship with the Conservation Working Group (for

working on open space inventory) into some kind of motion. Fewtrell deferred to Gagnon who said that he had thought they had already decided not to pursue becoming a Conservation Board. Fewtrell agreed and saw no reason for a motion. Gagnon said that both groups could do the same thing. For the benefit of new members who had not been involved in this discussion, Fewtrell explained that since an OSI was required before we could be eligible to become a board, it did not make sense to raise this issue again until we had an OSI. Gagnon said that an OSI was needed as part of the planning process no matter who created it.

PoF: Roaring stated that her impression was that the original goals of the Planning group were related to the Town's Comprehensive Plan and the Zoning Ordinance. Gagnon disagreed. He said that the task of identifying the priority areas in the town to conserve needs to come first and the people in the CAC are probably the most qualified and certainly the most interested in helping to identify those priority conservation areas. Combining forces with others interested will make it more likely that important areas are not missed, according to Gagnon.

Fewtrell said that the important thing was whether the CAC people who were working on the Conservation Working Group were happy to do it that way. Zisk was OK with it, and said members of the working group could report back to the CAC. Fewtrell said that the CAC was not divorcing itself from the OSI. Or as Zisk said, "Delegating it,"

Haremza agreed that there was a lot of overlap and groups would "pollinate" each other. He didn't see them working at cross-purposes but ultimately he would defer to each respective group and what they would like to focus on. Fewtrell said she was not seeing the Planning Group coming to a conclusion soon, and, though Gagnon wants to move ahead quickly, he said the group was still feeling it's way as to how to go about establishing a process. He felt the criteria in the Natural Resource Inventory (NRI) were inadequate to define the known special places within the town. He hopes to find additional criteria. Zisk agreed; he said that Jake Brenner really had felt he had created only "boiler plate" descriptors.

Gagnon said the first round was a compendium of available data. The bigger question was what was missing? What can help us home in on what is really important? And how many of those things do we have data for?

Fewtrell suggested we bring the discussion to closure and encouraged people to go to tomorrow's Conservation Working Group meeting. She asked the other CAC members "how many people here are happy with that?" and "is it reasonable to stop discussion at this point?" Gagnon and Zisk agreed. Hunter said the first step was to see what was missing in the Natural Resource Inventory (NRI). Gagnon agreed, and said another starting point was to find out what criteria were used to identify a 'unique natural area'. The discussion was closed with no additional comment from others.

2) New Easements – Fewtrell and Sherman

Fewtrell noted that the group had started crafting a conservation easement for her property as a teaching example, despite it not being a "prime" property. She noted that Sherman's property was a much more desirable property and perhaps that would be a better teaching tool. Sherman was concerned that covid-19 makes it difficult to do a property walk – can't approach people – (Woodsen had also noted earlier that masks and social distancing and coronavirus makes it difficult to proceed on easements.) Gagnon observed that there is no reason both easements couldn't be written up simultaneously.

3) Progress on Listing Easement Prospects

Woodsen said that there was not much to be done now with easements when you have to wear a mask and stand 6 feet apart. Fewtrell said that there were other things members can do apart from approaching people. She felt that now is the time to put our "ducks in a row". We should generate a list of people whose property fits with open space criteria and work on a rationale for why people should get an easement – what are the benefits?

Gagnon took a digression here into the Tax Policy Working Group – another Planning Group subgroup. They've had 3 or 4 meetings. Last Sunday's conclusion was that the Town ought to be approaching State Legislature for tax abatements for easements. Other towns

have defined temporary easements such as 15-30 years (with 35% tax deduction) or 50-75 years (with 85% tax deduction) – as well as permanent easements with a 90% reduction. People might be more willing to sign up for a limited time instead of a commitment forever.

Fewtrell asked is that what we really want? Gagnon said the working committee needs to decide on that. Then they need to go to the Town Board for approval. He noted that this kind of approach has been used by several towns already so that the template is there.

Fewtrell raised the point that other people in the municipality don't like additional tax abatements. Gagnon said that most of the tax base is in buildings, not in land. But now that land is running \$5000/acre the percentage of taxes from land have gotten bigger than it used to be. Ten years ago if you exempted all of undeveloped land it would have been less than a 10% decrease of taxes for the Town. But it would be useful to do a study of the tax sources to see how overall tax income would be affected. Fewtrell asked who could do that, and Gagnon suggested Ted Crane could easily do it – and he is also in the Tax Policy Working Group. Land with conservation easements is a considerably smaller subset than all undeveloped land, and the tax abatement is just a portion of the tax paid. Gagnon felt it would be “a modest impact,” but still provide tax relief for property owners. Fewtrell was in favor of proceeding with that research, and asked for a report back.

Gagnon reminded the group that there are now Planning Group pages on the Town website with excellent notes from the meetings and encouraged more people to become engaged. He said they can “jump in at any point.”

Returning to discussion of the Fewtrell and Sherman easements, Fewtrell said that they could begin by coming up with descriptions of property, and when the CAC is able to walk Sherman's property, they could follow through with that.

Gagnon suggested that since there were enough new CAC members who were not fully conversant with easements now and how they were structured in Danby, that it might be worth spending some time in a CAC meeting just reviewing the history of the Danby

conservation easement program and why and what it is, followed by walking through the process involved in negotiating and writing an easement. Fewtrell asked Gagnon if he would lead that discussion.

4) Easement demystifying cover page – Woodsen

Fewtrell noted that Woodsen had agreed to write a cover page interpreting the legalese of the easement. Woodsen explained that she was swamped until mid-June, and asked for someone else to take the lead on this.

It was agreed that, since Gagnon is the person with the institutional memory, as part of educating new CAC members he will talk about how Danby easements became established at our May meeting. Fewtrell would write up the CAC member's walk-through of her property, which includes why property would be appropriate for an easement. The Fewtrell and Sherman properties will then be used as teaching tools for new CAC members - to learn by doing.

Fewtrell encouraged all to look at the documents concerning easements on the CAC website and suggested that other people might take a stab at writing a cover page after Gagnon's presentation.

5) Easement Signs, Brochures and Posters

Sherman had put together a professional-looking graphic design for an easement sign based on (secretary) Keokosky's rough suggestion of the outline of the Town of Danby with some rural identification features inside like a barn and trees. Fewtrell suggested minor changes but thought it turned out well. Members discussed it. – some didn't like Gambrel roof barn design, wanted trees other than conifers, wanted letters bolder, wanted it simpler. Fewtrell suggested the words "Private Property No Public Access" be in larger letters and that a darker shade of green should be used. Fewtrell was enthusiastic, but it was difficult to get consensus. Schaufler said that owners of easement-protected properties have a stake in it too and that the design has to appeal to them. Woodsen wanted more time thinking it over. PoF: Roaring didn't like it and Gagnon challenged her to come up with an alternative, which she agreed to do. Discussion was wide-ranging but in the end Fewtrell said Sherman should go ahead and work on refinements to her design based on the suggestions made.

6) Management Plans for the Town-Owned Properties (Water District and Deputron Hollow) – Gagnon

Gagnon reported that Management Plans are mandated by State law but W. Danby Water District and Deputron Hollow were the only significant Danby owned-properties that needed them. So far this has not been done. Both properties have been walked and a species diversity inventory done but this needs to be tracked down. PoF: Roaring said that she and Schaufler had done some inventory of the properties in the past. She said that Bob Wesley had done a species list. She had given it to the CAC's secretary, who told her it was in a file on the Laserfiche server. (after-note: Fewtrell requested secretary to resend folder link to CAC members, which has been done since this meeting.) Gagnon said the Deputron Hollow property had been acquired in the 1920s. The W. Danby property had been acquired in the late '60s when the water district was created. Gagnon explained that the Danby property on Deputron Hollow is in two parcels on opposite sides of the road. The one down-slope of the road is currently under an ownership cloud since Rodney Palmer – (the uncle of Eric Palmer, who has a Danby easement on the corner of Deputron and Marsh Roads) - thinks he owns it and pays taxes on it. Rodney Palmer and the town need to clarify ownership for this second piece of the property. At one time it was suggested that the town relinquish rights to R. Palmer if he created an easement there, but this has not been pursued. PoF: Roaring says we need to do a formal search with T.J. Miller, who surveyed the other parcel.

The management plan for Deputron Hollow was to leave it alone, but it has not been written up. The Water District property was more complicated but there was no impediment to completing a management plan on that property.

Some process has been made on format. There was an outline. Secretary was going to check if it was on Lasherfiche.

PoF: Roaring volunteered to write up a draft. Gagnon mentioned how the ash problem had waylaid the discussion and that invasive species had not been addressed. Fencing deer out of a portion of the property to illustrate the impact of deer on the forest had also been considered.

Fewtrell was looking for closure and she suggested that at least a simple management plan be put together; elaboration can happen in the future. Schaufler said that basically a plan should have a description, possible actions, and recommended actions. Roaring added that a good thing to include now is information on slopes. Fewtrell asked Schaufler and Roaring to work together to produce management plans for both properties.

7) Pipeline and Herbicide Spraying – Hunter

As an aside, Hunter began by displaying a letter that she received from the Land Trust of her family's land announcing an annual monitoring trip, before and after, and suggested we use it as a model for our own inspections.

On the pipelines, she explained that she received mail from Enterprise (their pipeline crossed her property) and she had called Enterprise and had reached a woman in Texas, with whom she had established a relationship. She learned that Enterprise doesn't spray anywhere – only on top of block valves. There are two of them - at Mallard Hill and German Cross, neither of which is in Danby. Her question was what do you do to get on their list for no-spray. PoF:Roaring said to ask for it in writing.

In reference to Hunter's letter, Zisk asked do we need stewards like Finger Lakes Land Trust? For the benefit of the new members, Fewtrell explained that members of CAC do the monitoring. It hadn't happened every year, but this past year the four easement properties were inspected.

PoF:Roaring noted that Hunter had a good point with the letter. An announcement letter before and a thank you letter afterward is a good idea. Members agreed, and Fewtrell asked Katharine to send copies of the letters to everyone.

8) Danby Highway department and classes with invasive species

Gagnon mentioned that Sherman did connect with the highway department but now the Covid-19 distancing was keeping the class from going forward.

There was no Executive session

Fewtrell concluded by reminding members of their homework and thanking them for patience with the Zoom session.

- She and Sherman – easements
- Sherman will work on signs – others can send suggestions
- Schaufler and Roaring – management plans
- Plan for May meeting with chunk of time on Gagnon's explanation of easements.

Next Meeting is through Zoom on May 12 at 7p.m.

Adjournment

The meeting ended at 9:45 p.m.

Submitted by Elizabeth Keokosky (Secretary)