

**TOWN OF DANBY  
TOWN BOARD MINUTES  
JANUARY 14, 2008**

**PRESENT:**

Supervisor Dietrich

Councilpersons: Eugene Beavers, Leslie Connors, Daniel Klein,

**ABSENT:**

Councilperson Joseph Salino (excused)

**Others Present:**

Town Clerk - Carol Sczepanski

Code Enforcement Officer - Susan Beeners

Town Attorney -

West Danby Water District Superintendent - Roy Casterline

County Representative - Frank Proto

Bookkeeper - Laura Shawley

**Members of the Public**

Allen Becker, Ronda Roaring Joel Gagnon

Supervisor Dietrich called the meeting to order at 6:40 p.m. and the board excused itself to seek a briefing from the Town Attorney.

Supervisor Dietrich called the business meeting of the board to order at 7:10 p.m. and led all present to the Pledge of Allegiance to the American flag.

**ADDITIONS OR DELETIONS TO THE AGENDA**

1. Information for WEB - the Town Clerk will be meeting with the webmaster soon.

**PRIVILEGE OF THE FLOOR:**

The Town Clerk reported that her alarm system for the doors is not working and the building has not been re-keyed.

**Fire District Report:**

Susan Beeners said that she has not seen a notice of the Fire District meeting and public hearing. The Organizational Meeting of the Fire District will be held on Wednesday, January 15, at the Danby Fire Station. The DEMPC will meet on Wednesday, January 30, 2008 at the Danby Fire Department at 6:00 p.m. The IC200 course will be held at the Danby Fire Station on Saturday, January 19, 2008 from 8:00 - 4:00 and Sunday from 8:00 - 1:00.

Andrew Dunnick reported that the plans for the Danby Fire Station on 96B have been finalized and is ready to go to public hearing. The district is pushing for the four(4) inch

address signs to be placed at every residence in Danby. The fire departments had 202 calls last year and is approximately thirty (30) more than 2006. The majority of the calls are vehicular accidents. There is a shortage of EMT's at this time. They are working on the 150 hour training requirement necessary to become an EMT to possibly being held at the Danby Fire Department.

Andy reported that the fire district would like to have training on the West Danby fire hydrants. He understands that the process causes brown water and a lot of complaints. He said that he only wants to have the fire fighters to practice the procedure for a structure fire. After discussion with the West Danby Water District Superintendent it was agreed that this training should occur during the day time hours to help eliminate the brown water occurring when there is heavy usage.

Councilperson Beavers said that he has been communicating with the West Danby Superintendent and the Assistant Superintendent regarding the fire district training.

### **COMMUNICATIONS:**

Ronda Roaring submitted a letter to the Town Board regarding zoning issues.

### **REPORTS:**

#### **County Representative Report**

Representative Frank Proto reported on the following:

Tioga Transit Contract - are requesting a three - five year contract.

County Board of Health Committee - working on the settling the water charges from Bolton Point

The shortage of funds may be passed on to all the County tax payers.

Nursing Homes- New York State has backed off on some of the concerns in their report.

Health Department - he has concerns about the Brown Road site.

SPCA Agreement - County is working on the rabies contract.

Assignments - Representative Proto said that his committee assignments for 2008 are:

Planning Committee, Chairperson of the Health Department Committee, Chairperson of the Water Resources Council, Vice Chair for Health Committee, will serve on the T-Cat Committee as Secretary/Treasurer.

The legislature will be working on insurance for Tompkins County retirees.

Frank Proto reported that large signs "Welcome to Danby" is in the plan.

April 1<sup>st</sup> is the deadline for farmers to get their paperwork in for agriculture assessments to Tompkins County Assessment.

#### **EMC - No report.**

**Highway Report-** Report for November and December were submitted.

Highway Secretary Laura Shawley reported that the Highway Superintendent has hired two(2) new employees. The East Miller Road paper work has been filed to receive our

grant. A computer program for the highway department has been ordered. Currently they are working on costs for a new generator.

**Zoning Report** - Monthly report for December has been received.

Susan Beeners reported that she has not heard anything about the Hamlet Planning grant she submitted last month. She has been working with the State Code Division on the Beech Hill Pond building matters. She is concerned about how to get residents to place address tags on their mailboxes or on a post.

**Planning Board Report:**

Susan Beeners reported that the agenda for the Planning Board has been sent out

**Recreation Partnership Report:**

The end of the year is coming up with a shortfall. In the budget there are things that are problematic for programs in the future.

**Danby Community Council:**

Dan Klein reported that the annual meeting of the Danby Community Council will be held on January 24, 2008 at 7:00 p.m. There are two(2) openings on the board of directors and there are no changes in the bi-laws.

**Senior Citizens**

The Danby Senior Citizens had their monthly luncheon meeting on Thursday, January 3, 2007. The Agreement Between the Town of Danby and the Senior Citizens was approved and the president has been authorized to sign the agreement for 2008.

**Dog Control**

The SPCA has revised their form for reporting activities in the Town of Danby.

**DEMPC**

The next meeting of the DEMPC will be held at the Danby Fire Station on Wednesday, January 30 at 6:00 p.m.

**Motion to Extend Meeting**

A motion was made by Supervisor Dietrich and seconded by Councilperson Klein at 8:30 p.m. to extend the board meeting to 9:00 p.m.

A roll call vote on the motion resulted as follows:

(Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**Complement to Town Clerk from Tompkins County Assessment**

Supervisor Dietrich read a letter from Tompkins County Assessment regarding the reprinting of the 2008 Town and County Tax Bills. The bills had to be reprinted due to an error in the system that was out of their control. County was not able to deliver to the tax collectors in a timely manner due to . The late delivery of the necessitated the tax collectors to make special arrangements during the holidays, working weekends and evenings in order to get them into the mail. They said that during this typical time they received exemplary cooperation from all the town clerks.

**OLD BUSINESS:**

**RESOLUTION NO. 15 OF 2008**

By Supervisor Dietrich: Seconded by Councilperson Klein

**RESOLVED**, that the Town Board of the Town of Danby re-appoints Ted Jones to the Board of Zoning Appeals for a five (5) year term beginning on January 1, 2008 and to expire on December 31, 2012.

A roll call vote on the resolution resulted as follows:

(Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**RESOLUTION NO. 16 OF 2008**

**APPOINTMENT OF CHAIRPERSON OF THE BOARD OF ZONING APPEALS**

By Supervisor Dietrich: Seconded by Councilperson Connors

**RESOLVED**, that the Town Board of the Town of Danby re-appoints Ted Jones as the Chairperson to the Board of Zoning Appeals.

A roll call vote on the resolution resulted as follows:

(Councilperson Salino absent)

Beavers	Nay
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**Appointments to Boards and Committees**

Supervisor Dietrich reported that he has received one application from a resident who may be willing to serve on the Environmental Management Council. We have no applicants for the T-Cat and the County Youth Board.

**Communication - Danby Dog Control Law**

Supervisor Dietrich reported that the board has received a letter from Ronda Roaring regarding the Danby Dog Control Law. The discussion on the letter was deferred to the next meeting of the board.

**NEW BUSINESS**

**RESOLUTION NO. 17 OF 2008**

**AUTHORIZE TOWN SUPERVISOR TO EXECUTE AMENDED AQUIFER STUDY WELL-DRILLING AGREEMENT WITH TOMPKINS COUNTY**

By Supervisor Dietrich: Seconded by Daniel Klein

**RESOLVED**, that the Town Board of the Town of Danby authorizes the Town Supervisor to execute an amended County/Town Agreement related to test well drilling in the Upper Buttermilk Creek/Danby Creek Valley Aquifer Study, related to amending the schedule for County reimbursement of a portion of the well drilling costs, subject to approval of such amendment by Tompkins County.

A roll call vote on the motion resulted as follows:

(Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**RESOLUTION NO. 18 OF 2008**

**TOWN BOARD REQUEST TO THE PLANNING BOARD FOR HAMLET PLANNING COMMITTEE REGARDING VOTING RIGHTS**

By Supervisor Dietrich: Seconded by Councilperson Klein

**WHEREAS**, the Town Board of the Town of Danby delegated the Planning Board as Lead Agency in the “Danby Hamlet” planning process on June 11, 2007; and

**WHEREAS**, it is in everyone’s interest to have as broad a representation of interests as possible in the hamlet planning process; now, there fore it is

**RESOLVED**, that the Town Board of the Town of Danby requests of the Planning Board that any committee that is set up for hamlet planning purposes be open to all residents of Danby and that all committee members have equal voting rights.

Discussion

Councilperson Beavers asked if this was to change the Hamlet Planning Group that’s already been done.

Councilperson Klein said Sue Beeners forwarded him a grant application that was written regarding hamlet planning. There was a section there on process and public involvement.

It would be up to the Planning Board to structure the committee. It would be made up of certain categories of people and open to everyone interested

Councilperson Beavers said the way the Hamlet Planning Committee was designed it is open to all people and that the whole idea was to ensure that if you were a voting member that you had equal representation in the Hamlets with people living there, agriculture, and business. It doesn't mean that they have to be but that you try to pay particular interest to that. There will be several committees to try to streamline the process.

Councilperson Klein said that the task force gave the process to the planning board and this keeping with the planning board, all this does is unbind them from the categories because they can have more freedom in deciding how to structure that committee.

Supervisor Dietrich said that because the planning board is lead agency, it is just giving them the latitude to have this discussion and to move ahead in a timely way and not necessarily be held up because they could not get the representation described in the resolution.

**Resolution No. 18 Withdrawn**

After lengthily discussion, Councilperson Klein withdrew his resolution due to many unanswered questions regarding appointments to committees and boards.

**Motion to Rescind Resolution No. 23 of 2007**

A motion was made by Councilperson Beavers and seconded by Supervisor Dietrich that the Town Board of the Town of Danby rescind Resolution No. 23 of 2007 with a side note that it states this will give the Town of Danby Planning Board (lead agency) the full vested power to appoint their own advisory committee in the capacity that they see fit.

A roll call vote on the motion resulted as follows:

Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**Motion to Extend Meeting**

A motion was made by Supervisor Dietrich and seconded by Councilperson Beavers at 9:00 p.m. to extend the board meeting to 9:30 p.m.

A roll call vote on the motion resulted as follows:

Councilperson Salino absent)

Beavers	Aye
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Connors           Aye  
Klein             Aye  
Dietrich          Aye

**Carried**

**RESOLUTION NO. 19 OF 2008**

**COMPREHENSIVE PLAN IMPLEMENTATION TASK FORCE - REQUEST FOR A MEETING**

By Supervisor Dietrich: Seconded by Councilperson Klein

**WHEREAS**, the committee known as the Comprehensive Plan Implementation Task Force, created by Town of Danby Resolution No. 31 of 2004, met for three(3) years; and

**WHEREAS**, this Task Force ended without input from its own members; now therefore it is

**RESOLVED**, the chairpersons of the Comprehensive Plan Implementation Task Force should call the committee together for another meeting; and it is further

**RESOLVED**, the Task Force will discuss what it would like to do in the future regarding dissolving or continuing to meet; and it is further

**RESOLVED**, the Task Force will report back to the Town Board letting its desires be known.

Discussion:

The board discussed the issue that there is limited staff support time and that members of the committee do not have to be staff appointed committee.

A roll call vote on the resolution resulted as follows:

(Councilperson Salino absent)

Beavers           Aye  
Connors           Aye  
Klein             Aye  
Dietrich          Aye

**Carried**

**RESOLUTION NO. 20 OF 2008**

**AUTHORIZE SUPERVISOR TO COLLABORATE WITH CLARITY CONNECT AND TIME WARNER**

By: Supervisor Dietrich: Seconded by Councilperson Klein

**RESOLVED**, that the Town Board of the Town of Danby authorizes the town supervisor to collaborate with Clarity Connect by providing a letter of intent related to submission of grant application to NYS's Broadband access program.

A roll call vote on the resolution resulted as follows:

(Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**RESOLUTION NO. 21 OF 2008**

**AUTHORIZE TOWN CLERK/TAX COLLECTOR PETTY CASH FUND FOR TAX COLLECTION**

By Supervisor Dietrich: Seconded by Councilperson Beavers

**WHEREAS**, many residents pay their property taxes in cash at the Town Clerk/Tax Collector's Office, and

**WHEREAS**, it is necessary to have a petty cash drawer to make change for tax payments, and tax collection and clerk's cash drawers should not be mixed together, and

**WHEREAS**, the Town Clerk/Tax Collector has requested that a petty cash fund in the amount of \$200.00 for a cash drawer for tax collection purposes be authorized by the Town Board of the Town of Danby, now, be it

**RESOLVED**, that the Town Board of the Town of Danby authorizes the petty cash request from the Town Clerk/Tax Collector in the amount of \$200.00 be approved for the purposes of tax collection to be returned to the Town at the end of the tax collection period for 2008.

A roll call vote on the resolution resulted as follows:

(Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**RESOLUTION NO. 22 OF 2008**

**APPROVAL FOR STAFF SUPPORT FOR DEMPC**

By: Supervisor Dietrich: Seconded by Councilperson Beavers

**WHEREAS**, the Town Board of the Town of Danby by Resolution No. 74 of 2007 approved the retention of an Emergency Management Consultant, with various provisions; and



**WHEREAS**, the term of the retention of the Consultant by said resolution was to expire on February 15, 2008, with extension subject to further Town Board approval; and

**WHEREAS**, the amount of funding provided for the consultancy by the Town Board was \$4,800 and that full amount has not been spent; and

**WHEREAS**, there was also a commitment made by the Danby Fire District to contribute \$2,400 towards extension of the consultancy; and

**WHEREAS**, there is a need to extend the period of the consultancy to accomplish work related to emergency management planning coordinated between the Town and the Fire District; **NOW THEREFORE , IT IS**

**RESOLVED**, that the Town Board approves the extension of the consultancy based on the funding provided by the Town, and the commitment of the Danby Fire District.

A roll call vote on the resolution resulted as follows:

(Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**RESOLUTION NO. 23 OF 2008**

**APPOINTMENT TO THE TOWN OF DANBY PLANNING BOARD**

By Councilperson Beavers: Seconded by Supervisor Dietrich

**RESOLVED**, that the Town Board of the Town of Danby appoints Anne Klingensmith to the Town of Danby Planning Board for a seven(7) year term beginning immediately and will expire December 31, 2014.

A roll call vote on the resolution resulted as follows:

(Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**APPROVAL OF SUPERVISOR’S REPORT FOR DECEMBER 2008**

A motion was made by Councilperson Beavers and seconded by Councilperson Connors that the Town Board of the Town of Danby approves the Town Supervisor’s report for December 2008 as submitted.

A roll call vote on the motion resulted as follows:

(Councilperson Salino absent)  
Beavers                   Aye  
Connors                   Aye  
Klein                       Aye

**Carried**

**APPROVAL OF THE TOWN CLERK'S DECEMBER REPORT**

A motion was made by Councilperson Beavers and seconded by Councilperson Connors that the Town Board of the Town of Danby approves the Town Clerk's report for December 2008 as submitted.

A roll call vote on the motion resulted as follows:

(Councilperson Salino absent)  
Beavers                   Aye  
Connors                   Aye  
Klein                       Aye  
Dietrich                   Aye

**Carried**

**APPROVAL OF WARRANTS**

**General Fund Warrant No. 14 of 2007**

A motion was made by Councilperson Beavers and seconded by Councilperson Connors that the Town Board of the Town of Danby approves the General Fund Warrant No.#14 of 2007 in the amount of \$2,980 voucher numbers 533-536.

A roll call vote on the motion resulted as follows:

(Councilperson Salino absent)  
Beavers                   Aye  
Connors                   Aye  
Klein                       Aye  
Dietrich                   Aye

**Carried**

**General Fund Warrant No. 1 of 2008**

A motion was made by Councilperson Beavers and seconded by Supervisor Dietrich that the Town Board of the Town of Danby approves the General Fund Warrant No. 1 of 2008 in the amount of \$92,819.53 vouchers 1 - 26.

A roll call vote on the motion resulted as follows:

(Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**Highway Fund Warrant No. 1 of 2008**

A motion was made by Supervisor Dietrich and seconded by Councilperson Beavers that the Town Board of the Town of Danby approves the Highway Warrant No. 1 of 2008 in the amount of \$ 93.92 voucher numbers 1-3.

A roll call vote on the motion resulted as follows:

(Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**Water District Fund Warrant No. 1 of 2008**

A motion was made by Councilperson Beavers and seconded by Supervisor Dietrich that the Town Board of the Town of Danby approves the Water District Fund Warrant No. 1 of 2008 in the amount of \$482.92 voucher numbers 1-5.

A roll call vote on the motion resulted as follows:

(Councilperson Salino absent)

Beavers	Aye
Connors	Aye
Klein	Aye
Dietrich	Aye

**Carried**

**ADJOURNMENT:**

On a motion the meeting adjourned at 9:30 p.m.

Carol W. Szczepanski, Town Clerk

