

**Danby Town Board
Meeting Minutes
February 8, 2010**

Present:

Supervisor: Ric Dietrich
Councilpersons: Leslie Connors, Kathy Halton, Dylan Race
Absent: Dan Klein (on vacation)

Others Present:

Town Clerk Pamela Goddard
Code Enforcement Susan Beeners
Highway Sup't Carl Seamon
Bookkeeper Laura Shawley

Members of the Public:

Joel Gagnon, Ted Crane, Robert Roe, Ronda Roaring

Call to Order

Supervisor Dietrich called the meeting to order at 7:45pm

Resolution No. 26 of 2010 - APPROVAL OF MINUTES

Resolved, That the Town Board of the Town of Danby approve minutes of Town Board meetings from 1/11/2010 and 1/18/2010.

Moved by Halton, Second by Connors. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

Library Lovers Month Proclamation:

At the request of the Tompkins County Public Library Foundation, Kathy Halton read a proclamation declaring February, 2010 to be "Library Lovers Month" into the meeting minutes (see Appendix A).

Privilege of the Floor:

Ronda Roaring expressed concern about acid rain dissolving lead shot in the soil at the Traver Road Quarry. The NYS DEC has been notified by mail and wrote back to acknowledge awareness of this problem.

Highway Report:

Laura Shawley presented the monthly report. A series of resolutions was presented to the Town Board for consideration:

Resolution No. 27 of 2010 - AGREEMENT TO SPEND HIGHWAY FUNDS

Resolved, That the Town Board of the Town of Danby, pursuant to the provisions of Section 284 of the Highway Law, agrees that moneys levied and collected for the repair and improvements of highways, and received from the State for repair and improvements of highways, shall be expended as follows:

1. GENERAL REPAIRS: The sum of \$329,463 may be expended for General Repairs upon 73.39 miles of town highways, including sluices, culverts, and bridges.
2. IMPROVEMENTS: The following sums shall be set aside to be expended for the improvements of town highways:
 - a. \$111,200 in CHIPS money to be spent on projects to be determined by the Highway Superintendent at a later date. No moneys set aside of such improvements shall be expended, nor shall any work be undertaken on such

improvement, until the Town of Danby approves the specifications and estimates for such construction.
Moved by Dietrich, Second by Connors. The motion passed.
In Favor: Connors, Halton, Race, Dietrich

A copy of Resolution 27 was signed by those members of the Town Board in attendance.

Shawley then presented additional information regarding the proposed Salt Storage Facility project. There is a mandate to mitigate salt runoff in the current storage area. Draft plans for this facility are based on a similar facility in the Town of Newfield. There was a general discussion of various funding scenarios, including when and how CHIPS funds may be used. The Highway Department and the Town Supervisor proposed taking steps to secure a Bond Anticipation Note in advance of work.

Resolution No. 28 of 2010 - AUTHORIZATION FOR THE TOWN SUPERVISOR TO SECURE A BOND ANTICIPATION NOTE FOR CONSTRUCTION OF A SALT STORAGE FACILITY

Whereas, the Town Highway Department is in need of a covered salt storage facility to protect ground and surface water and to economize in highway operations;

Now, Therefore, it is

Resolved, that the Town Board of the Town of Danby gives the Town Supervisor the discretionary authority to secure a BAN not to exceed \$425,000 in preparation for the construction of a salt storage facility.

Moved by Halton, Second by Connors. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

Resolution No. 29 of 2010 - AUTHORIZATION FOR THE TOWN HIGHWAY DEPARTMENT TO SEEK A PROPOSAL FROM A QUALIFIED PROFESSIONAL ENGINEER RELATED TO THE PROPOSED SALT STORAGE FACILITY

Whereas, the Town Highway Department is in need of a covered salt storage facility to protect ground and surface water and to economize on highway operations;

Now, Therefore, it is

Resolved, that the Town Board of the Town of Danby authorizes the Town Highway Department to seek a proposal from a qualified professional engineer for the purpose of preliminary design and the derivation of a maximum probable cost; and subsequently for possible further services.

Moved by Dietrich, Second by Halton. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

Code Enforcement Report:

Sue Beeners presented the monthly Code Enforcement Report. Two new homes are going up on Danby and Durfee Hill Roads.

Planning Board Report:

There are still no appointments for Planning Board Chairperson and Planning Board vacancies. The Town Board is holding off on making these appointments until March when there is a full board. All members of the Planning Board and BZA have been invited to attend the February 22 work discussion meeting.

Gas Drilling Task Force Report:

The GDTF is still working on gathering surveys and collecting more information. Listening Project training will most likely start in March. Cynthia Bowman's Cornell Law School students will be working on questions related to pipeline and legal issues of compulsory integration and property law.

Stormwater Legislation Package:

Resolution No. 30 of 2010 - AUTHORIZATION FOR THE TOWN SUPERVISOR TO SIGN A CERTIFICATE OF NECESSITY OF ADOPTION OF LOCAL LAW NUMBER 1 OF 2010

Resolved, that the Town Board of the Town of Danby authorizes the Town Supervisor to sign a Certificate of

Necessity as follows:

I, Fredric Dietrich, Town Supervisor, pursuant to Section 20(4) of Municipal Home Rule Law, certify to the necessity of the adoption of Town of Danby Local Law Number 1 of 2010 - Town of Danby Stormwater Management, Erosion and Sediment Control Local Law, and attest to the need for immediate passage of said local law.

Moved by Halton, Second by Race. The motion passed.

In Favor: Connors, Halton, Race,

Abstain: Dietrich

Resolution No. 31 of 2010 - STORMWATER LEGISLATIVE PROGRAM – CONSIDER SEQRA DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

Whereas, the Town Board of the Town of Danby is considering adoption of the following Local Laws, which laws comprise the Town's "Stormwater Legislative Program":

1. Town of Danby Local Law Number 1 of 2010 – Town of Danby Stormwater Management, Erosion and Sediment Control Local Law;
2. Town of Danby Local Law Number 2 of 2010 – Stormwater Amendments to Town of Danby Zoning Ordinance; and
3. Town of Danby Local Law Number 3 of 2010 – Stormwater Amendments to Subdivision and Land Division Regulations; and

Whereas, the Town Board has classified the adoption the above laws as a Type I action under 6NYCRR Part 617.6 of the implementing regulations for the New York State Environmental Quality Review Act (Environmental Conservation Law Article 8); and

Whereas, the Town Board has determined that it should be Lead Agency in environmental review of this action; and has sent a Notice of Intent to act as Lead Agency to the involved agencies identified for this action, being the Town of Danby Planning Board, the N.Y. State Dept. of Environmental Conservation and the Tompkins County Dept. of Planning; and

Whereas, the Town of Danby Planning Board by resolution on November 18, 2009 indicated its concurrence with said Lead Agency designation, and recommended that a negative determination of environmental significance be made for this action; and

Whereas, the Town Board has reviewed the Long Environmental Assessment Form Parts 1, 2, and 2-a for this action, and the recommendation of the Town's Code Enforcement Officer that a negative determination of environmental significance be made for this action;

Now, therefor, it is

Resolved, that the Town Board of the Town of Danby, acting as Lead Agency in environmental review of this action, being the adoption of the following:

1. Town of Danby Local Law Number 1 of 2010 – Town of Danby Stormwater Management, Erosion and Sediment Control Local Law;
2. Town of Danby Local Law Number 2 of 2010 – Stormwater Amendments to Town of Danby Zoning Ordinance; and
3. Town of Danby Local Law Number 3 of 2010 – Stormwater Amendments to Subdivision and Land Division Regulations; declares that the Town Board is Lead Agency in environmental review of this Type I action; and it is

Further Resolved, that the Town Board finds that this action will have a beneficial impact on the environment by providing local regulation to minimize adverse effects of erosion, sedimentation, point source pollution and non-point source pollution associated with land development activities; and it is

Further Resolved, that the Town Board makes a negative determination of environmental significance for this action; and it is **Further Resolved**, that the Town Supervisor is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing negative determination, which fully completed and signed Long Environmental Assessment Form and determination of significance shall be incorporated by reference in this Resolution; and it is

Further Resolved, that the Town Clerk deliver and/or file a copy of this Resolution with the following persons and agencies:

1. The Town Clerk of the Town of Danby.
2. The Town Supervisor of the Town of Danby.
3. The Town of Danby Planning Board, the N. Y. State Dept. of Environmental Conservation and the Tompkins County Dept. of Planning; and it is

Further Resolved, that this Resolution be posted and published in accord with law, including delivery of a copy of this Resolution to the Environmental Notice Bulletin in accord with 6NYCRR 617.12 upon the forms as required by the New York State Dept. of Environmental Conservation.

Moved by Dietrich, Second by Halton. The motion passed.
In Favor: Connors, Halton, Race, Dietrich

Resolution No. 32 of 2010 – STORMWATER LEGISLATIVE PROGRAM – CONSIDER ADOPTION OF LOCAL LAWS

Whereas, the Town Board of the Town of Danby is considering adoption of the following Local Laws, which laws comprise the Town's "Stormwater Legislative Program":

1. Town of Danby Local Law Number 1 of 2010 – Town of Danby Stormwater Management, Erosion and Sediment Control Local Law;
2. Town of Danby Local Law Number 2 of 2010 – Stormwater Amendments to Town of Danby Zoning Ordinance; and
3. Town of Danby Local Law Number 3 of 2010 – Stormwater Amendments to Subdivision and Land Division Regulations; and

Whereas, the Town Board on February 8, 2010, acting as Lead Agency in environmental review of this Type I action, has made a negative determination of environmental significance; and

Whereas, the Town of Danby Planning Board by resolution on November 18, 2009 recommended adoption of these proposed local laws; and

Whereas, the Tompkins County Planning Department on December 11, 2009 responded, pursuant to NYS General Municipal Law 239-l and -m that the Department had reviewed the proposal and had determined that it has no negative inter-community or county-wide impacts; and

Whereas, due notification to adjacent municipalities, county legislatures, and the N.Y. State Office of Parks, Recreation, and Historic Preservation have been made pursuant to Town Law 264; and

Whereas, the Town Board on February 8, 2010 has held Public Hearings on these proposed local laws, which Public Hearings were duly noticed in the Ithaca Journal;

Now, therefor, it is

Resolved, that the Town Board of the Town of Danby hereby adopts the following Local Laws:

1. Town of Danby Local Law Number 1 of 2010 – Town of Danby Stormwater Management, Erosion and Sediment Control Local Law;
2. Town of Danby Local Law Number 2 of 2010 – Stormwater Amendments to Town of Danby Zoning Ordinance; and
3. Town of Danby Local Law 3 of 2010 – Stormwater Amendments to Subdivision and Land Division Regulations; which Local Laws are incorporated into this Resolution; and it is

Further Resolved, that in accord with Section 21 of the Municipal Home Rule Law, the final adopted copy of these Local Laws shall be presented to the Town Supervisor for approval; and it is

Further Resolved, that upon such approval by the Supervisor (or other approval occurring pursuant to said Section 21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, in the Office of the Town Clerk and with the New York State Secretary of State as required by Municipal Home Rule Law Section 27.

Moved by Dietrich, Second by Connors. The motion passed.
In Favor: Connors, Halton, Race, Dietrich

Code Enforcement Officer Beeners explained the need to identify an engineer to review the new Stormwater regulations in relation to roadways and highway rights-of-way. David Herrick, who is

familiar with the Town of Lansing road and stormwater laws is interested in making a proposal.

Resolution No. 33 of 2010 – AUTHORIZE TOWN SUPERVISOR TO RESEARCH OPTIONS FOR POTENTIAL FUTURE ENGINEER ASSISTANCE IN THE REVIEW OF STORMWATER ACTIVITIES AND IN THE REVIEW OF ACTIVITIES INVOLVING EXCAVATION AND CONSTRUCTION IN MUNICIPAL ROADWAYS AND HIGHWAY RIGHTS-OF-WAY

Whereas, the Town has adopted a Stormwater Law and related legislation; and in is in the process of developing legislation related to excavation and construction in municipal roadways and highway rights-of-way; and

Whereas, the Town may have a need for professional services from a qualified professional engineer in the review and inspection of stormwater activities and said excavation and construction;

Now, therefor it is

Resolved, that the Town Board of the Danby authorizes the Town Supervisor to research options for potential future engineer assistance in the review of stormwater activities; and in the review of activities involving excavation and construction in municipal roadways and highway rights-of-way, and similar activities.

Moved by Connors, Second by Halton. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

NYSERDA Grants:

Supervisor Dietrich provided updated information about these multi-municipality grants for energy management and improvements. Staff has committed a great deal of time and effort on two grant applications. Beeners explained the status of existing NYSERDA grant projects regarding energy conservation. The following, more specific resolutions replace Resolution No. 25 of 2010. No matching funds are needed from the Town for these grant proposals. The proposal for Energy Management Personnel includes Ulysses, Newfield, Enfield, Dryden, Danby, and Caroline.

Resolution No. 34 of 2010 – TO RESCIND RESOLUTION NO. 25 OF 2010

Resolved, that the Town Board of the Town of Danby Rescinds Resolution No. 25 of 2010.

Moved by Halton, Second by Dietrich. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

Resolution No. 35 of 2010 – ENDORSEMENT OF NYSERDA RFP 10 GRANT APPLICATION – ENERGY MANAGEMENT PERSONNEL

Resolved, that the Town Board of the Town of Danby authorizes the Town Supervisor to sign a grant application to the New York State Energy Research and Development Authority for funding of Energy Management Personnel, under the program known as RFP 10, where such grant would provide funds for a staff person or consultant to work among several municipalities in Tompkins County to work on the following projects:

- Projects to perform energy management functions;
- Projects to develop zoning guidelines for sustainable development; and
- Projects to implement regional plans that reduce energy use in various sectors; and it is

Further Resolved, that the Town Board expresses its full support of the application, along with its intent to participate in the Project.

Moved by Halton, Second by Race. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

Resolution No. 36 of 2010 - ENDORSEMENT OF NYSERDA RFP 10 GRANT APPLICATION – RENEWABLE ENERGY IMPROVEMENTS

Resolved, that the Town Board of the Town of Danby authorizes the Town Supervisor to sign a grant application to the New York State Energy Research and Development Authority for funding of Renewable Energy Improvements, under the program known as RFP 10, where such grant would provide funds for a biomass heat installation to include a multi-fuel boiler, at the Town Highway Facility; and it is

Further Resolved, that the Town Board expresses its full support of the application, along with its intent to participate in the Project.

Moved by Connors, Second by Halton. The motion passed.
In Favor: Connors, Halton, Race, Dietrich

Fun Day:

Kathy Halton is trying to enlist more volunteers for the annual Danby Fun Day. This year's Fun Day may coincide with the grand opening of the new Danby Fire Hall.

Resolution No. 37 of 2010 - AUTHORIZE TOWN SUPERVISOR TO WRITE LETTER OF SUPPORT FOR 2010 FUN DAY GRANT APPLICATION

Resolved, that the Town Board of the Town of Danby authorizes the Town Supervisor to write a letter of support for the 2010 Fun Day Grant Application to the Tompkins County Celebrations Grant Program.

Moved by Connors, Second by Race. The motion passed.
In Favor: Connors, Halton, Race, Dietrich

Broadband Initiative:

Supervisor Dietrich presented a letter for Town Board review placing Danby in support of a regional Open Access broadband grant application through a consortium to do a broadband build-out throughout County. Federal stimulus money, designated for this type of effort, is being sought. Dietrich explained the direction and involved parties in this evolving initiative. A company has been selected to administer the grant, while a different company (such as Clarity Connect) might implement the project.

Resolution No. 38 of 2010 - AUTHORIZATION TO SEND A LETTER OF SUPPORT OF A TOMPKINS COUNTY OPEN ACCESS FIBER INITIATIVE

Resolved, that the Town Board of the Town of Danby authorizes the Town Supervisor to sign a letter of support in support of the Tompkins County Open Access Fiber project for the development of broadband services throughout Tompkins County.

Moved by Halton, Second by Race. The motion passed.
In Favor: Connors, Halton, Race, Dietrich

Audit of Town Clerk Office:

The auditors have gathered all materials and are still working their report. When the report is finished, copies will be made available to members of the Town Board and the auditors will be available for a question and answer session.

Health Care Consortium:

Negotiations have taken place between the Unions and Municipalities. An agreement has gone to CSEA representatives to sign off. Something may be in place by March. No Towns pulled out because of the conflict.

SPCA Contract:

Supervisor Dietrich will be meeting with SPCA representatives on February 25 to go over the contract. Dietrich said that the Municipalities are requesting representation on the SPCA Board oversight group, in order to monitor enumeration and fair costs in light of changes to dog licensing proposed the NYS Ag and Markets. Currently, Danby has a verbal contract and needs to negotiate a written contract for services.

Legal Fees:

There was a general discussion about cumulative legal costs related to CSEA contract negotiations and new Town Laws. Suggestions were made about ways for questions be consolidated and funneled through one person in order to keep fees as low as possible. In the future, various municipalities (Enfield,

Newfield, Caroline, Town of Ithaca and maybe Dryden) will be sharing legal costs for mutually beneficial law preparation.

Resolution No. 40 of 2010 - 2009 THALER AND THALER BILL

Resolved, that the Town Board of the Town of Danby amends abstract #14 of 2009 to include a bill from Thaler and Thaler for legal services in December 2009 for \$5,637.78 under the General Fund.

Moved by Connors, Second by Dietrich. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

Warrants:

General Fund 2010, vouchers #30-79 for \$21,043.22

Moved by Connors, Second by Halton. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

Highway Fund 2010, voucher #2-12 for \$26,559.54

Moved by Connors, Second by Race. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

Water District Fund 2010, vouchers #1-4 for \$557.06

Moved by Connors, Second by Halton. The motion passed.

In Favor: Connors, Halton, Race, Dietrich

Adjournment

A motion to adjourn the Meeting was made at 10:05pm.

Pamela S Goddard, Town Clerk

Appendix A: Library Lovers Month Proclamation

PROCLAMATION Library Lovers Month – February 2010

Whereas libraries enable individuals to make informed decisions about their self-governance by promoting unrestricted access to information and by serving as community centers for lifelong learning; and

Whereas, in a world undergoing constant change, libraries provide enduring connections to the past and future of our communities, nations and civilizations; and

Whereas, the expansion of electronic networks linking libraries and their resources makes possible better and more easily accessible information for library users around the world; and

Whereas, libraries provide entry to important research about health, economics, housing, the environment and countless other areas to support better living conditions and to help people lead longer, more productive and fulfilling lives; and

Whereas libraries support a competitive workforce with basic literacy programs, computers and other resources to help children and adults learn to find, evaluate and use information they need for their jobs, health, education and other needs; and

Whereas, many libraries offer pre-school story hour and summer reading programs to encourage children to begin a habit of reading that will serve to benefit their personal and professional lives; and

Whereas, **10,413,962** million people in the State of New York and **40,528** residents in Tompkins County have library cards;

Now, Therefore, I, Fredric Dietrich, Supervisor of the Town of Danby, do hereby proclaim February 2010 as "Library Lovers Month" in the Town of Danby, and urge all of our citizens to visit libraries and thank a librarian for making this unique and wonderful institution possible.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Danby, to be affixed this 8th day of February 2010.