

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

Present:

Supervisor: Ric Dietrich
Councilpersons: Leslie Connors, Kathy Halton, Dan Klein, Dylan Race

Others Present:

Town Clerk Pamela Goddard
Code Enforcement Susan Beeners
Highway Sup't Carl Seamon
Bookkeeper Laura Shawley
TC Assessment Kathy King
TC Assessment Irene Kehoe

Members of the Public:

Roy Casterline, Joel Gagnon, Ted Crane, Ronda Roaring,
Craig McAllister, Connor McAllister, Kevin Tian

Call to Order

Supervisor Dietrich called the meeting to order at 7:00pm.

Resolution No. 41 of 2010 - APPROVAL OF MINUTES

Resolved, That the Town Board of the Town of Danby approve minutes of Town Board meetings and public hearing from 2/1/2010, 2/8/2010 and 2/22/2010.

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

In Favor: Connors, Halton, Klein, Race, Dietrich

Privilege of the Floor:

Kathy Halton requested that full names be used and acronyms be spelled out during TB meetings to improve clarity and understanding during discussions.

It was asked whether it was within the purview of the Highway Department to pick up large items during a Spring Cleanup event. The answer was no, unless additional money was put in the budget.

Guest Speakers - Assessment:

Irene Kehoe, Assistant Director at Tompkins County Assessment Office, and Kathy King, real property assessor for the Town of Danby, made a presentation about how property assessment works at the county level and its impact/relationship to tax collection. The County assesses all property at a uniform value, administers exemptions, and educates the public about the assessment process. Some exemptions are mandated by the state and some can be adjusted by the Towns. Information about different exemptions is available through the Assessment office.

Tompkins County Assessment is the only assessment unit in the state that is currently capturing data on gas leases for assessment purposes. They are recording only the presence of a gas lease, and not its terms and conditions. Currently, Assessment is not making any changes to value in relation to leases.

A parcel by parcel review of each property, of ownership and condition, must be made every six years. The reviews are divided up, Town by Town, for action, so some Towns are reviewed each year.

The review is done by “drive by” and through satellite imagery. Danby will be reviewed next year. There is not a great change in value this year.

The Assessment Department only values the properties; actual taxes are set by the Town, based on Town spending needs.

Reports:

Environmental Management Council:

Eric Banford is serving on the Energy Subcommittee and will be reporting on upcoming EMC meetings. Eric is also organizing events for Earth Day. An Earth Day planning meeting will be held Monday, March 15.

Highway Department:

A short report had been submitted on March 1. There are problems with a number of the HD vehicles. CHIPS money will be distributed again this year. Laura Shawley presented a resolution for work permits in the State Highway right of ways.

Zoning:

One new house on Durfee Hill Road was granted a permit.

A business on Marsh Road, to include summer workshops on aromatherapy with a maximum of four cars parked outside, is regarded as a customary home occupation. Based on discussions with the Town Attorney, this does not need to go to the BZA or Planning Board.

Sue is also pulling together maps and resources for the Unique Natural Area subcommittee of the Gas Drilling Task Force.

Beautification:

Dave Mastroberti is working on getting trees planted on Route 96B and plantings around the two Danby signs at the entrances to the hamlet.

Danby Community Park Association:

A grant to the United Way Danby Focus is being drafted in collaboration with Town of Danby committees. This is a \$3,000 grant for projects to improve quality of life in Danby. Any Danby non-profit can apply.

Recreation Partnership:

Dietrich, Race, and Klein are attending an upcoming program. Supervisor Dietrich would like more information on how the program is received in Danby.

Fire District:

Minutes from the February 16 FD meeting were distributed to the Town Board. The Fire Hall is slated to be completed in June.

Community Council:

The DCC would like to see better use made of the Danby Farmer’s Market. The history of use of the Farmer’s Market has been discouraging. There is interest in exploring whether the old Danby Store could be used as a site for the Market, and possibly changing the date from Thursday afternoon to Friday afternoon or Sunday morning.

Dog Control:

Town Clerk Goddard is arranging a meeting with the enumerator who has been capturing the information, hoping to learn how much has been accomplished and what still needs to be done. This information is needed for the County Animal Control/SPCA agreement.

DEMPC (Danby Emergency Management Planning Committee):

An After Action Report from the West Danby Water District incident is being reviewed and finalized.

Gas Drilling Task Force:

Ben Altman is chairing a subcommittee on moving Unique Natural Areas into Critical Environmental Area status. This effort will start in the area of Danby in the Chesapeake Bay Watershed area.

Training for the Listening Project has been held back until later in April.

Members of the Task Force are also doing research into the long term economic impacts of extractive energy.

Justices:

The Town Board would like updates on what the Justices are doing. A request will be made for monthly reports on fines collected, etc. This report could be made in writing.

Banner on Town Hall:

The Community Foundation of Tompkins County would like permission to display a tenth anniversary banner at the Town Hall. The Town Board extends permission. In exchange the TB would like a listing of any agencies in Danby which have received support through the Community Foundation.

Appointments to Planning Board:

Joel Gagnon, Steve Selin, and Robert Roe were each nominated to fill vacant seats on the Planning Board. Two seats were available. The Town Board agreed to not fill alternate positions at this time, unless there was a request by the Planning Board. A decision on PB Chair was postponed until after the next Planning Board meeting, in order that the PB may give an updated recommendation. After a straw vote (five votes for Steve Selin, three for Robert Roe, two for Joel Gagnon) the following appointments were made.

Resolution No. 42 of 2010 - APPOINTMENT TO THE PLANNING BOARD

Resolved, That the Town Board of the Town of Danby appoints Steve Selin to a seven year term on the Planning Board, that term ending in 2016.

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

In Favor: Connors, Halton, Klein, Race, Dietrich

Resolution No. 43 of 2010 - APPOINTMENT TO THE PLANNING BOARD

Resolved, That the Town Board of the Town of Danby appoints Robert Roe to fill out the remainder of Dave Mastroberti's term on the Planning Board, that term ending in 2013.

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

In Favor: Connors, Halton, Klein, Race, Dietrich

BZA Appointment:

The Town Board will interview applicants to the Board of Zoning Appeals during the next month.

Enforcement of Stormwater Laws:

Sue Beeners presented the following resolutions to the Town Board, both of which involve enforcement of Local Laws 1, 2, and 3 of 2010; Stormwater Management. The law requires that someone be designated as Stormwater Management Officer and Manager.

Resolution No. 44 of 2010 - APPOINTMENT OF STORMWATER MANAGEMENT OFFICERS

Resolved, That the Town Board of the Town of Danby appoints Susan C. Beeners as Stormwater Management Officer and Manager, and Russell A. Klinger as Stormwater Management Officer, to administer, implement, and enforce the provisions of Local Law Number 1 of 2010 ("Town of Danby Stormwater Management, Erosion and Sediment Control Law"), Local Law Number 2 of 2010 ("Stormwater Amendments to Town of Danby Zoning Ordinance"), and Local Law Number 3 of 2010 ("Stormwater Amendments to Subdivision and Land Division Regulations").

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

In Favor: Connors, Halton, Klein, Race, Dietrich

There was a lengthy discussion of the impact of MS4 (Municipal Separate Storm Sewer Systems) designation for Danby. Beeners explained that, following the 2010 Census, Danby is almost certain to be required to have MS4 status. Halton and Klein voiced concern about the level of monitoring and reporting mandated by MS4 and related personnel costs. While there will be some additional staffing costs, Beeners explained that many of the costs can be shared through municipalities currently belonging to the Stormwater Coalition. Some of the requirements are already covered by the Code Enforcement Office.

Beeners again explained that in order for Danby to approve SWPPs prior to the DEC receiving permits, Danby must have MS4 status. In Beeners' opinion, it is imperative that all SWPPs be approved first by the town. The regulatory strength of Local Laws 1, 2, and 3 of 2010 is greatly weakened if Danby is not an MS4 municipality. The importance of this was recognized by the Town Board.

Resolution No. 45 of 2010 - AUTHORIZE TOWN SUPERVISOR TO APPLY FOR COVERAGE UNDER THE NYSDEC SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS

Resolved, That the Town Board of the Town of Danby authorizes the Town Supervisor to apply for coverage of the Town of Danby under the New York State Dept. of Environmental Conservation SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

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

In Favor: Connors, Halton, Klein, Race, Dietrich

Enhanced Stormwater / EPA Chesapeake Bay Watershed:

The TB reviewed a set of "talking points" for a grant proposal, generated by Keith Porter. The proposal is still in the draft stages. A general endorsement from Caroline, Danby, and Newfield is sought. The TB expressed informal approval.

Road Engineering:

Laura Shawley and Carl Seamon will renew their education about a proposed system of core sampling for road testing funded through a consortium of towns. They will bring information, including cost estimates, back to the Board.

The model local law is being circulated for comments.

Highway Work Permits:

Resolution No. 46 of 2010 - UNDERTAKING TOWN OF DANBY IN CONNECTION WITH HIGHWAY WORK PERMITS ISSUED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Whereas, the undersigned Town of Danby from time to time receives permits from the Department of Transportation of the State of New York (hereinafter referred to as "The Department") allowing the town of Danby to temporarily obstruct, install, construct, maintain, operate or replace any facilities within the bounds of a State highway right-of-way pursuant to Sections 52, 103, 203, 249, and/or 250 of the Highway Law; and

Whereas, The Department requires that the municipality file an undertaking to secure the Town of Danby's faithful performance within the terms of any such permit and also to indemnify the State of New York (hereinafter referred to as "The State") and others with respect to all operations under such permits by the Town of Danby.

Now Therefore, the Town of Danby hereby undertakes, to and with The State and The Department that:

1. The Town of Danby will well, truly, and faithfully comply with and perform all the terms and conditions of each such permit on its part to be kept and performed, and abide by and comply with all such conditions, rules, and regulations

as may be, from time to time, promulgated by the Commissioner of Transportation of the State of New York (hereinafter referred to as "The Commissioner"), according to the true intent and meaning of such permits, rules and regulations.

2. The Town of Danby will, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work to substantially the same or equivalent condition as existed before such work was begun; and in the event that the Town of Danby fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, The Commissioner, after giving written notice to the Municipality may restore the property to substantially the same or equivalent condition as existed before the Municipality began the work and require the municipality to reimburse The State for any and all costs incurred by The State in such restoration;

3. The Town of Danby will indemnify, hold harmless, and defend and protect The State, The Commissioner, and The Department, their officials, officers, agents and employees against and pay any and all amounts, damages, and costs and judgments which may or shall be recovered against said State, or its officers, or agents, or which such State may be called upon to pay to any person or corporation by reason of damages arising or growing out of operations pursuant to said permits or the manner of doing the same, or the neglect of said Town of Danby, or its agents or servants, or the improper performance pursuant to the conditions of said permits by the Municipality, its agents or servants.

4. The Town of Danby, which is self-insured, will pay any and all damages, costs, including but not limited to attorney's fees, and judgments recovered against The State, The Commissioner, The Department and their officials, officers, and employees in connection with work allowed by a permit or from use of a permit by the Town of Danby or by any person acting by, through or for the Town of Danby including omission and supervisory acts of any of the entities or persons named above;

5. It is understood that this undertaking is one of indemnity only and is not to be construed as imposing on The Town of Danby an obligation to pay claims for which there would not otherwise be a remedy in law against The State.

6. Any payments required by the foregoing will be guaranteed by the full faith and credit of the Town of Danby or its districts, as applicable, and will be paid out of current budgeted funds or, if insufficient, from its liability and casualty reserve fund or from the proceeds of bonds which current laws permit the Town of Danby to issue to pay claims against it.

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

In Favor: Connors, Halton, Klein, Race, Dietrich

Broadband:

Resolution No. 47 of 2010 - AUTHORIZE TOWN SUPERVISOR TO PROVIDE DOCUMENTATION FOR A BROADBAND PROPOSAL

Resolved, That the Town Board of the Town of Danby authorizes the Town Supervisor to provide letters of support and documentation for various Broadband applications due in March.

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

In Favor: Connors, Halton, Klein, Race, Dietrich

Health Consortium:

Laura Shawley explained slight changes to the Health Insurance Consortium agreement. It is hoped that the Health Consortium will be up and running in May.

In June-August 2009, municipalities passed a similar resolution. However, most resolutions included the condition that the agreement could only be signed as written on that date. The Consortium has revised the agreement language to comply with the intent of the New York State Insurance Department's Article 47 law, which governs municipal health consortiums.

The substantive change to the agreement is the inclusion of a union/labor representative as a voting member of the Consortium's Board of Directors.

Resolution No. 48 of 2010 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM

WHEREAS, the Tompkins County Council of Governments (TCCOG) is comprised of all the municipalities in Tompkins County, and

Whereas, The Town of Danby is a member of the Tompkins County Council of Governments (TCCOG), and

Whereas, health care costs for Tompkins County and other local governments have been increasing each year at rates much higher than inflation, which can be addressed by pooling our buying power, and

Whereas, in 2007, the County, on behalf of TCCOG, accepted an incentive grant award under the New York State Shared Municipal Services Program to assist the municipalities in Tompkins County to create a local municipal health care consortium, and

Whereas, THE Greater Tompkins County Municipal Health Insurance Consortium developed health benefits coverage for all participating municipalities with the intent of providing a net savings to the taxpayers of Tompkins County, a goal the Town of Danby supports, and

Whereas, TCCOG encourages the signature of an inter-municipal agreement by TCCOG members,

Resolved, on recommendation of the Town Board of the Town of Danby, the Chief Elected Official of the Town of Danby is hereby authorized to execute a municipal cooperative agreement effective on or about May 1, 2010, with the Greater Tompkins County Municipal Health Insurance Consortium for the New York State Share Municipal Services Program.

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

In Favor: Connors, Halton, Klein, Race, Dietrich

Supervisor's and Town Clerk's reports:

Kathy Halton moved that the Supervisor's report be accepted, seconded by Dylan Race. Ric Dietrich moved that the Town Clerk's reports be accepted, seconded by Dan Klein. These were approved by the Board.

Warrants:

General Fund 2010, vouchers #80-139 for \$26,525.30

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

In Favor: Connors, Halton, Klein, Race, Dietrich

Highway Fund 2010, voucher #13-30 for \$30,341.32

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

In Favor: Connors, Halton, Klein, Race, Dietrich

Water District Fund 2010, vouchers #5-11 for \$1,023.17

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

In Favor: Connors, Halton, Klein, Race, Dietrich

Adjournment

A motion to adjourn the Meeting was made at 9:55pm.

Pamela S Goddard, Town Clerk