

**Danby Town Board  
Minutes of Agenda Meeting  
April 5, 2010**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Code Enforcement Susan Beeners  
Bookkeeper Laura Shawley

**Members of the Public:**

Joel Gagnon, Ronda Roaring, Jeff Furst

**Call to Order**

Supervisor Dietrich called the meeting to order at 7:07pm.

**Cayuga Floating Classroom presentation:**

Jeff Furst, business advisor to the Cayuga Floating Classroom made a presentation to the Town Board about the activities of this Cayuga watershed educational organization. Furst described the range of programs offered by the Cayuga Floating Classroom and the ways these are funded.

The CFC is an education arm of the Intermunicipal Organization and supported through budget contributions to the IO. Programs have engaged students from every school district in the watershed area since 2003. The CFC provides facts about watershed quality based on scientific data and reports, rather than developing policy. The CFC also encourages students to get involved in the watershed.

The CFC provides education in classrooms (such as the “Trout in the Classroom” program) and during eco-cruises. Its guiding principals are *equity* (providing educational opportunities to as many students as possible and from diverse backgrounds), *local learning* (learning about the local area), *direct experience* (all hands on), and *multi-disciplinary* (more than science).

Members of the IO contribute approximately \$15,000 of the funding of the \$95,000 program, and 85% of funds contributed by municipalities are used directly for educational programming. Danby students are served through the local school districts. Danby does not currently contribute to the Cayuga Floating Classroom educational effort. Code Enforcement Officer Beeners advised that this could be beneficial to the Town in regard to Danby’s involvement with the Stormwater Coalition and future MS4 requirements. There was a general discussion about ways that students could be involved in monitoring stormwater run-off, measuring sediments, etc.

**Discussion of the structure for future meetings:**

Recent meetings have extended up to three hours, and there was a general discussion about the most effective way to structure future meetings of the Town Board. Town Supervisor Dietrich expressed concern that not enough time and attention was being directed to Warrants and financial matters by the Board. It was suggested that the first 15 minutes of each meeting be used to review and accept the Warrants. There will also be an attempt to begin meetings on time, tighten discussions, and have as many written reports as possible. The final half hour would be used for reports.

There was a discussion as to the best place for “Privilege of the Floor” to citizen contributions. Danby meetings are often informal and “Privilege of the Floor” tends to run through the meeting. Councilman Klein expressed the view that hearing from the public and allowing the public to participate

is important. He also noted that Privilege of the Floor is often short. Others expressed the view that people's comments may be informed by what happens earlier in the meeting. There was an additional concern that essential tasks of the Town Board not be left to the end. When meetings run late, "it becomes an endurance contest." There was some agreement that meetings need an increased level of control. After some discussion, it was agreed to try this order of business:

- Financial discussion and approval of Warrants at the start of the meeting (6:45 when there is a guest speaker) followed by approval of minutes.
- Guest Speaker at 7:00.
- Pledge of Allegiance.
- Privilege of the floor (roughly 15 minutes or less).
- Action Items (passage of resolutions, etc.).
- Reports—including the County Legislature report—will be scheduled at 8:30. When possible, the Town Board would like standing committees, departments, and groups to present written reports in advance of the Board Meeting. What time remains will be used in discussion of business that does not require immediate action.

**Motion to approve signature on letter of support for Housing:**

The Town received a request from the Tompkins County Planning Department for a letter of support related to the County's Homeownership Program. Since 1993, 21 homes in the Town of Danby have been purchased through this program.

**Resolution No. 49 of 2010 - AUTHORIZE SUPERVISOR TO SEND LETTER TO TCPD**

**Resolved**, that the Town Board of the Town of Danby authorizes the Town Supervisor, Ric Dietrich to send a letter to the Tompkins County Planning Department, supporting its applications for funding in the 2010 NYS Division of Housing and Community Renewal grant round.

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

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

**Appointments to Board of Zoning Appeals, BZA and Planning Board Chairs:**

The Town Board will ask the Planning Board and BZA to make recommendations for Standing Chairs at their next meetings. The Town Board wished to know who the Board, in their newly configured forms, think would be most helpful and effective in these positions. The Danby Town Board anticipates acting to appoint chairs for both of these boards during its May meeting.

**Resolution No. 50 of 2010 - APPOINTMENT TO THE BOARD OF ZONING APPEALS**

**Resolved**, that the Town Board of the Town of Danby appoints Gary Bortz to a five year term on the Board of Zoning Appeals, that term ending in 2014.

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

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

The Town Board would like future applicants to the BZA to provide references and a resume.

The Town Board discussed whether the Town Attorney should be in attendance at the upcoming BZA hearing on April 29. In clarification of his role, the attorney has stated that, "When advising the BZA, my role is to advise as to process and provide a legal opinion if and when they ask. They are the deciding body so my goal is to advise them, not to persuade or steer them towards what I would do if I were in their seats - I am not in their seats, am not a resident of Danby, was not appointed to their Board, and did not draft the zoning laws in question. My sole goal will be to ensure that they follow proper procedures, make required findings, and issue an opinion that will, to the extent possible, withstand legal challenge."

There was concern about the expense and that an attorney not be required to attend every BZA hearing. Concern was also expressed that, without attorney's advice, decision of the BZA could be

challenged on procedural grounds rather than on the merits of the case. This hearing is somewhat unique in that the issue is quite contentious and could be subject to litigation. For the future, it is hoped that through training or other means, ways can be found to avoid needing advice of attorney for each BZA hearing. The Town Board agreed that for this special case it was best to have the attorney present.

**Animal Control Services Agreement:**

Supervisor Dietrich gave a brief update on the status of the Animal Control Services Agreement, advising the Board to go ahead and sign this one year contract. The contract is for the period from January 1 through December 31, 2010. Continuing negotiations for revisions in relation to future services, particularly in regard to changes likely to come from the State, are ongoing. The Town Supervisor and Town Clerk will attend meetings which take place every two weeks.

**Resolution No. 51 of 2010 - SPCA/TCAC ANIMAL CONTROL SERVICES AGREEMENT**

**Resolved**, that the Town Board of the Town of Danby authorizes the Town supervisor to sign a Animal Control Services Agreement with the SPCA/Tompkins County Animal Control.

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

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

**Road Engineering and Construction Laws:**

Dietrich gave a quick update on presentation by Delta Engineering, to take place Wednesday, April 7 at 6:30pm. Representatives from Caroline and Newfield have been invited to attend.

Dietrich asked for Board representation in a meeting to review the draft Road Excavation and Construction Law. This law was written, through the efforts of TCOG, for use in a number of municipalities. There are areas which need local clarification and lots of blanks which need to be filled in. Any fee structure and review is currently missing from the law. The law in its current form is not ready for passage. While some areas are dependent on inter-municipal agreement, others need to be clarified at the local level. Question could be presented at a group meeting or by writing or email. Dietrich would like to be able to move this in May. Kathy Halton would like to attend this meeting.

**Stormwater Resolutions:**

Code Enforcement Officer, Sue Beeners presented a set of resolutions regarding Stormwater Management fees for the Board's consideration and to be voted on at the April 12 meeting. Questions related to these resolutions will be relayed to Beeners prior to the next meeting.

**Staffing Needs:**

There was a general discussion about staffing needs, particularly Deputy Clerk, and the need to adjust the budget to fund this position. The Town will have additional staffing needs related to managing grant projects and other town initiatives. There are numerous tasks which will be new staff responsibilities.

Money for the Deputy Clerk in the Town Budget, as it stands, has all been paid out. The amount budgeted for 2010 was insufficient for even a very part-time Deputy through the year. Historically, the Deputy Clerk has been a seasonal part-time position. At the end of 2009, the Town Board expressed its desire that there be a Deputy Clerk for continuity of service. At this time, the Town Clerk could use a Deputy Clerk between 8-10 hours a week. The Town Board would like a better idea of where this money would come from in the budget. The Clerk and Bookkeeper will have something to present to the Board at the April 12 meeting.

**Plant Exchange on Town Hall Grounds:**

Dan Klein requested permission to hold the annual plant exchange on the grounds of the Town Hall this year. The pavilion at the fire hall is not available, due to construction. This will be held Sunday May 16 from 1-4pm. Permission was granted.

**Conservation Advisory Council:**

Klein presented a draft resolution to authorize the creation of a Conservation Advisory Council. This council would be directed to accomplish several tasks including researching and creating an inventory of land areas particularly open lands and ecologically sensitive areas, solicit land donations, facilitate conservation easements, and raise money for land conservation. Much of the language for this resolution comes from state law. Klein would like this to be on the April 12 agenda for further review.

**Farmers Market update:**

Dan Klein and Joel Gagnon reported that the Danby Farmers Market can not be at the Fire Hall this year because the Fire Hall is requesting insurance from each vendor. Their insurance covers one-time events, such as Danby Fun Day, but not on-going events like the Market. Cooperative Extension insurance covers the youth employees but not individual vendors. Other options are being explored, including the option to have the Market on the Town Hall property. The Town may need a special rider on its insurance to cover this event.

**Credit Card Resolution:**

Bookkeeper Laura Shawley presented a draft resolution describing how credit cards may be used to pay bills at the Town of Danby offices. This resolution is based on a similar resolution from the Town of Dryden. This policy meets requirements from the State Comptroller's meeting. She asked the Board to review this proposal for possible action in May.

**Other Written Reports** were received from the Highway Department, Code Enforcement Office, Water District, Community Council, Fire District, and Justice's Office.

**Adjournment**

A motion to adjourn the Meeting was made at 8:50pm.

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Pamela S Goddard, Town Clerk