

**Danby Town Board  
Minutes of Meeting  
September 13, 2010**

**Present:**

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

**Others Present:**

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

**Members of the Public:**

Ronda Roaring, Jen Handy (Ithaca Youth Bureau), Virginia & Joe Freeman, Mr. & Mrs Miller, Joel Gagnon.

**Ithaca Youth Bureau**

Jen Handy, program coordinator for the Ithaca Youth Council of the Ithaca Youth Bureau, made a presentation about opportunities available to Danby teenagers through the Ithaca Youth Bureau. Handy assured the Town Board (TB) that she was not seeking funding. This program serves all of the school districts in Tompkins County. The Ithaca Youth Council is comprised of 14 teens in grades 9-12 in the Ithaca City School district. Teens are chosen for their leadership potential. They are charged with representing and advocating for youth in the community.

In addition to the Youth Council, Handy suggested other opportunities for Danby Youth. Various external services are open to all youth, regardless of school district. These include a Youth Leadership Training Series during the school year. The Youth Leadership Corps takes place in the summertime. The IYC would like to partner with local leaders to host a local youth forum. Handy asked the TB for assistance in making these opportunities known to Danby residents. She encouraged the Board and community members to nominate a teen or encourage them to apply for a seat on the IYC. More information call be found at [[www.ithacayouthcouncil.org](http://www.ithacayouthcouncil.org)].

Supervisor Dietrich offered the use of the Town Hall for meeting space for a Youth Forum in Danby. He also suggested that an article be submitted to the Danby Area News, in order to inform residents and youth about these programs.

**Privilege of the Floor**

Virginia Freeman of Gunderman Road expressed concern about the appearance of Danby, particularly at the entrances of the Hamlet along Route 96B. She noted the Real Property Maintenance Law and expressed concern about unlicensed vehicles and the appearance of houses. In one mile, 39 unlicensed vehicles were counted. This does not include those visible at Dobson Motors, Lane's, or any other commercial property. Over a dozen unlicensed vehicles were counted on Gunderman Road as well. The Freemans and the Millers would like to have something done about this.

Beeners gave a response. There are four enforcement matters currently in process in this area of Danby Road. Some success is being made in the area of removing vehicles and debris. Code Enforcement is working on different stages of compliance for these properties, including compliance orders and appearance tickets. Beeners thinks that there will be visible progress soon. Virginia offered to help, if possible. Beeners accepted her offer.

### **Opening Bids - Phase 1 Town Highway Salt Barn Project**

Two bids related to pouring to the concrete foundation for the Salt Barn were received in the Town Clerk's office. The sealed bids were opened at 7:38pm.

McPherson Builders	\$91,788
J&H Masonry	\$118,500

All bidders were given the same specifications and all bids were for similar structures. On review, it was decided that the job could be done for roughly \$50,000 by the Town Highway Department, using existing staff and purchasing materials through County contracts. Therefore, all bids were rejected in favor of having the Highway Department do the labor. The goal is to have the top installed by the end of October/first week of November. Work on the foundation will start as soon as one week after this Board meeting.

### **Resolution No. 107 of 2010 – TOWN HIGHWAY DEPARTMENT SALT BARN PROJECT – PHASE 1 – POURED CONCRETE FOUNDATION AND WALLS**

**WHEREAS**, the Town has invited the submission of sealed bids for Phase 1 of the Town Highway Department Salt Barn Project, said phase being the construction of a poured concrete foundation and walls, and has received and reviewed such bids; **NOW, THEREFORE, IT IS**

**RESOLVED**, that the Town Board of the Town of Danby rejects all bids for said work; and it is

**FURTHER RESOLVED**, that the Town Board approves the performance of said work by the Town Highway Department; and it is

**FURTHER RESOLVED**, that the Town Board approves the expenditure of funds for said Phase 1 from the Capital Highway Improvements Program.

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

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

### **Biomass Boiler BAN:**

Dietrich and Shawley explained the problem with cash flow for the Highway Barn Bio-mass Boiler Heating Project. (The current building is heated with propane.) Up to 70% of the money to cover expenses will need to be provided up front, prior to reimbursement from NYSERDA. They proposed that the Board authorize the Town to secure a callable Bond Anticipation Note to deal with this cash flow need.

There was a general discussion of the type of fuel (probable round waste hay bales) to be used in this boiler, where it would be sourced (Danby farmers and the Danby Land Bank Cooperative), and where it might be stored. Some hay storage will be built on-site at the Highway Department. Halton expressed her concern that she did not know enough about the matter to vote.

### **Resolution No. 108 of 2010 – PERMISSION TO SECURE A CALLABLE BAN FOR THE INSTALLATION OF A BIO-MASS BOILER IN THE HIGHWAY DEPARTMENT**

**WHEREAS**, the Town is the recipient of a NYSERDA grant to purchase and install a bio-mass boiler in the Highway Department for the amount of \$263,647.00, and

**WHEREAS**, there are costs associated with ordering the boiler, installation, plumbing, and housing material that must be paid as needed throughout the project, and

**WHEREAS**, these costs will not be reimbursed until paid and submitted to NYSERDA; **NOW, THEREFORE, IT IS**

**RESOLVED**, that the Town Board of the Town of Danby authorizes the Town Supervisor to secure a Callable Bond Anticipation Note [BAN] to meet these expenses throughout the project in the amount of \$300,000.

**FURTHER RESOLVED**, that any amounts needed over and above the expected grant reimbursement of \$263,647.00 will not be disbursed without further permission from the Board.

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

In Favor: Connors, Klein, Race, Dietrich

Abstain: Halton

**Highway - approval to spend money on Marsh and Hornbrook Road:**

Amendment to Agreement to Spend Town Highway Fund - 2010. Pursuant to the provisions of Section 284 of the Highway Law, the Town Board of the Town of Danby agrees that moneys levied and collected for the repair and improvements of highways shall be expended as follows: General Repair. The sum of \$25,000.00 shall be spent to improve Hornbrook Road and Marsh Road. The roads will be graded, filled, and resurfaced with an oil and stone finish.

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

**Town Hall Parking Lot:**

There was a discussion as to the timeliness of refinishing the Town Hall parking lot with oil and stone. A quote of \$3,250 +/- for three coat layers was given to the town by Vestal Asphalt. Materials for this maintenance are currently available at a good price. Money for this project is available in the Building Reserve Fund.

**Resolution No. 109 of 2010 – TOWN HALL PARKING LOT MAINTENANCE**

**RESOLVED**, that the Town Board of the Town of Danby authorizes the Town Supervisor to spend up to \$3,500 for oil and stone resurfacing in the Town Hall parking lot. The source of this funding is to be a transfer from the Town Building Reserve Fund.

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

**Budget Process, set workshop dates:**

A Preliminary Budget will be presented to the Board at its meeting on September 20. The Town has until November 15 to finalize the budget. The Board was asked to set aside three Monday evenings for budget workshops. The first budget workshop will be held on Monday, September 27 at 7:00pm. The Board will consider either starting early or ending later on the evenings of October 4 and 11 during regular TB meetings. October 18 and 25 will be used for additional budget workshops as needed. Councilperson Klein advised the board that he will not be available on October 18.

**Dog Enumeration Agreement:**

Clerk Goddard informed the board of a tentative agreement (pending the following resolution) for Richard Leonard to conduct a dog count for the Town of Danby. Leonard comes highly recommended by other Towns, including Newfield and Dryden. Goddard explained the enumeration process. In advance, dog owners have been contacted when their registrations seem behind and renewals are coming in.

**Resolution No. 110 of 2010 – DOG ENUMERATION AGREEMENT**

**RESOLVED**, That the Town Board of the Town of Danby authorizes the Town Supervisor to execute an agreement for dog enumeration services with Richard Leonard. The enumerator agrees to complete the duties of the agreement on or before November 1, 2010 at a rate of \$2.00 per dog (whether currently licensed or not) plus mileage at \$0.50 per mile.

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

**Town Law for Licensing Dogs:**

Goddard explained the need for a local law authorizing the Town to license dogs and collect fees, as mandated by NYS Dog Control Law and the state-level change in dog licensing that takes effect in 2011. Each municipality will have local responsibility for licensing dogs, and must pass a local law in order to collect fees. The State is late in releasing a model law, but one needs to be adopted by the end of the year. It was suggested that, as a way to save attorney fees, the drafting of this law be done through TCCOG, since every Town will need an almost identical law.

### **Support for local Animal Population Control:**

There was a discussion about the need for a local Animal Population Control Program. Clerk Goddard explained some of the changes in NYS legislation concerning dog licensing affect the Animal Population Control funds. Fees must be collected from every dog owner, and will be sent to an animal population control fund. These fees must either be sent to NYS or to an authorized county animal population control program. The following resolution has been drafted by the Tompkins County Town Clerks Association in cooperation with Abigail Smith of the Tompkins County SPCA.

### **Resolution No. 111 of 2010 – SUPPORT FOR CREATION OF A TOMPKINS COUNTY ANIMAL POPULATION CONTROL PROGRAM**

**WHEREAS**, the New York State 2011 budget contains new legislation concerning dog licensing and Animal Population Control Funds, and

**WHEREAS**, the new legislation gives a county the authority to create its own Animal Population Control Program, thereby receiving the Animal Population Control Funds collected within such county, and

**WHEREAS**, the Tompkins County SPCA and the Tompkins County Town Clerks Association have expressed a desire to create a plan for Tompkins County Animal Population Control, and

**WHEREAS**, the Tompkins County Administrator has indicated that the County would be in favor of such a plan, and

**WHEREAS**, the Town of Danby is in favor of such a plan; **NOW, THEREFORE, IT IS**

**RESOLVED**, that the Town Board of the Town of Danby designates Pamela Goddard, Town Clerk, to represent the interests of the Town of Danby in the creation of a Tompkins County Animal Population Control Program, with the understanding that final determination and approval rests with the Town Board.

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

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

### **Cell-Tower Initiative:**

Sue Beeners gave an update on a proposed Intermunicipal Cell-Tower feasibility study which would include a consultant drafting an ordinance template. In addition, individual municipalities could request a review of their existing ordinance. The proposed expenditure would be \$1,300 to participate and an additional \$300-500 for ordinance review with a total cost to TCCOG of \$10,250 to be divided among the participating municipalities.

There was a short discussion about what this initiative entails and what it means in terms of costs and benefits for the Town of Danby. Danby currently has Cell Tower regulations, but they may be out of date. Part of the fee would provide a review of existing ordinance to bring it up to date. Beeners and Dietrich described this as “money well spent” as a way to get a fresh look at cellular communication tower laws. Members of the Board expressed skepticism. It was suggested that Herb Engman, as primary interviewer of the consultants, might be invited to speak to the Board and explain the purpose and rationale of this project. The Board agreed to put a decision about this matter on hold until the September 20 TB meeting.

### **Broadband Projects:**

Ric Dietrich gave an update. The County Infrastructure Committee has been charged with creating a sub-committee to study what local service providers could do to improve coverage. The Google survey and the Clarity Connect initiatives are still in process.

### **Fireworks Regulations:**

Sue Beeners gave an update. Information from the NYS Dept. of Labor about changes in NYS fireworks law was distributed to the board. Municipalities are required to issue permits, even if no permit process is in place. Attorney Guy Krogh is working on an opinion and set of regulations for the Town of Lansing. The TB thought it best to wait and see what happens with the Lansing regulations and what guidance might be coming from the State Attorney General. No action was taken at this time.

**Conservation Advisory Council:**

Dan Klein gave an update. Applicants have come forth and interviews will be set during upcoming TB meetings. Applicants will be offered a choice of dates, since there will be a number of meetings in the next month.

**Business vs Agenda Meetings:**

There was a brief discussion about what difference, if any, there is between an “Agenda Meeting” and a “Regular Meeting” or “Business Meeting.” As a great deal of business is dealt with at all meetings, it was proposed to drop the word “Agenda” from meeting notices and, in the future, say that the Town Board meets twice a month.

**Written Reports:**

Reports from the Library and the Justices were distributed.

**Gas Drilling Meetings:**

Kathy Halton gave an update about the EPA hearings in Binghamton. There were 100 people speaking that morning and five of them were from Danby. Additional people from Danby were to speak in the evening and on Wednesday, Sept. 15. Each person was to speak for two minutes.

**Running to Places Theatre Co.:**

Beeners gave the Board an overview of a zoning issue regarding the use of the old Danby General Market by the “Running to Places Theatre Co.” as a facility for rehearsals and stage construction. The theatre group is renting from owner Braus and is already occupying the store. They have been advised that this use requires code review and a public hearing before the Planning Board, as it is a change in use for this commercial property. The issue is to come before the Planning Board on Sept. 15 for site plan review.

**Adjournment**

A motion to adjourn the Meeting was made at 9:06pm.

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Pamela S Goddard, Town Clerk