

**Danby Town Board  
Minutes of Meeting  
November 1, 2010**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Code Enforcement Sue Beeners  
Ted Crane, Joel Gagnon, Ronda Roaring,  
Yen Hoang, Ben Tettlebaum, Keith Porter, Cynthia Bowman

**The meeting opened at 7:00pm.**

**Budget Discussion:**

There was a short discussion about budget preparation and any changes in the budget. (Only minor changes have been made.) Supervisor Dietrich directed the board to send any additional questions to Bookkeeper Shawley in the next week. Discussion centered on reserves for state retirement increases and savings to come from the Health Insurance Consortium.

The next budget workshop will be part of the November 8 Town Board meeting.

**Conservation Advisory Council Appointments:**

Dan Klein presented a proposal for six positions on the Conservation Advisory Council to be filled, split between three one year and three two year terms, in order to prevent turnover all at the same time. These terms are to officially begin on January 1, 2011, although work on the CAC will commence this year. Klein asked to be appointed as one of the six, as a Town Board representative for a one year term.

There was an extended conversation about the number of people who were to be appointed at this time (seven persons interviewed for the CAC but Klein proposed that only five of those be appointed, leaving one seat empty). Supervisor Dietrich expressed the opinion that all those who applied should be appointed. His reasoning was that the Town should be looking for as many people as possible to sit on boards. The CAC has a large charge and enough work "to go around" for all those who applied. The varied skills of those who were not in the proposed group could be useful to the CAC and the Town. This position was supported by Councilperson Race, noting that computer skills will be needed for this group in regard to databases and mapping. Dietrich added that it is important to encourage those who are interested to participate in Town activities.

Councilperson Connors supported Klein's proposal to have a more limited number of voting members on the CAC at this time, stating that others would be able to participate since the meetings will be open public meetings. She questioned whether there would be term limits in these appointments. Klein stated that there are no term limits in the CAC law. Connors expressed the opinion that the CAC is a work in progress and that, at least for the first year, this should be a group that works well together.

**RESOLUTION NO. 121 OF 2010 – CONSERVATION ADVISORY COUNCIL APPOINTMENTS.**

**RESOLVED** that the Town Board of the Town of Danby appoints the following persons to the Danby Conservation Advisory Council, effective January 1, 2011.

- For a one year term; Mary Ann Barr, Joel Gagnon, Dan Klein

- For a two year term; Julie Kulik, Tom Gavin, Jake Brenner

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

**In Favor: Connors, Halton, Klein**

**Opposed: Race, Dietrich**

### **EPA Communication regarding Chesapeake TMDL Guidelines:**

Cynthia Bowman and students from the Cornell Law School made a presentation regarding comments drafted for submittal to the EPA, regarding Chesapeake Bay Watershed guidelines for “Total Maximum Daily Load” for sediment nutrient run-off from Danby and Central New York State.

Bowman stated that the goals for New York State seem to be unrealistic and impractical. The water that goes into the Chesapeake from New York is already of a high quality. Nutrient loads from farms in Danby are already nearly as low as they can go. This additional imposition could put small, marginal farmers out of business. The proposed regulations could also stall economic development by freezing permits for new businesses.

The comments highlight these concerns and also an initiative for improved ditches and culverts that Danby hopes will receive funding from the EPA. The funding proposal is described in the comments. The comments also include concerns about impacts which might come from heavy industrial work such as gas drilling.

Ben Tettlebaum provided additional rationale for the comments and answered questions from the Board. The system that the EPA is using seems somewhat arbitrary, and the allocation of New York TMDL is inappropriate in relation to water quality and to the amount NYS contributes to the Chesapeake watershed as a whole. The EPA seems to be saying, “As well as you’re doing, do more.” De agreed that the Chesapeake Bay is in need of cleaning, but that these level goals are not appropriate.

A cover letter, including a synopsis of the comments, was drafted by Sue Beeners for Board review and approval. This letter was accepted and signed by all members of the Danby Town Board. This letter is to be sent standard mail, submitted on-line via [[regulations.gov](http://regulations.gov)], and copies mailed to TCCOG and the Towns of Caroline and Newfield.

### **RESOLUTION NO. 122 OF 2010 – EPA CORRESPONDENCE.**

**RESOLVED** that the Town Board of the Town of Danby approves the transmission of a letter and comments to the EPA regarding proposed TMDL regulations for the Chesapeake Bay Watershed.

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

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

### **Proposed Danby Dog Licensing Law:**

Clerk Goddard gave an over view of the state of the draft proposed Local Law - Licensing, Identification, and Control of Dogs in the Town of Danby. Some minor changes need to be made, and comments/concerns from the town attorney need to be addressed. Klein asked that the category “War Dogs” be removed from the list of dogs exempted from licensing fees. He objected to additional financial preference for retired service dogs that have already cost taxpayers money for training, etc. Other Town Board members supported this view.

### **RESOLUTION NO. 123 OF 2010 – DOG LICENSING LAW, PUBLIC HEARING.**

**RESOLVED** that the Town Board of the Town of Danby sets a public hearing for proposed local law # 5, Licensing, Identification, and Control of Dogs in the Town of Danby, for Monday December 6, 7:00 pm.

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

### **Highway Department Pipeline Easements:**

Supervisor Dietrich and Code Enforcement Officer Beeners gave an overview of the current ambiguity of Buckeye and NYSEG pipe-line easements and the need to clarify the exact width of rights of way for these. There is currently an unrestricted easement granted to the Buckeye pipeline. The standard rule of thumb is 50 feet. Beeners described this as a “housekeeping” measure which needs to be addressed. She will write letters to the appropriate offices to arrange updated surveys for these rights of way and easements in line with those of adjacent neighbors.

### **Setting a Budget Hearing:**

The TB continued its discussion of the budget process and set a public hearing with a meeting to follow.

### **RESOLUTION NO. 124 OF 2010 – 2011 TOWN BUDGET, PUBLIC HEARING.**

**RESOLVED** that the Town Board of the Town of Danby sets a public hearing for the 2011 Town of Danby Budget, for Monday November 15, 7:00pm with a meeting to follow.

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

### **Authorized Records Destruction:**

Clerk Goddard presented an update on the Records Management process and presented a resolution authorizing the destruction of records which no longer need to be retained. This is a standard formality when disposing of records which no longer need to be retained. Challenge Industries will shred records at \$.15 a pound.

### **RESOLUTION NO. 125 OF 2010 – 2011 RECORDS DESTRUCTION.**

**WHEREAS** the Town of Danby has adopted the NYS Archives MU1 for its Records Retention and Disposition Schedule, and

**WHEREAS** four boxes of records have been marked as past their six year retention, and

**WHEREAS** shredding is the most appropriate method of disposal for these records, and

**WHEREAS** Challenge Industries acts as the official shredder for Tompkins County and other municipalities,

**THEREFOR, BE IT RESOLVED**, That the Town Board of the Town of Danby authorizes the Town Clerk to have these records properly disposed of by shredding at Challenge Industries located at the South Hill Technology Park.

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

### **Geographic Informations Systems Mapping and Training:**

Code Officer Beeners described a proposed training services contract for GIS datasets and mapping relevant to environmental planning and a natural resources inventory for the Town of Danby. This project is part of the Critical Environmental Areas Committee.

The contract would run through the end of 2010, for software training and updates of GIS maps with more specificity. This project should benefit the CAC as well. Beeners suggested that the CAC and CEA meet together to coordinate mapping efforts. Beeners is requesting funds to be approved from the Comprehensive Plan fund. An additional \$1,700 for the purchase of the GIS software could

come out of the existing Code Enforcement contractual account. A small amount of money will be added to the Code budget for next year for a maintenance contract on this software.

#### **RESOLUTION NO. 126 OF 2010 – GIS MAPPING AND TRAINING CONTRACT.**

**RESOLVED** that the Town Board of the Town of Danby authorizes the expenditure of up to \$2,500 from the Comprehensive Plan account for work by Karen Edelstein, Consultant, generating maps and natural resources inventory upgrades to aid planning efforts in the Town of Danby and to improve the GIS capacity in the Code Enforcement Office.

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

#### **Clarification of Conservation Advisory Council Tasks:**

There was a discussion about the ways the CAC would interact with other boards and committees, and the immediate tasks before this Council. There has been concern that there would be overlap between this Council and groups such as the Planning Board and Critical Environmental Areas committee of the Danby Gas Drilling Task Force.

Klein presented a list of three general things that the CAC should address first, out of the longer charge of what it can and must do. These things are

- 1) inventory and map open land and wetlands in Danby
- 2) develop a “wish list” of lands to be preserved
- 3) initiate the CAC reserve account so that the Town can receive money for conservation purposes.

Education on these goals will be a part of the initial tasks. Klein is interested in getting memberships in the CAC from Danby residents.

Communication between the various boards/committees should assist networking and prevent overlap and duplicate efforts. It was suggested that effort be put into assuring that regular communication is the norm.

#### **Board Vacancies:**

There was a discussion about upcoming vacancies on the Planning Board and BZA. Danby representation on County boards will also need to be addressed at the start of the new year.

Christine Decker will be leaving the BZA, following a move to the Town of Ithaca. Dietrich nominated Joe Schwartz for this position. Schwartz has been contacted and has gotten approval from his employer.

Klein asked whether this and other openings have been advertised. There will be up to three open seats on the Planning Board at the end of this year, and there are no current alternates on this board.

Halton suggested that the TB advertise these board vacancies again. It was agreed to have a notice about Planning Board vacancies in the Danby Area News and Joel Gagnon will write something in the Broader View Weekly. Beeners requested that the issue of board vacancies be scheduled on a regular basis, to avoid appointments being held back until February or March. It was suggested that interviews be held in December for January appointments.

#### **Health Care Consortium:**

There was a discussion about progress on the Health Care Consortium and the expected savings in the next year. Danby’s expected savings for 2011 will be \$60,000. The savings will be similar in 2012, with flattened savings in the third and fourth years. It will still be cheaper than going alone. The Consortium helps normalize health care costs, freeing the budget to be used for other things.

The question was raised as to whether the Consortium will ever be opened to residents. This has been discussed but is not possible at this time.

### **Dog Count Update:**

Goddard gave an update on the progress being made by Richard Leonard. He has enumerated most or all of the Town on the east side of Rt. 96B. Several (20-30) new dog licenses have been issued.

Due to the transient nature of some neighborhoods, and the importance of having accurate numbers for the SPCA/TCAC control contract, it would be useful to repeat this process every three to five years. In the future this may be done by the undertaken by the SPCA on a rotating basis for participating municipalities.

### **Highway Building Projects:**

Dietrich gave an update on the progress being made on the Highway Salt Barn construction project. The base has been poured and the cover should arrive during the week of Nov. 8-12. Dietrich recognized the highway crew for doing a good job, well beyond their standard job description. A ribbon-cutting and/or opening party was suggested. Commemorative T-Shirts might be good.

Insulation and construction for the Biomass Boiler are progressing. NYSERDA has authorized the smaller mixed-use boiler from Denmark. After a year or two—when NYSERDA's involvement has terminated—this can be converted to hay bale use with a change to the feeder system.

### **Emergency Management:**

Dietrich initiated a discussion about Emergency Management, particularly in relation to potential future industrial activities/gas drilling accidents. He believes that this is important in relation to new types of emergencies/evacuation, and the need to have a plan in place for a potential declaration of emergency in order to get emergency aid.

Efforts are being made to get the County on board. Dietrich would especially like to see rural fire fighter training in relation to industrial accidents (such as spills, well fires, ruptured gas lines, and other accidents with heavy equipment) for which they may not be currently prepared. Conversations have been had with towns in Pennsylvania which have already been dealing with this.

This will be included as an ongoing item on future agendas and additional information will be distributed at the next TB meeting.

### **Adjournment**

A motion to adjourn the Meeting was made at 9:10pm.

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Pamela S Goddard, Town Clerk