

**Danby Town Board
Minutes of Meeting
November 8, 2010**

Present:

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

Excused:

Councilpersons: Dylan Race

Others Present:

Town Clerk Pamela Goddard
Code Enforcement Sue Beeners
Highway Super. Carl Seamon
Bookkeeper Laura Shawley
Ted Crane, Joel Gagnon, Ronda Roaring

The meeting was called to order at 7:03pm.

Privilege of the Floor:

Joel Gagnon suggested that floodlighting on the front of the Town Hall be improved, so that those traveling on Rt. 96B can see how good the building looks, now that it has been repainted. Only a few bulbs need to be replaced. There was a discussion of low wattage alternatives for this use. Supervisor Dietrich said that he would direct the maintenance person to fix this.

Warrants:

General Fund - #444-485 for a total \$23,969.91

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

Water District - #58-64 for a total \$1,854.24

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

Highway Fund - #134-161 for a total \$142,469.75

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

Approval of Minutes:

RESOLUTION NO. 127 OF 2010 – APPROVE MINUTES.

RESOLVED that the Town Board of the Town of Danby approves the minutes of October 4, 11, and 18.

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

Conservation Advisory Council Appointments:

There was a discussion about the appointment of a Chair for the Conservation Advisory Council. According to the CAC resolution, the Town Board appoints a chairperson. The Board suggested that

the Council members make a recommendation to the Town Board. Goddard suggested that it would be a good “separation of powers” to have the chair be a member who is not also a member of the Town Board. The Board agreed to appoint Klein as “Convening Chair” until the Council can make a recommendation to the Board.

Highway Building Projects:

Carl Seamon gave an update on the Salt Barn project. Work on the Highway Salt Barn is scheduled to be completed by November 15. There was a discussion about when to have a ribbon cutting celebration. The Board also discussed possible methods of showing its appreciation to the Highway crew for the extra work they did on this project. It is estimated that over \$60,000 was saved by having the crew do this work, rather than subcontracting the project. Seamon proposed to give the crew an extra day off for the Veteran’s Day holiday. The Board discussed whether it would be appropriate to offer holiday bonuses to Town employees. Shawley will check with the State Comptroller about the legality of such bonuses. A decision about these issues will be made at the Nov. 15 special Town Board meeting.

Highway Superintendent Referendum:

Goddard and Klein reported on the results of the Nov. 3 Highway Superintendent Referendum. The Referendum failed by 20 votes. There are 55 absentee ballots, but it is unlikely that these votes will change the outcome of the referendum. The Board concluded that there was an overriding concern about loss of voter control.

On the assumption that Seamon is retiring, the question was raised as to the best way to find a qualified candidate for Highway Superintendent. Seamon announced that he was strongly thinking about staying on. This announcement was met with approval.

Proposed Danby Dog Licensing Law:

Clerk Goddard reported a discussion she had with Town attorney Guy Krogh regarding potential ambiguities in the proposed Dog Law that may lead to future conflicts. Krogh described the current draft of the law as “good enough”, given the time constraints in relation to the licensing responsibilities that revert to local municipalities on January 1, 2011. Local Town Boards may wish to review and amend the law at a later date.

Budget Discussion:

There was a discussion about final budget preparation and any changes in the budget. The budget includes funds in a retirement reserve account, funds in a contingent fund for Youth Services, and an additional \$450 for mapping software in the Code Enforcement Office. Discussion centered on a requested increase for salaries for the Town Justices. The Justices are concerned that the Court Clerk is making more than they are, and that salaries should be equal. The Board was uncomfortable about making a last minute salary adjustment. Shawley suggested adjusting that line to its previous level (a standard 2% increase), putting amount in question in the contingent account for possible review at a later date.

Hill Road Correspondence:

A letter from Linda Katts and Chris Murphy was submitted to the Board, regarding problems with a neighbor adjacent to 141 Hill Road and perceived inaction by the Town Code Enforcement Office.

Complaints include junk, illegal burning, and other problems. Beeners commented on the issue, addressing some inaccuracies. Complaints about fires were directed to the Health Department as lead agency for that. Beeners reported on previous violation notices that have been served and the modest improvements that have been made. Beeners will report back in December. Beeners and Dietrich will

meet with the Thurnheers on this matter and the Supervisor will send a letter to the Murphys acknowledging their communication.

A discussion followed about the standard procedure for addressing complaints and steps which can be made to improve the function of the Code office for general enforcement of violations.

Gas Drilling Task Force:

There was a discussion about whether it is advisable for the Town to pursue an ordinance banning gas drilling in the Town of Danby. Pressure for such an ordinance has come from some Town residents. Dietrich suggested that an information session be held by the DGDTF. Halton does not think that such an ordinance is appropriate for Danby at the current time, since the Town could be sued by the Attorney General's office on the grounds that Towns do not have the authority to pass such measures. Different attorneys have offered various opinions on this matter.

The DGDTF will be holding a series of public information sessions over the next several months. Halton suggested that the DGDTF hold a series of public presentations of scientific information and that it continues its studies of areas of importance. Danby's efforts will be based on good laws with sufficient case law to support them.

Board Vacancies:

There was a continued discussion about upcoming vacancies on the Planning Board and BZA. A special announcement, advertising all board vacancies, will be posted in the December Danby Area News. Connors raised the question of whether the BZA vacancy created by Christine Decker's move to Ithaca should be filled at this time. This term runs through the end of December 31, 2013. Joe Schwartz has been contacted about this position.

Connors made a motion to appoint Schwartz at this time. Other members of the board wanted to engage the full process, including advertising the position and actually interviewing the candidate. Connors wished to fill the position in a timely manner. Schwartz had expressed interest in the BZA in the past. Klein proposed that the appointment be made at the December 13 meeting. Connors declined to withdraw her resolution.

RESOLUTION NO. 128 OF 2010 – BZA APPOINTMENT.

RESOLVED that the Town Board of the Town of Danby appoints Joe Schwartz to fill the remainder of Christine Decker's term on the Danby Board of Zoning Appeals through December 31, 2013.

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

In Favor: Connors

Abstain: Halton, Klein, Dietrich

Emergency Management:

Dietrich informed the Board about emergency management issues related to the County Gas Drilling Task Force. The County has agreed to provide First Responder training, which would be available to Town Boards and Public Information Officers as well. Supervisor Dietrich suggested that the Town Clerk become the Emergency Management Coordinator for the town. It is hoped that all Town Clerks will agree to become Public Information Officers. The training currently planned for area fire departments and first responders is the same as has been held for first responders in drilling areas of Pennsylvania.

A series of questions were distributed for Board review. Additional workshops will be planned for boards and departments in relation to potential gas drilling emergencies. State police have informed Dietrich that they have no jurisdiction to enforce Town and local laws. The Sheriff's department has also said that it has no legislation to enforce local laws. More clarification is needed on these matters.

Code Enforcement Report:

Beeners made a report on activities through the Code Office. During September and October, permits were issued for two houses, two finished basements, two residential additions, two detached garages, a studio. Klein asked how many new houses for the year. Beeners replied that it was lower than normal, perhaps 15.

The White Hawk well was drilled with a good yield of roughly 60 gallons a minute. The BZA denied a special variance for a division on Town Line Road. *Running 2 Places* received a special permit for use of the old Danby Store, but still needs to meet conditions for a certificate of occupancy.

Food Pantry:

Halton reported on a recent meeting with the Food Bank of the Southern Tier and representatives of the Danby Food Pantry. The distribution time will be changed to one day, 3-7pm, most likely on a Thursday during the month. The Church wants some of their space back and the Pantry was notified of new rules and regulations. Assistance will be provided to elderly and infirm clients. The change will start on the third week of January. Notice will be put in the January Danby Area News.

Supervisor's Reports:

Reports were distributed from January through July 2010.

Acceptance of the reports was moved by Klein, Halton seconded the motion. The motion passed by acclamation.

Town Clerk's Report:

The Clerk's report for October was presented by Goddard. Total disbursement to the Supervisor's office of \$3,666.00

Acceptance of the October Town Clerk report was moved by Klein, Halton seconded the motion. The motion passed by acclamation.

Adjournment

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

Pamela S Goddard, Town Clerk