

**Danby Town Board
Minutes of Regular Meeting
February 14, 2011**

Present:

Supervisor: Ric Dietrich
Councilpersons: Leslie Connors, Kathy Halton

Excused:

Councilpersons: Dan Klein, Dylan Race

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Code Enforcement Sue Beeners
Public Ronda Roaring, Joel Gagnon, Ted Crane,
Robert Roe, Liz Roe, Garry Huddle,
David Slottje, Helen Slottje, Darby Kiley

The meeting was called to order at 7:05pm with the Pledge of Allegiance.

Guest Speaker

Darby Kiley gave a presentation about her role as Environmental Planner (in a one year position through the County Planning Department) working with the TCCOG Tompkins Addresses Natural Gas (TANG) task force subcommittee. She is working with six work groups, focusing on road protection, land use, mapping, land values and assessment, water quality, and public safety. Kiley gave a brief description of what these groups are working on. She is also drafting a list of “best practices” for managing impacts from high volume industrial activity.

Kiley offered to help tackle one aspect of these needs for the Town of Danby. Beeners responded with some areas where the Town could use advice: zoning, stream buffer protection, and Critical Environmental Area designations. Halton asked about coordinating local laws and zoning. Dietrich asked about Noise and Light ordinances. Kiley mentioned ordinances in place or proposed in the Towns of Ithaca and Dryden.

A question was posed about “High Impact Industrial Uses.” Kiley deferred to David and Helen Slottje, who explained, at length, their proposal to ban, rather than “regulate,” high impact industrial activity. The Slottjes are lawyers who are offering their services *pro bono* to municipalities interested in excluding “High Impact Industrial Uses” in their Towns through zoning ordinances. They made a case that Environmental Conservation Law Article 23 (which provides that State Law regarding oil, gas, and solution mining supersedes local law, with the exception of taxation and the regulation of roads) has been overemphasized by industry supporters. They feel a Town has the right to determine, though zoning, what activities are permitted within its boundaries. In addition, they argue that there is no conflict of “regulation” if an activity is not permitted in a municipality.

The Slottjes cited several precedents, at the Federal and State levels, that affirm a municipality’s right to protect its resources. Their sample legislation tightly defines “High Impact Industrial Use” through its negative impacts, such as various types of solid waste and unregulated pipelines. The presence of four or more of these impacts would qualify an activity as “High Impact Industrial.” This approach might complement the goals already stated in the Danby Comprehensive Plan.

Members of the Board expressed concern that this question would be “decided by the courts” and that such court cases are likely to be very expensive for small municipalities such as Danby. There was also concern that, a local zoning ordinance would not cover the large portion of Danby that is

part of the State Forest. Therefore, "High Impact Industrial Uses" might occur in Danby, even if a ban on such activities was in place. Since Danby has no control over what takes place on State land, the Board has focused on what can be controlled (road protection and storm water mitigation).

It was also noted that the Town must also consider the impact of industrial activity in adjacent Towns, such as those in Tioga County.

Privilege of Floor

Ted Crane distributed a written proposal for a public computer facility in Town Hall. He suggested that the Board review his material and consider this at a future meeting. Dietrich expressed his support for the concept of the Town Hall being used as a central facility for computer usage and other services. The Town has already been stockpiling used computers toward this need.

Critical Environmental Areas

Sue Beeners and Ben Altman distributed a draft of proposed Critical Environmental Area (CEA) designations in Danby. Six potential areas have been identified. Many of these expand on the Unique Natural Areas defined by the County while others reflect information from the Danby aquifer study.

The boundaries of these areas is still under review, and the committee continues to assemble information about the areas. Citizen input will be included in the review process and Public Hearings will be held prior to CEAs being adopted.

CEA designation does not impose any specific restrictions on an area. Properties within a CEA designation need to go through additional levels of review prior to Code permit approval. Public education is planned prior to public hearings.

RESOLUTION NO. 35 OF 2011 - APPROVAL OF MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of January 3 and 10, 2011.

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

In Favor: Connors, Halton, Dietrich

Warrants: #2 of 2011

Highway Fund - #004-030 for a total \$69,834.76

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

In Favor: Connors, Halton, Dietrich

General Fund - #028-088 for a total \$34,739.42

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

In Favor: Connors, Halton, Dietrich

Water District - #002-012 for a total \$1,284.76

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

In Favor: Connors, Halton, Dietrich

Amendment to Warrant #14 of 2010:

RESOLUTION NO. 36 OF 2011 - AMENDMENT TO ABSTRACT #14 OF 2010, DATED JANUARY 10, 2011

Resolved, To amend abstract #14 of 2010, dated January 10, 2011, to include the following vouchers:

General Fund - #574-579 for a total of \$4,128.64

Highway Fund - #190-193 for a total of \$8,220.06

Water District - #-71-075 for a total of \$1,056.37

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

In Favor: Connors, Halton, Dietrich

Inter-Governmental Agreement:

Goddard and Beeners explained the need for this agreement. This is mostly a “house keeping” action. This exempts minor projects as items for County planning review. A copy of this same agreement was signed by the Planning Board and Board of Zoning Appeals in 2003/2004.

RESOLUTION NO. 37 OF 2011 - PLANNING DEPARTMENT INTER-GOVERNMENTAL AGREEMENT

RESOLVED, that the Town Board of the Town of Danby authorizes Supervisor Dietrich to sign an Intergovernmental Agreement between the Tompkins County Planning Department and the Town of Danby regarding review of local zoning and planning actions.

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

In Favor: Connors, Halton, Dietrich

Town-wide Meeting:

There was further discussion about a meeting of all Danby boards and groups on April 7. Notice of this meeting will be published in the Danby Area News and a template invitation was distributed for review and comments. The invitation will include guidelines to focus discussion. Goddard volunteered to send the invitation to contact people and groups identified by the Board. This will be distributed via Email and regular postal service.

Appointment Procedures:

Connors distributed a draft policy and invited feedback. Connors is also compiling a chart of Board and Committee appointments. There was a short discussion as to whether references are required. A reference check does not seem to be a standard part of Town appointment procedures. A clear list of expectations and responsibilities should be generated. The Board will continue to review this policy at a future meeting.

Written Reports:

Goddard distributed several reports, including the Highway Report, Code Enforcement, EMC, Fire District, and the monthly Town Clerk’s report.

Cell Tower Meeting:

Beeners gave a report on a meeting of the County Cell Tower Planning Group. Bill Evans also attended that meeting. An Ordinance Template will be generated by attorneys. It is not clear that this will be an ongoing group, so there is no need to make a formal appointment at this time. Evans will be glad to attend future meetings, as they are scheduled, and has indicated willingness to assist in any way.

Adjournment

A motion to adjourn the Meeting was made at 9:15pm.

Pamela S Goddard, Town Clerk