

**Danby Town Board
Minutes of Regular Meeting
May 2, 2011**

Present:

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

Excused:

Councilperson: Dylan Race

Others Present:

Town Clerk Pamela Goddard
Code Enforcement Sue Beeners
Highway Superintendent Carl Seamon
Public Matthew McGill, Thomas Gavin, Ronda Roaring, Ted Crane

Youth Services:

An informal meeting, attended by Ric Dietrich, Kathy Halton, Dan Klein, Leslie Connors, and Julie Kulik, was held from 6:40 until 7pm. During this time, there was a discussion of Danby's commitment to Youth Services as a way to build and maintain relationships between residents. Dietrich suggested that Danby assess how much the Town can budget for local youth services on an annual, long term basis. There was a discussion about the feasibility of working under the Cooperative Extension umbrella as a way to cover liability costs. "Homework" questions (find the actual dollar amount Danby currently puts into youth services and learn what the town insurance currently covers) are to be answered in the next week.

The Regular Meeting of the Danby Town Board was opened at 7:00pm.

Privilege of the Floor

Ronda Roaring stated that she supports the Town Board voting in favor of old growth development in the Danby State Forest. Roaring will be sending her own "Rapid Waters" response letter.

Ted Crane reported on progress with the Dryden Sound Performance Standards Ordinance. He was informed that the ordinance they have just passed is considered a "stop gap" measure and should not be seen as a strong example of such an ordinance.

Highway Barn Biomass Boiler Project:

Beeners and Dietrich gave the Board an update on the status of this project. This will be a wood-chip Biomass Boiler, similar to the one in use at the Cayuga Nature Center. The system should be able to use biomass briquettes made from grass, using biomass harvested by the Danby Land Bank Cooperative. The system also has an auto-start reset, so that it will be most efficient for the Highway staff.

The fuel source should be available from multiple sources including Wagner Lumber Mill and the City of Ithaca which purchased a tub grinder in order to handle anticipated tree loss related to the emerald ash borer and other tree diseases.

RESOLUTION NO. 53 OF 2011 - HIGHWAY FACILITY BIOMASS BOILER PROJECT - AUTHORIZE NOTICE TO BIDDERS AND SCHEDULE BID OPENING

Whereas, the Town of Danby is conducting a project to install a biomass boiler and associated heating system improvements and storage facilities at the Town of Danby Highway Facility; and

Whereas, this project is a Type II action under SEQRA, requiring no further environmental review;

Now, Therefore, it is

Resolved, that the Town Board of the Town of Danby authorizes a Notice to Bidders for this project to be published in the Ithaca Journal; and it is

Further Resolved, that the Town Board schedules the Bid Opening for this project to be on Monday, June 6, 2011 at 7:00 p.m. at the Town of Danby Town Hall, 1830 Danby Road, Ithaca, NY.

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

In Favor: Connors, Halton, Klein, Dietrich

Code Enforcement Office - Temporary Position

Beeners explained that there is an immediate need for Code Enforcement assistance, following the resignation of Russell Klinger due to health issues. She has had no assistance for two months and will be out on medical leave for at least two weeks starting May 24. Civil Service allows temporary appointment for up to 89 days. Beeners anticipates that it will take a while to advertise and interview for a permanent appointment. The permanent position will be four days a week. Once the job is advertised, applicants will have four to six weeks to submit resumes.

John Daniels contracts as Code Enforcement assistant for several other Towns including Caroline and Ithaca. He will be available for an average 10 hours a week.

RESOLUTION NO. 54 OF 2011 - CREATION OF TEMPORARY POSITION OF CODE/FIRE ENFORCEMENT OFFICER

Whereas, the Zoning/Code/Fire Enforcement Officer has requested that a temporary, part-time position of Code/Fire Enforcement Officer be created to fill certain needs of the Code Enforcement Office during various staff absences;

Now, Therefore, it is

Resolved, that the Town Board establishes the temporary, part-time position of Code/Fire Enforcement Officer for a period of up to 89 days commencing on or about May 10, 2011, with the hours of employment to average 10 hours per week; and with the rate of pay to be \$22.71 per hour; and it is

Further Resolved, that the Town Board establishes Account A8010.140 for compensation of said position, and approves the transfer of funds adequate to cover said compensation from Account A8010.130.

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

In Favor: Connors, Halton, Klein, Dietrich

RESOLUTION NO. 55 OF 2011 - APPOINTMENT OF TEMPORARY CODE/FIRE ENFORCEMENT OFFICER

Resolved, that the Town Board of the Town of Danby hereby appoints John Daniels to the temporary position of Code/Fire Enforcement Officer.

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

In Favor: Connors, Halton, Klein, Dietrich

Written Response to Rapid Waters State Forest Management Plan

Halton presented a draft letter, for consideration as the Town Board official response to the Rapid Waters Unit Management Plan for the Danby State Forest. Halton's draft included input from the Conservation Advisory Council and others, noted that this is an area of particular interest since the State Forest comprises 25% of Danby's land, and refers to the Town Comprehensive Plan.

The letter expresses particular concern with those areas designated as "Category A"—14% of the Danby State Forest—which have been deemed compatible with gas extraction. The letter expresses concern about areas damaged through well pads, pipe lines, and the impact of extensive truck traffic carrying heavy loads. Continuous light and sound impacts have the potential to greatly harm wildlife.

The letter states, "We believe that [the goals of the DEC] are not compatible with extraction of natural gas in state forest lands." It further asks for a prohibition of natural gas extraction in these lands. The letter also asks that the DEC adopt a long term strategy towards managing the forest for old growth development.

After some discussion, small changes were made to the letter. Halton will finalize the draft and forward the revision to the Town Clerk who will prepared the correspondence for submission to the DEC and others.

RESOLUTION NO. 56 OF 2011 - WRITTEN RESPONSE TO RAPID WATERS UNIT MANAGEMENT PLAN

Resolved, that the Town Board of the Town of Danby submits Halton's comments, with revisions, as its official comments to the Rapid Waters Unit Management Plan for the Danby State Forest.

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

In Favor: Connors, Halton, Klein, Dietrich

Beeners recommended that this letter be transmitted to Ed Marx and Martha Robertson, as Tompkins County officials. The Board agreed with this suggestion.

Beeners also presented a draft letter regarding minimum maintenance roads within the State Forest boundaries. The letter refers to local law regarding recreational and agricultural access to these roads, with a limit of 50 vehicles a day. This letter will be sent from the Code Office, to John Clancy of the DEC, during the Rapid Waters Plan response window.

704 East Miller Road Update

A short update from Beeners. The official notice was not delivered to Mr. Taft in Florida until April 25, due his travels. He is reviewing estimates for asbestos removal. There is a work completion date of June 1.

Concerned Citizens of Danby

There was a discussion about appropriate use of official Town information channels regarding the activities of a newly formed group: "Concerned Citizens of Danby." This group is organizing a petition drive to, "request the Town Board to modify modify Danby's zoning to explicitly restrict Heavy Industrial activities, which would negatively affect the environment and would include but not be limited to slick-water hydro-fracturing for natural gas." There had been a request to send a notice of this petition to the Danby Gas Drilling Task Force Email list.

The Board's position is that Town Email lists should not be used to distribute an outside group's position statement. Instead, the Board suggested that a short announcement message be sent, informing residents of the existence of this group, with contact information.

Natural Gas Production and Home Rule

Dan Klein reported that members of the Planning Board are reviewing zoning which might support a potential ban on "fracking." This will be discussed at the next PB meeting. Klein is still working on updates to the Comprehensive Plan. Members of the Planning Board may also be looking at updates to the Comprehensive Plan.

Beeners suggested that there be some coordination between Board and individual efforts and efforts between municipalities. There will also need to be a level of staff support to consolidate materials and transmit information. Beeners suggested that the Town Clerk would be in a good position to act as information manager. Goddard is willing to do this.

There was a discussion about legal support and questions regarding Home Rule in relation to natural gas production. Dietrich informed the Board about discussions he has had with the Town attorney. He has kept Halton informed about Email communication with the attorney. Some of this communication will be forwarded to the rest of the Board. Dietrich suggested that the Board have a face-to-face meeting with the attorney to present questions.

There was a lengthy discussion about pros and cons of different legal methods of dealing with high volume industrial activity as a threat to quality of life in Danby. Measures might include site specific restrictions, noise and light ordinances, road use laws or agreements, and/or a total ban. Discussion included concerns about how to best use Danby's legal resources. There is no easy answer to this. Reviewing the Comprehensive Plan, appropriate zoning, and creating Critical Environmental areas are all good for the town, no matter what happens.

Road Laws

Dietrich and Halton reported on the complications that have risen related to Municipal Road Use Laws. Road Use Agreements are now seen as a backup plan in case untested Road Use Laws don't hold up. A meeting with Delta Engineering and neighboring municipalities is being scheduled.

Halton proposed that if Delta is not forthcoming with a Road Use Law, Danby cancel that part (phase two) of the contract (staying with phase one) and write its own law. Dietrich believes that a law will be forthcoming from Delta, but it may be imperfect. He is more confident about Road Use Agreements.

April 28 Tornado Report

Beeners gave an update on damage from the April 28 tornado. A summary report was distributed to the Board. This report was generated in response to a State Emergency Management Office request for information related to preliminary costs of damage. The Highway and Fire Departments will be putting together reports on labor and machinery costs as well.

There was no loss of life or injury. Twelve houses had minor to moderate damage. Three houses had major damage. One house was destroyed. Tree loss was especially severe. In the Buttermilk Creek Valley, approximately 400 and 500 trees were lost, many of which grew along steep, highly erosive banks. There is concern about unstable creek banks. Trees are not covered by private insurance, unless they fall on a house. Creative ways to help residents are being investigated.

Dietrich reported that the County Emergency Management team will sponsor a tabletop training session based on this event. Recovery aspects of this event are still unfolding. There is the potential for Danby to be a much stronger community in emergency situations as a result of this event. An already scheduled Public Information Officer training discussion is to be held on May 4. Goddard, Halton, and Dietrich will all attend.

Seamon asked the Board for permission to chip tree debris for residents, if it is left at the side of Town roads. This was approved, with appreciation for highway department efforts.

Adjournment

The Meeting was adjourned at 9:01pm.

Pamela S Goddard, Town Clerk