

**Danby Town Board  
Minutes of Regular Meeting  
June 13, 2011**

**Present:**

Councilpersons: Leslie Connors, Kathy Halton, Dan Klein, Dylan Race

**Excused:**

Supervisor: Ric Dietrich

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
County Legislator Frank Proto  
Public Robert Roe, Liz Owens Roe, Garry Huddle, Ted Crane, Ronda Roaring,  
Cynthia Bowman

**The Regular Meeting of the Danby Town Board was opened with the Pledge of Allegiance at 7:03pm.**

**Privilege of the Floor**

Frank Proto asked whether there was a followup status report from FEMA regarding the April tornado incident. No information is available at this time.

Liz Roe commented on a recent editorial in the Ithaca Journal regarding nodal development. She thought that this was a well worded argument against this style of development.

**Approve Minutes**

Clerk Goddard noted that there was a numbering error in the resolutions of the draft May 9 minutes as distributed to the Board and posted on the Town web site. This error created an error in the resolution numbering at the time of the June 6 meeting. Goddard has since corrected the error.

**RESOLUTION NO. 65 OF 2011 - APPROVE MINUTES**

**Resolved**, that the Town Board of the Town of Danby approves the minutes of May 2 and 9, 2011.

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

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

**Warrants**

Water District - #029-032 for a total \$572.18

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

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

General Fund - #197-257 for a total \$19,899.19

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

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

Highway Fund - #085-102 for a total \$31,963.33

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

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

## **Authorize CSEA Contract**

Goddard explained the need for the Board to formally authorize the CSEA contract, which was finalized last November. The TB requested time to refresh their memories by reviewing the contract again. The Clerk will distribute copies and this will be taken up at a meeting in July.

## **Letter to Senator Seward**

Goddard presented the draft of a letter to NYS Senator Seward, supporting his his request that DEC Commissioner Martens include a Home Rule provision within the new regulations of natural gas drilling under the soon to be released supplemental generic environmental impact statement (sGEIS) and supporting a proposed bill to amplify “home rule” provisions. The letter further outlined some of the steps that Danby is taking to amend zoning, to regulate land use related to high impact industrial activity such as current methods of natural gas drilling.

The letter also urges Seward to support the Senate version of a one-year moratorium bill which has recently passed the NY Assembly. This moratorium extension would allow municipalities the time needed to draft well-crafted ordinances with the proper balance between individual property rights and the greater community good.

The Board approved the draft of this letter and requested that the Town Clerk send copies of this letter to the Governor, head of the Senate, and others.

### **RESOLUTION NO. 66 OF 2011 - LETTER TO SEN. JAMES SEWARD**

**RESOLVED**, that the Town Board of the Town of Danby authorizes the Town Clerk to send a letter to Sen. James Seward supporting Home Rule provisions and urging support of the Senate version of a one-year moratorium bill. The Board requests that the Clerk send copies of the letter to the Governor, Head of the Senate, and the moratorium bill sponsors.

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

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

## **Reschedule July Meetings**

The Board discussed rescheduling the meeting original scheduled for July 4, so as to avoid the Fourth of July holiday.

### **RESOLUTION NO. 67 OF 2011 - JULY TOWN BOARD MEETINGS**

**Resolved**, that the Town Board of the Town of Danby reschedules the July 2011 meetings to be held July 11 and 18, 7:00 pm at the Danby Town Hall.

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

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

## **Caroline Town Meeting**

Connors informed the Board of a resolution to “ban any ban on gas drilling”, set to be discussed at a meeting of the Caroline Town Board on June 14. Connors stated her intention to attend and possibly speak as a resident from a neighboring town. There was a discussion of a possible comment on this issue from the Danby Town Board, in the form of a resolution asking the Caroline Board not to restrict its resident’s ability to have a say regarding possible controls on industrial activity in their town.

Halton expressed hesitancy in directing a resolution to a neighboring municipal government, saying that this should be, “up to them.” A view was expressed that actions in Caroline could have a substantial impact on Danby. Gas drilling operations could easily cross Town lines. Members of the Board stated the concern that this would limit public involvement in this issue.

## **RESOLUTION NO. 68 OF 2011 - INTERMUNICIPAL RESOLUTION**

**Whereas**, the Town of Danby shares a considerable border with the Town of Caroline, and

**Whereas**, what happens in Caroline effects Danby, therefor be it

**Resolved**, that the Town Board of the Town of Danby asks that the Town Board of the Town of Caroline not pass a resolution that would restrict the residents of Caroline's ability to control industrial activities in their town.

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

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

**Opposed: Halton**

### **Legislator's Report**

Proto reported on various items at the County level. He informed the Board of a proposed County wide "Sustainability Center" to be located in Ithaca. Proto gave a short update on draft County Roads and Weight Control regulations. This is still in process, waiting for more information from Delta Engineering. In a related topic, the price of gas and oil is limiting Road repairs. Coddington Road repair is underway from East King Road to East Miller Road.

The redistricting committee has been appointed. There are 15 members of the committee, representing all parts of the county. Redistricting will take effect for the next election.

Proto gave another update on the County Home Health Agency (CHHA). Another major meeting scheduled for June 14. The hope is that a direction will be set for the CHHA. There is a high level of interest in this issue in the community.

Proto noted the recent death of Willard Daetsch and honoring the work he had done for the Danby Community through the Danby Community Council.

### **Resolution in honor of Willard Daetsch**

The Town Board noted, with sadness, the passing of Willard Daetsch, who had been a long-time active member of the Danby Community. He was past president of the Danby Community Council, was active in the concert series, the Danby reading room, and other town activities. Halton will write a letter to the editor of the Ithaca Journal. She presented wording for a resolution. A copy of this resolution will be sent to Dorothy Daetsch.

## **RESOLUTION NO. 69 OF 2011 - WILLARD DAETSCH**

**Resolved**, that the Town Board of the Town of Danby would like to honor a resident who has recently passed away, Willard Daetsch. Willard was an active community member for many years and we will miss his contributions to our town, his generosity, and his wisdom.

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

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

### **Aquifer Protection Ordinance**

Resident Attorney Cynthia Bowman gave an update on the proposed Aquifer Protection Ordinance, which she is drafting with the help of the Critical Environmental Areas Committee. Bowman is working with the Town Attorney and Code Enforcement Officer on final revisions. She advised the Board that revisions can not be finished until relevant mapping is completed. An estimate of mapping costs and revised draft should be ready for Planning Board review in time for the June 23 meeting.

Bowman asked the Board for an expression of interest regarding the Ordinance and indication that the TB would like the Planning Board to continue review. The Planning Board looked at the initial draft and had several recommendations in order to avoid unintended consequences. The Board expressed approval with the review process underway.

### **Comprehensive Plan/Zoning Review and Updates**

The Board had a discussion of the status of projects amending Zoning and the Comprehensive Plan. Both projects are being undertaken at the same time. The Planning Board is working on the zon-

ing additions, as per resolution on June 6. Klein proposed that the Board take action, appointing a committee to draft and present the amendment to the Comprehensive Plan. He outlined the process and the options. His impression, from members of the Planning Board, is that they have a lot on their plates and are not anxious to take on this additional task.

Bob Roe gave an overview of the previous process of drafting the Comprehensive Plan and what might be involved with possible complete Comp Plan review. He stated that this is more complex than it may appear. His view is that the nuts and bolts of regulation are in the zoning law. He was also uncertain as to how specific the Comp Plan amendment should be. He believes that heavy industry is already banned, de-facto, as it is not mentioned as being permitted.

Halton related the view of several attorneys she's heard speak to this issue that more specific language is needed. In addition the Comprehensive Plan has a great deal of weight in court of law, as an expression of community wishes. Zoning law should be based on the Comprehensive Plan. This same opinion was expressed by the town attorney.

Councilman Klein proposed that the Town Board take on analysis of the amendment to the Comprehensive Plan. This task is only in relation to the proposed amendment, and is not a complete update of the Comprehensive Plan. (The Comprehensive Plan will be due for complete review and update in 2013.) There was discussion of how this work would be undertaken and the possibility of including additional citizen expertise. Halton proposed that members of the Gas Drilling Task Force be included in the review. Klein agreed that there be as much community input as possible.

#### **RESOLUTION NO. 70 OF 2011 - PREPARATION OF AMENDMENT TO THE COMPREHENSIVE PLAN**

**Resolved**, that the Town Board of the Town of Danby prepare a proposed Town Comprehensive Plan amendment concerning hydrofracking.

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

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

#### **Additional Town Board Meeting**

Klein made a proposal to have an additional meeting of the Danby Town Board in June. The purpose of this meeting would be to continue work on the Comprehensive Plan amendment.

#### **RESOLUTION NO. 71 OF 2011 - SET ADDITIONAL TOWN BOARD MEETING**

**Resolved**, that the Town Board of the Town of Danby schedules an extra meeting to be held on Monday June 27, 2011.

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

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

#### **Records Management Report**

Goddard circulated records destruction forms and gave an update on the progress to thin obsolete records from the Town Vault archive. Many records are past their recommended retention schedule and duplicate records have been removed. Very little of this needs shredding.

#### **Written Short Reports**

Reports from the Code Enforcement and Justice Office were distributed.

Goddard gave a brief update on Sue Beeners' condition and activities. She brought the Board's attention to the demolition progress on the building at 704 East Miller Road. No action has been taken yet to advertise for a new Code Enforcement Assistant.

#### **Highway Report**

Shawley gave a further report on Highway Department activities and made a request. A person has been taken on as a "Cleaner" for some labor-intensive work. The last rate for this position was \$7.50 per hour. The Highway Superintendent would like to raise this to a fair rate of \$15 per hour.

This would be for a part-time, temporary summer position. The funds are available in the budget. This position and rate has been approved by civil service.

**RESOLUTION NO. 72 OF 2011 - APPROVAL OF RATE OF PAY**

**Resolved**, that the Town Board of the Town of Danby increases the pay rate for a Cleaner position in the town highway department to \$15 an hour for a part-time project in the summer of 2011, in compliance with civil service regulations.

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

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

**Adjournment**

The Meeting was adjourned at 8:36pm.

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Pamela S Goddard, Town Clerk