

**Danby Town Board
Minutes of Regular Meeting
July 11, 2011**

Present:

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

Others Present:

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| Town Clerk | Pamela Goddard |
| Code Office | Sue Beeners |
| Town Attorney | Guy Krogh |
| Highway | Laura Shawley, Carl Seamon |
| Legislator | Frank Proto |
| Public | Garry Huddle, Ronda Roaring, Michael Shoenberger, Ross Horowitz, Gay Garrison. |

The Meeting of the Danby Town Board was opened at 7:03pm.

Discussion of Comprehensive Plan Amendments Related to Gas Drilling

The meeting opened with an extensive question and answer session with Town Attorney Guy Krogh. Minor changes to content were suggested by members of the Board. Krogh suggested that editing work could be done “in house” by staff. Dietrich suggested that proposed changes be directed to the Town Clerk for editing purposes.

There was a question about broadening the scope of the amendments to the Comp Plan to include other types of mining and “high impact heavy industry.” Krogh agreed that this should be broad enough so as include impacts beyond hydrofracking. There should be a rational basis to prohibit specified activities. There was a general discussion of terminology to be used in the proposed amendments. Various specific suggestions for alternate language were made by Town Board members and a member of the public.

Dietrich suggested that revisions to the Comprehensive Plan and Zoning be undertaken as a two-phase process. His recommendation was that these first amendments be adopted, to be followed by a more complete review of needed revisions undertaken by an appointed committee of GDTF volunteers and Planning Board members. The second phase revision would make these changes more robust and would lead to the needed review/update of the Comp Plan in 2012/2013.

There was discussion about this two-phase proposal. Members of the Board expressed concern that these first amendments be put in place are to be followed by other measures, such as the Road Use Laws, Aquifer Protection Ordinance, and Critical Environmental Areas designations, that would support gas extraction processes and related activities.

A suggestion was made that a small committee be formed to create a final document for Board review in time for the public hearing. The Board anticipates setting public hearings on September 12 for the Comp Plan Amendment and its SEQRA review. It was requested that a document be in place in time for Planning Board review at its July 14 meeting. Clerk Goddard, CEO Beeners, and Councilperson Halton agreed to work together on this. A final document should be in hand for the TB to set public hearings at its July 18 meeting.

Authorize CSEA Contract

There was a short discussion about this contract. Krogh answered some questions. He recommended that the Board approve the contract so that it is legislatively adopted and then put it on the collective bargaining unit to accept or reject.

RESOLUTION NO. 73 OF 2011 - ADOPT AND RATIFY CSEA CONTRACT

Resolved, that the Town Board of the Town of Danby adopts and ratifies the CSEA contract for January 1, 2010–December 31, 2012.

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

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

Privilege of the Floor

Ronda Roaring raised her concerns regarding potential redistricting at the NY State level. She is specifically concerned that Danby may be redistricted out of Barbara Lifton's district and added to the southern district with Tioga County. She does not feel that this would serve the Town well. She encouraged the Board to do what ever is in its power to preserve the current districting.

Garry Huddle advised the Board that a grant is being written for the Court. This grant application is for the purpose of updating the court software and other new equipment that the court might need. More information on this grant will be presented at the July 18 meeting.

Dan Klein informed the board that he would be absent for its August 1 meeting.

Bid Opening

Two sealed bids were received for a new four-wheel drive tractor, with side and rear flail mowers and a heavy duty front end loader attachment, for the Highway Department. Carl Seamon opened the sealed bids: Monroe Tractor for \$82,474 and Joe Johnson Equipment for \$77,595.

RESOLUTION NO. 74 OF 2011 - TRACTOR BID AWARD

Resolved, that the Town Board of the Town of Danby awards a bid of \$77,595.00 for a new four-wheel drive tractor, with side and rear flail mowers and a heavy duty front end loader attachment, to Joe Johnson Equipment.

Moved by Klien, Second by Race. The motion passed.

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

Lead Agency, Amendments to Comprehensive Plan and Zoning

Beeners presented two resolutions establishing the Town Board as "Lead Agency" for the SEQRA process of considering adoption of amendments to the Town of Danby Comprehensive Plan and Zoning Ordinance.

There was a short discussion as to whether terminology regarding gas drilling technology might be changed in the Local Law Amending and Clarifying Zoning. It was agreed that, as this is the current title of the proposed legislation, this resolution should be passed with this language.

RESOLUTION NO. 75 OF 2011 – PROPOSED TOWN OF DANBY COMPREHENSIVE PLAN AMENDMENT —ESTABLISHMENT OF LEAD AGENCY AND REFERRAL TO PLANNING BOARD

Whereas, the Town Board of the Town of Danby is considering adoption of a “Town of Danby Comprehensive Plan Amendment”;

Now, Therefor, it is

Resolved, that such consideration of adoption is subject to environmental review under Environmental Conservation Law Article 8 and NYCRR Part 617, commonly referred to as SEQRA; and is classified as Type I action, with the Town Board of the Town of Danby acting as lead agency, and with the Town of Danby Planning Board and the Tompkins County Department of Planning acting as involved agencies which are being notified of this action; and it is

Further Resolved, that the Town Board refers said proposed “Town of Danby Comprehensive Plan Amendment” to the Town of Danby Planning Board for review and recommendation; and it is

Further Resolved, that the Town Board authorizes the Town Clerk to issue a Notice of Intent to all interested and involved agencies.

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

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

RESOLUTION NO. 76 OF 2011 - PROPOSED “LOCAL LAW AMENDING AND CLARIFYING THE TOWN OF DANBY, TOMPKINS COUNTY, NEW YORK, ZONING ORDINANCE TO PROHIBIT OIL, GAS, AND SOLUTION MINING AND HIGH VOLUME FRACTURING, INCLUDING HYDRAULIC FRACTURING” - ESTABLISHMENT OF LEAD AGENCY AND REFERRAL TO PLANNING BOARD

Whereas, the Town Board of the Town of Danby is considering adoption of a proposed local law entitled “A Local Law Amending and Clarifying the Town of Danby, Tompkins County, New York, Zoning Ordinance to Prohibit Oil, Gas and Solution Mining and High Volume Fracturing, Including Hydraulic Fracturing”;

Now, Therefor, it is

Resolved, that such consideration of adoption is subject to environmental review under Environmental Conservation Law Article 8 and NYCRR Part 617, commonly referred to as SEQRA; and is classified as Type I action, with the Town Board of the Town of Danby acting as lead agency, and with the Town of Danby Planning Board and the Tompkins County Department of Planning acting as involved agencies which are being notified of this action; and it is

Further Resolved, that the Town Board refers said proposed local law to the Town of Danby Planning Board for a report thereon; and it is

Further Resolved, that the Town Board authorizes the Town Clerk to issue a Notice of Intent to all interested and involved agencies.

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

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

Aquifer Protection Ordinance, Mapping

There was a short discussion about the details of this project. Beeners reported that a County representative has agreed to supply approximately one third of the total funding. As of July 7, project costs estimates were in the ballpark of \$15-20,000 total with \$5,000-6,666 to come from the USGS, \$5,250-7,000 to come from the Town, and \$4,750-6,334 to come from the County. The \$7,000 from the Town will be taken from the Fund Balance. There was a question as to whether \$7,000 was an appropriate limit. Bookkeeper Shawley advised that there are sufficient funds in that account for this project.

Beeners answered questions about the mapping scope of the first part of the aquifer study and why this extension is needed. This mapping is Town-wide, whereas the first study was limited to the Central Danby aquifer. The preliminary results from this first study are complete. The extension will include mapping the West Danby aquifer and the recharge areas of both aquifers. Stream corridors will be evaluated on a hierarchical basis. A more detailed proposal will include a timeline. Work may

begin this summer but would not be completed until winter or spring. It is anticipated that there will be sufficient data to incorporate into an Aquifer Protection Ordinance by the end of 2011.

RESOLUTION NO. 77 OF 2011 - EXTENSION OF AQUIFER STUDY

Resolved, that the Town Board of the Town of Danby authorizes the Town Supervisor to enter into an agreement with Tompkins County and the U.S. Geological Survey to extend the current Aquifer Study to include additional mapping and data collection and interpretation, with the Town's share not to exceed \$7,000.

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

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

Biomass Boiler Project, Update and Set Bid Opening

Dietrich gave an update and asked the Board to authorize him to set a bid opening date. Some bid materials still need to be verified with Taitem Engineering. Once there is assurance that everything is ready, a bid opening date will be set.

RESOLUTION NO. 78 OF 2011 - BIOMASS BOILER PROJECT BID OPENING

Resolved, that the Town Board of the Town of Danby authorizes the Town Supervisor to set a bid opening date for the Highway Barn Biomass Boiler project once all materials are in hand.

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

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

Legislator's Report

Frank Proto reported on several items. These included information about the County Budget planning process (there is an anticipated need to cut between \$4-5 million from the budget for 2012). Meetings about proposed budget cuts will be held in Danby and Caroline sometime in August. Proto also gave an update on the County Road Use Law, the TCAT budget, contract negotiations for the Recreation Partnership, the revised EPA Chesapeake Bay TMDL recommendations for NYS, and conflicting office space needs between the County Legislature and the Court Administration. It appears that the Court will be co-opting legislative office space, requiring the legislature to renovate new space at a cost to tax payers.

Youth Services and Recreation Partnership Contracts

There was a brief discussion about the status of these programs.

Adjournment

The Meeting was adjourned at 9:05pm.

Pamela S Goddard, Town Clerk