

**Danby Town Board
Minutes of Regular Meeting
August 1, 2011**

Present:

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

Excused:

Dan Klein

Others Present:

Town Clerk	Pamela Goddard
Code Office	Sue Beeners
Bookkeeper	Laura Shawley
Public	Ronda Roaring, Robert Roe, Gay Garrison

The Meeting of the Danby Town Board was opened at 7:05pm.

Set Public Hearings, Amendment to Zoning

Beeners presented two sets of resolutions, for considering setting public hearings related to the adoption of a *Local Law Amending and Clarifying the Town of Danby, Tompkins County, New York, Zoning Ordinance to Prohibit Gas and Petroleum Mining and Related Activities*. She described revisions that were made to the Local Law and its SEQRA review by the Planning Board during its meeting on July 28. This includes broadening the terminology so that this zoning prohibition is not prejudicial to one technology.

Beeners informed the TB that the PB had discussed adding details regarding performance of heavy industry. On advice of the Town attorney, such details would wait until a second phase zoning revision. The law as written should stand, as Danby has always considered acceptable industry to be light industry.

Beeners talked the board through two lengthy SEQRA reviews for the Amendments to the Comprehensive Plan and for the Zoning Amendment Local Law. No further substantive changes are expected for any of these documents. The Board declared itself ready to set public hearings.

RESOLUTION NO. 85 OF 2011 - PROPOSED "LOCAL LAW AMENDING AND CLARIFYING THE TOWN OF DANBY, TOMPKINS COUNTY, NEW YORK, ZONING ORDINANCE TO PROHIBIT GAS AND PETROLEUM MINING AND RELATED ACTIVITIES - CONSIDER SCHEDULING PUBLIC HEARINGS

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 Gas and Petroleum Mining and Related Activities"; and

Whereas, 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 by resolution of the Town Board on July 11, 2011 has been classified as Type I action, with the Town Board of the Town of Danby acting as lead agency; and

Whereas, the Town Board on July 11, 2011 authorized the Town Clerk to issue a Notice of Intent to all potential involved and interested agencies; and referred said proposed Local Law to the Town of Danby Planning Board for review and recommendation;

Now, Therefor, it is

Resolved, that the Town Board of the Town of Danby schedules a public hearing to review potential environmental impacts and a public hearing to consider adoption of the proposed "Local Law Amending and Clarifying the Town of Danby, Tompkins County, New York, Zoning Ordinance to Prohibit Gas and Petroleum Mining and

Related Activities” for Monday, September 12, 2011 beginning at 7:30 p.m. and 7:45 p.m. respectively at the Danby Town Hall, 1830 Danby Road, Ithaca New York to hear all persons interested in the proposed action.

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

Public Education Information Meeting

The TB held a discussion about the structure of this meeting, scheduled for August 22 at 7pm, and who would speak. Beeners offered to speak to the details of these actions. She suggested that one of the members of the Gas Drilling Task Force could inform people about the deficiencies in the most recent SGEIS update.

Guy Krogh, the Town Attorney, will be invited to attend in order to answer legal questions. It was suggested that Leslie Connors and Dan Klein speak for the Town Board. Steve Selin and Joel Gagnon or Anne Klingensmith might speak for the Planning Board.

Copies of the Amendments to the Comprehensive Plan and Zoning Ordinance will be available at the Town Clerk’s office. Copies of these will also be posted on the Town web site.

Code Enforcement Position

Beeners gave an update of the status of hiring a replacement Assistant Code Enforcement Officer. Currently, a 30 hour a week Assistant Code Enforcement Officer is a competitive position. Beeners requested that the TB establish the similar position of Zoning Officer (non-competitive) instead. It is hoped that the desired candidate will be able to take the required code classes next year and could be promoted to the higher position in the future. Beeners answered questions about the differences between the two job descriptions. Beeners said that, while there is more responsibility implied in the Code/Fire Enforcement position the two job descriptions are quite similar.

Beeners distributed a letter of interest and resume from Matt Cooper. Cooper has all of the experience needed for the position, including as a Danby Fire District Commissioner with firefighting experience. Cooper is also an active member in the Ithaca Green Building Alliance.

RESOLUTION NO. 86 OF 2011 – CONSIDER ESTABLISHING POSITION OF ZONING OFFICER

RESOLVED, that the Town Board of the Town of Danby hereby establishes the position of Zoning Officer as described in the Tompkins County description, Zoning Officer (Part Time), with such position to be also known as Assistant Code Enforcement Officer.

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

RESOLUTION NO. 87 OF 2011 – CONSIDER APPOINTMENT OF ZONING OFFICER, A.K.A. ASSISTANT CODE ENFORCEMENT OFFICER

RESOLVED, that the Town Board of the Town of Danby appoints Matt Cooper to the position of Zoning Officer, a.k.a. Assistant Code Enforcement Officer, with the source of funding for that position to be A 8010.130.

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

RESOLUTION NO. 88 OF 2011 – CONSIDER APPOINTMENT OF ASSISTANT STORMWATER MANAGEMENT OFFICER

RESOLVED, that the Town Board of the Town of Danby appoints Matt Cooper to act as Assistant Stormwater Management Officer as part of his duties.

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

Legislative Time Line - Road Law Updates

Halton gave an update on the status of the County Road Use Law. Halton gave a short report of the work Laura Shawley is doing to compare the County and Town Road Use Laws. Halton reported that Shawley is of the opinion that Danby's Road Use Law and Road Use Agreement package will be able to mesh with the County's proposed RUL/RUA. She also explained her understanding of the need for these laws, even in relation to a prohibition/ban on high impact gas drilling. A Danby RUL/RUA package will address the need of establishing haul routes and road protection in the event that traffic flows through Danby to other towns which do not have a prohibition.

There was a discussion about posting roads with weight limits in relation to Road Use Laws/Road Use Agreements. Dietrich and Shawley pointed out that the Highway Superintendent already posts weight limits on roads due to a number of factors including seasonal conditions. This practice will be carried on in the future. There is a concern that weight limits not have unintended consequences impacting such things as emergency vehicles, snow plows, school buses, etc. Weight limits and other restrictions will be based on appropriate thresholds. Local business response to the proposed County RUL should inform appropriate thresholds for the Danby RUL/RUA package.

The TB held a discussion regarding a rough time-line of actions related to adoption of a Road Use Law. It is anticipated that this time line will roughly include a final draft of the RUL for review by mid-August with action to set a public hearing in September for an October hearing of the law. Dietrich and Halton led a discussion about ironing out an appropriate time line during an upcoming meeting with Guy Krogh. This meeting is scheduled for Wednesday August 3, specifically to go over a time line for RUL/RUA, Aquifer Protection Ordinance, Critical Environmental Area designations, etc. Further discussion about this time-line will be held August 8.

Subcommittee regarding Legislative actions

Dietrich explained his vision/understanding of the need and use of one or more subcommittees to work on a second round of revisions to Zoning and the Comprehensive Plan. These revisions might address current limitations in the amendments to the Comprehensive Plan and Zoning, including such nuisance impacts as noise, light, air pollution, and research thresholds for such ordinances. Such inclusions would need to be prioritized, researched, and written. Dietrich suggested that a group made up of members of the Planning Board, Gas Drilling Task Force, Town Board (and/or others) review this material and make a recommendation to the Town Board for action. This special advisory committee would specifically focus on items that have been recommended to be included in the original law (now going to public hearing). The efforts of the advisory board may help limit attorney costs.

Beeners advocated that there should a structure, for this to work. She advised that more information will be available following the Aug. 3 meeting with Krogh. Connors expressed concern that focus and energy might be spread too thin. She preferred to see current actions be completed before new actions are explored. Connors suggested that volunteers be used to complete such efforts as a revised Aquifer Protection Ordinance and CEA designations.

There was a discussion of specific people who might best address particular issues. It was suggested that Anne Klingensmith might work with Tom Gavin and the CAC regarding CEA descriptions and designations. Steve Selin and David Slottje might work on heavy industry definitions and thresholds.

It is anticipated that Ben Altman and Cynthia Bowman will continue working on a more focused Aquifer Protection Ordinance "Phase I," based on research currently available from the 2002 aquifer study. A more detailed discussion was held regarding the need to reduce the scope of the draft Aquifer Protection Ordinance. The current list of prohibitions is too long and there needs to be definitions of thresholds.

Discussion continued regarding work which could be done without attorney assistance, such as writing CEA descriptions and reviewing existing and proposed laws and ordinances for possible conflicting language. Discussion regarding such advisory efforts is scheduled to continue to on August 8.

Oasis Updates

Beeners reported on a presentation made by Randy Ingell and Jim Reagan to the Planning Board during its July 28 meeting. They reported that noise and other disruptive activities at the Oasis Dance Club have increased during the summer. A representative of the State Liquor Authority will visit the Oasis on August 5 and should be able to address several of these concerns.

Ithaca “Summer Jam” Petition

Beeners presented a petition which had been submitted by neighbors on Peter and Roe Roads and gave an explanation. She suggested that the TB look up “Ithaca Summer Jam” on the web for more information. It appears that this is a highly organized music festival. Complaints include problems with drug activity, loud music until 3:30am or later, sounds of gunshots or fireworks. In addition, piles of garbage were left behind. This has been a problem for several years. While police reported that “proper paper work was filed” no permits or variances were granted for this use. Beeners will clarify this with the Sheriff.

Use of Gas Drilling Task Force Email List

Gay Garrison made a request regarding the use of the Gas Drilling Task Force Email list to send a request for assistance with a Danby-specific petition drive organized by an outside group, “Concerned Citizens of Danby,” to request assistance with its petition drive. A request for assistance has been published in the August Danby Area News. Gay stated that the group does not presume that the Town Board sponsors this petition.

Dietrich expressed his view that the purpose of this petition has shifted in the time since the original request (in May), as the Town Board is already moving on the topic under petition. His view is that the petition could be seen as a public education tool. Dietrich explained that he instructed the list manager to hold off on sending this request until the matter could be discussed during a Town Board meeting. (This request had been pending since July, due to over-extended agendas.)

There was discussion as to whether the list serve of the Gas Drilling Task Force is a Town Email list. Members of the Board expressed that the Gas Drilling Task Force is an “open committee” with open membership. Therefore, there is no need for the Board to give permission to post this request on the list. The information gathered from the petition is seen as important to the Board’s deliberation of the proposed prohibition legislation. The opinion of the Board was that a request for assistance on the petition be posted to the Gas Drilling Task Force list.

The Board's expressed opinion on this matter has altered since May 2. The opinion at that time was, “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.”

Resignation from Planning Board

Clerk Goddard circulated a letter of resignation by Ray Van de Bogart from the Planning Board. Van De Bogart’s term was set to run out at the end of 2011.

Adjournment

The Meeting was adjourned at 9:10pm.

Pamela S Goddard, Town Clerk