

**Danby Town Board
Minutes of Regular Meeting
December 5, 2011**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Code Office Sue Beeners
Bookkeeper Laura Shawley
Planning Board Robert Roe, Naomi Strichartz, Anne Klingensmith
Public Ted Crane, Ronda Roaring, Gay Garrison

The Meeting of the Danby Town Board was opened at 7:02pm.

Privilege of the Floor

Ronda Roaring expressed her concern regarding frequent non-permitted fireworks displays in her neighborhood. She asked for clarification as to whether such displays are legal or not and requested that such information be included in the Danby Area News. [Class C or Consumer Fireworks, termed “fireworks” in Section 270 of Penal Law, and larger fireworks, termed “dangerous fireworks” in Sec. 270, are prohibited unless they are used in a fireworks display that has received a permit pursuant to Section 405. If the municipality does not choose to adopt a permit process pursuant to Sec. 405, then all use or display of fireworks remains prohibited under Section 270. Enforcement of Penal Law is by the law enforcement agencies.] Roaring stated that she has not been satisfied with enforcement response from the police.

The Board agreed to research the legal rights and responsibilities regarding this issue and report back to Roaring. They also suggested that she further document the problem (such as photographing non-permitted fireworks displays) for police review. The question of enforcement will be clarified.

Interview Planning Board Candidate

The Town Board interviewed Gay Garrison regarding her application to a vacancy on the Planning Board. Garrison stated that she had been invited to apply by some current members of the PB. Her interest in public service has increased following her involvement with the Gas Drilling Task Force and Prohibition Ban petitioning effort. Garrison outlined her background as a registered nurse and organic farmer.

During Q&A between Garrison and the Board a concern was raised that she may often be out of town and so might impact her consistency as a PB member. Garrison confirmed that her work takes her away from Danby for up to two months at a time and might miss three to four meetings a year. She had been advised by a current PB member that this might not be a problem as other PB members had missed several meetings. Meeting attendance was seen as a legitimate concern by members of the TB, as there is a substantial work load for the PB in the next several years.

Additional questions were asked of the candidate. There was further discussion about tasks with which the PB is charged. These range from a full review of the comprehensive plan, additional zoning related to high impact industrial activity, and zoning changes which may facilitate hamlet revitalization.

Consider Appointment of Code/Fire Enforcement Officer

Beeners presented a resolution requesting that Matt Cooper's position be upgraded to "Code/Fire Enforcement Officer. Cooper is currently "Zoning Officer." The requested change in title will allow Cooper to be employed up to 30 hours per week. This is the position held by Beeners' previous assistants. Cooper will take six one-week code classes, starting in January. He will be able to take the civil service test when it is offered in the spring. It is permitted for this appointment to be made prior to Cooper taking the test. Required public notice of this position has been posted.

RESOLUTION NO. 114 OF 2011 - CONSIDER APPOINTMENT OF CODE/FIRE ENFORCEMENT OFFICER

RESOLVED, that the Town Board of the Town of Danby appoints Zoning Officer Matt Cooper to the position of Code/Fire Enforcement Officer, effective January 1, 2011, with the source of funding for that position to be A 8010.130.

Moved by Klein, Second by Connors.

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

Funds for County Agencies

There was a discussion of funds to be allocated for TCCOG Reserve, Tompkins County Area Development, and other County agencies. The Town has committed to contribute \$250 to the TCCOG Reserve and \$500 for TCAD. These funds are already in the 2012 budget. Bookkeeper Shawley is to provide more details regarding how these funds are used during the Dec. 12 meeting.

Set Year-End and January Organizational Meetings

The Board discussed dates for the fiscal year-end and January organizational meetings. There was clarification of what will happen at each of these meetings. Halton volunteered to take notes of the Dec. 22 fiscal meeting, as the Town Clerk will be away on holiday.

RESOLUTION NO. 115 OF 2011 - SET MEETING DATES

RESOLVED, that the Town Board of the Town of Danby will hold its 2011 Year End Meeting on Thursday December 22, its 2012 Organizational Meeting on Monday, January 9 and its second monthly meeting on Monday, January 16, each meeting to be held at the Danby Town Hall at 7:00pm.

Moved by Klein, Second by Race.

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

Town Response to rdSGEIS

There was a lengthy discussion about the extensive response to the NYS DEC SGEIS currently being compiled by the Danby Gas Drilling Task Force. There was some uncertainty as to what the final form of this response would be, whether it was to be endorsed by the Town Board or be a distinct set of comments from the GDTF, and what the time schedule is for review and completion of these comments. A final draft may be prepared for the TB's approval at its first meeting in January. This will present a short window of transmittal prior to the current deadline of January 11, 2012.

An extensive rough draft had been transmitted to the TB prior to this (12/5/11) meeting. It was suggested that the Board review these comments and be prepared to discuss a draft response at the 12/12/11 meeting. It was suggested that this document be reviewed for technical accuracy and for unified "voice."

Mutual Defense Fund

Dietrich gave an update on several meetings between the regional Town Supervisors. Some of these meetings included legal advice regarding the establishment of a municipal mutual defense fund. Establishing such a fund has proved complicated. Establishing a relationship with an entity that will collect money on behalf of the municipalities is among the challenges for such a fund.

Dietrich asked for a volunteer representative from the Town Board. This representative would speak for Danby in regards collection, oversight, and distribution of funds for legal defense of zoning bans on high impact industrial activity. The Town Supervisor, with the support of the board, has committed Danby to being part of a mutual defense fund. He encouraged other Board members to be involved with the process. Klein expressed the opinion that this representative should be the supervisor, but was willing to take part if he is needed. Shawley also volunteered, as bookkeeper and financial advisor to the Town.

Youth Services

There was a lengthy discussion of two alternate ways to approach the Youth Services budget for 2012. Two possible budget proposals were submitted by Cooperative Extension. One proposal has more “primitive pursuits” programming and less youth employment. The other has more youth employment and less programming. The totals are the same. No decision was required by the Board. However, the Board discussed the philosophy of the town regarding this program.

Klein and Shawley provided detailed information regarding funding sources and amounts for the 2012 budget. The town sees benefits to continuing the Youth Services relationship with Cooperative Extension. Danby’s Youth Services program will be able to continue at it’s current rate in contract with Cooperative Extension through 2012. There is a strong probability that county funding for youth services will disappear in 2013 or 2014. There was a discussion of what level of long term commitment the town can make to youth development. This discussion included looking beyond county funding to outside grants.

Inter-municipal Energy Advisor

The board continued its discussion of how to direct and engage the inter-municipal energy advisor, Ken Thompson. There has been frustration as to Thompson’s level of involvement with Danby. Dietrich suggested that this person might be useful as a resource for the Energy Advisory Board which is being formed. That group will have its first meeting on January 12, 2012.

There was further discussion about a proposed solar power grant. Dietrich and Thompson had a discussion about this grant. A draft proposal was compiled, but too late for submission in 2011. This will be further explored for 2012. Beeners suggested that Thompson be tasked with researching upcoming energy grant deadlines and to advise the Town regarding proposals.

FEMA Update

Shawley gave an update. Almost all reporting on road and culvert repair and debris removal following flood damage in September has been completed. The final packet of information will be collected by FEMA in mid-December. The Town should receive a payment, possibly by the end of the year. Shawley stated that the money that the Town will receive is well worth the time spent documenting the expenditures.

Town Insurance

Shawley gave an update on overall Town insurance. The Town will seek a quote for flood insurance for the next fiscal year.

Town Clerk Concerns

Goddard presented her concern about rumors related to performance as Town Clerk and invited the Board to ask any questions they might have regarding her credibility or integrity. The Board expressed its support of the Clerk. There was a short discussion about the general problem of indirect communication when concerns may arise. Dietrich encouraged all to air problems as soon as possible so that misunderstandings don’t affect work performance. Goddard also asked that communication be kept open and clear in order for the Town to continue to work as effectively as possible.

Short Reports

The Board was invited to the Sustainable Tompkins awards event on Sunday, December 11. Danby will receive two commendations for its work establishing the Conservation Advisory Council and enacting a zoning ban on high impact industrial activity.

The Danby Gas Drilling Task Force held a letter writing event, collecting comments on the DEC SGEIS, on Friday December 2. Over 20 residents and a group of Ithaca College students attended and generated 131 letters. The December 1 hearing at the State Theatre was also successful.

Dietrich gave a short update on the Biomass Boiler project for the Highway Barns. Installation of the piping has begun.

There was a short update on the Nelson Road speed limit request. The application has moved from the county to the state DOT.

Adjournment

The Meeting was adjourned at 9:11pm.

Pamela S Goddard, Town Clerk