

**Danby Town Board
Minutes of Regular Meeting
April 9, 2012**

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
Justice Garry Huddle, Theresa Klinger
Public Ronda Roaring, Ted Crane

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

Dog Control Costs

Halton asked about the amount of money paid monthly for dog control costs. Bookkeeper Shawley explained the rise in costs following negotiations between the municipal members of the Tompkins County Animal Control consortium. Danby is currently paying \$1,200 a month for animal control. There was a short discussion about this program.

Privilege of the Floor

Ronda Roaring responded to the discussion of animal control costs by expressing the view that minimum fines for tickets issued by dog control officers should be raised to an appropriate level.

Connors informed the Board that otter have been observed in two locations in Danby.

Enter Executive Session

The Town Board heard a request from Town Justices Huddle and Klinger that the Board enter Executive Session to discuss a personnel matter regarding the health and welfare of a particular employee.

RESOLUTION NO. 44 OF 2012 - EXECUTIVE SESSION

Resolved, that the Town Board of the Town of Danby enters into executive session to discuss the health and welfare of a particular employee.

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

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

The Board entered Executive Session at 7:15pm.

Executive Session was closed at 7:27pm. No action was taken.

The Regular Meeting was reopened at 7:30pm

Warrants

HIGHWAY FUND

#041-052 for a total \$62,403.34

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

GENERAL FUND

#132-169 for a total \$18,126.84

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

WATER DISTRICT FUND

#015 for a total \$317.04

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

Approval of Minutes

RESOLUTION NO. 45 OF 2012 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of March 12 and 19, 2012.

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

Appoint Assessment Review Board

Joe Schwartz is not able to serve on the Assessment Review Board. Acting on the Board's previous instructions, Clerk Goddard had contacted Gould Colman, who said that he was willing to serve again. Race pointed out that the procedure in the Appointment Policy had not been followed for seeking applicants. The TB directed the Clerk to have Seaney and Colman fill out appointment forms.

RESOLUTION NO. 46 OF 2012 - APPOINT ASSESSMENT REVIEW BOARD

Resolved, that the Town Board of the Town of Danby appoints Tom Seaney and Gould Colman to the Local Assessment Review Board.

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

Consider Resolution Regarding Taxation of Natural Gas

Halton introduced a resolution, drafted by Town of Caroline Supervisor Don Barber and the TANG workgroup of TCCOG. The TB made slight revisions the language of the resolution to reflect the fact that Danby has enacted a ban on high impact industrial activity. The TB directed the Clerk to send copies of this resolution to all relevant state and local representatives.

RESOLUTION NO. 47 OF 2012—RESOLUTION REGARDING THE TAXATION OF NATURAL GAS EXTRACTED IN NEW YORK STATE

Whereas New York State advances with its plan to permit the process of extracting natural gas from the Marcellus Shale areas in our region in the near future, and

Whereas local governments have already incurred expenses in preparation for the extraction natural gas and will incur further expenses such repair of roads, higher social service costs, emergency services, etc., if this industry comes our state and before any *ad valorem* revenue is received, and

Whereas the Town of Danby has already spent more than \$33,700 and many hours developing and adopting local laws to protect its residents, roads, aquifer, and infrastructure, and is considering more legislation in the

coming year to protect the town regarding the impacts of natural gas extraction near this town and in neighboring towns, and

Whereas, *ad valorem* tax on production is the only revenue source for local governments to offset the cost of incorporating the gas extraction industry into its community, and

Whereas, *ad valorem* tax on production is not a revenue source for a municipality in close proximity to one that has gas extraction, yet the community in close proximity will also incur impacts and expenses from the gas extraction industry, and

Whereas, the State and local process for levying the *ad valorem* tax on gas production has a built in delay of a minimum of 3 years (year 1 gas is produced but not reported until year 2 when it is added to assessment roll for year 3 when the gas producers are sent tax bills for year 1's production) between the time that the gas is extracted (not the well pad constructed, well drilled and pipelines connected) and the year the local government will receive revenue which means that under the current system, taxpayer will need to pay for the impacts of this industry on the local government and community before any revenue is received to offset those costs, and

Whereas, other states that have hosted the gas and oil extraction industry for many years have a blend of fees and several taxes including *ad valorem* and severance to cover expenses to governments as they are incurred and not saddle the civil society with this burden, and

Whereas the calculation for Unit Production Value (UPV) in determining assessment of natural gas in New York State has not been completed for tight shale gas deposits like Marcellus so any planning for *ad valorem* revenue from gas extraction is impossible yet the prospect for impact is imminent, and

Whereas, the as yet undetermined UPV is multiplied by self-reported gas production to determine the assessed value of given well, and

Whereas, there is no independent oversight of the gas meter's accuracy, its installation, or its reading of extracted natural gas (self-reporting by the energy companies) which is an affront to the assessment process used for all other taxable properties within our County, and

Whereas, the Town of Danby's Comprehensive Plan and Zoning Laws do not allow heavy industrial development within the Town, we realize that the impacts, including the expenses, of natural gas extraction are felt distant from the actual wells and related support activity sites,

Therefore, Be It

Resolved that the Town of Danby strongly urges the Governor and the New York State Legislature to develop a blend of revenue streams through fees and other taxation of natural gas extraction to provide funds for state and local governments when expenses are incurred, and

Further resolved, that the Town of Danby urges the Governor to direct the Office of Taxation and Finance to establish, through an open and transparent process, the Unit Production Value for assessment of shale natural gas like Marcellus, and

Further resolved that the Town of Danby demands that the Governor and the New York State Legislature establish an accurate, transparent, and verifiable method of measuring and reporting shale gas production.

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

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

Resolution Regarding National Defense Authorization Act

The Board continued discussion of tabled Resolution #43 regarding the National Defense Authorization Act. Halton provided additional information. There was a suggestion that a "whereas" be added to the language of PB resolution #6, to the effect that this resolution is consistent with previous action taken by the Danby Town Board regarding the "Patriot Act." Halton volunteered to draft this addition to the resolution. Town Board Resolution #43 will be voted at the next TB meeting, on April 16.

Solar Liberty Lease Agreement

The Board continued discussion regarding a possible lease of solar panels through Liberty Solar. Halton provided information about the degradation of electric production over time, of solar panels at

her property and asked whether the lease has been reviewed by the Town Attorney. Halton had particular questions regarding who is responsible if something goes wrong. Dietrich agreed that it would be a good idea for the Town Attorney to review the lease agreement.

The Board and Code Officer discussed the proposed location of the ground mounted solar panels. There is concern that the current proposal may require the removal of a tree. A counterproposal has been suggested, placing the panels closer to the creek and raising the height for ease of lawn maintenance.

Beeners and Dietrich will acquire additional information for continued discussion at the next TB meeting.

Town Hall Repairs Report

Beeners presented additional information regarding the building maintenance proposals list. She advised the Board that the Code Office is still getting estimates for much of the work. Regarding work on rotted sills and siding, Beeners described Rick Lazarus as a “sole source” since he has worked on the building for over 40 years and has exceptional experience with historic structures.

Beeners made a request that the Board authorize work on repairing sills and adjust siding on the front of the town hall. There is also a request for roof repair in the range of \$400. These repairs would be made through the building reserve fund. After further discussion, Beeners suggested that the Board authorize the sill and wait on the roof work until additional information could be gathered.

RESOLUTION NO. 48 OF 2012 - AUTHORIZE WORK

Resolved, that the Town Board of the Town of Danby authorizes payment of up to \$5,500 from the Building Reserve Fund for sills repair work on the Town Hall.

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

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

There was further discussion about maintenance work and what levels of work would fall under Matt Cooper’s job description. Beeners advised that construction work would be outside his work as assistant in the Code Office. Cooper would like authorization to work up project designs and scope of work for projects in the mezzanine, bathrooms, and kitchen areas. Additional small repairs need to be made prior to insulation work.

There was further discussion about the cost of exterior painting and repairs on the town hall building.

RESOLUTION NO. 49 OF 2012 - AUTHORIZE PROJECT DESIGNS

Resolved, that the Town Board of the Town of Danby authorizes Matt Cooper to work up project designs which will be used for estimates for various projects in the Town Hall.

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

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

Veterans’ Property Tax Exemption

Dietrich gave a brief update on the process of considering a set of property tax exemptions for US war veterans. Shawley is investigating what other towns have done and how this might fit for Danby.

Water District Project Update

Dietrich and Shawley gave a report of a recent lobbying trip to Albany and an update possible funding revenues for repairs and improvements to the West Danby Water District system. Dietrich said that there was an open and frank discussion about the fact that the system has gone without proper management over time. Dietrich is hesitant to encourage the WD to take on debt through loans available through the NY State Legislature. He is investigating possible Federal grants for this project. He characterized this as a major project for the town in 2012. Dave Herrick, an engineer with T.G.Miller, has volunteered his assistance.

Broadband Update

Dietrich gave a brief update, providing information about a grant received by the Broadband Committee of TCCOG. This will be used to continue public information gathering and education sessions across the county. The goal is to be “project ready” whenever grant money is available.

Youth Services and Recreation Partnership

The next countywide meeting regarding the future for Youth Services will be held in Danby on May 3 during the next meeting of the Danby Community Council.

Race distributed copies of the draft contract for Recreation Partnership. The next five-year contract is exactly the same as the one that is currently expiring. This needs to be signed by the end of the year and begins in 2013. There seems to be consensus among the municipalities to continue as before.

Email Addresses for Danby Board members

Race made a brief presentation, suggesting that the Board work toward a system of dedicated Email addresses for Town and Planning Board members and possibly others. There are questions about the setup and maintenance expense and how the system would work. Further discussion about this issue will continue during the next TB meetings.

Conservation Advisory Council Resignations/Appointments

Klein informed the Board that, in addition to Julie Kulik’s previously reported resignation, another member, Mary Ann Barr, has resigned from the CAC. Both resignations, he reported, were for personal, unrelated reasons. Klein offered to have the CAC recommend candidates but, after a brief discussion by the Board, it was agreed that the open positions will be advertised in the May Danby Area News.

Adjournment

The Meeting was adjourned at 9:07pm.

Pamela S. Goddard, Town Clerk