

**Danby Town Board  
Minutes of Regular Meeting  
May 14, 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  
Public Ronda Roaring, Ted Crane, Robert Roe, Elizabeth Owens Roe, and others.

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

**Privilege of the Floor**

Ronda Roaring advocated tearing down the historic structure of the Town Hall and building “something more appropriate to our needs.”

Klein informed the Board about two successful programs held at the Town Hall on Sunday, May 13. The meeting room was filled to near capacity for an afternoon concert and evening program on moths.

**Warrants**

**WATER DISTRICT FUND**

#016-024 for a total \$884.18

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

**HIGHWAY FUND**

#053-067 for a total \$14,141.31

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

**GENERAL FUND**

#170-231, excluding #200, for a total \$98,884.90

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

**Approval of Minutes**

**RESOLUTION NO. 52 OF 2012 - APPROVE MINUTES**

**Resolved**, that the Town Board of the Town of Danby approves the minutes of April 9, 2012.

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

**RESOLUTION NO. 53 OF 2012 - APPROVE MINUTES**

**Resolved**, that the Town Board of the Town of Danby approves the minutes of April 16, 2012.

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

## **2011 Budget Transfers**

Shawley explained the need to modify budget accounts at the end of each year, in order to balance the annual budget. Some accounts were over, others were under budget. Modifications are needed to show that all accounts were covered. The full list of transfers will be found in Appendix A of these minutes. This process will be reviewed in the Fall of 2012 for the current budget year.

### **RESOLUTION NO. 54 OF 2012 - 2011 BUDGET TRANSFERS**

**Resolved**, that the Town Board of the Town of Danby approves end of year budget modifications to be made to certain accounts for the fiscal year 2011. The list of modifications will be reproduced in an appendix of the minutes of the meeting.

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

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

## **2012 Budget Transfer regarding Danby Community Council**

Crane and Shawley explained the need for a budget adjustment related to Youth Services Programming provided by the Danby Community Council. The DCC has been reviewing and updating its budget in order to cover higher-than-expected costs for youth services. This update was anticipated during the creation of the Town's 2012 Budget.

### **RESOLUTION NO. 55 OF 2012—DANBY COMMUNITY COUNCIL BUDGET TRANSFER**

**Resolved** that the Town Board of the Town of Danby approves the transfer of \$4,182 from the Youth Fund (A7330.400) to the Danby Community Council Fund (A7310.400).

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

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

## **Resolution Regarding Hazardous Waste Loophole**

Dietrich introduced and Halton explained the intent of this resolution.

### **RESOLUTION NO. 56 OF 2012—RESOLUTION SUPPORTING PASSAGE AND ENACTMENT OF NY STATE SENATE BILL S4616 (AVELLA)/NY STATE ASSEMBLY BILL A7013 (SWEENEY), TO THE UNIFORM TREATMENT OF WASTE.**

**Whereas** NY State Senator Avella has introduced bill S4616 and NY State Assemblyperson Sweeney has introduced bill A7013, which is the same bill, and is entitled "An act to amend the environmental conservation law, in relation to the uniform treatment of waste"; and

**Whereas** this bill would amend Section 27-0903 of the New York State Environmental Conservation Law with the intent to require hazardous wastes as defined by ECL 27-0901(3) produced from oil and natural gas activities to be subject to the requirements for treatment of hazardous wastes; and

**Whereas** the oil and gas industry currently enjoys exemptions from New York State laws governing hazardous waste transport and disposal. Though a great deal of the wastewater generated by hydraulic fracturing meets the state definition of hazardous, it is not currently required to be treated as such; and

**Whereas** the oil and gas industry is not required to disclose the chemicals used in the hydraulic fracturing process but the following chemicals are often found in waste water resulting from the hydraulic fracturing process: benzene, toluene, formaldehyde, salts, heavy metals, and radioactive particles; and

**Whereas** closing this exemption loophole will require hydraulic fracturing flowback and produced water to be monitored through a manifest system and that extra safeguards will be in place to avoid accidents and ensure proper waste treatment; and

**Whereas** such a designation will keep fracking wastes out of municipal treatment plants and the waterways leading to sources of drinking water;

**Therefore, Be It**

**Resolved** that the Town of Danby supports the immediate passage of the New York State Senate bill S4616 and New York State Assembly bill A7013 and the immediate signing of the legislation by the Governor of the State of New York; and

**Further Resolved** that this resolution be sent by the Town Clerk of the Town of Danby to Governor Andrew Cuomo, NY Senate Majority Leader Dean Skelos; NY Senate Minority Leader John Sampson, NY Assembly Speaker Sheldon Silver; NY Senators O'Mara, Seward, Nozzolio, Avella, Squadron, Krueger, Perkins, Serrano, and Peralta, NY Assemblyperson Barbara Lifton, US Representatives Maurice Hinchey and Richard Hanna, US Senators Kirsten Gillibrand and Charles Schumer, and to the NY DEC Commissioner Joseph Martens and US EPA Region 2 Director, Judith Enck.

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

### **Time Warner Audit**

Dietrich explained the motivation to engage a firm to audit Time-Warner cable contracts. This is being done by several municipalities to ensure that fees collected by Time Warner—and due to municipalities as part of franchise agreements—have been appropriately delivered. Other municipalities have recovered substantial amounts of money.

Computel has offered its services to members of the TCCOG Time-Warner working group. There is no upfront fee. Computel collects 40% of any money recovered as a result of the audit as full payment. This is 10% less than the fee asked by similar companies.

### **RESOLUTION NO. 57 OF 2012 - AUTHORIZE AUDIT OF TIME WARNER ACCOUNTS**

**Resolved**, that the Town of Danby contracts with Computel for an audit of Time Warner cable contracts.

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

### **Town Hall Repairs Report**

Beeners presented additional information regarding the Town Hall maintenance proposals list. There was a lengthy discussion about the different projects being proposed and whether these should be best considered one at a time or approved as a group. This included a discussion of the priority level of different projects.

Shawley provided information about the relevant reserve accounts. If all the proposed projects were approved, this would use approximately half of the building repair reserve fund. There is the option to add to the reserve at the end of the year based on the state of the budget at that time. At the end of each of recent years, between \$15,000 and \$25,000 have been added to this fund. Dietrich cautioned that this may not be possible at the same rate in future years.

Beeners made a request that the Board authorize work on two projects. The funding would be transferred from the Town Buildings Renovation and Repair Fund.

### **RESOLUTION NO. 58 OF 2012 - TOWN HALL SILL REPAIR PROJECT**

**Resolved**, that the Town Board of the Town of Danby approves the expenditure of up to \$7364 for repair of Town Hall sills and related work by Seth Brewster, with the source of such funding to be a transfer from the Town Buildings Renovation, and Repair Fund.

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

### **RESOLUTION NO. 59 OF 2012 - TOWN HALL INSULATION AND AIR SEALING PROJECT**

**Resolved**, that the Town Board of the Town of Danby approves the expenditure of up to \$15,000 for insulation and air sealing of the Town Hall meeting room and adjacent areas by Energy Tec, with the source of such funding to be a transfer from the Town Buildings Renovation, and Repair Fund.

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

There was a related discussion regarding the potential solar power installation. The Town Attorney has done a preliminary review of the proposed lease agreement. The Town has also conducted a site review through Renovus Energy.

### **Recreation Partnership Contract Renewal**

Race gave an explanation of a resolution proposing extending of the current contract for an additional five years at the same terms.

#### **RESOLUTION NO. 60 OF 2012 - RENEW CONTRACT WITH RECREATION PARTNERSHIP**

**Whereas**, the Town of Danby is currently a member of the Intermunicipal Recreation Partnership by agreement dated August 21, 2007, with an original five year term expiring December 31, 2012, and

**Whereas**, the Recreation Partnership has been an excellent and cost efficient model of intermunicipal collaboration which enables municipalities to jointly plan, finance, and share a diverse set of high quality recreation programs, and

**Whereas**, the Intermunicipal Recreation Partnership agreement by its own terms may be renewed for an additional five years by appropriate resolutions by each of the municipal partners on or before December 31, 2012, and

**Whereas**, any municipality may withdraw from the Intermunicipal Recreation Partnership agreement upon a full calendar year's notice,

#### **Now Therefore, be it**

**Resolved**, that the Town of Danby agrees to renew the August 21, 2007 Intermunicipal Recreation Partnership agreement for an additional five years, expiring December 31, 2017, and

**Further Resolved**, that a copy of this resolution be sent to the Recreation Partnership Board care of the Tompkins County Youth Services Department at 320 West State/MLK Jr. Street, Ithaca, NY 14850.

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

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

### **Code Actions**

Beeners gave an update/explanation of actions required at the Taft property, 704 West Miller Road. Additional action is needed to remove a shed and other hazardous materials that have accumulated at the property. This shed building was not included in the original demolition, which had been contracted by the property owner. Beeners advised the Board to take action on this and set a public hearing within 30 days of the passage of the proposed resolution.

The DEC informed the town that small amounts of hazardous materials have been poured into wells on the property. The DEC is reviewing that situation after being alerted by a local resident.

#### **RESOLUTION NO. 61 OF 2012 - RESOLUTION AND ORDER DETERMINING THAT A BUILDING AT 704 EAST MILLER ROAD IS UNSAFE, DIRECTING REMEDIATION, AND SETTING A DATE FOR A HEARING REGARDING THE UNSAFE BUILDING**

**Whereas**, the Town of Danby Code Enforcement Officer inspected a shed ("the Building") at 704 East Miller Road, Town of Danby Tax Parcel 6.-1-25, Richard S. Taft, Owner ("the Owner"); and

**Whereas**, as a result of such inspection the Code Enforcement Officer prepared a report dated May 10, 2012 (the "CEO Report"), determining that the Building in the rear yard at 704 East Miller Road is unsafe and dangerous, as defined in Town of Danby Local Law No.4 of 2000, "A Local Law Providing for the Repair or Removal of Unsafe Buildings and Collapsed Structures" (as amended by Local Law No. 1 of 2002); and

**Whereas**, the same Building was included in the Town Board Resolution and Order of March 14, 2011 but was not demolished under that Resolution and Order; and

**Whereas**, the Code Enforcement Officer recommends certain actions be taken to secure the Building and to minimize the danger to life and property from the present damaged and hazardous condition, all as more particularly set forth in the CEO Report; and

**Whereas**, the Town Board has reviewed the CEO Report; and

**Whereas**, pursuant to NYCRR Part 617 of the Implementing Regulations pertaining to Article 8 (State Environmental Quality Review Act), the adoption of this resolution and order is a Type II Action, being a routine or continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment, and therefore no further environmental review is necessary;

**Now Therefore, be it**

**Resolved**, that the Town Board of the Town of Danby determines that the adoption of this resolution and order is a Type II Action, and therefore no further environmental review is necessary; and it is further

**Resolved**, that the Town Board of the Town of Danby determines that the Building at 704 East Miller Road is unsafe and dangerous, as defined in Town of Danby Local Law No. 4 of 2000 (as amended by Local Law No.1 of 2002), in the manner and for the reasons set forth in the CEO Report; and it is further

**Resolved**, that the Town Board of the Town of Danby hereby **Orders** the Owner of the property at 704 East Miller Road, 6.-1-25, Richard S. Taft, to comply with the recommendations of the CEO Report, being that the contents of the Building must be removed, the Building must be demolished, and all debris and abandoned materials must be removed from the site unless portions of the debris can be lawfully disposed of on the premises; and it is further

**Resolved**, that a hearing be held before the Town Board in relation to the dangerous and unsafe building on **June 11 at 7:00pm**, at the Town Hall, 1830 Danby Road, Ithaca, New York; and it is further

**Resolved and Ordered**, that the Town Code Enforcement Officer cause a copy of this Resolution and Order, together with the Notice required by Section 6 of said Local Law No. 4 of 2000 (as amended by Local Law No. 1 of 2002) and the CEO Report, to be served upon the Owner in any manner authorized by said Local Law.

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

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

Beeners gave an update/explanation of actions required at the Roe property, 1820 Danby Road, based on the same law cited above. The Roes presented the steps that they have been making to secure and demolish the building. After a lengthy discussion the Board agreed to defer any action until June.

### **Conservation Advisory Council Appointment**

Klein reported on behalf of the Conservation Advisory Council. There are three current openings on the CAC. The members of the CAC unanimously voted to recommend that the Town Board appoint Mary Woodsen to fill one of those vacancies. An application from Mary Woodsen was distributed among the members of the TB. Woodsen has attended the last two meetings of the CAC and previously participated in related activities.

#### **RESOLUTION NO. 62 OF 2012 - CONSERVATION ADVISORY COUNCIL APPOINTMENT**

**Resolved**, that the Town Board of the Town of Danby appoints Mary Woodsen to the Danby Conservation Advisory Council for the remainder of a term to expire December 31, 2012.

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

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

### **Digital Projector Grant**

Klein presented a proposal for a grant application through the Tompkins Community Foundation. The Foundation is seeking grant proposals from rural towns. Klein had drafted a proposal for funding a digital projector system to be used for town meetings and other presentations. Klein asked for authorization to send a letter of interest and grant proposal on behalf of the Town.

The TB had a lengthy discussion about types of projector systems that might best suit the needs of Town Hall users, now and in the future. The Clerk expressed some concern about a clause in the draft proposal that would allow other groups to use the equipment in locations other than the Town Hall. An alternate proposal was presented by Ted Crane, on behalf of the Danby Community Council, suggesting a request for more effective technology. There was a suggestion that whatever system is selected be "user friendly" for a wide range of users.

Additional research will be done regarding the specifics of the desired equipment. Klein will bring a revised proposal back at a later date.

### **Biomass Boiler Project Update**

Dietrich gave an update on the installation of the Highway Barn biomass boiler. The machinery has been delivered and is being assembled. The Board will be notified when it is functional. An “opening event” may be planned.

### **Water District Update**

Beeners and Shawley gave a report of a recent meeting with a representative of the USDA Rural Development office. This person has offered to assist the Town with drafting applications for grants and/or low-interest funding for the water system upgrade. Beeners advised the Board that action may be needed in June. Some of these grants have a July 1 deadline. Additional information will be presented at the next board meeting.

### **Broadband Update**

Dietrich gave an update on a possible Federal Government grant related to rural broadband build out. The application deadline is June 18, and so it is uncertain as to whether all materials could be ready by then. Dietrich suggested that fact-finding for this grant could serve as a template for future grant opportunities. The Town is looking for the best way to position itself to be “shovel ready” when opportunities come along.

### **Trail Update**

Dietrich informed the board about some negative feedback about the proposed trail in Caroline/Danby. This seems to be based on unsubstantiated information. There was some discussion about whether it would be worthwhile to seek a different trail route.

### **Town Clerk’s Report**

The Clerk reported on activity for the month of April, including one marriage license, two BZA appeals, 71 dog licenses, and processing seven building permits. She also reported that the Clerk’s office is working with animal control to encourage dog owners, more than five months behind in relicensing their dogs, to do so or be ticketed. Several owners, who had not renewed in 2011, have since done so.

### **Correspondence**

Ronda Roaring submitted two documents, via Email. One expressed concerns about the appointment process for the Conservation Advisory Council. The second reported on conditions at the Town property on Deputron Hollow Road.

### **Adjournment**

The Meeting was adjourned at 9:07pm.

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Pamela S. Goddard, Town Clerk

## Appendix A

### BUDGET TRANSFERS FOR YEAR ENDING DECEMBER 31, 2011

#### GENERAL FUND

From	To	Amount
A1010.400	A1010.100	0.44
A1110.100	A1110.400	519.44
A1110.110	A1110.400	13.81
A1110.200	A1110.400	155.92
A1220.120	A1110.400	1584.55
A1220.200	A1220.400	295.61
A1410.400	A1410.480	259.36
A1989.400	A1420.400	9419.75
A1910.400	A1420.400	21684.17
A1990.400	A1420.400	1260.62
A1990.400	A3510.400	3322.76
A8010.130	A5132.400	18694.91
A7410.400	A7620.400	170.08
A5182.400	A7149.400	6.18
A7150.100	A7150.400	431.24
A8010.400	A8010.110	0.18
A8010.400	A8010.200	122.05
A8160.400	A8810.400	313
A9040.800	*	3264.39
A9060.800	*	2774.89
A9070.800	*	309.72
*	A9010.800	46.46
*	A9030.800	1652.07
*	A9050.800	4550.47
A1220.120	*	0.62
*	A1220.100	0.5
*	A1220.110	0.12
A1620.200	*	1000
A1450.400	*	4000
A1990.400	*	102.37
*	A1620.100	2237
*	A1620.400	2865.37

Note: "\*" indicates an intentionally blank entry, corresponding to the provided list.

**HIGHWAY FUND**

From	To	Amount
DA5110.100	DA5110.400	3155.58
DA5110.100	*	13947.83
DA5142.100	*	12257.08
*	DA5112.400	26204.91
DA5142.400	*	32703.3
DA5142.100	*	1510.41
*	DA5130.400	34213.71
DA5120.400	*	3000
DA9060.800	*	11676.51
DA5142.100	*	2608.95
*	DA5140.400	17285.46
DA9030.800	DA9010.800	393.83

**WATER SEWER FUND**

From	To	Amount
SW1910.400	SW8310.400	541.72
SW1910.400	SW8310.100	0.76
SW8320.400	SW8340.400	4913.74
SW9040.80	SW9010.800	6.62
SW9040.800	SW9030.800	78.5
SW8340.102	SW8340.101	0.38

Note: "\*" indicates an intentionally blank entry, corresponding to the provided list.