

**Danby Town Board  
Minutes of Regular Meeting  
May 21, 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  
Legislator Frank Proto  
Public Ronda Roaring, Elizabeth Owens Roe, one other

**The Meeting of the Danby Town Board was opened at 7:06pm.**

**Privilege of the Floor**

Elizabeth Owens Roe expressed concern regarding proposed action her property and asked that any action be postponed indefinitely. The Board agreed to continue discussion on this issue during its June 11 meeting.

**Town Hall Repairs Report**

Beeners presented additional information regarding the building maintenance proposals list. She made a request that the Board authorize work painting the north and south sides of the Town Hall meeting room wing. There was a lengthy discussion about the proposed painting projects and other proposed projects, particularly improvements to the Town Hall bathrooms and vault. Some of the discussion involved the planned rotation of painting one side of the building each year.

The Board expressed a preference to paint one side of the building at this time and put money into improving the bathrooms and vault. The Board requested final estimates for work in the vault and bathroom improvements.

**RESOLUTION NO. 63 OF 2012 - TOWN HALL PAINTING PROJECT**

Resolved, that the Town Board of the Town of Danby approves the expenditure of up to \$8,555 for painting of the south side of Town Hall meeting room wing by Blue Spruce Painting, Inc., with touch up of north and west sides, with the source of such funding to be a transfer from the Town Buildings Renovation, and Repair Fund.

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

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

**Solar Liberty Lease Letter**

Beeners presented additional information regarding a potential lease agreement with Solar Liberty for energy generation at the Town Hall. Beeners and Dietrich made a request that the Board authorize the Town Supervisor to sign a contingency letter indicating the Town's interest in engaging in a lease, and further authorize the Supervisor to execute such approved lease. This action is necessary due to the limited number of Solar Liberty leases available this year for municipalities. This letter would get the Town's "foot in the door" without committing the Town to engaging in a lease.

Beeners reported on a site report from Renovus energy, regarding placement of the panels. Renovus established that it is possible to have efficient solar collection without removing any trees. She also reported on review of the lease agreement by the Town Attorney. He may ask for some modifications of wording for clarity.

There was continued discussion about the potential lease. The Town could save approx. \$1,400 per year in energy costs under this 15 year lease. The monthly lease payment would never exceed what the Town is currently paying for energy. There were several questions, including whether the lease payment is a fixed rate (yes), who bears the cost of maintenance and repairs (Solar Liberty), and what the Town's options are at the end of the lease. Members of the Board surmise that technology may improve in 15 years, to the point where the Town would want a different system. The Supervisor made the case that the Town can't lose money on this lease.

After discussion, the Board expressed a preference that the lease agreement be reviewed again by the entire board prior to final execution.

#### **RESOLUTION NO. 64 OF 2012 - TOWN HALL SOLAR LEASE PROJECT CONTINGENCY LETTER**

Resolved, that the Town Board of the Town of Danby authorizes the Town Supervisor to sign a contingency letter indicating the Town's intent to execute a lease with Solar Liberty for solar panels at the Town Hall, contingent upon approval of the lease agreement by the Town Attorney.

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

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

#### **Resolution Regarding West Danby Water District Improvements**

Dietrich and Beeners gave an update on the Water District water tank replacement project. They introduced and explained this resolution, establishing the Town Board as lead agency for environmental review. Part one of the environmental assessment will be sent to all involved agencies. It is anticipated that there will be limited land disturbance. The Town is, to the best of its ability, seeking grants to cover the cost of improvements.

#### **RESOLUTION NO. 65 OF 2012—RESOLUTION WITH REFERENCE TO THE PROPOSED TOWN OF DANBY, TOMP-KINS COUNTY, NY WEST DANBY WATER DISTRICT IMPROVEMENTS PROJECT STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA), LEAD AGENCY ESTABLISHMENT**

**Whereas**, the Town Board of the Town of Danby has authorized T.G. Miller, PC to perform an evaluation of the water system serving West Danby, and

**Whereas**, the Town Board received and reviewed a preliminary engineering report that recommends construction of a new water storage tank, water meter replacement, installation of flushing hydrants and leak detection and repair, and

**Whereas**, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617, hereafter called SEQRA, the Town Board has determined this action to be Type I, and

**Whereas**, this Board wishes to establish itself as lead agency in the coordinated review of this action; **Now Therefore, be it**

**Resolved**, that the Town of Danby The Town Clerk shall notify all Involved Agencies of the Town Board's intention to designate itself Lead Agency, and

**Further Resolved**, that a coordinated review will be performed, and

**Further Resolved**, this resolution shall take effect immediately.

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

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

## **Approval to Spend Highway Funds**

Shawley reported on three projects for highway repair in 2012. She also reported that additional work is anticipated for one mile of Fisher Settlement Road. The Highway Department is waiting to assess the situation for cost and effectiveness.

### **RESOLUTION NO. 66 OF 2012 - AMENDMENT TO AGREEMENT TO SPEND HIGHWAY FUNDS**

**Resolved**, pursuant to the provisions of Section 284 of the Highway law, the Town Board of the Town of Danby agree that moneys levied and collected for the repair and improvements of highways, and received from the state for repair and improvement of highways, shall be expended as follows:

1. A sum not to exceed \$20,000 shall be spent to surface treat Olsefsky Road. The road will have material added to it and its surface treated with two layers of oil and stone. This amount shall be paid out of the 2012 CHIPS capital balance.
2. A sum not to exceed \$12,000 shall be spent to surface treat Amy Lane. The road will have material added to it and its surface treated with two layers of oil and stone. This amount shall be paid out of the 2012 CHIPS capital balance.
3. A sum not to exceed \$55,000 shall be spent to resurface East Miller Road from 96B to Troy Road. The road will be shimmed, material will be added and its surface treated with two layers of oil and stone. This amount shall be paid out of the Road Repair line in the Town Budget.

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

## **Attorney of Record/CSEA Negotiations**

Dietrich presented the need for a resolution to appoint Guy Krogh as attorney of record for upcoming CSEA negotiations. Krogh has previously acted in this capacity and is familiar with the issues relevant to current negotiations. Shawley reminded the Board that the first meeting with CSEA is on May 31. The Board agreed that it was timely to make this appointment at this time.

### **RESOLUTION NO. 67 OF 2012 - CSEA ATTORNEY OF RECORD**

**Resolved**, that the Town of Danby appoints attorney Guy Krogh as Attorney of Record for CSEA negotiations.

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

## **Legislator's Report**

Proto reported on several things. The legislature withdrew the tax exemption from alternative energy installations, in order to collect tax on the Enfield Wind Farm. Proto characterized this as a "Law of unintended consequences" as it affects private property owners as well. He said that several County Legislators have expressed the intention to add property owner tax exemption back into the County law in the next few months.

Proto reported that the County has signed on for a five-year extension with the Recreation Partnership. He provided information about laws, through the state DEC, to deal with invasive species/hydrilla treatment. The County is reviewing enforcement sections of the hydrilla regulation, particularly to assure that boat hulls are washed prior to launching into the lake. The Water Resources Council has drafted a proposed set of regulations for wetlands/water courses/water bodies. More information will be forwarded to the Town Board.

## **Highway Biomass Boiler**

A further update on the installation process was presented. Dietrich reminded the Board that the boiler will use wood chips for fuel. The system can be transitioned to other fuels in the future. There will be a media/Town Board and committee event when the boiler is up and running.

## **Trail Update**

Information about several county trail projects was distributed to the board. Dietrich gave an update on trail projects in regional municipalities. A recent meeting about the “rail trail” to Banks Road was cancelled. A NYSEG right of way is being negotiated.

## **Supervisor’s Reports**

Shawley distributed Supervisor’s Reports for the months of January-March, 2012. The Board reviewed these reports.

### **RESOLUTION NO. 68 OF 2012 - ACCEPT SUPERVISOR’S REPORTS**

**Resolved**, that the Town Board of the Town of Danby accepts the Town Supervisor’s Reports for January, February, and March 2012.

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

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

## **Other Reports**

Copies of the April Code Enforcement and Highway Department reports were distributed. Supervisor Dietrich advocated for the inclusion of regular reports from the Danby Community Council in future Town Board meeting agendas.

## **Adjournment**

The Meeting was adjourned at 8:51pm.

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Pamela S. Goddard, Town Clerk