

**Danby Town Board
Minutes of Regular Meeting
June 18, 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
Finger Lakes Land Trust David Diaz
Public Ronda Roaring, Randy Ingell, Jim Reagan

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

Presentation from Finger Lakes Land Trust

David Diaz, Director of Land Protection for the Finger Lakes Land Trust gave a substantial presentation about the types of land protection currently undertaken by the FLLT. The Danby Conservation Advisory Council is in the initial stages of designing processes for Conservation Easements in the Town of Danby. Diaz agreed to share templates and information with the Danby CAC.

Privilege of the Floor

Sue Beeners informed the board that the Danby and West Danby Fire Departments are collaborating on Danby Fun Day this year. All of the proceeds will go to the Gaden family as a benefit for John Gaden. Gaden was badly injured in a motorcycle accident on June 9. Volunteers are still needed to assist with Fun Day.

Ronda Roaring voiced her disapproval of having the FLLT make an extensive presentation. Her opinion is that a discussion of conservation easements would better have been arranged through the Danby Conservation Advisory Council. She informed the Board that the CAC had discussed putting on a seminar for the Town and inviting all land trusts to participate.

Neighbor Problems with Oasis Dance Club

Ingell and Reagan, residents at 1240 Danby Road for thirteen years, provided information about a series of ongoing problems with the Oasis Dance Club and made requests for actions. Concerns include the fact that the owner of the Oasis is not following approved code procedures and that the establishment appears to be particularly vindictive toward its adjacent neighbors. Examples of vindictive behavior included the placement of a garbage dumpster directly on the property line and cutting down apple trees and bushes that had acted as a sight and sound shields for neighboring properties. These actions were taken immediately following neighbor complaints.

The Oasis has erected non-conforming structures and there are frequent problems with excessive noise and related disturbance of the peace, particularly with certain crowds following specific DJs. The residents also expressed concern about dust, which may be toxic, from the crushed concrete that surfaces the Oasis driveway and parking lot.

Ingell and Reagan asked that the Town Board research neighboring noise ordinances and offered to assist with this research. They also asked for more diligent oversight and enforcement of code violations.

The Town Supervisor offered to take several actions, including further conversations with Sheriff Lansing regarding repeated violations and disturbances. The Code Officer will increase oversight of

code violations including the placement of a garbage dumpster on the neighbors' property line. The Code Officer offered to have her office look into the question of toxic concrete dust and what might be done to mitigate the problem. The Supervisor additionally stated that this issue will be kept on the Town agenda in order to provide regular updates and so that the neighbors could follow the progress of oversight.

Resolution Regarding Solar Liberty Lease

Dietrich and Beeners provided information that Solar Liberty has agreed to changes in the lease agreement made by the Town Attorney. They recommended that the Board authorize the installation and lease agreements with Solar Liberty. Connors expressed some concern about unspecified "risks to the Town" noted by the attorney in his comments on the lease agreement. There was a discussion as to whether further clarification was needed from the Town Attorney. Beeners expressed her view that the attorney may be overly cautious in this case and a concern that the Town might miss out on a unique opportunity. Dietrich advocated for the positive aspects of the lease agreement, particularly that utility rates for the Town Hall will be kept at a flat rate and there are few up-front costs to the Town for this renewable energy.

RESOLUTION NO. 74 OF 2012 — EXECUTE INSTALLATION AND LEASE AGREEMENT WITH SOLAR LIBERTY

RESOLVED, that the Town Board of the Town of Danby authorizes the Town Supervisor to execute an installation and lease agreement for a Grid-Intertie Photovoltaic Generating System with Solar Liberty Energy Systems and Solar Liberty Electric Company, Inc.

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

In Favor: Halton, Klein, Race, Dietrich

Abstain: Connors

Request to use Town Hall

There was a short discussion of a request by Julie Kulik, on behalf of the Earth Arts Program, to use Town Hall to show a documentary entitled "Tending Fires." The Town Board gave approval for this use with no charge. There was a suggestion that Community Council might partner with this event. A date will be arranged through the Town Clerk's office.

Possible Letter of Support/ Rural Ag for Energy Bills

There was a short discussion regarding a letter from Danby Land Bank Cooperative in support of a pair of bills drafted by the Legislative Commission on Rural Resources to encourage the use of farmland to raise energy crops. Dietrich asked whether the Town Board wished to send letter of support. While there was support in principle, as a way of supporting the DLBC, Board members expressed a need for more information about these bills. It is not known when these bills will come up for a vote. After some discussion it was decided to hold off action.

West Danby Water District Public Hearing/Special Meeting of Town Board

Beeners gave an update on the public hearing, required by the Community Development Block Grant application, scheduled for June 20, 7pm at the West Danby Fire Hall. Letters, including a confidential income survey, have been mailed to households in the Water District. These are to be returned by June 25. The surveys will be tabulated in an out-of-state location. Letters asking for support have been sent to all elected officials, including Proto and Hinchey. Dietrich characterized this as the biggest project before the Town this year.

Highway Biomass Boiler

Beeners gave a short update on the status of change orders of approximately \$4,000. NYSERDA has agreed to fund almost all of these change orders. The remaining cost to the Town is \$38.20. The

Highway department expects to fire the boiler early next week, to be followed by fine-tuning of the system. A public/media event will be held early this Fall.

Broadband Update

Dietrich gave a report of a plan coming together to secure funding for broadband build-out in Tompkins County. He circulated a summary of talking points and preliminary results of a telephone survey conducted. More than 30% of businesses in Danby do not have internet connection. The broadband talking points will be distributed to the Board via Email.

Dietrich will make a presentation to the Tompkins County Council of Governments asking municipalities to contribute in the range of \$3,000 and \$3,500, followed by a request to the Tompkins County Legislature to match those funds. The goal is to secure \$85,000 to hire a consultant to develop a "Request For Proposal/RFP" based on the plan drafted by the TCCOG Broadband Committee. Each municipality will design build-out based on its needs.

Legislator's Report

Proto gave updates on several matters including funding for Youth Services, treatment for the eradication of hydrilla in Cayuga Lake, Capitol programs for aquifer study updates in various municipalities, a possible vote by the County Legislature to exceed the property tax cap in 2013, and an event to "Celebrate Cayuga Lake" to be held at Stewart Park on July 17.

Other Reports

The Highway Department report was circulated among Board members.

Klein reported on recent Community Council activities. He described what he viewed as "troubles" including long meetings and the resignation of one new member. He stated that this is the most agitated he's seen the DCC since his involvement in 1999. The DCC has held discussions about different ways to do youth programming outside of its contract with Cooperative Extension. Klein also informed the board that Amanda Walts has joined the DCC as a new member. Summer meetings have been rescheduled to the second Thursday of the month.

Dietrich gave a different view, saying that this is a new Community Council and they are doing a careful review of the system for delivering youth programming. There is concern that programs have gotten cut but there is the same size of administration at Cooperative Extension. Dietrich characterized this as a healthy dialogue.

Adjournment

The Meeting was adjourned at 9:10pm.

Pamela S. Goddard, Town Clerk