

**Danby Town Board
Minutes of Regular Meeting
July 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
Attorney Guy Krogh
Justices Theresa Klinger, Garry Huddle
Public Frank Kruppa, Randy Ingell, Ted Crane

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

Privilege of the Floor

Justices Klinger and Huddle informed the TB of a grant proposal they will submit by early October. There was a short discussion about items that might be included in this year's grant proposal. Items mentioned included a "panic button" emergency alert security system and records management efforts for the Court.

Ted Crane, in his capacity as a member of the Community Council Director and with the knowledge and approval of the DCC President and Secretary, presented a written statement of response to Klein's June 18 report to the Town Board, and summarized the statement orally. Crane characterized Klein's comments, that the DCC is troubled by long meetings and is agitated, as misleading. He said that the DCC is, "Coming to grips with issues that it has avoided dealing with for many years. This is not a sign of trouble, it is a sign that the DCC is acting in a responsible fashion, that it is examining different options, and trying to do the best it can." Crane encouraged the Town Board to stay informed about DCC activities.

Randy Ingell asked several questions regarding enforcement response to violations at the Oasis Dance Club. Dietrich advised Ingell that the Town Board is seeking advice from its attorney regarding the Town's options in addressing these complaints. Beeners informed Ingell that a code violation notice regarding the dumpster will be served soon. Ingell stated his concern about the length of time involved in the enforcement process and asked for a timeline for addressing his concerns. Beeners advised that an exact timeline can not be laid out in open meeting in the presence of the two Town Justices. She said that the Town has jurisdiction over the placement of the dumpster and the parking lot dust.

Warrants

WATER DISTRICT FUND

#029-039 for a total \$5,884.72

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

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

GENERAL FUND

#272-311, for a total \$17,993.85

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

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

HIGHWAY FUND

#082-096 for a total \$43,487.91

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

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

Approval of Minutes

Some minor corrections were made and one sentence was added to the June 18, 2012 minutes.

RESOLUTION NO. 75 OF 2012 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of June 11 and 18, 2012.

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

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

West Danby Water District Improvements Project

Code Officer Beeners presented a resolution affirming that the Town Board is designated Lead Agency in a Type I SEQRA environmental review. There was a short discussion of the implications of a "Type I review." This means that there could be the potential of a significant impact on the environment as the access is on a steep slope and in a Unique Natural Area including a wetland.

RESOLUTION NO. 76 OF 2012 - REFERENCE TO THE PROPOSED TOWN OF DANBY, TOMPKINS COUNTY, NY WEST DANBY WATER DISTRICT IMPROVEMENTS PROJECT STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA), LEAD AGENCY DETERMINATION

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 by Resolution 65 of 2012 on May 21, 2012 determined this action to be Type I, indicated that the Town Board wishes to establish itself as lead agency in the coordinated review of this action, and directed the Town Clerk to notify all Involved Agencies of the Town Board's intention to designate itself Lead Agency in coordinated review; and

WHEREAS, solicitation of such Lead Agency status has been made to potentially involved and interested agencies and no objections have been raised to the Town Board acting as Lead Agency;

NOW THEREFORE IT IS

RESOLVED, that the Town Board of the Town of Danby affirms that it is designated Lead Agency in the Type I, coordinated review of the proposed West Danby Water District Water Storage Tank Replacement and Water Conservation Improvements Project; and it is

FURTHER RESOLVED, that this resolution shall take effect immediately.

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

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

West Danby Water District Improvement Project Update

Dietrich and Beeners gave an update on the Water District water tank replacement project. The Town met the response rate goal of 85% return for the income survey conducted of households in the West Danby Water District. A preliminary report shows that the district qualifies as low to moderate income for the Community Block Grant Project and that grant can go forward. A confirmation letter should be sent to the Town shortly. The deadline for the Community Block Grant is July 16 and the application form should be completed in time. In addition, the application to the Appalachian Regional Commission grant was submitted during the first week of July. An application will also be submitted to the USDA Rural Development Program for a low or zero interest loan, just to cover all bases.

Dietrich expressed gratitude to, "Staff which does not go home at 5pm." Clerk Goddard gave particular recognition to Deputy Clerk Susan McLellan who provided many hours of thorough diligence above and beyond her normal duties to assist in the success of the survey response.

Planning Board Zoning Change Recommendation

Goddard introduced a resolution passed by the Planning Board recommending, "...that the Town Board of the Town of Danby amend the Zoning Regulations of the Town of Danby to allow for the vertical mixed use of structures both existing and planned in the Hamlet of Danby. For the purpose of this recommendation vertical mixed use is defined as the use of the ground floor of a structure for commercial activity, home business, and the provision of services such as, but not restricted to, beauty salons, instructional classrooms and studios, cafes and coffee shops, and medical offices or other professional services and the use of the first and subsequent floors for residential applications. For the purpose of this recommendation the Hamlet of Danby shall consist of the existing structures and the developable parcels located within a 15 minute walking distance of the Town of Danby Town Hall located at 1830 Danby Road, Ithaca NY."

Councilperson Connors, as Town Board liaison to the Planning Board, explained that the PB was interested in having the TB's perspective and recommendations for the proposed zoning changes. She summarized the Planning Board discussion of hamlet considerations for increased density and commercial uses as enhanced home occupations. She expressed support for the recommendation and suggested that it may "dovetail" with the review of the Comprehensive Plan and a possible noise ordinance.

There was a general discussion about this suggestion. Kruppa and Beeners added their perspectives of the discussion and recommendation. Beeners called this a "good start." She noted that a 15 minute walking distance could potentially take the zone up to Lieb Road. Beeners suggested that the PB review sample ordinances from other municipalities (such as the Town of Ulysses) that have this type of zoning.

Kruppa added that the Planning Board was enquiring of the Town Board whether there is support for this direction or whether the PB should stop and focus on other matters. Dietrich expressed an interest in the PB working on other actions, such as a noise ordinance. His initial response was that hamlet rezoning may not be a priority at this time. Klein expressed reservations about "changing the rules" on residential to commercial zoning or increase zoning density in already established areas.

After additional question and answers, the Board decided to consider this and continue its discussion at the next TB meeting.

Biomass Boiler Update

Dietrich gave a short report that the installation seems to be complete. A training session will be held in September. A letter from the installers was circulated among the TB members. A discussion of a grand opening will be scheduled for August meetings.

Draft Local Law Amending Building Permit Renewal Procedure

Beeners introduced a draft amendment correcting and clarifying the Town's local law related to building permit renewals. She requested that the Board review the draft and consider sending the amendment to the Town Attorney for review. The Board will continue discussion about this during its next meeting.

Response to Privilege of the Floor

Klein responded in some detail to the report Crane made regarding the Danby Community Council during Privilege of the Floor. He repeated his assertion that DCC meetings have been quite long without decisions being made. He stuck by his characterization of agitation at DCC meetings, including upset with Cooperative Extension regarding youth program changes. He said that he is not saying that the DCC is doing a bad job but thought that, "Things are not happy there."

Town Clerk's Report

Goddard gave a brief overview of activities in the Town Clerk's office during the month of June, including a status report on records management. The office processed 56 dog license renewals, 5 marriage licenses, and eight building permits.

She circulated reports from the Code Enforcement office, the EMC, and County Youth Services. Correspondence was noted from Sheriff Lansing, extending an offer to visit municipalities and talk to boards. There was also a request from a resident on Muzzy Road to have the speed limit reduced on that road in a similar manner to the speed reduction on Nelson Road.

Closed Session

Krogh gave an explanation of the purpose of closed session and how it differs from executive session in law. Advice from Town Attorney is an exemption to the NYS Open Meetings Law.

RESOLUTION NO. 77 OF 2012 - ENTER CLOSED SESSION

RESOLVED, that the Town Board of the Town of Danby enter closed session to receive confidential advice from counsel about and enforcement and/or potential litigation matter.

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

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

Adjournment/Closed Session

The Meeting was adjourned at 8:10pm.

The Town Board entered into a Closed Session with the Town Attorney Guy Krogh.

Pamela S. Goddard, Town Clerk