

**Danby Town Board
Minutes of Regular Meeting
September 17, 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
Highway Sup. Carl Seamon
Public Ted Crane, Ronda Roaring, Lee Haefele, Margaret Corbit, Wes Blauvelt,
Elizabeth Wilkinson, Garry Huddle, Steve Rurrer, Shahin Buchan

The Meeting of the Danby Town Board was opened at 7:00pm.

Privilege of the Floor

Margaret Corbit, Howland Road, advocated the Town taking action to expand broadband coverage to areas of the Town. She stated that she pays for expensive yet marginal service and needs better access as she makes her living on the internet. She expressed concern about whether the public would have input into decisions about different broadband options. She supported the development of compromise between different broadband systems.

Lee Haefele presented a proposal and map of suggested Broadband buildout in two small areas of Danby: South Danby and Howland Road and part of Coddington Road. Haefele operates a cable TV and internet service in Tioga County and southern Danby. He proposes running wired fiber optic broadband to these areas. He intends to write a proposal for the "Connect NY" grant and would like the support of the Town. Haefele expressed some concerns about the effectiveness of wireless service.

Ronda Roaring presented documents challenging a proposed subdivision on Howland Road. Roaring expressed the view that there is a conflict between the vision of the Danby Comprehensive Plan and current zoning subdivision law. She asked the Town Board to take action in the form of a moratorium on subdivisions and stated that she, "would prefer not to sue the Town over this issue." Roaring asserted that 20 houses have been built in a low-density zone of South Danby Road in the past 30 years and contends that this was in conflict with the Comprehensive Plan and Subdivision Zoning.

Wes Blauvelt expressed interest in the Town Biomass Boiler project for the Highway Barns. He helped design a system in use at the Arnot Medical Center and offered to meet with those involved to share his experiences with a wood chip fired heating system.

Elizabeth Wilkinson expressed her frustration with current internet and phone access in the area of South Danby and Howland Road and supported the Town doing something to improve service.

Ted Crane advocated for partnering with whichever internet service provider has the proposal to extend service to as many people as possible. He offered to share more information during the general discussion of the "Connect NY" Broadband Infrastructure Grant.

Bookkeeper/Highway Assistant, Laura Shawley presented an addition to the agenda regarding a resolution awarding a construction project to build a wood chip storage shed for the Highway Biomass Boiler.

Broadband Infrastructure Grant

The Town Board held a very lengthy discussion regarding a proposed resolution of support for an internet service provider making an application to the New York State “Connects NY” Broadband Infrastructure grant. Supervisor Dietrich explained that this grant opportunity arose in early September and has a submission deadline of October 5. The Tompkins County Broadband Committee was not ready to submit a grant, and so sent letters to local/regional service providers encouraging grant applications. Two local service providers, Haefele Cable TV and Clarity Connect, have indicated intentions to submit grant proposals.

Dietrich explained that there were two resolutions before the Board for consideration. The first would be a resolution of support, offering to partner with a service provider in a broadband infrastructure buildout grant. The second resolution would commit the Town to an amount of money for this infrastructure initiative.

There was a lengthy discussion of whether it was possible or advisable for the Town to support both grant applications. Dietrich explained the need to back one grant application over another, as the State is likely to award funds to only one provider serving Danby.

There was an extensive discussion about a lack of details in the support resolution and the grant project would impact the Town budget. Dietrich explained that the proposal to commit \$15,000 toward the initiative would be a sign of support for that proposal and would also serve as part of the local matching contribution for such things as extending electric service to broadband distribution towers.

Dietrich and Bookkeeper Shawley explained that the \$15,000 pledge towards the grant would not be new tax dollars. This amount can be earmarked from the Town fund balance for broadband buildout. Shawley gave details about how this money is available, due to reduced costs for snow removal and road repair in the highway department. The highway reserve helps add funds to the general fund. In Shawley’s fiscal opinion, this is a good year for this initiative.

There was an extensive discussion to clarify whether additional money would be required from Danby to meet the matching funds requirement of the grant. Connors and Race expressed reservations about the lack of specific information in this grant proposal resolution regarding the total cost to Danby residents in terms of the 20% matching contribution. Information was presented in an attempt to explain how the amount of \$15,000 was determined to be the approximate amount of Danby’s matching contribution requirement. The 20% “local contribution” includes funds from the provider, and all municipalities who partner in the grant application.

During this discussion, a resident described this as a good local investment. Improved internet service greatly improves the value of residential property. A lack of internet service negatively impacts the attractiveness of Danby as a community for new residents.

There was a discussion about the technical aspects of the proposals. The Clarity Connect proposal covers not only Danby but other parts of Tompkins County as well. The grant request will cover hardware for all of the participating municipalities. It is estimated that \$15,000 will cover the cost of running electric service to the number of poles required to extend internet service to most of Danby. It is estimated that ten poles or less will cover the areas proposed in the grant. These poles will be positioned to cover the largest possible number of households. In addition, the County as agreed to allow the usage of the 911 communications towers on East Miller and Curtis Roads for this project. Additional towers in Newfield and Caroline will help cover some areas of Danby.

There was a question regarding whether the Town was following the guidelines of the procurement policy in selecting an internet provider for Danby. Dietrich clarified that there’s nothing in the grant application that prohibits other service providers from extending broadband connections to Danby residents.

There was a discussion of the need for community input to the extension of broadband internet service to underserved areas of Danby. Dietrich informed the Board that a meeting has been scheduled for the second week in October. While this is after the grant application deadline, it will allow

residents to air questions and speak about what their needs are. Dietrich described this grant opportunity as one piece of the larger picture.

Connors expressed her concern that there was not enough information provided regarding the details of the grant. Dietrich stated that the details of the grant will be presented during the October meeting, following the grant application submission. At that time, the details of the grant will be public record. He urged the Board to vote for this resolution in order to move the grant application forward.

There was further discussion regarding the level of interest and support from other Towns, more details of the Haefele proposal, and the estimated monthly cost and internet speed for individual households. It is estimated that the cost would be in the range of \$35-40 per month for a speed of 6Mbps. Questions from the public further aired concerns about wireless connection vs. wired fiber-optic and whether the Town is locking itself into one type of connection through this grant. Dietrich made a case for a solution which has the option for reaching the largest number of residents possible. He again reassured the Board and residents that this grant does not prohibit other types of internet extension from other providers, now or in the future.

RESOLUTION NO. 92 OF 2012 - OFFER TO PARTNER WITH SERVICE PROVIDER IN A BROADBAND INFRASTRUCTURE GRANT

Whereas, the Town of Danby recognizes that the development of a Broadband infrastructure is critically important to our community, and

Whereas, New York State is offering grants to expand Broadband service to unserved and underserved communities and a considerable portion of the Town of Danby has been shown to be either unserved or underserved according to the criteria of the New York State grant program, and

Whereas, the qualifying criteria for a New York State grant includes the presence of a public-private partnership and strong support from the host locality, and

Whereas, the New York State grant, if awarded, would provide eighty percent of the service installation cost, but requires a twenty percent contribution from the grant applicant, and

Whereas, Clarity Connect, Inc. has proposed a solution that will rapidly extend Broadband service to almost all of the unserved and underserved portions of the Town of Danby, and

Whereas, Clarity Connect, Inc. has demonstrated capability to successfully complete a community-wide Broadband service buildout, using similar technology, and

Whereas, Clarity Connect, Inc. has received grant funding for projects of this kind in the past, and

Whereas, Clarity Connect, Inc. intends to apply for funding from the New York State "Connect New York" grant program to expand Broadband service to unserved and underserved communities;

Now Therefore It Is

Resolved, that the Town of Danby will offer to partner with Clarity Connect, Inc. in an application for a grant that will provide the major portion of funds for a Broadband infrastructure in our community, and it is

Further Resolved, that the Town of Danby, as a part of its contribution to the project, will waive all fees related to the implementation of the project, and it is

Further Resolved, that the Town of Danby, as a part of its contribution to the project, will pursue all practical measures to expedite zoning, rights of way, and any other needs of the project, and it is

Further Resolved, that the Town of Danby, as a part of its contribution to the project, will bring electric service to each tower location, and it is

Further Resolved, that the Town of Danby, as a part of its contribution to the project, will continue its existing program of providing information to the public about Broadband Internet options, and will inform unserved and underserved residents about the availability of new service options.

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

In Favor: Halton, Klein, Race, Dietrich

Opposed: Connors

Race noted that he has reservations about the grant proposal given that the Board is putting faith in assumptions reported by Dietrich and Crane regarding findings from the Broadband Committee. The only reason he voted yes is that the Town has the option to turn down the grant, should the proposal not be favorable to Danby. Dietrich emphasized the importance of the October public meeting on this topic.

There was a discussion, clarification, and amendment to a resolution committing funds to a general broadband initiative. Race requested more specific language in the “resolved” regarding the use of the money to be committed to the broadband initiative. Dietrich expressed his intention for the funds to be used for broadband expansion, even should the grant not be awarded. It is his view that Danby would be capable of initiating an expansion on its own. Race was concerned that it be clear that the money stays in a Town account until Danby agrees to accept the terms of a grant project, should it be awarded. Klein offered wording, which was accepted.

RESOLUTION NO. 93 OF 2012 - COMMIT FUNDS FOR THE BROADBAND INITIATIVE

Whereas, The Broadband initiative is a Countywide initiative that has formed to ensure all residents the opportunity for high speed internet, and

Whereas, The Town of Danby, along with Clarity Connect, Inc. is applying for a grant through the New York State “Connect New York” Grant Program for the expansion of broadband in the Town of Danby, and

Whereas, This grant requires a certain amount of funds to be committed from the Town of Danby to show their support and commitment to the initiative of building out broadband to all Danby residents,

Now Therefore It Is

Resolved, That the Town Board, on behalf of the Town of Danby, will commit \$15,000 to the Broadband Initiative which will not be awarded prior to the Town of Danby’s acceptance of the grant.

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

In Favor: Halton, Klein, Race, Dietrich

Opposed: Connors

Bids for Building Wood Chip Storage Shed

Shawley reported on the process of the highway department seeking bids for the construction of a pole barn/shed to be used for the storage of wood chip fuel for the highway barn biomass boiler. A formal bid process was not required for the project as the total cost will be under \$35,000. Three written quotes were submitted: Finger Lakes Construction Company (25,900), D&J West (17,180; bid did not include prevailing wage). The Highway Department would like to accept the bid from Santelli Construction, based in Lyons (23,300). Santelli has more experience with municipal public works construction projects and is able to work within the required deadline. The site work is already prepared.

RESOLUTION NO. 94 OF 2012 - TO AWARD THE JOB OF BUILDING THE WOOD CHIP STORAGE SHED

Whereas, The Danby Highway Department will be storing large amounts of wood chips to be used in the new biomass boiler system at the highway garage, and

Whereas, The Danby Highway Department has gathered three quotes for a pole barn structure to be built at the boiler site and each builder has received the same information about prevailing wage requirements and the specifications for the building,

Now Therefore It Is

Resolved, that the Town Board of the Town of Danby approves the Highway Department's decision to accept Santelli Lumber's bid to build the structure and to put in a concrete floor. The total contract price is \$23,300.00, to be paid out of the Highway Department Fund Balance.

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

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

CSEA Negotiations

Dietrich and Shawley gave an update on wage and health care contribution rates being offered for the next three-year contract. The percentage of increases is not final and has not been formally accepted by the union. The health care contribution rate will be tied to the rate of increase seen in the premium cost. For example, the employee would pay 4.5% of the premium cost for 2013. This rate would rise over three years.

Budget Process

Bookkeeper Shawley informed the Board that department budget proposals are still being collected. These are due September 20. The preliminary budget will be drafted by September 30 and available to the Board for review on October 1. A discussion of a proposed schedule for budget workshops. The Board agreed to have its first budget workshop prior to the TB meeting, at 6pm on October 8. The remaining Monday evenings in October (15, 22, 29) have been reserved for budget workshops.

Code Officer Response to Zoning/Comp Plan Conflict

Beeners gave her response to issues raised by Roaring during privilege of the floor. She addressed the specific subdivision request for property on Howland Road. She noted that the Comprehensive Plan is not very rigorous on this issue. It does state that development should be limited in areas near the State Forest and Parks, that residential development should include conservation subdivisions, that open space be preserved and private forest encouraged. She noted that there was extensive discussion about this request at the last Planning Board meeting and that the request is still under consideration. Concerns about fragmentation and impacts adjacent to State land were raised. The entire parcel is woodland. As woodlands are a restricted build area, the Planning Board is being careful about how where houses might go.

Beeners noted that the Subdivision regulations underwent a complete overhaul after the Comprehensive Plan was adopted in 2002. Conservation guidelines were adopted, including designating restricted build areas. In the view of the Code Office, there is nothing in this review of this particular subdivision which is inconsistent with the Comprehensive Plan.

There was a discussion about the rate of building over 30 years in this area. Beeners noted that there is nothing in the Comprehensive Plan to limit development in a particular area of the Town. Roaring maintains that zoning two-acre lot size for low-density residential development is antiquated. She sees this as a conflict with the Comprehensive Plan goal to maintain Danby's rural nature. Connors suggested that this is something the Planning Board should consider during its review of the Comprehensive Plan.

Wind Tower Legislation Project

Klein gave a report on the first meeting of a group investigating a local wind tower ordinance. The group has decided not to pursue a commercial wind tower ordinance at this time. It is reviewing several existing residential wind tower laws from other municipalities. The next meeting will be held October 11. It is hoped that the group can draft an ordinance within the next year.

Aquifer Protection Ordinance Update

Beeners gave an update on review of the Aquifer Protection Ordinance. The enhanced aquifer study report should be delivered to the Town by mid-October. The next step will to map data and arrange a meeting with the GIS technician from the Town of Dryden. The current intent is for the ordinance to address heavy industrial and unregulated pollutants. The Aquifer Protection Ordinance needs to be resolved prior to presenting CEA designations to Danby residents.

Adjournment

The Meeting was adjourned at 9:17pm.

Pamela S. Goddard, Town Clerk