

**Danby Town Board  
Minutes of Regular Meeting  
March 11, 2013  
Approved**

**Present:**

Supervisor: Ric Dietrich  
Councilpersons: Leslie Connors, Kathy Halton, Dylan Race

**Excused:**

Councilman: Dan Klein

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Code Officer Susan Beeners  
Public Ted Crane, Ronda Roaring, Jim Rundle

**The Danby Town Board meeting was opened at 7:02 pm**

**Privilege of the Floor**

Ted Crane spoke to his concerns about an incident at the January Planning Board meeting between the secretary and the chair.

Justice Huddle reported on some research regarding the question of speeding on Town roads and the implications of a Town law regarding speed enforcement. The Town could enact a Town law regarding speeding on Town roads. Advice from the State is that County or State police may not do much enforcement of speeding on Town roads if they don't get much revenue from the tickets. If someone is ticketed under a Town law for speeding, and they don't show up in court, there is no recourse. Under the current system, the State will follow up with a "scoff-law."

Supervisor Dietrich noted that the Town is not getting much enforcement on Town roads as it is. Perhaps a Town speeding law would bring more revenue to the Town? Might this revenue be used to hire someone for enforcement? Huddle was not enthusiastic about this scenario.

**Warrants - Abstract #3 of 2013:**

**HIGHWAY FUND**

#025-049 for a total \$77,958.27

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

In Favor: Connors, Halton, Race, Dietrich

**WATER DISTRICT FUND**

#005-008 for a total \$1,209.49

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

In Favor: Connors, Halton, Race, Dietrich

**GENERAL FUND**

#075-138 for a total of \$60,790.40

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

In Favor: Connors, Halton, Race, Dietrich

## **Approve Minutes**

### **RESOLUTION NO. 35 OF 2013 - APPROVE MINUTES**

**Resolved**, that the Town Board of the Town of Danby approves the minutes of February 11, 2013.

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

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

## **Appointments**

### **RESOLUTION NO. 36 OF 2013 – APPOINT CONSERVATION ADVISORY COUNCIL CHAIR**

**Resolved**, that the Town Board of the Town of Danby reappoints Joel Gagnon as Conservation Advisory Council Chair for the year 2013.

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

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

### **RESOLUTION NO. 37 OF 2013 – APPOINT BOARD OF ZONING APPEALS CHAIR**

**Resolved**, that the Town Board of the Town of Danby reappoints Alan Wagner as Board of Zoning Appeals Chair for the year 2013.

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

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

**Abstain: Halton**

### **RESOLUTION NO. 38 OF 2013 – APPOINT WATER COMMISSIONER**

**Resolved**, that the Town Board of the Town of Danby appoints Jack Hobbie to a five year term as Water Commissioner of the West Danby Water District, effective January 1, 2013 and running December 31, 2017.

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

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

## **Possible Action in Support of Two Year Moratorium on HVHF**

Dietrich initiated a discussion based on a suggestion from a municipal representative in the Town of Ulysses. Councilwoman Elizabeth Thomas made a suggestion that town boards pass a resolution urging State Senators to pass a bill extending a two year state-wide moratorium on High Volume Hydrofracturing drilling for natural gas, to match a recently passed bill in the NYS Assembly. The Board had a brief discussion of possible action in light of lack of support for this effort from Senators Seaward and Skelos.

## **Other Appointments**

Discussion of Local Advisory Board for Assessment Review. Tom Seaney and Gould Colman served in 2012. Tom Seaney willing to serve again (as reported by Dan Klein). Connors volunteered to check with Gould Colman about his willingness to serve again this year.

Goddard reported that Nancy Medsker is not interested in serving another term on the Board of Zoning Appeals. No other new candidate has come forth. There was a discussion of the need to advertise/recruit someone to serve on this Board. A suggestion was made that Gay Huddle be asked to include something in her “Danby Town Talk” column in the Ithaca Journal. Notice will also be included in the April Danby Area News.

There was a general discussion of TB role in recruiting candidates for municipal boards. Ronda Roaring noted that there is a need for additional members of the Conservation Advisory Council. She suggested that the Board take a more active role in recruiting potential candidates to serve the Town on various boards.

## **Aquifer Protection Ordinance**

Dietrich and Halton led a discussion about the current status of a Danby Aquifer Protection Ordinance. Halton and Klingensmith have made a review of previous comments on the Ordinance prepared by Sue Beeners. Halton emphasized the need for this Ordinance to complement existing Town laws while not being redundant.

Halton reported that there is a need to answer some basic questions and come to an agreement regarding the purpose and intent of the Ordinance. Should this be a Protection Ordinance specific to the Central Danby aquifer as studied by the USGS? Or, should this be a town-wide Water Resources Protection Ordinance? Halton outlined pros and cons of both approaches. Halton and Klingensmith would like to include input regarding the purpose of an aquifer/water protection ordinance from residents in the Town. Beeners noted some technical questions in the draft ordinance that need to be resolved.

The Danby Gas Drilling Task Force will discuss this during its next meeting, on March 12, 2013. Halton will report on that discussion at the next TB meeting. She proposed that an outline of the Ordinance review be presented to the Town and Planning Boards and that there be a joint meeting of the two boards to discuss this. It was also suggested that there be a general public informational meeting to gain community consensus about the intention of the Ordinance. This process might extend over the spring and summer.

## **Joint Town Board/Planning Board Meeting**

There was a discussion for the need of a joint TB/PB meeting for the purpose of reviewing goals and objectives for the next year and to maintain communication between the two boards.

General discussion, in relation to the discussion above. The Board weighted different options for the timing of a meeting. Whether a joint TB/PB meeting should take place before or after the joint discussion focused on the Aquifer/Water Resources Protection Ordinance?

The Town Board will approach the Planning Board about holding a joint discussion during the April 25 Planning Board meeting.

## **Request to Consider Contract for Planning Services**

Code Officer Beeners informed the Board that she will be out of the office periodically for several weeks for medical reasons. She presented a proposed draft agreement between the Town of Danby and the Town of Dryden Planning Department to cover various needs during that time. Beeners advised the Board that it is possible that one or two minor 2-lot subdivisions as well as a possible rezoning application may be under review this year. All of these projects would need such items as SEQR reviews. Fees for large projects would be covered by the review escrow fees required from the developer. Fees for small projects are currently set around \$195 and should help offset the cost of the planning services.

Beeners recommended that the following work be contracted through consultant services through the Town of Dryden Planning Department: Review applications for Subdivisions, Special Permits, Site Plan Approvals, and Rezonings that are subject to approval by the Planning Board and/or Town Board. Prepare draft SEQR reviews and recommendations, prepare proposed resolutions and/or recommended conditions of approval. Prepare Agricultural Data Statements and General Municipal Law 239-l and-m referrals where applicable. Attend Planning Board and/or Town Board meetings when requested by the Chairman or Supervisor. She further proposed that any additional costs be covered by the funds in the Comprehensive Plan account, A 8020.401.

On February 28 the Planning Board endorsed the retention of planning services on an interim, as-needed, basis from the Town of Dryden subject to approval of a formal agreement by the Town Board. Dietrich asked the board to review the material and approve this contractual agreement.

**RESOLUTION NO. 39 OF 2013 – AUTHORIZE TOWN SUPERVISOR TO ENTER INTO AGREEMENT WITH TOWN OF DRYDEN FOR SERVICES AS PLANNING AND ZONING CONSULTANTS**

**Resolved**, that the Town Board of the Town of Danby authorizes the Town Supervisor to enter into an Agreement with the Town of Dryden for services as planning and zoning consultants from April 1 through December 31, 2013, with the source of funding to be Comprehensive Plan Account A 8020.401, with the fees collected for development application reviews understood to at least partly if not completely offset some of those expenses.

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

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

**RESOLUTION NO. 40 OF 2013 – AUTHORIZE GIS SERVICES FOR UPGRADES TO ZONING REVIEW MAPS**

**Resolved**, that the Town Board of the Town of Danby authorizes the obtaining of GIS mapping services from the Town of Dryden in order to make corrections and upgrades to the maps used for zoning and subdivision review in the Danby Code Enforcement Office, with the source of such funds to be Comprehensive Plan Account 8020.401.

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

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

**Broadband Grant Announcement/Update**

Dietrich and Crane provided a short report about a grant award for Broadband Buildout. An award of 2.2 million dollars has been granted to the Clarity Connect proposal for build-out in parts of Tompkins and Cortland Counties. Municipalities are awaiting more details, but it appears that Danby will be covered and the requested level.

**Zoning Ordinance Update**

Beeners reported on the need for revisions to section 5 of the Danby Zoning Ordinance, related to unsafe buildings and renumbering of some sections. It has been discovered that a lack of a “roll call vote” recorded in the Town minutes for the Unsafe Buildings Law. The Town Attorney has found that the law is not effective without that roll call vote. There are other legal mechanisms to handle an incident, should one arise.

A Proposed Local Law and explanatory memo will be circulated among the Board. This material has been reviewed by the Town Attorney and given the “go-ahead.” Once this is passed, the Zoning Ordinance will finally be republished as a single unit to include amendments. Beeners noted that it has not been updated in six or seven years.

There will be further consideration of this matter at the next TB meeting.

**Code Report**

Beeners presented the Code Report, as written by assistant Matt Cooper. She informed the Board that a building permit has been issued to Solar Liberty. Work is expected to start in the next few weeks. Danby will be the first municipality in Tompkins County to have solar installation for a town building in 2013.

An upgrade to the public restrooms will be the next project on the Town Hall building. Heating and plumbing issues will also be addressed.

### **Justice's Report**

Huddle reported that the Court's most recent grant application was turned down.

### **Town Clerk's Report**

Clerk Goddard presented the February Town Clerk's report. The Clerk's office received \$60 in Planing Fees, 38 dog license renewals, and several copies.

Goddard informed the Board of correspondence from the Tompkins County Highway Division stating that a request for speed limit reductions on Comfort and Yaple Road have been forwarded to the State Dept. of Transportation.

### **Financial Annual Report**

Bookkeeper Shawley informed the board that the 2012 Annual Financial Report has been filed with the State Comptroller and the Town Clerk.

### **Adjournment**

The Meeting was adjourned at 8:27 pm.

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Pamela Goddard, Town Clerk