

**Danby Town Board
Minutes of Public Hearing and Regular Meeting
May 13, 2013
Draft**

Present:

Supervisor: Ric Dietrich
Councilpersons: Leslie Connors, Kathy Halton, Dan Klein

Absent:

Councilperson: Dylan Race

Others Present:

Town Clerk Pamela Goddard
Code Officer Susan Beeners
Public Garry Huddle, Ronda Roaring, Sarah Elbert

Public Hearing Regarding LL #2 of 2013 opened at 7:03

PUBLIC HEARING to consider adoption of a Local Law No. 2 of 2013, Amendments To Town of Danby Zoning Ordinance, A Local Law Making Various Amendments To Article V, "General Provisions", of The Town of Danby Zoning Ordinance. The purpose of this Local Law is to make clarifying amendments to Section 515 [Excavations, Abandoned Construction, and Destroyed Buildings] and to make corrections to numbering of some subsections in Article V, "General Provisions", of the Town of Danby Zoning Ordinance.

There was a short discussion about the purpose of this local law. There is no record of a roll call vote in the minutes of the hearing and meeting when the "Abandoned Construction/Destroyed Buildings" law was adopted. In addition, some numbering of other sections was mixed up. This Local law is to correct those problems.

Code Officer, Susan Beeners explained a procedural error in the consideration process. All amendments to the Zoning Ordinance, even minor ones need to go to the Planning Board for review and recommendation prior to the Town Board holding a Public Hearing and considering action. This has not yet happened. Beeners recommended that the TB adjourn the hearing to a specific time and date, following the next Planning Board meeting, so that the required review and recommendation may be made.

There was a discussion of the best action to take at this time. There was a question as to whether the Board could take action at the May 23 joint Town and Planning Board meeting. The decision was made to adjourn the Hearing until a June TB meeting after the May 23 Planning Board meeting.

RESOLUTION NO. 57 OF 2013 - ADJOURN PUBLIC HEARING

Resolved, that the Town Board of the Town of Danby adjourns the Public Hearing regarding Local Law #2 of 2013; Amendments to Town of Danby Zoning Ordinance, in order to hear the required report from the Planning Board. The Hearing will reconvene at 7:00pm on June 10, 2013 during the Town Board meeting held at the Danby Town Hall, 1830 Danby Road.

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

In Favor: Connors, Halton, Klein, Dietrich

The Hearing was adjourned at 7:16

The Danby Town Board meeting was opened at 7:16 pm

Privilege of the Floor

Garry Huddle gave the Town Board an update on Court matters. Court Clerk Herson was badly hurt following a fall at the Court entrance. Due to Herson's medical leave, Huddle and Klinger are covering Court Clerk duties in addition to their duties as justices. Huddle has also been asked to cover duties at the Newfield Town Court where one justice is on medical leave and the other recently passed away. Newfield court is held on Tuesday afternoons. Danby court is held on Tuesday evenings.

Warrants - Abstract #5 of 2013:

GENERAL FUND

#178-231 for a total of \$23,268

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

HIGHWAY FUND

#065-086 for a total \$75,027.62

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

WATER DISTRICT FUND

#016-019 for a total \$833.45

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

Approve Minutes

RESOLUTION NO. 58 OF 2013 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of April 8 and 15, 2013.

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

Public Interest Order - West Danby Water District Improvement Project

There was a brief explanation and discussion of an action related to the West Danby Water District improvement project. This action is the next step in the release of funds for the project to move forward.

RESOLUTION NO. 59 OF 2013 – PUBLIC INTEREST ORDER IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE WEST DANBY WATER DISTRICT IN THE TOWN OF DANBY, TOMPKINS COUNTY, NEW YORK

Whereas, the Town Board of the Town of Danby, Tompkins County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202b of the Town Law, relating to the proposed increase and improvement of the facilities of the West Danby Water District, in the Town of Danby, Tompkins County, New York, consisting of the improvement of new hydrant flush assemblies, new meters and meter reading equipment, and the construction of a new replacement water tank; and

Whereas, said capital project has been determined to be an Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, and upon a review of the LEAF pursuant to SEQRA, the Town Board of the Town of Danby, as Lead Agency, has made and issued a negative declaration of environmental impact and thus, under the criteria in 6 NYCRR § 617.5(c) the project will not result in any significant environmental effects and will not be subject to further review; and

Whereas, at a meeting of said Town Board duly called and held on April 15, 2013, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of the WDWD in said Town at a maximum estimated cost of \$404,800, and to hear all persons interested in the subject thereof concerning the same at the West Danby Fire Hall, in West Danby, New York, in said Town, on May 8, 2013, at 7 o'clock P.M., Prevailing Time; and

Whereas, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

Whereas, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard;

Now, Therefore, Be It

Ordered, by the Town Board of the Town of Danby, Tompkins County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of the WDWD in the Town of Danby, Tompkins County, New York, consisting of the construction and installation of new hydrant and flush assemblies, new water meters and meter reading systems and a new water tank, together with all related and required appurtenances thereto, all as more particularly spelled out in the Map, Plan and Report for this WDWD project (the "MPR"), and all at a maximum estimated cost of \$404,800.

Section 2. This Order shall take effect immediately.

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

In Favor: Connors, Halton, Klein, Dietrich

Award Mowing Contract

There was a discussion related to bids and insurance information related to mowing Town properties. A request for proposals was published in the Ithaca Journal on April 9, 2013. Only one bid was received. Catlin's proof of insurance coverage should be forthcoming.

RESOLUTION NO. 60 OF 2013 - AWARD MOWING CONTRACT

Resolved, that the Town Board of the Town of Danby awards the 2013 mowing contract to Tony Catlin, contingent on proof of insurance.

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

In Favor: Connors, Halton, Klein, Dietrich

Town Board/Planning Board Joint Meeting

There was a lengthy discussion of joint Planning and Town Board meeting, to be held as part of the regularly scheduled PB meeting on May 23, 2013. The discussion included questions regarding who would run the meeting, who is expected to attend, and what the agenda is for the meeting. This meeting will be part of the Planning Board agenda and the meeting will be run by the PB chair. The TB part of the agenda will be more than just a review of aquifer/water protection initiatives. Halton and Connors reported on their understanding of the framework for this meeting. The Planning Board intends to present short progress reports on review of the Comprehensive Plan. This will be followed by a larger discussion of “what’s important for the future.”

Members of the Board of Zoning Appeals are interested in being part of the discussion and have been invited to attend this meeting.

A general discussion of the “big picture” of aquifer protection is expected to be part of the discussion. There was a lengthy discussion of how much the discussion should focus on specifics of the draft Aquifer Protection Law, the Todd Miller USGS aquifer study and report, or be a general discussion of how water resources affect planning.” There were differences of opinion as to whether the May 23 discussion should be focused on particulars of the draft ordinance or be “free wheeling.”

At some point, decisions need to be made related to the scope of an Aquifer/Water Protection ordinance. There was a discussion as to how much this question should be part of the joint meeting. A related discussion included the cost of an extensive study of aquifers across Danby, data currently being collected by citizen science studies, and the option of conducting a survey of well conditions among property owners. Some data will be available from the health department.

Connors will communicate with PB Chair Roe, with the goal of establishing an agenda for distribution by the end of the week. There is an expectation that members of the Town Board, Planning Board, and Board of Zoning Appeals will hold a “round robin” discussion of “all things planning” with specific updates on review of sections of the Comprehensive Plan, Critical Environmental Areas designations, water resources (including Citizen Science studies), stream bed protection.

Aquifer Protection Ordinance

Halton gave an update on review of the draft Aquifer Protection Ordinance by Tom Shelley. His preliminary review is that the ordinance looks acceptable, particularly in relation to other state laws regulating hazardous materials. Halton suggested that Shelley be paid for his service. He has yet to bill the Town. A question was raised as to whether he had a version with comments/track changes? Halton will send Shelley a PDF of the version with comments.

There was an extensive discussion of how to move forward with this initiative. A suggestion was made by Beeners to review other municipal ordinances as models, e.g. the ordinance in Big Flats, NY. Various Board members agreed to take on these tasks: Halton will forward a PDF, with comments, of draft Aquifer Protection Ordinance to Town Board members as well as Tom Shelley. Connors offered to assist with a search of other municipal ordinances for review and comparison. Connors will contact the Association of Towns for assistance. Klein will contact County Planning for assistance. Dietrich will contact the Tompkins County Council of Governments for assistance. Halton or Beeners will contact Dan Kwasnowsky in the Town of Dryden for assistance.

There was preliminary discussion of having additional, broader community meetings on this issue perhaps to include members of the Gas Drilling Task Force, Planning Board, Conservation Advisory Council, and residents. This may take place later in the summer. Community meetings will also need to be held for any amendments to the Comprehensive Plan, Critical Environmental Areas, and other land use initiatives.

Discussion of this draft ordinance will continue at the next Town Board meeting.

Board Liaisons

Klein raised the issue of formally appointing liaisons from the Town Board to different boards and committees. There was a question as to which Board members are formally appointed/recognized as liaisons and which have not. Several of these positions have been acknowledged in January as part of the Organizational Meeting. Klein has been acting as liaison to the Danby Community Council, but has not been formally appointed as such in several years.

An extensive discussion followed. There was some discussion as to which positions are as representative members of boards or groups and which are reporting liaisons, and the distinction between these designations. Representative members are voting members of that group. Reporting liaisons are an informational link between the Town Board and other community boards/groups. Liaison positions seem to be arranged as per interest of individual Town Board members and the importance of that group to Town activities.

Dietrich suggested that the TB be sensitive to the wishes of the Community Council regarding its liaison, as has been done with other appointments. Klein disagreed, saying that TB would simply be deciding among itself who would be liaison to this group to share information. The liaison would not be telling that group what it is required to do. He simply wants to have the current arrangement formalized. The Board agreed to tie-up these loose ends.

RESOLUTION NO. 61 OF 2013 - APPOINT BOARD LIAISONS

Resolved, that the Town Board of the Town of Danby appoints Kathy Halton as Liaison to the Gas Drilling Task Force and Water Resources Council and Dan Klein as Liaison to the Danby Community Council for the year 2013.

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

In Favor: Connors, Halton, Klein

Opposed: Dietrich

Office Security

Clerk Goddard gave a short report of a recent incident at the Clerk's Office in the Danby Town Hall that raised concerns about how security could be improved. Various measures are being considered some of which might have costs requiring TB review. A representative from law enforcement will be contacted for possible suggestions/review of current security measures. Various procedures could be improved, especially for those times when the Town Clerk, a library volunteer, or other staff is alone on duty in the building.

The alarm system will be reviewed for possible improvement including a "panic button" connected to 911 dispatch. Office phones should be equipped to have 911 on speed dial. A possible security camera system and improved doorbell system has been discussed. Review of security measures at the Highway Department are also needed. Training from the Community Dispute Resolution Center could be useful for staff and Board members.

In a related issue, it has been suggested that the Town Hall building and staff undergo OSHA review/training.

Waldorf School Fireworks Request

Dietrich presented a request from the Waldorf School to host a community fireworks celebration, to be paid for by the Town. The TB was not supportive of this idea.

Other Correspondence/Short Reports

The Solar Liberty PV panels have been installed. NYSEG needs to inspect and hook up the appropriate electric meter. It is hoped that this will be completed in the next few weeks to a month.

Klein reported on recent activities of the Conservation Advisory Council. Members visited Deputron Hollow property on May 11 for a preliminary survey of plants and animals. This will be part of a management plan for the town property.

There was a short discussion about Youth Services and Community Council. Meetings have been held at the County level regarding how services might be restructured with a combined youth services manager(s) for the towns of Caroline, Danby, Town of Ithaca, and Enfield. This would be a big change in the current programs. The Danby Community Council has raised the question of not participating in that restructured group. Klein reported that “opt out” of county services would not be an option as the Town would lose all of its county funding for youth programs. Klein’s information is that the Town could lose between \$7,000 and \$8,000.

Dietrich added additional information, that this question is still in discussion at Youth Services meetings and between members of the Community Council. A long term funding source has not been fully committed, resulting in short term and long term impacts. There was a short discussion about the relationship between the TB and Community Council via Town funding.

Adjournment

The Meeting was adjourned at 9:02 pm.

Pamela Goddard, Town Clerk