

**Danby Town Board
Minutes of Regular Meeting
July 15, 2013
Draft**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Code Office Susan Beeners
Bookkeeper Laura Shawley
Public Robert Roe, Ted Crane, Irene Weiser (Town of Caroline Board)

The Danby Town Board meeting was opened at 7:05pm

Additions to Agenda

Race added a Recreation Partnership Report. Halton added a report and information about TCAT. Beeners added more info about new NYSERDA grant opportunities.

Consider Support for Broadband Internet Build-out in the Town of Caroline

The extensive discussion of a proposal/request from the Town of Caroline for a pledge to help erect broadband infrastructure poles continued. Irene Weiser provided more information about the coverage benefit to households in the Town of Danby from signal poles that would be located in the Town of Caroline. About 25% of households (approximately 71 households) currently unserved in Danby would gain broadband access from the poles planned for Middaugh and White Church Roads. Weiser also informed the Board that the Village of Cayuga Heights has passed a resolution of support with a \$6,000 pledge to the Caroline buildout. The Town of Caroline passed a resolution to commit to the project with a cost of \$42,000 (payable by July 2014) to erect 14 broadband poles through that Town.

There was a discussion of the poles planned for Middaugh and White Church Roads. These broadband poles are included in the original grant as part of the Danby buildout and are not part of the additional 14 poles to be erected in Caroline. The buildout plan for the Town of Danby involves eight distribution towers (aka poles), two of which are relay towers. These eight towers include the towers located in Caroline on Middaugh and White Church Roads. The Town of Danby has already committed \$15,000 for running electricity to these towers as its 20% grant match.

There were several questions from Danby TB members. Klein asked for clarification about which municipality will pay for electric power to the poles on Middaugh and White Church Road. Weiser said that Caroline will be paying the cost of \$2,000 per pole for the electric hook-up to those distribution towers. Halton asked for clarification of the legality of one municipality contributing funds to another municipality for a joint project. Contributions of in the public interest (such as a similar contribution to the Town of Ulysses for a joint Amicus Brief related to the Dryden/Middlefield court cases) have been judged legal.

Klein spoke in favor of the Caroline request and proposed that Danby pledge \$4,000 to the project, as the amount which Danby would need to pay for the electrification of the Caroline poles which will benefit Coddington Road residents. There was discussion as to whether the pledge should be for \$4,000 or \$6,000. Dietrich made a case for making a pledge for the requested \$6,000.

Halton and Connors asked questions about the original grant. Connors expressed a desire to read and respond to the original grant proposal. (This document was only recently made available, after a

FOIL request through the Town of Caroline.) Race expressed concern about several aspects of the pledge request. He expressed the view that this financial support will not directly benefit Danby residents as the two distribution poles located in Caroline but serving Danby residents would be installed and electrified regardless of a decision to make a pledge to help Caroline and its 14 poles. There was a discussion regarding how to justify this support to Caroline.

Race asked bookkeeper Shawley how this would impact the budget. She stated that funds for this project could be taken from the “unallocated insurance” line of the budget without impact to other programs or services. Shawley also stated that the Town’s fiscal review was very good for the first half of 2013. Additional revenues will also come from mortgage tax in 2013 in the second half of the year.

MOTION - TO AMEND RESOLUTION NO. 77 TO PLEDGE \$6,000 VS \$4,000

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

In Favor: Halton, Klein, Dietrich

Abstain: Connors

Opposed: Race

RESOLUTION NO. 77 OF 2013 - PLEDGE SUPPORT FOR INSTALLATION OF BROADBAND TRANSMISSION POLES IN THE TOWN OF CAROLINE

Whereas, access to high-speed broadband Internet service is regarded as a basic infrastructure necessity of the 21st century, providing a means of access to information and communication for citizens and businesses that is used by a growing percentage of the world’s population, and

Whereas, broadband Internet access serves the public interest in that it is increasingly a requirement for: the provision of government services, for small, locally-owned businesses to be able to compete, for sustainable economic development and commerce, education at all levels, health care, and whereas a lack of access to broadband Internet service may adversely impact property values, and

Whereas, for all of the reasons cited above, the Tompkins County Broadband Initiative’s goal was to provide the opportunity for broadband access to all households and businesses throughout Tompkins County, and

Whereas, a grant proposal submitted by Clarity Connect to the State proposed coverage for all the un-served and underserved areas in Tompkins County and was supported by both the Tompkins County Legislature and all towns without universal broadband access, and

Whereas, Clarity Connect received generous but not full funding from the State granting agency to build a broadband distribution system to many of the unserved and underserved households in Tompkins County, and

Whereas, the Town of Caroline, due to its terrain – including steep slopes and deep valleys requiring installation of 16 poles and transmitters – was the most expensive town to which to provide coverage, and therefore portions of the town were excluded from the State’s award, and

Whereas, the Town of Danby benefitted fully from the State’s grant to Clarity Connect, and will therefore achieve universal broadband access for its residents, and

Whereas, Clarity Connect will begin installation of eight (8) State funded broadband transmission poles in the Town of Danby this summer, and

Whereas, accomplishing the Tompkins County goal of universal broadband may still be reached as Clarity Connect and the Town of Caroline apply for a further State grant in September 2013 to complete that Caroline build-out, and

Whereas, it will be most cost effective to purchase and install transmission poles for Caroline this summer when other Town’s poles are being installed, and

Whereas, installing the transmitter poles will help Caroline’s chance of success on future grant applications to install the broadband transmitters required to complete the build-out, and

Whereas, the Town of Danby supports the County’s effort to achieve universal broadband access, and finds, for all the reasons cited above, that access to broadband internet is a necessity for every resident in every town in Tompkins County,

Now therefore, be it

Resolved, that the Town of Danby pledges to pay when invoiced by the Town of Caroline \$6,000 by July 2014, so that the infrastructure for universal broadband will be closer to reality and the opportunity for State grant funding will be that much closer.

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

In Favor: Halton, Klein, Dietrich

Abstain: Connors

Opposed: Race

Community Council Contract

The discussion of a contract between the Danby Community Council and the Town of Danby continued. DCC Chairperson, Ted Crane, presented a new draft DCC/Town of Danby contract which included changes suggested by Connors. The Community Council met and had an extensive discussion about Connors' proposed changes. The new draft contract reflects Connors suggestions and the DCC response. Crane also presented a one page sheet that outlined the specific changes between the proposed 2013 contract and the last contract signed in 2009.

No action was taken. The Board wanted more time to review the proposed contract.

Halton expressed concern regarding editorial practices with the Danby Area News. She requested, when possible, that edited articles be sent back to the author for review and permission. Lacking that review the articles should be left as originally written in order to keep the author's voice. This topic will be continued during the next, August, Town Board meeting.

Highway Department Undertaking

Shawley presented a resolution on behalf of the Highway Department.

RESOLUTION NO. 78 OF 2013 - APPROVAL OF UNDERTAKING FOR STATE ROAD RIGHT OF WAY USE

Whereas, it is necessary, at times, for the Town Highway Department to have to use the New York State Highway right-of-way to perform their duties (such as water line repair, litter pickup, mowing, carcass removal, pot hole repair, striping work, and miscellaneous intersection work), and

Whereas, in accordance with Article 3, Section 52 of the State Highway Law and Section 1220-c of the vehicle and Traffic Law, no work of any kind shall be performed within the right-of-way of a State Highway without a work permit issued by the NYSDOT, Now,therefor, be it

Resolved, that the Town Board of the Town of Danby authorizes an Undertaking for the benefit of the New York State Department of Transportation for the issuance of an annual permit given to the Town of Danby for the use of State Highway right-of-ways.

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

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

Aquifer Protection Ordinance

Halton reported on a meeting with Beeners during which they reviewed some of the current problems and concerns about the draft Aquifer ordinance. Other laws and regulations, and agricultural best management practices, are already addressing some of the issues included in the current APO draft. Beeners has made a summary of the research and review that has been done.

Roe spoke on behalf of the Planning Board. He reported on the review and discussion of the APO which was done during the June PB meeting. He reported a concern that the appeals process, requiring an engineer's report, would be cost prohibitive for individual land owners. This would be appropriate for a large scale business but not for a householder or small scale agriculture. Continued review of Aquifer Protection will be on the next Planning Board agenda.

Beeners reported on the status of a "working rough draft" that has needed review and revision during the past few years. She is encouraged by less complicated ordinances recently adopted in other Towns, such as Painted Post. Most questionable uses would currently have to go before the

Planning Board for a special permit. Those which would have a negative impact should then be subject to an Aquifer Protection Ordinance.

Agricultural and residential uses are not intended to be regulated unless there is a use of a hazardous material. Beeners reminded those at the meeting that Danby has passed a "Right to Farm" law and this will protect farmers who are using sound agricultural practices.

Beeners, Halton, and Klingensmith will meet again to finish cleaning up the APO. There may be the need for some technical assistance at some point, to finalize the draft.

Youth Services

Dietrich presented information about a new, revised proposal from County Youth Services for funding programming in rural towns. The Youth Services team is looking at ways to gradually increase collaboration among the "inner ring" and to diversify funding. The County Youth Services Department will ask for an Over Target Request of \$30,000 from the County to help establish a collaborative youth employment program. This would keep everything happening now in place for a year. There is currently no commitment from the County for the \$30,000.

Dietrich reported that the Danby Community Council had several concerns about the former proposal from the County Youth Services Department. The original CYSD proposal targeted middle school and up. The DCC feels strongly that youth programming connections should begin earlier, at the elementary school level. It's not clear what the long term viability is for Youth Services. The State may cut an additional 10-20% of support money to the County. 2014 may be a transition year. "Transitioning to what?" is an open question.

Dietrich, Crane, and Proto contributed to a discussion about the amount of funding the County budgets for all youth services programming, (\$860,000?), and how those funds are currently being distributed. It's not clear what is included in that total amount, but Danby receives only about \$8,000 from that budget.

Next steps will include the Youth Services Department and Inner Ring representatives meeting with BOCES/school districts, parents, possibly the Chamber of Commerce and other interested/involved agencies participating in youth employment and youth development. Different methods may be needed to meet the employment/development needs of rural youth as compared to youth in the Town of Ithaca. Proto said that, "A cookie cutter approach is not working."

Halton asked whether there is a trend of the County providing less and less funding each year and whether Towns would need to be more responsible for their own programs. Dietrich agreed with this assessment and said that it was important to find other sources of funding (eg, private enterprise).

Crane spoke on behalf of the Community Council which provides multi-generational programming in addition to youth development programming. County Youth Services has provided workshops for the DCC Board related to its standards of youth development and the United Way has provided information about outcome based reporting. The DCC has a concern about how County resources are being allocated in relation to youth development standards and outcome based reporting.

Recreation Partnership

Race gave a report of a recent Recreation Partnership budget meeting. The budget is a 1.5% increase over the past year. This was accomplished with staff changes/reductions. Football has been added back into the program. The increase in Danby's portion of the Recreation Partnership budget is \$210 for a 2014 total of \$10,600. This is based on the number of participating children, the number of households in the Town and other consideration.

Recreation Partnership representative Janice Johnson has offered to make a presentation to the Danby Town Board regarding current programs and the impacts of these programs on area youth. She will be invited to make a presentation in September.

Legislator's Report

County Legislator, Frank Proto reported on recent activity in the various committees he is involved with. The County has gotten approval to use funds from a mortgage filing fee for TCAT support. This will result in \$800,000 that will not need to be raised through property tax. The funds will be used for capital improvements to the "rolling stock." Thirteen buses need replacing.

Proto reported ongoing problems with fully funding FoodNet support. Proto was able to provide a copy of the Water Resources Council Aquifer Report for the Town of Dryden. He shared the information that the Assessment Office has made a decision that there will be no change to property assessment (up or down) related to the installation of solar panels.

NYSERDA Grant Opportunity

Beeners provided additional information about a new NYSERDA grant opportunity through the "Cleaner Greener Communities" phase II planning. Ithaca, Caroline, Ulysses, Dryden, and Danby are interested in trying to make an August 12 deadline for a grant application with a minimum request of \$50,000. This must be related to energy efficiency/sustainability. The municipalities are interested in an action plan to improve existing building stock. Most LEEDS guidelines are related to new construction. The regional planners see a void in efficiency standards for older buildings. This might include disclosure of energy consumption records at time of a home sale.

If the planners group is able to pull a grant application together within the deadline the board will need a special meeting to approve participating in the project. An interested group is working on this.

TCAT Report

Halton provided information about a TCAT "buddy system" initiative to encourage older residents to ride the bus. Older riders may be concerned about how to negotiate transfers, finding a warm place to wait for the bus, etc. This program will match volunteers who are regular riders with new riders to help navigate the system. Information about this program is now posted in the Town Hall.

Short Reports and Correspondence

Correspondence about a public hearing, scheduled for July 29, regarding re-fitting options for the Cayuga generating station in Lansing. Information about an August 7 Board of Zoning Appeals hearing was distributed.

Justices' Reports. Justice Huddle will continue to assist with the Newfield court through July.

Town Clerk Report: June activity included two fishing licenses, one marriage license, funds related to two BZA appeals, 33 dog license renewals, four building permits.

Beeners reported, on behalf of Matt Cooper, that a preliminary lease proposal has been drafted by Solar Liberty for a possible solar array at the Town Highway Barns.

Adjournment

The Meeting was adjourned at 9:02pm.

Pamela Goddard, Town Clerk