

**Danby Town Board
Minutes of Regular Meeting
September 16, 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
Public Ronda Roaring, Ted Crane, Rebecca Brenner, Ivan Keresztes

The Danby Town Board meeting was opened at 7:11pm

Floor Repair Update

Code Officer Beeners gave a short update on the meeting room floor repair/refinishing project. The repaired area in the front entry way will be sanded and restained to better match the color of the older wood in the meeting room. A finish coat of varnish/sealant will be applied after that.

Time Warner Franchise - Public Comment/Discussion

There was an extensive session of Q&A between Supervisor Dietrich and residents on the topic of the municipal Time Warner Franchise agreement. Dietrich explained the purpose of this agreement and changes which are being made through the Tompkins County Council of Governments. Municipalities are working together to create a joint contract. This process has been underway for the past two years. The newly drafted contract will be presented to Time Warner in the next month. Dietrich asked residents to share their concerns and requests which may be added into the contract language.

Questions and concerns were heard from a resident of Bald Hill Road. The primary concern was that the service be extended farther up Bald Hill Road. There was a discussion about what cooperative actions residents might need to do, including financial ventures, to get this coverage extended. Dietrich explained the town's role in this business.

Proto asked questions about the inclusion of government access programming and the number of "blank" stations included in Time Warner basic service. This issue is being addressed in the municipal negotiations with TW. Proto was also concerned about costs for access to digital TV and government information programming.

There was a question about the number of households required for a mile of coverage. Is the number specified appropriate for Danby? Discussion of this question included the potential impact of the broadband buildout to begin at the end of this year. There was also a discussion about limits of distance between the Time Warner line and a residence and whether this is reasonable for a rural area such as Danby. Dietrich expressed his concern that signal strength, continuity of service, and installation costs be fair for "end users."

There was a question about maintenance provisions in the contract and an agreement that repairs will take place for individual complaints. Currently, TW only acts on a repair request if there have been three complaints from the same area.

Warrants - Abstract #9 of 2013:

GENERAL FUND

#377-429 for a total of \$25,808.84

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

HIGHWAY FUND

#137-153 for a total \$56,078.32

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

WEST DANBY WATER DISTRICT FUND

#043-046 for a total \$1,056.16

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

West Danby Water District Grant Payments Approval Process

Clerk Goddard explained the payment process required by the Office of Community Renewal for invoices and vouchers related to the West Danby Water District improvement grant. The Town Board must vote to pay each invoice as it is submitted. The invoice is then submitted to OCR which deposits funds in a special checking account. Payment must be made from that checking account within five business days. This process will need to be done for each voucher.

RESOLUTION NO. 88 OF 2013 - AUTHORIZATION TO PAY

Resolved, that the Town Board of Town of Danby approves special payment of an invoice from TG Miller, Engineers and Surveyors, for professional services rendered from August 1-31, 2013 as per detailed invoice, in the amount of \$6,850.56, to be paid out of a dedicated checking account for the OCR WDWD Improvement Grant.

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

Conservation Advisory Council Easement Template

There was a continued discussion about the Template Conservation Easement drafted by the Conservation Advisory Council. The draft Template had been distributed to the Town Board at a prior meeting. Dan Klein briefly described the purpose of this document. Each Easement will be an individual negotiation. He emphasized that no action to create a conservation easement can be taken without town board approval.

Code Officer Beeners had a few comments related to subdivision and boundary changes. She had questions about mortgage parcel and whether this would create a concern for financial agencies. If a property with a Conservation Easement is subdivided the easement applies to both parcels.

Members of the Town Board expressed general approval for the direction of this Template agreement. A Public Information Session about the Conservation Advisory Council and Danby Conservation Easements will be held on Saturday, November 9 at 2:00 p.m..

Highway Department Request

Shawley gave a brief update of Highway Department activities. Four roads will be oiled and stoned by the end of September. The Department is completing summer work and submitting its CHIPS report.

Shawley explained a request from the Highway Department to place two pieces of equipment in public auction. This equipment is now obsolete.

RESOLUTION NO. 89 OF 2013 - BOARD PERMISSION TO SELL SPECIFIC EQUIPMENT THROUGH PUBLIC AUCTION

Resolved, that the Town Board of the Town of Danby gives permission for the Highway Department to place the 1989 Lando Trailer and the 1983 Mack 10-Wheeler chassis in public auction through the Tietsworth Auction Company. The proceeds will be deposited into the Highway fund Equipment Reserve account.

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

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

Budget Transfers

Bookkeeper Shawley gave a mid-year financial report. Most budget lines are “on target” at mid-year. She recommended two budget transfers. The A8020.400 account is for Planning/BZA contractual. This has gone over budget in part due to costs related to a search for Planning Board Secretary. Shawley recommended that funds be transferred from the A8020.401 line for Comprehensive Plan. The A1620.400 account is for Building Contractual which has gone over budget in part due to extra repairs and maintenance on the Town Hall building. Shawley recommended that funds be transferred from the A1910.400 line for unallocated insurance. Some other budget lines will need further review.

RESOLUTION NO. 90 OF 2013 - BOARD APPROVAL FOR BUDGET TRANSFERS TO FUND EXPENSE ACCOUNTS THAT HAVE EXCEEDED THE BUDGET AMOUNT

Resolved, that the Town Board of Town of Danby approves the following budget modifications for the 2013 books as of July 31, 2013:

Transfer from A8020.401 to A8020.400 \$1,000.00

Transfer from A1910.400 to A1620.400 \$15,000.00.

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

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

Supervisor's Reports

Shawley presented Supervisor's Reports for several months on behalf of Supervisor Dietrich.

RESOLUTION NO. 91 OF 2013 - APPROVE SUPERVISOR'S REPORTS

Resolved, that the Town Board of Town of Danby approves the monthly Supervisor's reports for the months of April, May, June, and July 2013.

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

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

Elected Officials Resolution

A resolution was presented on behalf of “Elected Officials of New York” calling for an extension of the moratorium on high volume hydraulic fracturing. There was a discussion about issues related to this resolution.

RESOLUTION NO. 92 OF 2013 - RESOLUTION TO CONTINUE THE MORATORIUM ON HIGH-VOLUME HYDRAULIC FRACTURING AND TO ADVANCE A RENEWABLE ENERGY ECONOMY IN NEW YORK STATE

Whereas, New York State has historically led the nation in matters of advancing social progress, including the abolition of slavery, women's suffrage, civil rights and environmental stewardship; and

Whereas, scientific evidence shows that the heavy industrial process of unconventional gas extraction by hydraulic fracturing poses serious risk of water contamination, air pollution, and health impacts; and

Whereas, the New York State Medical Society, representing 30,000 medical experts, the American Academy of Pediatrics of New York, the American Lung Association of New York and many independent medical experts and scientists have called on Governor Andrew Cuomo and the New York State legislature to continue New York's moratorium on hydraulic fracturing and to conduct further health studies including a comprehensive health impact assessment; and

Whereas, data from Pennsylvania and the gas industry on well casing integrity show an immediate 5% or higher failure rate and as much as 50% or more over 30 years raise serious concerns of water contamination; and

Whereas, high-volume hydraulic fracturing threatens to negatively impact property values, disrupt municipal tax-bases and could effectively create an additional unfunded state mandate – as has been raised by the New York State Association of Counties - by imposing costs and strains on municipalities such as road damage and increased demands on municipal services, etc; and

Whereas, research on the economic and social impacts of hydraulic fracturing raises concerns regarding increased crime rates and hazards for first responders, as well as an influx of workers who send their paychecks out-of-state while raising local rental housing prices and disrupting existing businesses and economies; and

Whereas, in addition to emissions of carbon dioxide and other heat-trapping gases associated with gas development activities, hydraulic fracturing gas development releases methane in the atmosphere, which is at least 72 times more potent in the atmosphere than carbon dioxide on a 20-year time-scale and 25 times on a 100-year time-scale, thereby making the process potentially disastrous for climate change; and

Whereas, New York communities have been significantly affected by the impacts of Hurricanes Irene and Sandy as well as lesser storms including Tropical Storm Lee, extreme weather events that are connected to/ exacerbated by climate change due to increases in heat-trapping gases in the atmosphere, costing New Yorkers tens of billions of dollars in damages and lost business opportunities; and

Whereas, significant action is necessary to address climate change, action which the federal government has to date failed to take, including energy conservation and advancing a clean energy infrastructure and making a significant economic transition to renewable sources; and

Whereas, we need to expand local employment opportunities in our communities and for our young people in sustainable, safe long-term jobs and careers, and invest in industries that will create jobs for decades to come - in contrast to reliance on the “boom to bust” economic cycle associated with extraction of non-renewable resources; and

Whereas, expansion of renewable energy and energy efficiency present the opportunity to create a significant number of jobs for New Yorkers and for New York State to lead the nation on a visionary energy policy that will protect our water, air, land and public health while developing climate solutions; and

Whereas, Governor Cuomo's Administration has already demonstrated significant leadership on innovative clean energy programs including the investment of \$1.5 billion in New York Sun, opening 360 electric vehicle charging stations that will be available for both public and county fleet vehicles, establishing the successful Regional Economic Development Councils, and creating the innovative Start-Up NY; and

Whereas, the Town of Danby will work with Governor Cuomo and New York State Agencies as is most effective to implement existing renewable energy and efficiency programs as well as to partner on economic development initiatives including the New York State Regional Economic Development Councils and the Start-Up NY as vehicles to catalyze investment and jobs programs; **Now Therefore Be it**

Resolved, that the Town of Danby urges Governor Cuomo and the New York State agencies which he leads to take swift action in developing and adopting an economic development plan that will significantly reduce the state's greenhouse gas emissions as well as rapidly create and deploy renewable energy and energy efficiency programs throughout municipalities in New York State;

And that the Town of Danby stands ready to work with the Governor to achieve these goals that will in the process create safe, sustainable jobs for New Yorkers and pioneer the path forward for the nation to solve the climate crisis and provide real, clean solutions for generations to come.

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

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

Set Budget Meetings and Hearing

There was a brief discussion regarding the budget planning process for 2014. The preliminary budget needs to be submitted to the Town Clerk by September 30. The final budget needs to be set by November 24. The Town Board set the following dates and times for budget meetings: 7:30pm October 7, 6pm (prior to the regularly scheduled TB meetings) on October 14 and 21, and 6:30pm on October 29.

A Budget hearing is set for 6:30pm on November 7 (prior to the Danby Community Council meeting).

Legislator's Report

Proto Report on several things including budget dates for the County Budget, hydrilla remediation being done by the Water Resources Council, and health matters related to cuts to the WIC program, "Care Transitions" funding to help people transition from hospital to home, and proposed closings of Southern Tier Psychiatric centers.

Proto urged the Board to remind residents to reapply for the STAR tax exemption (All Basic STAR recipients need to reapply for this exemption). He also advocated for State recognition of regional agriculture including organic and equine agriculture.

Health Care Update

Shawley gave an update on changes coming with the ACA and how this will effect Danby municipal employees. Municipalities need to do several things in order to be compliant. Danby's level of employment is such that this should not be a major impact. Letters explaining options for health insurance coverage and health exchanges will be sent to all employees. Health Care Reform may impact subscriber fees and rates through the Health Insurance Consortium.

Proto added general information about changes for Danby residents. Health Exchange "navigators" have been set up through the Chamber of Commerce, Department of Social Services, and other government agencies. Enrollment will begin October 1. It will be possible to apply through March 2014.

Short Reports

Clerk Goddard reported on behalf of the Danby Community Council that they are still reviewing proposed changes and additions to the contract between DCC and the town.

There was a brief discussion regarding the Town Hall meeting room curtains. They can not be made fire retardant during the dry cleaning process. Halton provided some preliminary research on costs for either dry cleaning/fire protection or replacing the old curtains. She will continue her research. The Code Office will provide her with information about standards for fire retardant drapes. A suggestion was made that this question be directed to the Cornell and Ithaca College theatre departments.

Adjournment

The Meeting was adjourned at 9:14 p.m..

Pamela Goddard, Town Clerk