

**Danby Town Board
Minutes of Regular Meeting
December 9, 2013
Draft**

Present:

Councilpersons: Leslie Connors, Kathy Halton, Dan Klein, Dylan Race

Excused:

Supervisor: Ric Dietrich

Others Present:

Town Clerk	Pamela Goddard
Bookkeeper	Laura Shawley
Code Officer	Sue Beeners
Public	Garry Huddle, Rebecca M. Brenner, Robert Roe, Jack Miller Jr., Jim Holahan, Ronda Roaring

The Danby Town Board meeting was opened at 7:04pm

Privilege of the Floor

Councilperson Klein chaired the meeting in Supervisor Dietrich's absence. He reminded those attending the meeting that the Fire District Commissioner Election was to be held on December 10 from 5-9pm. The only candidate for the open seat on the Fire Commissioners is Edward Kokkelenberg.

Warrants - Abstract #12 of 2013:

HIGHWAY FUND

#187-206 for a total \$247,465.91

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

In Favor: Connors, Halton, Klein, Race

WEST DANBY WATER DISTRICT FUND

#054-059 for a total \$2,264.73

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

In Favor: Connors, Halton, Klein, Race

GENERAL FUND

#510-556 for a total of \$22,403.19

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

In Favor: Connors, Halton, Klein, Race

West Danby Water District Grant Payments Approval

Clerk Goddard distributed an invoice from Blair for water meters and related equipment to be used in the West Danby Water District. Each grant-related voucher must be reviewed and approved by the Town Board prior to payment.

RESOLUTION NO. 102 OF 2013 - AUTHORIZATION TO PAY - WATER DISTRICT GRANT

Resolved, that the Town Board of Town of Danby approves special payment of an invoice from Blair Supply Corp. for a Badger Orion ME Starter Kit, three handheld collectors, factory training, a 12 month maintenance agreement, and 141 Badger Orion endpoint meters, in the amount of \$23,124.00, to be paid out of a dedicated checking account for the OCR WDWD Improvement Grant.

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

In Favor: Connors, Halton, Klein, Race

Approve Minutes

RESOLUTION NO. 103 OF 2013 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of November 7, 11 and 18, 2013.

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

In Favor: Connors, Halton, Klein, Race

Waldorf School Request - Speed Limit and Cross Walk on Nelson Road

Shawley, on behalf of the Highway Department, explained the background of this request. The Waldorf School requested that a speed limit study be done and that a crosswalk with appropriate warning signs be added to Nelson Road in the area of the school and nearby Three Swallows Farm. Students from the school make frequent crossings at that area in order to participate in agricultural studies. In addition, parents cross the street from a parking area there.

The Highway Department requires a resolution of intent from the Town Board in order to proceed with a speed limit study through the County Highway Department and other related paperwork for these actions. Halton expressed support for this request.

RESOLUTION NO. 104 OF 2013 - TO REDUCE THE SPEED LIMIT ON NELSON ROAD IN THE WALDORF SCHOOL ZONE

Whereas, the Waldorf School has facilities where students are crossing the road for school activities, and

Whereas, the Waldorf school has functions where the parking is across the street on Nelson Road, **Now therefor be it**

Resolved, that the Town Board of Town of Danby gives permission for the Highway Department to request a speed limit study be conducted by the State Department of Transportation on Nelson Road in the Waldorf School zone. The Town of Danby will be requesting a speed reduction and permission for a crosswalk.

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

In Favor: Connors, Halton, Klein, Race

Banking Signature Resolution

Bookkeeper Shawley explained the need for a special resolution for three designated signatories on the First Niagara Bank account related to the West Danby Water District Community Development Grant. This form is required by the bank.

RESOLUTION NO. 105 OF 2013 - FIRST NIAGARA BANK ACCOUNT SIGNATURES

Resolved, that First Niagara Bank, N.A. headquartered in buffalo, New York is designated an authorized depository of this corporation, and

Further Resolved, that all drafts, checks, or other instruments or orders for payment of money drawn against the account or accounts of this corporation with said depository shall be signed by any one (1) of the following: Susan McLellan, Town Clerk Deputy, Laura Shawley, Bookkeeper, Matt Cooper, Code Enforcement Officer, and

Further Resolved, that said depository is authorized to place to the credit of the account, or any of the accounts, of this corporation, funds, drafts, checks, or other property by whomever delivered to said depository or agent thereof for deposit to the accounts of this corporation, endorsed with the name of this corporation, by rubber stamp, facsimile, mechanical, manual, or otherwise signature (and any such endorsement by whomever affixed shall be the endorsement of this corporation), or otherwise endorsed, or unendorsed, provided that if any such item shall bear, or be accompanied by, directions (by whomever made) for deposit to specific account, then such deposit shall be to the credit of such specific account, and

Further Resolved, that said depository is hereby directed to accept, and/or pay and/or apply any draft, check, instrument or order for the payment of money, or any proceeds thereof, drawn on such account or accounts when signed as required by these resolutions by manual, rubber stamp, facsimile, or other mechanical signature (by whomever affixed) without limit as to amount, without inquiry, and without regard to the disposition of any such item or any proceeds thereof. Further, said depository shall not be liable in connection therewith notwithstanding that such item may be payable to the order of a person whose signature appears thereon or of any other officer or officers, agent or agents of this corporation, or such items or any proceeds thereof may be used or disposed of for the personal credit or account of any such person or persons, officer or officers, agent or agents with the depository or otherwise.

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

In Favor: Connors, Halton, Klein, Race

Association of Towns Annual Meeting

Klein raised issue of Danby representatives to the Annual Meeting of the NYS Association of Towns. This will take place in February. Leslie Connors plans to attend. The newly elected Board members will be attending the Association of Towns training “schools” for newly elected officials in January. At some point, the Town Board will need to appoint a voting representative to this meeting. Registration material for this had not been received at the time of this meeting.

Klein reported that there are additional matters related to the Association of Towns By-Laws, etc., of which the new Board will want to be aware. The Town Board will need to make its wishes known on this matter. Connors has been attending local meetings on these issues.

Deputy Supervisor and other Appointments

Clerk Goddard, on behalf of the Town Supervisor, gave an overview of this agenda item. Dietrich has concerns that there is not currently a designated second signatory for the Town checking accounts. This designation was inadvertently missed during a change in banks earlier in the year. A new Deputy Supervisor will need to be appointed, to fill the vacancy created by Klein’s election to the County Legislature. Dietrich was concerned that there is no backup for financial matters should it be needed.

There was a short discussion about 2014 committee and board appointments. Dietrich had suggested that the old and new Boards might have a general discussion about goals for committees and qualities needed in appointees. There was an overview of upcoming appointments to vacancies on the Planning Board, Board of Zoning Appeals, Conservation Advisory Council and some of the applications which have been received.

Ice Cream Stand Request

There was continued discussion of a request to have an ice cream stand on Route 96B. Code Officer Beeners presented a preliminary finding from the Town Attorney that this could be classified as a “roadside stand,” on the assumption that it would be selling a local agricultural product produced within ten miles of the site. The ice cream stand would then be automatically classified an “permitted use” in the zoning code. Some Board members questioned the attorney finding, as this would limit the business to local ice cream only and a suitable parking area with picnic tables might not be allowed. The case was made that this finding “stretched the definition” of a roadside stand.

There was discussion of how else the business might be zoned; as a planned development zone, as an expansion of the adjacent commercial zone, or in some other way. Halton expressed concern about how re-zoning the small area for the ice cream stand might affect the agricultural status of the rest of the property. Beeners noted that rezoning the property for this use, under local law, would extend the process into March/April 2014. The applicants hope to open the stand, if approved, in time for Memorial Day and summer traffic. There were further concerns about rezoning a farm for a commercial use. Beeners noted that this could be done with specific restrictions. The Board asked Code Officer Beeners to present a list of different options to consider a business of this sort.

There was a discussion of next steps for this proposal. The request will need to go before the Planning Board for public hearing in January. The Planning Board will make a preliminary review of the proposal at its December meeting. A hearing related to a variance for road setback in order to create a parking lot will need to be heard by the Board of Zoning Appeals.

Upcoming Meetings

There was a preliminary discussion of the 2014 January meetings and whether the Organizational meeting should be held earlier than the second Monday. The second Monday of January is the 13th. Klein expressed concern that this may be late for some appointments and designations. This is not a concern for new board members, as they can be sworn in at any time from late December on.

There was an informal agreement that it would be possible to meet on January 6, 2014, at 7:30. The scheduling of the Organizational Meeting will be confirmed at the next TB meeting in December.

Marsh Road Seasonal to Year Round Maintenance Request

Code Officer Beeners informed the Board that the Highway Department is still seeking an accurate estimate of project costs for a requested change from seasonal to year-round maintenance on a section of Marsh Road. Beeners made the case that if costs are significant, and as this will serve only one property owner, the Town could require that the property owner pick up the entire cost of the improvements. This request might result in the applicant withdrawing the request. This might relieve the Town from the cost of holding a public hearing on the matter.

There was further discussion of the need for a wetlands delineation for the properties on either side of the section of road in question. There has been running water over this section of road and some of the plants and soil types found in this area could lead it to being classified as wetlands, even though it may not appear as a wetland. While cost is an issue, Board members voiced concern about environmental and development issues as well.

Code Office Reports

Code Enforcement Office reports were distributed for the months of October and November. Of note were a large number of permits related to the installation of solar electric and hot water systems. The Code Enforcement Officers received several days of training dedicated to solar installations.

A long range plan for improvements to the Town Hall, drafted by Matt Cooper in the Code office, was distributed to the Board.

Roaring expressed concern about properties on South Danby Road which appear to be under construction without building permits being displayed.

Source Water Protection Program

Beeners reported on meetings of the New York Rural Water Association Source Water Protection group. She and others have attended meetings, held in the Town of Caroline, over the past month. The group has provided technical assistance related to drinking water, source water protection, and ground water planning for several municipalities.

Beeners reported that she will prepare a Resolution of Intent to seek Technical Assistance and free consulting services through this group. Costs for this service are covered, in part, by the Environmental Protection Agency. Beeners would like the Board to consider this resolution during its next meeting. She presented a Technical Assistance Program Fact Sheet and an outline of activities that would be included in this service. These would expand on the aquifer research conducted by Todd Miller and the USGS.

Zoning Ordinance Consideration

Code Officer Beeners presented additional information about an anomaly related to “number of lots allowed” in the current zoning code. She provided a second, more detailed memo about the problem and explained how this anomaly has manifested in a recent subdivision of land in Danby.

There were questions about what Board action, if any, is needed at this time. Beeners suggested that there be some in-depth review, soon, of Danby’s zoning regulation and whether they are working properly. No other Board action is needed at this time.

Roe recommended that the Town Board task the Planning Board to review and revised the Danby Zoning Ordinance as needed. It was agreed that, as soon as the revision of the Danby Comprehensive Plan is complete, this should be the next major project for the Planning Board.

Conservation Advisory Council Report

Klein made a short report. After completing a template easement process, property owners are now approaching the CAC regarding conservation easements through the Town.

West Danby Water District Report

Shawley made a short report on behalf of Carl Seamon and the West Danby Water District. There were some recent problems with the water district pump. This was replaced and the problem was resolved without loss of water service to those in the district. There will be an upcoming meeting to strategize having a second well, to help mitigate this problem in the future.

Town Clerk Report

Clerk Goddard made a report on activities and funds collected during the month of November, including seven days of hunting license sales and 55 dog license sales with six new dogs in town.

Records Management included the further destruction of duplicate records, particularly in building permits and certificates of occupancy. These records are being prepared for scanning through the TSSERR municipal electronic records grant. Older minutes, from 1967-2009, have been scanned and are now stored as an electronic back-up through the TSSERR project. The original documents have been returned to the Town’s vault. Minutes prior to 1967 are bound in books. These have not been scanned, as the books would need to be cut apart. Minutes from 2010 to the present were not scanned, as they are already in electronic form for backup. Archival paper copies of all minutes are preserved in the Town’s vault.

Justices Reports

Reports from Klinger and Huddle were distributed. Garry Huddle reported that there will be a change in the Court Clerk for 2014, returning to two part-time clerks. There have been two part-time court clerks in the past. The Court will also be undertaking a records management project in the next year.

Other Correspondence

Klein submitted a petition from Marsh Road residents, expressing concern regarding potential development which might take place should a proposal to extend year round maintenance status on that road be approved.

Adjournment

The Meeting was adjourned at 8:24 pm.

Pamela Goddard, Town Clerk