

**Danby Town Board  
Minutes of Regular Meeting  
September 8, 2014  
Draft**

**Present:**

Supervisor: Ric Dietrich  
Councilpersons: Rebecca Brenner, Leslie Connors, Jack Miller

**Excused:**

Councilperson: Jim Holahan

**Others Present:**

Town Clerk Pamela Goddard  
Code Officer Sue Beeners  
Bookkeeper Laura Shawley  
Town Attorney Guy Krogh  
CAC Joel Gagnon, Matt Ulinski, Mary Woodsen  
Public Kenny Makosch, Ted Crane, Ronda Roaring, Deanna DeMark, Erick Palmer, Garry Huddle

**The Danby Town Board Meeting was opened at 7:06pm**

**Highway Department Resolutions - Roofing**

Laura Shawley presented two resolutions, on behalf of the Highway Department. She reported that the roof of the highway garage has some leaks and needs repair. A contractor has made an assessment and finds that total replacement is not needed at this time. Spot repair and a second layer of shingles should be sufficient. The Highway Superintendent will seek several quotes for this work.

The Highway Department additionally asked for permission to seek quotes and hire a contractor to build a roof over the fuel storage tanks. This action will add to the comfort and efficiency of operations for the workers and delivery people.

**RESOLUTION NO. 89 OF 2014 - PERMISSION FROM THE TOWN BOARD FOR THE HIGHWAY SUPERINTENDENT TO MAKE A DECISION ON HIRING A COMPANY TO SHINGLE AND REPAIR THE ROOF ON THE HIGHWAY GARAGE**

**Whereas**, the roof of the Highway Garage was built in 1991 when the garage was constructed, and

**Whereas**, the roof is leaking in one valley and is in need of some repair, and

**Whereas**, the opinion of a professional contracting company has indicated that putting a second layer of shingles on the roof would be a good safeguard. The roof does not have to be totally replaced at this time, so a second layer of shingles, combined with spotted repair, should last through the next 30 years,

**Now, Therefore, Be it**

**Resolved**, that the Town Board of Town of Danby gives permission to the Highway Superintendent to gather quotes and to select a contractor to perform this work. The cost is not to exceed \$34,999.00 and will be paid out of the Building Reserve account from the General Fund.

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

**In Favor: Brenner, Miller, Dietrich**

## **RESOLUTION NO. 90 OF 2014 - PERMISSION FROM THE TOWN BOARD FOR THE HIGHWAY DEPARTMENT TO SEEK QUOTES AND TO MAKE A DECISION ON A CONTRACTOR TO BUILD A ROOF OVER THE FUEL STORAGE TANKS**

**Whereas**, the Department of Environmental Conservation requires that a catch pan be installed under all fuel storage tanks, and

**Whereas**, there is a drain that has to be manually operated to drain out any rainwater or ice and snow melt. This is inconvenient and requires a lot of attention each day because of rainwater and ice and snow melt that accumulates in the catch pan because of a lack of a cover, and

**Whereas**, it is inconvenient for both fuel delivery companies and for personnel to fuel trucks without a cover to protect them from the weather,

**Now, Therefore, Be it**

**Resolved**, that the Town Board of Town of Danby gives permission to the Highway Superintendent to seek quotes and to make a decision to hire a contractor to build a cover over the fuel storage tanks. The cost should not exceed \$9,000 and the funds will be taken from the Highway Funds fund balance.

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

**In Favor: Brenner, Miller, Dietrich**

### **Highway Department - Possible Second Shift**

Shawley informed the Board of a proposal for a second shift to be instated in the highway department work schedule. This would not involve hiring new men. Carl Seamon is exploring this idea as a way to reduce overtime costs and increase efficiency in the department. He is researching the process through other municipal highway departments.

Shawley responded to several questions from the Town Board. The highway department still needs to formally discuss this with the workers and a discussion needs to happen with the union. Advice was presented by Town Attorney that this will need union approval as this a change in the terms of work in the collective bargaining agreement. Otherwise, this can be done at the discretion of the highway superintendent. No action is needed from the Town Board.

### **Health Insurance Consortium “Retreat”**

Dietrich and Shawley reminded the Board of an informational “Retreat” for the Health Insurance Consortium. This is scheduled for September 15 at the same time as the regularly scheduled second TB meeting. That meeting will either be cancelled or postponed until Sept. 22, depending on the amount of agenda items left at the end of this current meeting.

**(Councilperson Connors arrived, following an expected delay, at 7:23)**

### **Privilege of the Floor**

Kenny Makosch made a request, on behalf of the Danby Community Park. The Park Association is working on expanding the current 13-basket Disc Golf course to an 18-basket course. This would make the course more attractive to disc golf enthusiasts and could facilitate tournaments and other high level uses. The Park would like to use a portion of Highway Department property for this expansion. Only a small, currently unused part of Highway Department land would be used for four disc golf basket locations. Shawley reports that Highway Superintendent Carl Seamon has heard this request and has no concerns. The request needs to be reviewed by the Town Attorney and Town’s insurance carrier. The DCPA would need to provide a certificate from its insurance company stating that the Town property is added as an, “additional insured.” Makosch reported that, should this request be granted and the course expanded, the National Disc Golf association is considering a substantial donation towards the project.

There was some discussion about the protection of wetlands and sensitive plants and habitats for this expansion. Makosch explained that the park would like to use Highway Department land specifically because it is not a wetland area. Environmental considerations will be part of the course design.

Ronda Roaring asked the Town Board to consider her “Cassandra Prophecies” during their consideration of the Deputron Hollow area Conservation Easements.

### **DCPA Request**

#### **RESOLUTION NO. 91 OF 2014 - PROVISIONAL APPROVAL OF DCPA REQUEST FOR USE OF HIGHWAY DEPARTMENT PROPERTY FOR DISC GOLF**

**Resolved**, that the Town Board of Town of Danby supports the request of the Danby Community Park to use a portion of Highway Department property for expansion of its Disc Golf course, pending approval of the Highway Superintendent and Town Attorney.

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

**In Favor: Brenner, Connors, Miller, Dietrich**

### **Enter Closed Session with Attorney and Members of Conservation Advisory Council**

Dietrich and Beeners presented an explanation of a need to enter closed and then executive session related to pending property negotiations through the Conservation Advisory Council.

#### **MOTION - ENTER CLOSED AND THEN EXECUTIVE SESSION**

That the Town Board of Town of Danby shall enter closed session with the Town Attorney for attorney/client consultation and then executive session with members of the Conservation Advisory Council to review two conservation easements, being pending real estate transactions where the quality could be impaired with public access to such discussion.

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

**In Favor: Brenner, Connors, Miller, Dietrich**

### **Enter Closed Session at 7:33pm**

### **Exit Closed Session at 8:18**

### **Resume Town Board Meeting at 8:26**

### **Palmer/Melchen Conservation Easements**

The Town Board took action on several matters leading toward consideration of Conservation Easements and the adoption of a Proposed Local Law discontinuing the designation of a portion of Marsh Road as Minimum (Seasonal) maintenance.

#### **RESOLUTION NO. 92 OF 2014 - SEQR CLASSIFICATION AND LEAD AGENCY DESIGNATION – PROPOSED DEED OF CONSERVATION EASEMENT FROM ERICK PALMER, MARSH ROAD AND DEPUTRON HOLLOW ROAD**

**Whereas**, the Town Board of the Town of Danby is considering acceptance of a Deed of Conservation Easement and its conditions from Erick Palmer to the Town of Danby, related to a 14.271 +/- acre (13.31 +/- acres net) portion of Town of Danby Tax Parcel 12.-1-6.1, located on the east side of Marsh Road and the north side of Deputron Hollow Road, and

**Whereas**, the Town Code Enforcement Officer has recommended that such consideration of acceptance is an Unlisted Action under the State Environmental Quality Review Act and under Town of Danby Local Law 2 of 1991, and that the Town Board of the Town of Danby act as Lead Agency in environmental review, with no other involved agencies identified, and

**Whereas**, the Town Board has received and reviewed the draft Short Environmental Assessment Form for this action by the Town Code Enforcement Officer,

**Now, Therefore, it is**

**Resolved**, that the Town Board of the Town of Danby, determines that said consideration of acceptance of said Deed of Conservation Easement is an Unlisted Action with the Town Board acting as Lead Agency in its environmental review, and it is

**Further Resolved**, that the Town Board schedules consideration of a determination of environmental significance for the consideration of acceptance of said Deed of Conservation Easement for October 13, 2014; and it is

**Further Resolved**, that the Town Board schedules consideration of acceptance of said Deed of Conservation Easement for October 13, 2014.

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

**In Favor: Brenner, Connors, Miller, Dietrich**

#### **RESOLUTION NO. 93 OF 2014 - SEQR CLASSIFICATION AND LEAD AGENCY DESIGNATION – PROPOSED DEED OF CONSERVATION EASEMENT FROM TMELCHEN, LLC, DEPUTRON HOLLOW RD. – ALONG WITH FURTHER SCHEDULING**

**Whereas**, the Town Board of the Town of Danby is considering acceptance of a Deed of Conservation Easement and its conditions from TMELCHEN, LLC to the Town of Danby, related to a 42.09 +/- acre (net) portion of Town of Danby Tax Parcel 12.-1-6.22, located on the south side of Deputron Hollow Road, and

**Whereas**, the Town Code Enforcement Officer has recommended that such consideration of acceptance is an Unlisted Action under the State Environmental Quality Review Act and under Town of Danby Local Law 2 of 1991, and that the Town Board of the Town of Danby act as Lead Agency in environmental review, with no other involved agencies identified, and

**Whereas**, the Town Board has received and reviewed the draft Short Environmental Assessment Form for this action by the Town Code Enforcement Officer,

**Now, Therefore, it is**

**Resolved**, that the Town Board of the Town of Danby, determines that said consideration of acceptance of said Deed of Conservation Easement is an Unlisted Action with the Town Board acting as Lead Agency in its environmental review, and it is

**Further Resolved**, that the Town Board schedules consideration of a determination of environmental significance for the consideration of acceptance of said Deed of Conservation Easement for October 13, 2014; and it is

**Further Resolved**, that the Town Board schedules consideration of acceptance of said Deed of Conservation Easement for October 13, 2014.

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

**In Favor: Brenner, Connors, Miller, Dietrich**

#### **RESOLUTION NO. 94 OF 2014 - SCHEDULE CONSIDERATION OF DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, PROPOSED LOCAL LAW DISCONTINUING THE DESIGNATION OF A PORTION OF MARSH ROAD AS MINIMUM MAINTENANCE (SEASONAL), AND AMENDING LOCAL LAW NO. 3 OF 2002 BY CHANGING THE LENGTH OF THE MINIMUM MAINTENANCE (SEASONAL) PORTION OF MARSH ROAD**

**Whereas**, the Town Board of the Town of Danby is considering adoption of a Local Law “Discontinuing the Designation of a Portion of Marsh Road as Minimum Maintenance (Seasonal), and Amending Local Law No. 3 of 2002 by Changing the Length of the Minimum Maintenance (Seasonal) Portion of Marsh Road”, and

**Whereas**, such consideration of adoption is being treated as an Unlisted action under 6NYCRR Part 617.6 of the implementing regulations for the New York State Environmental Quality Review Act (Environmental Conservation Law Article 8); with the Town Board of the Town of Danby acting as lead agency, and with no involved agencies having been identified, as such was determined by resolution on June 9, 2014, and

**Whereas**, the Town Board has received and reviewed an updated draft Short Environmental Assessment Form for this action by the Town Code Enforcement Officer, as updated from previous drafts reviewed by the Town Board,

**Now, Therefore, it is**

**Resolved**, that the Town Board schedules consideration of a determination of environmental significance for the consideration of adoption of said proposed Local Law for October 13, 2014.

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

**In Favor: Brenner, Connors, Miller, Dietrich**

**RESOLUTION NO. 95 OF 2014 - SCHEDULE PUBLIC HEARING, CONSIDERATION OF ADOPTION, PROPOSED LOCAL LAW DISCONTINUING THE DESIGNATION OF A PORTION OF MARSH ROAD AS MINIMUM MAINTENANCE (SEASONAL), AND AMENDING LOCAL LAW NO. 3 OF 2002 BY CHANGING THE LENGTH OF THE MINIMUM MAINTENANCE (SEASONAL) PORTION OF MARSH ROAD**

**Whereas**, the Town Board of the Town of Danby is considering adoption of a Local Law "Discontinuing the Designation of a Portion of Marsh Road as Minimum Maintenance (Seasonal), and Amending Local Law No. 3 of 2002 by Changing the Length of the Minimum Maintenance (Seasonal) Portion of Marsh Road",

**Now, Therefore, it is**

**Resolved**, that the Town Board schedules a Public Hearing related to considering adoption of a Local Law "Discontinuing the Designation of a Portion of Marsh Road as Minimum Maintenance (Seasonal), and Amending Local Law No. 3 of 2002 by Changing the Length of the Minimum Maintenance (Seasonal) Portion of Marsh Road"; for Monday, October 13, 2014, at the Town of Danby Town Hall, at 7:30 p.m.

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

**In Favor: Brenner, Connors, Miller, Dietrich**

## **Warrants**

### **ABSTRACT #8 OF 2014: GENERAL FUND**

#384-417 for a total of \$19,761.08

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

**In Favor: Brenner, Connors, Miller, Dietrich**

### **WATER DISTRICT**

#045-049 for a total of \$690.40

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

**In Favor: Brenner, Connors, Miller, Dietrich**

### **HIGHWAY FUND**

#167-190 for a total \$31,721.21

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

**In Favor: Brenner, Connors, Miller, Dietrich**

## **West Danby Water District Grant Vouchers**

Clerk Goddard presented four vouchers related to the West Danby Water District improvement project.

### **RESOLUTION NO. 96 OF 2014 - AUTHORIZATION TO PAY - WATER DISTRICT GRANT**

**Resolved**, that the Town Board of Town of Danby approves special payment of THREE invoices related to the OCR WDWD Improvement Grant: a) 9.5 hours of work from Tod Sukontarak at \$25 per hour for \$237.50, b) Professional Engineering Services to T. G. Miller, P.C. totaling \$3,965.40, and c) Contractor's Application by State-wide Aquastore, Inc. totaling \$79,743.00. The total of these three invoices, \$83,945.90, to be paid out of a dedicated checking account for this purpose.

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

**In Favor: Brenner, Connors, Miller, Dietrich**

## **Approve Minutes**

### **RESOLUTION NO. 97 OF 2014 - APPROVE MINUTES**

**Resolved**, that the Town Board of Town of Danby approves the minutes of August 11 and 18, 2014.

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

**In Favor: Brenner, Connors, Miller, Dietrich**

## **Adopt Procedure for Changing Address Numbers**

Connors asked for some minor changes in the language of procedure. Slight amendments were made to two sections.

The Procedure is attached as Exhibit A at the end of these minutes.

### **RESOLUTION NO. 98 OF 2014 - ADOPT PROCEDURE FOR CHANGING ADDRESS NUMBERS**

**Whereas**, the Code Enforcement Office has drafted a Proposed Procedure for Changing Address Numbers, and **Whereas**, the Town Board of the Town of Danby has reviewed this Procedure and agreed with its process and intent,

**Now Therefore, Be it**

**Resolved**, that the Town Board of the Town of Danby adopts and approves the Procedure for Changing Address Numbers, as amended.

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

**In Favor: Brenner, Connors, Miller, Dietrich**

## **Set Budget Meetings**

The Town Board agreed to meet every Monday in October for budget review and planning. Specifically, the Board will meet at 7:30 on October 6, 6:00 (prior to the regular TB meeting) on October 13 and 20, and (if needed) at 6:00 on October 27.

The Town Board agreed to set a budget hearing for consideration of adopting the 2015 Town of Danby Budget for 6:30 November 10, prior to its regular meeting at 7:00.

## **Internal Audit Procedure**

Town Board members (working in teams) set preliminary dates for an internal audit/review of Town department procedures and finances. This internal audit should be completed prior to the beginning of October.

## **Reschedule September 15 Town Board Meeting**

The Town Board agreed to rescheduled the September 15 to the following Monday, September 22, in order that members of the Town Board may attend a Health Insurance Consortium "Retreat" information session.

### **Site Plan Modifications - Eagle Auto**

There was a lengthy discussion regarding an attempt by William Kuhns to alter the setbacks and building size of his site plan for Eagle Automotive. The original site plan had an 8 foot setback of the fence from the property line and a building size of 40 feet in length (east/west) and a setback of 30 feet from the front property line. Kuhns had attempted to change the site plan to a 3 foot setback of the fence from the property line, a building 47 feet long (east/west) and the building setback to 27 feet. Beeners reported that she will notify Kuhns that the site plan under review for the Town Board was the same site plan as had been presented to the Planning Board, not any revisions presented at a later time.

Beeners noted a section of the zoning ordinance that allows for minor modifications to a site plans. An exemption may alter setbacks by two feet and building size may be altered up to 10%. Connors objected to Kuhns' alteration of the plan. There was extensive discussion regarding what modifications may be allowed and why, and whether such modifications are allowed in this case. Connors wanted to know what hardship or reason there might be for Kuhns to take advantage of the modifications exemption. Any such reasons must be defended before the Board.

Supervisor Dietrich suggested that a strongly worded and specific letter be drafted to Kuhns outlining what will be allowed and the site plan which must be adhered to. There was discussion about how this letter should be worded. The Supervisor and Code Officer will draft and send a letter.

### **Adjourn**

The meeting was adjourned at 9:28 pm.

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Pamela Goddard, Town Clerk

## **Exhibit A**

### **Procedure for Changing Address Numbers**

If, in the course of their duties as de facto Town Enumerator, the Code Enforcement Officer determines that one or more address numbers is incorrect and needs to be changed in the interest of public safety, the following procedures will be followed.

1. Code Office determines that a change is necessary and outlines a proposed correction. Proposal is forwarded to the Town Board, along with supporting documents/maps.
2. Changes will be based on the following criteria:
  - a. Logical and predictable sequencing for emergency responders.
  - b. Accommodate potential for future lot divisions.
  - c. Generally conform to the existing numeric scale on the road.
  - d. Minimize disruption for residents (current or future) by changing no more numbers than necessary.
3. At a regular meeting, the Town Board will review the proposed change(s) and will evaluate the plan based on the established criteria, above. The affected residents, as well as residents in adjacent properties (within a minimum of 500 feet) who might also be impacted by numbering changes, will be notified by mail in advance of the meeting and given an opportunity to speak. Notice is limited to occupied properties, not owners of vacant land with no address assigned.
4. After hearing from the affected residents and reviewing the proposal to determine if it meets the above criteria satisfactorily, the Town Board will vote to:
  - a. Approve the proposal,
  - b. Approve the proposal with changes, OR
  - c. Reject the proposal.
5. If approved, or if approved with changes that don't affect any residents not previously notified, the Code Office will send formal notice of the change to the residents, along with:
  - a. Letter of explanation,
  - b. Map showing new numbering layout,
  - c. Copy of the resolution,
  - d. Change-of-address form from USPS, and
  - e. Address sign order form.\*

In addition, the Code Enforcement office will notify all required agencies, including the US Postmaster, the Danby Volunteer Fire Company or West Danby Fire Department (as appropriate), the Tompkins County Dept. of Emergency Response and the Tompkins County Dept. of Assessment.

6. If approved with changes that will affect residents not previously listed, those residents will be notified by mail and the matter will be addressed at the next month's Board meeting. The subsequent actions will be as above for the original proposal.

\* Note that the Town received a grant from the United Way back in 2010 to cover the cost of address signs for seniors and people with disabilities. All other address signs could be provided free of charge by the Town as a gesture of good will and also to help further the goal of uniform address signage.