

**Danby Town Board  
Minutes of Regular Meeting  
February 2, 2015  
Draft**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Code Officer Matt Cooper  
Public Ted Crane, Guillermo Metz.

**Approve Minutes**

The minutes of December 8 and 15 were moved separately.

**RESOLUTION NO. 37 OF 2015 - APPROVE MINUTES**

**Resolved**, that the Town Board of Town of Danby approves the minutes of December 8, 2014.

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

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

**Abstain: Brenner**

Connors asked for two minor changes to the minutes of December 15. She asked that the phrase “part way through the vote” be struck from the discussion section of tabled Resolution No. 118 of 2014 for a sentence which now reads “Connors’ suggested that this be tabled until the January meeting...” She also asked that the word “point” be removed from Resolution No. 120 of 2014 in a sentence which now reads, “The Town Board will appoint people to this committee annually.” Clerk Goddard agreed to these changes.

**RESOLUTION NO. 37 OF 2015 - APPROVE MINUTES**

**Resolved**, that the Town Board of Town of Danby approves the minutes of December 15, 2014 as amended.

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

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

## **Warrants**

### **ABSTRACT #2 OF 2015:**

#### **GENERAL FUND**

#028-065 for a total of \$17,069.34

Moved by Connors, Second by Holahan. The motion passed.  
In Favor: Brenner, Connors, Holahan, Miller, Dietrich

#### **HIGHWAY FUND**

#010-024 for a total \$45,885.08

Moved by Connors, Second by Holahan. The motion passed.  
In Favor: Brenner, Connors, Holahan, Miller, Dietrich

#### **WATER DISTRICT**

#003-005 for a total of \$6,280.15

Moved by Connors, Second by Brenner. The motion passed.  
In Favor: Brenner, Connors, Holahan, Miller, Dietrich

## **Water District Improvements Project Update**

Dietrich gave an update on behalf of Tod Sukontarak. Sukontarak had sent a memo to the Board via Email. The Water District has been encouraged to replace the current pump with a belowground, submersible pump. There is no problem with this change and work is progressing.

## **Privilege of the Floor**

Ted Crane address the Board on two issues. He expressed disapproval of the manner of doing business at January 19 meeting, during which the Board took action on several resolutions while the Supervisor had called for a break and was out of the room, in discussion with a resident. Crane also directed the Board's attention to a letter he submitted regarding concerns about a proposed Local Law adopting changes in use of a Gunderman Road property in a Planned Development Zone. He suggested that action on this matter be delayed in order to further review the proposal.

## **Tabled FLLT Allport Property Financial Request and Related Town Gifting**

Dietrich suggested that a resolution from December 15, 2014, regarding a potential financial gift to the Finger Lakes Land Trust for the purchase of the Allport Property, continue to be tabled. Dietrich reported on communications with the Town Attorney regarding legal requirements for municipalities to make financial gifts to non-municipal organizations. Dietrich reported that this is not as simple as previously thought and impacts other financial support to groups, such as the Danby Community Park Association.

Dietrich and Brenner will meet with the Town Attorney on February 4. There was a brief discussion regarding the ability and process for providing financial support to groups not affiliated with the Town, such as the DCPA. Further information will be provided following the meeting with the attorney.

There was a related discussion regarding the pending contract with the Danby Community Council. Brenner will contact DCC representative Clougherty regarding attending one of the March TB meetings, in order to continue discussion on this issue.

## **Update on February 9 Public Hearing - Gunderman Road Planned Development Zone**

Dietrich reported that attorney review of the draft Local Law is still in process. He suggested holding the Public Hearing on February 9, as scheduled, for the purpose of collecting additional feedback from the public. He advised that action may be deferred to a later time. Brenner supported this suggestion. This suggestion was also supported by Code Officer Beeners, via Email to the Town Board. Connors noted that there has already been substantial input from neighbors who have attended Planning Board meetings.

Clerk Goddard noted that if there are substantial changes to the proposed Local Law, based on legal recommendations from the Town Attorney and input from the public, a second Public Hearing will need to be held.

Brenner stated that, based on research regarding Planned Development Zones, any change to such an area should not be rushed and should be a community conversation. Connors agreed that this is a Town Board decision, but noted that there have been several opportunities for the public to give input over the course of several Planning Board meetings. She stated that, for David Hall, this has not been a rushed process.

David Hall has requested, via Email, a meeting with the Town Board, Town Attorney, and himself, in order to clarify and resolve questions related to the process of changing allowed uses in the PDZ. Brenner expressed concern that the requested changes are substantial and that this may have a major impact on the neighborhood. She advised that Hall be notified that the purpose of the Public Hearing will be to gather public input, but not to take action at that time.

## **Update on Highway Biomass Boiler**

Supervisor Dietrich gave an overview of the long term functional problems with Highway Department Biomass Boiler heating system. He stated that the entire process, from engineering through installation, was flawed. At this time, the Town has exhausted all potential “tweaks” to the system. Dietrich said that he is contacting NYSERDA to investigate the situation.

There was an extensive discussion with Guillermo Metz, of Cornell Cooperative Extension, regarding possible remedies for the system. Metz introduced himself and his background working with NYSERDA on alternative energy systems, particularly biomass boilers. He reported multiple flaws with the boiler installed at the Highway barns. Metz reported design flaws related to each of three design firms involved with the boiler engineering and installation. Problems stem from the imported boiler’s European design which is based on different electricity and wood chip size. Modifications have not resulted in other problems and have added expense.

Metz stated that NYSERDA is also culpable, in that there was insufficient oversight and review of the design and installation. He stated that the boiler has never fired properly. He cautioned that taking legal action against the engineers and installers of the existing boiler would lengthen the time involved in resolving the problem. The need to have a functioning boiler/heating system is a separate issue from any possible legal action related to design and installation flaws.

Metz presented a plan to the Board, through the New York Biomass Alliance, to replace the boiler with an operational system. Metz is working with a current grant to deliver bulk pellets in the Southern Tier. This large grant will work with three demonstration sites. The program can be extended to include wood chips, and maybe able to include a replacement boiler for the Highway barns. There may be a financial match required. Metz recognized that this may be a problem for the Town.

Metz answered several questions from the Board. Brenner asked whether there was anything which could be done through a warranty, and whether there is a market for this boiler? Metz explained that there is not a warranty issue but rather a design problem. The boiler functioned as it was designed to do, but the design was flawed. The representative of the NY Biomass Alliance is researching this. The resale market (for the boiler) is uncertain, due to the boiler’s European design. It’s possible that it could be used as a pellet boiler.

There was a discussion of costs related to the initial installation as well as potential replacement. Metz stated that it would take a lot of money to fix the problems with the current system, and no one is willing to do that. Dietrich stated that the Town has already spent a lot of money on the system.

Metz provided more information on Matt McArdle, president of the regional biomass group. McArdle also installs biomass boilers. Metz stated that his reputation is solid and that McArdle is willing to fix the problem in order to help the industry. Metz encouraged the Town Board to get three proposals, even though the project may (ultimately) go to McArdle's company.

There was further discussion of the process of replacing the existing boiler with a redesigned system which would work for the Highway barn facility. Holahan asked questions about whether there has been any analysis of the payback time if the boiler is replaced, versus running a system on propane, versus running the current boiler with pellets rather than wood chips? Metz stated that pellets would be cheaper to run than propane. Dietrich provided some information of costs of energy use, including electricity and wood chips, across the past few years. Metz stated that some costs, going forward, are still uncertain. Payback time has been extended by the loss that the Town has already experienced. Metz and McArdle are attempting to design a system that will recoup some of those losses. It may be possible to get a boiler which will work, without additional cost to the town.

### **Code Office Staffing**

There was an extensive discussion about pending changes in staffing of the Code Enforcement Office with Matt Cooper. Cooper informed the Board that, for individual reasons and needs, both he and Sue Beeners are making "exit plans." They are working on defining their jobs and what they do. Both of them have duties beyond their basic Civil Service job descriptions, based on special projects for the Town.

Hiring replacements will be somewhat constrained by Civil Service job description requirements. Cooper reported that the closest job descriptions for their positions seem to be Code/Fire Enforcement Officer (for Cooper's position) and Environmental Planner (for Beeners' position). Job descriptions are posted on the Tompkins County web site. There was a discussion of the process of advertising and vetting candidates for these positions, through the Civil Service listing. The rate of pay and number of hours for a position are set by the Town. Cooper reported that he has spoken to three possibly qualified people for his position.

Cooper suggested that the Town might want to investigate a shared services hire with other local municipalities for Sustainability planning/zoning. Dietrich suggested that other activities, such as research for storm water regulations, might also fall into shared services.

There was a discussion of the proposed timeline for staffing changes in the Code Office. Cooper and Beeners are working on separate timelines. Exact departure dates are not yet set. Additional information will be provided over the next few months.

### **Use of Town Hall Meeting Space**

Discussion of this topic will take place at a future meeting. A copy of the current Town Hall use policy will be distributed to the Board.

## **Hornbrook Road Incident - Followup Questions**

Dietrich provided some information as follow-up to actions related to the Cady/Hornbrook Road incident. There was a discussion regarding the process for the Board to compile and organize a list of questions, from the Town Board and Danby residents, related to the incident.

Dietrich reported that the Fire Department has asked for the incident call logs and a review by the Attorney General. He also reported that there may have been a change in policies and procedures for future emergency incidents. He would like to see these policies and procedures in writing.

Connors and Holahan will work together to compile a list of questions from residents and the board. This list will be distributed to relevant agencies through the Public Safety office of the County Legislature. Clerk Goddard has the resolution formatted and ready for mail distribution.

## **Adjourn**

The meeting was adjourned at 9:40 pm

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Pamela Goddard, Town Clerk