

**Danby Town Board
Minutes of Regular Meeting
March 9, 2015
Draft**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Legislator Dan Klein
Public Ted Crane, Ronda Roaring, Garry Huddle, Ted Melchen, Naomi and Bob Strichartz, David Hall, Pat Woodworth, Charlie Tilton, Jim Rundle.

Short Reports - Town Hall Building Maintenance

Holahan reported on a roofing problem related to ice dams, on behalf of Code Officer Cooper. An estimate/recommendation work of work needed and cost of repairs has been received from the company which had previously done insulation. They have recommended insulating a six foot section and adding some venting in the attic space.

Clerk Goddard reported on a quote received related to fixing a problem with frozen pipes in the bathrooms, on behalf of Code Officer Cooper. The estimate of roughly \$2,500.00 is for running conduit and heat tape with an automatic disconnect system. The Board agreed to Cooper's suggestion that a second quote be solicited.

Privilege of the Floor

Naomi Strichartz spoke to clarify her vote, as a Planning Board member, regarding the proposed changes to PDZ #10 on Gunderman Road. She voted "yes" on the recommendation to send the draft local law to the Town Board. Strichartz reported that if she had it to do over she would now vote "no." Strichartz supported the idea of having a committee to review the proposed use changes in PDZ #10 and asked that there be sufficient neighborhood representation on that committee.

Crane informed the Board and public of upcoming events sponsored by the Danby Community Council - "Pi Day" Saturday, March 14, 2015 and a concert by the Grady Girls on Sunday, March 15. He also asked for further clarification about Strichartz's report of the January PB votes regarding the Gunderman Road PDZ.

Bob Strichartz expressed concerns about proposed changes to the Guderman Road PDZ, specifically related to potential noise and traffic related to outdoor auctions. He asked that there be more specificity as to uses and their impacts in the final document.

Pat Woodworth expressed her concern about the wording of the current draft LL regarding zoning changes to the Gunderman Road PDZ #10. She hoped and assumed that the final draft of the law would take into consideration the comments made by the Town Attorney during the special meeting on March 2.

Jim Rundle clarified his Planing Board vote regarding the Gunderman Road PDZ #10, stating that the PB was concerned about mitigating past impacts. He stated that it was a mistake to not consult the Town Attorney prior to a vote on this matter. In his view, the PB vote was to turn the law over to the TB, as a recommendation with concerns.

Discussion - Gunderman Road Planned Development Zone, Short Action Committee

Responding to questions and comments from Privilege of the Floor, there was an extensive discussion, regarding the process of review for the proposed law.

Miller asked whether the proper procedure was followed as to the timeline for attorney involvement. Supervisor Dietrich and Clerk Goddard assured him that the procedure followed was proper and consistent with the passage of other local zoning laws. Members of both the Town and Planning Boards suggested that, in future, the Town Attorney be brought into the process earlier. Miller commended the Planning Board for its sincere effort in drafting this law.

There was continued discussion regarding whether to establish a Short Action Committee (SAC) to review the draft local law. Hall expressed his concern that review by a SAC would add unwarranted time to the process of consideration for the proposed changes. Hall suggested negotiation between himself, as applicant, and the Town Attorney as a short and effective method of making necessary revisions. Hall stated that he would, "pick up the tab" for this work. Hall added that he is not opposed to hiring a planner to advise him.

Dietrich voiced his view that a SAC committee is warranted in order to include neighboring landowners be participating members. He expressed his concern that, too often, residents feel marginalized in the process of zoning decisions. He did not think that review needed to take a long time, but thought that review should be specific.

Holahan stated that he was undecided as to whether to establish a SAC. While he initially supported the idea, he was now leaning in the other direction. He thought that, thanks to the work by the PB, neighbor input, and advice from the town attorney, the TB had a good idea of what was needed and could move ahead.

Miller stated that the Board needed to be mindful of whether this was a precedent it wanted to set for contentious issues. Dietrich responded that this precedent could be a good course of action.

Brenner agreed that, while it is important to keep the project moving, it is important to include neighbor input regarding concerns. She thought that this would be possible. She supported Hall's willingness to hire a planner for assistance. Regarding whether a SAC committee be established, Brenner suggested that such review by a representative group might help move the project forward in the long run. While this might slow the process for a while, Brenner thought that there would be benefit in the end. On the other hand, she said that she would be willing to have this be a Town Board initiative instead.

Connors stated that she could go either way, depending on the majority thought of the Board. She stated that she has compiled a list of all of the comments and concerns expressed during meetings and in correspondence. Connors noted that it is important for people to have an avenue for participation. Connors suggested that no structure may be good enough to capture everyone. She thought that what is needed is a way to word the law so that it protects neighbors, "into eternity." After reviewing Planned Development Zone documents from other municipalities, Connors believes that correct wording needs to be crafted as to the specific intent of this case. Connors suggested that Code Officer Beeners and the Town Attorney may be able to do this. If not Beeners, perhaps another planner.

Dietrich asked where the Board stood regarding a message from Code Officer Beeners regarding specific conditions that need to be met. Members of the Board agreed that these conditions need to be addressed for the project to move forward.

There was a brief discussion regarding whether SEQR Part 2 was completed. Brenner and others believe that there are substantial changes, beyond simple wording, required to the zoning change documents. The cumulative impacts from the proposed changes to allowed uses will have a significant impact on the PDZ and neighborhood, in Brenner's view.

A decision regarding a Small Action Committee to review the draft PDZ#10 documents was deferred until the next meeting. Hall asked that there be consideration as to the "finish line" for discussion regarding this project. Brenner advised Hall that it may not be possible to predict an end point at this time.

Warrants

ABSTRACT #3 OF 2015:

GENERAL FUND

#066-114 for a total of \$42,248.26

Moved by Miller, Second by Brenner. The motion passed.

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

HIGHWAY FUND

#025-051 for a total \$143,561.49

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

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

WATER DISTRICT

#006-014 for a total of \$1,457.46

Moved by Brenner, Second by Miller. The motion passed.

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

Water District Improvements Grant Voucher

Clerk Goddard presented a voucher related to the West Danby Water District grant for town board approval.

RESOLUTION NO. 40 OF 2015 - AUTHORIZATION TO PAY - WATER DISTRICT GRANT

Resolved, that the Town Board of Town of Danby approves special payment of an invoice related to the OCR WDWD Improvement Grant:Moody & Associates; equipment, labor, and materials related to installing a pump and submersible motor for the West Danby Water District. The total of this invoice, \$14,641.31, to be paid out of a dedicated checking account for this purpose.

Moved by Brenner, Second by Miller. The motion passed.

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

Approve Minutes

The minutes of January 12, 19 and February 2 were moved separately.

RESOLUTION NO. 41 OF 2015 - APPROVE MINUTES

Resolved, that the Town Board of Town of Danby approves the minutes of January 12, 2015.

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

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

RESOLUTION NO. 42 OF 2015 - APPROVE MINUTES

Resolved, that the Town Board of Town of Danby approves the minutes of January 19, 2015.

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

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

Connors asked for a change to the minutes of February 2. In the section on a public hearing regarding the Gunderman Road Planned Development Zone, Connors suggested removing one sentence and expanding another for the sake of clarity. Clerk Goddard agreed to these changes.

RESOLUTION NO. 43 OF 2015 - APPROVE MINUTES

Resolved, that the Town Board of Town of Danby approves the minutes of February 2, 2015 as amended.

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

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

Legislator's Report

Klein reported on a pending report from the Tompkins County Sheriff's office regarding the Cady/SWAT Team event on Hornbrook Road, Dec. 30-Jan 3. A meeting is scheduled for Monday, March 16 at 4pm. Klein informed the Board that he had advised the Public Safety department that this had the potential to conflict with a regularly scheduled Town of Danby Town Board meeting. He has proposed that the Sheriff's office present its report and then have public questions and comment. (Normally, the opposite procedure is used at County level meetings.) Klein will keep the Board informed about the timing and format of this meeting.

Applicant to Conservation Advisory Council

Clerk Goddard distributed a recently received application from Don Schaufler to the Conservation Advisory Council to the Board. CAC Chair, Joel Gagnon, has been advised of this applicant. The CAC has been communicating with him and has encouraged him to apply. Schaufler is a forester with an interest in preserving wood lots as open space.

Roaring provided information that he has just retired as the Director of the Arnot Forest. She suggested that he would very useful as part of a tree inventory and tree identification in Danby.

There was preliminary discussion on the Board regarding this applicant. Connors suggested that Board members have discussions with members of the CAC regarding this application. Klein, a member of the CAC, went on record as being in favor of this applicant. The Board may act on this application at its next meeting or during its first meeting in April.

Appoint Local Advisory Board of Assessment Review

Clerk Goddard reminded the Board that representatives need to be appointed for the Local Advisory Board of Assessment Review. Connors volunteered to contact Gould Colman and Tom Seaney as to whether they are willing to serve again in 2015. There have been no other applicants for the LA-BAR. Action on this appointment should take place at the next TB meeting.

Contracts

Brenner reported on discussion with Julie Clougherty regarding a contract with the Danby Community Council. Brenner described this as a productive discussion, using the Danby Community Council contract as a bridge toward a better working relationship between the DCC and TB. Representatives from the DCC will attend the April 13 meeting, to continue this discussion.

Clerk Goddard reported that there are no contracts on file in the Town Hall between the Town of Danby and Digital Towpath and webmaster Jordie VanHam. Holahan volunteered to research this.

Use of Town Hall Meeting Space

Brenner stated that the request is permanently tabled.

Town Gifting

Dietrich made a short report as to the legal status of the town making a contribution to the Danby Community Park Association. The town now has a document outlining services to the town which indicate fair value for money being given. A more formal contract will be needed for 2016.

MOTION - APPROVE EXPENDITURE OF FUNDS

Moved, that the Town Board of Town of Danby approves the expenditure of funds, as authorized in the 2015 Town of Danby Budget, to the Danby Community Park Association.

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

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

Additional Discussion - Gunderman Road PDZ #10

Holahan suggested sending Connors' list of concerns to the Town Board and other interested parties. This will be done. Dietrich referenced the list of requirements, still pending, from the Code Office. If these requirements are not met, Dietrich questioned whether the project can move forward. He encouraged the Board to review all of these concerns and be prepared to decide how to proceed at its next meeting. Holahan suggested that concerns from both lists be presented to Hall with a request to have them addressed by his planner.

Adjournment

The meeting was adjourned at 9:10 pm

Pamela Goddard, Town Clerk