

**Danby Town Board
Minutes of Regular Meeting
May 18, 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 CJ Randall
Public Ted Crane, Ronda Roaring, Nick Bogel, Frank Darrow, David Hall,
Pat Woodworth, Edward Kokkelenburg, Janet Steiner.

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

Privilege of the Floor

Pat Woodworth presented additional pages of a petition regarding proposed changes to PDZ #10 on Gunderman Road. She noted that walking the petition around has involved visiting with neighbors and that this has been a positive aspect to this effort.

Ronda Roaring asked about the status of documents related to the Gunderman Road PDZ#10. Supervisor Dietrich informed Roaring that this is a “work in progress” and that the revised documents will be available to the public when they are complete.

Ted Crane reported on the May 14 Newfield public hearing regarding a proposed Verizon communications tower on Tupper Road. He informed the Board that Danby’s resolution passed in support of concerns from County Planning was received and entered into the record. The permit for the communications tower was approved, with mitigating plantings at the base. Crane consulted with County Planning, following the hearing, regarding concerns about inter-municipal notification and possible errors to the SEQR filing. However, County Planning agreed that the outcome was unlikely change.

Conservation Easements

Dietrich gave an overview of the intent of these resolutions, as the next step towards closing on the Palmer and Melchen conservation easements. Revisions to both easements are not substantive.

RESOLUTION NO. 58 OF 2015 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE - CONSIDER ACCEPTANCE OF A REVISED DEED OF CONSERVATION EASEMENT FROM ERICK PALMER, MARSH ROAD AND DEPUTRON HOLLOW ROAD

Whereas, this action is to consider acceptance of a Revised Deed of Conservation Easement and its conditions from Erick Palmer to the Town of Danby, where said Easement would establish a Residential and Active Use Zone on 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; as such Zone is described in said easement, and

Whereas, the purposes of said Easement are to limit activities to defined compatible activities and reasonable uses such as maintaining private residences, the pursuit of agriculture and forestry best practices, wildlife management activities, the pursuit of low-impact recreation, and similar activities that do not impair the Conservation Values of this Easement, and

Whereas on October 13, 2014, the Town Board of the Town of Danby, acting as Lead Agency in the environmental review of the consideration of acceptance of the Easement, as an Unlisted action, made a negative determination of environmental significance, and

Whereas, on October 13, 2014, the Town Board accepted the Deed of Conservation Easement and its conditions, and authorized the Town Supervisor to so sign the easement, subject to title review and approval of the document of closing by the Town Attorney,

Now, Therefore, be it

Resolved, that the Town Board finds that the nature and scope of the proposed revisions does not significantly alter the easement with respect to the previous negative determination of environmental significance nor with respect to the purposes of the Easement as described in this Resolution, and

Further Resolved, that the Town Board accepts the Revised Deed of Conservation Easement and its conditions from Erick Palmer to the Town of Danby, and authorizes the Town Supervisor to so sign the easement, subject to approval of the document of closing by the Town Attorney.

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

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

RESOLUTION NO. 59 OF 2015 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE - CONSIDER ACCEPTANCE OF A REVISED DEED OF CONSERVATION EASEMENT FROM TMELCHEN, LLC, DEPUTRON HOLLOW ROAD

Whereas, this action is to consider acceptance of a Revised Deed of Conservation Easement and its conditions from TMELCHEN, LLC to the Town of Danby, where said Easement would establish an Agriculture and Forest Management Zone and an Environmental Protection Zone on 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; as such Zones are described in said easement, and

Whereas, the purposes of said Easement are to limit activities to defined compatible activities and reasonable uses such as the pursuit of agriculture and forestry best practices, wildlife management activities, the pursuit of low-impact recreation (including private recreational facilities), and similar activities that do not impair the Conservation Values of this Easement, and

Whereas on October 13, 2014, the Town Board of the Town of Danby, acting as Lead Agency in the environmental review of the consideration of acceptance of the Easement, as an Unlisted action, made a negative determination of environmental significance, and

Whereas, on October 13, 2014, the Town Board accepted the Deed of Conservation Easement and its conditions, and authorized the Town Supervisor to so sign the easement, subject to title review and approval of the document of closing by the Town Attorney,

Now, Therefore, be it

Resolved, that the Town Board finds that the nature and scope of the proposed revisions does not significantly alter the easement with respect to the previous negative determination of environmental significance nor with respect to the purposes of the Easement as described in this Resolution, and

Further Resolved, that the Town Board accepts the Revised Deed of Conservation Easement and its conditions from TMELCHEN, LLC to the Town of Danby, and authorizes the Town Supervisor to so sign the easement, subject to approval of the document of closing by the Town Attorney.

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

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

Finger Lakes Land Trust Request

Dietrich provided an over view, with legal advice from Town Attorney Guy Krogh.

Connors expressed her concern regarding a lack of public access to this portion of the Biodiversity Preserve. She asked whether the FLLT had changed its determination that there would not be easy daytime access to the Allport property. No trails or boat access was planned in the original plan for the property. If this has not changed, is simple protection of open space enough of a public benefit to warrant the contribution of taxpayer funds?

Dietrich responded to Connors' concerns. He expressed his view that this contribution would be part of an initiative to build a mutual relationship between the FLLT and the Danby Conservation Advisory Council. Dietrich would like to use this contribution to leverage "in-kind" support in the form of natural resources inventories and other programs through the CAC. He also noted that the protection of the Allport property serves the goals of the Danby Comprehensive Plan to protect and preserve open space.

Brenner stated that she could support this contribution as a one-time gift. She noted the benefits of adding to protected open space in Danby and strengthening the relationship between the FLLT and the Danby CAC. Connors agreed that building the relationship between the FLLT and the CAC is a good thing for the Town. Dietrich expressed optimism that resources from the FLLT (experts for natural resources inventories, project templates and checklists, etc.) will be available for the CAC to achieve its goals.

RESOLUTION NO. 60 OF 2015 - FINGER LAKES LAND TRUST – CONSIDER FUNDING COMMITMENT TO SUPPORT PURCHASE OF PART OF ALLPORT PROPERTY, WEST DANBY

Whereas, the Finger Lakes Land Trust has recently expanded the Lindsay-Parsons Biodiversity Preserve with the purchase of a 30-acre portion of the former Hamilton Allport property, and

Whereas, the Town Board of the Town of Danby, by Resolution 108 of 2014 on October 20, 2014 had indicated its support of a funding allocation of Tompkins County towards such acquisition, in furtherance of the conservation goals of both the County and the Town, and

Whereas, the Land Trust has requested that the Town commit funding to support this purchase, and

Whereas, the Town Board recognizes the value of the 537-acre Biodiversity Preserve as a local and regional open space asset, and its accessibility to Danby residents,

Now, Therefore, be it

Resolved, that the Town Board approves an allocation of \$1,000 to support this Allport property purchase.

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

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

Mowing Contract

Clerk Goddard informed the Board that a legal notice of "Request for proposals/quotes for the mowing of Town of Danby properties" ran in the Ithaca Journal. The deadline for bids was this day, May 18. The only bid received was from Tony Catlin, at the same hourly rate as the past two previous years.

Supervisor Dietrich asked the Board to consider extending the contract for mowing services to a multi-year arrangement, perhaps starting next year. For 2015 the contract will remain as an annual agreement.

RESOLUTION NO. 61 OF 2015 - AWARD MOWING CONTRACT BID

Resolved, that the Town Board of Town of Danby awards a bid for 2015 Mowing Services to Tony Catlin. The rate of pay will remain at the previous rate of \$35 per hour, as per bid.

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

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

West Danby Water District Improvement Grant Voucher

One final set of invoices, for administrative expenses related to the West Danby Water District improvement project grant, was submitted for approval by the Town Board.

RESOLUTION NO. 62 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 Administrative Expenses for Susan McLellan and Matt Cooper. The total of this invoice, \$3,144.35, to be paid out of a dedicated checking account for this purpose.

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

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

Conservation Advisory Council Appointment

Copies of an application from Bill Evans, to be appointed to the CAC, were distributed to the Board. Clerk Goddard reminded the Board that CAC Chair, Joel Gagnon had sent an Email stating that the CAC has interviewed Evans and recommends that he be appointed.

Following this appointment, the Conservation Advisory Council will change its monthly meeting to the fourth Thursday of each month. The meetings had previously been on the fourth Monday of each month.

RESOLUTION NO. 63 OF 2015 - APPOINTMENT TO CONSERVATION ADVISORY COUNCIL

Resolved, that the Town Board of Town of Danby appoints Bill Evans to a two year term on the Conservation Advisory Council, effective immediately and running through December 31, 2016.

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

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

Unity House Letter

There was a discussion and official release by the Town of Danby of an "Open Letter to the Town of Danby" from the Unity House executive director, Liz Smith. The letter had been released earlier in the day by Unity House to just two media outlets. This was in apparent conflict with an earlier request, from Unity House, that the letter not be released until after the May 18 TB meeting. Dietrich characterized Unity House's handling of public relations surrounding the Nelson Road house as a, "debacle."

Clerk/Public Information Officer Goddard described the ways Unity House action put the Town's media relationships in an awkward position. Goddard related a communication with Smith that afternoon.

The letter states, in part, "After thoughtful consideration of many factors, including the concerns of the Danby community, Unity House's needs, and the welfare and safety of the home's proposed residents and the staff, Unity House has determined that it will move two alternate men into the house on or about June 1. None of the three residents are registered sexual offenders."

Supervisor Dietrich advised the Board that there are "next steps" in this issue. Smith has expressed interest in forming a community advisory council, potentially with representatives from the TB, the community, and the Waldorf School and local elementary school. No action on such a advisory group was taken at this time.

There was a discussion of how to release this information to the town residents. A short notice to be sent to the "news distribution" list and to be posted on the town web site. The letter in its entirety will be published in the next issue of the Danby Area News. Any further updates may transpire over the next few months.

Bookkeeper Financial Report

The Board received a financial report for the first quarter of 2015 from bookkeeper Laura Shawley. She focused attention on a few budget line items which are of some concern. At the end of the first quarter, the budget line for the Town Attorney was over budget by approximately \$600. This is the only area of the General Fund that is problematic. Shawley advised the Board that it is certain there will be additional attorney costs, as the Town needs to go through negotiations this year with the union representing Highway Department workers. She advised that the Board to consider revising the allocation for this line and described ways which this may be done. She advised that the Board consider using the fund balance to increase the budget in its entirety and that this could be done during one of the June business meetings.

In the Highway Fund, the “snow removal contractual” item (which covers salt, sand, equipment, and fuel) is \$27,000 over budget. It is anticipated that Highway will need to spend at least an additional \$10,000 for more salt mix for the 2105 Fall/Winter in order to fulfill the terms of the existing salt purchasing contract. Shawley advised that it may be possible to adjust the Highway Fund budget, rather than go into the Fund Balance for additional funds. She did not think that action on this line item was a priority at this time.

There was a preliminary discussion regarding the conditions which have caused spending in these two budget areas. Shawley stated that she would draft a resolution to adjust the Attorney budget line for the first June TB meeting.

Multi-town Renewable Energy Initiative

Supervisor Dietrich provided some preliminary information regarding a renewable energy initiative being proposed by the Town of Caroline. This project would be similar to “Solarize Tompkins SE” which supported the solar installations in residences. This project would seek to support other types of renewable energy, such as ground-source heat pumps. Irene Weiser (Caroline councilperson) may ask to make a presentation to the TB at some point. While the “Solarize Tompkins” initiative was funded, in part, by the Park Foundation, this new initiative does not have foundation funding. Weiser may be seeking municipal support for the project.

South Hill Recreation Way Report

Supervisor Dietrich informed the Board that there will be a planning meeting on June 8 regarding a new effort to build out a recreation way along South Hill, through the Towns of Ithaca, Caroline, and a small section of Danby. CJ Randall will attend that meeting. Additional information on the project is expected in time for the second TB meeting in June.

Solar Remote Net Metering Application Update

Information regarding the application process for a possible solar remote net metering project was received from Dietrich and Randall. Records for all of the municipal electric meters have been received and sent to Melissa Kemp for processing as part of a Preliminary Interconnection Agreement (PIA). Kemp will prepare the PIA application packet at no cost to the Town. There will be a small application fee due to NYSEG for the PIA.

Fire Commissioner Edward Kokkelenburg asked some questions, regarding what up front costs there may be, how the project is financed, and how flexible the PIA is as to an installation location. Dietrich responded that there is no up front cost beyond a \$350 application fee. The PIA does not commit the Town to a project, but rather “grandfathers” the electric rates. The holding of the rate make possible a shorter payback period for the system, should the Town decide to go ahead. The project could be financed in the same way as the Town Hall solar installation—lease to buy. The choice of a location is still being considered, with strong interest in the property at the Highway Department.

Jan. 1 Hornbrook Road Incident Questions Response

Dietrich initiated a discussion of the status of the written draft of responses from Sheriff Lansing to Danby's questions regarding the Cady/Hornbrook Road incident. Dietrich advised the Board that he is still waiting for confirmation from Sheriff Lansing, that Lansing agrees with the written document, before it is released to the public. Once that confirmation is in place, the responses can be published through various outlets.

Correspondence from Dan Klein was shared, with the information that the County Legislature has decided to pursue an outside evaluation of the SWAT incident. The Federal Bureau of Justice Assistance will spend the next four to six weeks preparing a scope of work, to be followed by an evaluation. This service is being provided at no cost to the County.

Adjourn

The meeting was adjourned at 8:33pm

Pamela Goddard, Town Clerk