

**Danby Town Board
Minutes of Regular Meeting
August 10, 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 Officers CJ Randall
Public Ted Crane, Ronda Roaring, Felicia Parsons, Fred Schliefer, Garry Huddle, Frank Darrow, Pat Woodworth, H Katharine Hunter

The Danby Town Board Meeting was opened at 7:02pm

Privilege of the Floor

Ronda Roaring spoke in opposition to the proposal to formally abandon Van Woert Road. She asserted that the Town should retain the rights to this and other unmaintained roads. She maintained that, if the road is “in use” by members of the public (for any purpose), it can not be abandoned. She objected to unmaintained roads reverting to property owners when they could be used for public recreation ways.

Dietrich noted that the definition of “taxpayer maintained” requires the Town to expend funds. There have been no funds expended on Van Woert Road in well over a decade. This is the criteria considered for whether a road is considered abandoned.

Ted Crane spoke regarding the proposal to formally abandon Van Woert Road.

Two adjacent property owners, Felicia Parsons and Fred Schliefer, spoke regarding the proposal to formally abandon the portion of Van Woert Road in the Town of Danby (previously know as Brock Hill Road). They spoke in support of abandoning this road to vehicle traffic. They described the Danby portion of this road as a, “worn out two track, not even that.” Planner CJ Randall provided some clarification regarding the mislabeled road on Google Maps.

Van Woert Road - Recommendation to Abandon

The Board held an extensive discussion regarding the condition of Van Woert Road and a request from adjacent property owners to officially abandon the road. There have been extensive problems with ATV and motorized dirt bike use of the road. This motorized use has resulted in erosion and damage to culverts. Culverts and makeshift bridges are collapsing. (These culverts and bridges were not installed by the Highway Department. It is surmised that they were constructed for ATV use.) Parsons and Schliefer described dangerous use of the abandoned road by youth.

Brenner and Connors reported on a visit to the location. They described the road as not heavily traveled. In their evaluation, it could not be construed as a “street” or thoroughfare. The adjacent camp has been maintaining the road as a trail for foot traffic. Other neighbors also use the path for foot traffic as a nature trail.

Dietrich asked for Planner Randall’s recommendation. She recommended that the Town proceed stating that the road is already abandoned, as per recommendation from the Town Attorney. Randall has prepared resolutions to that effect. Brenner asked Randall whether all of the adjacent property owners have been contacted regarding this consideration? Randall affirmed that the property owners have been contacted. She further noted that a consideration of abandonment has come at the request of a property

owner. Connors asked whether the Town of Spencer has been advised of this potential action? Randall responded that the Town of Spencer will be advised of Danby's action on the Danby portion of this road.

Dietrich asked Parsons and Schliefer whether they would be in favor of maintaining the roadbed as a walking trail. They indicated that they were interested in this, but that it could not be done while it is a "town road." They are interested in having this as a walking trail, and would like to be able to discourage use by ATVs. Planner Randall noted that, once the road is abandoned as a Town road, the property owners will be able to take charge of its use and could maintain it as a recreation way.

No action was taken at this time. There will be further discussion and this will be listed as an action item for the next TB meeting.

Warrants

ABSTRACT #8 OF 2015:

HIGHWAY FUND

#159-188 for a total \$54,092.08

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

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

GENERAL FUND

#320-358 for a total of \$26,903.70

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

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

WEST DANBY WATER DISTRICT

#36-38 for a total of \$489.70

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

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

Approve Minutes

Brenner requested an additional week to review the minutes of July 20. These minutes will be considered at the next TB meeting.

RESOLUTION NO. 72 OF 2015 - APPROVE MINUTES

Resolved, that the Town Board of Town of Danby approves the minutes of July 13, 2015.

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

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

Town Court Request - Approval to Submit Grant

Justices Theresa Klinger and Garry Huddle submitted a draft resolution, authorizing the Danby Town Court to submit a grant for improvements. Justice Huddle answered questions from the Board. The justices are still working on a list of possible improvements to the court, including a new phone system and possible air-conditioning in the court.

RESOLUTION NO. 73 OF 2015 - AUTHORIZE TOWN COURT GRANT APPLICATION

Whereas, the Danby Town Court is eligible to submit a grant application to the New York State Office of Court Administration for funding from the 2015-2016 Justice Court Assistance Program (JCAP) for the purchase of court related items, and

Whereas, Town of Danby Justice Theresa Klinger and Town of Danby Justice Garry Huddle are requesting authorization from the Town Board for the Danby Town Court to submit a grant application to the New York State Court Administration for funding from the 2015-2016 Justice Court Assistance Program (JCAP) in the amount not to exceed \$30,000;

Now Therefore, it is

Resolved, that the Town Board of the Town of Danby approves the request from the Danby Town Court to submit a grant application to the New York State Office of Court Administration for funding from the 2015-2016 Justice Court Assistant Program (JCAP) in the amount not to exceed \$30,000.

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

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

Proposal to Override the Tax Cap

Supervisor Dietrich and Bookkeeper Laura Shawley initiated a discussion regarding the potential need to override the NYS tax levy limit (a.k.a. tax cap). Dietrich acknowledged the intention of the State to motivate municipalities to keep taxes low as possible. Danby has been able to do this over the past three years. However, the tax levy limit is now creating a hardship for municipalities in the face of rising infrastructure costs, costs for highway equipment, workman's compensation and retirement increases, etc. While participation in the Health Insurance Consortium has reduced the rate of increase in insurance rates (5% increases as compared to 13% increases in the private market), costs are still rising. Dietrich stated that decisions now need to be made for what is best for the Town.

Shawley outlined several factors that have increased municipal difficulty in meeting the tax cap. There are changes in the allowed budget expenditures related to the cap. Danby would only be allowed to increase the budget by \$23,700 for 2016 (compared to \$38,000 for 2015) and remain under the tax cap. There are changes in growth rate and tax levy factors which effect the amount that the Town can raise. The Town must undertake CSEA Union negotiations this year, with a conservative estimate of a 1.5% salary increase. Road damage from spring flooding requires extensive Town mitigation, a five year plan for road improvement, and the purchase of a new Gradall. Shawley noted that, due to these changed factors, it would be possible to override the current tax cap and still have a lower rate of budget increase than the previous year.

In order to safeguard the option to make a decision as to whether to override the tax levy limit, the Town must pass a Local Law allowing this action. Shawley encouraged the Board to take this step, and do so soon. Dietrich noted that passing such a law does not require the Town to override the tax cap, but only provides the option to do so. He described this as a "spare tire in the trunk." There was general agreement among Board members that this would be a prudent step to take.

Brenner expressed concern that there be ongoing dialogue regarding the tax levy limit and negotiations for the 2016 Town budget. She noted that this is a very important discussion to have with the community. Dietrich and other members of the Board noted the time sensitive nature of passing a local law and importance of taking this step even before budget discussions are underway. There was an extensive discussion regarding methods to facilitate dialogue between the Board, Town departments, and members of the public. Dietrich noted that, as a way to begin public notification of this process, he would submit an informational piece to the Danby Area News. Connors noted that there will be time for

community discussions, and that the current tax cap may negatively affect the Town's credit rating. Brenner stated that, while she is in support of the action, she sees the importance of budget related discussions.

There was a discussion regarding the time-sensitive nature of the passage of a local law, timing for a public hearing, and budget planning. Holahan asked for clarification as to whether this is a one-time law which must be passed every year. Dietrich and Shawley confirmed that this must be considered each year.

RESOLUTION NO. 74 OF 2015 - SET PUBLIC HEARING - LOCAL LAW OVERRIDING THE TAX LEVY LIMIT

Whereas, the Town Board of the Town of Danby is considering adoption of a Local Law "Override the Tax Levy Limit Established in General Municipal Law 3-c for the Fiscal Year 2016,"

Now, Therefore, it is

Resolved, that the Town Board of the Town of Danby sets a Public Hearing related to considering adoption of a Local Law to Override the Tax Levy Limit for the Fiscal Year 2016, for Monday September 21 at 7:00pm.

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

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

Set Special Meeting

The Board set a special meeting with Highway Department and Town Board, to discuss road maintenance, spending priorities, and related budget matters. This meeting to take place Tuesday September 8, 6:30pm, at the Danby Town Highway Barns. It is estimated that this meeting will take over an hour.

PDZ10 Update

Planner CJ Randall gave an update on the status of revisions to proposed changes to the Gunderman Road Planned Development Zone #10. She informed the Board that the various parties have drafted a complete revised proposal for changed uses at PDZ#10 in Danby. This is a substantial revision of the original proposal considered at the end of 2014. Randall noted that this is a discretionary action, and the decision rests with the Town Board.

Randall transmitted the draft proposal and supplemental materials to the TB. If the Town Board chooses to proceed with consideration of this proposal, the next step would be to send the revision to the Planning Board for review. Randall suggested that the Board review the materials for discussion the following week. She further described the various procedural steps in a full consideration of such a proposed zoning change. A decision as to whether to move ahead could be made at the next TB meeting.

Supervisor Dietrich and Planner Randall answered some procedural questions from neighbors Woodworth and Darrow. Woodworth asked for a copy of the most current draft proposal for this zoning change. Dietrich assured the neighbors that copies will be made available at the appropriate time. He expressed concern that any draft released be the most complete and final draft. Should the proposal go forward, there will be several meetings during which residents will be able to voice their thoughts and concerns.

Stormwater Projects

Planner CJ Randall informed the Board that both she and Code Officer Paul Hansen are working on stormwater related matters. Hansen will attend the next TB meeting, to report on this and other matters.

Randall provided information regarding an upcoming training in the Town of Newfield. It was agreed that she and members of the Highway Department should attend. She informed the Board that several other training opportunities will be coming in the next months.

County Environmental Management Council Representative

Randall shared information that Bill Evans (appointed to the CAC) has expressed interest in the County Environmental Management Council and has attended a meeting. There was a discussion as to whether to appoint him as an official Danby municipal representative to the EMC. Clerk Goddard will contact Evans, regarding his interest and willingness. The Board may act to appoint at its next meeting.

Aquifer Protection Ordinance/Water Resources Update

There was a reminder that the next meeting with Steve Winkley will take place on August 13.

Solar Project at Gunderman Road School Property

Dietrich gave a report of a meeting with representatives of the school district regarding a proposed solar energy farm on the District's Gunderman Road property. The project is in the beginning planning stages. The current proposal would install solar panels in the area behind the old school building. He responded to questions regarding how much property will be used, whether there will be any sort of screening, and how this may impact the community playground on the school property. These details are not yet available, as the project is still in the early planning stages.

Dietrich reported that a possible joint project for Hill Road between the school district and Town was discussed. There may be some technical problems with locating a solar farm site on that location. It may be possible for the Town to link to the Gunderman Road school property array.

There was a discussion regarding whether this would need site plan review by the Town, a zoning variance as a utility, and/or a public hearing prior to installation. Randall advised the Board that school districts are exempt from many zoning considerations. Brenner maintained that, as a ground mounted installation, this will be a land use issue and the location will need to be rezoned. She stated her support for the project, assuming that the playground is maintained. She believes that a zoning change is possible. New zoning regulations from New York State are pending.

Further discussion on this issue will take place at future TB meetings. Dietrich will provide updates as the project progresses.

Short Reports/Correspondence

Connors asked for a report regarding the structure being constructed as a garage on Danby Road. The current building does not match the site plan approved for Eagle Auto. There was a preliminary discussion regarding the fact that the planned use for this location has changed. At this time, it does not appear that this will be used as a commercial space. Dietrich advised that Code Officer Hansen will be able to make a full report regarding this and other issues at the next TB meeting. The Code Report for July was distributed to the Board.

Copies of the Justice's reports were distributed.

Jack Miller reported on activities of the Conservation Advisory Council. The CAC is working on outreach materials through a handbook and through information on the Town web site. They are also working on preliminary steps for management plans for Town property, beginning with a list of what should be in such a plan. Miller also reported that CAC Chair Gagnon is interested in "Carbon Tax Incentive" programs and will be sending information. A proposed resolution will be coming to the TB from Gagnon.

The Town Clerk's report noted that \$2,246.94 was distributed to the Town Supervisor for the month of July. This included 68 dog licenses, four building permits, and a few fishing licenses. \$478.56 was distributed to the NYS DEC for fishing license sales and \$92.00 to the Animal Population Control Program through the NYS Department of Ag & Markets.

Clerk Goddard reported that the TB received a thank you letter from the Finger Lakes Land Trust, regarding the \$1,000 contribution made in support of expansion of the Lindsay Parsons Preserve.

Dietrich reported on a joint project of the Highway Department and West Danby Fire Commission to clear blocked culverts which had caused storm water damage in June. This was used as a joint training operation. Photos of this work will be forwarded to the Board.

Adjourn

The meeting was adjourned at 9:12 pm

Pamela Goddard, Town Clerk