

**Danby Town Board  
Minutes of Regular Meeting  
June 13, 2016  
DRAFT**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Bookkeeper Laura Shawley  
Code Officer Paul Hansen  
Legislator Dan Klein  
Public Ted Crane, Ronda Roaring, David Hall, Pat Woodworth, Charles Tilton, Tobias Dean, Frank Darrow.

**Regular Meeting Opened at 7:02pm**

**Legislator's Report**

Dan Klein spoke, as a resident, regarding the gap in high speed internet coverage for the Steam Mill Road and Durfee Hill Road area. Residents there, as a group, have contacted both Clarity Connect and Time Warner Cable. Information from Time Warner has been inconsistent and sometimes conflicting to individual residents. Klein reported that the Town of Caroline has taken action/passed a resolution on this matter, by sending a written request for coverage to specific addresses. He asked that the Danby Town Board consider similar action. Klein suggested that a specific written request be based on information from previously gathered coverage data.

The Board had a brief discussion of coverage problems. Supervisor Dietrich reported that information is being gathered about remaining pockets of uncovered areas in Danby. This should result in an updated coverage map. The two major obstacles to coverage by the broadband towers are trees and geography. Once the map is complete, Dietrich will enter into discussions with Clarity Connect to learn what their plan is for meeting Danby's Broadband needs. In addition, the County Broadband Committee may reconvene to work on remaining problems with internet coverage.

Klein reported on the May Local Board of Assessment Review grievance day. No formal petitions for grievance were submitted. Two people, "came in to chat." In related matter, only nine properties are pending foreclosure auction in the entirety of Tompkins County this year. One of these is in Danby.

Klein reported on countywide, and statewide problems with recruiting members for local volunteer fire and rescue departments. This is a serious concern in some areas. The Town of Caroline lost its rescue squad in the past year due to a lack of volunteers. There is concern that this problem is going to get worse. It would be very expensive to replace volunteers with paid responders. Klein reported that the Tompkins County Council of Governments is in the early stages of forming a Task Force to investigate ways to increase recruitment or other options for covering local emergency response.

**Appointment Policy**

Leslie Connors distributed draft revisions to the Town of Danby Appointment Policy. Hardcopy of her draft changes were presented to the Board and Town Clerk, for review and discussion at a future meeting. Supervisor Dietrich asked that electronic copies of the document be transmitted to the Board and Town Clerk via Email.

## **Privilege of the Floor**

Ronda Roaring reminded the Board that review of the Agricultural District in Danby is pending. She urged the Board to prepare for this review.

Ted Crane informed the Board and residents of upcoming events sponsored by the Danby Community Council. A Civil War Living History Encampment will be held in the Danby Community Park during the weekend of June 25/26. The program is free and open to all. The event includes firing cannons and a breakfast at the Community Church.

## **Department of Justice - 2015 SWAT Incident Report**

Supervisor Dietrich reported on a public presentation planned to take place in mid-July. The event will be a presentation by the Federal Department of Justice regarding SWAT processes and procedures.

## **BZA Vacancies - Interviews**

Tobias Dean, applicant for a vacancies to the Danby Board of Zoning Appeals was interviewed. He was asked the same list of questions as pervious applicants:

1. What experience do you bring to this position—such as involvement with local government Boards (Danby or other locations) and/or other life experience?
2. Are you aware of the time commitment for training and service and are you able to meet that commitment?
3. What is your vision for Danby?
4. How do you deal with conflict, external (from residents, etc.) or internal (within a committee)? How would you deal with a friend or neighbor who had a variance request?
5. What hobbies or other interests do you have?

Dean responded to each of these questions.

Dietrich asked for a status report of applicants to the BZA and what BZA seats are currently open. Clerk Goddard reported that, due to health problems, Norbert Nolte has resigned his appointment to the remainder of a three year term and his appointment as BZA Chair. Esther Greenhouse also withdrew her application at this time. Therefore two vacant seats remain: a three-year term and one-year term. The Board had two current applicants who have both been interviewed; Scott Davis and Tobias Dean.

There was a brief discussion regarding appointments to the vacant seats. Connors reported that she had spoken to several people who were considering submitting applications for appointment to the Board of Zoning Appeals. No additional applications had been received prior to this meeting. Supervisor Dietrich stated that he would like to move both seats at this meeting.

## **Warrants**

### **ABSTRACT #6 OF 2016:**

#### **GENERAL FUND**

#216-266 for a total of \$28,804.61

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

#### **HIGHWAY FUND**

#121-148 for a total \$74,701.24

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

#### **WEST DANBY WATER DISTRICT**

#26-33 for a total of \$1,167.41

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

## **Approve Town Board Minutes**

### **MOTION - APPROVE MINUTES**

**Resolved**, That the Town Board of the Town of Danby approves the minutes of May 9 and 16, 2016.

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

## **Groundwater Protection Law—Set Public Hearing**

The Board discussed a date for a public hearing regarding the draft Groundwater Protection Law.

### **RESOLUTION NO. 55 OF 2016 - SCHEDULE PUBLIC HEARING, CONSIDERATION OF ADOPTION, PROPOSED LOCAL LAW - TOWN OF DANBY GROUNDWATER PROTECTION LAW**

**Whereas**, the Town Board of the Town of Danby is considering adoption of a Local Law "Town of Danby Groundwater Protection Law," The intent of this local law is to comprehensively protect and preserve the quality and quantity of the Town's groundwater resources. This proposed local law has been formulated to protect groundwater resources that serve as the sole source of drinking water for residents and businesses in Danby. The law amends the Town's existing Zoning Ordinance to afford adequate protection of groundwater resources,"

**Now, Therefore, it is**

**Resolved**, that the Town Board schedules a Public Hearing related to considering adoption of a Local Law "Town of Danby Groundwater Protection Law"; for Monday, July 11, 2016, at the Town of Danby Town Hall, at 7:00 p.m.

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

## **Board Position Appointments—Board of Zoning Appeals Vacancies**

There was a discussion of appointments to the BZA. The Board thanked Dean for his application.

### **RESOLUTION NO. 56 OF 2016 - APPOINT BOARD OF ZONING APPEALS REPRESENTATIVE FOR 2016-2018**

**Resolved**, that the Town Board of the Town of Danby appoints Tobias Dean to fill the remainder of a three year term on the Board of Zoning Appeals, beginning immediately and ending 31-Dec-2018.

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

Dietrich moved that Scott Davis be appointed to the vacant one-year BZA term. Connors expressed concern regarding a statement from Davis' interview, which she interpreted to mean that he had resigned

from a municipal board during a conflict. She cited this and other communication concerns as making this not a good fit at this time. Holahan and Miller also stated concerns that Davis was not a “good fit” for the BZA at this time. Connors stated that perhaps there was another place where his, “talents will be more useful.”

Dietrich stated that he had not heard what Connors reported. In his view, there is a community need to fill the BZA and that Davis was a qualified applicant. Dietrich stated that he did not share the concerns of the other members of the Board.

#### **RESOLUTION NO. 57 OF 2016 - APPOINT BOARD OF ZONING APPEALS REPRESENTATIVE FOR 2016-2017**

**Resolved**, that the Town Board of the Town of Danby appoints Scott Davis to fill the remainder of a one year term on the Board of Zoning Appeals, beginning immediately and ending 31-Dec-2017.

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

**In Favor: Brenner, Dietrich.**

**Opposed: Connors, Holahan, Miller.**

#### **Danby Fun Day Parade Closing**

Annual resolution to close Route 96B for the July Danby Fun Day Parade. Dietrich asked Clerk Goddard to forward this resolution to the County Sheriff’s office and Danby Fire Department.

#### **RESOLUTION NO. 58 OF 2016 - CLOSING OF NY STATE ROUTE 96B FOR PARADE ON JULY 9, 2016**

**Resolved**, that the Town Board of the Town of Danby, in compliance with Section 1604, Paragraph 2, of the Vehicle and Traffic Law, which authorizes a Town to close a road for a parade, is officially closing New York State Route 96B on Saturday July 9, 2016 from 10:30am to 11:55am, from the intersection of East Miller and West Miller Roads to the intersection of Bald Hill Road; and it is

**Further Resolved**, that the Town Board approves the extension of this time period, from 10:15am to 12:15pm, if the Danby Fire Department deems such extension necessary to facilitate the safe movement of the Parade participants; and it is

**Further Resolved**, that there will be a detour route from the West Miller Road intersection with Route 96B to Comfort Road, to Lieb Road, to the Bald Hill Road intersection with Route 96B.

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

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

#### **Groundwater Protection Law—SEQRA Review**

Dietrich encouraged the Board to review their copies of the Environmental Assessment Review of the proposed Groundwater Protection Law. Questions or concerns are to be directed to Planner Randall for discussion at the next TB meeting.

#### **South Hill Recreation Way—Update**

Dietrich gave an update on the proposed project to extend the South Hill Recreation Way into Caroline and Danby. He reported that the project hit an obstacle in the form of communication from NYSEG stating conditions under which it will grant a right of way for the trail. All efforts to progress with the project are currently on hold while certain legal and financial issues related to maintenance and liability insurance for the trail.

#### **Solar Installation Power Purchase Agreement**

Hansen gave an update on the progress of finalizing a contract with Renovus for the Hornbrook Road solar installation Power Purchase Agreement. Hansen stated that he would distribute the most recent of the contract, as well as comments from the town attorney, to the Board through email. He invited comments and input to the process. Supervisor Dietrich encouraged the Board to follow through with this project so that the contract negotiations may progress effectively.

## **Community Choice Electric—Holahan Report**

Holahan reported on TCOG meetings he has attended regarding efforts to aggregate electric power purchase in Tompkins County. The intent is to pool purchasing of power for electric service, buying “in bulk” as a way to lower electric rates for residents. This is part of the Reforming Energy Vision (REV) program from Albany to reduce the load on the power system, bring in more renewable energy, etc. Danby would need to pass a local law, enabling this bulk power purchasing for the benefit to be available to households. The program would automatically enroll residents, who would then have the option to “opt out” if they did not want to be part of the program. Holahan shared information that electric prices have been reduced 15-20% for households in other states where this has been done.

Additional details were provided by Hansen, Dietrich, and Holahan. There are still many details to be addressed. Additional meetings will be held over the summer.

## **Annual Financial Review**

Bookkeeper Shawley informed Board of a change in internal audit plans. Al Carvill, who had been contacted regarding a preliminary municipal audit, is not able to provide this service. Shawley suggested that the Town move forward with a self-audit for 2016, using NYS Comptroller’s Office forms and procedures. This would be in preparation for a full external audit at the end of the fiscal year. There was discussion, arranging for Board volunteers to assist with internal financial review. Holahan, Connors, Miller, and Brenner all agreed to assist with this process. Shawley will audit the court financial processes.

## **Code Enforcement Report**

Hansen made a short report on activities through the Code Office. He described this as “business as usual.” The May monthly written report will be presented by Randall at the next TB meeting.

A demolition order has been issued for the Muka house at 1840 Danby Road. Hansen is strictly following the procedure outlined in the Danby Code. The demolition must be complete by the end of July. Hansen anticipated that Muka would try to delay this process. Hansen is working with the Town Attorney on procedure, should demolition not be completed on time.

## **Other Short Reports**

Copies of the Justices’ monthly reports were circulated among the Board. Huddle added some details to activities in the Town Clerk.

Clerk Goddard presented a report of revenue through the Clerk’s office in the month of May. A total of \$763.25 was distributed to the Town Supervisor, including revenue from 36 dog licenses and three building permits. \$46 was disbursed to the NYS Animal Population Control Program.

## **Adjournment**

The meeting was adjourned at 8:25 pm.

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Pamela Goddard, Town Clerk