

**Danby Town Board
Minutes of Regular Meeting
June 20, 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
Planner	CJ Randall
Highway Sup.	Carl Seamon
Recreation Part.	Janice Johnson
RESP	Emily Cuppernell
Public	Ted Crane, Ronda Roaring, Pat Woodworth, Charles Tilton, Scott Davis, Katharine Hunter, Frank Darrow.

Meeting Opened for Presentations at 7:03pm

Presentation - Recreation Partnership

Recreation Partnership representative, Janice Johnson, provided program information to the Board. She gave an overview of the Recreation Partnership's program and funding stream. The Town of Danby contributed \$12,169 to the program for 2016. Of this amount, roughly half is returned to Danby residents in the form of program scholarships.

In order to maximize use of the Recreation Partnership programs, Johnson encouraged Danby to do several things: Highlight programs in the Danby Area News, post a link to the Rec. Partnership web site on the Town of Danby web site, distribute the "I-Play Book" freely at several locations, invite representatives from the Ithaca Youth Bureau to events such as Danby Fun Day in order to make residents aware of the program and program scholarships. There was a related discussion between Johnson and representatives from the Danby Community Council regarding ways to inform and serve families in Danby. Danby is particularly challenged in this way, as students attend several different school districts, or are home schooled.

Presentation - RESP Residential Energy Score Program

Emily Cuppernell provided information to the Board, updating previous information about a draft *Residential Energy Score Program*, a voluntary energy labeling program for private homes. The current plan is informed by a large number of comments received after the first draft was released. Any comments on the current draft, from the Board or residents, needed to be submitted by the end of June 22. A final draft of this proposed program is scheduled for early July. Cuppernell anticipated delivering a final presentation in July or August. At that time, the RESP designers will be seeking a formal resolution of endorsement from the Danby Town Board. All of the related documents are available at [www.town.ithaca.ny.us/resp].

Drafting of the proposed home energy rating program was funded by NYSERDA. The current proposal is for a voluntary diagnostic and testing methodology that will result in a rating score for energy efficiency in existing homes. The resulting rating label will help inform potential buyers about the energy efficiency of the property. This has multiple benefits to property owners, buyers, and the community, supporting Tompkins County's energy reduction goals by increasing energy efficiency awareness.

Cuppennell stated that this is part of a Statewide goal and that several other areas are initiating similar programs. The system will also be in line with energy code guidelines currently being established.

There was Q&A between RESP representative, members of the Town Board, and members of the public. Realtors are in support of the voluntary testing and rating system and a clear metric to inform buyers about property energy efficiency. Other Towns are supporting the concept while concerned about mandates. Responding to a question regarding access to rating scores and privacy, Cuppennell stated that there must be written permission from the current property owner to release specifics of the rating information. Public access will only be to general information in the ratings database. The systems being chosen for use here are national systems already in use in other states.

Hansen spoke positively regarding changes in Code related to energy efficiency. In his view, Code Officers will support this process as a way to help close the efficiency split between new and older homes. He anticipates that this will be a useful incentive to upgrade older homes. Randall noted that there is the possibility, should the Board choose, to provide a tax abatement for energy efficiency building and upgrades. This abatement would be on local taxes.

Regular Meeting Opened at 8:10pm

Privilege of the Floor

Charles Tilton made a request to obtain a certified copy of the sound file of a Town Board meeting. Clerk Goddard stated that she could provide this.

Pat Woodworth spoke regarding process of rejecting an appointee to Board of Zoning Appeals. In her view this person was qualified to serve. Woodworth disputed Connor's report of a statement made by the applicant that he had quit a previous board. She stated that this was not what she heard. She said that the rejection gives the impression that members of the TB are working to stack the BZA with people favorable to their interests.

Katharine Hunter spoke regarding process of appointment to BZA. She was concerned whether the Board truly intends to support inclusion? In her view, if they are seeking involvement from the community, this is difficult when volunteers come forward and then are discouraged. She encouraged the Board to be open to more diverse interests.

Ted Crane spoke regarding BZA interview and appointment process. He read a transcript of the portion of Scott Davis's BZA interview that was cited by Connors as justification for rejecting Davis. Crane asserted that what Davis actually said was the opposite of Connors' interpretation. Crane further spoke regarding concerns about proposed changes/updates to the Town of Danby Appointment Policy, noting that if the process is carried out in Executive session it is not transparent, and that the modified policy allows the TB to appoint anyone at all, without public notice or applications, in the case of an unexpected vacancy. He also asked about citizen access to Danby's Code of Ethics, which is mentioned in the Policy but not currently available to the public.

Scott Davis spoke in response to previous comments in Privilege of the Floor regarding his rejection as a candidate to the BZA. Davis stated that he, "wants to be a worker bee, not a controversial character." He further assured the Board that there is no personal problem or conflict between himself and David Hall or any other member of the BZA. Davis intends to stay involved and hopes to help with the Town.

Ric Dietrich spoke regarding BZA appointments and appointment policy. He stated that he would like to fill the remaining vacancy.

Permission to Spend Highway Funds

Laura Shawley spoke as bookkeeper, on behalf of the Highway Department, regarding proposals for spending Highway Funds 2016. A preliminary list of projects for the 2016 repair season was presented. Highway Superintendent Carl Seamon was available to answer questions. The majority of this preliminary work is for sections of Curtis Road. An extra allotment of highway funds is available through the NYS Dept. of Transportation through the "PAVE-NY" program. These funds will be used for surface treatment repairs. Other repairs will be funded through the NYS CHIPS program.

RESOLUTION NO. 59 OF 2016 - AGREEMENT TO SPEND TOWN HIGHWAY FUNDS, 2016

Pursuant to the provisions of Section 284 of the Highway Law, we agree moneys levied and collected for the repair and improvement of highways shall be expended as follows:

General Repair:

1. A sum not to exceed \$50,000 in materials and services shall be spent for the surface treatment as part of the repair of Fisher Settlement Road from the Spencer town line to the seasonal end of Curtis Road. This surface treatment project is a product of winter damage created in 2014. Funds will come from the Town of Danby allotment of the PAVE_NY program in the amount of \$39,863.07. The remaining balance will be paid from the current year budget line, General Repairs Contractual.
2. A sum not to exceed \$55,000 shall be spent on Curtis Road from 96B, south to the top of the hill. The road will be ground, re-graded, and double surface treated with oil and stone. Funds will come from the CHIPS program to cover the cost of the project.
3. A sum not to exceed \$30,000 shall be spent on Curtis Road from the top of the hill south to Hill Road. This project is a drainage project where weepers will be installed. Funds will come from the CHIPS program.

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

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

Financial Review - Internal Audit and First Quarter Spending Report

Bookkeeper Shawley reported that members of the TB will review the Town's financial functions, using processes and forms from the NYS Comptroller's Office. She asked that the Board pass a resolution allowing her to review financial functions in the Town Clerk's Office. The Bookkeeper is permitted to do this through the Comptroller's Office procedures.

RESOLUTION NO. 60 OF 2016 - APPOINT TOWN BOOKKEEPER TO REVIEW THE TOWN CLERK'S FINANCIAL FUNCTIONS FOR 2015

Resolved, that the Town Board of the Town of Danby appoints the Town Bookkeeper, Laura Shawley, to review the financial procedures and the bank statements in the Town Clerk's office for the 2015 calendar year. The source of reporting will come from the check lists supplied by the New York State Comptroller's Office.

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

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

Shawley reviewed details of a financial report of first quarter spending for 2016. Overall, all line items are in balance for this time of year and the Town's financial situation is in good shape.

Groundwater Protection Law - Environmental SEQRA Review

Planner CJ Randall gave a brief review of the State Environmental Quality Review form for the Groundwater Protection Law. She reported on comments from the Tompkins County Health Department regarding water withdrawals. The draft law and SEQR forms have been sent to NYS DEC for comments/feedback. There was no indication at the time that the DEC will want lead agency or make comments.

Randall noted that water extraction for commercial use was permitted in the entire Town in the draft law. Randall and the Town Attorney advise against this permitted use. Language prohibiting bulk extraction of water for commercial use from Danby aquifers will be added to the zoning piece of the draft law. This revision will be distributed to the Board, and made available to the public as soon as possible.

There were no questions from the Board.

Subdivision and Land Division Amendments

Randall presented the final draft of proposed amendments to Subdivision and Land Division Regulations. These changes authorize the Planning Board to review and approve subdivision plats where the process is currently managed as a "by permit" procedural process in the Code/Planning office with no other review. She reported that the Planning Board has reviewed the document and is fully in support of these changes. The process will more fully document all subdivision proposals.

There was brief discussion and review of the document with CJ Randall. There were questions regarding the timeline for passage of these amendments. Planner Randall and Clerk Goddard confirmed that the timeline is the same as that for passing any local law. There was discussion regarding when to hold a public hearing on these amendments. The Board discussed holding the hearing on July 11, the same date as the public hearing for the Groundwater Protection Law.

There was a question regarding any change in lot sizes. Randall clarified that the proposed amendments are only procedural changes. There is no change to the existing lot sizes in Danby zoning.

RESOLUTION NO. 61 OF 2016 - SEQRA INTENT TO DECLARE LEAD AGENCY – SUBDIVISION AND LAND DIVISION AMENDMENTS

Whereas, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and Section IX of Local Law 2 of 1991 Environmental Review of Actions in the Town of Danby, require that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

Whereas, State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and

Whereas, the Town of Danby acknowledges that to provide for future growth and development, afford adequate facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population, authorizes the Planning Board to review and approve preliminary and final subdivision plats for minor subdivisions pursuant to §276 of New York State Town Law; and

Whereas, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and an Unlisted Action under the State Environmental Quality Review Act, both of which require environmental review; and

Whereas, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies; and

Whereas, the Town Board is the local agency with primary responsibility for approving the action;

Now Therefore, be it

Resolved, that the Town Board of the Town of Danby hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Town Board intends to declare itself Lead Agency for purposes of SEQRA for this Unlisted Action, unless objection to such designation is received within thirty (30) days.

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

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

There was a brief discussion of the timing for setting a Public Hearing on these amendments.

RESOLUTION NO. 62 OF 2016 - SET PUBLIC HEARING - SUBDIVISION AND LAND DIVISION AMENDMENTS

Whereas, the Town Board of the Town of Danby is considering adoption of a Local Law “A Local Law Amending the Subdivision and Land Division Regulations of the Town of Danby,” The intent of this local law is that, “The power to approve, approve with conditions, or deny subdivision plat applications is vested in the Planning Board as provided by these regulations. Land annexations are not subject to Subdivision Review, as defined herein, but rather are subject to a more limited land division review process, as set forth in these regulations. The Code Enforcement Officer shall be responsible for enforcement of the regulations related to land annexations,

Now, Therefore, it is

Resolved, that the Town Board schedules a Public Hearing related to considering adoption of A Local Law Amending the Subdivision and Land Division Regulations of the Town of Danby; for Monday, July 11, 2016, at the Town of Danby Town Hall, at 7:30 p.m.

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

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

Code Enforcement Report

Randall made a short report on training completed for the Board of Zoning Appeals and the Planning Board.

She reported that funds are available for aquatic habitat restoration, targeted to culvert projects that will encourage the movement of aquatic wildlife under roads. She will enquire about the application process through County Soil and Water. The deadline for applications is in September.

Other Short Reports

Dietrich requested that further discussion of the Appointment Policy and Procedures be held at the next TB meeting.

Adjournment

The meeting was adjourned at 9:10 pm.

Pamela Goddard, Town Clerk