

**Danby Town Board
Minutes of Regular Meeting
July 11, 2016
DRAFT**

Present:

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

Excused:

Councilperson: Rebecca Brenner

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Code Officer Paul Hansen
Public Ted Crane, Ronda Roaring, Pat Woodworth, Charles Tilton, Garry Huddle.

Regular Meeting Opened at 7:00pm

7:02 Public Hearing, Subdivision Amendments

Please take notice, the Town Board of the Town of Danby holds a public hearing to hear all comments of interested persons related to considering adoption of Town of Danby Local Law 1 of 2016 "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."

The hearing was reconvened regarding proposed LL #1 of 2016, Amendments to Subdivision Regulations. This hearing was adjourned pending comments from Tompkins County Planning. A letter was received, dated July 14, stating that the Department had reviewed the proposal and "determined that it has no negative inter-community or county-wide impacts."

Ted Crane noted the poorly worded section where a "final plat" is defined as a, "final plat."

7:04 - Close Public Hearing

Privilege of the Floor

Ted Crane presented a petition to lower the speed limit on Lieb Road to 35 mph, which runs between Comfort and Bald Hill Roads, to match the existing 35MPH limits on the adjacent roads. The petition was signed by all residents on Lieb Road. Crane reported that support ranged from supportive to enthusiastic. He asked the Board to consider the petition's draft resolution and move the process on to the next steps.

Subdivision Amendments

There was no further discussion on this matter.

RESOLUTION NO. 65 OF 2016 - TOWN OF DANBY LOCAL LAW NO. 1 OF 2016 – A LOCAL LAW AMENDING THE SUBDIVISION AND LAND DIVISION REGULATIONS OF THE TOWN OF DANBY RELATED TO THE CLASSIFICATION OF LAND DIVISIONS

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, 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 Board declared itself lead agency with primary responsibility for approving the action on June 20, 2016; 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, this Board, acting as Lead Agency in environmental review, has on July 18, 2016 reviewed and accepted as adequate: a Full Environmental Assessment Form, Part 1 and Part 2, prepared by Lead Agency and Town Planning staff; and

Whereas, that the Town Board of the Town of Danby on July 18, 2016 determined the proposal will result in no significant impact on the environment and that a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act; and

Whereas, the Town of Board of the Town of Danby held the required Public Hearing opened on July 11, 2016, adjourned and continued on July 18, 2016; and

Whereas, the Tompkins County Planning Department, pursuant to §239 -l, -m, and -n of the New York State General Municipal Law determined the proposal has no negative inter-community, or county-wide impacts;

Now Therefore, be it

Resolved, This Local Law shall take effect immediately upon adoption by the Town Board of the Town of Danby and filing with the Secretary of State.

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

In Favor: Connors, Holahan, Miller, Dietrich.

Residential Energy Score Program—Endorse and Adopt

Hansen presented a draft resolution to support the Tompkins Residential Energy Score Program. There was a brief discussion regarding whether to accept, endorse, and/or adopt the program and plan.

RESOLUTION NO. 66 OF 2016 - ENDORSE TOMPKINS RESIDENTIAL ENERGY SCORE PROGRAM AND IMPLEMENTATION PLAN

Whereas, the Town of Danby has goals of reducing energy use and greenhouse gas (GHG) emissions, and according to the March 2016 Tompkins County Energy Roadmap, in order to meet the goal of reducing GHG emissions 80% by the year 2050, the community will need to achieve at least a 35% reduction in energy use in existing buildings through retrofits and upgrades; and

Whereas, the NYS Reforming the Energy Vision initiative has a goal of helping consumers make better and more informed energy choices; and

Whereas, a residential energy score program would provide residents with numerous benefits, including the ability to better understand and reduce energy-related living costs and GHG emissions; and

Whereas, a project team, composed of representatives of the Towns of Caroline, Danby, Ithaca, Ulysses and the City of Ithaca, with consultation from Cornell Cooperative Extension of Tompkins County and the Tompkins County Planning Department, was formed in 2013 to work on a residential energy score project; and

Whereas, the Town of Ithaca, working on behalf of the project team, submitted and was awarded grant funding from NYSERDA's Cleaner, Greener Communities program, and contracted with subject matter experts Performance Systems Development to develop deliverables for the project; and

Whereas, the original project proposal was to develop and adopt a local law or ordinance to require a home energy rating to be disclosed at the time of listing for sale, however due to public feedback and the lack of incontestable legal authority to enact such a law, the project team opted to develop a voluntary program and phased implementation plan; and

Whereas, extensive public outreach guided the creation of the first draft report of the program and implementation plan, completed on February 24, 2016. The second draft was informed by more than 250 comments collected from additional public outreach, and was presented to the governing boards of the five partner municipalities between May 23 and June 15, 2016, with a comment period ending on June 17, 2016, and comments on the second draft were incorporated into a final report, titled "Tompkins Residential Energy Score Program and Implementation Plan;" and

Whereas, the grant contract with NYSERDA requires the project team to present the final report to the governing boards of each of the five partner municipalities for consideration of adoption, including a formal vote;

Now, Therefore be it

Resolved, that the Town Board of the Town of Danby endorses and adopts Tompkins Residential Energy Score Program and Implementation Plan, dated July 18, 2016.

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

In Favor: Connors, Holahan, Miller, Dietrich.

Board Position Appointments—Board of Zoning Appeals Chair

Dietrich recommended that Gary Bortz be appointed Chair of the Board of Zoning Appeals. Connors asked whether Bortz was willing to serve. Bortz served as acting chair for the June BZA hearings.

RESOLUTION NO. 67 OF 2016 - APPOINT BOARD OF ZONING APPEALS CHAIR FOR 2016

Resolved, that the Town Board of the Town of Danby appoints Gary Bortz as Chair of the Board of Zoning Appeals, beginning immediately and ending 31-Dec-2016.

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

In Favor: Connors, Holahan, Miller, Dietrich.

Legal Council for Litigation Matter

There was a brief explanation of the need for a resolution to authorize legal counsel for a litigation matter; Roaring v. Town of Danby.

RESOLUTION NO. 68 OF 2016 - AUTHORIZING HIRING OF LEGAL COUNSEL FOR LITIGATION MATTER

Whereas, the Town Board has determined that it wishes to retain Guy K. Krogh, Esq., and his firm Thaler & Thaler, P.C., to provide representation and legal services in connection with Roaring v. Town of Danby, Tompkins County Index No. 2016-0459; and

Whereas, such attorney and firm currently represent the Town as Attorneys for the Town, and the fee rates and other terms of the 2016 Engagement Agreement will apply to this matter; and

Whereas, the Town Board deems it necessary to secure legal counsel of record and to specifically authorize such attorneys to act on behalf of the Town in respect of such filed claim;

Now, Therefore be it

Resolved by the Town Board of the Town of Danby as follows: that Guy K. Krogh, Esq., and the firm Thaler & Thaler, P.C., be and hereby are retained in connection with the litigation matters above-described, and such attorneys be and hereby are authorized to act on behalf of and represent the Town before the Supreme Court, and any other courts of competent jurisdiction, in respect of this matter; and it is

Further Resolved, this Resolution shall take effect immediately.

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

In Favor: Connors, Holahan, Miller, Dietrich.

Power Purchase Agreement, Hornbrook Road Solar Installation

Hansen gave an update on the status of the Power Purchase Agreement contract. Negotiations are continuing on the legal language for the contract with Renovus. Hansen will provide additional updates to the Board via email.

Lieb Road Speed Limit Reduction Petition

Dietrich suggested that this was rather straightforward, that the residents of that road are all in favor, and asked the Board to consider moving the petition to change the speed limit on Lieb Road to 35MPH, to match the speed limits on Bald Hill and Comfort Roads.

RESOLUTION NO. 69 OF 2016 - REDUCE SPEED LIMIT ON LIEB ROAD

Whereas, Lieb Road is a short, 0.78 mile long connecting road between Bald Hill Road and Comfort Road, and **Whereas**, the adjacent sections of Bald Hill Road and Comfort Road both have posted speed limits of 35MPH, while Lieb Road is unposted, and

Whereas, Lieb Road, which overlooks the scenic Jennings Pond, a key part of the unique Danby Divide and a part of the NYS Park System, is a visual delight for both pedestrians and drivers, and

Whereas Lieb Road is used as a walking path by resident families, by hikers and visitors to Jennings Pond, and also by meditative visitors to the Zen Center on Lieb Road, and

Whereas the residents of Lieb Road would like to maintain its rural character, and

Whereas Lieb Road is neither a County or State road and is under the jurisdiction of the Town of Danby, and

Whereas the residents of Lieb Road have submitted a petition asking that the speed limit on that section of road be lowered to to 35MPH;

Now, Therefore be it

Resolved The Town Board of the Town of Danby directs its staff and its Highway Department to take the steps necessary to post a maximum speed limit of 35MPH on Lieb Road.

Moved by Dietrich, Second by Holahan.

A vote on this motion was deferred to the next meeting.

Connors asked that this be put on the agenda for the next meeting, in order to allow time for more public comment.

Connors opened a discussion of regarding reducing speed limits on Town of Danby Roads throughout the Town. Residents on Gunderman and East Miller Roads have also expressed interest in having a speed reduction on those roads. Connors suggested that the Board have a discussion with the Highway Superintendent regarding whether it's possible to have a maximum speed limit on Town of Danby back roads and post the roads to this effect. Dietrich thought that there would be support from the Highway Department for this effort. Laura Shawley reported that Carl Seamon and Jack Shawley were intending to attend the August 8 Town Board meeting, and would therefor be available for this discussion.

Continued discussion and a vote on the Lieb Road action is to be on the August 8 Town Board meeting agenda.

Groundwater Protection Law - Update

Dietrich provided an update on status of revisions related to prohibition of commercial bulk water extraction. The final language regarding a prohibition on commercial bulk water extraction is still being worked on by Steve Winkley (NY Rural Water) and Town Attorney Guy Krogh. Additional information should be coming from a meeting with the Tompkins County Storm Water Coalition. The final version of the Groundwater Protection Law should be available to the Board no later than July 29.

Dietrich gave a related report on an extensive program on Danby Streams, held by the Community Council on July 15. Several helpful and informative reports were given.

Joint Scoping Meeting - Town Board, Planning Board, Conservation Advisory Council

There was a discussion of possible dates for a joint scoping meeting with the Town Board, Planning Board, and Conservation Advisory Council. Dietrich suggested that this be held during a regular meeting in either August or September. Connors suggested that more people might be available in September. It was suggested to hold this during the September Planning Board meeting, as it has the largest membership, if other boards are available and agreeable. Dietrich asked the Clerk's assistance in polling the boards regarding this meeting.

Appointment Procedure Policy Revisions

There was an extensive discussion of suggested updates and revisions to the 2011 Town of Danby Appointment Procedure. No public comments were taken at this time. A "clean copy" of the suggested revisions will be posted alongside the current Appointment Procedure Policy, for public review and comment.

Planned Development Zone #10

Dietrich provided a brief update on the status of David Hall's proposal for rezoning in PDZ10 on Gunderman Road. Planner Randall informed him that Hall should have his material submitted by the end of the month.

Short Reports

Hansen provided information from the Code Enforcement Report. He informed the Board that the Muka legal matter regarding junk storage has been transferred to the Town of Ithaca court. Muka is working on demolition of the dangerous sections of his structure. Hansen advised that it would not be in the Town's interest to take over demolition of the building, since Muka is working on this. Hansen estimated that it would be possible to have a structural engineer inspect the property before the end of the month. Roaring asked questions regarding the address numbers for two properties on South Danby Road that had been issued building permits in June. Hansen responded to those questions.

Justices' reports were circulated among the Board members.

Goddard presented the June Town Clerk's report. \$3,761.61 was distributed to the Town Supervisor in June, \$85.04 to the NYS DEC for fishing licenses, \$37 to the Animal population control program, and \$22.50 to the NYS Health Department. The funds received reflect 35 dog licenses, fishing licenses, one marriage license, and various planning fees, BZA fees, and building permits.

Adjournment

The meeting was adjourned at 8:15 pm.

Pamela Goddard, Town Clerk