

**Danby Town Board  
Minutes of Public Hearings and Regular Meeting  
September 19, 2016**

**Present:**

Councilpersons: Rebecca Brenner (Deputy Supervisor), Leslie Connors, Jim Holahan, Jack Miller

**Excused:**

Supervisor: Ric Dietrich

**Others Present:**

Town Clerk	Pamela Goddard
Code/Planning	CJ Randall, Paul Hansen
Bookkeeper	Laura Shawley
Public	Ted Crane, Ronda Roaring, Pat Woodworth, Charles Tilton, Garry Huddle, Bill Sheffield, Rose Perry, Ray and Charlotte Mayo, Mary Wimsett, Dan Klein.

**Tax Cap LL Public Hearing Opened at 7:02pm**

Please Take Notice that the Town Board of the Town of Danby will hold a Public Hearing to hear all comments of interested persons related to considering adoption of Town of Danby Local Law 3 of 2016 "A Local Law to Override the Tax Levy Limit," The intent of this local law is to override the limit on the amount of real property taxes that may be levied by the Town of Danby, County of Tompkins, pursuant to General Municipal Law 3-c, and to allow the Town Board of the Town of Danby to adopt a town budget for (a) town purposes; (b) the fire protection district; and (c) any other special or improvement district governed by the town board for the fiscal year 2016 that requires a real property tax levy in excess of the "tax Levy limit" as defined in General Municipal Law 3-c.

Ray Mayo spoke in opposition to a tax cap override,.

Charlotte Mayo spoke in opposition to a tax cap override.

Mary Wimsett spoke in opposition to a tax cap override. She expressed concerns about increases in assessment and school taxes and asked the board to keep in mind those with limited incomes.

Rose Perry spoke in opposition to a tax cap override.

Bill Sheffield spoke in opposition to a tax cap override. He asked how an increase in tax collection would be used.

Ronda Roaring spoke in opposition to a tax cap override, expressing concern over additional development and a corresponding increase in required services.

Dan Klein spoke in support of the TB using an annual Tax Cap Override LL for flexibility in budgeting. Klein noted that Danby has only needed to override the tax cap once.

Ted Crane spoke in support of the TB using an annual Tax Cap Override LL for flexibility in budgeting. Crane thanked the Board for its previous success in being fiscally conservative.

Pat Woodworth spoke in support of the TB using an annual Tax Cap Override LL for flexibility in budgeting.

The Deputy Supervisor, Rebecca Brenner, responded to various concerns about the LL to override the tax levy limit. She and other Board members assured local residents that the Board's intent is to stay at or under the NYS tax cap. It was explained that this LL allows flexibility, in case the Town can not stay under the cap due to NYS mandates such as health care, workman's compensation, and other spending mandates.

Bookkeeper Shawley gave further explanations of ways the Town has been fiscally responsible in previous years. Danby has needed to override the tax cap in only one year out of the four that the tax cap has been in place. Various shared services, such as the Health Care Consortium, have helped to reduce cost increases. Changes in the tax cap computation have put stress on many municipalities. Danby has a

solid fiscal rating from NYS. Shawley also stressed the importance of having enough reserves, in cases of emergencies, that the Town not fall into fiscal distress.

### **Tax Cap LL Public Hearing Closed at 7:45pm**

### **Code Enforcement LL Public Hearing Opened at 7:45**

Please Take Notice that the Town Board of the Town of Danby will hold a Public Hearing to hear all comments of interested persons related to considering adoption of Town of Danby Local Law 4 of 2016 "Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code," (repeals Local Law #1 of 1987 and Local Law #1 of 2007) This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town of Danby. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or any section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

Planner Randall and Code Officer Hansen explained the reasons for revising Danby's local laws related to code enforcement and fire prevention. The Court Justices had encouraged review and revision, as fees related to violations had not increased in over 20 years. There is a need to raise fees to a level which would bring compliance. With the change in this law, violation fines would rise from \$250 a month to a range of \$100-\$500 per week. There is also a fee scale of a maximum of \$1,000 for a first violation up to \$2,500 for a third offense. Justice Huddle worked with the Code Office to determine appropriate fee levels. Typical violations include an accumulation of cars on a property (more than three not registered) and/or other accumulated debris.

The Town Attorney had recommended repealing the Property Maintenance Law and including it with the Uniform Code in this revision. Justice Huddle voiced support for this law revision, as a help to enforcement through the Court.

Hansen responded to questions related to how Code Violations are reported and addressed and the level of public notice regarding enforcement of fines and remedies. Hansen noted that violations addressed by the Code Office and Town Court are not publicized in any way. However, information about court matters are open record and information may be released under the NYS Freedom of Information Law.

Ted Crane asked whether there are state requirements or mandates related to enforcement of the NYS Fire and Building Code? Randall stated that the NYS Building Code could be viewed as a mandate. In addition, a December 2015 decision by NYS Department of State recommends that municipalities have more clear forms and procedures for violations. Therefore, this is a good time to revise this local law. This will assist the Town in being proactive with derelict properties and other violations.

Ray Mayo asked whether there is anything in the Code that requires sprinklers in private residences. Hansen stated that there is no code requirement for sprinklers in residences.

### **Code Enforcement LL Public Hearing Closed at 8:01**

#### **Privilege of the Floor**

Dan Klein spoke regarding an effort by residents of lower Durfee Hill and Steam Mill Roads to bring high speed internet to their neighborhood. Efforts to receive service through Time Warner Cable and Haefele have fallen through. Clarity Connect has made a new proposal, to run fiber optic to this neighborhood, potentially serving up to 18 households. The cost of this installation is in the range of \$22,000, to be divided among those who sign on. There are currently 8-10 households which have expressed interest in being part of this buildout. It would therefore cost more than \$2,000 per household to get service. These households would then have the ongoing monthly subscription cost of high speed internet. Klein reported that the neighborhood would like the Town Board to consider funding part of this buildout, to help with infrastructure costs as it has in the past.

There was a question regarding Cable TV franchises which was clarified by Hansen and Crane. Negotiations are ongoing with Spectrum (Time Warner) as well as other providers. This is a separate issue from internet cable.

The Board asked questions and discussed the general issue of facilitating high speed internet infrastructure for Danby residents. Mayo stated that he is not in favor of using taxpayer money for expanding this infrastructure. There was a related discussion regarding the importance of internet access for emergency services and for school children. While it was noted that this is a problem in rural life, schools are increasingly relying on internet technology for student work. Brenner stressed the importance of internet access as a safety measure.

Ted Crane reported a conversation with a resident of the Town of Caroline regarding the stalled buildout of internet towers on the Caroline side of Coddington Road. These towers were primarily intended to serve Danby residents, and Danby had allocated funding to help pay for them. There has been a complication related to the denial of electric service access via a private property owner. Due to this, none of the towers that might serve that side of Danby have yet been installed. Roughly 80 households are affected by this complication. Crane stated that he believes Clarity Connect has a "plan b" for this installation to serve Danby.

Rose Perry asked whether the Verizon Tower planned for the American Legion property will help some residents with high speed internet. Hansen and Randall stated that this would not, as the Verizon tower will be a cell-phone tower. Crane added that internet service via cell towers is possible, but the current fee structure makes it financially unreasonable.

### **Consider Adoption LL#3 of 2016 - Tax Cap Override**

Brenner reminded residents that this law permits but does not require the Town to override the tax levy limit and that budget meetings will be held through the month of October with a final hearing and vote in early November. Brenner and Holahan reassured residents that their concerns were heard and that the Board will make every attempt to budget at or below the NYS Tax Levy limit.

#### **RESOLUTION NO. 82 OF 2016 - ADOPT LL#3 OF 2016 - OVERRIDE TAX LEVY LIMIT FOR 2017**

**Whereas**, the Town Board of the Town of Danby is considering adoption of proposed Town of Danby Local Law Number 3 of 2016 to Override the Tax Levy Limit Established in General Municipal Law 3-c for the Fiscal Year 2017; and

**Whereas**, this is a SEQRA Type II action for which no further environmental review is required; and

**Whereas**, the Town Board on September 19, 2016 has held Public Hearing on this proposed local law, which Public Hearing was duly noticed in the Ithaca Journal;

#### **Now, Therefore, It Is**

**Resolved**, that the Town Board of the Town of Danby hereby adopts Town of Danby Local Law Number 3 of 2016 to Override the Tax Levy Limit Established in General Municipal Law 3-c for the Fiscal Year 2017; which Local Law is incorporated into this Resolution; and it is

**Further Resolved**, that in accord with Section 21 of the Municipal Home Rule Law, the final adopted copy of this Local Law shall be presented to the Town Supervisor for approval; and it is

**Further Resolved**, that upon such approval by the Supervisor (or other approval occurring pursuant to said Section 21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, in the Office of the Town Clerk and with the New York State Secretary of State as required by Municipal Home Rule Law Section 27.

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

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

## **Consider Adoption LL#4 of 2016 - Code Enforcement Local Law**

There was a brief discussion of the resolutions related to adoption of the Code Enforcement Local Law. Connors expressed appreciation for the clarity of the new LL. Brenner expressed gratitude for the work which has gone into this revised law.

### **RESOLUTION NO. 83 OF 2016 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE FOR LOCAL LAW 4 OF 2016, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

**Whereas**, this action is consideration of the enactment of Local Law 4 of 2016, Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, repealing Local Law No. 1 of 1987 and Local Law No. 1 of 2007; and

**Whereas**, this action was determined to be 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**, the Town Board, being the local agency which has primary responsibility for approving the action, did on September 12, 2016 declare itself the Lead Agency for the environmental review, and

**Whereas**, this Board, acting as Lead Agency in environmental review, has on September 12, 2016 and September 19, 2016, reviewed and accepted as adequate: a Short Environmental Assessment Form, Part 1 and Part 2, respectively, prepared by Lead Agency and Town Planning staff;

#### **Now Therefore, be it**

**Resolved**, that the Town Board of the Town of Danby determines the proposed Local Law 4 Of 2016, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE 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.

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

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

### **RESOLUTION NO. 84 OF 2016 - ADOPTION OF LOCAL LAW 4 OF 2016, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE**

**Whereas**, this action is consideration of the enactment of Local Law 4 of 2016, Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, repealing Local Law No. 1 of 1987 and Local Law No. 1 of 2007; and

**Whereas**, the New York Department of State enacted new minimum standards for local government administration and enforcement of the Uniform Code which went into effect on December 28, 2015; and

**Whereas**, the Town Board of the Town of Danby finds that it is necessary to adopt a new local law for the administration and enforcement of the Uniform Code so that the Town's law incorporates and addresses the changes in the minimum standards enacted by the Department of State as well as to comprehensively articulate the authority and procedures for administration and enforcement of the Uniform Code; 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**, 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**, the Town Board is the local agency with primary responsibility for approving the action; and

**Whereas**, this Board, acting as Lead Agency in environmental review, has on September 12, 2016 and September 19, 2016, reviewed and accepted as adequate: a Short Environmental Assessment Form, Part 1 and Part 2, respectively, prepared by Lead Agency and Town Planning staff; and

**Whereas**, the Tompkins County Planning Department have been given the opportunity to comment and determined the local law is not subject to review under §239 -l, -m, and -n of the New York State General Municipal Law; and **Whereas**, the Town of Board of the Town of Danby held the required Public Hearing on September 19, 2016; and **Whereas**, that the Town Board of the Town of Danby on September 19, 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;

**Now Therefore, be it**

**Resolved**, this Local Law is adopted by the Town Board of the Town of Danby and shall take effect immediately upon filing with the New York State Secretary of State.

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

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

### **Danby Court Grant Proposal - Resolution of Support**

Hansen was reminded that he needs to get information related to repair of the handicap access ramp to the Justices' for this grant.

#### **RESOLUTION NO. 85 OF 2016 - 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 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 2016 Justice Court Assistance Program (JCAP) in the amount not to exceed \$30,000;

**Now, Therefor 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 Administration for funding from the 2016 Justice Court Assistance Program, (JCAP) in the amount not to exceed \$30,000.

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

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

### **Heat Smart Tompkins - Resolution of Support**

Holahan and Brenner stated that this is a good thing. Legislator Klein stated that this resolution encourages the Governor to sign a bill already passed by the State Legislature. He asked that the Town Clerk send certified copies to the Governor and members of the Assembly and Senate. The Clerk confirmed that she will do so.

#### **RESOLUTION NO. 86 OF 2016 - GEOTHERMAL HEAT PUMP NYS TAX CREDIT SUPPORT**

**Whereas**, the Town Board of the Town of Danby considers the reduction of greenhouse gas a priority; and

**Whereas**, the Town of Danby as demonstrated this in many ways, including establishing a policy of waiving permit fees for solar panel installations in Danby, even though this has resulted in a small decrease in revenue to the Town; and

**Whereas**, geothermal heat source pumps are efficient and effective and conserve energy; and

**Whereas**, bills A9925/S6249 would establish a New York State tax credit for geothermal heat pumps for residential hearing,

**Therefore, be it Resolved** that the Town Board of the Town of Danby calls on Governor Cuomo to sign bills A9925/S6249 and view any decrease in revenue to the State as an investment in clean energy.

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

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

## **Solar Power Purchase Agreement - Consider Contract**

Code Officer Hansen provided an update on discussions with the Danby Fire District regarding its participation in this project. The Fire District has expressed lukewarm support for being a partner in the installation. Hansen suggested that he have one more discussion with them. If they don't sign on, the project can move forward at a somewhat reduced size. The smaller size array would be less expensive to buy out in ten years.

Hansen answered questions from the Board. Brenner asked for clarification regarding what was needed at this time. Hansen advised waiting to vote on acceptance of the contract until there was clarification from the FD regarding their participation. He also advised that there is not a lot of time to make a final decision on the size of the array. Holahan asked whether there is a deadline for the Power Purchase Agreement from NYSEERDA? Hansen responded that the installation should be complete by the end of the 2016 calendar year. Will the contract terms change if the Fire District is not included? Hansen stated that the investors are OK with a potential size change and he does not expect there would be any changes in the contract terms.

The Board supported Hansen's recommendation that he pursue a dual track of one more effort to include the FD and, at the same time, discuss a reduced size array with Renovus. The final contract will be presented for a vote at the first October TB meeting.

## **Budget Meetings**

The Town Board discussed setting October budget workshops. Meetings will be held at 5:30pm on Mondays, October 17 and 24. Shawley will send preliminary budget information to the Board via Email. Board members may contact her, individually, with questions. There will be a public hearing and the Budget will be voted on during the November 14 Town Board meeting.

## **NYS Unified Solar Permit Process**

CJ Randall provided information regarding proposed resolutions related to NYS Unified Solar Permits. Resolutions adopting the permit process and establishing fees for small-scale solar installations will be considered for approval at the October 10 TB meeting.

The Unified Solar Permit is an expedited solar permitting process for small-scale solar installations in NYS municipalities. A combined building and electrical permit for a grid-tied solar electric system will be issued pending proper completion of forms, submission of approved plans, and approval by the municipality. Randall proposes that systems under 12kW have no permit fee. Systems over 12kW would have a permit fee of \$150 plus \$3 per \$1,000 of installation. Only one system installed in the past twelve months has been over 12kW in size.

## **Scoping Meeting - Town Board, Planning Board, Conservation Advisory Council**

The Board discussed a preliminary list of agenda items/discussion topics drafted by Planner Randall. These include: Rescind selected Planned Development Zones (PDZs), Natural Resources Inventory (NRI) and any other resource management plans underway, Climate Smart Communities next steps, Low Density Residential, Hamlet rezoning with form and materials standards, green building incentives, Establish stream setbacks based on stream order, review Board/Advisory Council "charge"/vision statements. The Town Clerk will forward this list to members of the PB and CAC.

## **Adjournment**

The meeting was adjourned at 9:22 pm.

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Pamela Goddard, Town Clerk