

**Danby Town Board
Minutes of Public Hearing and Regular Meeting
December 12, 2016**

Present:

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

Excused:

Supervisor: Ric Dietrich

Others Present:

Town Clerk Pamela Goddard
Planner CJ Randall
Public Ted Crane, Ronda Roaring, Pat Woodworth, Charles Tilton, Dan Klein, Roan Baxter-Martin, Garry Huddle, Scott Davis, Katharine Hunter, Alison Christie.

2017 Town of Danby Public Hearing Opened at 7:05pm

Public Hearing Comments

PLEASE TAKE NOTICE that the Town Board of the Town of Danby will hold the following Public Hearings on Monday, DECEMBER 12, 2016: 7:00 p.m., to hear all comments of interested persons related to considering adoption of Town of Danby Local Law 5 of 2016 "A Local Law Amending Local Law No. 2 of 1991 Providing For Environmental Review of Actions in the Town of Danby" Amendments to the Environmental Quality Review Local Law adds or revises definitions, actions, and requirements for groundwater assessment and review pursuant to the Town of Danby Groundwater Protection Law.

No written comments were received. No members of the public had comments related to this Public Hearing.

Planner CJ Randall made brief comments regarding the scope and intention of this local law. This updates the Town of Danby Environmental Quality Review Local Law, specifically with thresholds which would not have been permitted through zoning in the Groundwater Protection LL. In addition, these amendments clearly outline processes and fees related to Environmental Quality review.

Public Hearing Closed at 7:09 pm

Regular Meeting Opened at 7:09 pm

Warrants

ABSTRACT #12 OF 2016:

GENERAL FUND

#480-532 for a total of \$24,274.67

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

In Favor: Connors, Holahan, Miller, Brenner

HIGHWAY FUND

#258-276 for a total \$24,644.25

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

In Favor: Connors, Holahan, Miller, Brenner

WEST DANBY WATER DISTRICT

#61-68 for a total of \$976.08

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

In Favor: Connors, Holahan, Miller, Brenner

Approve Town Board Minutes

MOTION—APPROVE MINUTES

Resolved, That the Town Board of the Town of Danby approves the minutes of November 14, 2016.

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

In Favor: Connors, Holahan, Miller, Brenner

Local Law Public Hearing Consideration

Two resolutions were on the table for consideration. A SEQR determination of no impacts and a resolution for adoption. These were passed without discussion.

RESOLUTION NO. 95 OF 2016—DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE FOR LOCAL LAW 5 OF 2016: A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1991 PROVIDING FOR ENVIRONMENTAL REVIEW OF ACTIONS IN THE TOWN OF DANBY

Whereas, this action is consideration of the enactment of Local Law 5 of 2016, A LOCAL LAW AMENDING LOCAL LAW NO. 2 of 1991 PROVIDING FOR ENVIRONMENTAL REVIEW OF ACTIONS IN THE TOWN OF DANBY; 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 October 17, 2016 declare itself the Lead Agency for the environmental review, and

Whereas, this Board, acting as Lead Agency in environmental review, has on December 12, 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 5 of 2016: A LOCAL LAW AMENDING LOCAL LAW NO. 2 of 1991 PROVIDING FOR ENVIRONMENTAL REVIEW OF ACTIONS IN THE TOWN OF DANBY 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 Brenner, Second by Holahan. The motion passed.

In Favor: Connors, Holahan, Miller, Brenner

RESOLUTION NO. 96 OF 2016—ADOPTION OF LOCAL LAW #5 OF 2016, A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1991 PROVIDING FOR ENVIRONMENTAL REVIEW OF ACTIONS IN THE TOWN OF DANBY

Whereas, the Town Board of the Town of Danby finds it necessary to amend Local Law 2 of 2016, entitled "PROVIDING FOR ENVIRONMENTAL REVIEW OF ACTIONS IN THE TOWN OF DANBY" to ensure maximum consistency with Section 617: State Environmental Quality Review, and to ensure consistency with 2013 New York State Department of Environmental Conservation updates to the Environmental Assessment Forms; 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 December 12, 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 has been given the opportunity to comment under §239 -l, -m, and -n of the New York State General Municipal Law and determined that this Local Law has no negative inter-community, or county-wide impacts; and

Whereas, the Town of Board of the Town of Danby held the required Public Hearing on December 12, 2016; and

Whereas, that the Town Board of the Town of Danby on December 12, 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, that the Town Board of the Town of Danby hereby adopts LL #5 of 2016, AMENDING LOCAL LAW NO. 2 of 1991 PROVIDING FOR ENVIRONMENTAL REVIEW OF ACTIONS IN THE TOWN OF DANBY, and

Further 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 Brenner. The motion passed.

In Favor: Connors, Holahan, Miller, Brenner

Review Palmer/Melchen Conservation Easement Request

Planner Randall provided background regarding a proposed property exchange and subdivision related to Conservation Easement land on Marsh and Deputron Hollow Roads. This land currently is owned by Ted Melchen. Erick Palmer would like to purchase a portion. Language in the Easements explicitly states that the Town Board must be part of the review process for such changes. This proposal goes to the Planning Board for approval.

Randall answered several questions from the Town Board. No development or permanent structure is permitted in this CE land. However, the Melchen easement does permit the construction of two “seasonal cabins.” There were questions regarding what would be permitted under this definition. Planner Randall noted the several conditions related to the definition of “seasonal;” not equipped to be year-round dwellings, e.g. no septic system, no review by the County health department. It could have a wood stove, but could not impair “conservation values.” There could be agricultural improvement structures but not animal housing. The proposed subdivision would not change the development provisions of the Conservation Easement.

Concern was expressed by a resident that the “seasonal structures” would be rented, out year-round, in the form of AirBnB. The Board agreed that this would be worthy of more investigation.

Randall presented a draft resolution, to be acted on at December 19 Town Board meeting.

2017 Board Applicants/Interviews

Clerk Goddard distributed applications which have been received for Water Commissioner and Planning Board. Other applications for reappointment to the BZA and CAC are pending. All currently seated board/council members have indicated that they are interested in reappointment.

All applicants are to be contacted for interviews, to be held at the next TB meeting. Appointments will be made in early January 2016.

Alternate Land Management Plans, Sylvan Lane property, from CAC

There was an extensive discussion regarding the land management plans, drafted by the Conservation Advisory Council, proposed for the West Danby, Sylvan Lane property. The CAC asked for guidance and direction as to whether active timber harvesting should be part of the management plan for this property. A document, outlining reasons to “cut or not to cut” was distributed to the TB at the November 29 joint board planning meeting.

Members of the TB expressed their views and concerns.

- Holahan: Was not in favor of heavy timber harvesting for profit. He asked whether there was benefit to cutting and removing dying trees?
- Brenner: Her opinion was to not cut, but to let the property remain as it is. She expressed value in leaving trees for decomposition habitat. Question of safety hazard related to trees on the property line. She stated that she was not opposed to the harvest of lumber from fallen trees but did not support cutting lumber for profit.
- Connors: Asked whether an opinion, regarding management, had been gained from a forester. It was noted that a member of the CAC, Don Schaufler, is a professional forester. He had contributed to the proposal to cut timber. Connors stated her understanding that some property under Finger Lakes Land

Trust conservation easement is managed for timber harvest. She stated her preference that any cutting be done for the health of the forest, not for profit.

- Miller: Did not voice an opinion.

Planner Randall offered perspective on the benefits and responsibilities of having a land resources management plan for this property. She asked whether the Board wished to invest staff time and resources into drafting a plan at this time? It was noted that the CAC charter includes drafting a land management plan of some kind for each Town-owned parcel of land. Connors and others supported the original charter for management plans for Town-owned property and property. There was some discussion regarding how detailed such a management plan needed to be.

Randall responded to several questions from the Board. She stated that this is a somewhat large parcel, and adopting a resource management plan would be a “Type 1 action” and would need a full environmental review. Timber harvest would involve divesting a public resource. Ronda Roaring reminded the Board that the land is part of a Unique Natural Area, with healthy large trees and a good understory. She recounted the history of this property, based on her own research, in relation to logging which seems to have taken place in the 1980s and 1990s.

There was substantial discussion to the effect that a proper management plan is more complicated than “to cut or not to cut.” Connors continued to express some concern that the woods might need management for the health of the forest. A suggestion was made that this might not need to be an “either/or” decision, but that there could be selective harvest to augment conservation. Suggestions were made that the Town solicit the input of one or more professional foresters, whose background is not focused on commercial harvesting, into a management plan.

The Board agreed to send the following directive to the Conservation Advisory Council. There was consensus among the TB on all of these decisions: The woods on the West Danby Sylvan Lane property (and other Town-owned property) should not be managed through cyclical cutting/harvest for Resource Management or as a resource for profit. Managing for old growth (big trees) and native plants is optimal. The property should be managed with minimal disruption. Any management plan should reflect these directives.

Climate Smart Community Actions

There was a discussion of pending actions related to the Town’s status as a Climate Smart Community. There is a long check-list of current “climate smart” initiatives and actions, which must be addressed in order to be certified as a Climate Smart Community. Certification enables Danby to apply for levels of grant money to further its climate smart goals. Cornell Cooperative Extension has hired an intern to help participating municipalities with this check list. It is anticipated that this intern will be working with Danby in early 2017. After the check list review, a list of actions will be presented to the TB. Additional information will be presented at the January and February TB meetings.

Green Building Tax Abatement

There was a preliminary discussion related to consideration of tax relief for property owners who meet certain “Green Building” standards. The Assessment process allows a long-term, up to 10 year, tax abatement for properties that achieve a LEED or equivalent standard. The municipality would need to pass a Local Law to make this tax abatement available to its property owners. The Code/Planning office wanted to know whether the TB would like it to pursue research into this program. Specifically, what level of reconstruction would be required for this to be available to upgrades in older homes? It was acknowledged that this research would need to include an evaluation of the impact on municipal revenues and property assessments across the Town. In addition the new Energy Code has just been released from NYS. It will take time to assess how the new Code addresses and impacts energy efficient building standards. Randall advised the Board that there is likely to be a trend in this sort of tax relief among municipalities in Tompkins County, with the Town and City of Ithaca making the first efforts. Holahan recommended that Danby waits and watches to see how this works for them.

Legislator Klein informed the Board that this tax abatement has already been adopted by the County. This abatement is on the improvements which were made, but not on the original assessment. Additional information will be forwarded to the Board.

No actions are to be taken at this time, nor are likely in 2017.

Brown Road Stream Corridor

Randall and Klein provided information regarding a grant which has been awarded to Danby for rehabilitation for this stream corridor. \$6,500 was awarded to the Town for a feasibility study. The Highway Department is researching engineering firms to undertake this study.

Hamlet Zoning Considerations

There was a preliminary discussion of steps which may be considered to enable development in the Danby Hamlet along Route 96B. Discussion of this topic will continue in 2017. Information will be gathered and distributed, regarding previous research and recommendations from the Planning Board related to this consideration.

Youth Program Manager Proposal—Danby Community Council

The Board had a discussion with Alison Christie, Chair of the Danby Community Council. Christie described problems the DCC has had in recent years in retaining the services of Youth Program managers. The is currently a part-time position. The most recent program manager was lost to a full-time position.

Christie presented a proposal, originating from the Tompkins County Youth Services Department, to make this a three-quarter time position rather than half-time. The increase in the Manager’s salary would be about \$7,000 but, by reallocating funds currently designated for youth employment, the increase in the Manager’s hours would only require an additional \$2,975 (there are some smaller cost increases that would follow from the salary increase). Christie stated that the DCC is open to funding fewer youth employment positions. They would very much like to fund at least two, which are positions in Danby.

DCC Board member Katharine Hunter reported on a meeting with the County regarding this proposal. Discussion with the Town Board followed. Brenner reported concerns from Supervisor Dietrich. These concerns include what are measurable goals, beyond retention of the manager? The importance of consistency and stability in youth programs was noted. Holahan asked what advantage a ¾-time position would have over 1/2-time? Christie stated that this would be a step in the right direction and that the DCC was not ready to ask for a full-time program manager. Raising this position to full-time would cost \$14,000 more, double the current salary.

Brenner reported that Dietrich has concerns over the tradeoff for youth employment. Hunter noted that it may not be necessary to fund youth employment at 120 hours per employee. She also suggested that this change need not take place immediately. An interim program manager is in place for the first quarter of 2017.

No decision was made. Further discussion is to take place in 2017 when Supervisor Dietrich is able to participate.

Short Reports and Correspondence

Code Planning Report—Randall briefly reported on several Planning initiatives. The land transaction on Hornbrook Road, between the Highway Department and Petricola, is complete. Final negotiations are being made on the Power Purchase Agreement for a solar array at the Highway Department. Hansen will have additional information at the next TB meeting.

Randall attended the Nov. 30/Dec. 1 Tompkins County Housing Summit. The Tompkins County Development Focus Strategy plan includes the Town of Danby Hamlet area with projections for a reasonable amount of additional housing. This could influence planning for the Hamlet area in 2017. Randall reported that the County Planning Commissioner is open to dialogue.

Randall attended an Open House for the South Hill Recreation Way on November 29. Over 100 comments about the planned Recreation Way were submitted, with overwhelming support for the project. This will be moving forward in 2017. Letters will be sent to abutting land owners, gathering input for the design elements of the trail.

Clerk Goddard reported on income through the Town Clerk's office. There were \$2,427.80 in disbursements for the month of November, with \$1,855.57 going to the Town Supervisor, \$493.23 to the NYS DEC for hunting/fishing license sales, and \$79 to the Animal Population Control program. Tax bills will be sent to residents at the end of December.

Justices reports were distributed to the TB for review.

Bill Evans will be invited to present an Environmental Management Council report at the next meeting.

Adjournment

The meeting was adjourned at 8:52 pm.

Pamela Goddard, Town Clerk