

**Danby Town Board
Minutes of Regular Meeting
December 19, 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, Lew Billington, Don Schaufler, Bill Evans, Anna Finley, Garry Huddle, Scott Davis, Katharine Hunter, Alison Christie.

Regular Meeting Opened at 7:03 pm

Environmental Management Council Report

The Board received a report from Environmental Management Council representative, Bill Evans. Evans' written report, on file in the Town Clerk's office, includes a history of Town of Danby representatives to the EMC from 1990 to the present. Evans' activities on the EMC, in 2016 include serving as Vice President of the Executive Committee, a member of the Energy Committee, and assisting with the Environmental Review Committee. Evans co-authored the wildlife impact section of an EMC resolution for the *Deployment of Wind Turbine Technologies in Tompkins County*. This resolution was later adopted by the Tompkins County Legislature. Evans also gave a presentation titled *Outdoor lights, Ecology, Sky Glow, and Energy* providing information on the human and ecological impacts of short wave light and LED lighting with recommendations that municipalities revise their lighting codes to include "Dark Sky" standards. Evans was additionally involved in several project oriented Environmental Review documents; Cornell's Maplewood graduate housing project and a Cargill mine shaft proposal.

Two suggestions for possible actions and Town Board consideration. 1) Evans encouraged the Board to consider funding testing Danby creeks for pharmacological compounds. There is evidence that pharmacological compounds are flowing into Cayuga Lake through the various watersheds. Evans suggested that it would be useful to get a baseline survey of the creek water in Danby. This could be funded through grant money. 2) Evans has concerns about the health impacts of artificial lights and encouraged the Board to take actions to preserve dark skies at night. He suggested that the TB consider replacing the Town Hall parking lot lights. Hansen informed the Board that in the summer of 2017 there will be NYSEG grants available for lighting replacement. This may be timely for Danby.

Brenner thanked Evans for his report and encouraged him to provide regular updates in the future. The Board would like to keep communication open regarding activities of the EMC and expressed their interest in research and projects before this group.

Review Palmer/Melchen Conservation Easement Request/Resolution

The Board considered a resolution, prepared by Planner Randall that had been distributed during the previous TB meeting. This potential action would not result in any development or changes to the Conservation Easements on this property.

RESOLUTION NO. 97 OF 2016 - CONSENT FOR MINOR SUBDIVISION ON PROPERTY ENCUMBERED BY TOWN-HELD CONSERVATION EASEMENT, DEPUTRON HOLLOW ROAD, TAX PARCEL NO. 12.-1-6.22

Whereas, an application has been submitted for review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 12.-1-6.22, by Erick Palmer, Applicant and T Melchen, LLC, Owner; and

Whereas, the Applicant proposes to subdivide the 40.65-acre property into two parcels: Parcel A, measuring 27.40 acres and Parcel B, measuring 13.25 acres, all of which is woodland; and

Whereas, the property is substantially within a Tompkins County-designated Unique Natural Area (UNA 174) known as Deputron Hollow; and

Whereas, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; 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 funding or carrying out the action;

Whereas, the Planning Board, being the local agency which has primary responsibility for approving the action, did on November 17, 2016 declare itself the Lead Agency for the environmental review, and

Whereas, the property is encumbered by Deed of Conservation Easement instrument # 2015-05871, and the Property may not be used for activities and land uses that the Town reasonably determines are inconsistent with the purposes of this Easement, that impair or potentially impair the Conservation Values, or that may have a material adverse effect upon the protected Conservation Values as construed under 26 CFR §1.170A-14; and

Whereas, this is considered a Minor Subdivision in accordance with the Town of Danby Subdivision and Land Division Regulations, Article II, § 201 B.2. Minor Subdivision, Option #1 and Deed of Conservation Easement instrument Article II § 2.01 A. Land Divisions, Subdivisions and Boundary Changes, whereby existing lots or lot lines may be amended, changed, or subdivided by any lease, sale, deed, gift, or other document or agreement so long as the ownership remains the same; and

1. Such proposed change is agreed to by the Town, which consent may not be unreasonably withheld if such change does not impair the Conservation Values of the Property;
2. Such proposed change does not impair the Conservation Values; and;
3. Such proposed change does not violate any other local ordinance.

Now Therefore, be it

Resolved, that the Town Board finds that the proposed Minor Subdivision application dated October 18, 2016, is consistent with the purposes of this Easement, that it does not impair or potentially impair the Conservation Values, or that may have a material adverse effect upon the protected Conservation Values as construed under 26 CFR §1.170A-14; and be it

Further Resolved, that the Town Board of the Town of Danby does hereby consent to Planning Board approval of the Minor Subdivision application submitted for Town of Danby Tax Parcel No. 12.-1-6.22, by Erick Palmer, Applicant and T Melchen, LLC, Owner.

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

In Favor: Connors, Holahan, Miller, Brenner

2016 Financial Review

Bookkeeper Laura Shawley provided a preliminary review of 2016 finances for the Town of Danby. She reported that the Town has come in under budget in all of the Funds. A more complete financial review, with recommendations for transfers to reserve accounts, will be presented in early January 2017.

Shawley presented a partial Warrant of December 2016 bills/vouchers, to be paid before the end of the year.

Warrants

ABSTRACT #13 OF 2016:

GENERAL FUND

#533-543 for a total of \$3,607.76

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

In Favor: Connors, Holahan, Miller, Brenner

HIGHWAY FUND

#277-286 for a total \$1,406.31

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

In Favor: Connors, Holahan, Miller, Brenner

2017 Board Applicants/Interviews

The Board interviewed Anna Finley for a five year term as a West Danby Water Commissioner. Finley had been recruited by Tod Sukontarak.

The Board interviewed applicant Lew Billington for a five year term on the Board of Zoning Appeals. Billington reapplied after serving a one year term, filling a vacancy from 2016. He stated that he remained interested in serving in this capacity and has completed the necessary training for the BZA.

Interviews were held with Conservation Advisory Council applicants Don Schaufler and Bill Evans. Both of these persons reapplied after serving previous terms.

The Board interviewed applicant Scott Davis for a seven year term on the Planning Board.

The Board informed all applicants that decisions and appointments will be made during the first meetings of 2017.

Power Purchase Agreement Update

Paul Hansen reported that the Town now has a Memorandum of Understanding for the Power Purchase Agreement between the Town and the Fire District. The final contract negotiations can now move forward for the full sized array, as planned previously in 2016. The investors are all “on board” with the current proposal. The Power Purchase Agreement should be ready for signing, by all parties, in early January 2017.

Brenner thanked Hansen, on behalf of the Board, for the “ton of work” it has taken to make this project a reality.

Short Reports and Correspondence

Hansen reported on several projects through the Code Planning Office. Ownership of the several test wells for the Danby Aquifer Study has been clarified. Prior to 2014, it was estimated to cost \$1,600 to cap the test well in the Danby Community Park. The water in this well contains high levels of arsenic. Hansen recommended that the Town cap two additional wells on Durfee Hill Road, in the road right of way. Hansen has received an estimate of \$15,000 for tapping all three test wells. He advised the Board that a request for this amount will be submitted in 2017.

Hansen reported that, now that the Property Maintenance Law is in effect and enforceable, the Code Office would like to make an arrangement with John Norman for serving papers related to violations. Norman is currently the part-time Court Clerk and is a retired police officer. Hansen explained that Norman has the experience to do this job, and is interested in this extra work. Hansen reported that Justice Huddle believes that there would be no conflict of interest, nor would potential court cases be compromised. The Town Attorney has also been asked to review whether there is any conflict of interest. Hansen proposed that Norman be hired on an hourly contract, as needed basis. This would require an adjustment to the Code/Planning budget.

Hansen reported, on behalf of the Court, that notification of any award through the Court Assistance Grant should come in February 2017. The Court asked for \$30,000, to include repairs to the sidewalk, steps, and accessible entrance to the Town Hall building. Depending on the award, Hansen and Norman may use work hours on this project.

Board Liaison Report

Leslie Connors reported on activities of the Planning Board. David Hall is preparing a new proposal for a “Blue Sky Center for Learning.” At this time, the application is incomplete and the Planning Board needs more information prior to any review. There are several additional public hearings coming before the PB for its January meeting.

Jim Holahan reported on county-wide efforts to research and potentially implement “Community Choice Aggregation” for energy purchase to private homes. Discussions are underway to determine whether this is will work for regional communities. Eventually this question and a proposal will be reviewed by the Tompkins County Council of Governments. The Town of Danby would also need to pass a local law in order for its residents to participate.

Adjournment

The meeting was adjourned at 8:50 pm.

Pamela Goddard, Town Clerk