

**Danby Town Board
Minutes of Regular Meeting
March 13, 2017**

Present:

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

Excused:

Councilperson: Rebecca Brenner,

Others Present:

Town Clerk	Pamela Goddard
Code Officer	Paul Hansen
Legislator	Dan Klein
Public	Pat Woodworth, Charles Tilton, Ted Crane, Theresa Klinger, Garry Huddle

Regular Meeting Opened at 7:13pm

Privilege of the Floor

Dan Klein asked about the status of a new phase of Broadband funding for buildout in the Town of Danby. Supervisor Dietrich added this as a discussion item on the agenda.

Ted Crane spoke regarding upcoming events through the Community Council to take place on Sunday March 19. Crane also asked that minutes of Planning Board meetings be posted on the Town web site in a more timely way.

Warrants

ABSTRACT #3 OF 2017:

GENERAL FUND

#73-129 for a total of \$40,178.36

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

In Favor: Connors, Holahan, Miller, Dietrich

HIGHWAY FUND

#27-55 for a total \$147,973.94

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

In Favor: Connors, Holahan, Miller, Dietrich

Approve Town Board Minutes

MOTION—APPROVE MINUTES

Resolved, That the Town Board of the Town of Danby approves the minutes of February 13, 2017.

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

In Favor: Connors, Holahan, Miller, Dietrich

Appointments to Local Advisory Board of Assessment Review

Clerk Goddard reported on discussions with Tom Seaney and Gould Colman, who are both willing and able to serve on the Local Advisory Board of Assessment Review. The Town of Caroline had not yet set their date for Board of Assessment Review “Grievance Day” and so Danby has first pick of dates for 2017. Goddard suggested either Wednesday May 10 or 17. Legislator Dan Klein indicated that either date was OK for him.

RESOLUTION NO. 30 OF 2017—APPOINTMENT OF LOCAL BOARD OF ASSESSMENT REVIEW

Resolved, That the Town Board of the Town of Danby appoints Tom Seaney and Gould Colman to the 2017 Local Board of Assessment Review.

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

In Favor: Connors, Holahan, Miller, Dietrich

RESOLUTION NO. 31 OF 2017—SET DATE FOR LOCAL BOARD OF ASSESSMENT REVIEW

Resolved, That the Town Board of the Town of Danby sets the date of May 10, 2017 for the 2017 Local Board of Assessment Review “Grievance Day.”

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

In Favor: Connors, Holahan, Miller, Dietrich

Appointment to Recreation Partnership

There was a brief discussion regarding reappointing Rebecca Brenner as the Danby representative to the Tompkins County Recreation Partnership. Dietrich informed the Board that Brenner had been appointed to a one year term in 2016. Terms with the Rec. Partnership can be for one, two, or three years. Dietrich reported that Brenner was interested and able to serve another term. He suggested that the Board appoint Brenner to another one year term for 2017, as he was not certain whether she was available for a longer term.

RESOLUTION NO. 32 OF 2017—APPOINTMENT OF RECREATION PARTNERSHIP REPRESENTATIVE

Resolved, That the Town Board of the Town of Danby appoints Rebecca Brenner as the Danby Representative to the Recreation Partnership for a one year term, effective January 1 2017 through December 31, 2017.

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

In Favor: Connors, Holahan, Miller, Dietrich

2016 Budget Modifications

Laura Shawley provided information regarding final budget transfers for the fiscal year 2016. These follow previous budget transfers that were approved in January. The final budget transfers were identified in the process of completing the 2016 Fiscal Annual Report. Bookkeeper Shawley has completed and filed the annual report.

Funding transfers were needed to cover the cost of a one-time purchase—and related installation and training—of billing and accounting software for the West Danby Water District. Transfers were also needed to cover costs related to repair of distribution lines in the Water District. Small transfers were needed in the General Fund for some lines. Transfers were made in the Highway Fund to cover additional hours in the mechanic's line and to cover additional social security payments.

RESOLUTION NO. 33 OF 2017—BUDGET MODIFICATIONS

Whereas, it is necessary to modify the budget between accounts when there have been expenditures that exceed the budget in some accounts and are under the budget in others,

Therefore be it

Resolved, That the Town Board of the Town of Danby authorizes the attached budget transfers to be made to the 2016 budget year.

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

In Favor: Connors, Holahan, Miller, Dietrich

2016 Fiscal Review

A Report on the 2016 Financial Annual Report was made by bookkeeper Laura Shawley. She reported that expenditures were under budget in all three Town funds: General Fund, Highway Fund, and Water District Fund.

- Revenue for the **General Fund** was over budget by \$39,365, expenditures under budget by \$50,758 with a result of \$50,123 added to the General Fund fund balance.
- Revenue for the **Highway Fund** was under budget by \$13,265 (primarily from less reimbursement from Tompkins County for snow and ice removal in 2016), expenditures were under budget by \$172,150 with a result of \$138,885 added to the Highway Fund fund balance.
- Revenue for the **Water District Fund** was over budget by \$7,190, expenditures were under budget by \$19,580 with a result of \$26,770 added to the Water District Fund fund balance.

There was a discussion of each budget area. Shawley made preliminary suggestions for possible additions to fund reserve accounts. Shawley reported review and recommendations made by a auditor from the NYS Comptroller's office regarding appropriate levels for fund balances in these different areas. Overall, the Town is well within parameters for amounts in fund balances. In example, the state auditor recommended leaving a proportionally high amount in the General Fund fund balance, as opposed to transferring higher amounts to the Building Reserve and Retirement Reserve, as the fund balance may be the most flexible and useful accounting tool for this money. Shalwely noted that it is good to have additions to the Water District fund balance, as a safe-guard for this older water system.

Shawley reported that she is researching the most appropriate type of reserve account to use for the Solar Array buy-out fund. Additional information will be presented to the Board when it becomes available. Shawley recommended putting a sizable amount into this reserve account at the start so that the amount added in future years is as small as possible. Shawley also urged the Board to add more money into the salt-shed reserve account. Additional discussion of these reserves will take place at future board meetings.

A more detailed report, with recommendations for additions to reserves in 2017, will be made at a future TB meeting.

Broadband Report

Ric Dietrich reported on the status of building out broadband internet service to the residents of Danby. Most of the Town is covered. At this time there are an estimated 50 households that still do not have high speed service. Installation of poles and related technology is moving forward for the Steam Mill Road/Durfee Hill Road neighborhoods. Once that installation is complete, the number of unserved households will be greatly reduced. Dietrich suggested that the neighborhood cooperation plan, which is resulting in installation of service around Durfee Hill Road, should be used as a template for other areas that are still uncovered. He believed that this could be useful for areas on South Danby and Fisher Settlement Roads.

Code Officer Paul Hansen provided some additional information. Hansen informed the Board that nothing will probably happen for South Danby Road in 2017. He also encouraged that area to use the same process as the households on Steam Mill and Durfee Hill Roads.

Dan Klein asked whether there is a current map of unseved households. There was a brief discussion of specific problem areas. Klein asked if there was any information about a third phase of support money from NYS for internet infrastructure buildouts? Dietrich had no current information. Hansen stated that he had heard that there is another phase of funding, but that this may not be for this geographic area. There is no knowledge of any regional providers applying for funding which would serve the Town of Danby.

Community Council Report

Ric Dietrich reported on a meeting held with members of the Danby Community Council. The DCC, in collaboration with County Youth Services and the Town of Newfield, is crafting a proposal for a three-year program to fund a full-time Youth Development employee to be shared between the two municipalities. Funding for this would not be part of the current fiscal year. Newfield and Danby are looking to have a hire in place for summer programs in 2017.

Representatives from the DCC will make a full presentation during the March 20 TB meeting.

Community Choice Aggregation Discussion

Holahan presented information on meetings he has attended related to a project for communities to designate energy supply to their residents. If Danby joins in this project it will need to pass a Local Law that would be an “Opt Out” system of choosing energy supply. A local committee (Community Choice Aggregation) researching this has been looking at several companies offering different programs—the least expensive energy, energy primarily sourced from renewable generation, etc. The CCA committee is now an official committee of Tompkins County Council of Governments.

There was extensive discussion, Q&A, between Holahan, members of the Town Board, and attending residents. Holahan stated that the CCA goal is to put together a large enough pool of municipal partners to have strong purchasing power for low-cost energy. A successful model is already in place in Westchester County, NY. Legislator Klein noted that this type of system is in place in other states, such as California, and that there is a high level of public satisfaction with the programs and a low level of Opt-out.

The program would be funded by several different mechanisms such as administrative fees (a percentage of kilowatt hour used). Residents will have some choice in the price and type of energy purchased through this system. Does this affect the reimbursement rate for residential solar installations? No. Would this be a one-time choice to Opt in or out? Holahan said that he needed to find more information but that he thought it would be a one time process. Code officer Hansen asked for more information on the Opt-out process.

A resident noted that residential energy is already provided by a default company—the local NYSEG utility. The change in this program is that there would be a different default utility, chosen by contract through a local law. Holahan concurred, stating that this option, “gives power back to the people.” This should also encourage use of renewable energy and creative methods of saving energy.

Dietrich expressed concern that there be sufficient public information prior to any action being taken. Holahan stated that the energy administrator chosen (MEGA, JOULE) will be holding public information/

education sessions. Dietrich expressed a concern that this be done early in the selection process. Holahan assured the Supervisor that this is still in the preliminary research stages. The only action being asked at this time was to officially designate a representative to the CCA advisory committee.

There was discussion as to whether this process includes both passage of a Local Law and a voter referendum? Holahan's understanding was that this process does not include a voter referendum.

Tompkins County municipalities considering this at this time include Ulysses, Caroline, and Dryden in addition to the Town of Danby. This program is for residential properties and small businesses.

There was Board support for Holahan continuing to serve on this committee and gather further information. There was a brief discussion about whether to appoint a community member in addition to an elected official. No action was taken on appointing a community member at this time.

RESOLUTION NO. 34 OF 2017—MUNICIPAL RESOLUTION SUPPORTING THE EXPLORATION OF COMMUNITY CHOICE AGGREGATION

Whereas, the Town of Danby is interested in promoting energy efficiency and local renewable energy generation, and also in reducing energy costs for its residents; and

Whereas, the NY State Public Service Commission, in April 2016, authorized the development of Community Choice Aggregation programs, that allows participating local governments to work together through a shared purchasing agreement to procure natural gas and/or electric energy supply on behalf of their residents and small businesses; and

Whereas, Community Choice Aggregation (CCA) is a means to provide lower, more stable and predictable energy costs, while also promoting energy efficiency, local renewable energy development and local job growth; and

Whereas, residents and small businesses that are not interested in participating in CCA energy procurement are able to opt out; and

Whereas, the Tompkins County Council of Governments (TCCOG) works to identify shared services and procurement opportunities to provide better service and lower costs to our residents; and

Whereas, TCCOG has established a CCA Advisory Committee made up of elected/appointed officials plus community members to explore CCA and advise interested municipalities on CCA administrative and procurement models, and to search for and recommend a program administrator, and

Whereas, participation in the TCCOG CCA Committee does not obligate the Town of Danby to participating in CCA, (which requires passage of a local law), but rather indicates the Town of Danby's interest in exploring the option of CCA,

Therefore be it

Resolved, that the Town of Danby selects Jim Holahan to serve on the TCCOG CCA Advisory Committee.

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

In Favor: Connors, Holahan, Miller, Dietrich

Justices' Report

Justices' Reports from Klinger and Huddle were circulated among the Board.

Information was provided by Justices Huddle and Klinger regarding improvements to the Court related to a recently awarded grant. A bulletproof service window will be installed for the court clerk's office. The grant is also funding construction of a Court Clerk desk in the courtroom to match the Justices' bench.

Information was shared from the Justices and County Legislator regarding a County initiative investigating possible consolidation of municipal court services. Tompkins County is under pressure from the State to find cost saving measures that would reduce taxes. The County is looking at implementing Centralized Arraignment, from 5pm to 8am, with each municipal Justice serving a certain number of days a month. This may be centralized in one location (the Town of Ithaca) or may rotate between the various municipal courts. One of the proposals is that each Justice would be on call, "24-7", for a full week once every three months or so. The Justice on call would be responsible for all arraignments in all of the Towns in Tompkins County. It is thought that this will save law enforcement staff time by having arresting

officers back on the road in a shorter time. While Centralized Arraignments may simplify work for assigned council, following this system might be difficult for municipal Justices.

There was a discussion of the pros and cons of such an arrangement. Justices Huddle and Klinger expressed concerns about equity between the various municipalities. Justice Huddle reported that, on average, he does two after hour arraignment a month. Larger Towns, such as Ithaca and Dryden, may do 20-30 arraignments a month. This proposal would greatly increase the work load for Danby Justices. Legislator Klein attempted to make a case that this would simply redistribute the number of arraignments handled by each Justice, but that the actual work load would not change much. There was some disagreement about this.

No decisions have been made at this time. Supervisor Dietrich assured the Justices that the Board will do what it can to support an equitable proposal for the local courts.

Legislator's Report

Klein reported that the County Environmental Management Council has updated boundaries for two Unique Natural Areas in the Town of Danby. These updates are to better conform with current property lines and to reflect current natural resources information. The UNA in West Danby, "West Danby Creek, South Branch Woods" near or intersecting with the Danby/Newfield Town lines, has increased by .5%. This UNA includes a portion of the Lindsay-Parsons Biodiversity Preserve. A UNA related to the "Headwater Swamp" (partly in Danby and partly in Tioga County) has been reduced by about 7%, in part due to an increase in size of a farm field. Maps of these two UNAs were distributed to the Board. UNAs do not have legal status, but do show special features of land areas in the County and are referenced in the Town of Danby Comprehensive Plan.

While this is public information, the UNA descriptions are not publicized as these areas are on private property.

Code Report

The Code Office Report was circulated among the Board. Hansen confirmed that a Natural Resources Inventory of Danby to be undertaken by the CAC and Planner. This information will be considered as part of Planning Board deliberations for site plan reviews. The Danby NRI will use information from UNAs as a resource.

Code Officer Hansen reported on the status of the Solar installation Power Purchase Agreement for the Highway property on Hornbrook Road. Department of Labor paperwork is being clarified and completed. The installation should be underway in the next few weeks.

Adjournment

The meeting was adjourned at 9:10 pm.

Pamela Goddard, Town Clerk