

**Danby Town Board
Minutes of Regular Meeting
September 11, 2017**

Present:

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

Others Present:

Town Clerk Pamela Goddard
Bookkeeper Laura Shawley
Code and Planning CJ Randall
Public Ted Crane, Ronda Roaring, Ken and Harriet Adams, Art and Debbie Lecoq, Rick Dobson, Pat Woodworth, Charlie Tilton, Matt Ulinski

Regular Meeting Opened at 7:05pm

Brenner noted the significance of the date of this meeting. There was agreement to hold a moment of silence in remembrance.

Privilege of the Floor

Ted Crane reminded the Board that Danby Fun Day is scheduled for September 23. Fun Day will not have a parade and will only last four hours this year, 10am-2pm.

Deb and Art Lecoq spoke about a letter they received regarding a code violation matter on their property at 200 Comfort Road. They submitted a letter of response for the record, asking the Board for leniency. A copy of this letter is also being submitted to Code Officer Paul Hansen. Supervisor Dietrich responded that this matter now is in process with the Code Enforcement Officer. Clerk Goddard and Planner Randall further confirmed that the matter would progress to the Town Justice system if there is a dispute between the Code Officer and a plaintiff in a violation. The Town Board is not directly involved in requests for variance or leniency.

Rick Dobson spoke regarding a code violation with complaints about zoning and impacts to the “cost of running his business.” Supervisor Dietrich advised him that the violation is related to NY State regulations. Further, any matters related to Code violations or any variance application must be submitted through the Code Enforcement office.

Charlie Tilton thanked the Board for its moment of silence in recognition of those lost during the attacks on Sept. 11, 2001.

Warrants

ABSTRACT #8 OF 2017:

GENERAL FUND

#360-400 for a total of \$21,120.24

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

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

Information was shared with the Board that the total amount for the General Fund warrant on Abstract #7 needed to be changed. An amount for secretarial service to the Planning Board was mistakenly included in GF. The approved amount was \$29,895.67. The correct total amount for the GF Abstract #7 is 29,598.67. This was acknowledged by the Board.

HIGHWAY FUND

#171-191 for a total \$42,334.70

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

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

Approve Town Board Minutes

MOTION—APPROVE MINUTES

Moved, That the Town Board of the Town of Danby approves the minutes of July 10 and 17 and August 14 and 21, 2017.

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

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

Credit Card Policy - Possible Revision

Bookkeeper Shawley provided information to the Board regarding the possible implementation of a policy to pay vendors with a credit card. Research has been done through the Town Attorney to ensure that such a system would be legal for the Town. Vendors have been contacted and have expressed a willingness to be paid by credit card. Negotiations are currently underway with Key Bank for establishing a card, including proper security controls for cards issued to different users. A modification of the Town of Danby Credit Card Policy would be required for this program to be established.

The purpose of such a shift in payment process is to have access to rebates available through credit card use. Shawley and Dietrich estimate that a 1% return on credit card use, in relation to large purchases such as road maintenance materials, could result in income of a few thousand dollars a year to the Town.

The Board asked questions regarding how this income might be used and whether other credit card vendors have been investigated? The possibility of dedicating this particular income stream to a particular use was discussed. No final decisions were made.

Shawley will continue to research whether cards from other banks or lenders might carry a higher percentage return.

Financial Report - Budget Adjustment

Laura Shawley reported on minor budget modifications for the fiscal year 2017 to date. An increase is needed in the workmen's compensation line in the General Fund, Highway Fund, and Water District Fund. Shawley suggested that funds to balance these accounts be taken from other budget line items that are under expenditure.

The list of approved budget transfers is attached in Appendix A. No other budget transfers are anticipated for the 2017 budget. Further financial updates will be included in budget planning for 2018.

RESOLUTION NO. 58 OF 2017 - APPROVAL FROM THE TOWN BOARD TO MAKE THE APPROPRIATE BUDGET TRANSFERS NEEDED FOR THE YEAR END ACCOUNTING PROCESS

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 following budget transfers to be made the the 2017 budget year.

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

In Favor: Brenner, Connors, Holahan, Miller, Dietrich.

Discussion of Projected 2018 Budget and Tax Cap Consideration

Bookkeeper Shawley reported that the Budget Worksheets have been distributed to all department heads and relevant agencies. The Tentative Budget will be complete by the end of September. Supervisor Dietrich suggested that Budget review and planning start on Monday, October 2.

There was a general discussion of various dates for budget planing. The Board agreed to start the meeting early, at 6pm on October 16, for Budget consideration.

Dietrich and Shawley opened a related discussion as to whether there is a need to pass a local law overriding the NYS tax cap. The opinions of Dietrich and Shawley were that this may not be necessary. Shawley presented fiscal reasons supporting this opinion. Data shows that the Town of Danby budget has been stable for the past six years. Due to credits accrued, related to staying under the Tax Cap in recent years, the Town is allowed a 3.60% increase in 2018, with a dollar amount of \$66,353. The average increase during the past six years has been in the range of \$40,000. Dietrich noted that he is not aware of any large projects pending that would stress the budget at this time. Both he and Shawley recommended that, if the Board does not anticipate a budget increase of more than 3.60%, a Tax Cap Override Local Law not be passed this year.

Connors asked what benefit there was in not passing a Local Law to override the Tax Cap? In her opinion, this could be necessary or useful in the event of unknown or unexpected expenditures related to emergency conditions. Shawley and Dietrich framed the question in relation to the Board's philosophy of where to keep the tax levy. Brenner stated that she did not see the need to pass a Tax Cap Override Law, at this time. Holahan noted that pending projects, such as eventually buying out the solar array installed on the Highway property, might create a potential of overriding the tax cap. Connors asked what the impact of emergencies, such as two huge ice storms, would be on the Town and the municipal budget? Dietrich responded that the Town is actually in pretty good shape, but agreed that there are factors that could lead the Town to exceed the Tax Cap. Shawley noted that the Town has added to the Fund Balance in each of the past five years. The Board decided not to determine at this meeting whether to initiate the process of adopting a LL to override the Tax Cap, but to wait until the Tentative Budget is complete at the end of the month.

Article 78 Action related to Salt Mine Operation/DEC approval

Supervisor Dietrich presented a resolution in support of an Article 78 action objecting to the NYS DEC permitting Cargill mine expansion without proper environmental review and to require proper environmental review under SEQR. This resolution was drafted and passed by the Town Board of the Town of Ulysses. Dietrich and Planner Randall informed the Board that the legal council fees related to Article 78 proceedings have been pre-paid, so there is no expense related to this for the Town of Danby. Randall further reported that the Town Attorney was consulted on this matter and there is no impediment to the Town joining in this action.

Council members Brenner and Holahan made a motion to advance the draft resolution for discussion. Connors asked what review was actually done by the DEC? Randall provided what information she had. No environmental impact statement was prepared, with a claim that negative impacts could be mitigated, circumventing the environmental review process. Brenner added additional information regarding the potential impacts should a salt mine collapse occur. Supervisor Dietrich noted that such a collapse would not directly impact the Town of Danby, but that he believed it was proper to add support to this action. Connors noted that such a disaster could impact Danby through tourism and other effects.

There was preliminary discussion of edits required to make this applicable to the Town of Danby. A decision was made to table the resolution, pending revisions. Action on this resolution will be taken at the 9/18 TB meeting.

Planned Development Zone Review - Timeline for actions

Planner Randall gave a timeline for passage of a zoning amendment related to Planned Development Zones in the Town of Danby. She distributed the draft Local Law amending this part of the Danby zoning code. A mailing went to all affected property owners in mid-August, inviting them to an informational meeting held August 30. A presentation regarding all nineteen Planned Development Zones was made at that meeting.

Referral to Tompkins County Planning will be sent by Planner Randall in the next week. A noting SEQR action and intent to declare Lead Agency will be on the 9/18 TB meeting agenda. The final draft of the LL will be available by September 25. Randall suggested that a Public Hearing, followed by determination on the LL, be scheduled for October 16.

Randall responded to various Q&A from Board members and the public. Does the Commercial A zone include housing? Yes. Is there the possibility for mixed use in High Density Residential? Yes, if the uses are listed in the high density zoning by right. Mixed use zoning is in the Commercial A zone. Randall gave further clarification of the three Commercial Zones in Danby. These are determined by density. Was there any comment or other response from the property owner of PDZ #10? No.

Brown Road Development Update

Planner Randall made a brief on the status of the Brown Road, "Hatch Pavilion" development proposal. She suggested that the TB might want to discuss the matter, as related to potential real property acquisition, in Executive Session. This action was deferred until the end of the meeting.

Code Report - Various Updates

Planner Randall reported on various activities. The Town Supervisor has asked the Planner to organize a Joint Board Scoping Meeting of the Town Board, Planning Board, Board of Zoning Appeals, and Conservation Advisory Council again this year. The Scoping meeting for 2017 was successful.

The Towns of Danby, Ulysses, and Caroline have all received Clean Energy Community status. Randall reported that she is now working on a grant with the Highway Department related to an energy efficiency project. Award notification will not come until sometime in 2018.

Randall asked the Board for confirmation that it would like to explore Wind Energy Zoning. There was interest and support from Brenner and others. Brenner offered to do some preliminary research.

Randall reported on Watershed actions. She and Dietrich made a presentation to a meeting of TCCoG regarding the amount of sediment that flows from upland streams (such as the stream along Brown Road) into Cayuga Lake. There is money available for mitigation and remediation projects. They were seeking collaborative interest from other municipalities. Dietrich reported that there is some interest, including potential collaboration from Cornell.

Randall reported that CAC has made progress on the Danby Natural Resources Inventory. The basic outline is done.

Justices Reports

Justice Huddle's Court Report was circulated among the Board. There was no discussion.

Town Clerk's Report

Clerk Goddard gave a report on activity through the Clerk's office. There was no discussion.

An application to a vacancy on the Planning Board was distributed to the Board.

Executive Session

Planner Randall suggested that the Board enter Executive session to discuss a matter related to potential land acquisition.

MOTION—EXECUTIVE SESSION

Moved, That the Town Board of the Town of Danby enters into Executive session, for the purpose of discussing a matter related to municipal land acquisition.

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

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

Executive session was entered at 8:33pm.

Close Executive Session and Adjournment

Adjournment was at 9:15 pm.

Pamela Goddard, Town Clerk