

**Danby Town Board
Minutes of Regular Meeting
June 18, 2018**

Present:

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

Others Present:

Town Clerk	Pamela Goddard
Planning/Code	CJ Randall, Paul Hansen
Bookkeeper	Laura Shawley
Highway Sup.	Carl Seamon
Legislator	Dan Klein
Public	Ted Crane, Ronda Roaring, Pat Woodworth, Alexandra Pfeifer, Robert Bartholf, Joe Petricola

Regular Meeting Opened at 7:03pm

Privilege of the Floor

Ronda Roaring expressed concerns about maintenance of toilets and trails at Jennings Pond. She hoped that this concern might be addressed during the discussion of summer appointments for the pond program. She also urged the Board to send formal thanks to Robert Wesley for working on a plant survey as a volunteer. She suggested that it would be beneficial to allocate funds to pay Wesley for a complete inventory of plants in the Deputron Hollow UNA.

Consider Public Hearing - LL #1 of 2018

Planner Randall informed the Board that Tompkins County Planning had no comments or concerns about the proposed zoning amendment Local Law. Randall noted that the resolution includes the list of prohibited uses in the Aquifer High Vulnerability Zone (AHV) covering the entire 108.89 property. The entire 2.237 acre parcel to be rezoned is entirely encompassed in the AHV zone.

The project proposal will next go to the Planning Board for subdivision review.

RESOLUTION NO. 48 OF 2018 - TOWN OF DANBY LOCAL LAW NO. 1 OF 2018 – A LOCAL LAW TO AMEND COMMERCIAL “C” ZONING IN THE TOWN OF DANBY, NEW YORK

Whereas, an Application was submitted for proposed rezoning of 2.237 acres of the total 108.89-acre tax parcel 10.-1-82.2 to zone Commercial “C,” located at 129 Hornbrook Road, from the current zoning as Low Density Residential, by Petricola-Bartholf Partnership, Owner, Robert Bartholf, Applicant; and

Whereas, in accordance with Town of Danby Zoning Ordinance Article IV: ‘Establishment of Zones,’ § 401, the aforementioned 2.237-acre portion of the parcel is depicted in a survey map entitled “A Portion of Lands of Petricola-Bartholf Partnership,” prepared by T.G. Miller, P.C., dated 11/15/2017; and

Whereas, an Application was submitted for concurrent review and approval by the Town of Danby Planning Board for a Minor Subdivision of Town of Danby Tax Parcel No. 10.-1-82.2, as well as a Special Permit for a Warehouse, by Petricola-Bartholf Partnership, Owner, Robert Bartholf, Applicant, to be considered by the Planning Board on June 21, 2018; and

Whereas, the Applicant proposes adaptive reuse of the existing 8,800 sq. ft. warehouse where no new construction is required to facilitate private capital investment required to renovate and reuse the existing building within this area, which is in proximity to the Central Hamlet; and

Whereas, a portion of the property is located in the Aquifer High Vulnerability (AHV) Overlay Zone; and

Whereas, the following uses and activities are expressly prohibited in the Aquifer High Vulnerability (AHV) Overlay Zone as articulated in § 606 (3) of the Zoning Ordinance of the Town of Danby: Airport and/or airport maintenance areas, including private airplane landing fields; Appliance or small engine repair shops; Boat service, repair, and/or washing establishments; Drilling, development, and/or construction of sources of water for bottled water or bulk water facilities except for the collection of spring water without the use or assistance of an external force; Car washes; Cemeteries or crematoriums; Chemical and/or biological testing laboratories; Horticultural nurseries; Excavation of overburden and/or minerals from the earth for sale or exchange, or for commercial, industrial, or municipal use (except for the sale of incidental overburden and/or minerals from excavation related to construction as part of an agricultural or residential use); Funeral homes and mortuaries; Furniture strippers and/or refinishers; Gasoline service stations or service and repair garages; Generation and/or storage of hazardous wastes except for that associated with residential or agricultural uses; Golf courses; Industrial establishments.; Junkyard, salvage, or impoundment yards (including used motor vehicle parts and scrap/waste materials); Laundromats and dry cleaning facilities; Municipal or industrial sewage treatment facilities with disposal of primary or secondary treatment effluent; Personal service shops such as a barber shop, beauty parlor, or hairdresser; Pest control services or pesticide/ herbicide stores; Pet cemeteries or crematoriums; Printers; Storage of petroleum except for on-site petroleum consumption; Installation of new or replacement underground storage facilities for petroleum or hazardous substances; Veterinary clinics, hospitals or animal kennels; and

Whereas, this is an action under § 800 of the Zoning Ordinance of the Town of Danby, Applications for Rezoning; and

Whereas, pursuant to § 800 (3) of the Zoning Ordinance of the Town of Danby, the Planning Board is required to hold, and did hold, within 62 days of the filing of the completed application with the Planning Board, a Public Hearing on March 15, 2018, which was heard by the Planning Board to assure full opportunity for citizen participation; and

Whereas, pursuant to § 800 (3) of the Zoning Ordinance of the Town of Danby, an official recommendation to recommend the rezoning was passed by resolution of the Planning Board on March 15, 2018; 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, the proposed project is a Type I action under the Town of Danby Environmental Review of Actions and an Unlisted action under the State Environmental Quality Review Act; and

Whereas, this Board, acting as Lead Agency in environmental review, has on May 14, 2018 reviewed and accepted as adequate: a Full Environmental Assessment Form, Part 1 and Part 2, respectively, prepared by Lead Agency and Town Planning staff; and

Whereas, the Town Board of the Town of Danby, having declared itself Lead Agency in this matter, on May 14, 2018 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; and

Whereas, the Tompkins County Department of Planning & Sustainability has been given the opportunity to comment on the proposed local law pursuant to §239 -l, -m, and -n of the New York State General Municipal Law; and

Whereas, a duly noticed public hearing was held on June 11, 2018, and any public comments were carefully considered by the Town Board;

Now Therefore, be it

Resolved, the Town Board adopts this Local Law and this Local Law shall take effect upon adoption by the Town Board of the Town of Danby and filing with the New York State Department of State.

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

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

Finance Report

Bookkeeper Shawley presented a mid-year report on the state of finances for the Town of Danby. This report explained the need for transfers between a few accounts, in order to balance expenditures. Shawley reported that most budget lines are at an appropriate level for the half-year mark.

Shawley noted a few lines in the General Fund which were over budget as of June 18. The “unallocated insurance” is the property insurance cost for the Town. This came in slightly higher (\$413.00) than anticipated. Workman’s Compensation costs also came in slightly higher (\$712) than had been anticipated.

In the Highway Fund - machinery equipment and snow removal contractual budget lines were over at the mid-year mark. The machinery equipment cost reflects the purchase of a scissor lift from the Town of Ithaca. The snow removal cost overruns are related to the extended 2017/2018 winter.

RESOLUTION NO. 49 OF 2018 - APPROVAL FROM THE TOWN BOARD TO MAKE BUDGET TRANSFERS NEEDED FOR THE EXPENSE ACCOUNTS THROUGH JUNE 30, 2018

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.

Now Therefore, be it

Resolved, that the Town Board authorizes the following budget transfers between the following accounts:

GENERAL FUND

FROM.....	TO.....	AMOUNT
A1990.400	A5132.400	\$800
Contingent Account	Highway Contractual	
A1990.400	A1919.400	\$413
Contingent Account	Unallocated Insurance	
A1990.400	A9040.800	\$712
Contingent Account	Workmans Comp.	

HIGHWAY FUND

FROM.....	TO	AMOUNT
DA5110.400	DA5130.200	\$1,600
General Road Repair.	Machinery Equip.	
DA5142.100.....	DA5130.200	\$4,372
Snow Rem. Pers. Serv.	Snow Removal Contractual	

**Moved by Holahan, Second by Miller. The motion passed.
In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

Shawley explained the need to fund engineering expenses related to review of the condition of the Gunderman Road bridge and other bridges and culverts along Town roads. This expenditure was not anticipated when the budget was drafted in the Fall of 2017.

RESOLUTION NO. 50 OF 2018 - APPROVAL TO FUND THE EXPENDITURES OF ENGINEERING SERVICES

Whereas, Engineering services were necessary to assess certain bridges and culverts in the Town of Danby in order to create reports for applying for grants,

Now Therefore, be it

Resolved, That the Town Board of the Town of Danby approves the amount of \$3,316.00 to be transferred from the Fund Balance into the budget line A1440.400 to fund these engineering services.

**Moved by Holahan, Second by Ulinski. The motion passed.
In Favor: Connors, Holahan, Miller, Ulinski, Dietrich**

Highway Road Work - Permission to Spend Funds

Bookkeeper Shawley made a report, on behalf of Highway Superintendent Carl Seamon, regarding road work scheduled for 2018. These projects will all be funded from the NYS CHIPS program money.

Ulinski asked whether repairs to Deputron Hollow will be funded in some other way? Seamon responded that several road repair projects are considered standard maintenance (including repairs and work on Deputron Hollow Road) will be funded through the Highway maintenance budget. The projects listed below are not the only road work projects planned for 2018. Additional work will be done on other Town roads as needed. Dietrich suggested that the Highway Department inform the public of which road will be worked on when, either through the Danby Area News and/or on the Town website.

There was a discussion regarding recurrent pot holes on some roads, such as Fisher Settlement Road. Seamon will be trying a new method of repair in the hopes that the results are longer lasting. There was a related discussion regarding logging haul routes (particularly in the area of the state forest), as that heavy truck traffic can damage the roads. Seamon recommended that concerned citizens contact the Highway Department about logging haul route damage to roads.

MOTION- AGREEMENT TO SPEND TOWN HIGHWAY FUNDS, 2018

Pursuant to the provisions of Section 284 of the Highway Law, we agree moneys levied and collected for the repair and improvement of highways, and received from the state for repair and improvements of highways, shall be expended as follows:

General Repair:

1. A sum not to exceed \$50,000 shall be spent on Ridgecrest Road from Nelson Road to Muzzy Road. 2,161 feet of road will be pug-milled with 1st and 1a stone mixed with oil and then double treated with oil and stone.
2. A sum not to exceed \$100,000 shall be spent on Town Line Road. Drainage will be added which will mean digging up the rough spots on the road. It will then be pug-milled and double surface treated with oil and stone.
3. A sum not to exceed \$105,000 shall be spent on Muzzy Road from Rt. 96B to Troy Road. 5,845 feet of road will be pug-milled and double surface treated with oil and stone.
4. A sum not to exceed \$35,000 shall be spent on VanBuskirk Road from Rt. 34/96 to Tupper Road. 1,510 feet of road will be pug-milled and double surface treated with oil and stone.
5. A sum not to exceed \$80,000 will be spent on Hill Road from Curtis Road to the snow plow turn around at the beginning of the seasonal section. The road will be regraded and pug-milled and double surface treated with oil and stone.

All of the above projects will be funded from the CHIPS Capital Improvement Program.

No money set aside for such improvements shall be expended, nor shall any work be undertaken on such improvements, until the Town of Danby approves the specifications and estimates for such construction.

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

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

Jennings Pond Appointments

Bookkeeper Shawley reported that the permitting needed for running the 2018 summer pond program at Jennings Pond is on track. Two lifeguards have been certified, approved, and hired. The job descriptions have been reviewed, so to more appropriately match the work done. Amy Cusimano (Recreation Supervisor) and Jeremiah Kozak (Recreation Assistant) are interested and willing to serve again as seasonal employees for this recreation program.

Clerk Goddard asked for clarification of the hiring process, citing the Town of Danby appointment policy.

RESOLUTION NO. 51 OF 2018 - APPOINT JENNINGS POND PERSONNEL

Resolved, That the Town Board of the Town of Danby appoints Amy Cusimano (Recreation Supervisor) and Jeremiah Kozak (Recreation Assistant) for the 2018 summer pond program at Jennings Pond, and

Further Resolved, that each of these positions shall be paid a stipend of \$800 for the season. The season shall run from June 18, 2018 through September 30, 2018.

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

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

Legislator's Report

Dan Klein report on three areas of legislative business. The Legislature is reconsidering the system of "Local Board of Assessment Review." Only one person showed up for the LBAR held in the Town of Danby in May. There are similar statistics in other Towns in the County. Klein asserted that, if the system is changed and there are no longer LBAR days in the community, there would still be several ways for residents to have a review of their property assessment. Ulinski expressed concern that this would remove the opportunity for property owners to discuss assessment review with other Town citizens in a more comfortable and familiar location.

The monitoring wells at the Hillview Road landfill continue to be checked. One of the monitoring wells needs to be relocated to a better site. However, the chosen site is adjacent to a Unique Natural Area. Klein asserted that this should not cause environmental damage or other problems. Dietrich asked that the well monitor reports be shared with the Town officials. The Town used to receive them, but has not in recent years. Klein agreed to make those available. Code Officer Hansen reported that some of the neighbors in that location have concerns about health impacts related to run-off from the landfill.

Klein reported that the County has funded a new position with the Child Development Council. This position is intended to work with developers who would be interested in including day care as part of the development. This is to help address a critical shortage of day care services in the County.

Planning Board Vacancy

There was a discussion of the need to appoint a new Planning Board Chair and to appoint someone to the vacancy resulting from Frank Kruppa moving out of Danby. Kruppa's last meeting will be June 21. His term runs through the end of December 2018. The partial term vacancy will be advertised in the Danby Area News and on the Town of Danby web site. Members of the existing Board will be consulted regarding a new PB Chair.

A question was asked as to whether recent applications will be considered for this vacancy, as has been past practice. Connors stated that this was not her experience. She suggested that those who have applied in the past could be contacted to see whether they are interested and they would be welcome to reapply.

Highway Superintendent Referendum Question

Matt Ulinski volunteered to coordinate the effort to have a referendum on the proposal to change Highway Superintendent from an elected to an appointed position. Dietrich stated that he would help with that effort. Board members indicated their support for this change. Carl Seamon stated that he has no opposition to the change from elected to appointed.

Miller asked about the timeline for this project. Clerk Goddard outlined the timeline for passing a Local Law (required to make the change) that is subject to voter referendum. In order to appear on the November ballot, a LL needs to be considered in August so that a proposition can be submitted to the Board of Elections in September. A public information session should be held at some point in this process, either before or after the process of adopting the LL. Additional discussion, and the need to set a Local Law public hearing, will be on the July TB agendas.

Intent to Apply for Funds/Grants

Planner CJ Randall provided information about two projects that are being considered for “Intent to Apply”: a Housing Needs Survey and a Hamlet Water/Wastewater Feasibility Survey. The Housing Needs Assessment would seek funding through the Housing and Community Renewal Community Development Block Grants (CDBG). The Water/Wastewater Study would seek funding through the NYS DEC Environmental Facilities Corporation.

The last Housing Needs Survey completed in Danby was in 1998. Code Officer Hansen has identified substandard housing as a key public health concern, and would like an update of the 1998 Housing Rehabilitation Project (which also had been funded by the CDBG). If awarded, CDBG will fund 90% of the project. It is hoped that an engineering firm will be identified for the project and will manage most of the grant reporting requirements. Paul Hansen has been identified as the Town of Danby staff person responsible for this grant, should it be awarded. The eventual goal of this project would be revitalization of substandard housing in Danby. This may include future renovation or demolition of some structures. The immediate grant is purely for information gathering.

The Water/Wastewater Feasibility study is related to infrastructure needs due to potential development in the West and Central Danby Hamlet areas. Randall informed the Board that the maximum grant award for such studies is \$30,000. She had doubts that such a figure would cover a study for the Central Danby Hamlet, let alone both Hamlets together. Without formal adoption of the Hamlet Revitalization Plan (HRP), the grant application would not be considered. Given that there was not public support for the HRP, adoption of the plan is questionable. Randall stated that there are other funding sources for this project, should the Board want to investigate water/wastewater infrastructure in the Hamlets.

Randall and Dietrich opened a discussion of any potential concerns and the level of support for these projects from the TB. There was a concern about the amount of staff time that may be taken up with grant reporting and management responsibilities. Several of the unexpected requirements (such as a Fair Housing Office and Fair Housing Plan) have been addressed. The application deadline is in late July.

The Board agreed to proceed with intent to apply for the CDBG Housing Needs Survey. The Board decided to put the Water/Wastewater study proposal on hold at this time. A public hearing is required as part of the grant application process for the CDBG grant.

Set Public Hearing

The Board set a Public Hearing, as required by the CDBG grant process.

RESOLUTION NO. 52 OF 2018 - SET PUBLIC HEARING - HOUSING NEEDS SURVEY, CDBG GRANT

Resolved, That the Town Board of the Town of Danby sets a Public Hearing, to be held on Monday July 9 at 7pm in the Danby Town Hall. This public hearing is to hear all interested parties and citizens for the purpose of hearing public comments on the Town of Danby’s community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2018 program year.

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

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

Code/Planning Report

Paul Hansen reported that several building permits have been issued for pools.

Code of Ethics

There was a brief discussion of the Code of Ethics revision. The document is being distributed to the TB members and Codes of Ethics from other agencies are being reviewed.

Correspondence and Other Short Reports

Correspondence was received from NY Department of Environmental Conservation regarding the draft Timber Harvesting LL. The NYS DEC expressed concerns about unintended consequences to forest landowners in Danby. The DEC is undertaking review of the draft LL necessitating a deferment adoption of any Timber Harvest Las for 45 days pending receipt of comments from the DEC Commissioner.

The minutes of the June 13 West Danby Water District meeting were received. Tod Sukontarak will attend New York Rural Water Assocation training. The District is considering a water rate increase and related tax rate decrease. The WDWD has not had a rate increase in the life of its operation. The Water Commissioners hope to encourage water conservation and to have the rates reflect the actual cost of production.

Adjournment

The meeting adjourned at 8:45 pm.

Pamela Goddard, Town Clerk