

**Danby Town Board**  
**Minutes of Public Hearing and Regular Meeting**  
**July 9, 2018**

**Present:**

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

**Others Present:**

Town Clerk Pamela Goddard  
Planning CJ Randall  
Bookkeeper Laura Shawley  
Public Ted Crane, Ronda Roaring, Pat Woodworth, Garry Huddle, Scott Davis

**Public Hearing Opened at 7:04**

PLEASE TAKE NOTICE, that the Town Board of the Town of Danby will hold a Public Hearing at 7:00 PM on July 9, 2018 at the Danby Town Hall, 1830 Danby Road, Ithaca, NY, 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. The CDBG program is administered by the New York State Office of Community Renewal (OCR), which makes funding available to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. The hearing will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to the Town of Danby Fair Housing Plan and Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

No written communication was received regarding this public hearing.

Planner CJ Randall explained the intent of the grant proposal. This will be an application to the Community Development Block Grant program under "Planning Needs" for a housing survey in the Town of Danby to inventory the state of housing and an assessment of repair or demolition needs. The application is due by July 27. The last town-wide assessment of housing needs was done in 2002. Addressing housing needs has been a long-term priority for the Town Supervisor and Code Office.

Dietrich spoke to both the need for the community and the impact of the amount of work on a limited municipal staff. He voiced his support for this project, in terms of the quality of housing stock in the town and this relation to the tax base. He thought that this would add valuable information to town operations.

Ted Crane commented that this was a great idea, as long as the grant covers the majority of administrative costs. Dietrich and Randall attempted to assure him that staff is aware of their involvement in the project. Much of the data collection can be done by an outside agency and that is figured into the grant proposal. This should not have an onerous impact on staff time.

Holahan asked questions about the process for gathering data in the housing survey, whether forms would be used or researchers will go door to door? Randall responded that several methods will be used, including information from the Tompkins County Office on the Aging, Veterans groups, the local water district, and emergency responders. HUD and CDBG also have standard, template terminology which can be used in data collection. Experienced data collectors will use this terminology for a detailed inventory.

**Public Hearing Closed at 7:14**

**Regular Meeting Opened at 7:14pm**

## **Environmental Management Council Report - Anne Klingensmith**

Klingensmith reported on activities of the Environmental Management Council. She informed the board that she is no longer serving on the Unique Natural Areas committee, having moved her attention to a new Waste Reduction committee. Klingensmith stated that there were no pressing actions needed with UNAs.

The Waste Reduction committee is working on various methods of reducing waste, county-wide. The committee is working on writing a proposed single use plastic bag ban for Tompkins County. The committee is working from models already in use in other places in the United States and around the world. The goal is to encourage reusable grocery bags. This led to a general discussion of waste management in Tompkins County and the Finger Lakes.

## **Privilege of the Floor**

Ted Crane read a statement on behalf of Katharine Hunter. "As a resident in Danby and owner of a small parcel of woods, adjoined by several other owners of woods, I request that you not abandon a potential and protective law that might serve to preserve our woods longer and in a healthy way with management. I am hopeful that the Town of Danby and its associated Boards and Committees will not abandon their efforts to draft and implement laws that protect landowners and their woods particularly in light of the attendees at the June 11 meeting who actually 'threatened' the Town Board saying 'if you pass this law, No one/no lumber mill, purchaser will buy logs in Danby.' I find that threat to be repugnant and unacceptable to a Town who works well together for the residents and owners who live here I have found, in fact, that our Town has a very broad view of its/our responsibility to the land and the surrounding communities."

Ted Crane made his own statement, addressing two topics. Crane spoke in support of a Timber Harvest LL, and of methods to protect roads and have a structure for timber harvest notification and permitting. Crane also spoke to the proposed Code of Ethics, noting that an missing "not" (relative to all known model Codes) reverses a prohibition in the section regarding nepotism. When Ulinsky wondered whether the error might be a typo and Crane expressed optimism regarding that explanation. Crane suggested that the NYS Department of State model Code of Ethics for local governments is comprehensive, clear, and could be adopted with only minor changes.

Connors commented on herbicide spraying and tree-trimming along gas and electric lines. She asked whether the Town could take action to help inform residents of their options? This topic was further discussed later in the meeting.

Ronda Roaring, commented on tree trimming by NYSEG and other companies. She stated that property owners are not obligated to allow the power companies on their property.

## **Warrants**

### **ABSTRACT #7 OF 2018:**

#### **GENERAL FUND**

#274-307 for a total of \$17,608.55

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

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

#### **HIGHWAY FUND**

#132-164 for a total \$25,156.17

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

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

#### **WEST DANBY WATER DISTRICT FUND**

#10-16 for a total \$5,485.60

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

## **Approve Minutes**

### **MOTION - APPROVE MINUTES**

Moved, That the Town Board of the Town of Danby approves the minutes of June 11 and 18, 2018.

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

## **Highway Superintendent Referendum**

Ulinski led a discussion regarding a timeline to get the question of changing Highway Superintendent from an elected to an appointed position onto the November ballot. Ulinski circulated a proposed timeline for this action. This timeline was created based legal requirements for a ballot proposition related to a provisional Local Law.

There was some discussion of the best time to have a public information session regarding this proposal. The public will be able to voice concerns during a public hearing to pass a provisional Local Law enacting this change. The LL needs to be passed in August in order to meet a September deadline for ballot propositions. Information about the proposition will be shared with the public in the August Danby Area News. The Board may also send an informational mailing, with “Pro/Con” arguments, to residents prior to that public hearing.

### **RESOLUTION NO. 53 OF 2018 - SET PUBLIC HEARING - LOCAL LAW CHANGING HIGHWAY SUPERINTENDENT FROM ELECTED TO APPOINTED**

**Resolved,** That the Town Board of the Town of Danby sets a Public Hearing, to be held on Monday August 20 at 6:30pm in the Danby Town Hall. This public hearing is to hear all public comments regarding a proposed Local Law Changing from an Elected Town Highway Superintendent to an Appointed Town Highway Superintendent. This Local Law is subject to mandatory referendum, according to the provisions of Section 23 of the Municipal Home Rule Law. The Law does not take effect until the approval of a majority of electors voting thereon.

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

## **Code of Ethics**

Ulinski opened a discussion about a draft Code of Ethics for the Town of Danby. Ulinski and Connors are working on this document together, and hoped to have it complete in a short time. Dietrich asked for clarification as to who would be covered by this Code of Ethics. It would cover all elected and appointed Town officials serving on Town boards.

Ulinski distributed sample conflict of interest disclosure forms and asked the Board to review them before the next meeting.

There was a discussion of an Ethics Advisory Board to govern the policy and adjudicate disputes and concerns. Discussion centered on what form this should take. The Town could use an Ethics Board appointed by the Town Board, or could ask the Town Attorney to serve this function. Dietrich asked whether the Town Attorney would be willing to do so? Ulinski wondered whether this would be a conflict of interest? Dietrich suggested that this question be directed to the attorney for determination. Dietrich suggested that it might be better to have “outside people” aka, non-board members, evaluate possible ethics violations as an independent group so that boards are not investigating themselves. Holahan suggested an Ethics Board comprised of one member from each board. Ulinski supported this idea, with the awareness that an Ethics Advisory board member may need to recuse themselves from an investigation. There was not a final agreement on this issue.

Ulinski and Connors will continue to work on this.

## **Pipeline Herbicide Spraying and Tree Cutting**

Ulinski reported a concern from a resident, Katharine Hunter, regarding herbicide spraying along gas pipelines. Buckeye Pipeline Company has sent letters informing property owners that, over the summer, “In an effort to maintain a clear right-of-way, we will be conducting a herbicide application project to control the regrowth of brush, trees and invasive plant species that has occurred since our last mowing and clearing project.” Hunter has gotten a waiver to have her property not sprayed and cut. She was concerned that not all property owners are aware that they have the option of a waiver. This was discussed during the most recent CAC meeting (June 25). The CAC passed a resolution requesting that the “Town Board investigate contacting Buckeye regarding information on non chemical alternatives to Herbicide application.”

Residents Scott Davis and Ronda Roaring described their experiences and concerns. There were suggestions for alternatives to “overkill” clearing.

The Town will reach out to invite representatives of NYSEG and pipeline companies (Buckeye, Dominion, Enterprise, Crestwood) operating in the Town of Danby to talk about property owner notification and alternatives to herbicide spraying and clear cutting. There are also concerns about herbicide spraying by the County and other agencies. Primary concerns relate to timely notification for property owners and the ability to “opt-out” of herbicide application and clear cutting.

## **Planning Board Vacancy and need to appoint Chair**

Clerk Goddard informed the Board of at least two potential applicants for the vacancy. Connors stated that she knew of one other person considering applying. Supervisor Dietrich reported that he has been in touch with PB members and has asked them to give him feedback on a preferred Chair for the remainder of this year. Additional information should be available at the next TB meeting.

## **Forestry/Timber Harvest Ordinance Report**

Ulinski and Randall reported on a discussion of the draft Timber Harvest Local Law, held during the most recent CAC meeting. Ulinski reported that many responses, pro and con, have been received regarding the proposed ordinance. Danby resident Bruce Richards (employed by Wagner Lumber) attended the meeting and gave the Town of Vestal Timber Harvest LL as a potential model. This helped inform a discussion which Ulinski characterized as productive. The Vestal LL incorporates stormwater protection plans as part of its process.

Ulinski reported that current thinking is that the Town does not want to prevent timber harvesting, but rather wants to protect adjacent land and infrastructure while allowing forestry. There may be ways to use zoning to control logging, with the proper disclosure forms, permitting processes, and thresholds including SWPP. The CAC suggests reviewing the Town’s road use laws and revising as needed to create a “stop work order” if infrastructure is being damaged. Dietrich emphasized the importance of disclosure and permitting in logging operations.

Ulinski added that the the CAC is planning to include logging best practices as part of its public education and outreach efforts. He expected that these education sessions will take place over the next year.

Scott Davis commented on the current direction of this effort. Davis supports having a Town of Danby ordinance that puts all the rules in one place. This need not be an onerous ordinance, but would help add weight to efforts for land and infrastructure protection. Ulinski stated that the current thinking was to have the same result incorporated into several existing ordinances, rather than a new one. No final decisions were made as to the exact methods of protection and enforcement.

## **Planning Report**

A Planning report for the month of June was given by CJ Randall. The Planning Board will work in the Zoning Audit at its next meeting.

Progress is continuing on the design and installation of a TCAT bus shelter in Dotson Community Park. The Dotson Park Association and NYS Dept. of Transportation are now involved. A meeting is being organized for this summer. Formal agreement details need to be worked out.

Hansen will give a report regarding coordinating the placement and installation of a dual port EV charging station at the next TB meeting. The site agreement as been signed. It is hoped that the unit will be shipped in the next month.

The Verizon wireless tower on the VFW property near the northern boundary of the Town is installed and should be online soon. This should improve wireless service for some and my provide a better cell phone signal for the EV charging station.

Randall reported a meeting with the City of Ithaca Flood Study team. Randall reported that the City is looking at major projects related to dredging and a FEMA flood protection study. This has opened the opportunity for collaboration related to sediment control related to runoff from Towns such as Danby. The engineers working on the Brown Road stream revitalization project are also working with the City of Ithaca on its dredging and flood study. The end goal will be joint applications to County Planning for capitol infrastructure projects. This will help protect the ecology of Cayuga Lake.

There was a related discussion expressing concerns about ditching by NYS and County DoT and silt runoff due to heavy rain at the same time. Dietrich responded that concerns have already been directed to the County DoT.

### **Short Reports - Justices, Town Clerk**

Copies of the Justices' monthly reports were circulated to the TB.

Clerk Goddard presented a Historian's Report on behalf of Mary Ann Barr. Barr has answered several history questions and visited the site of an old homestead on the property of a Danby resident. Barr has researched and arranged an historic "Walk and Talk" history event related to the Danby Community Church. This event is sponsored by Historic Ithaca. The history event will take place on Saturday July 14 and will last about one hour. Barr is also working on a display of Danby history at the Tompkins County History Center. This exhibit will be on display for three or four months, starting in July.

Goddard reported that Barr and Pfeifer attended training related to records management, with a focus on electronic records. One result of this training is a draft disclosure agreement form regarding use of Town Email, to be signed by all Town officials whether hired, elected, or appointed. This form is intended to assure that all Town officials have read and understood the Town of Danby Email policy. Members of the Board indicated their support for this form.

The June Town Clerk's Report; \$2,184.45 was received in the month of May for two days of fishing license sales, 32 dog licenses, 12 building permits, and one marriage license. \$2,073.87 was disbursed to the Town Supervisor, \$50.08 to NY DEC, and \$38 to the NYS Animal Population Control Program, and \$22.50 to the NYS Health Department.

### **Adjournment**

The meeting adjourned at 8:37 pm.

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Pamela Goddard, Town Clerk