

Danby Town Board
Minutes of Budget Review and Regular Meeting
October 15, 2018, 7pm, Danby Town Hall

Present:

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

Others Present:

Town Clerk Pamela Goddard
Planning CJ Randall
Bookkeeper Laura Shawley
Public Greg Nelson, Mark Pruce, Ted Crane, Ronda Roaring, Julie Clougherty

Regular Meeting Opened at 6:17 pm

Budget Review

There was extensive budget review with Bookkeeper Laura Shawley. The 2019 budget stays under the NYS tax cap by \$85. Due to an increase in the total assessed value of properties in the Town, the tax bill may be lower for property owners whose the assessment has not changed. Shawley highlighted some areas of the budget where there was an increase in 2019 compared to 2018. Some increases (such as insurance and workmans compensation) are non-negotiable. Salary increases will be at the same 2% cost of living increase as recent years.

There was a salary increase in the Planner's budget line, due to an increase in hours for the Planner. Supervisor Dietrich noted that the Planner has brought in more funds, through grant awards.

The increase related to request for matching funds to cover a full-time youth programs staff. Supervisor Ric Dietrich stated that he would like to see a plan and a three year commitment from the program manager. Dietrich further stated that he supports the Town having a full time youth program manager and noted that Danby is the only municipality in the County which does not have full time staff in this area. Cooperative Extension will cover all of the benefits for this position.

The Fire District has asked for a \$10,000 increase in its budget. All other departments and programs have remained the same. Health Insurance rates are up 5% for 2019. This is a lower rate of increase than the average open market, thanks to the Health Insurance Consortium.

Shawley responded to several small questions from Jim Holahan. The Water District is considering establishing a reserve account. Shawley noted that this would be a good idea, for ongoing maintenance and emergency management of the 45-year old system. During the next year, research will be done regarding what is viable and sustainable for the future.

Holahan noted that there are no funds budgeted for an audit in 2019. Shawley responded that the funds are already in place, saved from previous years. In a similar question, Holahan asked about a 50% reduction in the Town Attorney budget line for 2019. Shawley responded that it is anticipated that costs will be lower, as there are no union negotiations needed in 2019 (union negotiations take place every other year). Any unanticipated overrun in this budget line can be addressed through budget corrections later in the year.

Holahan asked about anticipated revenue from the sales of obsolete highway equipment and from Water District meter sales. Shawley noted that underestimating revenues is a safe and fiscally conservative thing to do. The Highway Department is anticipating replacing two old snow plows. The old equipment will go out to auction. The Water District meters have been recording more accurate readings since they were replaced in 2016. There may be less usage, due to more accurate readings and due to some vacant properties.

Set Budget Hearing

Clerk Goddard shared information about the legal requirement for a Public Hearing on the 2019 budget. This must be held no later than the Thursday after the Nov. 6 General Election. Available dates for the first week of November include Monday Nov. 5, Wednesday Nov. 7 or Thursday Nov. 8.

RESOLUTION NO. 63 OF 2018 - SET PUBLIC HEARING, 2019 BUDGET

Resolved, That the Town Board of the Town of Danby sets a public hearing related to adoption of the 2019 Town of Danby Budget. This Public Hearing will take place on Monday November 5, 7:00pm, at the Danby Town Hall.

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

In Favor: Connors Holahan, Miller, Ulinski, Dietrich

Privilege of the Floor

Ted Crane submitted comments regarding the proposed White Hawk PDZ amendment. These comments were read by Clerk Goddard and copies were distributed to the Board. Crane had concerns that vague language could allow more expansive commercial development than actually desired by White Hawk EcoVillage and this development could have potential environmental impacts. Crane asserted that potential problems could be fixed easily with small changes in wording.

Ronda Roaring supported the changes regarding White Hawk PDZ amendments suggested by Crane. She asked what happens if the White Hawk EcoVillage “folds.” As a private corporation, this would be a matter for the shareholders. The Treasurer from White Hawk confirmed that the White Hawk business cooperative is the owner of the land and that it is not a “not for profit.” There is no burden on the Town of Danby should the EcoVillage fold. If the property failed to pay taxes, the property would go into the foreclosure process through Tompkins County Finance.

Highway Projects/Expenditures

Laura Shawley gave a brief update on several construction and purchase projects pending. All are waiting the required three quotes for the projects to be undertaken. No action items are pending at this time, but will come in the future.

The Highway Department is seeking construction quotes for several projects; wash bay engineering and construction, fuel tank cover construction, and truck purchase. Each of these projects needs three quotes, as required by the Town procurement policy. These are likely to be high cost projects. Shawley informed the Board of the need for each of these projects and their importance. The construction projects will improve environmental quality and worker safety.

White Hawk PDZ Local Law Amendments/Revision

A review of Full Environmental Review, parts 1, 2, and 3 for proposed amendments to the White Hawk EcoVillage PDZ 19 was made by CJ Randall. Randall explained that this is by no means the final step of this process. The proposed amendments still need to be reviewed by the Planning Board for its recommendation. Following that review and recommendation, the proposed Local Law making these amendments returns to the Town Board for action. Randall stated that it would not be a problem to clarify the repealer and replacement of conditions and limitations in the final draft of the Local Law.

Randall explained that the current site plan for the EcoVillage is not accurate or appropriate. Problems include a lack of lot coverage or setbacks with the potential for a near unlimited buildout of the property covered by PDZ 19. Randall was concerned about the buildout problem and lack of limits on special permits. This was the result of an error in plan filing and not the original intention of the EcoVillage cooperative. The new LL will clarify the intended and permitted uses of the property.

The proposed amendments have been drafted collaboratively between Planner Randall, representatives of White Hawk/Seven Circles LLC, and Town Attorney Guy Krogh. Comments were received from Mark Pruce and Greg Nelson, clarifying that the changes are in line with White Hawk’s intent. They are also fine with the word changes suggested by Crane. They entered this process to remove the development danger for the property and for the Town.

Supervisor Dietrich supported the environmental review, as it stands. He suggested that the action of SEQR determination proceed. Randall explained that this action will allow the project to proceed to County Planning and the Danby Planning Board for review.

RESOLUTION NO. 64 OF 2018 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF DANBY AMENDING LOCAL LAW NO. 3 OF 2007 TO ESTABLISH PLANNED DEVELOPMENT ZONE 19 FOR "WHITE HAWK ECOVILLAGE"

Whereas an Application has been submitted for proposed rezoning of the existing Planned Development Zone 19, tax parcel numbers 7.-1-68 and 7.1-1-1 through-32 by Greg Nelson and Mark Pruce, Applicants, on behalf of Seven Circles, LLC, Owner; and

Whereas this is an action under Sections 800 and 802 of the Zoning Ordinance of the Town of Danby, Applications for Rezoning and Modifications of Site Plans, respectively; and

Whereas an Application has been submitted for concurrent review and approval by the Town of Danby Planning Board for Modification of Site Plan; and

Whereas 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) requires 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 pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the Town of Danby Planning Board has been identified as an interested agency and it has been requested that this interested agency consents to the Town Board being Lead Agency for this project and has consented; and

Whereas this Board, acting as Lead Agency in environmental review, did on October 15, 2018 review and accept as adequate: a Full Environmental Assessment Form (SEAF), Part 1, submitted by the Applicant, and Part 2 and 3, prepared by the Planning Administrator; and other application materials;

Now Therefore, be it

Resolved that this Town Board, having declared itself Lead Agency in this matter, determines the proposed Rezoning and Modification of Site Plan 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.

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

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

Planning Report

There was a discussion regarding the status of an easement agreement with Danby Community Park Association. The Right of Way easement agreement needs to be in place before the TCAT bus shelter can be installed. Planner Randall reviewed a list of comments and changes to the easement agreement, requested by the DCPA. Julie Clougherty (DCPA President) arrived during this review. The proposed changes were reviewed point by point. Clougherty gave verbal approval for the revisions. The bus shelter project can move forward once the agreement has been signed by both involved parties.

The EV charging station has been installed and is in operation. The station is accessible through a smartphone "app" or through the use of a key fob, currently in the Code Office. There was a discussion of the need for multiple access fobs. A suggestion was made to have one in Code office, and one or more in Town Clerk's office. This should provide access for all EV drivers during Town Hall open hours. The station is currently free to use. Should a decision be made to collect a fee for this use, EV Connects receives 12 percent of the income. There is no obligation to collect a fee, and no plans to do so at this time. An article with this information has been submitted to the Danby Area News.

A second DAN article has been submitted regarding the completed Natural Resources Inventory for the Town of Danby. Many of the maps related to the NRI are now ready for public review. An "Open House" informal information session will be held on Tuesday November 13 at 6pm, to be followed by the

Conservation Advisory Council meeting. That meeting will include a speaker, Bob Beck, related to outdoor tourism. Beck is a member of the Conservation Board of the Town of Dryden. Ulinski gave credit to Randall for pulling together the NRI information. Dietrich remarked on the value and importance of this work.

An updated analysis of the South Hill Recreation Way has been provided by Town Attorney Krogh. This document was distributed to the TB. NYSEG has sent a draft license agreement to the County. County Planning is now reviewing this agreement. The intention is to do the buildout in stages. The Recreation Way currently goes as far as Burns Road. During this discussion there was a related discussion of other trails in Danby, specifically the Jennings Pond Trail and whether it can connect to the Finger Lakes Trail. Roaring suggested that the Town apply for a tourism grant for improvements to the trail around Jennings Pond park.

Randall reported a development question that has arisen related to Ag & Markets “right to farm” rights. A Danby resident is interested in opening a Cidery tasting room in a building on Danby Road/ Route 96B. His orchard and cider operation are at a different location. While the farm operation and the tasting room do not need to be contiguous, there are questions whether the Danby Road tasting room would still have the protection of Ag and Markets regulations and whether it should be considered an agricultural use in a low density zone or whether it crosses the line as a “restaurant” or place of entertainment? Randall is consulting with NYS Ag & Markets for clarification. Dietrich expressed concerns regarding traffic impacts, parking, and impacts on the neighbors.

Conservation Easement Update

Matt Ulinski and Randall gave a brief update on the status of the nearly completed Deed of Conservation Easement for 2275 Danby Road. Minor changes are being completed. The document will be ready for TB review soon. These actions should not be a barrier to the November 12 public hearing.

A draft resolution of acceptance and Conservation Easement map were distributed to TB for review, ahead of the November 12 public hearing. The resolution will be reviewed by the Town Attorney.

Highway Superintendent referendum - update

Ulinski reported on two aspects of the proposed change to Highway Superintendent, from elected to appointed. First, the information sharing process between this meeting and the election. Second, what happens after the election, if the provisional Local Law is approved by the voters.

Rather than have a public information session on the proposal to change the Danby Highway Superintendent from an elected to an appointed position, an informational mailing will be sent to property owners in Danby. There was a discussion about the logistics of this. The mailing cost will be covered by the Town. In addition, the provisional Local Law to make this change will be posted on the Danby web site for public access and review.

Ulinski and Connors have been working on the information to be shared in the mailing. This information should answer questions which were raised during the Local Law public hearing. Ulinski outlined each of the areas to be addressed. A list of job qualifications and job description will be included.

There was a discussion about the hiring process. Should the provisional LL be approved, the Highway Superintendent would be a Civil Service position. Therefore, the applicant would need to be in the Civil Service pool. Information about the impacts and implications of this was provided from by Shawley and Dietrich. With County support, the Town may be able to get a waiver on some requirements, particularly in the hiring process. There was a related discussion regarding the performance review of a CS Highway Superintendent, and what the conditions and process of removal (based on performance review) would be.

There was a preliminary discussion of the persons/agencies involved in a hiring and performance review board. This board would involve representatives from the Highway Department, Town Board, Fire Department, Water District, and a resident. This board would make a recommendation to the TB regarding the hire.

Short Reports

Dietrich reported on ditching problems with the NYS DOT and Route 96B. The work is being done too late in the season to reseed the ditches. Work will be left undone over the winter. In the spring additional, intensive work will resume in the spring. A three-year project, including replacing culverts, will be undertaken to correct improperly dug ditches on Route 96B.

Adjournment

The meeting adjourned at 8:34 pm.

Pamela Goddard, Town Clerk