

**Danby Town Board
Minutes of Public Hearing and Regular Meeting
January 14, 2019, 7pm**

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, Bruce Richards, Susan Franklin, Katharine Hunter, Greg Nelson, Mark Silver, Martin and Anna Blume.

Regular Meeting Opened at 7:02pm

Public Hearing -

PLEASE TAKE NOTICE that the Town Board of the Town of Danby will hold the following Public Hearing on Monday, JANUARY 14, 2017 at the Danby Town Hall, 1830 Danby Road (aka Route 96B): 7:00 p.m., to hear all comments of interested persons related to considering adoption of Town of Danby Local Law No. 1 of 2019 "A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF DANBY AMENDING LOCAL LAW NO. 3 OF 2007, PLANNED DEVELOPMENT ZONE 19, FOR 'WHITE HAWK ECOVILLAGE'"

This Zoning amendment corrects and clarifies the permitted principal uses in the existing Planned Development Zone 19 in order to match the Comprehensive Plan objectives of encouraging development in and near the Central Danby Hamlet. The White Hawk EcoVillage Planned Development Zone enables and guides development of a clustered mixed-use community which allows construction of 30 dwelling units and accessory uses along with a maximum of 15,000 gross square feet of non-residential uses and a maximum 5,000 square foot community center.

No written correspondence was received regarding this hearing. Planner CJ Randall spoke regarding a delay in receipt of a utility plan, required by Tompkins County Planning. Lacking this document, County Planning has not been able to make comments. Therefore, Randall advised the Board to not close the Hearing until its next meeting. Action regarding adoption of this Local Law must be held off until additional comments have been received by the Town.

Ronda Roaring made comments, claiming that White Hawk "scamming" the Town of Danby. Roaring questioned the tax status of White Hawk EcoVillage, asserting that this should be a non-profit entity. She quoted from their mission statement, and stated that she supports this. Roaring objected to the inclusion of for profit enterprises, such as retail businesses, within the Planned Development Zone. She urged them to stay with the original purpose.

Greg Nelson, responded to Roaring's comments with information that co-housing properties can not be listed as non-profit according to the NYS Attorney General's office. EcoVillage of Ithaca, in a rather complicated system, has an "umbrella organization" listed as a non-profit while the housing neighborhoods themselves are not. Nelson stated that White Hawk prefers to keep a more simple organizational system. Nelson spoke regarding the specific changes to the existing Planned Development Zone, saying that the allowed uses in the proposed LL are not different from those included in the existing PDZ. It is not the intention of White Hawk to have a large number of retail establishments.

Ted Crane opted to hold his specific comments until the next meeting. He noted that the current proposed law was not online and urged that it be made available to the public along with other missing Planning Board minutes from the past year.

Public Hearing to Remain Opened until February 4, 2019 meeting

Privilege of the Floor

Anna and Marty Blume addressed the Board regarding the condition of Updike Road. They stated that the condition of the road makes it close to impossible to either drive or jog/walk on the road. They made a request that the road be improved, preferably paved, to mitigate problems of mud and ruts in wet weather and dust in dry weather. This dust was characterized as a health issue. In their view, this would be preferable and less expensive than having the Highway Department making frequent maintenance visits to the road. The Blumes stated that they have spoken to their neighbors on Updike Road, including long time resident Gould Colman, and that the neighbors are all in support of this proposal.

A response was given by Supervisor Dietrich and Laura Shawley on behalf of the Highway Department. It was explained that the majority of roads in Danby are dirt, some treated with oil and stone. These roads have been impacted by a year of wet weather and fluctuating temperatures between freeze and thaw. There are sometimes concerns, when a road is improved, that traffic speeds will increase to a dangerous level for pedestrians. Shawley advised the Blumes that she would bring this concern to the Highway Superintendent and they will determine when this will be reviewed and how it will be addressed. This, and some other roads, may need major rebuilding over the next few years.

Ted Crane invited the Board to an afternoon and evening program on Sunday January 20 related to the "Blood Moon" eclipse, sponsored by the Danby Community Council. He also spoke regarding personal feelings apparent in the Board's attitude toward himself, among others. Crane said that he hopes that it will be understood that his comments, offered to the Board, are intended to point out inconsistencies and errors.

Approve Minutes

MOTION - APPROVE MINUTES

Moved, That the Town Board of the Town of Danby approves the minutes of December 17, 2018.

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

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

Appointments

Clerk Goddard outlined the open seats and applications received for each. There was a brief discussion regarding applicants to the CAC. Bill Evans is willing to serve another term, until someone else is able to take over his term. There may be a second seat opening up on the CAC as well. The CAC is actively recruiting new members.

Ulinski stated that he would like to hear statements from Bruce Richards and Ted Crane, prior to a vote on appointment to the open Planning Board term.

RESOLUTION NO. 20 OF 2019 - APPOINTMENT OF CONSERVATION ADVISORY COUNCIL REPRESENTATIVES

Resolved, That the Town Board of the Town of Danby reappoints Don Scauffler, Ruth Sherman, and Bill Evans to two year terms on the Conservation Advisory Council. These terms are effective January 14, 2019 through December 31, 2020.

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

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

RESOLUTION NO. 21 OF 2019 - APPOINTMENT OF BOARD OF ZONING APPEALS REPRESENTATIVE

Resolved, That the Town Board of the Town of Danby reappoints Tobias Dean to a five year term on the Board of Zoning Appeals. This term is effective Jan. 14, 2019 through December 31, 2023.

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

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

RESOLUTION NO. 22 OF 2019- APPOINTMENT OF WATER COMMISSIONER

Resolved, That the Town Board of the Town of Danby reappoints Carl Seamon to a xx year term as Water Commissioner with the West Danby Water District. This terms is effective January 14, 2019 through December 31, 20xx.

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

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

RESOLUTION NO. 23 OF 2019 - APPOINTMENT OF TOWN HISTORIAN

Resolved, That the Town Board of the Town of Danby reappoints Mary Ann Barr as Danby Town Historian. This is a one year term, effective through December 31, 2019.

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

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

The Board heard comments from Ted Crane regarding his interest in serving a term on the Planning Board. Crane noted that he has been attending PB meetings regularly for at least the past eight years, is familiar with the issues and processes before this board, and would be able to, "hit the ground running." He stated that he has time to attend all the required training, and finds such training interesting. He stated that while he has opinions on items which have come up, he recognizes the important of drawing a line between personal opinions and the needs of the Town. Crane noted that the job of the PB is well defined, reviewing site plans and potential changes to zoning. He believed that he had much to offer, with skills in looking at complicated problems to find solutions, and finding loopholes in existing rules, that create unintended consequences.

The Board heard comments from Bruce Richards regarding his interest in serving a term on the Planning Board. Richards noted that he is the newest member of the PB and has less experience than Mr. Crane. He is a long-term resident of West Danby with a long career in the timber industry. Following conversations with other members of the PB, his interests have expanded to the development of Danby hamlets and the preservation of open land. He characterized himself as pragmatic vs. idealistic, and a problem solver.

Following these comments, there was a discussion of the Board regarding the appointment. Connors noted that Richards had served less than a year, but believed that he was "getting into it" and offered a different voice on the Board. Dietrich supported the application of Ted Crane, appreciating the time and effort put in by this resident. Dietrich acknowledged Crane's knowledge and contribution. Ulinski commented on the interactions he has had with Richards, as a member of the subcommittee on timber harvest regulations. He noted that Richards was working to find the best course for the Town.

RESOLUTION NO. 24 OF 2019 - APPOINTMENT OF PLANNING BOARD REPRESENTATIVE

Resolved, That the Town Board of the Town of Danby reappoints Bruce Richards to a seven year term on the Planning Board. This term is effective January 14, 2019 through December 31, 2025.

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

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

Association of Towns Meeting Delegate

There was a brief discussion of whether to appoint a voting delegate to the 2019 meeting of the NYS Association of Towns. Although the workshop syllabus had not yet been posted, and it was not certain as to whether a Board member would attend this year, the Board agreed to appoint a voting delegate in case the meeting and voting issues are seen as relevant to Danby. Connors was willing to be this person.

RESOLUTION NO. 25 OF 2019 - APPOINTMENT OF ASSOCIATION OF TOWNS MEETING VOTING DELEGATE

Resolved, That the Town Board of the Town of Danby appoints Leslie Connors as its voting delegate to the 2019 annual meeting of the New York Association of Towns.

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

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

Code of Ethics

Ulinski gave a brief update on the status of the draft revised Danby Code of Ethics. The draft is being reviewed by the Town Attorney. There was no new discussion on this issue.

Planning Report

CJ Randall made a report regarding various activities. The Natural Resources Inventory is being reviewed by the Conservation Advisory Council, following public input. The final zoning audit is going to the Planning Board for its review.

Randall informed the Board that she has been appointed a Rural Representative to the Tompkins County Planning Advisory Board.

Field surveys related to the FEMA risk map plan are being made from the beginning of the year through March. This is part of a larger flood plain mapping project. The field surveys may need to go through private land in some locations. Not too many properties in the Town of Danby should be affected.

Randall's 2019 work plan was distributed to the TB. This work plan may be impacted on the pending retirement of Code Officer Paul Hansen.

The various regulations related to timber harvest are being reviewed by the Danby Town Attorney.

Short Reports - Court, Town Clerk

Clerk Goddard circulated Court reports from Justices Huddle and Klinger. She confirmed that the Danby Court will be held on Tuesday mornings, starting at 9am. Similarly, District Attorney representation will continue on the first Tuesday of the month, but at 9am. This change takes effect on Tuesday February 5, 2019.

Goddard presented the Clerk's Report for the month of December, 2018. A total of \$1,870.00 was collected through the Clerk's office, with \$1,833.00 distributed to the Town Supervisor and \$37.00 to the NYS Animal Population Control program. This income was from one Board of Zoning Appeals request, two planning fees, one building permit, and 29 dog licenses.

Executive Session

Supervisor Dietrich asked for a motion to enter executive session to discuss a pending legal matter.

MOTION - ENTER EXECUTIVE SESSION

Moved, That the Town Board of the Town of Danby enters executive session at 8:05 to discuss a pending legal matter.

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

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

MOTION - CLOSE EXECUTIVE SESSION

Moved, That the Town Board of the Town of Danby closes executive session at 8:23.

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

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

RESOLUTION NO. 26 OF 2019 - AUTHORIZATION FOR TOWN ATTORNEY TO ADDRESS A LEGAL MATTER

Resolved, That the Town Board of the Town of Danby authorizes Town Attorney Guy Krogh to represent the Town of Danby in response to NYS Division of Human Rights case No. 10198361.

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

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

Adjournment

The meeting adjourned at 8:25 pm.

Pamela Goddard, Town Clerk