

**Danby Town Board  
Minutes of Regular Meeting  
March 4, 2019, 7pm, Danby Town Hall**

**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
Justices	Garry Huddle, Theresa Klinger
Public	Ted Crane, Ronda Roaring, Katharine Hunter, Pat Woodworth, Anna & Marty Blume, Bill Keokosky.

**Meeting Opened at 7:10 pm**

**Privilege of the Floor**

Bill Keokosky spoke regarding dangerous conditions on the East Miller Road hill, near the intersection with Coddington Road. He noted that this road has, at times, been closed due to hazardous conditions and steepness, especially during winter storms. He expressed the opinion that the road is dangerous and, in particular, too dangerous for school bus routes. This danger is increased in summer time on occasions when skateboarders ride down the hill. Keokosky related seeing parents drop skateboarders off at the top of the hill and then pick them up at the bottom. He predicted that a serious accident will happen, due to all of these conditions. He did not have a specific request, other than possible warning signs. Keokosky said that his intent was to alert the Board to this problem.

Ronda Roaring attested to this problem, relating an occasion when a school bus got stuck across East Miller Road at the intersection of Gilbert Road. Supervisor Dietrich and Bookkeeper Shawley responded on behalf of the Highway Department. This is a known problem. The Highway Department pays particular attention to the road conditions in times of winter storms. A special blend of treated salt, intended to improve ice removal/prevention, will be used on this road starting this year. Highway is also researching appropriate signage in order to alert drivers to the danger.

Ted Crane announced upcoming events sponsored by the Danby Community Council.

He continued with a question regarding the increasing penalty scale proposed in the dog impoundment revision, noting that the wording resulted in a situation where a fourth violation would be penalized as a first violation. He recommended the insertion of "any", as in, "any 12-month period."

Crane stated that he was in favor the proposed resolution supporting a grant application for the Danby Community Park Association playground expansion as a good use of funds. However, he had reservations about the proposal for a development project adjacent to the park, whose second phase could have a negative impact on the park. He asked the Board to look at this carefully.

Finally, Crane referred to a recent personal experience on Station Road and suggested it is also a \ steep, curving, unpaved, dangerous hill.

## **Warrants**

### **ABSTRACT #3 OF 2019:**

#### **GENERAL FUND**

#64-82 and 84-109 for a total of \$31,575.73

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

#### **HIGHWAY FUND**

#38-70 for a total \$106,664.40

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

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

#3-5 for a total \$478.50

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

#### **FIRE DISTRICT FUND**

#83 for a total \$533,000.00

**Moved by Ulinski, 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 February 4 and 11, 2019.

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

## **Dotson Community Park Association, Natural Playground Proposal**

Planner Randall presented a proposal of support, in order to access funds available through Tompkins County's 2019 Towns and Villages Parks and Trails Grant Program. The County has made up to \$5,000 per municipality available for the improvement of parks and trails. Randall distributed copies of the DCPA's phase one for a proposed natural playground near the entrance to Dotson Park. The proposed natural play area should compliment the Park and Ride being installed by TCAT. As an aside, Randall noted that the agreement for the Park and Ride has been signed and is moving forward.

Environmental review was done on this project, as there are delineated wetlands on the park property. These wetlands will not be impacted by the natural play areas. Ulinski asked whether the project will impact habitat of the endangered Northern Harrier, found on the property. The site of the playground will not impact that habitat.

The park/trail money is available on a "first come, first served" basis. Ted Crane asked a question, whether there have been other applicants for this funding? Randall responded that there are no other applicants for this small grant. Funds have been allocated so that each municipality gets some.

Randall provided information that questions related to insurance coverage have been researched and the amount of insurance coverage in place for this project is appropriate and sufficient.

Ulinski asked whether there was any concern about safety of children in the play area, in proximity to traffic at the Park and Ride? Randall suggested that this question be raised in a preparation of a more detail site plan. Ulinski suggested possible fencing, for safety.

**RESOLUTION NO. 31 OF 2019 - DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE, DOTSON PARK NATURAL PLAYGROUND SITE IMPROVEMENTS, 1825 DANBY ROAD, TAX PARCEL NO. 10.-1-78**

**Whereas**, the Danby Community Park Association, Inc., owns and operates parklands within the Town known as Dotson Park; and

**Whereas**, the Town Board previously determined that it would be in the best interests of the Town to pursue the potential for entering into an agreement for the Danby Community Park Association, Inc., and the Town of Danby to work cooperatively together for the betterment of the Town of Danby residents to enjoy active and passive recreational and open space at Dotson Park; and

**Whereas**, Town Board Resolution No. 55 of 2017 approved the execution of a contract with the Danby Community Park Association, titled 'Park Services and Support Agreement,' entered into on July 17, 2017; and

**Whereas**, the Danby Community Park Association, Inc. intends to construct soil mounds; a slide; boulder scramble; six benches; a boardwalk; and other Permitted site improvements as described in narrative and depicted in graphics in the proposal "Dotson Park Natural Playground, Phase 1: Spring 2019"; and

**Whereas**, the Danby Community Park Association, Inc. seeks a grant of \$5,000.00 from Tompkins County's 2019 Towns and Villages Parks and Trails Grant Program to construct Permitted Improvements at Dotson Park, 1825 Danby Road; and

**Whereas**, the Town Board recognizes the value of these site improvements as a local and regional recreational asset that will benefit the citizens of Danby; and

**Whereas**, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and the State Environmental Quality Review Act and is subject to environmental review; 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**, the Town Board is the local agency with primary responsibility for reviewing the action; and

**Whereas**, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and an Unlisted Action under the State Environmental Quality Review Act, both of which require environmental review; and

**Whereas**, this Board, acting as Lead Agency in environmental review, did on March 4, 2019 review and accept as adequate: "Dotson Park Natural Playground, Phase 1: Spring 2019"; "Report of Findings and Delineation of Waters of the U.S. including Special Aquatic Sites and Jurisdictional Wetlands," prepared by LeCain Environmental Services, Inc., dated July 28, 2008; Wetland Map prepared by T.G. Miller, P.C., dated 6/24/2008; a Short Environmental Assessment Form, Part 1 and Part 2, prepared by Lead Agency and Town Planning staff; and

**Now Therefore, be it**

**Resolved** that the Town Board of the Town of Danby determines the proposed site improvements at Dotson Park 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 Ulinski, Second by Dietrich. The motion passed.**

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

**RESOLUTION NO. 32 OF 2019 - RESOLUTION SUPPORTING DOTSON PARK NATURAL PLAYGROUND SITE IMPROVEMENTS, 1825 DANBY ROAD, TAX PARCEL NO. 10.-1-78**

**Whereas**, the 2011 Town of Danby Comprehensive Plan identified a need for developing recreational opportunities in Danby to complement those currently on State lands, and implementation of strategy G2.4.1. requires actively supporting the development of a Danby Community Park with active and passive recreational facilities that are needed in Danby; and

**Whereas**, the Danby Community Park Association, Inc., owns and operates parklands within the Town known as Dotson Park; and

**Whereas**, the Town Board previously determined that it would be in the best interests of the Town to pursue the potential for entering into an agreement for the Danby Community Park Association, Inc., and the Town of Danby to work cooperatively together for the betterment of the Town of Danby residents to enjoy active and passive recreational and open space at Dotson Park; and

**Whereas**, Town Board Resolution No. 55 of 2017 approved the execution of a contract with the Danby Community Park Association, titled 'Park Services and Support Agreement,' entered into on July 17, 2017; and

**Whereas**, Danby Community Park Association, Inc., under the Deed of Conservation Easement (Tompkins County Clerk instrument number 535742-001) executed December 17, 2018, has the right to construct, install, and maintain Permitted Improvements at Dotson Park, including, specifically, expansion of the parking area located near the entrance to the proposed playing fields, and, development of playgrounds, respectively; and

**Whereas**, the Danby Community Park Association, Inc. seeks a grant of \$5,000.00 from Tompkins County's 2019 Towns and Villages Parks and Trails Grant Program to construct the aforementioned Permitted Improvements; and

**Whereas**, the Town Board recognizes the value of these site improvements as a local and regional recreational asset that will benefit the citizens of Danby; and

**Whereas**, this is an Unlisted Action under the Town of Danby Environmental Review of Actions and an Unlisted Action under the State Environmental Quality Review Act, both of which require environmental review; and

**Whereas**, this Board, acting as Lead Agency in environmental review, did on March 4, 2019 review and accept as adequate: "Dotson Park Natural Playground, Phase 1: Spring 2019"; "Report of Findings and Delineation of Waters of the U.S. including Special Aquatic Sites and Jurisdictional Wetlands," prepared by LeCain Environmental Services, Inc., dated July 28, 2008; Wetland Map prepared by T.G. Miller, P.C., dated 6/24/2008; a Short Environmental Assessment Form, Part 1 and Part 2, prepared by Lead Agency and Town Planning staff; and

**Whereas**, as a result of its review and examination of the site improvements, the Town Board, acting as Lead Agency, determines the proposed site improvements 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;

**Now Therefore, be it**

**Resolved**, that the Town Board does hereby support the proposal submitted by Danby Community Park Association, Inc. for the construction, installation, and maintenance of a natural playground to be located at Dotson Park, tax parcel #10.-1-78, at 1825 Danby Road, Ithaca, NY, 14850; and be it

**Further Resolved**, that the Town Board conditions this support on receipt of a final site plan showing Permitted Improvements prior to construction.

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

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

## **Dog Impoundment Fee Revision**

Resolution presented by Clerk Goddard. She responded to question from Crane regarding the wording "within 12 months of the first impoundment of any dog owned by the same person" that first impoundment starts the clock for increases in fines. This is the same wording as used in the Town of Ithaca impoundment fee revision. Tompkins County Animal Control has not expressed any concern with this wording. This wording can be revised by resolution, if needed.

There was a brief discussion as to whether this is managed by municipalities or the County. Supervisor Dietrich and Clerk Goddard clarified the process of dog control through an intermunicipal consortium and Tompkins County Animal Control (managed by the SPCA of Tompkins County).

Ulinski asked whether there is a provision for an increase in fines for more than three impoundments in a twelve month period. There are just the three steps in fees. Crane clarified that his concern is that dog owners may be given a "free pass" if there are more than three problems in a twelve month period. Supervisor Dietrich said that the bottom line is consistency of impoundment rates across the municipalities. The Towns adjacent to Danby are also part of the TCAC consortium.

**RESOLUTION NO. 33 OF 2019 - AMEND DOG IMPOUNDMENT FEES, AS PER SECTION 13 OF TOWN OF DANBY LOCAL LAW #1 OF 2011**

**Whereas**, the Town Board of the Town of Danby adopted Local Law #1 of 2011, "Licensing, Identification, and Control of Dogs in the Town of Danby"; and

**Whereas**, Section 13 of this local law specifies the conditions, procedures, and care of the seizure, impoundment, redemption and adoption of dogs residing or found in the Town of Danby; and

**Whereas**, This same Section 13, paragraph 6 provides that the Town Board shall establish impoundment fees required for redemption of dogs; and

**Whereas**, Municipalities contracting with Tompkins County Animal Control are requesting an increase and standardization of dog impoundment fees collected by Tompkins County Animal Control; and

**Whereas**, The current schedule of impoundment fees levied for the Town of Danby have not been increased in over ten years; and

**Whereas**, The Town Board has reviewed and fully considered the proposed fee schedule

**Now, Therefore, it is**

**Resolved**, that the Town Board of the Town of Danby hereby increases Danby impoundment fees to the following schedule; If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees required by Section 13 of LL #1 of 2011.

For the first impoundment of any dog owned by a person: \$25

For the second impoundment of any dog owned by the same person within 12 months of the first impoundment of any dog owned by the same person: \$50

For the third impoundment of any dog owned by the same person within 12 months of the first impoundment of any dog owned by the same person: \$75

If more than one dog owned by the same person is impounded at the same time, the impoundment of each dog is considered a separate impoundment. (For example, if two dogs owned by the same person are impounded at the same time and the owner has not had any dogs impounded within the past 12 months, the fees are \$25 for one dog and \$50 for the other dog.); and it is

**Further Resolved**, that the Town Board directs the Town Clerk to provide Tompkins County Animal Control with this Impoundment Fee Schedule by Certified Resolution.

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

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

### **Conservation Advisory Council Requests**

Ulinski presented four resolutions on behalf of the Conservation Advisory Council (CAC), for board consideration. Action on these items will be considered at the next TB meeting.

The CAC would like to increase the potential number of members from 5-9 members. Membership is currently limited to 5-7 members. There is new interest in the council and they would like to open it up to more members. Ulinski expressed the opinion that "more is better" for that group. This may be particularly useful in negotiating Conservation Easements. This change can be done by amending the 2010 resolution establishing the Conservation Advisory Council. Clerk Goddard suggested that the amending resolution reference the original resolution. Ulinski will draft the resolution in this way.

The CAC would like to extend the terms of these members from two years to three years, on a rotational basis. Ulinski prepared a chart, noting the current members of the CAC and their terms. Clerk Goddard suggested that both of these actions may be able to be addressed in the same resolution. Supervisor Dietrich noted that these efforts are part of the CAC's moves to have conditions in place for Danby to move this to a Conservation Advisory Board.

Ulinski distributed the CAC 2018 annual report, for consideration of approval at the next meeting.

Finally, the CAC is requesting that the Town Board consider passing a resolution in support of carbon fee and dividend bills being introduced in the Federal Congress. A summary of the bills is included in the draft resolution language. A version of this has been adopted by the Tompkins County Legislature. A Danby version is being drafted by Joel Gagnon.

Ulinski reported that the CAC adopted a motion of thanks for the appreciation of the years of service provided by CJ Randall to the Advisory Council and everything that she has done for them.

Ted Crane noted information NYS Association of Conservation Commissions, with citations to NYS law, that describes how CAC are created. NYS law allows up to 9 members on a CAC but limits terms to two years. This will be further researched during the week between meetings.

### **Highway Barns Energy Audit**

There was an update on status of seeking two additional quotes for an energy audit of the Town Highway barns. Companies have been contacted. The Highway Department is waiting for quotes to be returned by these companies. They hope to have more information in the next week.

### **Planning Transition Report**

Supervisor Dietrich and Planner CJ Randall reported that a person has been interviewed and offered the job of Danby Planner, to take over when Randall departs to take the position of Director of Planning in the Town of Lansing. John Czamanske was recommended by Randall as a seasoned planner. He has experience in the Town of Ithaca, with County planning teams in Schuyler and Yates Counties and as Town Planner in Wells, Maine. He retired in 2016 as Deputy Commissioner of the Orange County (NY) Planning Department. With this experience, the Planning office will be covered during this transition period.

Czamanske will be retained as “triage” for Danby Planning, on a six month basis. Randall stated that she is willing to stay on-call, on a contract basis with the Town of Danby until mid-May so there will be continuity in the department. Both Randall and Czamanske will attend the April Planning Board meeting.

Dietrich explained his rationale for this hire, and the intention for the next six months. He attempted to answer questions from the Board and members of the community. The hire of Czamanske as a temporary, part time planner will provide some “breathing room” while the Town assesses its priorities. There was a discussion as to whether the position will continue to be posted. The position is posted in Civil Service and other lists. The listing will remain up during this transition.

### **Non-Binding Resolution from Planning Board regarding Sketch Plan, potential development at 1839-1849 Danby Road**

CJ Randall made a report of proposal for “hamlet scale” development at 1839-1849 Danby Road in the central hamlet. Olivia Vent (property owner) and Ben Rosenblum Studio made a presentation to the Planning Board during a recent meeting. In the non-binding resolution No. 7 of 2019, the Planning Board stated that it found the proposal “very appropriate for the site” and recommended that Town Board consider rezoning the parcels (tax parcels 10.-1-42 and 10.-1-49.2) into a Planned Development Zone (PDZ). This is currently zoned low density residential. Documents related to this proposal are posted on the Planning page of the Danby website.

Planner Randall reported that no formal application is currently presented, that this is a sketch plan with many details to be worked out. She reported that the PB supports the concept of this type of project. In Randall’s opinion, combining these parcels for development is an appropriate use of a PDZ. She noted that it is awkward because there is no formal proposal. If the TB supports this concept, it could work on a potential PDZ. Or, it could wait until the applicant makes a formal proposal at which time the costs and burden of rezoning would fall on the developer. Having the developer do this is the more common way for having this done.

Dietrich cautioned that, prior to taking action on this, the TB should have a public information session on the proposal and seek neighbor reactions. Not all of the neighboring property holders may be “on board” with this proposal. In example, he wondered what the opinion of the Danby Community Church and the Danby Community Park Association would be, as this development would directly impact them.

Randall suggested that Vent and Rosenblum present the sketch plan to the TB and to adjacent property owners. Vent and Rosenblum will be contacted, regarding their availability to make a

presentation during one of the April TB meetings. Dietrich said that letters should be sent to adjacent property owners, advising them of the presentation of this idea.

### **Further Planning Report**

CJ Randall made a report of the status of current projects. An article in the Ithaca Journal (Feb. 22) with information about the O'Neal Conservation Easement on Danby Road has provoked a positive response with several people asking about the program.

Tompkins County is working on Census Boundaries. Both Danby and Caroline have had growth in population and so some changes to the census tracks for these towns are being considered. West Danby and/or Central Danby may become a "census designated place" for the 2020 census. These are places which have more focused data collection. This could have a beneficial impact on the Housing Survey, as the designation will provide more data on the Town. Dietrich expressed concern that this may have an impact on assessments in the Town. Overall, he agreed that this is a good thing.

Randall confirmed that this is her last TB meeting, as she is moving into a position as Director of Planning in the Town of Lansing. The TB applauded her for her service.

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

Justices Huddle and Klinger reported that the Danby Court camera security system has been installed. They further reported that the transition of Court Clerk to Code Officer is not working well for the Court. Work is not getting done well. They have had 27 applicants for the now open position, and have interviewed one. More interviews are pending.

Goddard presented the Clerk's Report for the month of February, 2019. A total of \$397.25 was collected through the Clerk's office, with \$363.25 distributed to the Town Supervisor and \$34.00 to the NYS Animal Population Control program. This income was from one building permit, one impoundment fee, copies related to one FOIL request, and 24 dog licenses.

### **Adjournment**

The meeting adjourned at 8:45 pm.

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Pamela Goddard, Town Clerk