

Danby Town Board
Minutes of Public Hearings and Regular Meeting
October 7, 2019, 6pm, Danby Town Hall

Present:

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

Others Present:

Town Clerk Pamela Goddard
Justices Garry Huddle
Bookkeeper Laura Shawley
Public Ted Crane, Ronda Roaring, Pat Woodworth, Jia Forrest, Katherine Forrest, Joel Gagnon, Katharine Hunter.

Meeting Opened at 6:05 pm

Budget Workshop

Laura Shawley, on behalf of the Supervisor, presented the preliminary 2020 budget. This preliminary budget is under the NYS tax cap by \$692. The 2020 tax cap limitation for the Town of Danby is \$1,999,428. The preliminary budget has a tax levy of \$1,998,736; General Fund increase \$30,724, Highway Fund increase \$33,384, Water District increase \$25. The 2019 Tax Levy was \$1,934,603. The 2020 preliminary budget has an overall increase of \$64,133.

Shawley provided a history of assessment, tax levy, and tax rate changes from 2015 to 2019. She also provided a history of budget relationship to the tax cap. From 2015-2019, assessments went up by \$42,148,257. During the same period, the tax levy went up by \$232,209. The Town of Danby has been under or within the Tax Cap every year since 2012, with the exception of 2016 when the Town went over the tax cap by \$78,957. In 2018 the budget was \$13,616 under the tax cap, and in 2019 the budget was \$25 under the tax cap.

The Total Value of assessed properties in the Town of Danby has increased by 15 million. This means that the 2020 Tax Rate will actually decrease. The Town of Danby tax bill for a \$100,000 property will decrease \$7.90. At the same level of assessment, the Fire District tax bill will decrease \$7.10 and the Water District bill will decrease \$21.30.

The Fire District has its own tax cap limitations. That tax cap does not affect the Town of Danby municipal tax cap.

Shawley outlined specific areas in the budget that show increases and decreases. Salaries have a standard 1.99% increase. There is a substantial increase in the salary (to \$65,000) for the Planner, reflecting an increase in hours and responsibility. This is offset, to an extent, by a decrease in the required amount for Worker's Compensation. Other insurance amounts are relatively steady. Thanks to ongoing state support, the Highway budget for road maintenance shows only minor increases.

To balance this budget, amounts from the General Fund, and Highway Fund, Fund Balances are transferred. \$45,000 from the Fund Balances were used in 2019. \$35,000 from the Fund Balances could be used in 2020. The projected Fund Balance amounts, as of January 1, 2020, are \$450,000 in the General Fund, \$320,000 in the Highway Fund, and \$315,000 in the Water District Fund. Additionally, there is \$256,361 in the Building Reserve, \$9,750 in the Equipment Reserve, and \$13,505 in the Retirement Reserve. Dietrich expressed concern about regular use of the Fund Balances to balance the budget. This is not sustainable in the long run.

Ulinski and other TB members asked for additional history in various budget areas, particularly the history of Fund Balances and Reserve accounts, to assist in long range budget planning. Clerk Goddard

asked whether the Board wants to add in money for a financial audit of the Clerk's office, given the change in Clerk from 2019 to 2020. This will be considered.

There was a brief discussion of upcoming budget workshops, tentatively set for 6pm on Monday October 14, 21, and 28 if needed.

7:05 - Public Hearings

Open Public Hearing: to hear all comments of interested persons related to considering adoption of Town of Danby Local Law 2 of 2019 "A Local Law to Override the Tax Levy Limit," The intent of this local law is to override the limit on the amount of real property taxes that may be levied by the Town of Danby, County of Tompkins, pursuant to General Municipal Law 3-c, and to allow the Town Board of the Town of Danby to adopt a town budget for (a) town purposes; (b) the fire protection district; and (c) any other special or improvement district governed by the town board for the fiscal year 2020 that requires a real property tax levy in excess of the "tax Levy limit" as defined in General Municipal Law 3-c.

Joel Gagnon spoke in favor of this action as a prudent step, just in case.

Ted Crane spoke in favor of the LL, noting that, while any tax increase is not a good thing, he finds it prudent to pass this measure. He noted that the apparent effect of the NYS tax cap has been for taxing authorities (e.g., the Town and Fire District) to aim for budgets not to increase more than the allowable tax cap. He urged the Board to bear in mind that its goal should be to have a "zero increase" in the budget. Any small change in the preliminary budget could push this over the tax cap.

Matt Ulinski spoke in favor, as the right thing to do in order to complete the long term goals of the Town.

Close Local Law Public Hearing at 7:10. Immediately open second Public Hearing.

Public Hearing regarding a Conservation Easement, to hear all comments of interested persons related to considering the acquisition of a conservation easement of property located at 29 Durfee Hill Road, tax parcel 11.-1-19, Danby, New York. This hearing is held pursuant to General Municipal Law § 247, Environmental Conservation Law Article 49.

There was no written correspondence related to this matter. Supervisor Dietrich directed any questions regarding this CE be answered by Conservation Advisory Council Chair, Matt Ulinski.

Ted Crane asked how many hours of work were involved in negotiating the easement on this 4 acre parcel? Ulinski estimated 20-25 hours, stating that it was "all worthwhile."

Joel Gagnon acknowledged Ulinski's effort in negotiating this easement.

Close Conservation Easement Hearing at 7:13pm. Continue Regular Meeting.

Privilege of the Floor

Supervisor Dietrich stated that he intended to implement a new procedure for public participation in Privilege of the Floor. Those attending will be permitted three minutes to speak on any subject, as usual, at the beginning of the meeting. There will be no allowed interjections during the body of the meeting. Those who wish, will be permitted another opportunity to speak at the end of the meeting.

Ronda Roaring asked for clarification that the new policy means there are to be no comments from the public, including any pertinent information? This was confirmed. She expressed objections and concerns regarding this new policy, since there is often insufficient information on the agenda to inform those in attendance about what will be discussed.

Crane expressed concerns about this new policy. He urged the Board to have a more complete agenda, and a meeting packet with detailed information distributed in advance of the meeting, so that residents will know whether there is a topic of interest to them and will know how to comment.

Crane also clarified information on what he believed was an open concern about insurance coverage for the Danby Community Park playground. He noted that the DCPA never asked the Town for insurance

coverage, as the playground is covered by a DCPA policy. Dietrich and Shawley confirmed that Julie Clougherty confirmed this information and that no insurance is needed from the Town.

Lastly, Crane spoke in favor of a speed reduction on Lieb Road but doubted that a change would happen as the NYS DoT has already done a review recently.

Hunter expressed concerns stating that she is uncomfortable with having comments and questions excluded during the meeting. In her view, it is appropriate to have more flexibility during meetings in a small town such as Danby. While she agreed that there is need for a process to move meetings forward in a clear and timely way, she believes that it is important for residents to have the opportunity to express their views and present additional information.

Ulinski stated that he understood resident concerns about the new proposal for Privilege of the Floor, but that the previous system was not working for the Board. There has been a lot of “extraneous conversation that goes on” during meetings. He wants the public to have a voice in what happens, but often comments are not relevant to the topic at hand.

Gagnon expressed concerns about this new policy, having been on both sides of the table. He stated that there are other ways to handle interruptions and balance the needs of both the Board and the public to express their views. The chair of the meeting should limit comments to those who raise their hand and direct comments to be relevant to the business on the table. His experience through the CAC is that public comments and interjections can be difficult to manage, but that it can be done. Public comments, held to two or three minutes, can be accepted after the Board has held its discussion and before a decision is made.

Dietrich stated that this trial proposal is an open question, as a way to try to gain some control during meetings, and can be reconsidered at future meetings.

Warrants

ABSTRACT #15 OF 2019:

GENERAL FUND

#437-455 for a total of \$27,344.18

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

HIGHWAY FUND

#280-295 for a total \$15,073.72

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

WEST DANBY WATER DISTRICT FUND

#28-30 for a total \$465.83

**Moved by Connors, Second by Ulinski. 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 September 9 and 16, 2019.

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

Consider Adoption of Local Law #2 of 2019 - Override Tax Levy Limit

Action was taken without further discussion.

RESOLUTION NO. 63 OF 2019 - ADOPT LL#2 OF 2019 - OVERRIDE TAX LEVY LIMIT FOR 2020

Whereas, the Town Board of the Town of Danby is considering adoption of proposed Town of Danby Local Law Number 2 of 2019 to Override the Tax Levy Limit Established in General Municipal Law 3-c for the Fiscal Year 2020; and

Whereas, this is a SEQRA Type II action for which no further environmental review is required; and

Whereas, the Town Board on October 7, 2019 has held Public Hearing on this proposed local law, which Public Hearing was duly noticed in the Ithaca Journal;

Now, Therefore, Be It

Resolved, that the Town Board of the Town of Danby hereby adopts Town of Danby Local Law Number 2 of 2019 to Override the Tax Levy Limit Established in General Municipal Law 3-c for the Fiscal Year 2020; which Local Law is incorporated into this Resolution; and it is

Further Resolved, that in accord with Section 21 of the Municipal Home Rule Law, the final adopted copy of this Local Law shall be presented to the Town Supervisor for approval; and it is

Further Resolved, that upon such approval by the Supervisor (or other approval occurring pursuant to said Section 21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required Certifications, in the Office of the Town Clerk and with the New York State Secretary of State as required by Municipal Home Rule Law Section 27.

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

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

Dietrich noted that there are newly mandated record keeping requirements related to assuring that Town Boards do due diligence toward being fully informed about the budget process. There will be further discussion about this in upcoming TB meetings. Shawley will share details with Board members throughout the process.

Consider Acceptance of Conservation Easement

Action was taken to accept the Conservation Easement, as written. All of the related documents have been reviewed by the Town Attorney.

A signing of the easements, with the property owners, will be scheduled as soon as possible.

RESOLUTION NO. 64 OF 2019 - CONSIDER ACCEPTANCE OF A DEED OF CONSERVATION EASEMENT FROM JOAN AND RICH CURTISS, 29 DURFEE HILL ROAD

Whereas, this action is to consider acceptance of a Deed of Conservation Easement and its conditions from Joan and Richard Curtiss, 29 Durfee Hill Road to the Town of Danby, where said Easement would establish an Agricultural and Forest Management Use Zone on a 4.22 acre portion of Town of Danby Tax Parcel 11.-1-19, located at 29 Durfee Hill Road, as such Zone is described in said easement; and

Whereas, the purposes of said Easement are to limit activities to defined compatible activities and reasonable uses such as the pursuit of agriculture and forestry best practices, wildlife management activities, the pursuit of low-impact recreation, and similar activities that do not impair the Conservation Values of this Easement; and

Whereas, the Town has the authority to acquire an interest in land (including an easement) for the purpose of preserving open space, pursuant to General Municipal Law § 247, and may acquire such interest by gift, subject to a public hearing and due notice; and

Whereas, a public hearing on the proposed acquisition of the Easement was held on October 7, 2019 at 7:00 p.m. at the Town Hall of the Town of Danby, 1830 Danby Road, Ithaca, New York 14850, and notice of such public hearing was duly posted; and

Whereas, this action was determined to be a Type II Action under the Town of Danby Environmental Review of Actions and no further environmental review is required;

Now, Therefore, Be It

Resolved, that the Town Board of the Town of Danby determines that the acceptance of this Conservation Easement is consistent with the goals and objectives of the Town's Comprehensive Plan, and, further, that it is in the public interest to limit the development and use of said property in order to protect and maintain its Conservation Values; and it is

Further Resolved, that the Town Board hereby approves and accepts the Deed of Conservation Easement and its conditions from Joan and Richard Curtiss to the Town of Danby, where said Easement would establish an Agricultural and Forest Management Use Zone on a 4.22 acre portion of Town of Danby Tax Parcel 11.-1-19, located on Durfee Hill Road, as such Zone is described in and depicted in Schedule C of said easement; and it is

Further Resolved, that the Town Board authorizes the Town Supervisor to execute the Deed of Conservation Easement and all other necessary documents to complete the grant of the Easement to the Town and the recording thereof with the Tompkins County Clerk, subject to title review and approval of the documents of closing by the Town Attorney.

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

Set Extra Budget Workshop Meetings

The Board passed a motion to formalize setting additional meeting times for budget workshops.

MOTION - SET ADDITIONAL MEETINGS

Moved, That the Town Board of the Town of Danby will meet at 6pm on October 14, 21 and 28, 2019 to discuss and draft the 2020 Town of Danby municipal budget.

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

Set Public Hearing - 2020 Town of Danby Municipal Budget

The Board set a Public Hearing date for consideration of adoption of 2020 municipal budget.

RESOLUTION NO. 65 OF 2019 - SET PUBLIC HEARING - ADOPT 2020 MUNICIPAL BUDGET

Resolved, That the Town Board of the Town of Danby sets a Public Hearing to take place at 7:00pm on Monday, November 4, 2019 in the Danby Town Hall, to consider adoption of the 2020 Town of Danby Budget.

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

New Roof - Danby Town Hall

Dietrich informed the Board of an urgent need to replace the roof on Danby's Town Hall. There has been a long standing problem with leakage. Several attempts to make spot repairs have not remedied the condition. Concerns about potential damage from water leaks have increased with the installation of historic artifact displays, leading to concerns about possible water damage in the Danby Reading Room/Library.

A general inspection of the roof uncovered serious problems. Best practice is to have no more than two layers of asphalt on a roof. This roof has four layers, with a layer of wood (cedar or cyprus) shakes under that. Dietrich urged that this be fixed as soon as possible, ideally to have the roof replaced before snowfall this winter. The Town is currently seeking quotes on this repair. There is a current bid under \$35,000 from the company that did the inspection. Additional quotes will determine whether this is a reasonable quote. Funds for this repair can reasonably be taken from the Building Reserve.

At the same time, Dietrich would like to replace the main entrance doors. These doors were installed when the addition was constructed, over 20 years ago, and have structural problems that can not easily be repaired. This is also the timeframe when the roof last had major repairs.

MOTION - AUTHORIZE SUPERVISOR TO RESEARCH AND REPAIR THE TOWN HALL ROOF

Moved, That the Town Board of the Town of Danby authorizes the Town Supervisor to explore options for repair and replacement of the Town Hall roof and main entrance doors. These repairs will be paid for through the Building Reserve.

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

South Hill Trail - Update

Dietrich gave an update on the status of rights of way and work on the proposed South Hill Trail extension. Each Town will take responsibility for their section of the trail. Agreements are expected to be signed with NYSEG, to this effect. The agreements are not specific regarding who will maintain sections of the trail. Both Dryden and Caroline have been responding to resident concerns regarding expansion of the trail. There was agreement on the Board that this is a good project to remain involved with.

Dietrich advised the Board that it may be necessary to have a specific public information session, and perhaps a legal Public Hearing, related to an agreement to take ownership of the property right-of-way from NYSEG. The Town will need to appropriate funds for an engineering report and Dietrich estimates that the cost of trail preparation will be high. The engineering report (for badly damaged sections of the proposed trail, in Ithaca, Dryden, and Danby) may be covered by a grant being written by Town of Ithaca. There is a good chance of negotiating a trail maintenance contract with the Town of Ithaca. Danby will have the liability responsibility for the trail, as it does for current trails in the Town.

Connors expressed concern that the residents adjacent to the trail be contacted. She asked how many property owners are involved? Dietrich stated, "More than originally thought." It's not clear with there are more property owners or only more land covered. There will be follow up with residents which may be identified through new maps of the proposed property.

Speed Limits

There was further discussion regarding petition requests for lower speed limits and traffic calming measures on Troy and Lieb Roads. There are also specific area requests for monitoring and enforcement of speed limits. Ulinski voiced support for followup on use of at least one stationary speed check sign. The Highway Department has been researching the cost, or a loan of this equipment. Research seems to show that these work best in specific locations, such a school zones.

After some discussion, the Town Board directed the Town Clerk to send specific requests to the New York State Department of Transportation for review of speed limits on Troy and Lieb Roads. The Clerk will follow up with the Highway Department regarding the proper procedure.

Email Policy

Connors distributed a copy of proposed revisions to the Town of Danby Email Policy. She urged the Town Board to review proposed revisions, made by Alex Pfeifer and Mary Ann Barr. Further discussion will take place at the next TB meeting.

Recommend Zoning Revisions, related to Commercial Buildings

Connors proposed that the Planning Board be asked to consider possible additions/revisions to the Danby Zoning Code, specifically related to building construction/glazing, parking, and signage for commercial buildings in commercial zones. This would follow on suggestions given at a Planning/Zoning training attended by several TB and Planning Board members. These suggestions are aimed at moderating the impact of some commercial development by specifying requirements for signage, street facing windows, and the location of parking at commercial sites. These changes could be accomplished by the addition of a few sentences.

Dietrich reported that recent discussion, with the PB and with the Town Attorney, showed that the Danby Zoning Code has some of these concerns covered already. Connors noted that these additions may add teeth to the commercial zone language. After some discussion, the Supervisor agreed that it would be appropriate for members of the TB and/or PB to consult the Town Attorney on these proposed additions.

Municipal Housing Affordability Grant Program

There was a substantial discussion of a possible grant proposal and submittal, to help facilitate affordable housing in the Danby hamlet. There was a request for municipal support, to submit a Tompkins County Housing Affordability Grant to investigate affordable housing through a project proposed by Olivia Vent for property on Danby Road in the Central Hamlet. The deadline for this grant was October 10, just four days following this meeting.

Joel Gagnon explained that funds are available for affordable housing development in Tompkins County focus areas. The Danby Hamlet is one of these focus areas. Grant proposals must come from municipalities. Olivia Vent has asked the Town to apply for a small grant to move her project forward. There was discussion as to whether the Town would have all the needed information in time for the grant deadline. There were concerns about the timing of this request, as the Town is in-between Planners and the fact that this is a “last minute” request. Vent is hopeful that the firm she is working with will be able to provide a time-line and scope of work in time for the grant deadline.

There was discussion and Q&A between the Board and Gagnon. The grant request is for up to \$10,000, with a 10% match of money or in-kind services. There was not clarity as to what the \$10,000 would actually fund. This would be included in the scope of work and a cost benefit analysis of the development proposal. Dietrich noted that the timing of this grant submission is not good. The grant packet will be put together by Gagnon and members of the Board. A cover letter has been prepared for Supervisor Dietrich to sign.

Holahan expressed the view that this proposal could fit into the initiative of the Danby Housing Survey, and moved the proposed resolution for discussion. Uliniski supported the effort to submit this grant, as a sign of goodwill for a reasonable project. Connors noted that this might provide more information about shared septic and/or shared water services.

Miller asked whether this sets a precedent for future projects? He had concerns that this was presented at such a last minute. From the public floor, Crane asked for clarification as to the purpose and scope of the grant resolution and questioned whether the Town was, in effect, putting funds into a private enterprise by funding an investigation group that has announced its intention to develop its own property? Holahan responded that the grant investigation would be for more than this one property, but would cover the Hamlet. Connors responded that this would have repercussions for investigating greater density in the Danby hamlets. The Town only found out about this grant at a late date. Gagnon noted that it's not a given that the required information will be gathered in time to meet the deadline.

RESOLUTION NO. 66 OF 2019 - AUTHORIZATION TO SUBMIT A TOMPKINS COUNTY MUNICIPAL AFFORDABLE HOUSING GRANT PROPOSAL

Whereas, Tompkins County has grant money available to qualifying projects, addressing the goal of affordable housing, and

Whereas, these moneys are available for focus areas, and the Danby Central Hamlet is one of these focus areas, and

Whereas, focusing development in the Hamlet is an overriding goal of the Danby Comprehensive Plan, and

Whereas, facilitating Hamlet density would both serve the Comprehensive Plan goal and improve the availability of affordable housing in the Hamlet;

Now Therefore, Be It

Resolved, that the Town Board of the Town of Danby authorizes the Town Supervisor to submit an application for up to \$10,000 in grant funding to support an investigation of ways affordable hamlet density could be facilitated provided that an appropriate provider of services can be identified and a mutually agreeable scope of work and timeline for execution can be negotiated in time to meet the grant submission deadline, and

Further Resolved, that it is understood that, in the event a grant is awarded, the Town will match the grant amount with a 10% contribution in money or in-kind services.

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

In Favor: Connors, Holahan, Ulinski, Dietrich

Opposed: Miller

Other Short Reports

Copies of the Justice's Reports for the month of September were circulated among the Board. The Court Grant application has been submitted.

Town Clerk's Report for month of September reported that a total of \$4209.70 was collected. This represents fifteen days of DEC sporting license sales, two planning fees, 45 dog licenses, and 4 building permits. \$2,131.80 was distributed to the Town Supervisor with the remainder distributed to DECALS and the NYS Animal Population Control Program. Clerk Goddard also circulated a Records Destruction Authorization record, noting the destruction of obsolete and duplicate financial records.

Other Communication - Crane used ending "Privilege of the Floor" to comment that he supports the easy Zoning changes proposed by Connors.

Executive Session

The Board had a brief discussion regarding entering Executive Session to discuss a personnel matter.

MOTION - ENTER EXECUTIVE SESSION

Moved, That the Town Board of the Town of Danby enters Executive Session to discuss hiring of a particular person.

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

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

Executive Session Opened 8:40pm - Executive Session Closed 8:55pm

Adjournment

The meeting adjourned at 8:55 pm

Pamela Goddard, Town Clerk

Appendix A - Local Law #2 of 2019

**Town of Danby
Local Law No. 2 of 2019
A Local Law to Override the Tax Levy Limit Established in
General Municipal Law 3-c for the Fiscal Year 2020**

Be it enacted by the Town Board of the Town of Danby as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Danby, County of Tompkins, pursuant to General Municipal Law 3-c, and to allow the Town Board of the Town of Danby to adopt a town budget for (a) town purposes; (b) the fire protection district; and (c) any other special or improvement district governed by the town board for the fiscal year 2016 that requires a real property tax levy in excess of the “tax Levy limit” as defined in General Municipal Law 3-c.

Section 2. Authority

This local law is adopted pursuant to General Municipal Law 3-c(5), which authorized a town board to override the tax levy limit by adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Override

The Town Board of the Town of Danby is hereby authorized to adopt a budget for fiscal year 2020 that requires a property tax levy in excess of the tax levy limit specified in General Municipal Law 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this local law, or the application thereof, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law directly involved in the controversy in which such judgement or order shall be rendered.

Section 5: Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.