

**Danby Town Board
Minutes of Regular Meeting
January 13, 2020, 7pm, Danby Town Hall**

Present:

Councilpersons: Leslie Connors, Joel Gagnon (Supervisor), Sarah Schnabel, Matt Ulinski
Councilpersons not present: Jim Holahan

Others Present:

Town Clerk Alexandra Pfeifer
Justice Garry Huddle
Bookkeeper Laura Shawley (arrived later)
Planner Jason Haremza
Public Mark Sagula, George Wagner, Lou Sagula, Julie Tenney, Richard Tenney,
 Deborah Halpern, George Adams, Crystal Van Gaasbeck, Scott Van Gaasbeck,
 Brendan Wyly, Therese Arareo, Giovanni Freesia, Ronda Roaring, Bruce
 Richards, Ted Crane, Pat Woodsworth, Katharine Hunter

Meeting Opened at 6:32pm.

Executive Session

Motion to move to Executive Session to discuss Planning Board appointments.

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

The Town Board members returned to the meeting room at 6:48pm and worked on signing warrants until the public hearing began.

Public Hearing, 7:00pm.

RESOLUTION 69 OF 2019- TO SET A PUBLIC HEARING TO CONSIDER ACCEPTANCE OF A LICENSE FOR RECREATIONAL TRAIL FROM NEW YORK STATE GAS AND ELECTRIC (NYSEG)

Whereas, the 2003 Town of Danby Comprehensive Plan includes Strategy E2.1.2 to consider trail systems and;

Whereas, the South Hill Recreation Way extension (AKA Coddington Trail) extension along the former Delaware, Lackawanna, and Western Railroad right-of-way in the northeastern part of the Town of Danby is shown on the 2010 Tompkins County Multi-Use Trail Map prepared by the Ithaca/Tompkins County Transportation Council (ITCTC) and;

Whereas, the South Hill Recreation Way extension is included as an 'action area' in the 2014 Tompkins Priority Trails Strategy and;

Whereas, NYSEG proposes to grant to the Town, and the Town wishes to accept from NYSEG without warranty a revocable, non-exclusive license to Tax Parcel Number 5.-1-13 in the Town of Danby to allow for the public's use of said parcel for walking, hiking, jogging, bicycling, and cross-country skiing, all recreational activities permissible along the trail,

Now Therefore, Be It

Resolved, that the Town Board of the Town of Danby sets a public hearing pursuant to § 247 of the General Municipal Law of the State of New York on Monday, January 13, 2020 at 7PM in the Town Hall, 1830 Danby Road, Ithaca, NY, to consider the Town's acquisition of interim rights to use land owned by NYSEG in connection with the South Hill Recreation Way extension.

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

Crystal Van Gaasbeck and Scott Van Gaasbeck from Under the Tree Farm read a statement about concerns re: the recreation way impeding on their land. She also brought a large photo of where their farm was located, and wooden cabinet handles that were made from trees on their property. Scott Van Gaasbeck remarked that the farm was their livelihood and wanted to be compensated for their loss.

Richard Tenney talked about the condition Banks Rd. and German Cross Road versus the condition of Banks Rd. and Middaugh Rd. One section has part of the trail on it, which is littered with bottles and other waste, while the other section is still quiet and pristine. Tenney also mentioned a reversion clause, in which the land is given back to the landowner.

Therese Arareo and Giovanni Freesia support the recreation way. She asked if there could be a berm to protect the privacy of the landowners who are close to the railroad bed.

George Wagner of the Rod and Gun Club in Caroline was concerned about what impact the trail would have on hunting. He voiced his support of the rights of the property owners. Wagner showed the TB maps of his property that showed the 1200 ft of the railroad bed, and that his 34.7 acres are along the border. He voiced his concern about the cost to the taxpayers and how the trail would be a costly project.

Ronda Roaring voiced her support for the recreation way, noting that she is on the Cayuga Trails board and that they do their best to accommodate the landowners.

Katharine Hunter voiced support for Ronda Roaring and also for the South Hill Trail.

Ted Crane remarked that the Finger Lakes Trail runs through his property, and that the Finger Lakes Trail people were accommodating to him.

Planner Haremza reiterated that this is a licensing agreement, not a lease and that the town is seeking a grant for funding to produce a feasibility study to see if it is even possible to build a trail.

Connors asked about the length of the trail from town line to town line, and Haremza answered that it was all one tax parcel. Connors would like there to be more conversation with the Town of Caroline.

Brendan Wyly voiced his support for the trail.

Public Hearing ended at 7:55pm

Privilege of the Floor

Joel Gagnon reiterated that the Privilege of the Floor was limited to three minutes.

Ronda Roaring voiced her opposition to the cutting down of Ash trees and advocated for the ecosystems that the dead trees created.

Crystal Van Gaasbeck mentioned that she read about the Hemp Farm operation in previous Danby town minutes. She voiced support for it and other small farms, and asked the town to be supportive, in general, of small farms.

Planning Board Recommendation on Draft Commercial Design Guidelines

In the December 19th meeting, the Planning Board adopted the commercial design guidelines so that the Zoning Ordinance reflects these new guidelines. The board agreed to set a public hearing for February 10, 2020.

Ulinski supported this and also wished for the resolution to be posted for at least a week to give the public time to look it over.

RESOLUTION 26 of 2020 to set a Town Board Public Hearing for February 10, 2020 to discuss Planning Board Recommendation on Draft Commercial Design Guidelines.

Moved by Gagnon. Second by Connors. The motion passed.

In Favor: Connors, Schnabel, Ulinski, Gagnon.

South Hill Recreation Way

There was no resolution regarding the South Hill Recreation Way trail. Due to the new facts that came up during the public hearing, the town board would like more background information. The board tabled the resolution until the following month (February).

RESOLUTION NO. 27 OF 2020-TABLE THE RESOLUTION OF THE SOUTH HILL REC WAY

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

Warrants

GENERAL FUND-DECEMBER 31, 2019

#561-562 for a total of \$5,760.88

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

HIGHWAY FUND-DECEMBER 31, 2019

#386-397 for a total \$15,456.52

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

GENERAL FUND-2020

#7-37 for a total of \$52,245.38

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

In favor: Connors, Schnabel, Ulinski, Gagnon

HIGHWAY FUND-2020

#9-19 for a total \$81,839.05

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

WEST DANBY WATER DISTRICT FUND-2020

#3 for a total \$1,173.00

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

Code Officer Training

Shawley had a proposal from the Williamson Law Book Company (which provides the Software to the Highway Department and the Town Clerk's Office) for \$120/hr. + 170 miles round trip for a total of \$98.60 at 58 cents/mile. Ulinski asked how long the training would be, and Shawley approximated 5-6 hours. Ulinski wondered if other towns used this code software, and if others could also partake in the training. Shawley said that there was the possibility that 2-3 people could be trained around one computer to maximize the benefit of the training.

MOTION-To Authorize Williamson Law Book Software to perform Code Officer Training

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

TST-BOCES Print Shop Agreement

Code Officer Cortright used TST-BOCES while working in Dryden. Besides business cards, they can also print other forms and print in a large format. Additionally, the prices are good. The print shop is located on Warren Rd., which is comparable (in distance) to the Gnomon copy location. Ulinski, citing Gnomon, who the contracts with, and is a local company, asked if the town were obligated to use TST-BOCES if we had an agreement with them. The town is under no obligation to use TST-BOCES. It is an agreement have them as another printing source.

MOTION-To Access TST-BOCES in a Print Shop Agreement

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

Clarification of West Danby Water District Appointments

Though Skip Fairchild and Bruce Richard were appointed in the January 6 Town Board meeting, it was not clear who would serve the full term of five (5) years and who would serve the remainder of Tod Sukontarak's term. This motion clarifies the previous Resolution No. 22 of 2020. Gagnon moved that Skip Fairchild serve the five (5) Year term and that Bruce Richard's serves the rest of Tod Sukontarak's term.

MOTION-Clarification of West Danby Water District Appointments

Moved by Gagnon, Second by Schnabel. The motion passed.

In Favor: Connors, Schnabel, Ulinski, Gagnon

RESOLUTIONS 28-30 of 2020 Were Approved in a Group:

RESOLUTION NO. 28 OF 2020- RE-APPOINT MARY ANN BARR AS TOWN HISTORIAN

Resolved, that the Town Board of the Town of Danby reappoints Mary Ann Barr as the Town Historian.

RESOLUTION NO. 29 OF 2020-RE-APPOINT JORDIE VAN HAM AS TOWN WEBMASTER

Resolved, that the Town Board of the Town of Danby reappoints Jordie Van Ham as the Town Webmaster.

RESOLUTION NO. 30 OF 2020-ACKNOWLEDGEMENT OF ALEXANDRA PFEIFER AS TOWN CLERK

Resolved, that the Town Board of the Town of Danby acknowledges Alexandra Pfeifer as the Town Clerk.

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

RESOLUTION NO. 31 of 2020-NOMINATION FOR DELEGATE TO THE ANNUAL AOT (Association of Towns) MEETING IN NEW YORK CITY

Resolved, that the Town Board of the Town of Danby nominates Leslie Connor as a Delegate to the Annual AOT Meeting in New York City.

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

RESOLUTION NO. 32 OF 2020-APPOINTMENT OF CONSERVATION ADVISORY COUNCIL (CAC) MEMBER

Resolved, that the Town Board of the Town of Danby appoints Mary Woodsen as a member of the Town of Danby Conservation Advisory Council.

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

RESOLUTION NO. 33 OF 2020-APPOINTMENT OF BOARD OF ZONING APPEALS (BZA) MEMBER

Resolved, that the Town Board of the Town of Danby appoints Gary Bortz as a member of the Town of Danby Board of Zoning Appeals.

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

RESOLUTION NO. 34 OF 2020-APPOINTMENT OF PLANNING BOARD MEMBERS

Resolved, that the Town Board of the Town of Danby appoints Kathy Jett (to serve a whole term of 7 years-through 2026) and Elana Maragni (to serve out the remainder of Joel Gagnon's term-through 2024) to the Town of Danby Planning Board.

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

Ash Tree Harvest

The Town Board, led by Ulinski, decided not to vote on the Ash Tree Harvest because the information was not posted on the website for the public to see. Connors asked if there was any talking of treating the trees rather than harvesting them, and that it may cost \$20-\$35/tree to do so. The board also declared itself as Lead Agency of SEQR for the Ash Tree Harvest.

RESOLUTION NO. 35 OF 2020-DECLARATION OF TOWN BOARD AS LEAD AGENCY OF SEQR FOR THE ASH TREE HARVEST.

Resolved, that the Town Board of the Town of Danby declares the Town Board of the Town of Danby to be the Lead Agency of SEQR for the Ash Tree Harvest.

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

In Favor: Connors, Schnabel, Ulinski, Gagnon

Ethics/Conflict of Interest Re: Members of Town Board on Other Boards

Schnabel raised the question whether it was ethical for Supervisor Gagnon to be on the CAC as well as the Town Board. While at the Newly Elected Officials conference in Rochester, Schnabel talked to two attorneys (from the Association of Towns) who both said that nobody on the Town Board could be appointed to another Town Board. Ulinski said that this was the opposite of what Guy Krough told him when he was also a CAC member. In order to remedy this situation, the town can adopt a Local Law to supersede this situation, as it may come up again in the future.

Formation of Planning Group

Supervisor Gagnon proposed the formation of a Planning Group that would comprise of members of the PB, TB, BZA, and CAC. The public would get voting rights after attendance of a second meeting. A member could also lose voting rights due to lack of attendance.

Ulinski voiced concerns about the nature of the changing membership of the group and is unsure about the voting. He was also concerned if there would be clear goals to each meeting and asked if there should be a steering committee.

Gagnon said that there would be a core group that would be in the Planning Group for a term that is linked to the terms in their respective boards.

Ulinski and Schnabel also voiced concerns regarding the quorum number set on the steering committee. Would the public vote be a simple majority? They thought that there needed to be a percentage (such as 10%) of members as long as quorum based on steering committee.

Gagnon acknowledged the concerns and said that the details can be changed. He also mentioned that he would like Alyssa de Villiers to be appointed as Secretary of the Planning Group.

RESOLUTION NO. 36 OF 2020- CREATING A COMMITTEE OF THE DANBY TOWN BOARD TO BE KNOWN AS THE PLANNING GROUP

Whereas the authority and responsibility for the planning of towns under New York State Town Law (specifically Sections 263, 265, and 272-a) resides with the Town Board, and

Whereas the talent, interest, and time to devote to planning are distributed widely in the Town of Danby, and

Whereas the Town Board is in agreement that an open and inclusive planning process will best serve the interests of the town,

Now therefore be it

Resolved that a committee of this Town Board to be known as the Planning Group is hereby created to address land use planning needs, and

Be it further

Resolved that the committee be structured and specifically charged as follows:

Charge

The Planning Group will work at the direction of and report to the Town Board.

It will initially focus on proposing interim changes to Zoning and Subdivision ordinances to address their most serious misalignments with the goals of the existing comprehensive plan.

It will then address the overarching questions: What does the community want, where does the community want it, and how can the community enable and facilitate that? This also includes: what does the community not want, where doesn't the community want it, and what does the community propose to do to prevent and discourage that?

Membership

The **core membership** will consist of interested members of the Town Board, Planning Board, Board of Zoning Appeals, and Conservation Advisory Council, as appointed by the Town Board annually. Additionally, membership will be open to all others interested in participating in the work of the Planning Group. Subsequent to the first meeting, voting membership will consist of any who have attended at least one of the previous two meetings, with the balance of members being non-voting adjunct members until attendance qualifies them for voting membership.

Meetings

Meetings of the Planning Group shall conform to Open Meetings Law. Ground rules shall be adopted to facilitate civil discussion and the effective use of all participants' valuable time. A quorum for decision-making will consist of a majority of the core membership, as defined above.

Decision-making

Consensus is the preferred mechanism, defined as absence of serious objection to a proposal. Failing that, voting will be by roll call, with a majority of the voting membership being in favor required for passage. A quorum must be present for either form of decision-making.

Leadership

The chair for the Planning Group will be appointed by the Town Board and serve a term to the end of the calendar year in which s/he is appointed. A chair may be reappointed to additional one-year terms should the Town Board so choose. A meeting chair, to serve in the chair's absence, will be chosen by the chair from among the core membership in advance of any meeting which the chair anticipates not being able to attend.

Staff support

The Town Planner will be the primary support for the Planning Group, with the assistance of a Town Board-appointed secretary. The Town Clerk will also support the committee by assisting in communication with the public.

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

In Favor: Connors, Schnabel, Ulinski, Dietrich

RESOLUTION NO. 37 OF 2020 - TO APPOINT JOEL GAGNON AS CHAIR OF THE COMMITTEE OF THE DANBY TOWN BOARD TO BE KNOWN AS THE PLANNING GROUP

Resolved, the Town of Danby Town Board appoints Joel Gagnon as the Chair of the Committee of the Danby Town Board to be known as The Planning Group.

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

In Favor: Connors, Schnabel, Ulinski Abstain: Gagnon

CDBG Update

Planner Haremza said that on January 24th a consultant will be at the town hall to talk about the Building Analysis, and proposed that a special meeting be held on that day at 7pm. He noted that the state deadline is February 17th and that there is also a 30- day grace period if more time is needed.

Legislator's Report

Klein was unable to attend either board meeting this month. However, he sent an email that Schnabel read aloud near the end of the meeting. The following is a summary of his email: Klein had a few items to report re: the guidelines for the Natural Infrastructure Capital Program. Everyone agreed to his proposal that the categories of scenic, recreational, and trails were put back into the guidelines.

Klein mentioned the tentative list of projects that the County Highway Department released. They included two projects in Danby: repaving Jersey Hill Rd. and the much-delayed Station Rd. culvert replacement and stream restoration project. It is currently scheduled to begin in June. Klein will keep the board updated if any changes come up re: these projects.

Klein reported that though he doesn't have the 2019 sales report yet, he does have it through the end of November. He noted that the portion of sales tax receipts that goes to Danby is up 5.5% over 2018. Klein will let the board know when he gets final year-end numbers.

Adjournment

The meeting adjourned at 9:45 pm.

Alexandra Pfeifer, Town Clerk