

Town of Danby Town Board
Regular First Monthly Board Meeting
Monday 9 August, 2021 at 7:00 PM
via In-Person AND Zoom Video Conferencing
<https://zoom.us/j/98085159868?pwd=cDJmU2xVeGw2KzN3T1d1dnJZRTFIQT09>

Meeting Minutes

Roll Call :

| | |
|--------------------------------------|---|
| Town Board | Joel Gagnon, Supervisor Jim Holahan Sarah Schnabel Matt Ulinski (arrived at 20:00) |
| County Legislator | Dan Klein (Zoom) |
| Town Justice | Garry Huddle (Zoom) |
| Town Planner | David West (Zoom) |
| Town Code Enforcement Officer | Steve Cortright (Zoom) |
| Town Bookkeeper | Laura Shawley |
| Recording Secretary | Janice R. Adelman, Town Clerk |

Absent: Leslie Connors, Councilperson

Guest Presenters: Marnie Kirchgessner, Danby Rep to Tompkins County Youth Advisory Board, and the Tompkins County Recreation Partnership

1. Call to Order at 19:05 by Supervisor Gagnon.
2. Public Hearing: [Proposed Local Law to Establish a Community Choice Aggregation \(Energy\) Program](#)
 - 2.1. Supervisor Gagnon noted the need to schedule another hearing because the current proposed law is only in draft form.
 - 2.2. Hearing opened at 19:05
All those who spoke:

| In favor | Against | For needing further information |
|----------|---------|---------------------------------|
| | | Ted Crane |
| | | Ronda Roaring |
 - 2.3. Closed hearing at 19:14
3. Additions/Deletions to Agenda
 - 3.1. Potential for town funding of Fire District flag poles
 - 3.2. Consider contract award for septic award at highway
 - 3.3 Transfer funds from Fund Balance to Mechanics line in Highway Fund
4. Privilege of the Floor
 - 4.1. Dan [Last Name?] owns property on Bald Hill Road subject to the solar farm. He presented several concerns: (1) The access road is a right-of-way and not a road; once it becomes a town road, its maintenance is the Town's responsibility. (2) The proposal indicates building the farm will occur six days a week from 7am-7pm where children live. Asks to consider not building on Saturdays, at least not that early. (3) The panels are said to be 15ft tall on a hillside; resident requests a balloon test to determine visibility from their residence. (4) Recently, residents have experienced water problems; resident is

concerned that water running off the panels will come down faster. Unless there is some mitigation, there will be water to deal with on the properties below the solar farm.

4.2. Marnie Kirchgessner thanked the town board for continuing the hybrid meetings. Even though she doesn't have internet at home, she appreciates the hybrid and supports broadband for everyone.

4.3 Ronda Roaring commented that she knew nothing about the Fire District flag pole business on the agenda and hoped to get an explanation for why we would fund the fire district flagpoles.

4.4. Ted Crane commented that supplemental materials for public review were added after 6pm.

5. Correspondence—none.

6. Announcements—none.

7. Reports & Presentations

7.1. Town Planner

7.1.1. Zoning Update Draft is still being compiled. The process has taken longer than anticipated, but Planner West is continuing to work on it and will produce the draft as quickly as possible.

7.1.2. Planning Board activities:

7.1.2.1. Reviewed the Napierski subdivision waiver application and scheduled the public hearing for the next Planning Board meeting, a week from tomorrow.

7.1.2.2. Accepted the Norbut Solar Farm application and started to review it. One issue arose around antiquated solar fees; this is on tonight's agenda and will talk about it then. As a general process note, West indicated that the Planning Board reviews and creates a resolution with a recommendation to the Town Board regarding the Solar Farm.

7.1.3. Board of Zoning Appeals activity:

7.1.3.1. Reviewed an appeal from 66 Muzzy Road for an accessory structure near the rear of the property; BZA granted the variance to allow a smaller rear yard to build the structure.

7.1.4. West suggests delaying next week's Zoning Update meeting to give everyone the chance to review the draft with plenty of time to review and provide feedback.

7.2. Code Enforcement Officer

MONTHLY ACTIVITY: July 2021

| BUILDING PERMITS ISSUED | Value | Fee |
|---|--------------|------------|
| New Residential Construction | | |
| BP 1681 @ 2231 Danby Rd – Single Family Home | 327,000 | 398.00 |
| BP 1683 @ 718 E. Miller Rd – Single Family Home | 24,000 | 100.40 |
| Renovations/Other | | |
| BP 1678 @ 151 Nelson Rd - AC & Hot water heater install | 21,200 | 50.00 |
| BP 1679 @ 649 E. Miller Rd – kitchen and bath Renos | 120,000 | 175.00 |
| BP 1680 @ 316 Gunderman Rd - Deck | 3,500 | 12.30 |

| | | |
|---|-----------|---------|
| BP 1682 @ 47 Sylvan Ln – Fire Station Renovations | 180,000 | 900.00 |
| BP 1684 @ 85 Van De Bogart RD – standby generator | 10,494 | 50.00 |
| BP 1685 @ 20 Nelson Rd – 40 X 60 Pavilion | 60,000 | 240.00 |
| BP 1686 @ 299 Hornbrook Rd – 20 X 24 pole barn | 26,900 | 48.00 |
| BP 1687 @ 725 Larue Rd – Add a bathroom to existing structure | 10,000 | 50.00 |
| MONTH TOTALS | 783,094 | 2023.70 |
| YTD TOTALS | 2,290,221 | 5801.25 |
| PREVIOUS YTD TOTALS | 1,507,127 | 3777.55 |

CERTIFICATES OF COMPLIANCE

1765 Danby Rd – Deck
 541 Brown Rd – Deck
 2505 Danby Rd – Roof
 155 Beardsley Ln – Shed

CERTIFICATES OF OCCUPANCY

540 Brow Rd – 2nd story addition
 7 Deputron Hollow Rd – Single family home

ADDITIONAL ACTIVITY

17 Construction Inspections
 Reviewed and commented on draft Timber Harvesting regulations
 Responded to flooding home @20 W. Miller Rd
 Meet with the owners of 36 Station Rd about options for the flood damaged house

7.3. Town Clerk

July 2021 Clerk’s Report

Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

| License/ Permit | Qty Issued | External Agency | External Agency Amount | Town of Danby Amount |
|--|---------------|-----------------------|------------------------------|----------------------------|
| Hunting | 0 | NY State DEC | \$0.00 | \$0.00 |
| Marriage | 1 | NYS Dept Health | \$22.50 | \$17.50 |
| Dog | 24 | NYS Dept Ag & Markets | \$28.00 | \$287.00 |
| Total Disbursed to External Agencies | | | \$50.50 | |
| Total License Fees Collected to Danby | | | | \$304.50 |

| Dept | Description | Qty | Cost | Total Received |
|------|-------------|-----|------|----------------|
|------|-------------|-----|------|----------------|

| | | | | |
|---|--------------------------------------|----|---------|------------------|
| Clerk | <i>Certified Marriage Transcript</i> | 0 | \$0.00 | \$0.00 |
| | SPCA Impoundment Fees | 1 | \$50.00 | \$50.00 |
| Code | Building Permits | 12 | varies | \$2023.70 |
| Planning | Board of Zoning Appeals | 1 | varies | \$125.00 |
| | Planning Fees | 1 | varies | \$60.00 |
| Total Fees Collected by the Town of Danby | | | | \$2258.70 |
| Total Payment Made to Town Supervisor for General Fund | | | | \$2563.20 |

STATE OF NEW YORK, COUNTY OF TOMPKINS, TOWN OF DANBY

I, Janice Adelman, being duly sworn, say that I am the Clerk of the Town of Danby and that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

Subscribed and sworn this 6th day of August 2021.

7.4. County Legislator

7.4.1. Continue to work on ARPA Funding options.

7.4.2. Working on vaccination requirements for county employees. Currently, those who choose not to vaccinate or not to disclose their vaccination status must undergo weekly testing. The Federal Government is paying for all COVID tests through October 1, 2021. After this date it will either be extended or expired. If the funding for COVID testing expires, the county (or employer) will have to pay for testing. For the County, this is estimated to cost \$1.5 million for one year of testing.

7.4.3. Revisiting the Danby Conservation Easement law passed by senate which the governor still has not signed. The County Assessor thought this enforcement would be difficult to do for one town only and proposed writing the state asking for such exemptions to be county-wide. This led to debate around some of the details; The County Government Operations Committee will gather more information and discuss again at the next meeting to be held on Thursday Sept 2 at noon. The Town is invited to come to that meeting.

7.4.4. Supervisor Gagnon asked Klein about a land purchase detailed in the Ithaca Voice.

7.4.4.1. Two years ago the county purchased land for possible new offices to be created. No specific plans, but the county received estimates for doing so in the \$15 million range. Consequently, no action was taken. Since then, another idea was to acquire two parcels on the block. As is allowed under the law, these real estate negotiations were held in executive sessions. The County has now brought this issue out of executive session to vote on whether the County will purchase the properties at around \$2 million. The idea being that it gives more options. As with the previous land purchase, there are no set plans for

construction. If the properties are purchased, the next few years will be spent addressing whether to build and what to build.

8. Transferring funds in fund balance to mechanics line in highway.

Resolution 124 of 2021 to Increase the Budget in the Mechanics, Contractual Expense Line to Cover the Rest of 2021

Moved By: Schnabel **Seconded By:** Holahan

WHEREAS: Many times there are large repairs to equipment that are unanticipated at the time the budget is formed for the year. These unexpected and necessary costs prevent the Highway Department from staying within the budget for the entire year and extra funding is needed for these emergency repairs

RESOLVED, the Town Board approves the amount of \$20,000 be transferred from the fund balance in the Highway Fund to the expense account, DA5130.400 – Mechanics Contractual, to be able to continue maintenance of the fleet.

Vote:

| Councilperson | Aye | No | Absent |
|----------------------|------------|-----------|---------------|
| Connors | | | X |
| Holahan | X | | |
| Schnabel | X | | |
| Ulinski | | | X |
| Gagnon | X | | |

Resolution 124 approved on August 09 2021

9. Consent Agenda

9.1. Approval of Minutes

9.1.1. [12 July 2021 - Board Meeting](#)

9.1.2. [21 July 2021 - Board Meeting](#) -

Friendly amendments: needs to be Dobson property. Edit so names are consistent.

9.2. Warrants

9.2.1. [General Fund No 13 Vouchers 252–273 for \\$172,301.70](#)

9.2.2. [Highway Fund No 13 Vouchers 178–190 for \\$12,577.49](#)

Resolution 125 of 2021 To Approve Consent Agenda

Moved By: Schnabel **Seconded By:** Holahan

Vote:

| Councilperson | Aye | No | Absent |
|----------------------|------------|-----------|---------------|
| Connors | | | X |

| | | |
|----------|---|---|
| Holahan | X | |
| Schnabel | X | |
| Ulinski | | X |
| Gagnon | X | |

Resolution 125 approved on August 09 2021

10. Old Business

10.1. Town Phone System - Zoom vs Webex vs Net2Phone

No action yet; SCT will be presenting at the next staff meeting regarding their ability to provide VOIP. Item tabled until next meeting.

11. New Business

11.1. Proposed Solar Energy System Fee Revision

Resolution 126 of 2021 to Amend Resolution 47 of 2017 in Establishing Fees for Solar Energy Systems

Moved By: Gagnon **Seconded By:** Schnabel

WHEREAS, the Town Board of the Town of Danby by Resolution No. 72 of 1991, amended by Resolution No. 18 of 2009, Resolution No. 54 of 2012, and Resolution No. 47 of 2017, has established fees for permits, review, and other matters related to administration and enforcement of the New York State Uniform Fire Prevention and Building Code, the Zoning Ordinance, and the Subdivision Ordinance of the Town of Danby; and

WHEREAS, the Town wishes to update such fees for Solar Energy System projects with a design capacity of 300kw and over;

NOW THEREFORE, BE IT

RESOLVED, that the fees for staff and board review of the items set forth below shall supersede any other fees established by any prior resolutions of this Board for the activities described herein: and it is

FURTHER RESOLVED, that fees for staff and board review of the items set forth below shall take effect immediately: and it is

FURTHER RESOLVED, that the fees for staff and board review of the items set forth below shall be calculated as follows:

Site Plan Review for Solar Energy Systems with capacity design level 300kw and over, review fees shall be calculated based on the total project costs:

| <u>Estimated Project Cost</u> | <u>Fee</u> |
|-------------------------------|------------|
| 0 - \$1,000,000.99 | \$1,125 |

| | |
|--------------------------------|---------|
| \$1,000,001 - \$2,500,000.99 | \$1,500 |
| \$2,500,000 - \$5,000,000.99 | \$2,750 |
| \$5,000,001 - \$10,000,000.99 | \$3,000 |
| \$10,000,001 - \$20,000,000.99 | \$3,750 |
| Over \$20,000,000.99 | \$4,500 |

Subdivision Fees for Solar Energy Systems with capacity design level 300kw and over

Application Fee \$75 + \$20/lot

Preliminary Plat \$75 + 20/lot

Final Plat \$75 + 20/lot

Re-Zoning PDZ Fees for Solar Energy Systems with capacity design level 300kw and over

\$170 + Site Plan Review fees (fees credited to site plan review but must be paid at time of rezoning application as General Site Plan Review is part of Rezoning PDZ Process)

Review Escrow Agreement - \$20,000 initial funding at time of application to be replenished by applicant upon notice that balance has dropped below \$10,000. At time of project completion or when an application is canceled by the applicant, any balance in the review escrow account will be refunded to the applicant once all review invoices have been paid. Applicants must execute an escrow agreement in a form deemed acceptable by the Town Legal Counsel to guarantee payment of all review-related costs before any review of an application can begin.

FURTHER RESOLVED, that fees will be reviewed annually at the beginning of the fiscal year and may be adjusted based on review of actual costs, consultant rates, and inflation.

Vote:

| Councilperson | Aye | No | Absent |
|----------------------|------------|-----------|---------------|
| Connors | | | X |
| Holahan | X | | |
| Schnabel | X | | |
| Ulinski | X | | |
| Gagnon | X | | |

Resolution 126 approved on August 09 2021

11.2. Potential for town funding of Fire District flag poles

11.2.1. Discussion centered around the budget error between the Fire District and the Town resulting in an \$8,000 shortage in the Fire District budget for 2021. Because of the mistake (which was the result of an error made by both the Fire District and

the Town Clerk), the Fire District felt it would be nice for the Town to contribute to their situation by making an in-kind contribution rather than split the budget.

11.2.2. Main concern was that the Fire District can re-levy without affecting the tax cap; the Town cannot. Providing additional funds to the Fire District will ultimately come from public funds.

11.2.3. Other comments included fostering good relations between the Town and the Fire District.

11.2.4. Discussion tabled until the next meeting.

11.3. Considering contract award for septic award at highway

Resolution 127 of 2021 to Select the Contractor to Install the New Septic System at the Highway Department

Moved By: Holahan **Seconded By:** Ulinski

RESOLVED: The contract for the revisions of the septic system at the Highway Garage be awarded to Jeff Rockwell/Woodworkers for the amount of \$21,500. This amount will be funded through the NYSERDA grant that has been awarded to the town.

Vote:

| Councilperson | Aye | No | Absent |
|----------------------|------------|-----------|---------------|
| Connors | | | X |
| Holahan | X | | |
| Schnabel | X | | |
| Ulinski | X | | |
| Gagnon | X | | |

Resolution 127 approved on August 09 2021

12. Discussion on when to hold the next Zoning Update meeting

Motion raised to Cancel next week’s Update and Budget meetings set on the third Monday of the month and reschedule both to the fifth Monday in the month of August (i.e., August 30). Zoning public feedback will be held at 7pm; the budget workshop meeting at 8pm.

Councilperson Ulinski amended to have the budget meeting begin at 6pm rather than 8pm, then move to the Zoning meeting at 7pm to go no longer than 9pm.

Resolution 128 of 2021 to Move the Zoning Update meeting from Aug 16 to Aug 30 at 7pm and the Budget Workshop from Aug 16 at 8pm to Aug 30 at 6pm.

Moved By: Gagnon **Seconded By:** Ulinski

Vote:

| Councilperson | Aye | No | Absent |
|----------------------|------------|-----------|---------------|
| Connors | | | X |
| Holahan | X | | |
| Schnabel | X | | |
| Ulinski | X | | |
| Gagnon | X | | |

Resolution 128 approved on August 09 2021

- 13. Discussion of Next Meeting Agenda
 - 12.1. Fire station flag poles
 - 12.2. Phones
 - 12.3. Workplace Violence report
 - 12.4. Questions for CCA?
- 14. Adjourn at 21:00

Submitted by Janice R. Adelman
Town Clerk