

Town of Danby Town Board
Public Hearing: 2021 Budget
Public Hearing: Proposed Local Law
Regular Monthly Meeting
via Zoom Video Conferencing
09 November 2020 at 7:00 PM

Attendees:

Town Board Joel Gagnon, Supervisor
Leslie Connors
Jim Holahan
Sarah Schnabel
Matt Ulinski

Recording Secretary Janice R. Adelman, Town Clerk

Town Justices Garry Huddle
Theresa Klinger

Town Planner John Czamanske

Code Enforcement Officer Steve Cortright

Bookkeeper Laura Shawley

Tompkins County Legislator Dan Klein

Members of the Public Anthony Wells
Bruce Richards
David West
Erin Caruth
Henry
Katharine Hunter
Kim & Russ Nitchman
Mary Woodsen
Ronda Roaring
Susan Franklin
Ted Crane
Toby Dean

1. Call to Order at 19:07 by Town Supervisor Joel Gagnon.
 - 1.1.Additions/Deletions to the Agenda
 - 1.1.1.Addition of proposed resolution for budget transfers under new business.
2. Public Hearings
 - 2.1.Proposed Budget 2021; hearing opened at 19:09**
 - 2.1.1. Persons who spoke in favor of the proposed budget:
 - Ted Crane
 - 2.1.2. Persons who spoke against the proposed budget:
 - Ronda Roaring
 - Theresa Klinger
 - 2.1.3.Public hearing closed at 19:13
 - 2.2.Proposed Local Law to Expand the Residency Eligibility of Candidates for Highway Superintendent; public hearing opened at 19:13**
 - 2.2.1.Persons who spoke in favor of the proposed law:
 - Mary Woodsen
 - Toby Dean
 - Ronda Roaring
 - 2.2.2. Persons who spoke against the proposed law:
 - Garry Huddle
 - Ted Crane
 - Russ Nitchman
 - Susan Franklin
 - Anthony Wells
 - 2.2.3. Public Hearing closed at 19:30

3. Privilege of the Floor

3.1. Leslie Connors: I would just like to recognize the persistence and effort put into organizing the Halloween trunk-or-treat event that was held on the 31st. The town is really lucky to have those folks who went the extra mile to enable kids to costume up and score treats during a difficult situation. It was a lot of fun. I hope we don't have to do the same thing next year. But if we do, I hope it's a lot bigger. But those people really, I know Elana, Elise was involved. And I'm not sure who I think there was at least one other person. But they deserve a shout-out.

3.2. Ted Crane: Just a little bit of data: Danby, I believe, is in first place in Tompkins County in two categories. It had the highest return rate on the US Census of all towns in TC; and it had highest turnout rate of voters last Tuesday in Danby—it was just under 84%; in District 1, it was about 84.5%.

4. Consent Agenda

4.1. Discussion on the Consent Agenda Process

4.1.1. It has not yet happened, but the idea is that all materials that are non-controversial are grouped together and sent to Town Board Members, as well as posted to the website, prior to the meeting for review. If anyone wants to have a broader discussion during the meeting on an item, it is requested to be removed from the consent agenda. Otherwise, all items in the consent agenda will not be discussed and will simply be moved forward for a vote of approval or disapproval.

4.1.2. Due to misunderstandings in how this process should work, some discussion within the various topics did occur, as recorded below.

4.2. Approval of Minutes

4.2.1. None submitted.

4.3. Announcements

4.3.1. None submitted.

4.4. Warrants

4.4.1. General Fund Vouchers 345—353 for \$4,901.23

4.4.2. Highway Fund Vouchers 193–197 for \$145,981.31

4.4.3. Voucher for pest control annual contract

4.4.3.1. Will hold off until the board decides if it wants this service.

4.5. Reports

4.5.1. Code Enforcement Officer (Exhibit 1)

4.5.2. Town Planner (Exhibit 2)

4.5.2.1. Czamanske pointed out the previous board meeting's discussion on zoning enforcement and how to go about making revisions to things so that the wording and the zoning and the subdivision regulations matched

what people are supposed to be doing. Subsequent to that meeting, Czamanske thought that there could be an expedient approach whereby the planner is designated as code enforcement officer for the purposes solely of zoning and subdivision. The town attorney approved noting that he doesn't see any reason not to do so in the short term, provided the document is worded so that the "code enforcement officer" for zoning and subdivision is not to do building inspection per NY State Town Law Section 138. Czamanske drafted something for consideration to put on the next meeting's agenda.

4.5.3. Town Clerk (Exhibit 3)

4.5.4. Dan Klein, Legislator [Note: Klein appeared in the meeting following the correspondence discussion as it was not known that he had a report to give. For clarity in the minutes, Klein's report is listed here along with all other reports.]

4.5.4.1. For What It's Worth: When County legislature does a consent agenda, I believe this is from Robert's Rules of Order is that it is a list of non-controversial topics and there is no discussion allowed; there is no debate allowed. If any member wishes, one of those items on the Consent Agenda to be removed because they want to discuss it, then they say, essentially item C or whatever it is. After that, then you're left with items A, B, D, E, F, and G. And then you vote on that and then boom, you've moved it out in a minute. So for whatever it's worth, that's how we do it.

4.5.4.2. Budget update: Tomorrow (Tuesday November 10) is the final budget public hearing at 7:00pm. The final vote is a week later on November 17. Here's where the budget stands and where it will probably end up.

4.5.4.2.1. Budget with a 5.5% increase in the tax levy; equates to \$2.8 million.

4.5.4.2.2. Klein proposed using the fund balance (or rainy day fund) to bring the tax levy down to 0. I.e., pull out \$2.8 million from the rainy day balance and bring the whole tax levy increase down to 0; this would leave ~\$32 million in the rainy day fund; in Klein's opinion, a good move as it would not have hurt financially.

The motion failed 6–8 after a very long debate. In the end, a compromise was reached by proposing a \$1.1 million increase in tax levy which is a 2.2% increase. However, it also proposes to bring the tax rate down. This means that if your assessment did not change, then your county tax bill will go down slightly. Klein says this is pretty good news.

4.5.4.2.3. Work force reduced by 6% but without making any layoffs; a really good win-win situation. A few positions were added:

—Sustainability Coordinator (based on outpouring from the public asking for such a position);

—Two deputies at the Sheriff's Department;

—Health Department Nurse under a six month contract to help with coronavirus contact tracing.

4.5.4.2.4. The broadband study will be funded; the total cost is \$80k. However, Town of Danby chipped in \$5k, as did the Towns of Caroline, Newfield, Enfield, Lansing, and (likely but not yet certain) Ulysses.

The town contributions brings the County's costs down quite a bit (\$25-30k), making this a really nice county-wide collaborative effort that shows almost all of the rural towns feel the same way as we do, that this is vital for our citizens.

4.5.4.2.5. Salaries: by custom, we set the salary level of the legislators for the following term, not setting our own salaries, but for the next term for the entire four years of the term. The current proposal is a 0% raise for the next 2 years, followed by a 3% raise in years 3 and 4. This is a way of sharing the pain of those who are not getting raises, or who are unemployed, and essentially putting off any kind of raise for three years from now.

4.5.4.2.6. Periodic coronavirus updates from County Health Department: Latest update showed that as of October 20, there were 12 positive cases in Danby. That is, this entire time since the start of the pandemic, there have been 12 total cases in Danby out of 537 positive cases for the whole county. Danby is doing pretty well compared to the county as a whole.

4.6. Correspondence

4.6.1. 25 October Email re House on Peter Rd

4.6.2. 31 October Email re Vested Right to Build

4.6.3. 6 November Email re Driveway on South Danby Rd

4.7. Resolution 130 of 2020: Approval of Above Consent Agenda

Moved By: Schnabel

Seconded By: Connors

No further discussion.

Vote:

Councilperson	Yes	No	Abstain/Absent
Connors	X		
Holahan	X		
Schnabel	X		
Ulinski	X		
Gagnon	X		

Resolution 130 passes.

5. Old Business

5.1. Broadband Update (Schnabel)

5.1.1. County's budget committee voted unanimously to pass the over target request for their budget to include the broadband study.

5.1.2. Report by Anna Kelles is posted on the Town of Danby website - see also Exhibit 4

5.2. Update on Workplace Violence Initiative (Ulinski)

5.2.1. We are making good progress on this initiative, finished the survey portion and collected information—nothing dramatic in there—and we just finished doing the surveys of the properties. We have some information from Gina that she's putting together on ways to improve a couple of things, mostly regarding quick exits from the buildings and being aware of where people are if you're in the building.

5.3. Consider Adopting Above-Referenced Proposed Local Law

5.3.1. Consensus is to wait to discuss and vote next meeting.

5.4. Consider Adopting 2021 Budget

5.4.1. Consensus is to vote at the next meeting.

6. New Business

6.1. Possible Appointment to CAC

6.1.1. Brittany Lagaly has applied for the position on the CAC following Katharine Hunter's resignation. Lagaly attended last month's CAC meeting where her interest was very much appreciated and the board enthusiastically recommended that she apply. If appointed, Lagaly would complete Hunter's term ending December 2021.

6.2. Resolution 131 of 2020: Appoint Lagaly to CAC

Moved By: Gagnon

Seconded By: Ulinski

Ulinski X

Gagnon X

Resolution 132 passes.

7. Discussion of Next Meeting Agenda on Wednesday 18 November 2020

7.1. Local Law

7.2. Budget

7.3. Policy for Correspondence

7.4. Crane noted that the second board meeting in December is currently scheduled on Dec 23 and that the Board may want to reschedule that.

7.5. Czamanske's Code Enforcement personnel responsibilities draft

7.6. Workplace violence report and update

7.7. Not for the next meeting, but a final comment by Gagnon:

7.7.1. What should have been on the agenda tonight was to mention all open committee and board positions.

7.7.1.1. There's at least one open position on every board, and several on CAC

7.7.1.2. Although incumbents are planning to reapply, this should not discourage anyone from applying for consideration. Incumbency is no guarantee of re-appointment. Adjournment

8. Adjournment

8.1. Meeting adjourned at 20:40.

Janice R. Adelman
Town Clerk

Exhibit 1**TOWN OF DANBY
CODE ENFORCEMENT OFFICE****MONTHLY ACTIVITY: October 2020**

BUILDING PERMITS ISSUED	Value	Fee
New Residential Construction		
7 Deputron Hollow Rd	130,000	170.00
419 East Miller Rd	255,500	309.00
Renovations/Other		
1882 Danby Rd, addition/ renovation	8,500	50.00
19 Gunderman Rd, Re-roof	12,500	50.00
45 Tupper Rd, new entry deck	2,825	50.00
92 Layen Rd	12,000	41.60
296 Meadow Wood Terrace	13,500	77.00
230 Durfee Hill Rd	16,640	48.25
MONTH TOTALS	421,465	795.85
YTD TOTALS	2,754,501	6,241.08
PREVIOUS YTD TOTALS	2,333,036	5,445.50

CERTIFICATES OF OCCUPANCY

1065 Comfort Rd, Addition

CERTIFICATES OF COMPLIANCE

63 Gunderman Rd, Solar array

11 Benny Lane, Rear entry deck

365 Gunderman Rd, Pre- built shed

ADDITIONAL ACTIVITY

21 Construction inspections

Attended FEMA Flood Hazard Study meeting

Attended Tompkins County Hazard Mitigation meeting

1 fire call , Beardsley lane

Exhibit 2. Planner's Report

(For work since the report at the October 12 Town Board meeting)

- Coordinating with applicants and Chairman Rundle in advance of the October 20 Planning Board meeting; distributing & posting meeting materials; facilitating Zoom session; meeting follow-up with Chairman on signing plats and resolutions; coordinating with Town Clerk and applicants.
- Responding to inquiries and conferring with actual applicants for various subdivision, site plan and special permit matters. [While short enough to write, this consumes a considerable amount of effort as it happens all the time...]
- Coordinating with Town Supervisor, incoming Planner David West and potential contractor in relation to the Hamlet study.
- Research into the Fieldstone Circle subdivision approval and the corresponding Planned Development Zone 12, arising from a need to reply regarding a specific building permit application there. This research points to a need for the town to work to clarify the zoning for PDZ 12.
- Reviewing applications for the position of Planner; coordinating & conferring with Joel, Matt and Laura; scheduling an interview and, following appointment by the Town Board, beginning the process of coordinating with David on the transition; send batched email replies to unsuccessful applicants.
- Coordinate with Joel and others regarding re-initiating the drainage district creation process for the Beardsley Lane subdivision.
- Research, correspondence and coordination with Joel regarding some zoning enforcement matters noted by Jason Haremza.
- Research, write about and discuss zoning enforcement processes with Town Board.
- Conferring with the Town Attorney as needed with various matters related to these things.
- Organizing the previous planner's outgoing notes/tasks into a development review tracking spreadsheet, an enforcement tracking spreadsheet, and into notes (to be incorporated into a recommendations document or documents to the next planner and the town).
- Coordinating on trying to retrieve the email of former planners Susan Beeners and C.J. Randall.
- Researching status of LED Streetlight conversion; Emails to NYSEG & coordination with Joel, Jim and others.
- Drafting proposed resolution re appointing the planner as a code enforcement officer solely for zoning and subdivision matters.

Exhibit 3

**TOWN CLERK'S MONTHLY REPORT
TOWN OF DANBY, NEW YORK
OCTOBER 2020**

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:

Town Office	License/Permit	Qty Issued	External Agency Oversight	Disbursed to External Agency	Amount Received for Danby
Clerk	Hunting	4	NY State DEC	\$264.76	\$16.24
	Marriage	1	NYS Dept Health	\$22.50	\$17.50
	Dog	31	NYS Dept Ag & Markets	\$37.00	\$374.00
	Impoundment Fees	1			\$25.00
Code	Building	8			\$797.60
Zoning	Planning Fees	3			\$300.00
Total Collected For Town of Danby General Fund					\$1530.34

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 November 2020.

Exhibits 4–6: Correspondence**Exhibit 4.** Email from Ronda Roaring re House on Peter Rd

From: Ronda Roaring

Subject: house on Peter Rd.

Date: 25 October 2020 at 19:08:24 EDT

To: Joel Gagnon <supervisor@townofdanbyny.org>, Leslie Connors

<lconnors@townofdanbyny.org>, Matt Ulinski <mulinski@townofdanbyny.org>, Jim

Holahan <jholahan@townofdanbyny.org>, "sschnabel@townofdanbyny.org"

<sschnabel@townofdanbyny.org>, "code@townofdanbyny.org"

<code@townofdanbyny.org>, Town Clerk <townclerk@townofdanbyny.org>

All:

I drove down Peter Rd. today. There, at the intersection of Peter Rd. and Brenda Lee Lane, was a house going up--diagonally across from the DSF. How many more times will I need to tell you you MUST stop boxing in the DSF. Your answer doesn't matter. I will NEVER stop complaining about this. NEVER!!!

Oh, and, by the way, I didn't see any building permit!

Ronda Roaring

Exhibit 5. Email from Ronda Roaring re Vested Right to Build

From: "Ronda Roaring"

To: "Joel Gagnon" <supervisor@townofdanbyny.org>, "code"

<code@townofdanbyny.org>, "Leslie Connors" <lconnors@townofdanbyny.org>,

"Jim Holahan" <jholahan@townofdanbyny.org>, "Matt Ulinski"

<mulinski@townofdanbyny.org>, "Sarah Schnabel"

<sschnabel@townofdanbyny.org>

Cc: "NY Town Clerk Danby" <townclerk@townofdanbyny.org>, REDACTED

Sent: Saturday, October 31, 2020 11:21:45 AM

Subject: vested right to build

All:

There appears to be yet another house going up on South Danby Rd. I saw no building permit. (Next to 220.) What I did see was a sign indicating that there was a proposed subdivision.

The subdivision of land in no way permits anyone to build. The state does not recognize such a thing as a vested right to build. (There is no reference anywhere--in

any law, rule, or regulation, including the state constitution, permitting a vested right to build or permitting a municipality to engage in a vested right to build.)Therefore, the town cannot usurp the state and CREATE a vested right to build. The implication in the zoning ordinance that a landowner has a vested right to build needs to be removed immediately.

Ronda Roaring

From: Steven Cortright
Sent: Monday, November 2, 2020 9:50 AM
To: Ronda Roaring
Cc: Joel Gagnon <supervisor@townofdanbyny.org>; code <code@townofdanbyny.org>; Leslie Connors <lconnors@townofdanbyny.org>; Jim Holahan <jholahan@townofdanbyny.org>; Matt Ulinski <mulinski@townofdanbyny.org>; Sarah Schnabel <sschnabel@townofdanbyny.org>; NY Town Clerk Danby <townclerk@townofdanbyny.org>; REDACTED
Subject: Re: vested right to build

To all,

After a trip out to the site in question on South Danby Rd, and looking at the proposed subdivision signs posted on the property and seeing that the public hearing was advertised for 3/17/2020 and coming back to the office and reviewing the Planning Board minutes for the month of March 2020 it is clear to me that this subdivision was approved on 3/31/2020 per Planing Board minutes. The contractor on site has been in touch with me about the driveway installation and assigining an address. The contractor has assured me that the only work going on at the site will be the driveway installation for which he got a permit from Tompkins County Highway Dept. and land clearing for site preperation (ground distrubance form submitted) for a possible home start in 2021 or later. No building permit required for a driveway or land clearing.

Thanks,

Steve

Town of Danby

Code Enforcement Officer

607-277-0799

code@townofdanbyny.org

From: Ronda Roaring

Subject: Re: vested right to build

Date: 2 November 2020 at 12:07:18 EST

To: Steven Cortright

Cc: Ric Dietrich <supervisor@townofdanbyny.org>, code <code@townofdanbyny.org>, Leslie Connors <lconnors@townofdanbyny.org>, Jim Holahan <jholahan@townofdanbyny.org>, Matt Ulinski <mulinski@townofdanbyny.org>, Sarah Schnabel <sschnabel@townofdanbyny.org>, NY Town Clerk Danby <townclerk@townofdanbyny.org>, REDACTED

All:

It seems clear to me that this person thought he had a vested right to build. He owned the land and, therefore, he could build on it. I have been to only one Planning Board meeting in years, and it was a couple of months ago. I distinctly recall the PB members implying to the party in question that they could build, and I kept saying, "There is no such thing in New York State as a vested right to build." This also applies to the sign on Steam Mill Rd. (?) that says "Building Lot for Sale." The TB must put an end to this immediately.

Ronda

Exhibit 6. Email from Ronda Roaring re Driveway on South Danby Rd

From: "Ronda Roaring"

To: "Joel Gagnon" <supervisor@townofdanbyny.org>

Cc: "Steven Cortright" <scortright@townofdanbyny.org>, "George Adams" <GAdams@townofdanbyny.org>

Sent: Friday, November 6, 2020 6:22:58 PM

Subject: "driveway" on South Danby Rd.

I've been by that site 4 times today. This person is logging that site. Yes, South Danby Rd. is a county road, but I still think a site plan should be required for cutting timber. They're using a backhoe, really. This person is not one who is attempting to preserve the environment. Again, more destruction a la St. John. We need to come up with a logging law that takes into consideration all these small loggers who don't have a clue what they're doing. He's working on a slope that could encourage run-off. My feeling is that every timber-cutting operation (for whatever reason) of X number of trees or X number of board feet should have a site plan to prevent environmental damage to the SITE. This email should probably be going to DW.

Ronda

From: Steven Cortright <scortright@townofdanbyny.org>
Sent: Monday, November 9, 2020 9:38 AM
To: Ronda Roaring
Cc: Joel Gagnon <supervisor@townofdanbyny.org>; George Adams
<GAdams@townofdanbyny.org>
Subject: Re: "driveway" on South Danby Rd.

Hello all,
This site is not being logged, it is simply being cleared in preparation for a proposed single family dwelling to be built within the next 2 years. Because the lot is wooded and scrub covered it may have the appearance of a logging project because of the number of trees taken down. I spoke with the contractor this morning and he has informed me that he is done on the site with the exception of silt fence and other stabilization measures which he will be implementing this week.
Steve

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From: Ronda Roaring
Sent: Monday, November 9, 2020 10:20 AM
To: Steven Cortright <scortright@townofdanbyny.org>
Cc: Ric Dietrich <supervisor@townofdanbyny.org>; George Adams
<GAdams@townofdanbyny.org>
Subject: Re: "driveway" on South Danby Rd.

But isn't that the definition of the verb to log? It means "to cut down trees." It implies to cover a large area, as in "I'm going to log my property." It doesn't imply how many trees will be cut, but it does imply covering a large area and implies that many trees will be cut. You don't say, "I'm going to log my front yard" if you're only going to cut down two trees. So my comment still stands. The Town need to require that the property owner submit a plan for any logging operation, especially when heavy equipment (like a backhoe) is used.
Ronda

Exhibit 7 Broadband Update

Below is the message from Anna Kelles regarding the budget request that the County has tentatively approved. The final budget vote will be in November - There was unanimous support for this by County Legislators at their Oct 20 Budget meeting and it is expected to remain in the final budget when approved.

Broadband OTR Request

I (Anna Kelles) will be submitting a one-time OTR of no more than \$80K (depending on funding currently being finalized from Tompkins County municipal governments) for a 5-deliverable study that will provide the following deliverables to help us identify a possible path forward for a county-wide buildout of both middle and final mile fiber optic cable in the county. (Note that this plan is not for the county to build, own, or operate but to join a regional municipal initiative that already exists):

1. Market assessment: identify the unserved and underserved areas, what the competition is in the county, where the current providers provide service, what the terms are and what they are charging, and outline current demographics.
2. Design - outside (geographic layout and design, redundancy and diversity, how to reach each address point, comparison of a distributed or central architecture) and inside plan design (where should colocation centers be placed, convergence points, OLTs, etc...)
3. Business and operations model - what are the different models out there for municipal based fiber to the home, what does it look like, and what are the different models of operation.
4. Operations and maintenance - a complete look at what it would take to operate the infrastructure, what type of service, what staffing needs exist, what is a recommended maintenance schedule, for example, how often would core routers need to be replaced.
5. Financials - for both capital and operations (including take rate opportunities) - what kind of revenue can be expected since the project would need to cover costs for many decades.

The intent of this study generally speaking is to get a clear sense of where there are properties that are both underserved (less than 100 MBPS) and not served at all, map a proposed layout of middle and last mile fiber that would tie into the existing STN regional grid and meet established priorities from the county, outline a clear operations and maintenance schedule, and estimate the costs associated with both capital and operational expenses. Note that the intention would not be for the county to own or operate a cable system. This report would provide the information necessary to

negotiate a relationship with STN for buildout, operation and maintenance of fiber cable throughout the county. This information would also provide the information that STN would need to pursue funding sources for buildout. There are several options that we can pursue post study with STN that will need to be explored but this is outside the scope of this OTR. This study will provide the information necessary to negotiate an appropriate relationship.

To ensure the successful implementation of this study the following arrangement is being proposed to establish clear guidelines and expectations with the participating parties (The County, STN, and Fujitsu, the research agency contracted to do the study):

Fujitsu's Study Process: will follow the assumptions, parameters and construct formed in the contract with STN for the current 5-County Coalition Study with Steuben, Schuyler, Chemung, Tioga, and Yates Counties.

Tompkins County Responsibilities:

- Assign a county point person (Coordinator) - the County Planning Department;
- Accept Terms of 5-county inter-municipal agreement;
- Pay full amount of Fujitsu study;
- Provide asset information (such as: colocation centers, utility pole owner maps, existing fiber provider maps of their buildouts, etc.). Note, Fujitsu will provide a complete list of what they require;
- Attend and participate in all deliverable presentations;
- Assure County decision-makers are involved, provide county resources that may be required throughout the study, and make sure that they are informed of progress;

STN Responsibilities:

- Administration -oversee contract flow, document management (contracts, deliverables, etc.), and funds exchange;
- Information management - All Fujitsu deliverables will be retained and shared by STN;
- Liaison between Tompkins County, Fujitsu, STN board, and 5-County Coalition; Attend and participate in all deliverable presentations;
- Where applicable, provide future management, coordination of the multi-county build-out;

Here is a link to the Fujitsu 5-deliverable study proposal for the county. Here is a link to the 5-county MOU