

Town of Danby Town Board

Regular Meeting

via Zoom Video Conferencing

14 December 2020 at 7:00 PM

Roll Call :

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

Town Justices Garry Huddle
Theresa Klinger

Town Planner John Czamanske (interim)
David West (newly hired)

Town Code Officer Steve Cortright

Town Bookkeeper Laura Shawley

County Legislator Dan Klein

Recording Secretary Janice R. Adelman, Town Clerk

Public attendees: Bill Evans, Bruce Richards, Katharine Hunter, Margaret Corbit, Nick & Cecilia Kurpita, Paulette Rosa, Ronda Roaring, Susan Franklin, Ted Crane, Toby Dean

1. Call to Order at 19:04

1.1. Additions/Deletions to Agenda

1.1.1. Remove correspondence policy because it's not ready to be discussed.

2. Privilege of the Floor

2.1. Nick and Cecilia Kurpita introduced themselves as the owners of the land on Howard Road; the land has been in their family since the 1950s. Someone has leased land nearby and is attempting to put a fence across the road that will prevent access to the Kurpita's land. Emergency vehicles and trucks would not be able to go down the road which takes one up to Hill Road. Howard Road has only a small segment paved with a sign indicating it is a minimal maintenance one lane road. Recently the Kurpitas found out that Howard Road is considered an abandoned road, despite them having a Howard Road address number. Cecilia Kurpita has been in contact with NYSEG who will give documentation that they have a variance parallel to Howard Road to show that it cannot be blocked with a fence. The Kurpitas wish to know if the road is abandoned and now just the private landowners own it. If this is the case, then the Kurpitas are "landlocked". Assistant Highway Superintendent, Jack Shawley, has been at the property to take a look. The bottom line is that the Kurpitas need to have the road left open without a fence that crosses over it.

2.1.1. Gagnon noted having spoken with Cecilia Kurpitas earlier, and replied that the Kurpitas need to discuss with the Town Planner and the Highway Department. There is not enough time to deal with it tonight, however, if the

issue needs further attention by the board, he is happy to bring it back up in January.

2.1.2. Kurpita thanks the board for their time with appreciation.

2.2. Margaret Corbit wanted to point out to members of the board that issues with the hemp farm are ongoing. They have been in communication with Supervisor Gagnon and Planner West and are looking forward to more communication in January.

2.3 Ted Crane wishes to thank those responsible for the comprehensive list of materials and agenda and has several comments: (1) Re minutes dated 18 November: included notes of comments made by Crane. Crane prefers to have the whole comments reproduced; if not that, at least the direction of them. For example, the congratulations, “or my kudos to Matt is reproduced, but the substance, you know, the four or five words describing the substance of the other comments are not reproduced. I just think it’d be nice to be able to see those, it might be useful in the future. (2) Re vouchers: Crane supports showing the warrant abstracts; there is no downside to making that information public and sees some upside. (3) Re records policy: Crane thinks “that the record should be kept as long as is reasonable. In other words, until they deteriorate beyond usefulness, whether the audio records could be pretty much forever video to YouTube, not a bad idea. (4) Re Correspondence policy: Crane read it and stated “there are a lot of little things I’d like to talk about, but I don’t want to take up your time. I did notice one thing that sort of strikes me as a perhaps a ... loophole ... in your proposed policy which is non written communications are not covered. And so, for example, it looks as though a Town Board member could or should—I’m not sure which— ... make written communications public, or may have to make the written communications public, to some extent. However, verbal communications, which often come up in, shall we say conversation during town board meetings, as in somebody told me, the person. There’s no requirement to talk about who exactly said this, which, as we know, in the theater and in literature is an often used device to basically say what you want to say using someone else’s not lack of name. So I think you should look at that loophole. (5) Re website upgrade: “I have to say, ... the first paragraph [is] a very politically correct way to say the current website sucks. Just to say the process by which that website was originated the way was chosen everything about it was a failure on the ... part of the Town of Danby, right up to its lack of maintenance ... to its usability—you’ve said it very politically correctly there—but I cannot urge you any more strongly to improve your website. And, yes, ... on the other resolution, yes, I think .ny.gov would be great. I would hope that after all of these years, the Town Board would see the wisdom of bringing people who are not TB members into the process. Let’s call it into the committee process. And I know some people. In fact, I even smile and say, I think I could probably contribute to that process. I think there are other people as well. I’m sure they’ll make themselves know to you if they really want to. And other than that... there’s a minimal item about interviews or board committee appointments.” (6) Re board committee appointments: “You pretty much made it clear in your article in the Danby News

that you did not want anybody to apply for certain positions because you intended as usual to reappoint the incumbents.

- 2.4. Ronda Roaring wanted to share interesting news regarding cell and phone service. Over recent decades, 5 poles have now gone up through the DSF area. Today she saw trucks going by in front of her house today taking fiber optic cables all the way up to where Verizon placed their equipment.

3. Approval of Consent Agenda

- 3.1. Request made to remove reports from the Consent Agenda so that TB can hear from them.

- 3.2. Approval of Minutes

- 3.2.1. November 18, 2020.

- 3.3. Announcements

- 3.3.1. None

- 3.4. Warrants

- 3.4.1. General Fund Vouchers 371–402 for \$155,401.17

- 3.4.1.1. Abstract 23: Vouchers 371–373 for \$130,440.89

- 3.4.1.2. Abstract 24: Vouchers 374–401 for \$24,960.28

- 3.4.1.3. Two items in the general fund that appeared to be over-budget, but might be miscoded. Shawley will confirm.

- 3.4.2. Highway Fund Vouchers 206–223 for \$73,271.18

- 3.4.2.1. Abstract 23: Vouchers 206–207 for \$51,455.97

- 3.4.2.2. Abstract 24: Vouchers 208–223 for \$21,815.21

- 3.4.3. Water District Fund Voucher 41 for \$1,160.50

- 3.5. Reports

- 3.5.1. Code Enforcement (Exhibit 1)

- 3.5.2. Planner (Exhibit 2)

- 3.5.3. Clerk (Exhibit 3)

- 3.5.4. Justices'

- 3.5.4.1. Courts are now closed at least through January; the judicial system has moved to Microsoft Teams. All traffic tickets are being adjourned until February; no licenses suspensions or bench warrants can be made. Virtual arraignments are possible with the new laptop. Monthly report was submitted to the Town Supervisor; grant funds were reconciled with Laura Shawley's help with unspent funds returned to the grantor. Court Clerk Diane Gair will still be going in at regular hours to answer phone calls, check emails, and pay fines.

- 3.5.5. Dan Klein County Legislator Rep to County Board

- 3.5.5.1. Coronavirus is taking up lots of County Resources; there are many ways to deal with this. The County Health Department is responsible for contact tracing; only part of the tracing process is concerning: there are two kinds of contact tracers—one tracer for a person in quarantine who requires daily check-ins; the other

tracer is a nurse that needs to speak to anyone that tests positive or has symptoms. The problem is that the nurses on staff are overwhelmed; this is the weakest link. TC needs more nurses on board.

3.5.5.2. TC makes a number of appointments to industrial development agency. for many years, people have asked for a member of organized labor onto the agency. currently 4 legislators on the agency, will take

3.6. Correspondence

3.6.1. Email re Legality of Recent Town Clerk Appointment

3.6.2. Email re Shooting Range and Lead Contamination

Resolution 144 of 2020: Motion to Accept Consent Agenda (absent Gen Fund and Water Vouchers)

Moved By: Schnabel **Seconded By:** Connors

No further discussion

Vote:

Councilperson	Aye	No	Abstain
Connors	X		
Holahan	X		
Schnabel	X		
Ulinski	X		
Gagnon	X		

Resolution 144 approved.

4. Old Business

4.1. Change Rules of Procedure regarding Agenda (compilation and distribution)

4.1.1. Motion to Amend Rules of Procedure Regarding Town Board Meeting Agenda Prep and Distribution

Moved By: Connors **Seconded By:** Schnabel

4.1.2. Discussion included the roles of Town Supervisor and Town Clerk being separate but equal; the proposed modification in procedure would connect the Clerk and Supervisor in a way that is no longer separate but equal.

4.1.3. Gagnon suggests tabling the resolution and reworking it. The Supervisor sets the agenda, but the question is how we then share the information given that there is no supervisor's office to do it. In the past, the Clerk took initiative.

4.1.5. **Connors withdraws the motion.**

4.2. Warrant Abstracts Posting With Meeting Materials on Website

Resolution 146 of 2020: To Obtain [.ny.gov](http://ny.gov) As Website Domain

Moved By: Connors **Seconded By:** Ulinski

No further discussion

Vote:

Councilperson	Aye	No	Abstain
Connors	X		
Holahan	X		
Schnabel	X		
Ulinski	X		
Gagnon	X		

Resolution 146 approved

5. New Business

5.1. Interviews for Board/Committee Appointments

5.1.1. There is at least one open position on every committee: Water District Board, Planning Board, Board of Zoning Appeals, Conservation Advisory Committee. In total there are five openings and four applicants.

5.1.2. Two applicants are re-appointments, Gagnon did not feel the need to ask those individuals to attend the meeting to be interviewed.

5.1.3. Margaret Corbit has applied to join the CAC as a new member and is here to answer any questions. Ted Crane also applied to the Planning Board and although he is not a new face, if anyone has questions for him now is the appropriate time for that.

5.1.3.1. Margaret Corbit introduced herself to the Board. She holds a masters degree from Cornell in Plant Ecology where she conducted research was in Tompkins County. She has GIS data files for the forest history for the Town of Danby; created by a woman named Katherine Flynn, now on faculty at a university in Virginia, for her PhD research she used Peter Marx’s historical data covering the growth of the forest from its lowest point around 1900 to its recovery back to about 50%. What is exciting is that there was also soil science research in this data which shows the relationship between soil and land use and land cover history. Peter Marx was at Cornell from the 1970s until his recent retirement where he walked the county himself with his graduate students and research associates documenting the land use history of Tompkins County.

5.1.2. Although interviews and discussion take place now, the final vote and appointment process occurs in January.

5.2. Authorization to sign contract with attorney Guy Krogh for 2021

Moved By: Connors **Seconded By:** Ulinski

No further discussion.

Vote:

Councilperson	Aye	No	Abstain
Connors	X		
Holahan	X		
Schnabel	X		
Ulinski	X		
Gagnon	X		

Resolution 148 approved

Resolution 149 of 2020: To Schedule a Public Hearing for CAC Proposal on 17 February 2021

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

No further discussion.

Vote:

Councilperson	Aye	No	Abstain
Connors	X		
Holahan	X		
Schnabel	X		
Ulinski	X		
Gagnon	X		

Resolution 149 approved

5.5. Tax collection in times of COVID online payments

5.5.1. Clerk Adelman noted that the Clerk’s office will be encouraging tax payments to be made remotely, whether it be online via credit card or via mailed check. Any in-person payment must have an appointment. The Tax Bills have not yet been received by County Assessment but the Clerk’s office will prepare an insert that details all of the ways to make a payment safely this year.

5.6. Water Service Extension Beyond the West Danby Water District Boundaries

5.6.1. There is currently no policy regarding the boundaries; is the Town willing to entertain the extension request, to orchestrate the transaction? There are two ways this could be done:

5.6.1.1. Extend the Boundaries of the Water District. This is expensive and shouldn’t be done for just one property.

5.6.1.2. Extend the Service to a Property Outside the District. Provisions are made that hold harmless the residents inside the water district so that the extension is at the expense of the applicant.

5.6.2. A resident near the old landfill wants to build a house and a barn to keep horses on his property but does not want to drill a well so close to where the landfill used to be. The Water District could extend the line of the district, but needs permission from the county to run along the road. The resident needs a framework which involves an environmental quality review and crafting an agreement between the Town and the resident for the conditions under which the extension would occur.

5.6.2.1. Is the Board willing to entertain extending the water service to a property outside the district?

Resolution 150 of 2020: Declaration that The Town of Danby Will Lead an Environmental Review Authorizing the Town Planner to Craft an Agreement to Present to the Board for Approval

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

No further discussion.

Vote:

Councilperson	Aye	No	Abstain
Connors	X		
Holahan	X		
Schnabel	X		
Ulinski	X		
Gagnon	X		

Resolution 150 approved

5.7. Town Hall Exterior Light Upgrade - tabled until January 2021

6. Discussion of Next Meeting Date & Agenda

Resolution 151 of 2020: Move Organizational Meeting to 4 January 2021 with 2nd Meeting Scheduled for 20 January 2021

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

No further discussion.

Vote:

Councilperson	Aye	No	Abstain
Connors	X		

Holahan	X
Schnabel	X
Ulinski	X
Gagnon	X

Resolution 151 approved

7. Adjourned at 22:09

Janice R. Adelman
Town Clerk

Exhibit 1

TOWN OF DANBY CODE ENFORCEMENT OFFICE

MONTHLY ACTIVITY: November 2020

BUILDING PERMITS ISSUED	Value	Fee
New Residential Construction		
22 White Hawk Ln 1288 Sq Ft, Single family dwelling	175,000	322.00
Renovations/Other		
960 Tallow Hill Rd 12 x 32 Vacation camp structure	50,000	75.00
118 Fieldstone Cr. 20 x 20 three season room w/ hot tub	80,000	85.00
1656 Danby Rd Re-roof	12,248	50.00
1435 Danby Rd Demo fire damaged Gospel Church of Ithaca	10,000	50.00
1120 Coddington Rd Replacement windows	3,194	50
251 Bald Hill Rd 2 car garage w/ attic storage	60,000	72.00
132 Yapple Rd Ground mount solar PV 17.7 KW	41,000	0
31 White Hawk Ln Roof mount solar PV 7.56 KW	25,990	0
308 Bald Hill 20 x 32 Pole barn garage with attic storage	38,000	96.00
MONTH TOTALS	496,432.00	800.00
YTD TOTALS	3,250,933	7041.08
PREVIOUS YTD TOTALS	2,754,501	6,241.08

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

Exhibit 2

TOWN OF DANBY TOWN PLANNER'S OFFICE

MONTHLY ACTIVITY: November 2020

- Coordinating with applicants and Chairman Rundle in advance of the November and December Planning Board meetings; and with Chairman Hicks re Board of Zoning Appeals meetings. Distributing & posting meeting materials; facilitating Zoom sessions; meeting follow-up. (PB meetings Nov 17, Nov 24, upcoming Dec 15; BZA cancelled Nov, upcoming Dec 22)
- Drafting board meeting schedules for 2021; edit planner calendar for 2021.
- Responding to inquiries and conferring with actual applicants for various subdivision, site plan and special permit matters. Reviewing building permit applications for zoning compliance.
- Facilitate acquisition of computer laptop to be used by the Town Planner
- Coordination and information sharing between incoming Town Planner David West and outgoing interim Planner John Czamanske.
- Planning Group meeting December 1.
- Research into the Old Towne Village subdivision approvals and the corresponding Planned Development Zone 8.
- Coordination with Joel and others regarding re-initiating the drainage district creation process for the Beardsley Lane subdivision.
- Draft two resolutions approved by the Town Board on Nov 24: appointment of David West as Stormwater Management Officer; appointment of Planner as “code enforcement officer” solely for zoning and subdivision matters.
- Conferring with the Town Attorney as needed with various matters related to these things.
- Final coordination with NYSEG and Joel prior to his executing the letter agreement to convert streetlights to LED.
- Assemble emails and files for FOIL request.

Exhibit 3

**TOWN OF DANBY
TOWN CLERK'S OFFICE**

November 2020 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/Per mit	Qty Issued	External Agency	External Agency Amt	Town of Danby Amt
Hunting	9	NY State DEC	\$234.79	\$15.21
<i>Marriage</i>	<i>0</i>	<i>NYS Dept Health</i>	<i>\$0.00</i>	<i>\$0.00</i>
Dog	8	NYS Dept Ag & Markets	\$8.00	\$88.00
Total Disbursed to External Agencies			\$242.79	
Total Collected for Town of Danby General Fund				\$103.21

Office	Description	Qty	Cost	Total Received
Clerk	Certified Marriage Transcript	0	\$10.00	\$0.00
	Games of Chance License	0	\$25.00	\$0.00
Code	Building	15	varies	\$987.45
Zoning	Planning Fees	0	\$75.00	\$0.00
Total Payments Made to the Town of Danby				\$987.45

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 3rd day of December 2020.