

**Danby Town Board
Minutes of Regular Meeting
February 13, 2012**

Present:

Supervisor: Ric Dietrich
Councilpersons: Leslie Connors, Kathy Halton, Dylan Race

Excused:

Councilperson: Dan Klein

Others Present:

Town Clerk Pamela Goddard
Code Office Sue Beeners
Public Ronda Roaring, Ted Crane, Robert Roe, Anne Klingensmith, Mary Ann Barr

The Meeting of the Danby Town Board was opened at 7:05pm.

Privilege of the Floor/CEA Report

Anne Klingensmith gave an update on the status of preparing designations for Critical Environmental Areas. Conducting research and delineating boundaries for proposed CEAs is well underway. She presented a draft outline of seven proposed CEAs with a draft map: along Lick Brook, Buttermilk Creek, in Deputron Hollow, Danby Fir Swamp/Oak Woods, Eastman Hill, Michigan Hollow, and the West Danby Moraine Valley and Pinnacles. The largest proposed CEA is approximately 3380 acres and the smallest approximately 96 acres. Most of these proposed CEAs include Unique Natural Areas previously researched by Tompkins County. Some of the CEAs include Danby State Forest land. These CEAs also include watershed recharge areas. Klingensmith asked the following question of the Town Board. "How does the Town Board envision that CEAs will intersect with Town laws and zoning?"

This led to a lengthy discussion about the best procedure for establishing CEAs in Danby. Once an area is registered as a Critical Environmental Area with the NYS Department of Environmental Conservation, any proposed development in that area would require a more extensive supplemental environmental review (SEQR).

Beeners suggested that CEA designations be considered in tandem with the proposed Aquifer Protection Ordinance. It was also suggested that CEA designations be coordinated with land use mapping being done by the Conservation Advisory Council.

Klingensmith and Beeners suggested a possible "Environmental Protection Overlay District", that would prohibit heavy industrial activity of any kind covering these areas. There was support for this idea among Town Board members. There was a lengthy discussion as to whether this type of zoning needed to be in place prior to the adoption of CEA designations. Members of the Board expressed concern about unintended consequences of a CEA-focused zoning amendment. It was suggested that a legal opinion be sought from the Town Attorney and that research be done regarding other municipal CEAs and their implications. Discussion of this issue will be continued at the next TB meeting. Beeners will provide some preliminary background at that time.

Update on Joint Defense Fund

Dietrich gave a brief update on the status of setting up a municipal joint defense fund. He informed the board of a preliminary attempt to put together a group of people to organize fundraisers and other events designed to support an inter-municipal legal defense fund. The intent of this fund is

to address legal challenges affecting multiple towns. Towns currently involved include Ulysses, Caroline, Danby, and possibly Enfield.

Energy Issues/Energy Intern

Beeners gave an update on various energy initiatives. The Town Hall will be given an energy audit in the next week, including thermal imaging. This will be a next step in undertaking energy saving measures for the building. Beeners asked for clarification regarding the current level of interest on the TB regarding a solar electric rental grant. The application forms have been acquired. The Board would like more information. There are questions as to whether this would be cost effective for the Town Hall. Beeners offered to make the information available and volunteered the services of the Code assistant for completing the application, should that be appropriate.

Beeners informed the Board about an energy intern, Zachary Patton, engaged by the Town. This internship is through a County sustainability program. He will receive a stipend of \$400 for the spring semester. He comes to the Town with a background in regional planning studies. He will help create a simple action plan as an organizing framework for the Danby Energy Group and the Planning Board. Patton will attend the Feb. 23 Planning Board meeting.

Highway Efficiency Study Grant

Dietrich gave a brief explanation of this process. The Town is getting involved in an inter-municipal study of ways that might be cost saving. A suggestion being explored is possibly sharing a Highway Superintendent between Caroline and Danby. Carl Seamon and Laura Shawley are attending these meetings.

Records Management

Mary Ann Barr presented additional information and answered questions regarding priorities for the records management program. Barr explained that shelving and dehumidifying/climate control are the top priorities at this time. Metal shelving is needed to replace oversized shelves with composition board. Dietrich suggested that there is some unused shelving in his Town Hall office that could be of use.

Barr raised a concern that the door to the vault is wood. Beeners provided the information that this door is fire rated for two hours. A suggestion was made that, if the shelves are to be removed and replaced, the painted cinder block walls be repainted with sealant to keep the moisture out.

The Board asked Barr to present an estimate of costs for new shelving and for climate control measures.

Request for letter regarding Non-Agricultural Land in Ag District

The Board discussed a request by Ronda Roaring, asking the it to write a letter requesting the removal of non agricultural land from the Agricultural District in Danby. A review of that district is taking place at the County level. Roaring stated that she is not opposed to the addition of land to the District if it is actually in agricultural production.

There was a discussion about the zoning implications for non agricultural land in agricultural districts. Agricultural Districts supersede local zoning in regards to activities related to standard agricultural practices, adding an additional layer of protection for those engaged in farming. Removing non agricultural land from an District would not prevent farming in Danby and would not affect tax-related Agricultural Exemptions. Residents wishing to engage in customary agricultural activity, whose land is not in a agricultural district, would be able to farm under the Danby "Right to Farm" law. Review of agricultural practices would be done on the local level.

The Board repeated its desire to review the question of non agricultural land in Ag. Districts as part of the review of the Danby Comprehensive Plan. Roaring expressed her concern that there will

not be another opportunity to remove parcels from the Ag. District for another eight years. The Board stated that it was not prepared to make the deadline for requested changes to the existing Ag. District.

Roaring revised her request, asking whether the TB would be willing to write a letter asking that the review of this particular Ag. District be postponed. Dietrich repeated his concern that the Board did not have enough information to evaluate possible unintended consequences of such an action.

Halton volunteered to contact John Brennan (Division of Agricultural Protection, NYS Ag & Markets) and do additional research in this question in order to present a more informed opinion at the next board meeting. This issue will be addressed at the next TB meeting.

Water District Update

Dietrich and Beeners gave a brief update on the status of the project to replace the West Danby Water District water tank. Beeners is working to assure that the Water District is on the Drinking Water State Revolving Fund.

Biomass Boiler Update

Dietrich gave a brief update on the status. The third payment coming from NYSERDA. The unit should be installed and operational by May.

Broadband Forum

Dietrich informed the Board that there a public forum on broadband access will be held at the Town Hall on Monday evening, March 5, 7-9pm. This forum is intended to gather feedback from residents about internet access in rural areas. Presenters will provide information about steps being taken to cover current gaps in service. Residents were encouraged to attend.

Warrants

HIGHWAY FUND

#005-0025 for a total \$41,473.12

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

In Favor: Connors, Halton, Race, Dietrich

GENERAL FUND

#020-083 for a total \$54,349.37

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

In Favor: Connors, Halton, Race, Dietrich

WATER DISTRICT

#004-009 for a total \$1,063.64

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

In Favor: Connors, Halton, Race, Dietrich

Corporate Personhood Question

The Board continued its discussion of the question of Town response to “Corporate Personhood.” Halton added a final “Whereas” clause worded in such a way that the importance of this as a local issue, particularly related to industrial activity and gas drilling, is clear.

RESOLUTION NO. 32 OF 2012—OPPOSING CORPORATE PERSONHOOD

Whereas, In 2010 the United States Supreme Court issued its decision in Citizens United v. Federal Election Commission, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and

Whereas, This decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

Whereas, In reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

Whereas, In his eloquent dissent, Justice John Paul Stevens rightly recognized that “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their ‘personhood’ often serves as a useful legal fiction. But they are not themselves members of ‘We the People’ by whom and for whom our Constitution was established”; and

Whereas, The Court’s decision in Citizens United severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

Whereas, Corporations should not be afforded the entirety of protections or “rights” of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

Whereas, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections; and

Whereas, these past few years we, the residents of Danby and the Southern Tier of New York, have seen large, wealthy gas corporations exert influence and power on legislatures and the media regarding the supposed safety and benefits of drilling for natural gas, using high-volume, horizontal, hydraulic fracturing;

Now, Therefore, be it

Resolved, That the Town Board of the Town of Danby opposes the Supreme Court’s interpretation of the Constitution in Citizens United regarding the constitutional rights of corporations, and supports amending the Constitution to provide that corporations are not entitled to the entirety of protections or “rights” of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and be it

Further Resolved, that the Town Board of the Town of Danby calls on Congress to begin the process of amending the Constitution.

**Moved by Halton, Second by Dietrch. The motion passed.
In Favor: Connors, Halton, Race, Dietrich**

Appoint Chair to the Conservation Advisory Council

The Board acted on a recommendation from the Conservation Advisory Council.

RESOLUTION NO. 33 OF 2012—APPOINT CONSERVATION ADVISORY COUNCIL CHAIR

Resolved, That the Town Board of the Town of Danby appoints Joel Gagnon as the Chair of the Danby Conservation Advisory Council for the year 2012.

**Moved by Race, Second by Halton. The motion passed.
In Favor: Connors, Halton, Race, Dietrich**

Approval of Minutes

RESOLUTION NO. 34 OF 2012 - APPROVE MINUTES

Resolved, that the Town Board of the Town of Danby approves the minutes of January 9 and 16, 2012.

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

In Favor: Connors, Halton, Race, Dietrich

Tompkins County Department of Planning

There was a short discussion of a draft nodal development plan from Tompkins County Department of Planning. A representative of Tompkins County Planning has been invited to attend the Feb. 23 Planning Board meeting. Members of the Town Board expressed interest in attending that presentation.

Short Reports

The Clerk distributed short reports from the Justice's Office, Highway Department, and the Supervisor's Reports. She informed the Board of activity in the Clerk's Office for January (one marriage license, 56 dog licenses, two building permits) and reported that tax collection has progressed smoothly. The Town has collected its tax funds for 2012.

Adjournment

The Meeting was adjourned at 8:49pm.

Pamela S. Goddard, Town Clerk