

**Danby Town Board  
Minutes of Regular Meeting  
February 10, 2020, 7pm, Danby Town Hall**

**Present:**

Councilpersons: Joel Gagnon (Supervisor), Leslie Conners, Matt Ulinski

**Excused:**

Councilpersons: Jim Holahan, Sarah Schnabel

**Others Present:**

Deputy Town Clerk: Jenny Caldwell

Town Planner: Jason Haremza

Legislator: Dan Klein

Public: Bruce Richards, Ted Crane, Ronda Roaring, Pat Woodworth,  
Nancy Lazarus, Rick Lazarus

**Meeting Opened at 7:03 pm**

**Public Hearing:**

The Town Board of Danby will hold a public hearing at 7PM on February 10, 2020, at Danby Town Hall, 1830 Danby Road, Ithaca, NY, to consider amendments to the Town of Danby Zoning Ordinance Section 805 regarding General Considerations for Site Plan Review, specifically Commercial Design Guidelines. Contact the Town Planner for more information: [planner@townofdanbyny.org](mailto:planner@townofdanbyny.org) or 607-277-2400.

No written correspondence was received regarding this hearing.

Ted Crane expressed that the amendments were well done, save for an incongruity between having guidelines for structures on commercial properties and not having guidelines for structures on private properties. Crane said he wasn't pushing that they be the same, just that it was incongruous. Gagnon responded that this was considered but that putting commercial guidelines in place took precedence in light of potential interest in commercial development. Gagnon affirmed that guidelines for private structures would be addressed by the newly forming Planning Group.

Ronda Roaring expressed concern regarding the legality of the format -- is this actually an amendment to Section 805, or is it an appendix, and the appendix is the guidelines? Gagnon responded that it is two pieces: the first piece is the Amendment to Section 805 which references the Guidelines, and the second piece is the guidelines themselves. Gagnon confirmed that the Town Attorney, Guy Krogh, organized the Amendment in this manner. Roaring had read the Guidelines and wondered how a person could object to Guidelines, but that if this was the way the Lawyer wanted to structure it, she guessed she would go with it.

**Public Hearing Closed at 7:06 pm**

**Additions or deletions to the Agenda:**

Action, Add: Appoint list of people to Planning Group (Gagnon)

Action, Add: Authorization to attend The Association of Towns Meeting (Gagnon)

Discussion, Add: Revisit Appointment Policy (Gagnon)

Discussion, Add: Possibility of moving the location of Town Board Meetings to the courtroom for audibility (Gagnon)

Add: Report from County Legislator, Dan Klein

**Privilege of the Floor**

With respect to the Howland Road hemp operation, Nancy Lazarus inquired about the next step regarding both having the Town Lawyer review the application and licensing process through Ag & Markets, and also determining whether the activity of the hemp processor was an agricultural enterprise or an industrial one. Gagnon asked Bruce Richards to report on what he had learned at the Hemp Growers Conference sponsored by Ag & Markets in Binghamton last Thursday (02/06/2020).

Richards expressed the breadth of topics covered, from preferred cultivars to conflicting state and federal regulations. Currently there are no more permits being issued to processors and most hemp grown for CBD in 2019 is still sitting in barns with no known market. The economic viability of this crop was called into question. Richards spoke with Chris Logue from Ag & markets. Richards calculated a tremendous amount of material grown: an estimated 186 acres in production with an expected combined yield of 186,000 lbs. From his memory, those yields are from 10 sites under eight different authorizations.

Richard's understanding is that Ag & Markets considers the act of drying plants as part of growing. However, multiple ownership and several different sites complicates the situation. Material coming from others might make the business subject to site plan review and other regulations. As such, the Town likely has some say because of how the enterprise is organized and due to the volume involved. Richards emphasized his intention not to have the Town pull back on support for agriculture or to change the nature of Danby, but instead to express concern about the invasiveness and disruptiveness of this particular installation. Richards wondered: what happens if they did that next door to me?

Discussion about legal avenues and possible approaches. Issue still remains to define whether this is an agricultural activity or not, via the scale of the activity and the nature of the ownership. Board will seek feedback from Guy Krogh. Gagnon stated a preference to sit down with the owners and work out a solution before prosecuting. A question arose as to whether landowners would come to the table without the threat of litigation. Roaring encouraged movement on this issue before planting season begins.

Ted Crane gave Board Members a handout depicting a steady increase of residential properties and a decrease in agricultural properties in Danby based on data from the Office of Real Property

Tax Services (NYS ORPTS). Crane stated this was just for informational purposes and allowed that the numbers presented were consistent but not accurate. Gagnon mentioned that the Code Enforcement Officer, Steve Cortright, is constructing a record and gathering real data on this based on permits awarded by the Town of Danby. Crane would like to compare Cortright's findings with the data Crane presented. Crane pointed out more discrepancies between "year built" and year listed for "certificates of occupancy." Ulinski suggested Crane work through Gagnon to make sure Cortright has enough bandwidth for this project.

## **Legislator's Report**

Klein reported on two issues that don't directly involve Danby, but will impact Danby through their effect on the County. First, regarding the proposed conference center in downtown Ithaca: Most conference centers lose money, so the City of Ithaca and Tompkins County were asked to supply the missing funds. County would increase hotel tax which would increase airbnb tax by 2%. Negotiations are happening and everything needs to be voted on within five weeks. The conference center will require 2 million dollars per year to keep the center running, and in the worst case scenario this would be the amount the County and City would have to provide. Gagnon pointed out that the center is supposed to bring in a lot of income indirectly. Klein expressed agreement, so long as all works out well, and reiterated that the County is concerned about the worst case scenario. In response to a comment Klein elaborated that both the City and county would raise their hotel taxes.

Roaring wondered where the buses would park for the conference center. Klein had not heard this concern before and agreed to bring it up.

Gagnon then raised the question of transit facilities in general. Klein confided the general hope that the Seneca Street Parking Garage would be torn down in three to five years and become a local and inter-city bus depot, but that this plan wasn't very far along. Gagnon mentioned Green Street as a previous location for a potential bus depot and Klein clarified that Green Street is no longer an option due to the other kinds of planned development there, regardless of whether the conference center is built or not.

Klein then transitioned to the second issue he wanted to present: updates to Medicaid funding in New York State. Unlike most states, the cost of Medicaid in New York is passed on to the counties to pay, which is a growing financial burden. Previously the State put a cap on the amount counties have to pay, but Governor Cuomo announced that he plans to remove that cap and start increasing the bill to the counties. The numbers aren't known yet -- anywhere between one and 12 million dollars. Klein emphasized that this won't affect Danby directly, except that Danby is in the County.

Crane confirms with Klein that the conference center is privately owned and operated, and subsidized with public money. The hotels would be protected from the Conference Center losing money, but the County would not. Klein posited that the Conference Center would be good for Ithaca and the County if it were successful, but continued to stress concern about the County committing to making up any losses for the duration of the thirty year lease. Moreover, if the conference center closes, the County and the City are still obligated to continue the lease payments or repurpose it. Those details have not been worked out.

## **Approval of the Minutes-January 6 and January 13 -- Deferred by informal consensus**

### **Amendment to the Town of Danby Zoning Ordinance Section 805**

#### **MOTION -**

That the Town Board finds that there is no significant environmental impact from adopting this local law.

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

**In Favor: Connors, Ulinski, Gagnon**

#### **MOTION -**

That the Town Board adopts Local Law Number 1 of 2020, having had a public hearing and made a SEQR determination.

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

**In Favor: Connors, Ulinski, Gagnon**

**A copy is attached to these minutes.**

### **Hazard Mitigation Planning**

#### **MOTION -**

That the Town Board agrees to participate in Hazard Mitigation Planning and designates Steve Cortright as the Board's point of contact and floodplain administrator, with Jason Haremza as an alternate point of contact.

**Moved by Gagnon, Second by Connors.**

**Discussion: Clarification that this is related but different from the Emergency Management Plan. This plan deals with prevention.**

**An amendment was proposed by Ulinski to substitute a board member as the second POC so that there is a board connection to this process. He also indicated that he would be willing to be the board designee. The amendment to make Ulinski the alternate was accepted as friendly by Gagnon and substituted in the main motion.**

**The motion with amendment passed as such:**

That the Town Board agrees to participate in Hazard Mitigation Planning and designates Steve Cortright as the Board's point of contact and floodplain administrator, with Matt Ulinski as an alternate point of contact.

**In Favor: Connors, Ulinski, Gagnon**

### **Town Website Domain Research**

Sarah Schnabel is looking into what it would take to change the town's official website to a ".gov" web address to lend credibility to the Town's website and distinguish it from other similar websites.

Crane wants to see the Town have a “.gov” but his understanding is that those domains are no longer available.

Ulinski pointed out that the reason for the desired switch to the “.gov” domain will not resolve the issue that there are two competing sites for the Town of Danby: one run by the Town, the other run by Ted Crane. Ulinski suggests the Board ask Ted to close his site down.

Roaring claims this is a violation of free speech. Also, she would like to see digital towpath (the Town of Danby’s current website host) gone entirely. Gagnon allowed that a new website was also being looked into. Some discussion followed as to the length of the website name and the possible requirements thereof.

### **Approval of Association of Towns’ 2020 Proposed Legislative Program**

All resolutions seemed fine save for number nine, titled: “Support Municipal Recycling Programs.” Generally this was seen as an objection to the expansion of the Bottle Bill, which according to Klein, the Tompkins County Recycling Coordinator actually finds desirable. It may be that other municipalities are struggling as they no longer have China as a market for their recycling materials, but Tompkins County, having cultivated more domestic markets, does not fall into this category. Incidentally, recycled glass in Tompkins County gets ground up and used as a layer in the landfill. Due to general confusion as to the repercussions of this resolution, the Board Members agreed to abstain from voting on it.

#### **MOTION -**

That the Town Board instructs the Board’s representative to the Association of Towns to support the proposed Town Legislative Program, with the exception of number nine.

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

**In Favor: Connors, Ulinski, Gagnon**

### **Authorization to attend Association of Towns**

#### **MOTION -**

That the Town Board authorizes Connors and Schnabel to attend the Association of Towns meeting and training in New York City.

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

**In Favor: Connors, Ulinski, Gagnon**

### **Planning Group Appointments**

#### **MOTION -**

That the Town Board appoints the following people to the Planning Group’s core membership: Scott Davis, Bruce Richards, Kathy Jett, Jonathan Zisk, Ruth Sherman, Tobias (Toby) Dean, Katharine Hunter, Earl Hicks, George Adams, Sarah Schnabel, Elana Maragni, Clare Fewtrell, and Leslie Connors.

**Moved by Gagnon, Second by Ulinski. The motion passed.**  
**In Favor: Connors, Ulinski, Gagnon**

Others interested (from the public) are Margaret Corbit, Ronda Roaring, Rick Lazarus, and Ted Crane. First meeting to be held in the last week of February.

## **Warrants**

### **GENERAL FUND A**

#72-85 for a total of \$16,024.98

**Moved by Connors, Second by Ulinski. The motion passed.**  
**In Favor: Connors, Ulinski, Gagnon**

### **HIGHWAY FUND**

#36-45 for a total \$9,935.75

**Moved by Connors, Second by Gagnon. The motion passed.**  
**In Favor: Connors, Ulinski, Gagnon**

### **WEST DANBY WATER DISTRICT FUND**

#5-8 for a total \$557.50

**Moved by Connors, Second by Ulinski. The motion passed.**  
**In Favor: Connors, Ulinski, Gagnon**

## **Sexual Harassment Policy**

Comments received from Schnabel. Ulinski wants to expand the policy to include all forms of harassment (gender, religion, sexual preference, etc.) at least in the preamble. Workplace Violence includes verbal abuse. Guy Krogh put this package together for the Board to review. Long version may be overkill for Danby. Schnabel advocated addressing how people may be harassed after an incident via social media. Ulinski to add this language, pass it to Krogh for review, and bring back to the Board for a vote. After approval, the Board will need to notify all employees and do postings at the Town Hall and the Highway Department to make sure all employees know what the policy is and how to report. Ulinski will use the short form.

## **Workplace Violence Policy**

Ulinski proposed hiring a consultant recommended by Krogh. The consultant gave Ulinski a five item a-la-carte proposal with an estimated budget of \$4,300 should the Town want her to do everything. Ulinski and Gagnon imagined there would be things the Town could take care of itself (such as employee surveys) and thus not need to pay that entire estimated budget, but that her expertise and guidance through the process would be valuable regardless.

### **MOTION -**

That the Town Board hires HR consultant, Gina Lord, to come in and do the workplace violence Prevention Program Assessment for the Town Board, not to exceed her estimate. Approval contingent upon the Association of Towns not providing this service.

**Moved by Ulinski, Second by Gagnon. The motion passed.  
In Favor: Connors, Ulinski, Gagnon**

### **Street Lighting Report**

As Paul Hansen was absent, the report was moved to the next meeting.

### **Board Meeting Frequency**

Suggestion from Town Staff to move the second Board meeting every month to the third week. Board Members expressed that having meeting in one part of the month makes it easier to plan around. Add to next meeting's agenda as an action item with Jim present.

### **Revisiting the Appointment Policy**

Connors, assisted by Ulinski, will circulate a proposal to the Board for discussion at the next meeting in March. A policy manual for prospective members to review and new members to have will follow.

### **Use of the Courtroom for Town Board Meetings**

In an effort to make meetings more easily audible, the Town would hold regular meetings in the Courtroom and larger meetings in the current meeting hall. Some obstacles exist including locking filing cabinets and securing sensitive information. Potentially it would be too crowded, and/or too hot. Revisit the sound system upgrade for the current meeting location, talk with other Board Members next month.

### **Additions to Next Month's Agenda:**

Beardsley Report (Ulinski)

Brown Road Deadlines (Ulinski)

Appoint Ulinski as Board point person

Long Term Budget Meetings (Ulinski)

### **Adjournment**

The meeting adjourned at 8:30 pm.

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Jenny A. Caldwell, Deputy Town Clerk