

**TOWN OF DRYDEN  
TOWN BOARD MEETING  
May 18, 2017**

Present: Supervisor Jason Leifer, Cl Daniel Lamb,  
Cl Deborah Cipolla-Dennis, Cl Kathrin Servoss

Absent: Cl Linda Lavine

Other Elected Officials:

Other Town Staff: Ray Burger, Director of Planning  
Erin Bieber, Deputy Town Clerk  
Susan Brock, Town Attorney  
Kevin Ezell, Code Enforcement Officer  
Jack Davison, Recreation Assistant

Supv Leifer called the meeting to order at 7:05 p.m. and board members and guests recited the pledge of allegiance.

**TOWN CLERK**

**RESOLUTION #70 (2017) – APPROVE MINUTES**

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves the meeting minutes of April 9 and April 16, 2017.  
2<sup>nd</sup> Cl Cipolla-Dennis

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**PUBLIC HEARING (continued)  
1061 DRYDEN ROAD  
PLANNED UNIT DEVELOPMENT**

Steve Hugo of HOLT Architects, on behalf of the applicant, said they did submit a package earlier in the week trying to respond what they saw as the highest priorities in the last discussion. A lot of people have different opinions about this kind of development. They wanted to share the context of the way they see this project. Part of the reason this project came about is out of the Tompkins County housing study, the study that was completed last year. There is a housing shortage in Tompkins County. If you read that study it talks about small apartment, large apartment and other types of development. This falls under the category of larger apartment style, 3 (three) bedroom units. A 5% vacancy rate is what you desire in the county; in large apartments it was around 1.8% vacancy rate. This is that targeted need.

This is on a somewhat isolated site off Route 366. If you look at Varna on a Google earth map and you look at where you might put this kind of development, it would be hard to

do without wiping out a lot of trees. This site is cleared and was probably at one time agricultural. It is a big open grass field and they will not have to do any clearing. In the Varna master plan they show a large development down around the main street and there would be a lot of tree removal necessary to do that.

They see this as good density. It is close to Cornell. They are targeting faculty and families. 3 (three) bedroom units are family oriented. These are units with garages and driveways. The driveway is very street-like. It is a tree lined street with sidewalks. They are looking at a family based community. It is good density. These are 36 people that won't drive 30 miles to work at Cornell or downtown. They think it is going to reduce commuting in the area. The trail connection to downtown is talked about in the Varna Master plan. They are improving 750 feet of that trail. They see all of those positives of the project.

In the current site plan, they are proposing heat pumps. It has been a point of discussion but the project now is a project with heat pumps and not gas. They thanked the Board and the community for their input. They started out with a project that was conventional gas and no photovoltaics. At the very first meeting, there was a request that the project be more sustainable and they responded with the idea of photovoltaics on the roof. They heard through many other meetings that there would be a desire, and we saw the county on a parallel track, of converting to non-gas systems.

Taitem Engineers did a study for them. Taitem Engineers is the same firm that also recently published a study for the county saying, in general, the cost of heat pump and gas systems were a wash. If you read that study, it says that both systems cost \$10,000 for a residential unit. That is a fine study, a good study; it is performing its function. When the applicant did that study it initially came back and said the premium cost of heat pumps was going to be \$300,000. At that point, they were still promoting a project that was going to be gas because they could not sustain a \$300,000 cost impact. The reason they are thanking the board today is because they made them look at it again. They took their current design and asked Snug Planet and Halco, companies they work with, for quotations for gas versus electric. It turns out that Halco is a lot cheaper than Snug Planet, and the cost premium is now \$100,000. That's the highest resolution they have for this project to today and they believe they can exchange the photovoltaics to go to a heat pump system.

Cl Lamb asked whether heat pumps were coming down in price and S Hugo said he believes they are though their January estimate was based on some historic data.

Gary Sloan noted that the project needs to get bid and that may not be until next spring and market conditions can change. They could be less or more, but the reality is that this is close as they can in terms of doing due diligence if it was today.

S Hugo explained some of the trade-offs they've done. They did reduce the landscaping, as shown of the site plan they still have this tree planted street that runs all the way around the development; this is a sidewalk street with a loop road and a path that goes down to the trail that they are improving. They are locating a small play structure (at the overlook site). We believe it is right-sized for a development this size (36 units). It is targeted toward toddlers. These are units with front porches. Something came up about community and they see this as a walkable community where people are walking with their kids or strollers and their neighbors are on the front porch. It is more likely the older kids can play along the trail but the younger kids you can take to this playground which is fenced on the other side as well. There are picnic tables and benches.

G Sloan said the house renderings have not changed since the last meeting but they have taken the end units (12 of the 36) and designed them with an owner suite on the first floor. There are some people that just want to be on that one level.

S Hugo said most of the site plans are still showing a driveway that comes down on the western side of the property line. M&R Entities and Mr. Reed are in discussions to create a combined driveway.

G Sloan said they have been talking with Mr. Reed who is here tonight and they have a conceptual agreement at this time. They were not able to get it all done prior to the meeting and that is because of some paperwork that has to be filed with the county, abstracts have to be reviewed and such. It is a process is about 99% complete. They are hoping that when the Board takes action, they will have it done or be very close to being finished. It is just legal stuff that needs to be taken care of. If they are granted site plan approval it would be based on the driveway with the easement. Then they would have to go back to DOT and present it to them which will not be a problem. They believe this is a better design.

One of the things that Mr. Reed wanted was access to the trail for any future development of his property so people could walk down. There will be an easement agreed upon so his residents will have a legal right to walk across the 1061 Dryden Road property to access the trail.

S Hugo said the revised planting plan shows the site well planted. There had been conversation about open space and burying the stormwater management elements. He has a quote from Shumaker Engineering in Binghamton for that. The pipe would be a 5' tall pipe that creates a square 100' x 50' and cost \$50,000 to \$75,000. The backfilling of drainage stone, filter fabric, and suitable landscaping on top to create proper infiltration was estimated at \$180,000 to \$220,000 to bury the stormwater management. Right now, that is not in the economics for this project. As a team they believe that they have created a walkable community and the way people are going to congregate is on front porches, the play ground, the picnic areas and the trail. They do not believe creating a green space would be a good use of the space. And it's a quarter million of dollars that the project may not have.

G Sloan asked Ray Burger about the three requests/concerns that resulted from the County's 239 review.

R Burger replied that the 239 review recommended following the Town's Section 909 of its zoning law which talks about landscape buffering. In that law, as well as giving the 14 ft tree requirements, it said at the Town Board's discretion they can substitute a fence. The fence will satisfy that recommendation.

The second recommendation was that the trail connecting to the rail trail should be ADA compliant. He will check the details, but thinks this does meet that requirement. The grade and the surface will comply. G Sloan said they are proposing blacktop. He will do more homework on that and report back to the Town Board. They will try to accommodate the County on this.

The third recommendation was concerning the bus stop across Route 366. The recommendation was to work with the DOT to put striping or signage to make a safer connection for pedestrians from this development to access the bus shelter.

G Sloan said with the new driveway plan and the arrangement with Bill Reed they will have to go back to DOT, so those are items they will bring up then.

S Hugo noted with respect to the closest property, there are existing evergreens on the east and west sides of the driveway and there will be a fence. Cl Cipolla-Dennis noted that those trees are not on the applicant's property, so they don't have control over that buffer. She just wanted to make that clear. S Hugo said there would still be a fence. G Sloan said they are working with Mr. Reed, and it just wouldn't make sense to take those trees down. S Hugo said the County would require the landscaping or the fence and there would also be a privacy fence there. With respect to the current plan that takes into account the easement and the sharing of the driveway, they will create an opening in the trees but will only remove what is necessary to achieve that.

**Joe Wilson**, Hunt Hill Road, congratulated the developer, Taitem Engineers, and the Town Board for collaborating to improve this submission to the level that it has been improved, particularly the attention to the actual data and emerging data around renewable energy and the alternative technologies to make use of electricity. They were important points to many in the community and to the board. What I heard the board say and asking of the developers was to look at the data as it is emerging now and happily Taitem was involved in studies that showed the costs were much more comparable than the original submission seemed to reflect. He also thanked the applicant for listening to the community but what is important to him is that they went back and looked. The data is beginning to show just what you found. It wasn't just a lot of loud voices saying no, no, no. It was look again, look again and you found a solution that makes sense for everyone including the developer and particularly the tenants who will have a much more comfortable and possibly more affordable utility bill and utility input in terms of heating and air conditioning.

**Bill Reed** said he has been here before and had voiced some of his issues. He is really the person most affected by the development because it adjoins a lot of his property line. He and G Sloan have had a good discussion and got a draft agreement between them. It became clear that the area that is going to include the vegetation between the two properties exists on his property in a place where he is probably not going to do anything with it even if he comes back at some point in the future. There is still going to be some kind of vegetative screen there. If the road does come through the other spot, it was an area he was concerned about because he felt that having two driveways right next to one another was not going to be a sensible, safe way to access the road in that location. Having one driveway is really a better and safer solution. It also ends up right across from the property across the street so it isn't a star fish. Those are the main points and he expects they will get this agreement done in the next couple of weeks. It will be good for him in the long run. He may not be in a position to develop it, but having that road access and so on will probably make the property a better opportunity for someone in the future.

**Jacques Schickel** said since there was no structure there before, he would encourage the Town to give them a big tax break because a little bit of money is better than none at all. The same logic you are trying to con us with regarding the industrial solar.

**Laurie Snyder**, 36 Freese Road, said she was concerned about the parking and how many parking places there are in relation to the number of bed rooms. Applicant explained that each unit is limited in its lease to use of two spaces. L Snyder believes it will be a problem.

The public hearing was closed at 7:38 p.m. Supv Leifer would like to schedule a meeting to vote on the project. A lot of materials were just received by the Planning Department and the board needs time to review them. He said written comments from the public will be accepted up until the meeting. A special board meeting was scheduled for Tuesday, May 30, 2017, at 7:00 p.m. at the town hall.

**PUBLIC HEARING  
PROPOSED LOCAL LAW  
PERTAINING TO UNSAFE BUILDINGS  
AND PROPERTY MAINTENANCE**

Supv Leifer opened the public hearing at 7:39 p.m.

Ray Burger explained the intent is to repeal the 1981 law regarding unsafe buildings and amend provisions of Local Law No. 1 of 2007 regarding enforcement of the state Uniform Fire Prevention and Building Law. These amendments insert enforcement mechanisms for unsafe building and property maintenance code issues. These amendments make things clearer and get rid of a law that just hasn't been working for us. Because it is a new local law SEQR is required. There are nothing but positive impacts. It provides a more enforceable structure for taking care of unsafe buildings and property maintenance code issues. It would be a positive impact on the environment.

**Vickie Bland** said she's glad to see progress and hopes the next step will be that the judicial system will enforce the laws.

Supv Leifer closed the public hearing at 7:43 p.m. and the board reviewed the SEQR forms.

**RESOLUTION #71 (2017) - NEG SEQR DEC - Amending Local Law 1-2007 regarding Unsafe Structures and Property Maintenance and repealing Local Law 2-1981**

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS,

A. The proposed action involves amendment of certain provisions of Town of Dryden Local Law 1-2007 (hereinafter referred to as "the 2007 Local Law") pertaining to the enforcement of the New York State Uniform Fire Prevention and Building Code ("the Uniform Code") and the State Energy Conservation Construction Code ("Energy Code") in the Town of Dryden exclusive of the Village of Dryden and Freeville and repeal of Local Law No 2 of 1981 pertaining to the repair and removal of unsafe buildings and collapsed structures.

B. The Town Board of the Town of Dryden considers this an unlisted action pursuant to the New York State Environmental Quality Review Act ("SEQRA") and is the lead agency for the purposes of uncoordinated environmental review, and

C. The Town Board of the Town of Dryden, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of SEQRA, (i) thoroughly reviewed the Environmental Assessment Form ("EAF"), Parts I and 2, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) completed the SEAF, Part 3;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Dryden, based upon (i) its thorough review of the SEAF, Parts I and 2, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and

(iii) its completion of the SEAF, Part 3, including the reasons noted thereon (which reasons are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required, and

2. The Responsible Officer of the Town Board of the Town of Dryden is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed SEAF and determination of significance shall be incorporated by reference in this Resolution.

2<sup>nd</sup> Cl Cipolla-Dennis

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**RESOLUTION #72 (2017) - A Resolution Adopting Local Law No. 4 of 2017 to Amend the Town of Dryden Local Law 1- 2007 providing for the Administration and Enforcement Of New York State Uniform Fire Prevention and Building Code and Other Town of Dryden Local laws and Ordinances and repealing Local Law 2-1981.**

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS, the Town has the authority to adopt the local law referred to above (hereafter “the Local Law”) pursuant to Article 9, §1 of the New York State Constitution and §10 of the New York State Municipal Home Rule Law; and

WHEREAS, the Town Board, with input from the Planning Department, determined that Local Law 2-1981, which covers unsafe structures, is insufficient to adequately address the issues such structures present and to protect the health, safety and welfare of the residents of the Town, and that said local law should be repealed; and

WHEREAS, Local Law 1-2007 provided for the administration and enforcement of the New York State Fire Prevention and Building Code (“the Uniform Code”) and other Town of Dryden local laws and ordinances; and

WHEREAS, the Town Board, with input from the Planning Department, has determined that the provisions of Local Law 1-2007 are inefficient to address issues of exterior property maintenance in the Town; and

WHEREAS, the Town Board determined that Local Law 1-2007 should be amended by including more extensive enforcement provisions for exterior property maintenance, and by the addition of additional enforcement options for unsafe structures; and

WHEREAS, the Local Law is enacted to protect and promote the health, safety and general welfare of present and future residents of the Town of Dryden to enforce the Uniform Code, as mandated by the State of New York; and to maintain consistency with the Town of Dryden’s comprehensive plan, laws and guidelines; and

WHEREAS, the Local Law was drafted by the Planning Department, with input and advice of the Attorneys for the Town, and was reviewed by the Town Board; and

WHEREAS, the Local law was introduced at the Town Board meeting on April 20, 2017, and the Town Board of the Town of Dryden reviewed and discussed the Local Law and set a public hearing to be held by said Town Board on May 18, 2017 at 7:05 p.m. to hear all interested parties on the Local Law; and

WHEREAS, notice of said public hearing was duly advertised in the Ithaca Journal, and

WHEREAS, said public hearing was duly held on said date and time at the Town Hall of the Town of Dryden and all parties in attendance were permitted an opportunity to speak and comment on the Local Law, or any part thereof, and

WHEREAS, the adoption of the Local Law is an unlisted action pursuant to the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR Part 617, for which the Town Board of the Town of Dryden, acting as lead agency in an environmental review with respect to the adoption of this local law, made a negative determination of environmental significance on May 18, 2017, after having reviewed and accepted as adequate a Short Environmental Assessment Form Parts 1, 2 and 3 prepared by the Town's Planning staff; and

WHEREAS, the Town Board finds that amending the Local Law will codify and clarify the enforcement of Unsafe Structures and Property Maintenance; and

Now, therefore, be it

RESOLVED, that the Town Board of the Town of Dryden hereby adopts Local Law of 2017 entitled amend Town of Dryden Local Law 1-2007 providing for the Administration and Enforcement of New York State Uniform Fire Prevention and Building Code and Other Town of Dryden Local Laws and Ordinances and repealing Local Law 2-1981; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to file said local law with the Secretary of State as required by law.

2<sup>nd</sup> Cl Lamb

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**PUBLIC HEARING  
CONSIDER ACCEPTING EASEMENTS  
FOR RAIL TRAIL**

Supv Leifer opened the year at 7:46 p.m. and said tax parcels being considered are 44.-1-11.2, 44.-1-2.323, 54.-2-6 and 55.-1-11 and are all between Varna and Freeville. The Rail Trail Task Force has done a lot of work to acquire these easements.

There were no public comments and the hearing closed at 7:48 p.m.

Cl Lamb noted that momentum is building with this project. As we gain more easements it raises the profile of the project. The Task Force is making good progress.

Supv Leifer thanked the group and everyone that has worked to accomplish something in the past fifteen months that some people thought wasn't possible.

**RESOLUTION #73 (2017) - AUTHORIZING ACQUISITION OF EASEMENTS FOR THE PURPOSES OF PROVIDING RECREATIONAL OPPORTUNITIES TO THE PUBLIC**

Supv Leifer offered the following resolution and asked for its adoption:

WHEREAS, the 2005 Town of Dryden Comprehensive Plan and the 2011 Recreation Master Plan both identified a need for increased outdoor leisure and recreational space; and

WHEREAS, the Town wishes to create a recreational trail (“the Trail”) for non-vehicular use by the public within abandoned railroad property; and

WHEREAS, the property owners listed in the attachment hereto entitled “Trail Easement Agreements Town of Dryden” (“the Property List”) wish to grant to the Town easements (“the Trail Easements”) across those portions of the parcels they own consisting of abandoned railroad property (“the Easement Areas”) for the Trail; and

WHEREAS, the property owners agreed to grant the easements to the Town for nominal consideration, and the Town will not have to expend funds to acquire the easements; and

WHEREAS, such property owners executed proposed agreements with the Town (“the Trail Easement Agreements”); and

WHEREAS, the Town wishes to accept the Trail Easements; and

WHEREAS, §247(3) of the General Municipal Law provides that the acquisition of interests or rights in real property, including by easement, for the preservation of open spaces is a public purpose and that such acquisition requires a public hearing subject to due notice; and

WHEREAS, a public hearing on the proposed acquisition of the Trail Easements was held on May 18, 2017 at 7:05 p.m. at the Town Hall of the Town of Dryden, 93 East Main Street, Dryden, New York 13053, and notice of such public hearing was duly given by posting at the Town Hall and publication in The Ithaca Journal on May 8, 2017; and

WHEREAS, the Town Board on December 15, 2016 issued a negative declaration under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, “SEQR”) with respect to acceptance of the Trail Easements;

NOW, THEREFORE, BE IT

RESOLVED that the Town Board finds that the acceptance of the Trail Easements and execution and recording of the Trail Easement Agreements in the form attached hereto is in the public interest; and be it further

RESOLVED that the Town Board finds that the Easement Areas are suitable for a recreational trail; and be it further

RESOLVED that the Town Board approves the Trail Easement Agreements and authorizes the Town Supervisor to execute them and any and all related documents required for recording of such Agreements.  
2<sup>nd</sup> Cl Lamb

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

## **CITIZENS PRIVILEGE**

**James Shippy**, 11 Dodge Road: I wanted to let the Town Board know that I am in strong support of the 6 (six) month moratorium as proposed by the Dryden Planning Board. I do support solar but we can't rush into it carelessly without balancing the benefits. Industrial size solar collection equipment doesn't belong on a residential road like Dodge Road. There are better and more appropriately zoned areas for this type of venture. I recommend the Town Board consider all of the benefits of hitting the pause button to allow this to be done properly and in the proper areas.

Two weeks ago, I was in this very building for the IDA meeting. It was pretty disturbing on a couple of points. There were five members of that Board that didn't bother to show up. I am at a loss to understand how the residents' concerns can be heard if five people are not there. When the developer got up and talked at the meeting, not once did the developer address the fact that they are shifting gears. They got this far down the road promising 2% now they are talking about cutting it back to 1% in terms of the fees that they will get going forward. It does not seem well organized. The whole process has been special meetings and exceptions. My experience is that if you need special meetings and exceptions to get things done, then you are rushing into something. You are pushing forward at something. We can all take look at our lives and realized how many times we have rushed into things without property planning and had it turn out well. There is nothing wrong with the hitting pause button to study this and make sure it goes in the right places and is done the right way so the Town of Dryden benefits to the maximum. I don't think the developer has that in mind. They just want to push forward. There is a sense of fear amongst the advocates for this to move forward; that if we don't grab it and do it now we might lose them. The good news is that they are not the only developer out there. The residents should come out on top. The Town should come out on top. How well the developer fairs is not my concern but the residents and the town is really where it's at.

**Dirk Swart**, 1172 Ellis Hollow Road, I want to talk about the solar project. I am directly impacted by it; my property abuts it. I am not actually against project as it stands but I do think the moratorium is a good idea. I have to thank the Board for proposing the moratorium and I think that should go ahead. I feel that, in a situation like this, there is almost nothing to be lost by having a six month moratorium and everything to be gained. To me it seems like a no brainer. If there is an argument that there is some sort of urgency, my response would be if you coddle them as a project now, how are we going to trust you for the next 30 years. And if there is some sort of legislation or something, you should have had that earlier. I see no reason why a six month moratorium is a bad idea and every reason why it is a good idea. Having said that, I think the developer has been very responsible, they have been good at attending meetings. I think there's not a problem with that. But again I am not against the project in principle, but I do think a moratorium is a complete no brainier and something we should ask you to do and something that will give us time to go over all the rules and all these things that are very important and will far reaching impacts for the next 30 years, which is the lifetime of our children.

**Sarah Osmeloski**, 2180 Dryden Road, read a statement:

I have addressed the board several times in the past regarding the concerns I have about the impact the Verizon cell tower and the proposed solar farm will have on the viewscape of my property and consequently its market value. Last June I presented pictures of how the cell tower would affect the viewscape from my property; the pictures are recorded in the documents related to the cell tower permit. Due to the foliage on the large willows along the stream bordering the proposed cell tower site at least the lower ½ of the 170' tower is shielded from view. Since it would be impossible to shield the entire tower I concur with the board in their resolution of the natural screening being sufficient in mitigating the impact the tower will have. With the revised solar plans of April 12th the solar arrays have been moved into the field next

of my property and surround the tower thus changing the impact. Since I have been unable to get an answer as to whether the willows along the stream that provide the natural screen for the tower will be cut down by Distributed Sun should their plans go forward, I must assume that the removal of the trees is their intent. There are legal documents that clearly state that natural screening is to be in place as a condition of the special use permit for the cell tower; I am asking that the board put the following condition into the resolution should they decide to approve the special permit for the solar farm.

*No trees or large shrubs will be removed from along the stream known as SI (Aquatic Resources Report, April 12<sup>th</sup>) and no trees will be removed from lot 5 from the cell tower site southward toward route 13.*

I understand that this condition will be an inconvenience to Distributed Sun but for these two projects to be compatible on the same property it is necessary.

I also support the moratorium as passed by the Planning board and the Ag committee.

**Joe Osmeloski**, 2180 Dryden Road, this is the resolution you passed on the cell tower. It is a great document, even though the cell tower should never have been approved, when you approved it, you passed this document. In this document, three times it mentions the tree buffer. Why is that important? Because when you went through SEQR, on question number 9, Impact on Aesthetic Resources, you answered yes. Basically it will affect our view shed. During SEQR, you had to mitigate the effects on the view shed; in SEQR you said “much of the parcel is buffered by existing vegetation along Route 13.” In the resolution, you said “to the maximum extent possible, the visual impact on the neighboring residences and the public have been mitigated.” It is true, it is great. You have all those trees blocking the cell tower. Here’s the problem. Now we get the solar farm coming in and wanting to cut down all the trees to get maximum solar and that makes sense. But what it does basically is make your ruling of SEQR during the cell tower review moot, erroneous or wrong. It would not apply anymore because all those trees would be gone. What is the effect of a SEQR that is compromised or erroneous? Let’s go to the DEC website. “What happens if an agency does not comply with SEQR?” You complied with SEQR during the cell tower, but is that going to remain in effect? “If an agency makes an improper decision or allows a project that is subject to SEQR to start, and fails to undertake a proper review, citizens or groups who can demonstrate that they may be harmed by this failure may take legal action against the agency under Article 78 of the New York State Civil Practice Law and Rules. Project approvals may be rescinded by a court and a new review required under SEQR. New York State’s court system has consistently ruled in favor of strong compliance with the provisions of SEQR.” When you pass the Special Use Permit for the solar, I want a guarantee that none of those trees are coming down. If I don’t see that, then I will file an article 78 because I cannot wait to file Article 78 once the solar farm goes in and starts cutting trees. It is too late then. There better be a guarantee that none of those trees are coming down or I will file an Article 78. Thank you.

**Terry Habecker**, 15 Dodge Road, read a statement:

It shouldn't be necessary to blatantly deface the environment in order to save it. The huge footprints of the proposed Sun 8 solar projects would be much more than a blemish on the countryside; they would dominate it.

Those who support the Sun 8 projects have cited the need to preserve the environment for their posterity. I, too, have grandkids and I'm not worried that delaying or modifying these projects will endanger their futures. Feeling good about Dryden's contributions to the green energy revolution seems to have obscured the real work that needs to be done.

Cornell University, which is leasing much of the land for the solar arrays recently rejected a proposal to divest the university's endowment from the largest, top 100 oil companies. The Board of Trustees stated that only when a company's actions are, "morally reprehensible", will the board consider divestment. That's the extent of Cornell's commitment to a green energy future.

In the 2016 election the Green Party ran on what they called the Green New Deal, which was a four part program for moving America quickly out of crisis into a secure, sustainable future. The second part of the Green New Deal was a Green Transition Program that would have converted the old, gray economy into a new, sustainable economy that would have been environmentally sound, economically viable and socially responsible. The Greens wanted to invest in green business by providing grants and low interest loans to grow green businesses and cooperatives with an emphasis on small, locally based companies that keep the wealth created by local labor circulating in the community rather than being drained off to enrich absentee investors.

I don't believe the Green Party received even 2% of the votes nationally.

A green revolution would require significant changes to the American lifestyle. No candidate from any political party would win an election running on a platform that would mitigate climate change. Such a platform would have to include a severe contraction of the economy, a curtailment of citizen travel, a major downsizing of our military, (which happens to be have the largest carbon footprint of any organization in the world), and on and on.

Essentially, we're cooked if the American public and politicians don't wake up fast, and a few solar arrays in Dryden aren't going to make any difference. At least the Town should take the time to insure that green energy is provided in a way that maximizes the benefits to its constituents and minimizes environmental impacts. I support the moratorium.

**Craig Schutt**, 69 Schutt Road: I would like to address the rules of the Special Use Permit and how it could pertain to the solar. Article 12, Special Use Permits, section 1201 "In this Law some uses are allowed subject to a Special Use Permit being granted by the Town Board. The purpose of Special Use Permit review and approval procedure is to assure that the proposed use is in harmony with the Law and will not adversely affect the neighborhood..." I don't know how you can say these big solar farms are not going to adversely affect the neighborhoods. Then it goes into the Town Board actions. There is a list of 6 actions you are supposed to look at and determine how many of them will or won't satisfy the standards.

"A. Compatibility of the proposed use with the other permitted uses in the district ..." There are no other solar farms out there. How is that compatible with an agricultural economy? I don't see it.

"B. Compatibility of the proposed use with adjoining properties and with the natural and manmade environment." They will destroy the natural environment in these areas.

"D. The overall impact on the site and its surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances;"

The list includes items that won't be impacted, I admit, but at the end "or any other nuisances" I believe this could be a big nuisance. A big nuisance in the fact that it can affect other land owners, home owners' value of their property or a nuisance for the normal activities that take place in the cemetery. I think that is what we need to look at.

"E. Restrictions and/or conditions on design of Structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town;"

You have 4 out of 6 here that I think you are going to have a hard time defending when it comes time to do this.

**Don Scutt**, I need to ask you to make Dryden win in some situations. You need to make winners of us, the Town's people of Dryden. You don't need to make Cornell University a winner because they are the big winner in this solar project. You do not have to make an out-of-state corporation financed by Wall Street the winner. You need to make us, the townspeople the winners. You were elected by us and represent us, you represent no one else.

Here's what I know:

A little over 10 years ago, we had \$10.5 million in the bank. Now we have a quarter of that left. That is close to \$8 million that has disappeared. Over that time and at the current rate of spending and revenue, we will never get that money back, even if we wanted to. Last year, our town taxes went up 17% last year. That is the 3<sup>rd</sup> year of double digit tax increases. By your silence, you seem to be confirming what Martha Robertson and her cronies at the IDA are doing. This is crony capitalism to give an industry a tax break. You would never consider, ever, giving us that same tax break. That's not right. I don't know what has happened over the past couple of years and I don't know what happened with last year's tax increase but I consider that poor planning or I consider it Machiavellian. Once again, Machiavellian. You are sort of hoping people are not paying attention. Trust me, people are paying attention. Dan Lamb, Jason Leifer, Kathy Servoss you are up for election this fall. You need to start listening to people. A lot of people talked in favor/against solar. But your silence is definite to me. Your silence of accepting this IDA agreement to have a corporation pay pennies on the dollar when we pay our fair share of taxes is disheartening.

I call upon Board members Dan Lamb, Jason Leifer and Kathy Servoss, all up for election this fall, to make a public statement or pass a resolution stating that you are against the plans of the Tompkins County IDA to negotiate on your behalf. As far as I am concerned, I went to the IDA meeting, the deal is already done. But your silence, once again, not making a stand one way or the other is hard to interpret.

While we are at it, I call on you to balance the budget this year and pass the budget prior to Election Day. Don't do it like you have the last 4 or 5 years -the Thursday after Election Day. Once again, I want you to change your focus, change direction and work to lower our taxes and grow this Town like you were hired to do.

**Marie McRae**, Irish Settlement Road: My idea would be to have the solar installation approved as soon as possible.

I would like to read excerpts from a letter submitted to board by the County Environmental Management Council on April 26<sup>th</sup>. It's part of the public record.

The EMC participated in the review of the County's Comprehensive Plan in 2015 and that for the Energy Road Map in 2016 that established goals for the County to reduce greenhouse gas emissions and identified the capacity of potential renewable energy resources within the County to meet those goals.

The EMC is now engaged in a project to identify the quantity of renewable energy that must be produced in New York State and Tompkins County to meet our greenhouse gas emissions reduction goals of 80% by 2050.

If we apportion the Tompkins County contribution according to population, that would require Tompkins County to produce about 0.587 TWh annually. Tompkins County is currently producing only about 7.2% of its "quota". The proposed 29 MW of solar pv facilities will produce 8.7% of our overall need.

The EMC's Environmental Review Committee (ERC) has closely examined the Environmental Assessment Forms for the Ellis Tract and Dryden Road sites for the proposed solar facilities. Our members have also walked both sites with the developer. The ERC discussed wildlife habitat impacts with ornithologists and natural resource professionals. Wetland experts and field botanists were also consulted. None of these qualified professionals found any potential significant negative environmental impacts from the construction and operation of the proposed solar facilities.

The developer has met with us and many of the neighbors of the proposed facilities. He has modified his plans to address the concerns that have been expressed. The major negative impact on the Cemetery is Route 13 that is noisy, polluting, and a distraction from quiet contemplation at the Cemetery. By contrast the solar farm there will be as quiet and unobtrusive a neighbor as might be possible. Without prohibiting the landowner from any future use of his land, this project may be more protective of the interests of the cemetery's stakeholders than most.

**Joe Wilson**, Hunt Hill Road: I recently wrote a letter to the Board regarding the efforts of my colleagues on the Planning Board. In short summary, had I been allowed to be at this special meeting, which I requested to have postponed until I returned from vacation, I would have voted against the majority's recommendations. I wanted to add a couple of points. First of all, I have read everything that is under the Solar 8 SUP postings on the website of the Town including the comments and all of the expert reports. In effect, and this is one of my two major points that I would like to make and add to what I wrote, since December, you, the community, the various state and county agencies which have charge of scrutinizing the environmental impact of projects, like the Solar 8 project, have all looked at great depth at every conceivable environmental issue that can be raised about this project. In short, at this point, a comprehensive environmental impact statement has been conducted over the past 6 months. My point is that there is not a reason now once you have digested what has already been provided to you by these agencies and by my fellow citizens and others, is enough. We don't need to spend more money or time doing an environmental impact statement.

My second point is the following, there have been many calls for a moratorium on solar projects. There is a moratorium on large community aggregation solar projects in the Town of Dryden at this time excepting for the Solar 8 project. So if the Planning Board or if citizens want to see a survey done to identify alternative sites, then it can be done. The moratorium lasts until July 21<sup>st</sup>. One proviso, because we are so conscious about spending, it will be the town tax payer who will have to pay for that survey. You can't make Solar 8 do it.

**Judy Pierpont** 111 Pleasant Hollow Road: I want to read part of a letter that Buzz Lavine submitted to the Board and I think the public should hear it because it clarifies a major misunderstanding from the IDA hearing. 2. The May 9th County IDA hearing on the solar projects' PILOT's elicited major concerns from the public regarding the apparent "hosing" the Town was being asked to accept. Those concerned citizens noted that the annual rate of increase of PILOT payments throughout the life of the project had been decreased from 2% originally to now only 1%. Many citizens said the Town was being "hosed" because of that change. However, it turns out that the decrease to the 1% rate is merely recognizing that the solar company would instead be paying the other 1% directly instead of through the PILOT. Unfortunately the IDA hearing rules didn't allow the developer to respond to that misunderstanding right then at the meeting. The long and the short of it is that along with the 1% rate of increase, the developer would be making separate payments directly to the fire and ambulance districts. Under the 2% rate those payments were part of the PILOT. The end result either way is that the developer will pay \$8-million in tax payments over the life of the project - either way, i.e. no change in the total amount. And that of course would keep these projects ranked as the county's third largest tax payer, right behind the Cayuga Power Plant and the Borger natural gas compressor station in Ellis Hollow.

I would like to add a comment to Buzz's welcome direction of this misunderstanding. Although I am in favor of the solar mostly because I think it is urgent to do it and I don't see that we are going to be able to do it otherwise in the future. It does seem to be the development that Dryden has been waiting for. In one shot it adds a huge amount of taxes, reducing the tax burden of all. As I have said, it is benign development. I would dub this development the goose that lays the golden egg and I think we would be nuts to chase it out of the yard because we are not ready for it or weren't expecting it.

**Beverly West**, 1214 Ellis Hollow Road: I want to urge the Town Board to accept the Planning Board recommendation for a moratorium of six months on the proposed solar projects for Ellis Tract and for 2150 Dryden Road. We, who are most affected directly and who have grave concerns, are not the enemy. We want solar, and those of us who can, already have it. We want to support community solar for others but this process with the two projects has been crazy. The scale is way too big, beyond the existing zoning and original community solar plans. We were not even made aware that the new solar plan was passed in January or February. Furthermore, these project plans with Sun 8 were made public way too late for reasonable discussion with the parties most affected.

Last night I went to the East Hill Village meeting which is a proposal between Cornell, the Town of Ithaca and so forth. It was so completely different. They wanted to know who felt they would be affected, what their concerns would be and insisted they would take all of this into consideration as they make a plan. That's not what happened here and it is what I wished could have happened.

The developer has been exceedingly willing to talk with us. He has already made modifications that help a great deal but issues remain to be worked out. Some of the modifications solve one problem but create another. The tall trees that will, in fact, eliminate the view we are trying to protect or form a corridor right down Ellis Hollow Road where you can see nothing but trees. Why can't we go back to some of the natural borders that already exist there? There is much confusion and misinformation; everything keeps changing. The six month moratorium is not asking to stop the project but simply giving time to consider seriously alternate sites, work out more details on the current plans and give some assurance that future projects will be handled more transparently. The environmental review is not complete. People came for two days and listed species they could hear on those two days, that's crazy. We much appreciate the time the County and Town Boards have given to hearing us speak and write and to all of the people who voiced concerns. We hope that you approve the moratorium to be able to provide solar for Dryden in the best possible way. We really want solar. Thank you.

**Janis Graham**, 1150 Ellis Hollow Road: A lot of my neighbors who were unable to attend urged me to urge you to read their letters in support of the moratorium. I mostly wanted to clear up a misperception. I feel that most of the over 45 neighbors who signed the petition against the Ellis Tract project back in March would have embraced 2mw being placed on each of the three sites: off Dodge Road, Turkey Hill Road and the Turkey Hill/Stevenson Road access. I am pretty sure there would have been some grouching because that is what we all do but I also feel pretty confident that the parties could have found common ground relatively quickly because with 2mw there would have been plenty of room to maneuver.

Related to this subject of scale, David Weinstein asked me how much smaller the project would have to be to be acceptable. I wasn't really able to answer on the fly but I have given it some thought. I would imagine even a 20% reduction would have afforded the wiggle room needed to make the project largely palatable. The problem with the current plan is there has never been this wiggle room. There has been dispute and controversy over the adequacy of setbacks and vegetative cover/screening because in this plan they are window dressing. They are an adroit attempt to overcome the fact that the project too big for this site. Because substantive changes in the project size and/or basic footprint have always been non-negotiable, every so called positive accommodation, such as a better set back *here*, ends up triggering a negative consequence such as more trees and natural screening being removed *there*.

You have heard this before. You have citizens really ready and willing to make sacrifices to accept solar in their backyards but this particular project in this magnitude is simply asking too much of our neighborhood.

Are you going to openly and publicly discuss the Planning Board's recommendation for this moratorium before advancing the Sun 8 projects? I think some of the problem is that we have never heard you guys talk. I have been to enough of these and I have watched you go back and forth with the developers and I see you coming back with good stuff but we have never seen that - any of you guys talk to Sun 8. We have no idea. It's just this wall of silence.

Cl Cipolla-Dennis: The town board has not had a hearing on this. We have not gotten to the point where we can set a hearing. We are listening to you, but we are not actually in the part of the process where the town board talks about it or talks with the developer. What you're seeing like with the 1061 Dryden Road project is different.

J Graham said if the board was going to discuss the moratorium that would be lovely for them to hear.

**David Weinstein**, 51 Freese Road: You only put a moratorium in place if there is a specific piece or pieces of information that you need time to gather and without which an informed decision can't be made. The only missing piece of information that has been mentioned here has been an investigation of all the alternative sites in the Town, that could, in theory, be possible to put solar installations. We have never applied this requirement to any other controversial development in the Town, that all potential alternative sites need to be identified. This would create a very bad precedent to do that and in fact, if I thought it was reasonable thing to do, I would have done so on many of the large residential development projects that have come before us. We have never applied that criteria of we have to identify every other site within the Town that would be possible. We have actually never turned down any kind of development proposal on the argument that it could be placed someplace else. That piece of information would not enter into the decision of whether the proposals on these sites are worthy to move forward. Therefore, it is not reasonable that we would put in place a moratorium on these conditions. The Planning Board recommendation, which many people have talked about, is not a valid recommendation. It will have to be rescinded at the next meeting because it was never placed on the agenda for that meeting which was a special meeting specifically put together for one item and that was to review the SEQR on that issue. Finally, let me just say, in terms of the neighborhood around the cemetery site. There are 65 acres of current commercial and industrial facilities that would be visible from the cemetery site if there weren't tree buffers blocking their view. The kind of tree buffers that Sun 8 is proposing to put blocking the solar panels. 65 acres compared to 52 acres of solar panels. So, what is that neighborhood? It's a commercial neighborhood more than the solar panels would ever be.

**Martha Robertson**: I want to clear up a couple of things that have been discussed. To follow up on David's point about asking a developer to consider all alternative sites in the town, I will talk about one site that has been mentioned a few times, the County's former dump on Caswell Road. I asked the County Administrator and County Attorney about this. Aside from the fact that you can't ask a developer did you try every other piece of property, I wanted to find out. Some five years ago we actually looked at that site ourselves for possible solar. The County has seven buildings with Liberty Solar's panels on them, so we asked Liberty Solar to take a look at that site. They walked it and found out several things. Mainly, it is much too far from the necessary NYSEG interconnections. It would cost far too much money to make that connection. That was the first deal breaker on the site. Secondly, it's much too wet. There are wetlands within the site. And in the future, the County is looking at that as a possible composting facility and is reserving it for that potential use. The real deal breaker was that it is way too far from the appropriate interconnections.

As far as the IDA, they won't be able to vote until after the town has completed the SEQR. There has been some negotiation back and forth. Heather McDaniel is looking at the financials and will be bringing a recommendation to the board about what the charge should be and what the annual accelerator should be. She is also getting information about other PILOTS around the state and the numbers that have been agreed to. Tioga County just signed on for something like \$3,400 a megawatt, not \$8,000, so it may be that we are getting a much better deal than other arrangements throughout the state.

**Kim Anderson** said she has attended previous board meetings and the recent IDA meeting and was encouraged by the approved PILOTS for Mecklenburg and Enfield for community solar projects. She learned from H McDaniel that the \$8,000 per megawatts is based on the analysis and is actually a very good rate considering Yates County is \$4,800 per

megawatt. In addition it was discussed how in reality these are not cash cow investments and only return 5% to 6%. It's not something that is like a corporate welfare situation. They discussed the NYSERDA recommended PILOT which is \$3,300 to \$4,900 per megawatts, so the negotiated is \$8,000 is actually very good. She understands they are still trying to determine who is going to pay the fire and ambulance fee.

In the six months that this matter has been in public realm there have been roughly six public hearings and she's noticed the comments in opposition are really about aesthetics. The IDA mentioned that it's not really a financial issue in terms of a financial issue. It's really nothing but a win for the Town of Dryden and Dryden residents.

One thing that was brought up was that Cornell lands are currently tax exempt, and having these projects on the land would actually mean tax coming in to the Town of Dryden. So the 8 million dollars coming in would be money that would be going right into a town that seems to desperately need tax relief as many of the residents have already stated.

It seems apparent through the IDA meeting that it is a sound financial investment and that they would be interested in moving forward, but the SEQR needs to be completed. She agrees that it is not reasonable to put a moratorium in place. The projects are sufficiently reviewed and the potential impacts and community concerns have been heard and adjustments have been made. Someone mentioned at another meeting that these would be delay tactics and she encouraged the board to move forward to a vote.

**Pat Dubin** supports the project whole heartedly. The two things that keep going around in her mind are 7500 homes that will get significantly reduced fees for their power and that Distributed Sun will be the third largest tax payer in the town if these projects are in place. It is going to be a lot of money and revenues. She's heard the board criticized about failing to bring in revenue and now the criticism seems to be because there is a project that if you approved it could bring in substantial revenues and she is trying to wrap her mind around that.

In terms of the moratorium, she was at the special Planning Board meeting and she thought it was a terrible idea then and still does. The only thing it gets is delay for no purpose. It is obstructionist to the project. There have been many, many studies and most people are aware there are not other connection points that will work for a project of this size. There was no point looking for other sites. It is a fruitless thing to do, especially considering that there is a moratorium now. Distributed Sun was subject to it. They applied for a waiver for good reasons and the board gave them that waiver. If there is another moratorium that challenges the original waiver, that moratorium would be specifically designed to obstruct the project because it would be for the only project that would be affected by the new moratorium. She hopes you will reject the notion of a moratorium and review the project as quickly as you can.

**Jacques Schickel** said some Enfield town board members got up and spoke against the PILOT at both the Enfield public hearing meeting and at the recent IDA monthly meeting. The question is why can't this board? Because this is not good for us. He also said he supports the moratorium.

**Ed Wilson**, Wellsley Drive, said he supports the moratorium that the Planning Board has requested. From what he understands, the County energy plan states that meet their goals we should install 950 MW of solar in Tompkins County. If you figure that a 2 MW system takes roughly ten acres of land to do, that's 475 2 MW systems, or almost 5,000 acres of land in Tompkins County that should have solar on them to meet the energy road map. That would be a significant amount of land then if you prorate it to the land area of the Town of Dryden. We're going to have 1,000 acres or more of solar projects that should be sited to meet the county energy plan. With that in mind, NYSEG has to upgrade almost 4 miles of distribution

line to accommodate the local solar development site. So within a 4 mile radius of that there could be a lot of other solar opportunities. We should plan to upgrade the transmission to handle all those opportunities. We took 6 months to look and say where can we put the solar projects that we have now and where would the other 8 or 10 go so that we can really plan our land use, our utility infrastructure, NYSEG's transmission grids, so that it meets a longterm plan. We've talked often about how we haven't required this of others before. But you haven't also had someone who comes in and says we are going to take 5,000 acres of land in Tompkins County and build here and there and we will tell you about the other 4800 acres someplace else later. It could lower costs, be better planning, better accepted by the residents, and if we could get 8 million in tax revenue, which he thinks is small from what it should be, but with all the other opportunities, we could multiply the gain and keep people and residents happy with the final plan. In six months the board could do that. With his background, he offered any help he can.

**Pat Fitzgibbons**, said the SEQR process in New York requires the local governments to consider not only environmental impacts, but also social and economic impacts. He doesn't see how the board can decide on SEQR until every property adjacent to the solar farms and every property that can have these solar farms are reevaluated in terms of assessment by real estate professionals. There is certainly going to be a huge impact on those homeowners. Also ultimately it is going to affect the tax base. Those properties aren't going to be worth as much and the taxes are going to go down.

Net metering is only available on a first come first served basis. NYSEG does not have to accept all solar that is generated. The 29 MW installation will probably preclude landowners from putting solar on the roof and getting any benefit from it. It won't meter back into the grid.

At the IDA meeting he asked a Tompkins County legislator and IDA member what the status of the 2012 Tompkins County Law that states there shall be no tax exemptions for solar arrays. M Robertson said she checked and it had been reinstated.

He said there a lot of issues like this that we don't have answers to and things keep popping up. There needs to be more time to fully evaluate everything.

**Bharath Srinivasan** of Distributed Sun summarized what they have done in the last few days. They have completed a full ecological assessment, a full SWPPP with wetland protection mitigations that we have agreed on with TG Miller, an extensive aquatic resources assessment which included wetland delineation, habitat assessment for any concerned threatened or endangered species, a phase one environmental site assessment, a phase 1 and phase 1A1B archeological assessment with over 425 shovel pit tests, a visual impact statement with several additions and glare analysis, and presented all of this. These are the components that go into what is called an environmental impact statement. Whether or not we call it that, all the work for that has been done. The work was submitted to the NY DEC, the NY Historic Preservation Office and the Army Corps of Engineers. They have also received the information from both the Town and other concerned citizens. The DEC wrote back to the town clarifying that there is no adverse impact proposed by the project, and there is no concern with any endangered species. SHPO concurred with the test findings at the 2150 Dryden Road property saying that there is no impact to any cultural or archeology resources. There are two other studies done on the same property, one when the tower was proposed and one when the commercial warehouses were built.

Addressing the fact that the net metering capacity is being consumed by the project, he said it is not true. The project pays for upgrades to host the entire capacity. In their analysis the lowest rated component on the circuit is what defines what can be connected now by residential homeowners. They estimated that capacity to be between 200 and 350 KW.

Because they are paying for upgrades and upgrades are not exactly to the size of the project, collectively that net metering capacity available in the area goes up to between 600 and 700 KW because of the projects upgrade. More people will be able to install solar.

He also stated they have been present at every public hearing since December. They have presented voluntarily at four meetings of the town. They were here in January, February, March, April and May. They have provided a few thousand pages of documentation and are at the point where the state and federal agencies are starting to provide concurrences. At this point he doesn't know what else they can do to provide information on environmental impact.

### **HIGHWAY/DPW DEPARTMENT**

No report.

### **RECREATION DEPARTMENT**

Jack Davison reported spring programs are running presently. Lacrosse, track and Tai Chi are the three big ones right now. Lacrosse had an increase of 7 participants this year; there are 6 more participants for track. For the first time they've had lacrosse games outside of the summer season (with Ithaca, Watkins Glen, Whitney Point). Rex is setting up a miniature track meet with Groton and Trumansburg – another first for the program. Tai Chi is currently held at the town hall on Tuesday mornings with 4 people signed up and a fifth who is interested. They've had requests for time later in the day and may try to accommodate that request if the instructor is able to do that. A Lifelong Partnership class on constitutional law was held here as a satellite class with four participants. There were over 100 participants at the annual Easter Egg Hunt. Karate classes are picking up with participation moving from six to ten in each class (maximum is 15 per class) and they are excited about the growing interest in that. Van transportation to this class from school has reached maximum capacity.

Summer camp programs include art camp, archery camp, golf camp (will still be able to use the driving range if the course is sold), basketball camp, dance camp, new this year is horse camp at Healing Rein farm, soccer camp, football camp and cheer camp. Adult programs for summer include classes on WWII and Nazi Resistance inside Nazi Germany (free), Yoga at Montgomery Park (free), sessions of different types of ball room dancing, handball (targeted toward young adults) and pickle ball.

Upcoming field trips include Sea Breeze, Skate Estate, and a family field trip to a Binghamton Rumble Ponies game (on a night when they have fireworks).

J Davison said he had been asked if we were getting a good return on our participating in the Rec Partnership. Last year we spent \$14,596. If the participants last year had had to pay full price for everything, the total would have been more than \$72,000. There were 329 participants. He computed the average saves and estimates about a \$44,000 return in the rec partnership. After evaluating it, he believes it is really beneficial. They do offer programs that we don't have here. Maintaining the rec partnership is a good thing to do.

Fit Trail project – they are pursuing working with Eagle Scouts. They've been having trouble finding a 501c3 tax exempt organization to be the conduit for fund raising, but if they get an eagle scout they can get someone who can do that and help with the project, and it will help out a community member who is trying to get their eagle badge. If that doesn't work for some reason, we may have to talk about using the rec reserve or finding some other way. J Davison has applied for grants from NYS Health Association, Lowe's and Home Depot. He is trying to get the remaining \$3,750.

He has been working about increasing the department's outreach. The Facebook page had 216 followers a year ago, when Jennifer Jones left in October there were 284, and currently there are 470 followers, so that has really increased. They've had a lot less calls asking what's going on. He and Rex have made it a point to be proactive about communicating with people. They will keep doing surveys at the end of seasonal programming to see how people enjoy programs and how they feel about how the department is doing.

The Village has found a sponsor to do 4 concerts in Montgomery Park, four consecutive Saturdays July 29 through August 19. That will be in addition to the 7 concerts in Ellis Hollow and 7 at the VFW. Hopefully we can get the same kind of sponsorship next year and continue to build that. It's awesome that we have 17 free concerts at different locations around the town.

## **PLANNING DEPARTMENT**

Ray Burger said with respect to the solar projects and TG Millers' punch list, most of those items were getting agencies to weigh in formally and so far DEC has responded on their jurisdictional matters. SHPO has responded with respect to the 2150 Dryden Road site and were requesting more information on the Ellis Tract. After everything is received he will report to the board and the public hearing can be resumed.

473 Bone Plain Road, property maintenance violations – An appearance ticket has been issued and it is in the Court's hands at the moment.

Cl Cipolla-Dennis asked R Burger to explain why the town can't move ahead with the solar projects with contingencies as some projects in the past have proceed. R Burger said it is a matter of the complexity of the project. Rather than try to hash some the items out (ie, cultural resources) we are asking for the agencies that have primary jurisdiction in those arenas to weigh in and give us their professional opinion. Conditions can't be attached to a SEQR declaration, but could be to a special use permit.

## **COUNTY BRIEFING**

Martha Robertson reported that the County Legislature has taken the next step in its budget process for 2018. The tax cap for them will be approximately 2.4% this coming year so they've set the levy increase at that level. If that ends up being the amount that the budget it increased it would mean a \$24 increase for the median home in Tompkins County.

They also set a public hearing for June 6 at 5:30 p.m. on a potential new local law that would provide a temporary partial tax exemption for developers who are building housing where they have to puts roads and infrastructure and pay an additional cost for the value of that infrastructure before they can actually sell the homes. They want to encourage neighborhood development, and a developer has to put in quite a bit of money before the houses are even built and sold. They've heard this is one of impediments facing developers. The exemption would also be available to towns and school districts. There would be a partial exemption for three years.

The draft housing strategy was unveiled last night and is on the Planning Department's website. There's an outline of what they see the need as being and some proposed ideas for how to work at addressing that need. They are taking comment until May 31 then the Planning Department will revise the strategy and bring it back to the legislature for approval.

With respect to the TC3 budget, their fiscal year is a little earlier and every year there is a meeting with TC3 and Tompkins and Cortland Counties. For the last several years TC3 has asked for very modest increases. Cortland County has had a hard time agreeing with that. By law the sponsor counties have to pay the same percentage increase. While Tompkins would be willing and able to fund more, they have refused. This year Carl Haynes has been so conservative. They are proposing to lay off 19 people and a bunch of other cuts and still they need a 1% increase. For Cortland County that is an additional \$16,000. Tompkins has about 2/3 of the students and so has 2/3 of the share. Tompkins would like to do more than that. Cortland residents should be contacting their legislatures and encourage them to support TC3 at the 1% level. It's not a lot of money and is a lot of value. Our community has thrived because we have that option here.

## **ADVISORY BOARD UPDATES**

**Planning Board** – No report other than what has been said.

**Conservation Board** – Still working on the Natural Resources Conservation Plan.

**Dryden Recreation and Youth Commission** – No report.

**Ag Committee** - Cl Lamb said the farmland protection plan is coming in for its final edits. It will be good for helping us understand our farmland. We produce about a quarter of the County's marketable goods. They expect the report to be finalized this summer.

**Rail Trail Task Force** - Bob Beck reported there are 36 landowners from the Village of Dryden to Ithaca (not including the Village of Freeville, Village of Dryden or Town of Dryden properties). Twelve easements have been secured and approved by the board. There are 17 more that have been pledged and we are waiting for their signed return. There are half a dozen or so that are still being negotiated, so they've made tremendous progress. They are planning to have a table at Dryden Dairy Days and Dryden Lake Festival. They will have charrette on June 17 from 9:00 a.m. to noon. They are putting together an invitation to that for all landowners of the railbed and within a couple of hundred feet. He asked for approval from the board for postage and envelopes.

## **OLD BUSINESS**

**Bridge NY** – Supv Leifer reported they have picked a contractor, Barton & Loguidice, for design of the Freese Road and George Road bridges. It is the same contractor that has worked on the Malloryville and Red Mill Road bridges. He thanked the committee for their assistance in the matter. Once the state signs the contract then we can discuss the parameters of what we are looking for with the design contractor and set a public meeting.

**VCA fence funding** – The board reviewed this last week. This is for the daycare center at the Varna Community Center. It is sorely needed to remain open and they are under pressure from their insurer to put up a fence. With the MOU, it opens up the playground for use by the recreation department for their programs so the Town is getting something for it. The playground will be even more important with the new development in the hamlet. We will figure out how to get access from the trail to the playground. The contract is for no greater than \$4,000.

## **RESOLUTION #74 (2017) – AUTHORIZE AGREEMENT WITH VARNA COMMUNITY ASSOCIATION**

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves an agreement with the Varna Community Association to provide up to \$4,000.00 toward fencing the playground and the Supervisor is authorized to execute the same.  
 2<sup>nd</sup> Cl Servoss

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**MOU for Montgomery Park basketball courts** – The Town is contributing town funds toward the basketball courts. The idea is that the rec department will have those for program usage. Cl Lamb has been working with Mike Hattery of the Village on this. The board discussed the terms of the agreement.

**RESOLUTION #75 (2017) – AUTHORIZE AGREEMENT WITH VILLAGE OF DRYDEN FOR USE OF MONTGOMERY PARK**

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves the Memorandum of Understanding with the Village of Dryden for use of Montgomery Park and authorizes the Supervisor to sign the same, subject to approval by the town attorney.  
 2<sup>nd</sup> Cl Cipolla-Dennis

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**NEW BUSINESS**

**Payments outside the abstract** – Supv Leifer presented bills for payment to the Justice Court Fund, Village of Dryden for the Cortland Road Sewer District, and Main St. America Group and asked for approval to pay them outside the abstract.

**RESOLUTION #76 (2017) – AUTHORIZE PAYMENTS OUTSIDE THE ABSTRACT**

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves the following payments outside the abstract:

Main St America Group	\$ 688.00
Comptroller’s Office – Justice Court Fund	21,654.50
Village of Dryden (for Cortland Road Sewer District)	43,335.28

2<sup>nd</sup> Cl Lamb

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**June Pride Month** – CI Cipolla-Dennis provided board members with a proposed resolution last week. This resolution supports the rights, freedoms, and equality of persons who are lesbian, gay, bisexual, transgender, queer, intersex and/or asexual. The resolution provides the history of why this is a good thing to do and provides that the rainbow flag will be flown at the Dryden Town Hall each year during the month of June.

**RESOLUTION #77 (2017) – DECLARE JUNE AS PRIDE MONTH**

CI Cipolla-Dennis offered the following resolution and asked for its adoption:

Whereas the Town Board of Dryden, New York supports the rights, freedoms, and equality of persons who are lesbian, gay, bisexual, transgender, queer, intersex, and/or asexual (LGBTQIA); and

Whereas those who took a stand for human rights and dignity at the Stonewall Inn in New York City on June 28,1969, are among the pioneers within the human rights movement; and

Whereas the Stonewall protestors were subject to police harassment and invidious discrimination based on sexual orientation and gender identity; and

Whereas this decisive moment in history was followed by the creation of gay rights organizations in every major city in the United States within two years of the Stonewall Uprising; and

Whereas the Stonewall Uprising has been followed by many positive progressive historic moments; and

Whereas in December 1973, the board of the American Psychiatric Association voted to remove homosexuality from its list of mental illnesses; and

Whereas in 1974, Elaine Noble became the first openly LGBTQIA candidate elected to a State legislature in the United States when she won a seat in the Massachusetts House of Representatives; and

Whereas in 1975, the Civil Service Commission eliminated the ban on the employment of homosexuals in most Federal jobs; and

Whereas, on January 8, 1978, Harvey Milk made national news when he was sworn in as an openly gay member of the San Francisco Board of Supervisors; and

Whereas in October of 1979, 75,000 people participated in the National March on Washington for Lesbian and Gay Rights to demand equal civil rights; and

Whereas in October 1987, thousands of activists took part in the National March on Washington to demand that President Reagan address the AIDS crisis; and

Whereas in 1987, Congressman Barney Frank of Massachusetts became the first Representative to voluntarily come out as an openly gay Member of Congress; and

Whereas in May of 1996, in Romer v. Evans, the United States Supreme Court decided that a Colorado constitutional amendment preventing the enactment of protections for gays and lesbians in that State was unconstitutional; and

Whereas at the turn of the century in 2000, Vermont became the first State in the country to legally recognize civil unions between gay and lesbian couples; and

Whereas, on June 26,2003, the Supreme Court of the United States ruled in Lawrence v. Texas, that under the 14th amendment, States could not criminalize the private, intimate relationships of same- sex couples; and

Whereas, Tompkins County was one of the first counties in the State of New York to pass a Local Law No. 6-1991, amended in its entirety in 2004 as Local Law No. 1-2004, (commonly known as Local Law C), to protect against discrimination based on gender identity, gender expression and sexual orientation, and

Whereas, on October 28, 2009, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act was passed by Congress and signed into law by President Obama; and

Whereas the bill expanded existing Federal hate crimes laws to include crimes motivated by a victim's actual or perceived gender, sexual orientation, gender identity, or disability; and

Whereas, on January 4, 2010, Mayor Annise D. Parker was sworn in as Houston's first openly gay mayor; and

Whereas in December of 2010, Congress approved and President Obama signed the repeal of the "Don't Ask, Don't Tell" law, allowing gays, lesbians, and bisexuals to serve openly in the United States Armed Forces; and

Whereas, The Marriage Equality Act passed both houses and was signed into law in New York State on June 24, 2011, making the state the sixth in the nation to do so; and

Whereas, passing the Marriage Equality Act in New York State more than doubled the percentage of Americans who live in states with fair marriage laws and applies to more than 42,000 same-sex couples raising 14,000 children in the state; and

Whereas, the year 2012 marked the first year that all 50 States in the United States had at least one openly LGBTQIA elected official; and

Whereas, on January 3, 2013, Tammy Baldwin of Wisconsin was sworn in as the first openly gay United States Senator; and

Whereas, on June 26, 2013, the United States Supreme Court ruled, in *United States v. Windsor*, that section 3 of the Defense of Marriage Act (DOMA) was unconstitutional and that the Federal Government cannot discriminate against married lesbian and gay couples for the purposes of determining Federal benefits and protections; and

Whereas, on July 21, 2014, President Obama took action to protect LGBTQIA workers by signing an Executive order prohibiting Federal contractors from discriminating on the basis of sexual orientation or gender identity; and

Whereas, on June 8, 2015, Triathlete Chris Moiser became the first transgender athlete to earn a spot on the United States national team; and

Whereas, on June 9, 2015, the United States military's equal opportunity policy was updated to protect LGBT service men and women from harassment and discrimination; and

Whereas, on June 23, 2015, New York City's Stonewall Inn received a landmark designation by the city's Landmarks Preservation Commission so that the bar cannot be torn down or developed without approval; and

Whereas, on June 26, 2015, the United States Supreme Court in the case of *Obergefell v. Hodges* decided by a vote of 5-4 that the 14th amendment requires all States to license marriages between same-sex couples and to recognize all marriages that were lawfully performed out of State; and

Whereas, on July 2015, the Equality Act was introduced on July 23, 2015, by Congressman David Cicilline with bipartisan support, as the first comprehensive civil rights bill, which amends the Civil Rights Act of 1964 to include sex, sexual orientation, and gender identity among the prohibited categories of discrimination or segregation in places of public accommodation; and

Whereas, on July 17, 2015, the United States Equal Employment Opportunity Commission rules that discrimination based on sexual orientation is “sex discrimination” as outlined in title VII of the Civil Rights Act; and

Whereas, on October 31, 2015, the Obama administration announced that it would approve the spouses of refugees who are approved for resettlement in the United States, even gay spouses who come from countries where legal unions are not possible; and

Whereas, on November 10, 2015, President Obama is named Out Magazine’s “Ally of the Year” and is the first sitting President featured on the cover of a national LGBT news and entertainment periodical; and

Whereas, on December 21, 2015, the Food and Drug Administration shortened the lifetime ban that was enacted in 1983 to allow some blood donations by gay men; and

Whereas in the first 10 weeks of 2016, according to a Human Rights Campaign tally, more than 200 bills across 34 States were introduced that are considered anti-LGBT, the threat on the civil liberties of LGBT people has increased on the State level since the Supreme Court ruling on marriage equality; and

Whereas, on May 13, 2016, the U.S. Departments of Justice and Education released joint guidance to help provide educators the information they need to ensure that all students, including transgender students, can attend school in an environment free from discrimination based on sex; and

Whereas, on May 18, 2016, Eric Fanning was sworn in as the first openly gay Secretary of the Army, marking the first time a branch of the military is led by an openly gay person; and

Whereas, we reflect on these accomplishments, and we recognize that discrimination and exclusion continues to exist in the daily lives of LGBTQI individuals and families, and

Whereas, the National Coalition of Anti-Violence Programs (NCAVP) reports that 20%-25% of homosexual people are the victims of hate crimes at some point in their lives; and

Whereas, NCAVP also reports that transgender people of color are at the most risk, with an outrageous statistic - 79% of transgender people of color will be the victim of a hate crime during their lives; and

Whereas, NCAVP reports, “Police response to anti-LGBT violence is extremely uneven, with a majority of respondents saying that law enforcement was "hostile" or "indifferent" to their claims of violence”; and now, therefore, be it

Resolved, that the Dryden Town Board shall memorialize these historic accomplishments and recognize the continued struggles of the LGBTQAI community; and be it further

Resolved, that the Dryden Town Board declares that June be declared Queer Pride Month in the State of New York; and be it further

Resolved, that the Pride flag be raised at the Dryden Town Hall on the first day of the month of June of every year from 2017 forward, and be lowered on the last day of the month of June of every year from 2017 forward.

2<sup>nd</sup> Supv Leifer

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**Cortland Road Sewer District** – The board needs to increase the rates in the district to reflect the Village’s increase. The board set the public hearing for May 30.

**902 Dryden Road** – Ray Burger explained that this project is an advanced construction phase. They have decided they want to revise the sidewalk layout. There was a fire truck turnaround in the original site plan that is a remnant from when 15 units were proposed. The final project is only 10 units and the fire truck turnaround is not necessary. The Planning Department has a letter from the fire department confirming it is not necessary. Part of reconfiguration is removing that turnaround and bringing the sidewalks from the units out to the front, connecting with the main sidewalk along Route 366. Because this was special use permit the town board has jurisdiction on site plan review and needs to approve the change. Cl Cipolla-Dennis asked that the resolution of approval reflect receipt of the letter from the fire department.

**RESOLUTION #78 (2017) – APPROVE SITE PLAN REVISIONS – 902 DRYDEN ROAD**

Supv Leifer offered the following resolution and asked for its adoption:

Whereas, the Town Board approved the special use permit and the site plan for the townhome project at 902 Dryden Road by Resolution # 68 (2016) on March 17, 2016; and

Whereas, the applicant, Modern Living Rentals, LLC has constructed the buildings and has submitted a revised site plan dated April 25, 2017 reconfiguring the sidewalks; and

Whereas, some sidewalks are being added to the front side of the development to improve connectivity and appearance and some sidewalks are being deleted internal to the development; and

Whereas, a fire truck turnaround is being deleted that is no longer needed by the fire department; and

Whereas, the Varna Fire Department accepted the revised plan by letter dated April 28, 2017; and

Whereas, the Planning Department, having inspected the construction site, finds that these changes improve the access to and from the individual units and recommends these revisions; and

Whereas, the Varna Fire Department accepted the revised plan by letter dated April 28, 2017;

Therefore, be it resolved that the Town Board finds that the proposed changes are minor and have no negative effect on the environmental impact of the townhome project, and the Town Board hereby reaffirms its negative determination of environmental significance in Resolution # 67 (2016) dated March 17, 2016, in accordance with the State Environmental Quality Review Act; and

Be it further resolved that the Town Board approves the revised site plan dated April 25, 2017.

2<sup>nd</sup> Cl Lamb

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**Code Enforcement Contract** – The contract to provide code enforcement services for the Village of Dryden needs to be renewed. The new contract is for one year commencing June 1, 2017, for the annual amount of \$26,000 to be paid in monthly installments. This is \$2,000 more annually than the previous few years.

**RESOLUTION #79 (2017) – APPROVE CONTRACT TO PROVIDE CODE ENFORCEMENT SERVICES FOR THE VILLAGE OF DRYDEN**

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves a contract with the Village of Dryden to provide code enforcement services to the village for the annual sum of \$26,000.00 and the Town Supervisor is authorized to execute the same.

2<sup>nd</sup> Cl Lamb

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**IV4 Services Agreement** – Supv Leifer met with Matt Wagner of IV4 and discussed about migrating everything off of servers in this building to the cloud and a Microsoft service. Microsoft is offering some incentives. By doing this and moving everyone to Office 365 and a one drive type service we may be able to save \$400 to \$600 per month. The number of machines covered under the contract is also being reviewed and since we have fewer employees than ten years ago that may save some money. The county is also considering hosting data through a shared services plan for municipalities, but in the meantime we will continue working through IV4. Supv Leifer will keep the board informed of his progress.

**Recreation Reserve** – There was discussion about the money pledged for the backboards at Montgomery Park. It was noted the town has a memorandum of understanding for use of the park. This will be reviewed by the town attorney.

**Volunteer Drivers for Recreation Van** – Supv Leifer said volunteer drivers would be covered under the town’s insurance. J Davison has reached out to a couple of church leaders for assistance in recruiting volunteers to drive people to the adult fitness courses during the day. There’s a van driver course that people can take for a fee and that would satisfy the insurer’s requirements that drivers be properly licensed and certified.

On motion duly made, seconded and unanimously carried the board moved into a closed and executive session at 9:45 p.m. to consider the employment history of two particular individuals and proposed litigation.

The board moved back to regular session at 10:25 p.m. and passed the following resolution.

**RESOLUTION #80 (2017) – PERMANENT DIRECTOR OF PLANNING APPOINTMENT**

Supv Leifer offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board hereby appoints Raymond Burger, from the certified list of candidates through Tompkins County Civil Service, to the permanent position of Director of Planning as of May 18, 2017.

2<sup>nd</sup> Cl Servoss

Roll Call Vote	Cl Cipolla-Dennis	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

The board moved back into closed session for consultation with the town attorney regarding proposed litigation. No further action was taken.

Respectfully submitted,

Erin A. Bieber  
Deputy Town Clerk