

**TOWN OF DRYDEN
TOWN BOARD MEETING
April 20, 2017**

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

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Ray Burger, Director of Planning
Mariette Geldenhuys, Town Attorney

Supv Leifer opened the meeting at 7:00 p.m. Board members and guests recited the pledge of allegiance.

TOWN CLERK

RESOLUTION #60 (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 March 9 and March 16, 2017.
2nd Cl Lamb

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

**PUBLIC HEARING
PLANNED UNIT DEVELOPMENT
1061 DRYDEN ROAD**

Supv Leifer opened the public hearing at 7:04 p.m. Ray Burger, Planning Director, explained that on October 5, 2016 the concept plan was approved. The applicant has now submitted a development plan. The Planning Board has reviewed that and made some recommendations to the Town Board. The applicant will now present the development plan to the Town Board. The Town Board has 60 days to review it and make a decision on the plan. If the development plan is approved, then it becomes a planned unit development and becomes an overlay zone. (Cl Lavine arrived)

While waiting for the screen to be set up, announcements were made.

Supv Leifer – The pending solar projects are on the agenda for next Wednesday night. The board will not be taking up the matter tonight.

Cl Lamb – announced there are survey forms on the table regarding the revolving loan fund the town is establishing. A student team from Cornell is helping design the program that will be offered to businesses within the town. There are two surveys – one for general community members and one for business owners. He encouraged people to pick up and complete these surveys. The student group will present their report to the board and public at the May 11 board meeting.

Supv Leifer announced that Dominion will hold a community information session at the Varna Community Center on May 1 at 7:00 p.m. They will answer questions about what is going on at the Borger Station. Supv Leifer will be present to moderate.

Next Wednesday at 7:00 p.m. the Town Board will meet at the Dryden Fire Hall on the solar applications. The Planning Board will meet Thursday, May 27, and the Conservation Board will meet May 25 at Town Hall.

Steve Hugo of HOLT architects gave a presentation of the site plan.

This is a 36 unit townhouse development. Some changes have been made since first presented. Because of conversations about sustainability they have added photovoltaics on the roofs. Capacity is detailed in the packets provided to the board. The current design provides for use of natural gas and the applicant is open to discussion of options. There is an uphill grade entering the site. They have attempted to make this neighborhood- and street-like and have provided sidewalks on both sides. Each unit has a garage and driveway. There is some overflow parking area (11 spaces) in the center. From the units at the back the grade drops off about 35 feet and the bioretention area was sited there. There will be access to the rail trail, a picnic area at the top of the hill, and an overlook in another location. There are trees screening the neighboring properties. Back porches have been removed from the setback area in the current design. The units are two stories with a front porch. The end units have a bedroom on the ground floor to accommodate an aging population. There is a lot of contour on the site and they have tried to minimize cut and fill as much as possible. The driveway follows the natural grade as much as possible.

Stormwater and traffic studies have been submitted. DOT has commented on the entrance to Route 366 and made some minor suggestions. The retaining wall will be tapered down from the existing bridge wall to the site. There is one curb cut at Route 366, then the driveway splits with one to the neighboring property.

Applicant Gary Sloan said it's become fuzzy about what is most and least important to the town in moving through the approval process. They have a list of eight items from the Planning Board that are cost prohibitive. They want to make sense of the project from the town's point of view and from a cost to build scenario that will work for them. There is 750 feet of trail the applicant is improving and they have provided picnic areas. He hopes that there can be a compromise and they come up with something acceptable to the board and that it will get built. The site is entitled to hook into NYSEG's traditional power sources; the gas and the capacity are there. They've added solar to the rooftop to offset the fossil fuel usage. There is also discussion of heat pumps which has a pretty exorbitant cost. They want to hear from the board about what is most important. Where can the applicant make the cost of the project work and put the costs into the things that are most important to the town and make sense on the development side.

Cl Lavine said the board has asked for things that she doesn't see addressed. She would like the development to be more family friendly. There is little ground there for anyone to be outdoors other than the sidewalk. If the retention ponds could be buried it would be a more beautiful place and people will want to stay there and be citizens of the community. The applicant needs to provide a serious analysis of the costs of doing the underground ponds vs surface water. She wants to see a serious analysis of the long term costs of solar. The Lansing units that were built have calculated that solar is actually cost effective. The roof panels should be eliminated because they are not effective in that location. There is no longer a need to put solar on the roof when you can do community solar. The gas could be used by other houses that come along. She isn't saying it has to be solar and heat pumps, but wants to see a serious analysis.

G Sloan said one of the last things spoken about was sustainable energy and seeing if the project can make sense doing that. He said he would look at it, because he hadn't looked at it at all. He has looked at it. It is more costly, but he understands it is an important item for the town. The project was designed (landscape plan, walkways, etc) from the beginning with the goal of using NYSEG for power. If they now commit to heat pumps at six digits more than the solar, they need to make sense of it. There is an elaborate landscape plan on the site that could be cut in half and still look fine at the end of the day. Driveways could be blacktop instead of concrete sidewalks. If sustainable energy and heat pumps is a priority, then maybe they can do it, but they can't do everything because it will be too expensive.

Cl Lavine said she has two priorities: a serious, good faith analysis of sustainability and making it family friendly so that it fit in with the wishes of the people of Varna.

Comments:

Don Scutt said a project like this should be welcomed with open arms by the town board. If you don't accept the project as it is, you are nailing the town of Dryden as anti-business, anti-improvement and you will never increase your tax base. There is nothing wrong with it as it is. It doesn't infringe on neighbors. You should think about the people of the town of Dryden. He sees no one impacted by that. Approve it.

Bruno Schickel said this is a great example of an in-fill project. It is quite creative. There is a high demand for this type of housing. It is close to the population center. You'd be wise to approve it. The issue of heat pumps and such having to do with the building operation – there is a building code that dictates that. And there is an energy code. It all comes together. The board trying to leverage their position on approval to force or coerce or manipulate the developer into designing a building or building their building a certain thing is outside of your authority. You should think twice about doing that. The building code allows for them to build it. You should look at the site and impact. Not on the operation of the building itself.

Martha Robertson said we desperately need the housing. The location is terrific because it is on transit and trails and it will be easy for people to reduce their car use. That is the single biggest imperative in terms of cutting our greenhouse gas emissions as a county. The issue of heat pumps is misunderstood. They are cost effective now. Taitum is doing a study right now on town homes and large custom built homes. It is in the final stages of being done. She urged them to look at that. It looks like heat pumps for townhomes are going to be absolutely cost effective with very little difference in cost in the outset and the life cycle costs will actually be more cost effective than gas. She asked them to take a serious look at that. She suggested that residents be encouraged to sign up for the community solar she hopes we will have in Dryden.

Joel Harlan, Newfield, said he's seen boards pick at a project until nothing gets done. The new future for these projects is going to be a community center along with stores and these housing units. He likes this project. Stop being fussy and have it built. We need more of this affordable housing everywhere.

Gina Cacioppo said it seems like there is a disconnect between the people. The board represents the people. Dryden is the little town that could; that took our case all the way to the Supreme Court on fracking. When you (developer) are talking about natural gas you are not really understanding the people. She asked about one story units for elderly. It looks like little suburbia. You're missing the nature piece.

Carol Whitlow said she was out at her pond with her family and tried to imagine how it would feel with this development there. It is totally out of character. She is the closest

neighbor and it is such an infringement on what they thought they had living there. It is so dense. This morning at 7:45 a.m. she saw a car coming and went out sooner than she should have. People will take more chances coming out onto an already busy road. This won't work for the amount of traffic on Route 366. The picnic area is very steep going toward a busy road. Nothing on this plan has changed in a year. The trees they refer to are her trees and Bill Reed's trees. How will the developer be held to promises on landscaping and such? She is concerned with safety on the road. She can't see how this will be safe to navigate with the traffic and steepness of the driveway.

Marie McRae shared a press release from this morning. NYSERDA has announced that Tompkins County is the first county in the Southern Tier to be designated as a Clean Energy Community. This announcement complements the Southern Tier SOARING, the regional economic blueprint aimed at attracting a talented workforce, growing business and driving innovation. Another recent news story in the Cornell Sun: on April 13, resolution #36, which "aims to acknowledge the human right and environmental implications of gas pipelines and urges Cornell to take strategic institutional actions to inhibit their expansion" passed the Cornell student assembly without dissent.

Choosing to design homes with the climate in mind means examining the use of fossil fuels in heating, cooling, hot water and clothes drying and looking for alternatives. In the interest of minimizing the use of fossil fuels and therefore eliminating the need for new infrastructure, she believes we should be promoting through our zoning and approval process the construction of very well insulated buildings and the use of high efficiency electric powered heat pumps for heating and cooling, and developers who choose these designs should be rewarded. She doesn't see that happening with this development. She doesn't see the developer moving in that direction, so she stands with the Planning Board and asks the Town Board to deny the PUD.

Joe Wilson read the following statement:

I am here as an individual to speak about the current development plan for a Planned Unit Development at 1061 Dryden Road.

Article X. of the Town Zoning Law says that the plan for a PUD must provide Open Space amenities and provide a creative design in the layout of the buildings. The current plan does not meet these criteria. The evidence is that the Planning Board has said that there are too many town house clusters for the lot, that the overall density needs to be reduced, and that there is not enough room for recreation and family play space.

The Town law says that a PUD needs to provide a creative design for the circulation of vehicles and pedestrians. This plan does not. The evidence is that the Planning Board has called for a reconsideration of the planned road cut, the alignment of the driveway, and for additional parking spaces.

The Town law says that a PUD needs to assure compatibility with surrounding land uses and neighborhood character. This plan does not and the evidence is that the Planning Board had to call for additional vegetative screening between the Townhouses and the adjacent developed lot.

The Town law says that a PUD must provide efficiency in its design for utilities. The current plan does not. The evidence is that the Planning Board found that the proposed solar arrays were apparently an afterthought and were not aligned for optimal efficiency. When the Planning Board raised questions about emissions, comparative efficiency, and costs of the planned natural gas HVAC system compared to high efficiency heat pumps, the Developer chose not answer.

The Town law says that a PUD must provide for an appropriate layout for tMunicipal Facilities. This plan does not. The evidence is that the Planning Board has found that the current plan to cross another person's property with the public water and sewer facilities is not acceptable.

For these reasons, I respectfully suggest that the Town Board should not grant the Developer the special privilege of designating the 1061 Dryden Road Project a Planned Use Development under our Town's laws.

He said he has talked with some of the folks who do local high efficiency heat pump installation and shared the little data that was provided to the Planning Board about the costs and got back eyerolls. The implication was that the cost estimates as reported were way, way high. If the solar arrays were removed, if the gas driven furnaces weren't used, if the network coming from the gas main through the entire development were not part of the plan, then the costs would be a lot more comparable, he believes.

David Weinstein, 51 Freese Road, said he was hoping not to speak tonight. It is pure fiction that developments like this bring the town a net revenue. He has to counter that. The facts remain that these kind of developments cost more in services than they ever provide in revenue. That's okay if a town really wants it. The town should be willing to pay for something it wants. The community of Varna has made it clear that what they want is family friendly developments – ones that will attract families into them. This development unfortunately has been planned with a maximum number of units crammed onto the space so there isn't any play area to attract families. It's not a place that you would ever think that your kids would have an enjoyable time playing outdoors. That's the problem that Varna has had with this development all along and why they pushed for removal of some of the units so that more open space could be created for those kinds of benefits.

John Burger, 1686 Hanshaw Road, said there was a meeting in Varna and these issues were brought up then. The information is still vague in terms of what the actual costs are. He doesn't know why there is such a discrepancy. It doesn't seem hard to figure out. When people talk about community friendly a sidewalk needs to go somewhere. He understands they can go on the trail. He hears people talking about the need for a play area. There is a difference between a community where you live and feel like you are a part of and something else where you feel like you're just living there and you go somewhere else. If people are going to feel like it is a community, it needs certain characteristics, one of which is that there's an area for family gatherings. It seems that it is possible to build a community friendly place that uses heat pumps and it shouldn't defeat the project. He's not trying to defeat a project, but from what he understands, less units and more space to congregate and using technology that we believe is the best for community is what's asked for. So he is not in favor as it currently stands and hopes it's possible to figure out a way to make it work.

Shirley Price, 287 George Rd, said she is new to this project. She heard the board wanted solar panels and the developer was going to do that, and then was told don't do that because there is going to be community solar. She wasn't sure that it was certain at this point. She asked about the need to connect to the trail, and G Sloan replied that it is important to the town to connect to the trail and they can tie into that. She personally sees no problem with them hooking up to natural gas. If they want solar panels on the roof, and have natural gas, okay. We shouldn't be totally dependent on renewable energy. It's not feasible.

Bill Reed, 1065 Dryden Road, said he is the neighbor with the most shared property line with the developer. His grandmother lived next to the Methodist Church in Varna, and he is attuned to what Varna is, but it is important that the other side gets stated as well. This property is two miles from Cornell campus and to say that everyone will be a nice family and everything is going to be the way it is, is just not the way it works out when you rent the units. He isn't saying they shouldn't be nice, is not saying they shouldn't have all of the things that have been brought up. The Varna landscape is going to change and he is not going to comment on that other than to say that he doesn't think the project going in on the corner next to the other road is so great either. The nice part about this project and his property next door is that they are back away from the road. And the ability to use the property seems to make

more sense. The other project is pretty dense and pretty out there and not particularly nice at the state it's in.

He has provided his concerns to the Planning Board and they are in the record and he won't reiterate them. He and Mr Sloan are working on dealing with them. The one thing that they have to work on a little more is where the road comes out. His concern is that if they have two roads instead of making one driveway, it will make it harder to get people in and out of the site. His concerns are in the record. The vegetation is being taken care of on his property as long as setbacks are ok. Other people can decide on the number of units. He wants to be sure the roadway is set up so it makes sense. They can work things out so as not to be a serious additional expense to the developer. He is not necessarily against more density in Varna.

Supv Leifer noted for the record that B Reed's comment to the Planning Board talked about shared sewer line, water service, maintenance building, vegetative screening, and driveway access.

Gary Sloan said they met with Mr Reed to talk about access to both sites and had a positive meeting. They hope to work things out to benefit both their project and his property. He hopes to reach an agreement for shared access to 366. Mr Reed was concerned about trail access from his property and they talked about creating an easement over the sewer line from that property so people could comfortably walk there. He is optimistic they will reach an agreement for these items.

They have been listening and have made changes. Twelve units have been redesigned to allow for a first floor suite for people who want to be on one level with two upstairs bedrooms. Decks were incorporated into the structure so as not to extend into the setback. Some have decks on the side (corner units). With respect to a place for residents to go, they will incorporate an area near the trail with picnic tables and residents will benefit, as well as people using the trail, and create a better sense of community. They have tried to address the concerns.

Jim Skaley, 940 Dryden Road, said Joe Wilson gave a good rendition of what's in town law regarding PUDs and the board should pay close attention to that. Instead of using a PUD concept, the applicant should have asked for a zoning variance as opposed to imposing a new zone on top of the existing zone. But the PUD does give the town leverage to suggest things that need to happen in terms of facilitating working in the overall global context of what is desired in terms of sustainability and connectivity to the hamlet of Varna. He reminded people that a week from Saturday there will be a climate march because we are all obligated to think about reduction of fossil fuels for our future and children's future.

Cl Cipolla-Dennis said she thinks it is unlikely to have a single person or a couple or older folks that will rent a place with two bedrooms upstairs that they don't use. Parents of teenagers might like that. Families might really like that. When we talk about family friendly, she doesn't see that. It is important. She likes the concept design and the way it looks. She isn't trying to take money out of the developer's pocket, but is trying to meet the needs of the community. The community wants family friendly and she's not seeing that, and the developer needs to think about it in a real way. She appreciates the effort with the solar panels. Community solar will happen and be available in New York whether we have farms in Dryden or not. Community solar is the right answer here. Really look at the numbers and talk to folks involved in SolarTompkins and the HeatSmart program about how they worked with developers in Lansing to make it make sense for their project. It can be cost efficient. She would like to see a numbers comparison between natural gas systems and heat pumps. To have an open mind about the natural gas, she will have to see that the heat pumps are not feasible.

Steve Hugo said Taitum Engineers are the engineers on this project and the heat pumps are about \$125,000 more. They have looked at the system for this project of 36 units. Cl Cipolla-Dennis asked to see an engineers' report from Taitum that documents that and does a cost comparison between the upfront and long term.

Cl Lavine said the developer should have those numbers out of strict business logic. In response to the people who spoke in favor and said the board has no right to say anything about this, she asked if they walked the property, studied the lines, care what the people of Varna want, and what about the comment that there are lots of costs to the town in having all these people in these apartments. The board has taken this very seriously. The developer will end up with a better product and better town and Varna is bound to be a highly desirable place for the next bit of development stemmed from Cornell. There is no reason to sell it short.

Cl Servoss said she agrees with Cl Cipolla-Dennis' comments. She thinks that 36 units are too many. That's a lot of people in small area. Maybe reducing by one unit each building will make a significant difference. She also wants to see a playground.

G Sloan said when calculations are done, they look at what a traditional central furnace system would cost (\$12,500/unit) and a heat pump (\$15,500), so that's a \$3,000 per unit increase. Cl Cipolla-Dennis would like to see a comparison of the cost related to the heating system that uses natural gas and the heat pump heating system that Taitum evaluated for them, and a term performance. You cannot just look at the purchase price. You need an analysis of the performance of the two systems and related costs, and an explanation why the heat pump system is not feasible.

Cl Lamb said he understands the developer is willing to look at this. He knows that this is a priority for this town and that we've taken a stand on climate change and he recognizes that.

G Sloan said it is obvious and they are listening. It is an important issue and is something that the town wants. He talked tonight about how to get there. There's a landscape plan that could be scaled back and result in cost savings. The walkways could be asphalt instead of concrete. That savings could go toward heat pumps.

Supv Leifer said he understands that in order to produce a green project, the developer needs a return on his investment. We're trying to figure out how that can happen. Asphalt instead of concrete sidewalks is a huge savings. If the town is asking for family friendly, that will result in a cost to the school districts. With respect to green space, if part of the retention pond were an underground stormwater system, there would be more room for a playground, but remember the Varna Community Center is not more than a half mile away on the trail that the town has already. The VCA is asking the town to help pay for a fence around the playground and there will be an agreement with them to open that to the public.

Cl Lavine said this isn't about a playground. It's about space that even an adult can hang out and talk (maybe some benches) with other adults.

S Hugo and **G Sloan** explained that by using asphalt for the sidewalks and reducing the landscaping plan by about 50%, the funds saved could be used toward a heat pump system. They will try to provide a playground/gathering space at the rear of the property.

Cl Lavine said there is really no space for a gathering space. This is a PUD. The applicant could only do 24 units without this process. The trail is nice but is in no way going to help the residents of this place. It will help the town and county. The residents are stuck with really marginal places. She wants an analysis of what it would cost to put the drainage underground so the surface space becomes useful. The developer should have a long term goal

of making this livable. Fewer trees in the landscaping plan may not make sense in the long run.

Supv Leifer said there seems to be a consensus about the heat pump analysis and open space for families and adults. Applicant will not reduce landscaping in the areas that screen neighbors. The board reviewed with the applicant what is expected:

- Heat pump analysis (instead of solar)
- Enhancing green area/gathering spots
- Not reduce screening with neighbors
- Agreement with Mr Reed on entry from Route 366 and how that looks
- Analysis of underground stormwater retention

S Hugo said he is not optimistic about underground drainage, but will look at it with a cost analysis. G Sloan noted it is very expensive and time consuming.

The public hearing was left open at 8:47 p.m. Supv Leifer and Cl Lamb noted when the hearing is closed in May the board will vote on the project.

The board took a five minute break.

PUBLIC HEARING VERIZON TOWER 2150 DRYDEN ROAD

Jared Lusk, Esq. of Nixon Peabody, representing Verizon Wireless stated that in February of 2016 they applied to the town for the required special use permit and site plan approval for a 165' wireless telecommunications tower to be constructed off Dryden Road. The project has been pending for a while, mostly as a result of SHPO's review. Applicant had submitted information in October and the Planning Department, presumably at the direction of the town board, requested that Verizon explore the possibility of moving the proposed tower further north on the property to reduce its overall visibility from Dryden Road and adjacent properties. Verizon's civil engineer and rf engineer both explored that issue and due to a combination of topography and rf need, the most they could move it was 150' to the north. They submitted a revised sketch in November. The tower specifications are the same with the same shelter at the base of the tower and a 75' x 75' fenced area. Nothing changed other than receiving SHPO sign off.

Comments:

Brad Perkins said he lives at 4 Mill Street in Village of Dryden and is the President of the Willow Glen Cemetery Board of Directors. The area where the cell tower is proposed has been known for 200 years as Willow Glen. It's as much Willow Glen as Varna is Varna. It is not Irish Settlement Road. This plan has been flawed and misleading from the beginning. Many didn't get on board earlier because they thought the tower indeed was related to Irish Settlement Road and it's not. The proposal calls it the Irish Settlement Road cell tower and he thinks it is done that way for a purpose – to mislead the board and residents of the town. He called for the whole process to be stopped and started over with proper naming of the tower, again notifying and having hearings and getting it onward. In addition, if it were on Irish Settlement Road the cemetery wouldn't care about it. It is in the view scape of cemetery and that is objectionable as they've stated about some other proposals. There is risk for the town and the town board for allowing something that is flawed to proceed even to this point.

Joe Osmeloski asked if the applicant was aware of the solar installation. Jared Lusk said he was not aware of it until tonight. J Osmeloski said he appreciated that they moved the cell tower on the site. There was discussion with the applicant about the “collapse zone” and that the tower is designed so as to collapse onto itself. J Osmeloski said the new plan from Distributed Sun shows a staging area directly adjacent to the cell tower that is in the collapse zone. If the tower collapses it will crash into the solar panels or their equipment.

Two projects are going in at the same time, but it seems the board didn’t have the projects work with each other and now the diagram shows that the tower’s collapse is in the solar panels. J Osmeloski said according to Dryden’s law, the collapse zone means the area in which any portion of a telecommunications tower could or would fall, collapse or plunge to the ground or into a river or body of water. The collapse zone shall be no less than the lateral equivalent of the distance from the Break point to the structure plus ten feet, such being not less than one-half the length of the entire cell tower plus ten feet. Applicant is to determine the most likely place the tower will collapse. Even at 95’ it will hit the staging area and new solar panels.

There are two major projects, and one may not care about the other, but to comingle them on this piece of property is a serious problem. The diagram shows two major items that could be damaged by a collapse. The board needs to look at these two projects and be sure they are compatible.

Sara Osmeloski said she was looking at the draft of the resolution to approve the cell tower and in determination (i) it says the Pinney site allows the tower to meet all the setback requirements and provides the most natural screening. There are two major projects on the site at the same time and she assumes the most natural screening would be the willow trees that grow along the stream next to where the cell tower is proposed. If the solar farm comes in and wants to cut the trees down, she hopes the board will not allow that. Those trees and brush along the stream is going to be the natural screening from the cell tower for her property. She does not ever want to see the cell tower and if she could eliminate half of it, that would help.

She asked if the electromagnetic rays from the tower would affect her cell phone, wifi, tv antenna and radio reception in her home. J Lusk explained that Verizon has licensed certain frequencies and has to operate on those frequencies under federal law. It will not impact her equipment unless it is operating on Verizon Wireless’s licensed frequencies for some reason, and that would be a problem. But they are not entitled to. There should be no interference.

Shirley Price – Asked whether the solar would have overhead wires to connect to the grid. B Srinivasan said the only overhead connection is across the creek.

The board closed the public hearing at 9:08 p.m.

R Burger said the board has the EAF. The SEQR Part III has additional analysis. There are only minimal impacts on areas other than aesthetic resources. He read portions of the Part III aloud.

He noted that in the proposal for the solar projects there are trees along Willow Glen creek that they propose to take out. Much visual landscape screening will be added by the solar project. Verizon was relying on those trees for natural screening. The property leased or controlled by the tower project is very small and their landscaping will simply be the cedar trees around the fence and shelter. The tower is relying on everything that is on the site on this day. There is no specificity as to which are critical to screening of the tower. There is no agreement between Verizon, the landowner and/or the solar company to not take those trees down. The town is considering those as screening, but actually has no control. J Lusk said he

understands the concern, but the visual analysis is taken from a variety of locations and didn't rely on one set of trees throughout the area. R Burger said typically for a communications tower you look at community-wide impacts and they looked at viewsheds from Irish Settlement Road, Ferguson Road, George Road, so you rely on a huge landscape to do the visual screening. There is no micro-landscaping that can be done to hide a 170' tower. He doesn't think there would be any tower that relies on a screening that they control.

Cl Cipolla-Dennis said then it falls to the town to look at that planning and make sure the screening is something that can be maintained and adequate. How will that happen?

R Burger replied Distributed Sun will put in the tower as part of their view shed analysis for their project, so their landscaping/screening for hiding the solar arrays will also be showing how it affects the screening for the tower. He thinks the Route 13 corridor will be positively affected for both projects. J Lusk directed the board's attention to the visual analysis of their application. Cl Cipolla-Dennis understands, but from a planning perspective it is something they have to consider. We can't look at these projects in isolation, and have to consider the cumulative effects. It isn't necessarily the individual developer's issue, but the Town's issue.

R Burger continued his review of the Part III. He noted the town has not designated any scenic or aesthetic resources and this view shed is not included in the Tompkins County Scenic Resources Inventory. The tower will be in sharp contrast to the surrounding landscape, however as a public utility it is not a unique land use in the area.

The Town's historian submitted a letter today cautioning the board about setting a precedent for this type of project in the future near the cemetery. NYS SHPO has signed off on the site as having no impact to archeological and historic resources.

The Board reviewed Part I and had no questions. Part II was reviewed. There were no comments or questions about the responses. The Board approves Part III as prepared.

RESOLUTION #61 - NEG SEQR DEC - APPLICATION OF UPSTATE CELLULAR NETWORK, a NEW YORK PARTNERSHIP, d/b/a VERIZON WIRELESS FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR A 165 FOOT TELECOMMUNICATIONS TOWER ONPREMISES LOCATED AT 2150 DRYDEN ROAD, PART OF TOWN OF DRYDEN TAX PARCEL 38.-1-3.1

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

WHEREAS,

A. The proposed action involves consideration of the application of Verizon Wireless for a Special Use Permit and Site Plan Approval for a 165-foot telecommunications tower on premises located at 2150 Dryden Road, part of tax parcel 3 8.-1-3.1.

B. The proposed action is an Unlisted Action for which the Town Board of the Town of Dryden is the lead agency for the purposes of uncoordinated environmental review in connection with approval by the Town.

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 the New York State Environmental Conservation Law - the State Environmental Quality Review Act "(SEQR), (i) thoroughly reviewed the Full Environmental Assessment Form (the "Full EAF"), Part 1, 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 by reviewing and completing Part 2 of the Full EAF and the Visual EAF Addendum, including the criteria identified in 6 NYCRR §617.7(c),

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Dryden, based upon (i) its thorough review of the Full EAF, Parts 1 and 2, and the Visual EAF Addendum, 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), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action, and determines that no Environmental Impact Statement will 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 Full EAF and determination of significance are incorporated by reference in this resolution.

2nd Cl Lamb

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

The Board reviewed the proposed resolution approving the project. There was discussion about how the location was chosen. The details on site choice were provided in the application.

The board discussed the fall zone and condition #12 was added to the resolution.

RESOLUTION #62 - ADOPT FINDINGS, DETERMINATION AND CONDITIONS OF APPROVAL FOR APPLICATION OF UPSTATE CELLULAR NETWORK a NEW YORK PARTNERSHIP, d/b/a VERIZON WIRELESS FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR A 165-FOOT TELECOMMUNICATIONS TOWER ON PREMISES OF SCOTT PINNEY AT 2150 DRYDEN ROAD

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

A. RESOLVED, that this Town Board hereby adopts the following Findings, Determination and Conditions of Approval for the application of Verizon Wireless for a special use permit and site plan approval for a 165-foot telecommunications tower on premises located at 2150 Dryden Road, part of tax parcel 38.-1-3.1

TOWN OF DRYDEN TOMPKINS COUNTY STATE OF NEW YORK

In the Matter of the Application of Verizon Wireless for a Special Use Permit and Site Plan Approval for a 165-foot Telecommunications Tower on Premises Located at 2150 Dryden Road, Part of Tax Parcel 38.-1-3.1

FINDINGS, DETERMINATION AND CONDITIONS OF APPROVAL

BACKGROUND

Verizon Wireless (herein Verizon) by application dated February 2, 2016 applied for a special use permit and site plan approval to construct a telecommunications tower, equipment platform and site improvements on property of Scott Pinney, 2150 Dryden Road (Town of Dryden Tax Map No. 38.-1-3.1). No street address for the tower site has yet been designated.

Verizon supplemented its application by a submittal dated February 2, 2016 (Exhibits B through Q.) and July 1, 2016 (revised Full EAF, part 1). Verizon submitted photo-simulations of the proposed tower site taken from three locations on Dryden Road, George Road, the intersection of Yellow Barn Road and Ferguson Road, and Johnson Road.

The application included a Full Environmental Assessments Form and a Visual EAF Addendum. The town board completed Part 2 of the EAF and the Visual EAF Addendum. Town staff reviewed the Verizon submittals and commented on them in correspondence dated June 10, 2016 (Sprout memo).

On behalf of the town, Taitem Engineering, PC reviewed and commented on the Verizon submittals in correspondence dated June 10, 2016. Dende Engineering Structural Consultants also reviewed and commented the Verizon submittals in correspondence dated June 6, 2016.

The Tompkins County Department of Planning pursuant to its role under General Municipal Law 239-1 and 239-m in a letter dated May 18, 2016, commented on the application, determining that the project would have no negative inter-community or county-wide impacts.

PUBLIC HEARING/COMMENTS

The town board held a public hearing on the application on June 16, 2016 and remains open.

Undated written comments were received from one member of the public on or about June 22, 2016.

At the public hearing on the project, the town board heard from Jared Lusk, on behalf of the applicant, and from Bruno Schickel, David Moore, Sarah and Joe Osmeloski, and Ray Burger.

FINDINGS

The Town Board hereby finds, based upon its review of the application and the materials supplementing it, including statements and representations made by and on behalf of the applicant, which statements and representations the Town Board relies upon as being true, accurate and complete, in that:

(a) Verizon provided a photo simulations and viewshed analysis dated December, 17, 2015 which demonstrates the visual impact of the tower will be small in the broader context of the community.

(b) Only two lights on the equipment platform, within the compound are proposed.

(c) The tower base and much of the lattice structure will be screened by trees and land features, site is so situated as to minimize the physical impacts to the environment.

No useful information will be gained from the “formal visual impact assessment using industry standard methodology” from such location and the requirements for such an assessment should be waived.

Public Comments

The town board has carefully considered the comments received from the public at the public hearing.

DETERMINATION

Based upon the record before it, the town board concludes and determines as follows:

- (a) To the maximum extent possible the visual impact on neighboring residences and the public have been mitigated. The no tower alternative is not an option and the proposed lattice type tower is the best option to minimize the visual impact.
- (b) Visual simulations of the proposed tower were provided by the applicant.
- (c) The proposed tower allows for future co-location.
- (d) The proposed tower height is the minimum height (165 feet) necessary to serve the purpose intended.
- (e) The Pinney site is a privately-owned, agricultural and wooded area and is neither listed on the Tompkins County Unique Natural Area Inventory nor is it a Critical Environmental Area or near one. The site is partially screened by existing woods and configuration of the access drive.
- (f) There are no co-location opportunities within the area designated by Verizon as the search area, and there is no municipally-owned property which would be suitable or available for a tower site.
- (g) The Pinney site is the only site available within the search area that could provide the radio frequency coverage objectives.
- (h) The search area is within a RA zoning district of the Town and a telecommunications tower is an allowed use subject to the issuance of a special permit and site plan approval.
- (i) The Pinney site allows the tower to meet all the setback requirements and provides the most natural screening.
- (j) Verizon can only place its tower on property that it purchases or leases. When it leases property, it is subject to the requirements of the lessor as to site location.
- (k) Verizon has demonstrated that other sites with a higher priority in the search area are not available.
- (l) The Pinney site is amid an area with a variety of land uses including rural residential, agriculture, and commercial uses.
- (m) No sites, other than those identified by Verizon in the search area, were identified by the town or the public as sites to be evaluated.
- (n) Local law No. 2 of the year 2006 - Telecommunications Tower Siting Law for the Town of Dryden (TTS) has as one of its policy goals the promotion and encouragement of improved telecommunications services.
- (o) Verizon provided propagation studies which supported the need for the type of telecommunications services provided by Verizon in the area. The TTS does not require a showing that a tower is needed.
- (p) The tower does not need to be designed for a possible extension.
- (q) The Town’s consultant, Taitem Engineering, P.C., provided a review of Verizon’s submittals. In summary, Taitem Engineering found that:
 - (i) The proposed project is consistent with the overall policy and goals of the TTS and the design incorporates most of the recommended features at an appropriate site location.

- (ii) Verizon adequately justified the need for the Pinney site.
- (r) The Town's consultant, Dende Engineering, provided a review of Verizon's submittal. In summary Dende Engineering found that:
 - (i) It is typical to select tower manufacturer after municipal approval.
 - (ii) Once the tower selection is made, as documents become available, they will be reviewed and approved by Dende engineering prior to the issuance of construction permits.
- (s) The Town's Director of Planning, Ray Burger, reviewed the Verizon application, exhibits thereto and the Taitem Engineering and Dende Engineering reviews on the Verizon submittals and exhibits. In summary, Mr. Burger found that the special use permit could be approved if several conditions were attached to the approval. Before construction permits can be issued there are several requirements to be fulfilled by Verizon which do not pertain to the special permit review or site plan review by the town board (Dente review of June 6, 2016 and Sprout memo of June 10, 2016).

ENVIRONMENTAL REVIEW

The Town Board has carefully reviewed the Full Environmental Assessment Form, including Part 1 as amended by the applicant, the Visual EAF Addendum completed by the applicant and accompanying exhibits and narratives provided by the applicant and Town Planning Department staff, and has reviewed and completed Parts 2 and 3 of the EAF, and 1) determined that the project would not have any significant adverse environmental impacts, 2) determined that an environmental impact statement would not be required, and 3) made a negative determination of environmental significance (Negative Declaration).

APPROVAL AND CONDITIONS

Based upon the application, the exhibits, the comments received from the applicant, the public, the Town Board's consultant, and town staff, and the findings and determination set forth above, the Town Board of the Town of Dryden hereby approves the application for a special use permit and site plan for the proposed Verizon telecommunications tower on the Pinney property subject to the following conditions:

1. The tower and lightning rod shall not exceed 170 feet in height.
2. The tower shall not be lighted other than the two proposed equipment platform lights.
3. The tower and equipment platform and other improvements shall be constructed and sited according to the application as finally amended.
4. Verizon shall take steps to minimize clearing of the property and avoid unnecessary tree cutting.
5. Verizon shall adhere to the Landscape plan submitted 7/29/16 (Site Detail Plan, Sheet C-2) to provide additional vegetative screening if necessary.
6. Verizon shall submit an Inspection and Maintenance Plan for approval by the town, which plan complies with the requirements of ANSI/TIA-222-G-2005 Section 14 and shall incorporate the relevant provisions of Annex J thereto. Such submittal shall be in all respects satisfactory to the individual charged with reviewing it. Verizon shall inspect and maintain the tower in accordance with such plan.
7. Following each periodic inspection, a written report of such inspection, signed by a Professional Engineer licensed in New York State, shall be submitted to the Town. Such report shall detail the inspection process, note any maintenance issues and procedures and timetables to address such issues. The report must be received by the Town within 30 days of such periodic

- inspection.
8. Verizon shall assure compliance with the Migratory Bird Treaty Act (MBTA) and shall furnish a written protocol detailing the steps it will take to assure such compliance. Such submittal shall be in all respects satisfactory to the individual charged with reviewing it.
 9. Verizon shall provide and maintain a Tower Removal Bond in the amount of \$20,000 naming the Town as obligee. The bond shall be in such form as is acceptable to the town’s attorney and with a surety qualified to do business in New York State and listed on the United States Treasury’s Listing of Approved Sureties (Department Circular 570). The Town Board reserves the right to annually review the amount of the Tower Removal Bond to assure that the amount of the bond is adequate to assure compliance with the obligations of Verizon under Local Law No. 2 (2006) and the conditions of approval of the special use permit and site plan.
 10. The Town of Dryden Standard Conditions of Approval (August 14, 2008 Version).
 11. Prior to the issuance of construction permits Verizon shall submit the items detailed in Dende Engineering’s letter of June 6, 2016 to the extent the same have not already been submitted, and such submittals shall be in all respects satisfactory to the individual charged with reviewing them.
 12. Applicant will meet legal requirements for the collapse zone and the tower will be designed to collapse within 85 feet.

2nd Cl Lamb

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

**PUBLIC HEARING
LOCAL LAW PROVIDING FOR
ALTERNATES ON THE CONSERVATION BOARD**

Supv Leifer opened the public hearing at 9:52 p.m. Supv Leifer would like to remove a portion of Section 3: “abstention or any other reason” at the end.

Comments:

Charlie Smith said he has been a Conservation Board and Conservation Advisory Committee since they created. He has seen at least four versions of the proposed amendment since mid-January. The only version that he and others have seen that addresses most of the concerns of the Conservation Board members was discussed by this Town Board on 16 February. None of these versions has been shared voluntarily with the Conservation Board in their entirety. The undated version available tonight was reviewed by the Conservation Board at its meeting on 28 March and has numerous comments, many of which he identified in his personal comments on 28 March. He respectfully requests that a final decision on the proposed amendment be deferred until both the Conservation Board and the Town Board are on the same page. He thinks it would be a professional courtesy of the Town Board to involve the Conservation Board in deliberations of this kind. If there is a final draft available in its entirety, please provide copies to the Conservation Board for discussion at its meeting on 25 April, next Tuesday evening. He suggests using similar language as was used for the Planning Board alternates.

The public hearing was left open at 9:57 p.m.

CITIZENS PRIVILEGE

Amy Simrell said she has lived at 120 Etna Rd for 31 years. She sent a comment via email but wants to reiterate that she is in favor of the proposed community solar project. She is a third generation Cornellian. She is vested in the town, the county and Cornell. This community solar project will result in a discount to the electricity bills of the residents of the town and that is good if it is true. In reading the material it became clear that Cornell is not proposing this project on their land to use the electricity itself because under current state regulations an entity can only produce a limited amount of electricity for themselves. What Cornell gets out of this is the assistance it provides to reaching their zero emissions plan and this gives them the offsets to reach that goal. They aren't proposing to use this electricity themselves. This project is a win-win for everyone – the town, Cornell, her own household. She urged the town to approve it.

Joel Harlan said he came out to agree with this lady. You should always think of the future and these people want to run the future away. Go on with the project. Enfield is working on getting windmills. We need to stop use of fossil fuels. This County has to think to the future and think of saving money. We need to build a community that's like Big Flats and Horseheads and make a Silicon Valley-like deal to bring in money and jobs from these four colleges. You're going to have to think about building up out here because there is nothing around the city. The city is almost built up. Ithaca is all up on hills. Here there aren't many hills for miles apart. We have to think about the future and grow. He approves this and it is the future and you need to think about it. It would be nice to make money off the buildings.

Sara Osmeloski said she is feeling battered and abused by these industrial projects proposed next to her property. It is totally overwhelming and not fair. She is tired of receiving cards about public hearings. She is tired of watching our Town's laws and ordinances and plans be broken and ignored in order to accommodate these big industrial projects. She is tired of the rights and the wishes of the residents of the town, both dead and alive, being ignored. She is tired of coming to meetings and speaking to the board. She asked that if these projects go forward that the board require Mr Pinney and his lessees to construct a buffer along the entire property line between his property and hers. The buffer would be over 1000 feet. She wants either a fence or a vegetative barrier to shield her property from the industrialization that will be going on next door. Her property is a measly six acres, but is all she owns. She uses it daily for her business to train her race horses and for recreational enjoyment for her and her dogs. She uses all of her property. Some people may embrace living amongst solar panels and cell towers, but she doesn't. They don't live on her property and she does, and she thinks solar panels and cell towers are just plain ugly.

Brad Perkins thanked the board for their service to the town. He said he thinks we took a huge step backwards tonight and showed our weakness in our failure to really stand up and say yes, we're Dryden and we're going to protect Dryden, but is there some other way. Was there some other place to put this cell tower? There must have been. He said the town relied on Verizon's research and didn't think it did its own research.

With respect to Distributed Sun and their proposal for an industrial power plant near the cemetery and near these folks property, he hopes that some members of the board will review this as accurately as they did the PUD project in Varna. It was almost unmerciful the way these people were treated. It appears there's even disagreement amongst the board members that the audience perceived tonight. It's not a good idea to have that sort of showing.

He asked about the environmental impact and the Conservation Board's review of the solar proposals. These proposals are 700 pages long. Have all board members read the 700 pages? Do any board members have the expertise to interpret and evaluate the conservation aspects of this? Are you qualified to do that? Have you asked the Conservation Board which serves our communities for a full review? That seems to be the place where a full review could be done by people who are felt to be capable of that and have the expertise to review this thing. Why won't you ask them to do a deep and in-depth look into these 1400 pages? I hope you will do that and I hope you will be as thorough. When you are, I think you will see that this solar project in concept probably is okay if you can make it financially work. But can you make it financially work without government subsidies and without a PILOT. You're letting it off on the tax rolls, but you don't let my business not pay its taxes or its full share. We've been paying them now for 97 years in our family's name. I hope you'll consider those things. We need to have the full tax. We need to stand up and have a spine and say a PILOT is just a way to stop arguing about it in the future. I hope you'll have the Conservation Board take the time, give them the time, for a full review of this so that people can be satisfied about their pollywogs and their frogs and their open spaces that we are requiring around this.

Bruno Schickel said regarding the solar law that was passed, he thinks you've created a monster. By changing it you've created a situation where now Dryden is facing a situation where they are going to be overrun by solar projects being proposed. He understands there are at least two more coming right behind this. Are you sure that you are feeling ok? Are you feeling that the current law is adequate to protect Dryden and its residents? He thinks the board should impose a moratorium against large scale industrial size solar projects. He said you need to step back and reboot this thing. As it currently is formed, the law is not adequate to protect the residents of Dryden. It will get uglier and uglier and uglier and the Board is going to be held responsible for that. There is a way that you could have large scale projects, but you've got to get input. The Planning Board made numerous recommendations to the Town Board on this law and his understanding is the Town Board ignored those and did not follow their recommendations.

He has an email written by Susan Brock on March 30 informing the Planning Board not to send any communications to Mariette Geldenhuys because she is conflicted out because she represents Distributed Sun. (Mariette Geldenhuys was present at this meeting.) He asked how someone who represents Distributed Sun can sit here and participate in this meeting. Supv Leifer pointed out that this is not a hearing tonight. This is a conflicted situation. The board argued that this is not a conflict. B Schickel said he thinks the board is skating on thin ice in the conflict of interest area.

B Schickel respectfully asked the board to rethink this question of large scale industrial size solar. It is creating a situation where Dryden will become a dumping ground for solar project after solar project after solar project.

Gina Cacioppo, 829 Ringwood Road, made the following statement:

Thank you (to the board) for the letters you have written and the outreach to Dominion /Borger station for a public meeting.

I am Gina Cacioppo (829 ringwood rd) a teacher, community member, mother to be, and I am here because I am concerned about the air quality for my future child and community members.

I have been made aware, thanks to FOIL (freedom of Info Request) requested from Mother Out Front, and I think the public should know that in 1981,82,83 Borger requested and was issued "special use" permit for minor changes such as a building extension, swapping out compressors, and adding a loading doc.

It seems ironic that today we are discussing a special permit for something seemingly minor like cell tower I am wondering Why, the precedent established in the early 80's was not used for this current (more encompassing) expansion?

And... What authority does our local community have now, at this point, to STOP the continued growth of this Industrial site?

Katie Quinn Jacobs – read the following statement:

First, on behalf of our team at MOF, I would like to thank the board for its support for the air quality monitoring and health study projects we have begun in Ellis Hollow. Your assistance is much appreciated.

I am here tonight to follow up on the comments I made last month regarding regulatory issues surrounding the operations at the Borger natural gas compressor station.

While we understand that the facility has existed in Ellis Hollow for decades, it is not a static element within our community. There has been a steady stream of enhancements and expansions dating back to the early 80s.

Currently, Borger has been approved by FERC to emit up to 100,000 more tons of emissions per year into the air we breathe. And as part of Dominion's New Market project, Borger will be pushing an increased volume of gas at higher pressures through 50-year-old pipe. Additionally, there are five unremediated toxic spills that have not been cleaned up to NYS DEC standards.

While our county is lauded as a leader in NYS regarding reducing the use of fossil fuels, our corner of Tompkins County is expected to absorb the increasing externalities associated with this industrial facility in our community.

We want this dynamic to end.

We want the full impact of Borger's operations to be taken into account.

We want the same level of scrutiny applied to Borger that is on display at these town board meetings for other development efforts in the township.

We want the protections of the town's comprehensive plan and the zoning codes, including the Special Use Permit process to be applied to the Borger Station as it was in the 1980's.

To this end, we want to know what legal recourse is available in order to make a course correction in how Borger is regulated locally? For example, would Home Rule apply to this situation as it did with fracking?

Don Scutt said we should think about a comment made tonight by a board member: There is no need to sell Dryden short. Think about that while he makes his statement.

On 1/1/06 the town of Dryden had roughly 10.5 million dollars in its four main fund accounts. Ten years later, in January of last year, these same funds had 3.5 million dollars in them. Over seven million dollars disappeared and is gone. When the 2016 numbers are complete, he projects that these fund accounts will be down to 2.5 million. The 2017 budget approved once again spends more than what we receive and you plan to take \$450,000 from the fund balances again this year like last year with a 16.9% tax increase. We need to grow our tax base. He was initially in favor of the solar industry coming to town but has changed

his mind based on the financial numbers. We are getting hosed with this contract with the Tompkins County IDA. The town is losing money. He asked that people look at an article in the Ithaca Voice where the Newfield Town Supervisor is quoted as saying he was able to negotiate \$18,000 for 2 megawatts. The IDA stepped in and now we are looking at \$8,000 for 1 megawatt. That equates for the Willow Glen property to \$510 per megawatt to the town of Dryden. That's \$5,100 received in revenue if you allow the IDA to take over the taxes on this project. You've made a lot of people mad in the Town of Dryden over \$5,000. You cannot do that. He said that Kathy Servoss, Dan Lamb and Jason Leifer are up for re-election this fall. He called on them to make a public statement or pass a resolution stating they are against the plans of the Tompkins County IDA to negotiate on the town's behalf. He also challenged them to balance and approve the 2018 budget prior to the November election.

Bonnie Scutt read the following statement:

In the early 2000's, probably 2002-2003, there was a project to widen Route 13 in front of Willow Glen Cemetery.

During the initial excavation of the dirt to widen the road, Native American Indian artifacts were discovered.

The NYS Department of Transportation commissioned the Binghamton University Archaeology Department to oversee the careful excavation of the area to determine if anything was there.

It was discovered that there were the remnants of a Native American Longhouse. Binghamton University documented this discovery.

The project of widening the road was then completed.

I researched for a bit this afternoon and found several sites on the internet giving insight into Native American Villages.

A longhouse would generally house 20 families. In this area, the predominant Iroquois were the Onondagas. A typically small Onondaga Village comprised 4-5 Longhouses while a large village could have upwards or more of 100 Longhouses. (www.nativeamericanroots.net/diarv/1081)

When individuals died, their remains were buried quite often, in the lodge for many years. If the village were obliged to desert the settlement where they had long resided, these skeletons were collected from all the families and buried in one common grave, with the same ceremonies as when a single individual was interred, (www.accessgeneology.com/native/iroquois-customs.htm)

With this said, and I would like this to go on record not only for this project but for any other project in the future that may go in the vicinity of Willow Glen, that there stands very good reason to believe that there is a Native American village, along with at least one burial ground located in this geographic area. Furthermore, any excavation, deforestation, construction, or any other disturbance of the land needs to have a representative from an accredited Archaeological facility present to document any findings and if need be, halt further disturbance if in fact more artifacts and/or remains are found, or evidence is found eluding to a burial ground, for Native American Indian Heritage sake.

I have made a call this afternoon, April 20th, into Binghamton University Archaeology Department to obtain the documentation they filed concerning the findings of the longhouse. I was told that my inquiry would be forwarded to the Public Archaeology Facility of Binghamton University, where Nina

Versaggi is the Director.

As soon as I receive the documentation, I will be bringing a copy to the Town Hall to be filed.

Amy Dickinson said the Verizon and solar guys were just high-fiving out in the hallway. They think the fix is in. She said Dan Lamb came to her mom's house in Freeville and promised her (Amy) that he would protect Dryden and she believed him. Then she spent her vote on him. Her mother's grave is at Willow Glen Cemetery. Her family has lived and farmed in the town of Dryden since 1790. She wrote two books about how great life is here. She is now travelling around the country talking about life in Dryden and people tell her how lucky she is to live here. That feels ironic right now. She said Linda Lavine showed great concern for the housing project in Varna; that it be family friendly and have benches and returned to the idea many times that everything had to be family friendly, and that she had spent hours in Varna exploring this development. She asked Linda Lavine if she had spent hours in Willow Glen cemetery and L Lavine said she had. A Dickinson invited board members to come with her and look at 200 years worth of history. The service Brad Perkins does for people in times of need is incredibly important and that's what we're about. Three generations of his family have buried five generations of her family. Those connections are what we are about. This is not community solar. This is not ten acres of solar panels. It is 70 acres of solar panels and now we learn to be enhanced by a 170' tall tower. She is distressed to say the least as a citizen. She is somewhat disgusted by the attitude of this board in not asking really one single question of the Verizon guy. She is concerned about the lack of creativity in bringing through a project and trying to fast track it to the detriment of the citizens who live here.

Cl Lamb responded that he feels deeply that he is keeping his promise and is sorry she doesn't see it that way. He invited her to keep coming to the meetings and learn more about these projects and see how much they've been changed. The developer is trying to work with people to change these so they are more acceptable to people.

Janis Graham said she lives in Ellis Hollow on Dodge Road. The Ellis Tract application was incomplete online until last night. This adds to the sense so many have that this project is being fast tracked for the benefit of Sun8, for Cornell and the County which clearly wants to open up Dryden to large scale solar. A lot of people voted for you to promote, preserve and protect Dryden's natural beauty. It is true people didn't pay attention and come to the solar law stuff. She trusted the board to be safeguarding the people because of the preserve and protect stuff. She read the law and realized it only requires a 50' setback from someone's yard. She understands now they have a new fence and some better setbacks, but there is still a lot that is not palatable about these projects. After many of the meetings about the projects, many are coming away feeling like this is a done deal. This perception doesn't come from some paranoid conspiracy government thing. At the Ellis Hollow Community Center information meeting someone from the town said how nice Sun8 was to help them do the solar law. At the last Conservation Board meeting and at a meeting on Dodge Road a planning board member said the best thing we could all do was to think how to make the project livable. The implication is that it was happening full steam ahead, going forward no matter what. That felt really bad to them, like it is a done deal. She is hoping this is a misperception and that minds are not set on a course already. She urged the board to dig deeply into the hundreds of pages of application materials. She found things that are inaccurate, inconsistent, there's some soft data in there and she thinks there's inadequate environmental protections. She hopes the board bases its determination on the SEQR and whether an environmental impact study is warranted, and will do a really careful review of these facts and findings. She hopes they think long and hard how this large scale project really fits in to their beloved neighborhood and its natural beauty.

Jacques Schickel read the attached statement and submitted the attached information.

Linda Mix read the following statement:

I am Linda Mix I have lived in the town of Dryden since 1976 and my husbands family has lived in Dryden for generations.

In 1978, I purchased 44 acres of land in the town of Dryden with the intention to build a home and farm the land. In 2006, we purchased an additional 10 acres that neighbors our property.

In 2007, we were approached by the gas companies to sign a gas lease. We did not. Last year we were approached by the solar company also.

My youngest son went to SUNY Canton and got a degree in alternative energy. He wanted us to put a wind turbine on our propriety. I have been told we live in one of the windiest places in Tompkins County. I investigated what it would take to do that in the town of Dryden; and learned that the zoning regulations would not make the project financially feasible for us.

The solar electric power plant being proposed is to be built on some of the most scenic farm land in the town of Dryden. They want to subdivide the property into 10 acres lots so they can sell the electric generated to NYSE&G at retail pricing. Why is the town allowing this?

The companies are receiving grant money (29 million tax payer dollars) to build these power plants and then asking the town for additional tax relief. I don't even have to spend a dime on my house and it gets reassessed and I have to pay additional taxes on my house.

The town owns land that would be suitable for these solar panels. (40 acres behind the town Hall, 10 acres on Johnson Road, etc). If the company rented the land from the town, the town would at least benefit from the lease money.

I am not against solar energy. But the way this project is being rushed thru stinks. If it is a good idea now, why is it not a good idea later? Instead of just doing this project, let's do it right.

Bharath Srinivasan of Distributed Sun thanked everyone who has met with him and given constructive feedback so they could make changes to the proposed layouts. If there are more constructive suggestions, give him a call or send an email. He has notes about today's comments and will try to address them at the next meeting. He stated that he had given Jacques Schickel the name of the company. He said he wished he had known what Jacques found out about the company and will look into it. They do want to take constructive suggestions. They have done an extensive study of all the environmental resources based on the requirements imposed on them at the last meeting and submitted 700 pages of information. He asked whether the information is sufficient or too much. He left his business cards so that people can ask questions or follow up with him. This is a constructive community process.

Fred Bachner said he is a lifelong Dryden resident and currently serves as Vice President on the Dryden School board. He said he is ambivalent about solar energy and his main concern is the PILOT agreement. The school's business officer and Superintendent have repeatedly declined to participate in a PILOT agreement. They feel it is not in the school's best interest. More than that, PILOT agreements are not in the community's best interests. They place an unfair burden on all residents in the community. A PILOT agreement rarely allows us to receive the full taxable value of the property or the project over the lifetime of the project or for a certain time leading up to that. So the residents have to make up that burden. In Dryden

and throughout the greater Finger Lakes area we see a large amount of land being placed into trusts or conservation easements, which means that that land is no longer available for development so that land will remain at a very low tax rate forever. The ability to raise more taxes from that land is lost. Allowing any business, not just the solar projects, to reap the benefits of a PILOT agreement places an unfair burden on the citizens of any community, not just in the Town of Dryden or Village of Dryden or Freeville. Essentially it transfers costs to everyone by using a PILOT agreement. With respect to tax exempt status, citizens in Princeton, NJ, have sued Princeton University and won their case. Princeton is compensating the residents for the undue burden placed on them to provide services to the university. He is against a PILOT for any business in the Town of Dryden.

Martha Robertson, County Legislator, said she is on the IDA. There are a number of misconceptions. Any tax abatement that the IDA approves never reduces the taxes currently paid on any property. The only abatement is on the increment that is created from whatever the new project adds, whether it is industrial or residential. The projects on the Cornell land will bring entirely new tax money that would not come to the municipalities or school districts at all. The Dryden Road project is also additional tax that they brought to the town and school district. The comparison with the Town of Newfield was a misconception. State law says that the maximum amount of time that a municipality can do an abatement for a renewable energy project is 15 years. The IDA can do 20 or longer. In Newfield the town did not understand that and they tried to negotiate with the solar company and the project wouldn't have happened at all because the life of the project is 20 years for that one, so they negotiated a 20 year PILOT and that is what is happening there. In this case, the project would not come if it were on the full value. If the idea is that you want new revenue for the school district, this is how you get it. The projects would not happen unless New York State had put this program in place. The economics are that the fossil fuel industry has gotten billions and billions of our tax support and subsidy and that's the way they make money. For a small period of time, this is one way of helping renewable projects move forward. This is one of the few tools that we have to try to create renewable energy to try and get off of fossil fuels. The younger generation is worried about what their environment is going to look like. New York City is going to be swamped. We're going to have floods here one year; droughts like we did last summer. The land, the environment, the flora and fauna that we care about, these beautiful views are going to be ravaged very, very soon by changes that we are seeing right now. There's no free lunch. Change is happening. The thing about solar is that you can pick them up and move them in 30 years and the land is still there. This is something that we need to really bite the bullet on. Change is happening. Bharath has done an amazing job of listening to people's comments and making adjustments. It's been terrific to see that the community has helped to make this a much better project. There is a public hearing by the IDA on May 9 at the town hall at 6:00 p.m. on the Distributed Sun projects.

PLANNING DEPT

Ray Burger said his monthly report has been submitted. An amendment to the unsafe buildings law continues to be edited. They are looking to hold a May public hearing.

Supv Leifer asked about the unsafe structure on Morris Road. R Burger said there is no action at this point. It will be one of the first handled with the new unsafe buildings law. A notice of violation has been sent to the owner of the unsafe structure on Bone Plain Road. The owner has until Monday respond then the matter will be turned over to court.

ADVISORY BOARD UPDATES

Planning Board – There will be three subdivisions considered at their next meeting as well as the solar project.

Conservation Board – Supv Leifer will ask them to review the local law providing for alternates and they will review the solar projects on April 25th.

Recreation & Youth Commission – No report.

Ag Committee – Still working on the Ag Protection Plan. Members have been provided with the solar application materials, but have not been specifically charged with a task in the solar projects.

Rail Trail Task Force – New easements have been received and Supv Leifer would like to schedule a public hearing on May 18 to accept those. Cl Lamb reported they will have a design charrette on June 17 at 9:00 a.m. at the Dryden Fire Hall. The community will be invited to help with the early stages of planning for the trail. He and others will be meeting with the Deputy Commissioner of DEC tomorrow morning about the trail and the game farm.

OLD BUSINESS

Bridge NY – The design contractor selection committee is meeting on Tuesday at 9:00 a.m. here at the town hall.

VCA Funding Request– Supv Leifer will use an agreement modeled after the grant contract. The amount is roughly \$4000.00.

Dryden Lake Agreement – This is the memorandum of understanding with DEC and the Village of Dryden. It is basically the same as the existing agreement allowing the town to use the lake for recreation with the addition of the Village’s use for wells. The term is 50 years.

RESOLUTION #63 (2017) – AUTHORIZE AGREEMENT WITH DEC FOR DRYDEN LAKE

Cl Lamb offered the following the resolution and asked for its adoption:

RESOLVED, that this Town Board hereby approves the Memorandum of Understanding with the NYS Department of Environmental Conservation and the Village of Dryden for use of Dryden Lake and the parkland surrounding it and authorizes the Town Supervisor to execute the same.

2nd Cl Cipolla-Dennis

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

Tompkins County Infrastructure Study – This involves a study of the NYSEG area of Route 13 and the feasibility of running water and sewer to the area. The town’s share is \$1,750.00. There’s a hundred acre parcel there could be developed with mixed use housing and an easement on the back 50 acres for preservation. The proposed rail trail runs through that property also. Funds will come from the supervisor’s budget.

RESOLUTION #64 (2017) – AUTHORIZE INFRASTRUCTURE STUDY

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

WHEREAS, the Tompkins County Housing Needs Assessment indicates the need to produce far more new housing units to meet current and projected needs than recent building trends are

producing, and

WHEREAS, Tompkins County is in the process of updating its Housing Strategy, recognizing that the Housing Strategy is a starting point for addressing this critical community need and needs to evolve and be refined over time to better address the community's housing challenges, and

WHEREAS, infrastructure is a critical component in determining the feasibility of developing additional housing within the County, and

WHEREAS, Tompkins County has indicated a willingness to split the costs of a water and sewer infrastructure study that would cost \$3,500 and would help determine the potential for new housing development, and

WHEREAS, the County Legislature, on March 21, 2017, in resolution 2017-55 approved \$1750 to study water and sewer infrastructure in the Town of Dryden in the general vicinity of the NYSEG building at the intersection of Route 366 and Route 13 for the purpose of supporting new housing in the Town of Dryden, now therefore be it

RESOLVED, that the Town of Dryden shall appropriate \$1750 from A1220.450, Supervisor Miscellaneous, to support the Infrastructure Study that will be conducted by the Tompkins County Planning Department for the purpose of supporting new housing in the Town of Dryden,

RESOLVED, further, that the Town Supervisor or his designee be and hereby is authorized to execute any agreements related to this project.

2nd Cl Lamb

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

Montgomery Park – Supv Leifer presented a resolution to allow use of funds from the recreation reserve for backstops and poles for the basketball courts at the park. They did not properly estimate the cost of these steel backboards earlier. There will be an MOU for use of park/courts for town rec programs. The village would like the courts open by Dairy Day.

RESOLUTION #65 (2017) - ADDITIONAL SUPPORT FOR MONTGOMERY PARK REVITALIZATION

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

WHEREAS, Montgomery Park, located in the Village of Dryden, is used by all residents of the Town of Dryden for active and passive recreation;

WHEREAS, the revitalization of Montgomery Park will benefit the entire Town by making Montgomery Park an attractive place for residents and tourists to visit;

WHEREAS, Montgomery Park has a history of serving as a venue for festivals, Kiwanis Baseball, Concerts, outdoor movies, and other activities sponsored by private organizations, the Town of Dryden Recreation Department, and the Village of Dryden;

WHEREAS, the Town of Dryden wishes to provide additional support to the revitalization effort by pledging an additional amount not to exceed \$5,000, allocated towards installing backboards on the basketball court;

WHEREAS, in consideration for the Town's contribution towards the revitalization effort

the Village of Dryden has stated its intent to into an intermunicipal agreement with the Town of Dryden to allow the Town of Dryden Recreation Department to use Montgomery Park as a venue for Dryden Recreation Department Programming;

WHEREAS, the Town Board of the Town of Dryden wishes to work with the Village of Dryden for the benefit of all residents;

WHEREAS, demonstrating intermunicipal cooperation is important for securing grant funding to support the revitalization of Montgomery Park;

WHEREAS, the Town Board of the Town of Dryden anticipates drawing \$5,000 from the Town of Dryden Recreation Reserve Fund to fund the Town’s contribution towards the revitalization of Montgomery Park;

RESOLVED, the Town of Dryden wishes to support the revitalization effort by pledging an amount not to exceed \$5,000, allocated towards installing backboards on the basketball court.

2nd Cl Lamb

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

Electronic Distribution of Local Laws – This resolution will permit distribution of proposed local laws in pdf format via email to board members.

RESOLUTION #66 (2017) – AUTHORIZING DELIVERY OF PROPOSED LOCAL LAWS BY EMAIL

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

WHEREAS, section 20(4) of the Municipal Home Rule Law provides that a Town may deliver proposed local laws in portable document format (PDF) by email to the email inbox of each Town Board Member, provided that (1) the Town has documented that each member of the Town Board has an email address, (2) the Town has published such e-mail address on the bulletin board of the Town Clerk, and (3) the Town Board has unanimously adopted a resolution authorizing such electronic delivery; and

WHEREAS, each member of the Town Board has an e-mail address;

NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk is hereby directed to publish the e-mail addresses of all Town Board members on the bulletin board of the Town Clerk; and it is further

RESOLVED that the Town Board hereby authorizes the delivery of proposed local laws to Town Board members in PDF format by e-mail to the e-mail inbox of each Town Board member, as authorized by Municipal Home Rule Law section 20(4).

2nd Cl Lavine

Roll Call Vote	Cl Lavine	Yes
	Cl Cipolla-Dennis	Yes

Cl Servoss	Yes
Cl Lamb	Yes
Supv Leifer	Yes

Charge to Conservation Board – Board members have a proposed resolution charging the Conservation Board with researching funding for source water protection. Charlie Smith said if the Conservation Board has resources made available to them, they could do this. It may be something the Planning Department is better equipped to do.

RESOLUTION #67 (2017) - CHARGING TOWN CONSERVATION BOARD WITH RESEARCHING SOURCE WATER PROTECTION FUNDING

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

WHEREAS, the Town of Dryden has an interest in protecting source water quality in the five subwatersheds within the Town; and

WHEREAS, New York State is making funding available for projects that will protect water sources throughout New York State; and

WHEREAS, Tompkins County has dedicated funding for watershed protection;

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board asks the town’s Conservation Board to work with the Planning Department to research the details of these programs as well as other applicable funding sources, conduct public outreach to solicit ideas and locations for projects, and forward a plan to apply for these source water protection funding opportunities.

2nd Cl Cipolla-Dennis

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

Supv Leifer has prepared a letter of support for Mothers Out Front with respect to Dominion’s Borger Station. The board reviewed it and agreed that it should be sent to Katie Quinn-Jacobs.

On motion made, seconded and unanimously carried, the board moved into executive session to discuss legal advice from Susan Brock, Esq. at 11:10 p.m. No action was taken and the meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk

I wish the Board would

In addition to the animosity that is developing towards the Town and County Boards over the prospect of 5 thousand acres of good land and beautiful views being destroyed by solar panels. There are other troubling questions.

Is the Town Board aware of the abysmal environmental record of the company Jinko Solar that Distributed Sun buys their solar panels from. ^{from a nation grade article T. The} Did you know that local villagers and farmers in China protested and actually took over the solar panel factory because they were dumping toxic waste, from the production of solar panels, into the river, killing their animals. Most of you ran on the Protecting Dryden line on the ballot. A major part of your platform is the protection of water purity. ^{apparently you think it's OK} ~~It is not right to think it is OK~~ to pollute the waters in other countries as long as ours stays pure. Also are you aware of the class action lawsuit against this same company here in New York State for lying about compliance with environmental regulations? Have you done your homework?

Then there is the question. Why are you in such a hurry to push through something that will have such a profound negative impact on our community?

The growing animosity towards the Town Board is a reflection of just how unwelcome Industrial Solar is in Dryden.

Jacques Schickel - Dryden NY



<http://news.nationalgeographic.com/news/energy/2014/11/141111-solar-panel-manufacturing-sustainability-ranking.html>

How Green Are Those Solar Panel

See how agriculture is working to protect water

[READ THE ARTICLE](#)

UNCHARTED WATERS

NATIONAL GEOGRAPHIC WINFIELD UNITED SUSTAIN

UPDATED NOVEMBER 11, 2014





RE

Workers install solar panels in California. Although solar energy is a clean alternative to fossil fuels, the manufacturing process itself can have a negative environmental impact.

PHOTOGRAPH BY MICHAEL MCFARLAND, NATIONAL GEOGRAPHIC

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As the world seeks cleaner power, solar energy capacity has increased in recent years. Yet manufacturing all those solar panels, a Tuesday report shows, carries some downsides.

Fabricating the panels requires caustic chemicals such as sodium hydroxide and the manufacturing process uses water as well as electricity, the production of which emits greenhouse gases. Environmental problems could undercut solar's ability to fight climate change and reduce dependence on fossil fuels.

A new ranking of 37 solar manufacturers, the Solar Scorecard, shows that some companies are better than others. Chinese manufacturer Trina scored best, followed by California-based SunPower.

The annual scorecard was created by the Silicon Valley Toxics Coalition (SVTC), an environmental group that has tracked the environmental impact of the high-tech industry since 1982. It's the first time the scorecard shows that the industry is becoming more—not less—opaque when it comes to the sustainability practices of its members.

The coalition hopes the scorecard will increase transparency in a burgeoning industry that is focused on survival and growth than on tackling the dirtier side of an otherwise clean energy transition.

Patchy Data on Chemicals, Emissions

The SVTC relies on companies' self-reported data for its scorecard, which looks at factors such as chemical toxicity, water use, and recycling. The coalition says the market share of companies that provide details about their operations is declining. It praises the third- and fourth-ranked companies, respectively, for responding to the survey every year and for showing a continued commitment to sustainability.

Name-brand companies on the scorecard represent about 75 percent of the solar panel manufacturers, but many players that care less about their environmental impact have been entering the market, says the coalition's executive director. Her group is concerned that as these discount competitors gain market share, they will make sustainability a priority.

Varying regulations and manufacturing practices make it difficult to get standard data on the environmental footprint of photovoltaic panels. A study released in May by Northwestern University found that the industry's environmental impact is growing faster than its capacity.

Environmental footprint of photovoltaic panels: study

National Laboratory found that the carbon footprint of a panel from China is twice that China has fewer environmental standards and more coal-fired power plants.

China has already seen a backlash. Panel manufacturer Jinko Solar, for example, action since one of its plants, in the eastern province of Zhejiang, was accused of dumpi

Solar manufacturers in the United States are subject to both federal and state rul

China has already seen a backlash. Panel manufacturer Jinko Solar, for example, has faced protests and legal action since one of its plants, in the eastern province of Zhejiang, was accused of dumping toxic waste into a nearby river.

he said. "It is a problem, because on one hand there is an interest in getting ahead of a s panels. On the other hand, there's not a big market for it right now."

Recycling is particularly important because of the materials used to make panels assistant professor of environmental studies at San José State University who serves as would be difficult to find a PV module that does not use at least one rare or precious me have at least silver, tellurium, or indium."

Because recycling is limited, Mulvaney said, those recoverable metals could go to reporting on a quarterly basis, surviving on razor-thin margins—they're not thinking 20 the scarcity issue might actually enter the conversation."

The silicon used to make the vast majority of today's photovoltaic cells is abundant requires a lot of energy input in its manufacturing process," said Northwestern's You. T. often coal, he added, determines how large the cell's carbon footprint is.

The SVTC said it's leading an effort to develop a first ever sustainability standard

U.S. Green Building Council's Leadership in Energy and Environmental Design or LEED effort will get under way as new solar panel factories come online in the U.S. and elsewhere. plant in San Antonio, Texas, and SolarCity plans to open a five-billion-dollar factory in

It remains to be seen whether solar companies will face enough external pressure to do business that, from a power-generation standpoint, already has plenty of environmental

"Despite the efforts of the SVTC," said Santarris, "there still is not nearly the award-winning panels are not all created equal from an environmental standpoint."

But there is optimism that as the industry matures, solar companies will adopt standards. In just the five years since the SVTC began its scorecard survey, Mulvaney said, it has seen

"When we started this, there was no information on environmental performance of solar panels from the dirtier fuels," he said. "Now these companies are producing sustainability reports

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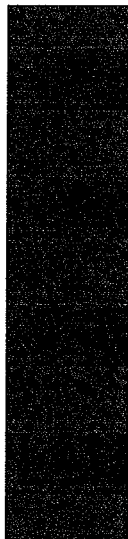
The story is part of a [special series](#) that explores energy issues. For more, visit [our website](#).

Christina Nunez is a writer and frequent contributor to National Geographic.

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 COMMENT

PICTURES REVEAL NEPAL'S HEARTBREAKING EARTHQUAKE DESTRUCTION. (WARNING: SOME PHOTOGRAPHS CONTAIN GRAPHIC MATERIAL.)



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JinkoSolar Securities Settlement

www.jinkosolarsecuritiessettlement.com

WELCOME TO THE JINKOSOLAR SECURITIES SETTLEMENT WEBSITE

The Settlement has been reached in the class action lawsuit pending in the United States District Court Southern District of New York concerning alleged misleading statements regarding compliance with environmental regulations, which caused investors to purchase JKS at artificially inflated prices.

On March 11, 2016, the Court entered its **Order and Final Judgment (docs/2016-03-11 Order and Final Judgment (JKS).pdf)**, approving the Settlement, Plan of Allocation or settlement proceeds and attorney's fees and expenses to be awarded from the Settlement.

The "Settlement Class" is defined as follows: All persons and entities that purchased or otherwise acquired JKS ADSs between May 13, 2010 and September 20, 2011. As set forth in the Notice, there are exceptions to being included in the Settlement Class.

The Court has appointed Bernstein Liebhard LLP and Zamansky LLC as Co-Lead Counsel.

Please be sure to read the **Settlement Notice (docs/notice.pdf)** to fully understand your rights.

IMPORTANT DATES

January 12, 2016
Proof of Claim Submission Deadline
(Postmarked)

February 12, 2016
Objection Deadline
(Received)

February 12, 2016
Exclusion Deadline
(Received)





March 11, 2016 at 10:00 a.m.
Settlement Hearing

YOUR OPTIONS

To participate in the Settlement, you must have timely submitted a valid Claim Form establishing membership in the Class, postmarked on or before January 12, 2016.

The deadline for exclusions and objections has passed. Please consult the Notice for further information.
(notice.php)

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