

TOWN OF DRYDEN
TOWN BOARD MEETING
January 11, 2018

Present: Supervisor Jason Leifer, CI Daniel Lamb, CI Linda Lavine,
 CI Kathrin Servoss, CI Alice Walsh Green

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Ray Burger, Director of Planning
 Jennifer Case, Bookkeeper

Supv Leifer opened the meeting at 7:12 p.m.

Town Clerk B Avery administered the oath of office for Alice Walsh Green.

CI Servoss distributed a proposed change to the section of the Town's Personnel Manual dealing with compensatory time. There has been some recent confusion about that. The human resources committee wants to be sure that comp time is not earned if a person does not actually work more than 40 hours in a work week. For example, an employee shouldn't use sick time in the week in which they earn comp time. Benefit time may not be used to exceed 40 hours in a work week. There will be a resolution prepared for next week.

J Case explained that Civil Service has requested in their annual payroll certification a resolution from the board that approves hourly rates/salaries for any position not specifically detailed in the budget. Some positions are grouped into one individual line or there is an amount budgeted but that may not be paid out depending on the hours worked. For union employees submission of the pay scale from the contract will be sufficient. There was discussion about whether listing names and salaries were appropriate for publication in a resolution. A spreadsheet of names and hourly wages will be reviewed and approved in each budget process in coming years. It was agreed by the board that any salary changes, including mid-year, need board approval. It is public information. Discussion with respect to particular employees and their hiring/firing, performance, work history is appropriate for executive session, but approving a list of names and hourly wages is public and will be done by resolution of the board next week. J Case asked board members to look over the list she provided to be aware of the positions, wages and changes.

There is a programming proposal from Stephanie Mulinos and she will come to the board meeting next week. She had asked to encumber funds for this program. J Case noted this is not a normal encumbrance situation. The funds referred to are tied to services provided by Cooperative Extension. If the board decides to do this, it may be better to take the funds from 2018 fund balance.

CI Green will contact Marty Conger to talk about the Recreation Department and offer to assist with the Spring catalog.

The Recreation Supervisor position is posted until January 16. J Case suggested the board talk with M Conger and get her perspective on the department and staffing for it.

Conservation Board vacancy – Charlie Smith has resigned. The board can appoint Tim Woods and look for another alternate to join David Bradley.

RESOLUTION #28 (2017) – APPOINT CONSERVATION BOARD MEMBER

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

RESOLVED, that this Town Board hereby appoints Timothy Woods to the Conservation Board to fill the vacancy left by resignation of Charles Smith with a term to expire December 31, 2018.

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| Roll Call Vote | Cl Lavine | Yes |
| | Cl Servoss | Yes |
| | Cl Green | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

Marie McRae and Kelly Ritter have applied for the Ag Advisory Committee.

RESOLUTION #29 (2018) – APPOINT AGRICULTURE ADVISORY COMMITTEE MEMBER

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

RESOLVED, that this Town Board hereby appoints Marie McRae to serve on the Agriculture Advisory Board with a term to expire December 31, 2020.
2nd Cl Lavine

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| Roll Call Vote | Cl Lavine | Yes |
| | Cl Servoss | Yes |
| | Cl Green | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

We still need an alternate for the Zoning Board of Appeals.

Delaware River Solar – The application has been under review by TG Miller. They are preparing a SEQR analysis. With the change of counsel this may be ready for the February 15 Town Board meeting. The application is on the web. The Planning Board conducted site plan review at their December 19 meeting.

Ag & Farmland Protection Plan – The board will continue the public hearing next week. A number of comments have been submitted by email. The board may be able to make amendments based on the comments and adopt it next week. R Burger can amend the document with changes identified, prepare a SEQR and have it available for next week’s Town Board meeting. The board agrees the Ag Committee should have a chance to review and weigh in on the changes. Cl Lamb said it seems to single out large scale solar as something that we need to be very cautious about and that is not the message of this board.

Malloryville & Red Mill Road Bridges – Because we were unable to meet the publication requirement on the bond resolutions, it is necessary for the board to adopt those resolutions again and send the notice for publication.

RESOLUTION #30 (2018) AUTHORIZING THE RECONSTRUCTION OF WEST MALLORYVILLE ROAD BRIDGE IN THE TOWN OF DRYDEN, TOMPKINS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$104,400 AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$104,400 SERIAL BONDS TO PAY THE COST THEREOF.

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

BE IT RESOLVED by the Town Board of the Town of Dryden, Tompkins County, New York, as follows:

Section 1. The Town of Dryden, Tompkins County, New York (the "Town") is hereby authorized to undertake the reconstruction of the West Malloryville Road Bridge in the Town of Dryden, Tompkins County, New York (the "Town"), at an estimated maximum cost to the Town of \$104,400.

Section 2. It is hereby determined that the maximum estimated cost to the Town of the aforesaid specific object or purpose is \$104,400, representing the representing the Town's share of the cost thereof pursuant to the Municipal Agreement dated November 1, 2016 between the Town and the County of Tompkins, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$104,400 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty (20) years, pursuant to subdivision 10 of paragraph (a) of Section 11.00 of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, including sale of electronic bidding, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable

on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the consolidation of the Bonds and bond anticipation notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. Any federal or New York State grant funds obtained by the Town for the capital purpose described in Section 1 of this resolution shall be applied to pay the principal of and interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds or, to the extent obligations shall not had been issued under this resolution, to reduce the maximum amount to be borrowed for such capital purpose.

Section 11. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary thereof are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, or a summary thereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law. This resolution shall take effect thirty (30) days after its adoption or if a petition is filed pursuant to Article 7 of the Town Law, upon the affirmative vote of a majority of the qualified electors of the Town voting on the referendum.

Section 14. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by United States Securities and Exchange Commission Rule 15c2-12.

Section 15. The Town Board hereby determines that, pursuant to the Town Board resolutions adopted May 19, 2016, the provisions of the State Environmental Quality Review

Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 16. This resolution shall take effect immediately upon its adoption.
2nd Cl Lamb

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| Roll Call Vote | Cl Lavine | Yes |
| | Cl Servoss | Yes |
| | Cl Green | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

RESOLUTION #31 (2018) AUTHORIZING THE REPLACEMENT OF RED MILL ROAD BRIDGE IN THE TOWN OF DRYDEN, TOMPKINS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$245,600 AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$245,600 SERIAL BONDS TO PAY THE COST THEREOF.

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

BE IT RESOLVED by the Town Board of the Town of Dryden, Tompkins County, New York, as follows:

Section 1. The Town of Dryden, Tompkins County, New York (the “Town”) is hereby authorized to undertake the replacement of the Red Mill Road Bridge in the Town of Dryden, Tompkins County, New York (the “Town”), at an estimated maximum cost to the Town of \$245,600.

Section 2. It is hereby determined that the maximum estimated cost to the Town of the aforesaid specific object or purpose is \$245,600, representing the representing the Town’s share of the cost thereof pursuant to the Municipal Agreement dated November 1, 2016 between the Town and the County of Tompkins, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$245,600 in serial bonds (the “Bonds”) of the Town authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty (20) years, pursuant to subdivision 10 of paragraph (a) of Section 11.00 of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or

amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, including sale of electronic bidding, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the consolidation of the Bonds and bond anticipation notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. Any federal or New York State grant funds obtained by the Town for the capital purpose described in Section 1 of this resolution shall be applied to pay the principal of and interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds or, to the extent obligations shall not had been issued under this resolution, to reduce the maximum amount to be borrowed for such capital purpose.

Section 11. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary thereof are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, or a summary thereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law. This resolution shall take effect thirty (30) days after its adoption or if a petition is filed pursuant to Article 7 of the Town Law, upon the affirmative vote of a majority of the qualified electors of the Town voting on the referendum.

Section 14. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by United States Securities and Exchange Commission Rule 15c2-12.

Section 15. The Town Board hereby determines that, pursuant to the Town Board resolution adopted May 19, 2016, the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 16. This resolution shall take effect immediately upon its adoption.
2nd Cl Lamb

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|----------------|-------------|-----|
| Roll Call Vote | Cl Lavine | Yes |
| | Cl Servoss | Yes |
| | Cl Green | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

Supv Leifer announced the town received about \$128,000 in sales tax over what had been budgeted for.

Cl Servoss won't be able to do vouchers next month and Cl Green will be out of town for that meeting. Cl Lavine and Cl Lamb will do vouchers in February. Cl Green and Cl Servoss will be attending the Newly Elected Officials Training next week and will not attend the January 18 board meeting.

RESOLUTION #32 (2018) – APPROVE ABSTRACT #13 AND ABSTRACT #1

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

RESOLVED, that this Town Board hereby approves Abstract #13, as audited, general vouchers #931 through #1003 totaling \$128,236.33, and Abstract #1, as audited, general vouchers #1 through #15 (\$106,270.95) and TA vouchers #1 and #2 (\$1,781.24) totaling \$108,052.19.

2nd Cl Servoss

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|----------------|-------------|-----|
| Roll Call Vote | Cl Lavine | Yes |
| | Cl Servoss | Yes |
| | Cl Green | Yes |
| | Cl Lamb | Yes |
| | Supv Leifer | Yes |

Cl Lamb said he has been having discussions with Jay Franklin of the Assessment Department about the sales tax offset option for the Town. It is a complicated issue but Cl Lamb thinks it is in our favor to pursue it and making use of additional taxable property (state forest lands). Other towns in Tompkins County take advantage of this by increasing their tax rate and having the county lower their tax rate. The County would retain the sales tax to offset their lower tax rate. Caroline, Enfield, Newfield, and Groton all do this. We are leaving about \$16,000 on the table now by not being able to tax the forest land at a higher rate. The County can't tax state forest land. It is advantageous for us to make this change. No one's overall tax bill will increase. Every property in Dryden except one's total tax bill will go down. This could have been done years ago but the political thinking at the time was that it would be difficult to explain increasing the rate and it might not be worth it. It seems to him that it would be in the residents' best interests to get them a tax cut by raising the town tax rate because the county's rate would go down proportionately.

Comments during discussion:

- We need to take time to explain this change to the public.
- We don't need approval from the County; we ask them to do it.
- It will be \$15,000/\$16,000 additionally to the town annually from the state lands.
- Currently our B and DB funds do not receive property tax and are completely funded by sales tax. This needs to be looked into.

This is significant in light of the new PILOT the IDA passed for solar yesterday. That PILOT is based on our tax rates, currently \$1.94 for us and \$6.60 for the County. Changing the way we deal with the state forest lands will double what we get in revenue from the solar PILOT. The two combined would mean \$40,000 in new revenue for the town. The town's tax rate would still be in the lower third in the County and residents would not see an increase in their overall tax bill. Cl Lamb will share more information on this as it becomes available. J Case will investigate how this may affect the town's B and DB funds.

Freese Road – A meeting was held at the Varna Community Center about the Freese Road and George Road bridges. Cl Servoss reported three people signed up for the committee.

There was discussion about the thoughts behind having a one lane or two lane bridge. The town has hired a consultant to see what our options are and guide us through the process.

David Weinstein would like consulting party status under Section 106. That would allow him to play a role in deliberations, look at the data and help with the decision. D Weinstein said he will represent himself because he has an economic interest because he owns the land under the bridge and because he is concerned about the effects of the project on an eligible historic structure. He would also serve as a conduit for information to the community. Christine O'Malley of Historic Ithaca has requested consulting status also. After discussion it was agreed that Supv Leifer will email Doug Mills requesting that David Weinstein be appointed under Section 106.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk