

**TOWN OF DRYDEN**  
**TOWN BOARD MEETING**  
**December 20, 2018**

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

Elected Officials: Bambi L. Avery, Town Clerk  
Rick Young, Highway/DPW Superintendent

Other Town Staff: Ray Burger, Planning Director  
Ryan McHugh, Secretary

Supv Leifer opened the meeting at 7:08 p.m. Board members and guests recited the pledge of allegiance.

**PUBLIC HEARING**  
**SPECIAL USE PERMIT**  
**117 NORTH STREET**

Supv Leifer opened the public hearing at 7:11 p.m. Ray Burger explained that this special use application by David Donlick is for an auto sales business at 117-119 North Street in a mixed use commercial area. The application was introduced last month.

Bruce Drowne, 9 Lee Road, a 47-year resident, said he has seen several iterations of businesses in that location. His concerns would be the hours of operation of the business and lighting in the yard area. There have been times in the past when light from the site has shown into his home at night.

Dave Donlick stated he expects they would be open until 6:30 or 7:00 p.m. There would be no additional lighting. He will see people by appointment. Some people will probably drive through the lot after hours.

There were no further comments and the hearing was left open at 7:18 p.m.

**PUBLIC HEARING**  
**SPECIAL USE PERMIT**  
**450 CORTLAND ROAD**

Supv Leifer opened the public hearing at 7:20 p.m. R Burger said this application was also introduced last month and is for a contractor yard. It is an existing site and the applicant will have his business, equipment and supplies (mostly contained inside the building) on the site. There is a long 1,000 foot plus driveway to the building and it is surrounded by agricultural fields on all sides. The commercial design guidelines call for monument signage. The county has submitted its 239 review and finds no negative inter-community or town wide impacts. The Planning Board has submitted it recommendations on the project for the board's review. R Burger said those recommendations were incorporated in the draft resolution of approval for the application.

Applicant John Litzenburger acknowledged the Planning Board's recommendations and said he has reviewed the conditions with R Burger.

**TOWN CLERK**

**RESOLUTION #178 (2018) – APPROVE MINUTES**

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

RESOLVED, that this Town Board hereby approves the meeting minutes of November 8 and November 15, 2018.  
2<sup>nd</sup> Cl Lamb

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

B Avery reported that the 2019 property tax bills have been printed and sent to The Mailbox to be stuffed and mailed. She asked the board to authorize postage for the mailing in an amount not to exceed \$2,800.

**RESOLUTION #179 (2018) – AUTHORIZE POSTAGE FOR MAILING TAX BILL**

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

RESOLVED, that this Town Board hereby approves postage in an amount not to exceed \$2,800.00 and authorizes the bookkeeper to prepare a check when the town has been notified of the exact amount required to mail the 2019 real property tax bills.  
2<sup>nd</sup> Cl Green

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

**BUDGET MODIFICATION**

Supv Leifer explained a budget modification is necessary to cover a small contribution of \$50.00 for the Cayuga Lake Watershed.

**RESOLUTION #180 (2018) – APPROVE BUDGET MODIFICATION**

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

RESOLVED, that this Town Board hereby approves the following budget modification:

From		To	
A1220.402	Newsletter	A8790.403	Watershed Monitoring 50.00

2<sup>nd</sup> Cl Lamb

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes

Cl Servoss	Yes
Cl Lamb	Yes
Supv Leifer	Yes

## **117 NORTH STREET**

Supv Leifer closed the public at 7:25 p.m. The board reviewed the short form SEQR and memorandum from the Planning Department. There is a condition addressing sidewalks in the memo. County Planning has submitted its 239 review and found no negative inter-community or town wide impacts. The board found a no or small impact for all questions in part 2 of the SEQR. There were no further comments from the board.

### **RESOLUTION # 181 (2018) NEG SEQR DEC - APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR AUTOMOTIVE SALES LOCATED AT 117-119 NORTH STREET, TOWN OF DRYDEN TAX PARCEL 38.-1-32**

Supv Leifer offered the following resolution:

WHEREAS,

A. The proposed action involves consideration of the application of David Donlick and Donn Sopp for Special Use Permit and Site Plan Approval for automotive sales located at 117-119 North Street , tax parcel 38.-1-32; and

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; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Dryden, based upon (i) its thorough review of the EAF, Part I and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the EAF, Part 2, including the reasons noted thereon (which reasons are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required; and

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

2<sup>nd</sup> Cl Lamb

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

The board discussed the proposed resolution of approval for the special use permit and conditions. There was discussion about pedestrian travel along the roadside and lack of a sidewalk. Applicant said he plans to use the existing parking stops currently in place and leave room so that the cars are not nudged to the edge of the grass.

**RESOLUTION #182 - (2018) - Approving Site Plan and Granting Special Use Permit for Automotive Sales at 117-119 North Street, Tax Parcel 38.-1-32**

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

WHEREAS,

- A. David Donlick and Donn Sopp have applied for a Special Use Permit (SUP) to conduct automotive sales at 119 North Street, Tax Parcel 38.-1-32; and
- B. The proposed car sales and display will occupy an existing commercial building and lot; and
- C. An application, sketch plan, short EAF, and Ground Disturbance Tally Form have been submitted, and
- D. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law §501, §600, §1103 and §1201, and
- E. A public hearing was held on December 20 2018 with public comments registered in the meeting minutes and considered by this board, and
- F. The Tompkins County Planning Department has reviewed the application pursuant §239 -l, -m, and -n of the New York State General Municipal Law, and
- G. In a letter dated December 18, 2018, the Tompkins County Planning Department concluded that the proposal will have no negative inter-community or county-wide impact, and
- H. The Stormwater Management Officer reviewed the proposal and concluded that no Stormwater Pollution Prevention Plan (SWPPP) is required, and
- I. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, the Town Board of the Town of Dryden has, on December 20, 2018, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Short Environmental Assessment Form Parts 1, 2, and 3, and

J. The Town Board has reviewed this application relative to the considerations and standards found in Town Zoning Law §1104 for site plan review and §1202 for Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the sketch plan documents, submitted with the application dated October 31, 2018 as site plan for 117-119 North Street, conditioned on the following:
  - a. A landscaping plan incorporating some potted plants/shrubs along the frontage shall be submitted to and approved by the Director of Planning.
  - b. When sidewalks are built to either side of this parcel the owner shall install sidewalks along the frontage of this parcel. In the interim a minimum 4 foot strip along the streetside edge of the automobile parking area shall be dedicated for pedestrian passage and a connection shall be made to the street at that corner.
  - c. Hours of business shall be 7:00 a.m. to 7:00 p.m.
  - d. Outside lighting shall be dark-sky compliant.
2. The Town Board hereby finds that the considerations for approval of the requested Special Use Permit listed in Section 1202 of the Town of Dryden Zoning Law have been met, specifically that:
  - a. The proposed use is compatible with the other permitted uses in the Mixed Use Commercial zoning district and compatible with the purpose of this district as automotive sales is an allowed use in this district and this parcel is located along the Route 13 corridor with other commercial businesses;
  - b. The proposed use is compatible with adjoining properties and with the natural and manmade environment, as this proposal is for the re-use of an existing commercial facility with minimal site changes proposed. The property is adjacent to a 3-suite commercial building to the west and a restaurant to the south. There is also a retail business and a bank to the north;
  - c. Parking, vehicular circulation, and infrastructure for the proposed use is adequate. The requirement for sidewalks along the frontage is one of the conditions above;
  - d. The overall impact on the site and its surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances has been considered and found to be negligible, based on the information and reasons in the Short Environmental Assessment Form;
  - e. Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town have been incorporated into the site plan;
  - f. The project complies with the requirements for site plan review and conforms to the Town's Commercial Design Guidelines to the maximum extent practicable in that: the proposed use is an adaptive reuse of an existing site, the existing building has a street facing front entrance and is somewhat in line with adjacent buildings in regard to setbacks;

3. The Town Board, finding that the applicant is in compliance with all other provisions of the Town Zoning Law and other applicable ordinances, approves a Special Use Permit for automotive sales at 117-119 North Street with the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

2<sup>nd</sup> Cl Lamb

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

**450 CORTLAND ROAD**

There were no further comments on the application for a contractor yard at 450 Cortland Road and Supv Leifer closed the public hearing at 7:35 p.m. The board reviewed the Planning Department memo and the short form SEQR Part 1. All questions in Part 2 were marked as no or small impact.

**RESOLUTION # 183 - (2018) NEG SEQR DEC - APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR A CONTRACTOR YARD LOCATED AT 450 CORTLAND ROAD, TOWN OF DRYDEN TAX PARCEL 26.-1-14.4**

Supv Leifer offered the following resolution:

WHEREAS,

A. The proposed action involves consideration of the application of Jack Litzenberger/2Pros Construction for Special Use Permit and Site Plan Approval for a contractor yard located at 450 Cortland Road, tax parcel 26.-1-14.4; and

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; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Dryden, based upon (i) its thorough review of the EAF, Part I and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse

impact on the environment, including the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the EAF, Part 2, including the reasons noted thereon (which reasons are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required; and

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

2<sup>nd</sup> Cl Servoss

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

**RESOLUTION #184 (2018) - Approving Site Plan and Granting Special Use Permit for a Contractor Yard at 450 Cortland Road, Tax Parcel 26.-1-14.4**

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

WHEREAS,

A. Jack Litzengerger/2Pros Construction has applied for a Special Use Permit (SUP) to operate a contractor yard at 450 Cortland Road, Tax Parcel 26.-1-14.4; and

B The proposed contractor yard will occupy an existing building; and

C. An application, sketch plan, short EAF, and Ground Disturbance Tally Form have been submitted, and

D. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law §501, §600, §1103 and §1201, and

E. A public hearing was held on December 20, 2018 with public comments registered in the meeting minutes and considered by this board, and

F. The Tompkins County Planning Department has reviewed the application pursuant §239 -1, -m, and -n of the New York State General Municipal Law, and

G. In a letter dated December 13, 2018, the Tompkins County Planning Department concluded that the proposal will have no negative inter-community or county-wide impact, and

H. The Stormwater Management Officer reviewed the proposal and concluded that a Stormwater Pollution Prevention Plan (SWPPP)was not required, and

J. Pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, the Town Board of the Town of Dryden has, on December 20, 2018, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Short Environmental Assessment Form Parts 1, 2, and 3, and

I. The Town Board has reviewed this application relative to the considerations and standards found in Town Zoning Law §1104 for site plan review and §1202 for Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the sketch plan documents, submitted with the application dated October 5, 2018, as site plan for 450 Cortland Road, conditioned on the following prior to issuance of a Certificate of Occupancy:

- a. A landscaping plan shall be submitted to and approved by the Director of Planning.
- b. Decrease the height of the sign by at least two feet to better conform with the Commercial Design Guidelines.
- c. Any lighting should be night-sky compliant.

2. The Town Board hereby finds that the considerations for approval of the requested Special Use Permit listed in Section 1202 of the Town of Dryden Zoning Law have been met, specifically that:

a. The proposed use is compatible with the other permitted uses in the Rural Residential district and compatible with the purpose of this district as a contractor yards is an allowed use in this district and this parcel is located along the Route 13 corridor with other commercial businesses;

b. The proposed use is compatible with adjoining properties and with the natural and manmade environment, as this proposal is for the re-use of an existing facility with minimal site changes proposed. The property is surrounded by farm fields and woods;

c. Parking, vehicular circulation, and infrastructure for the proposed use is adequate. The requirement for sidewalks along the frontage is waived since there are no existing or planned pedestrian facilities along this busy stretch of Route 13;

e. The overall impact on the site and its surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances has been considered and found to be negligible, based on the information and reasons in the Short Environmental Assessment Form;

f. Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town have been incorporated into the site plan;

g. The project complies with the requirements for site plan review and conforms to the Town’s Commercial Design Guidelines to the maximum extent practicable in that: the site is screened from residential uses by the existing topography and distance, and there is only one access point to and from the highway,

3. The Town Board, finding that the applicant is in compliance with all other provisions of the Town Zoning Law and other applicable ordinances, approves a Special Use Permit for the contractor yard at 450 Cortland Road with the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

2<sup>nd</sup> Cl Green

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes
	Cl Servoss	Yes



Cl Lamb	Yes
Supv Leifer	Yes

**PUBLIC HEARING  
ACCEPTANCE OF EASEMENTS FOR  
DRYDEN RAIL TRAIL**

Supv Leifer opened the public hearing at 7:40 p.m. and explained that the purpose of the public hearing was to consider acceptance of easements from M & R Entities, LLC, Mancang Dong and Jingzhen Guo, and Hanson Aggregates of New York, LLC and acceptance of a quitclaim and assignment of interest from Mahlon Perkins for the FH Fox Bridge over Route 366. The easement from M & R Entities is on property at 1061 Dryden Road. When that property was approved for a planned unit development, one of the conditions was that the owner deed the portion of the property containing the old railroad bed to the town. It has been decided to reopen the application and amend the approval to provide for an easement instead of a deed. That public hearing is scheduled next. Acceptance of these easements will satisfy the requirements under the grant received from NYS Parks and final documents will be executed.

Frank Proto, former County Legislator, said he is interested in the bridge. There have been people/groups interested at various times in that bridge because it is associated with Dr. Fox at the Veterinary College. It was explained that the town will take possession of the bridge. Mr Proto will talk with representatives of the Rail Trail Task Force about the possibility of having an official designation of the bridge as the Francis H. Fox DVM Bridge.

Cl Green thanked Bob Beck and Bruno Schickel for their work in securing the easements. Each document has been tailored to the individual landowner and each represents many hours of volunteer work for the town.

The public hearing was left open at 7:48 p.m.

**HIGHWAY/DPW DEPARTMENT**

Cl Leifer said he has sent amendments to the proposed labor contract and wage scale to board members today and asked them to review that prior to the Organizational Meeting on January 2.

**RECREATION DEPARTMENT**

The monthly report is online.

**PLANNING DEPARTMENT**

R Burger reported that TG Miller is going through review of the Trinitas application and issued a review letter that requested a number of deliverables from the applicant so they can complete the SEQR analysis. The Planning Board is reviewing the SEQR and will also be forwarding recommendations. The ZBA will be busy next month with a few subdivision area variances involving frontage relief. They will meeting on January 8.

The Delaware River Solar project has their building permit and will commence construction in the spring. With respect to the Ellis Tract, all conditions of the Special Use Permit have been met and they have the Decommissioning Plan in place. They were issued

permits yesterday and will begin work next Wednesday. They had been doing site prep work and they will now commence construction.

### **SEXUAL HARASSMENT POLICY**

Supv Leifer said the State has passed a new law regarding sexual harassment policies. Rick Young brought a model to the board several months ago. Supv Leifer asked that board members review it, as adoption of that will be part of the organizational meeting. This would replace the one currently in the personnel manual and would apply to all town personnel across all departments.

### **PUBLIC HEARING REOPEN PLANNED UNIT DEVELOPMENT APPROVAL FOR 1061 DRYDEN ROAD**

Supv Leifer opened the public hearing at 7:50 p.m. and explained this is for the purpose of replacement of the requirement for deed for the rail trail property with an easement instead. R Burger said the concept and development plan was approved over a year ago and it has come back for an amendment tied to the trail easements. The original PUD provided that after construction of the project there would be a deed transfer for the property. In order to access the grant monies sooner, the town needs access and control and the owner giving an easement now satisfies the requirement. Cl Lamb thanked Gary Sloan for his cooperation in this matter.

**David Weinstein** said one of the major justifications approving the PUD at 1061 was that “the developer shall deed approximately 1.2 acres of land to the town for recreational purposes.” It didn’t say that if someone decided it wasn’t in their best interest that it was okay to accept an easement. In granting the PUD the town gave Mr Sloan an increase in value of his land from \$285,000 (current assessment) to close to two million dollars according to realtor.com and according to Warren Real Estate. When asked what the town was getting out of the deal it was mentioned many times by Mr Lamb and others that a key benefit was that the town was being given a deed to an important part of the trail. Now all of a sudden a deed is the same thing as an easement. He hopes that the rest of the people that are donating easements for the trail don’t get wind of this because the town apparently is giving Mr Sloan a big value and these people are donating their easements for nothing. He has always been a strong supporter of the trail and wants to see it go through, but he is not so desperate that he will bend over backward to allow a developer to go back on a deal so the trail can go forward. The town had a lot of leverage. He’s received huge value and all you get out of this is an easement. If Mr Sloan no longer wants to give the deed, the town can take away the PUD. The Varna community that was very much against PUD, in contrast to the development at 802 which the community supports, won’t mind a bit if this PUD disappears.

Cl Lamb said for the purposes of the trail, users of the trail won’t know the difference whether they are on an easement or a deed. An easement in perpetuity has the same affect for our purposes. The group wanted to do this for the pending state grant. Part of the requirement for the grant is to have access to the right of way of the rail trail. The town needed to have this in order to be viable in this grant cycle. The town approached Mr Sloan on behalf of the Rail Trail Task Force. It as a compromise for the sake of a project.

Bob Beck said they have been waiting for 11 months for this easement and is very glad to have it. He thanked Dan Lamb for getting it done. They can now sign the State Parks grant that was awarded over a year ago. They have not been able to sign the paperwork until the final easement was secured.

There were no further comments and Supv Leifer closed the public hearing on the easements at 8:04 p.m.

**RESOLUTION #185 OF 2018 - AUTHORIZING ACQUISITION OF EASEMENTS FOR THE PURPOSES OF PROVIDING RECREATIONAL OPPORTUNITIES TO THE PUBLIC**

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

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

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed acquisition of the Trail Easements was held on December 20, 2018 at 7:35 p.m. at the Town Hall of the Town of Dryden, 93 East Main Street, Dryden, New York 13053, and notice of such public hearing was duly given by posting at the Town Hall and publication in The Ithaca Journal; and

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

NOW, THEREFORE, BE IT

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

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

RESOLVED that the Town Board approves the Trail Easement Agreements and authorizes the Town Supervisor to execute them and any and all related documents required for recording of such Agreements.

**Attachment A**

**12-20-18  
Trail Easement Agreements Town of Dryden**

Mancang Dong & Jingzhen Guo      TM #44.-1-21.42      Instrument #2014-14905

2<sup>nd</sup> CI Servoss

Roll Call Vote	CI Lavine	Yes
	CI Green	Yes
	CI Servoss	Yes
	CI Lamb	Yes
	Supv Leifer	Yes

**RESOLUTION #186 OF 2018 - AUTHORIZING ACQUISITION OF EASEMENTS FOR THE PURPOSES OF PROVIDING RECREATIONAL OPPORTUNITIES TO THE PUBLIC**

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

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

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed acquisition of the Trail Easements was held on December 20, 2018 at 7:35 p.m. at the Town Hall of the Town of Dryden, 93 East Main Street, Dryden, New York 13053, and notice of such public hearing was duly given by posting at the Town Hall and publication in The Ithaca Journal; and

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

NOW, THEREFORE, BE IT

RESOLVED that the Town Board finds that the acceptance of the Trail Easements and

execution and recording of the Trail Easement Agreements in the form attached hereto is in the public interest; and be it further

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

RESOLVED that the Town Board approves the Trail Easement Agreements and authorizes the Town Supervisor to execute them and any and all related documents required for recording of such Agreements.

**Attachment A  
12-20-18  
Trail Easement Agreements Town of Dryden**

Hanson Aggregates of New York LLC TM #52.-1-1.11 Instrument #2017-1067

2<sup>nd</sup> Cl Lamb

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

**RESOLUTION #187 OF 2018 - AUTHORIZING ACQUISITION OF EASEMENTS FOR THE PURPOSES OF PROVIDING RECREATIONAL OPPORTUNITIES TO THE PUBLIC**

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

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

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed acquisition of the Trail Easements was

held on December 20, 2018 at 7:35 p.m. at the Town Hall of the Town of Dryden, 93 East Main Street, Dryden, New York 13053, and notice of such public hearing was duly given by posting at the Town Hall and publication in The Ithaca Journal; and

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

NOW, THEREFORE, BE IT

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

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

RESOLVED that the Town Board approves the Trail Easement Agreements and authorizes the Town Supervisor to execute them and any and all related documents required for recording of such Agreements.

**Attachment A  
12-20-18  
Trail Easement Agreements Town of Dryden**

Mahlon R. Perkins	F.H. Fox Bridge over NYS Route 399	Quitclaim & Assignment
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2<sup>nd</sup> Cl Lamb

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

Supv Leifer closed the public hearing on the planned unit development at 1061 Dryden Road at 8:06 p.m. He said functionally a deed or a perpetual easement serve the same purpose here, but optically he doesn't like it. It's a compromise.

**RESOLUTION #188 OF 2018 - AUTHORIZING ACQUISITION OF EASEMENTS FOR THE PURPOSES OF PROVIDING RECREATIONAL OPPORTUNITIES TO THE PUBLIC**

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

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

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

WHEREAS, the property owners listed in the attachment hereto entitled "Trail Easement Agreements Town of Dryden" ("the Property List") wish to grant to the Town easements ("the



**RESOLUTION NO. 189 (2018) AMEND RESOLUTION #81 (2017) TO APPROVE  
DEVELOPMENT PLAN AND SITE PLAN FOR A PLANNED UNIT  
DEVELOPMENT DISTRICT AT 1061 DRYDEN ROAD FOR  
TOWNHOUSE DEVELOPMENT**

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

WHEREAS, the Town Board on May 30, 2017 by Resolution #81 (2017) approved a Development Plan and Site Plan for a Planned Unit Development at 1061 Dryden Road, Tax Parcel 55.-1-16, for Townhouse Development presented by M&R Entities, LLC (“Developer”); and

WHEREAS, a condition of said approval was that prior to issuance of any certificate of occupancy for the PUD, the Developer would deed to the Town approximately 1.2 acres of land as shown in the Development Plan for recreational purposes (the “Parcel”); and

WHEREAS, the Town wishes to receive now an easement over the Parcel in order to complete Phase I of the Town recreational trail (“Rail Trail”) and qualify the Rail Trail project for funding from the State of New York, said easement to be in the place and stead of the deed of the Parcel at some future date; and

WHEREAS, the Developer has agreed to grant an easement over the Parcel now instead of waiting until completion of the planned unit development to obtain the Parcel;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board finds that the grant and acceptance of an easement over the Parcel for the Rail Trail now will permit the Town to qualify for state grant funds for the construction of the Rail Trail.
  2. The Town Board hereby amends Resolution #81 (2017) (i) to delete therefrom in its entirety subdivision (b) of the second decretal paragraph of said Resolution, which reads “Prior to the Town’s issuance of any certificate of occupancy for the PUD, the developer must deed the approximately 1.2 acres of land (as shown in the Development Plan) to the Town for recreational purposes. The deed shall be in a form acceptable to the Attorney for the Town and the Town Board, and the surveyed locations, deed, and abstract must show good and marketable title for the land to be deeded to the Town.”, and to substitute therefor a new subdivision (b) to read as follows: “Developer shall execute and deliver to the Town for recordation in the real property records of the County of Tompkins within a reasonable time after this resolution becomes fully effective a permanent Trail Easement Agreement over the approximately 1.2 acres of land (as shown on the Development Plan) which shall run with the land and permitting the Town to improve and maintain the Rail Trail, said easement to be in a form acceptable to the Attorney for the Town and the Town Board.”, and (ii) to delete paragraph “K” of the recitals to said resolution, which reads “The developer shall deed approximately 1.2 acres of land to the Town for recreational purposes”, and to substitute therefor a new recital “K”, to read as follows: “The developer shall convey an easement over approximately 1.2 acres of land to the Town for recreational purposes.”
  3. Payment of any filing fee required to record said easement is authorized.
  4. This Resolution shall be effective immediately.
- 2<sup>nd</sup> Cl Servoss

Roll Call Vote	Cl Lavine	Yes
	Cl Green	Yes



Cl Servoss	Yes
Cl Lamb	Yes
Supv Leifer	Yes

**PUBLIC HEARING  
REOPEN SPECIAL USE PERMIT ISSUED  
TO DRYDEN HOUSING GROUP**

Supv Leifer opened the public hearing at 8:10 p.m. This would be an amendment to resolution 168 of 1985 approving a special permit for multi-family housing off Livermore Road. He said the board will need to do a SEQR before taking a vote, so tonight will only take public comment. He asked that speakers limit their comments to three minutes and if someone has said something previously to simply acknowledge that so there isn't a lot of repetition.

Cl Lamb said this is a procedural move that lays the groundwork for additional steps between the Village and TC3. When he was elected to the town board he met with the Dean for External Affairs as the town board liaison to TC3. He has spent a lot of time on college campuses, works at Cornell and is an engaged fellow as someone who works with Cornell to help them be more involved in the community. He has been interested in the community college in our town and was interested in what the relationship was like. He met with Bruce Ryan about what could be done better and how to foster more energy between the campus and the village and town. One of the issues he brought up was that one of the access ways is blocked. There is a barrier, a gate, at the shortest distance from the Village to the campus. Research revealed that it is there because there was a condition of the 1985 special use permit to have a barrier for pedestrian and vehicular traffic.

It is three times the distance to use Bahar Road to get to the village. It is dangerous in the dark and is something that could be addressed. The town doesn't want to negotiate what happens next, but doesn't want to block it. So the town wants to take its role in this and let the Village and TC3 figure out what to do next. The gate is not the Town's gate, and the town is not telling the Village to take it out or what to do. They can work it out with the campus and with public input.

We have separated communities and youth and residents that are suspicious of each other. We can do better than that. We are missing economic opportunity for the students to walk down and spend their money in the village. Village folks can walk up to campus on Lee Road and get there quicker that way.

He asked the audience to keep an open mind and not look at what is done tonight as definitive. The town is taking the first step and the following steps are between the Village and the campus.

**Joe Wilson**, 75 Hunt Hill Road, said whatever decisions are made on this issue don't affect him because he doesn't live adjacent to the campus. He spent 15 years as principal of two different high schools with very diverse student bodies. Behavior ranged from stupid and ill-thought out to mischievous and worse. He also knows that young people can rise to an occasion. Since there is time that will elapse as this matter unfolds, it is an opportunity for campus staff, students and folks who live there and care about their quality of life to get together and find some way that protects property interests, respects people's privacy in their homes and also suggest to the young people that they can rise to the occasion and behave in a way that they want to receive in reciprocation, to be respected, to be trusted. It's an opportunity for all to reach out and share mutual respect and empathy for the things each of them value.

**Randy Sterling**, resident for 41 years, said times change. Lee Road is not a private road. TC3 has changed. We all believe in transparency. We have a number of educators here and people who have retired from TC3. He knows a lot of people on Lee Road and patrolled here for 24 years as a police officer. He worked in Ithaca, a college town, for 32 years. These are someone's grandkids who go to this school for two years. They aren't 21 so they legally can't drink. When he was Mayor of the Village they got a grant from Safe Roads to School and now have additional sidewalks to get children to school so they don't walk on a dirt path along a highway. TC3 has been there for 50 years. Bahar Drive is a curved, unlit drive with no sidewalk. That's a travesty. 70% of the kids that go to TC3 probably drive there. TC3 does not serve meals on the weekends. Students go to Ithaca and Cortland for meals. Dryden High School students will get their 2 year degree at TC3 before they get their high school diploma. The college is an asset. If students walk up and down Lee Road eventually they will form a relationship with the residents. If students are in the middle of the street, that's a Vehicle and Traffic Law violation. If they're on your property, you can call the police and have them arrested for trespass. TC3 did a study and it would cost 2.8 million dollars to build a lit, paved, fenced path on the back side of the Lee Road properties. Why walk a mile and a half if you can walk a half mile?

**Tom Corey**, 39 Lee Road, said he has been a resident for 42 years and is familiar with the conditions under which the original permit was issued. He was active in the negotiations with the Village and with the TC3 Foundation and TC3 board when the first dormitories were built. It's important to understand that the property being discussed belongs to the Foundation, not TC3. The people on Lee Road were opposed to having dormitories in their back yard. Through negotiation and the Village's control over water and sewer, an agreement was established that there would be no pedestrian or vehicular traffic along Lee Road to the dormitories. A lot of people have grown up in college neighborhoods and are familiar with the difficulties with students and their movements at odd times of the day and night. Lee Road is a single family residential neighborhood. Many residents have been there over 40 years. It's a safe, comfortable dead end street with very little vehicular traffic. The only people that come and go live in the neighborhood. It is not lighted. There are two street lights and no sidewalks. Putting in sidewalks would be difficult because it is on a hill and would require curbs and storm sewers. People that walk there are in jeopardy at night. Residents are concerned that the conditions not be changed. It has worked fine for years and they would like it to continue as is. It is not to the benefit of TC3 to have an angry neighborhood and it is not to the benefit of the neighborhood to change the conditions. He asks the board to consider delaying action so there is time to discuss the matter further.

**Sue Engel**, said she is a middle school teacher, her husband is a counselor and coach at the high school. They've been here since 1997. Part of the reason they bought their home was knowing the history and that it would stay a dead end road; that it would not be a thoroughfare for pedestrians. Some students walking up and down are nice and respectful. They have also had people that are confrontational, cutting through yards, antagonizing dogs, threatening to kill people, leaving garbage up and down the street and at the gate, leaving cigarette butts, swearing, and smoking pot at midnight. There was an instance of taking videos of a vacant house in the December cold in the middle of the night. They aren't there to go down and get groceries and go back to TC3. Although there may be some students there that would love to develop relationships and have community spirit, because of safety concern, property values and the negative experiences over the years, they are asking that you don't open that up. She is concerned about what was said about laying the ground work for additional work with TC3. If this opens up, she is concerned what happens next.

**John Burns**, 10 Lee Road, agrees with Sue Engel. There were a few years when there was talk about opening the gate. Lee Road is part of the village. They pay taxes here. They were told to contact TC3 police if there was an issue. Most of the time there would be no response. The gentlemen they sent down said they only had a record of four calls. He has

made more than that. Concerns are that the kids don't walk on the shoulder of the road. There are some good kids and they would be welcome. His house is about where they finish the hamburger and drink and trash ends up in his yard. He doesn't see that there will be mutual respect. There's some kind of arrangement between TC3 policy and Dryden Police. These kids are handled with kid gloves. He doesn't know if anyone has been arrested or incarcerated.

**Melissa Osgood**, 5 Lee Road, she has worked at Cornell for five years including four years in central administration and university relations. She is fully aware of issues that happen everywhere. She is not naïve to think that some cases are of the small proportion but some cases are not. She was personally threatened, her dog was threatened. It was at 2 am and there were two people screaming at each other in her driveway with a whole bunch of other people taunting them. She asked them to move on. She reached out to Gary Stewart who does Town Gown relations for Cornell. He connected her with Bruce and Bruce has left. They don't know who to go to with issues like this. There was an incident where a little girl was playing with her cat outside and was told by a student that they would set her cat on fire and post the video on You Tube. The child took about two weeks to tell her mother about, but she was afraid to go outside. Trash is a major problem; it is everywhere. It's annoying and frustrating. It's a dark street and these kids are not going to be wearing reflective gear and be seen. She wants them to be safe.

**Richard Calale**, 47 Lee Road, said he is a realtor, a graduate of TC3 and has two children attending. His uncle was part of the founding fathers of TC3 so he is invested in TC3. He is concerned that we could be opening a Pandora's box with foot traffic leading to car traffic. The trash is there. The student bodies are different year to year. Some years are more tolerable than others. But sometimes children can't leave their toys outside or they get scattered up and down the hill.

He's done some research on the neighborhood. He bought there because it was a dead end street and wanted that environment to raise his children. The neighborhood will probably take about a \$10,000 to \$15,000 hit per home immediately if it becomes as main boulevard to campus. He's made sales because people know that they have a quiet street. The effects of opening it up for any type of emergency traffic or other types of things could also reduce value.

The gate was put there was not intended as only a barrier between two communities, but also to protect watershed. The village owns and maintains that. Any time they go over the gate they are breaking a law of trespass that is not being enforced. There is a problem with a territorial argument between departments. There is a lag in response because of territory confusion. The Village pays a huge budget for a lot of cars.

Academia wants to make everyone happy. The problem is that in the real world there are kids in the school that don't want to mingle with other kids in the school. It's an affordable education institution, but is also designed to be a community college. It has turned into a campus environment. That is not what it was designed for, and that street was not designed for traffic without having sidewalks.

Cl Lamb said what is before the board would maintain the prohibition on vehicular traffic.

**Jim Hull** said he retired from TC3 and lives on Lee Road. He said residents of the street and college administrators got together two years ago and met and cooperated trying to be good neighbors. He would rather start there than with removal of any restriction. There is a need to establish trust, community and cooperation. Residents were previously given phone contacts. The group doesn't exist anymore and he would like to see that relationship rebuilt.

**Bruce Drowne** said he was part of that group. He has been on Lee Road since 1972, before TC3 moved to Dryden. The housing came after that. They were promised by Hushang Bahar and others that the first two dorms were likely all there would be. Now there are eight buildings and two are empty. TC3 is not what it was. He agrees with residents about the trash. He lives near the creek and students think that is a convenient garbage can. There are occasionally a few students who are nice, but most don't want a conversation with the homeowners and they use foul language. The original promise was that there would never be pedestrian or vehicular traffic. He was hoping the meetings with TC3 would take care of the problem. He has sweat equity in his property and hates other people ruining his neighborhood.

**D Bravo-Cullen** agrees with what his neighbors have said. He is concerned about the procedure for this whole thing. He got the idea that this was something that was going to be rammed through under the cover of Christmas. It makes sense, before considering a resolution, to have open discussions with the community and the college. It should have a proper procedure: an application, site plan, SEQR, etc.

**Deb Mohlenhoff**, said she in a new position with TC3. The college has a new president, and she has recently been informed about the issue on Lee Road. They want to make a commitment to opening up a conversation about how they can be better partners to this particular community. They intend to reconvene the meetings. TC3 was looking at this as a starting point. Before making any possible changes, this legal procedure had to occur. She has similar role to Bruce Ryan's and she works directly out of the President's office. The President is interested in hearing from everyone. Resident's concerns have been noted and something that could be on the table are video cameras, trash cans, better enforcement, and opportunities for students to be better informed. They want to meet the residents and talk with the community. They are looking at this as a place to start the conversation not finish a process.

#### **Other comments:**

- Find one positive impact of removal of the condition for the residents of Lee Road.
- There needs to be community involvement prior to the January meeting.
- The Town will not remove the gate.
- The gate is on Foundation property? Village property?
- Who should be doing enforcement?
- Questions need to be answered before intimidating people.
- The call for a meeting should have been made months ago.
- Where did this initiative come from?
- There needs to be more dialogue prior to January 17.
- The town wanted to remove itself and let the Village and TC3 work this out.
- Lee Road residents have drainage problems, problems with students.
- Residents feel like they've been lied to for 25 years; conversations don't seem truthful.
- TC3 needs to invest in a path instead of using Lee Road as the way of least resistance.
- There needs to be a systematic analysis: how many pedestrians, potential for how many cars; analysis of crime and safety expenses (video cameras, additional police force, etc), an economic analysis, system of metrics and goals.
- Devaluation of real estate is a serious concern.
- Previous meetings of residents and TC3 may have fizzled out from lack of progress.
- Safety of student pedestrians is a concern.
- You can't restrict people from walking on a public road.
- Lee Road is less dangerous than Route 13.
- The Lee Road community thought this had been resolved with TC3 two years ago.

Supv Leifer said that Cl Lamb will set up a meeting at the Dryden Café with stakeholders and a representative of TC3 prior to January 17, 2019. The board will need go through the SEQR process before taking any action. The procedure needs to be sorted out because it seems the College/Foundation should be asking for the special use permit to be opened up.

The public hearing was left open at 9:09 p.m.

## **CITIZENS PRIVILEGE**

**Dave Weinstein**, 51 Freese Road, said some weeks ago he was invited to make presentation at the county legislature facilities committee describing the concerns that he and others have about the impact of the town's decision to choose replacing the Freese Road bridge instead of rehabilitating it. After his remarks several town board members were invited to provide counter-arguments to his points. He brings this up because he did not appreciate a member of the town board telling other elected officials that the reason the Freese Road project was totally different than the Forest Home project of a few years ago and had different State rules applied to it was because the source of funds for Freese Road bridge project is Federal and the source of the 2014 Forest Home project was local funds. He didn't appreciate that because it is completely untrue. Funds for both projects came overwhelmingly from Federal funds. He has the documents if anyone wants to see them. He can't imagine why someone would make this up knowing it could have an effect on other legislators who have a stake in the decision. This kind of behavior and making things up has to stop. Let's deal with the facts.

Supv Leifer asked him to forward the documents.

**Simon St Laurent**, 1259 Dryden Road, As visitors come into the Town of Dryden, they are greeted by signs. Most say "Town of Dryden". Some have an additional "Right to Farm" sign and others add "Since 1797".

One sign is different, and has been for a year now. When you approach Dryden from the Town of Ithaca on Route 366, the Town of Dryden sign is missing. In its place, someone put a sign for Perchn.com, the student housing website.

While I would like the Town to fix that, it is unfortunately an accurate portrayal of the Town's attitude toward Varna. The Town Board, despite past claims of award-winning planning, doesn't protect Varna. Remember those "We [heart] Varna" stickers of a decade ago, when the Town was trying to convince hamlet residents it cared about their input?

Lately, the Town seems eager to shred those plans. The escape hatches – Planned Unit Development, Special Use Permit, unexpected state bridge grant with bizarre limitations – are open and the Town is rebuilding Varna for maximum property taxes, and placing zero value on community. Huge privatized dormitories make money faster, and their residents need to be able to get everywhere quickly. They won't, of course, generate any traffic, but we should definitely rebuild the roads for those rare moments when they want to go to the mall.

Making this even uglier is the slowdown in student housing demand. Cornell finally recognized that adding thousands of students without adding their own housing creates some gaps in the student experience, not to mention creating a bubble in local housing prices. I have a hard time imagining this dormitory thriving, given its distance from most of Cornell and its completely student-centric design. Varna has done well with vet students, but there aren't that many of them. One thing that could be worse for the neighborhood than Trinitas succeeding would be Trinitas building this and failing.

Varna is not, of course, the only part of Town to feel burned by the Board's fondness for big projects, but we seem to be getting the heftiest dose of them. Slow down, and listen to the neighborhood instead of developer dreams. Fix the sign when you remember that Varna is something more than the Collegetown East colony of Dryden.

## **HIGHWAY/DPW DEPARTMENT**

Rick Young reported they are trying to keep the roads cleared and equipment in good shape. The new filter system has been installed in the Yellow Barn Water District. He and Cl Green met with the author of the Cornell Local Roads Program and got quite a lot of information. Once everything is put together it will work out very well.

## **COUNTY BRIEFING**

**Mike Lane** reported the County Legislature passed a resolution urging the State to pass a resolution for a late ag exemption application for cause. This was discussed in the government operations committee and recommended by the County Assessment Department.

ITCTC had a joint meeting with Policy and Planning Committee. They had a presentation about Lime Bikes and were told between April and December have had 90,660 uses. Since August in Dryden there have been 1,096 rides by 332 individual people. The majority use is from dorms to classes. Most of the 90,000 rides averaged .3 miles. Some of the bikes have electric motors. The City is considering electric scooters. It was pointed out that streets and highways are different in rural areas. The city owns the streets including the area between the street and the sidewalk. For the older highways in rural areas, the property owners own to the center of the road. The idea of leaving Lime Bikes anywhere by the street is not necessarily popular with rural property owners.

With respect to the Route 366 rebuild, they are still working on additional funding at DOT. They are still focused on the rebuild through the Varna hamlet area and are trying to find additional money. They may be negotiating for some of the TIP money to be able to do more or all of 366 from NYSEG to the city line.

The TIP money that was just announced is pretty much flat. The County hopes to be looking at Route 13 and would like to make the town and NYSDOT important players in the study.

There will be a ribbon cutting Saturday at 10:30 a.m. at the airport for the opening of flights to the hub at Charlotte. There is an article in the Ithaca Voice today on the reliability at the Ithaca Airport.

**Martha Robertson** reported that United is adding a 3<sup>rd</sup> flight per day direct to Washington Dulles in April.

She suggested that Jeff Shepardson, of Conflict Transformation Services of Central New York, may be able to help with heated public meetings. She will forward his email contact to town board members.

There are grants available through County Planning for recreation, trail infrastructure, parks and housing consultants.

Housing Committee had a presentation by a realtor who shared data on home ownership and home sales in Tompkins County looking at trends. Prices are going up and the inventory is going down. They are seeing new development for affordable work force housing, but not enough. We are way behind on that. They are seeing new housing developers coming

to Tompkins County taking advantage of the ability to do projects that provide affordable housing for families. The County does not need student housing. That market is starting to come down. What is missing is affordable units and home ownership. She can put the board in touch with half a dozen developers interested in providing affordable housing.

### **ADVISORY BOARD UPDATES**

**Planning Board** – The board met twice mostly doing environmental review on Trinitas. There is more work to do. Having that background provided by the Planning Board will enhance discussion when the Town Board is going through the process.

**Conservation Board** – Terry Carroll, Energy Manager from Cornell Cooperative Extension, explained options the town has for use of the \$5,000 grant received when designated a Clean Energy Community. One of the first steps in moving forward with the 2016 pledge to become a Climate Smart Community is to establish a task force that could work on climate smart issues. They are looking at who might be willing to head up that task force.

**Dryden Recreation and Youth Commission** – There was no December meeting and they instead did a membership drive for open seats on the commission. They have reached out to the Dryden school district for a liaison and did a big push on the list serve looking for members.

**Agriculture Advisory Committee** – The committee has asked about setting up a page on the town website to list ag businesses and their products. Supv Leifer and his secretary will work with the committee on that.

**Rail Trail Task Force** – The town has just accepted the last of the easements in the section covered by the NYS Parks grant. The town will now be able to sign the contract and begin to get reimbursed for work done to date.

**Safety & Preparedness Committee** – no report.

**Emergency Services Committee** – Patrick Brunner reported the committee met at Varna and had several members from other departments. They discussed the Fire Warden position and possibly creating a different position. That was tabled for further discussion. They talked about town EMS. They won't be able to put an ambulance in Varna as they thought because every time an ambulance was dispatched, they had to bring another back here. They discussed bringing in two more crews for the ambulance which would be costly and they tabled that for further discussion as well. They discussed response plans and what type of EMS calls should be answered. They decided that basically if anyone calls 911 they should be responding. They have looked at different levels of calls that come in and will review that more.

Supv Leifer came to the meeting to discuss contracts. The two villages will use the 2018 Freeville contract and Etna and Varna will use the contract Etna signed in 2018.

P Brunner said he spoke with Varna tonight and everyone is trying to save the town as much money as possible. They have initiated a couple of programs and will get all the departments working together.

The biggest concern countywide is that there are not enough new volunteers to replace those that retire. There is an effort to start preparing for the possibility of paid fire fighters. The next meeting will be February 12 at the Freeville Fire station with a meeting of the subcommittee on February 11.

**OLD BUSINESS**

The Recreation Partnership has made a modification to its by-laws and board members have reviewed the document.

**RESOLUTION #190 (2018) – APPROVE RECREATION PARTNERSHIP BY-LAWS**

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

RESOLVED, that this Town Board hereby approves the Recreation Partnership as most recently presented (November 7, 2018).  
2<sup>nd</sup> Supv Leifer

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

**NEW BUSINESS**

**Telecommunications Tower Law update** – R Burger explained that the Town’s law is not in compliance with the new Federal law that calls for a non-discretionary process to be applied when there are upgrades and co-locations. He has drafted an amendment to our law to make that more administrative. There is a red-line draft online and he is working with Atty Sokoni to get it in the form of a local law that can presented to the board in early January and a public hearing held on January 17.

**Sales Tax Offset insert** – Cl Lamb has drafted a document to be inserted with the 2019 property tax bills and board members have reviewed it.

**RESOLUTION #191 (2018) – APPROVE INSERT FOR 2019 REAL PROPERTY TAX BILLS**

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

RESOLVED, that this Town Board hereby approves the following (to be printed on Supervisor letterhead) for insertion with the 2019 real property tax bills:

December 20, 2018

On behalf of the Town of Dryden, we wish you a very Happy New Year! When you look at this year’s tax bill, you’ll notice the county rate decreased from last year and the town rate increased by a similar amount. **The town is taking advantage of the “sales tax offset” to keep your combined county and town taxes as low as possible.**

While the change is small for average taxpayers, it will result in \$35-45,000 in new revenue for town services. Revenue that doesn’t come from residents. This change **lowers the amount we must raise in property taxes.**

Why we did this:

- **It allows the town to collect more than \$15,000 in annual revenue from state forest lands.** Here’s how: New York State law allows towns to tax state forest lands, but counties can not. Having a higher



town tax rate allows the town to bring in that extra revenue. To offset the higher town rate, the county lowers your county tax and keeps the sales tax revenue it previously distributed to the town. This is known as the sales tax offset. Many other towns take advantage of it.

• **It enables the town to collect an additional \$20-30,000 in annual Payments in Lieu of Taxes (PILOTs) for approved solar projects and other future projects.** Due to Dryden’s leadership in developing solar power, large investments are now subject to PILOTs. These payments are distributed based on town, county, and school tax rates. With our tax rate adjusted due to the **sales tax offset**, the town will double its revenue from solar projects.

The bottom line is that the changes you see in your tax bill mean **new revenue for the town and less burden for taxpayers.** We hope you share our excitement about this change and the many great things in store for our town in 2019!

2<sup>nd</sup> Cl Servoss

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

**Public Interest Order** – This is for the construction portion of the grit removal system and other upgrades at the sewer plant. The engineering study was approved in the Spring. The town now needs to hold a public hearing and issue a public interest order. The costs are detailed in the document and the total obligation for the town of Dryden will be \$142,362. There is no plan to issue bonds. It will be paid for by the sewer districts that feed to the IAWWTP. The intent of the upgrades is to improve the plant so it will handle more volume. The biggest threat to the plant’s capacity is stormwater and infiltration to the system. The partners are discussing how to address that. Each municipality is responsible for their own infrastructure.

**RESOLUTION #192 (2018) – ADOPT PUBLIC INTEREST ORDER –  
SEWER IMPROVEMENTS AT THE ITHACA AREA WASTEWATER TREATMENT FACILITY  
(IAWWTF)**

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

RESOLVED, that this Town Board hereby adopts the following public interest order:

<p>In the Matter of the Proposed Improvement Project Pursuant to Town Law §202-b for the Wastewater Treatment Plant in the City of Ithaca serving the Town of Dryden known as the IAWWTF Grit Removal Project</p>
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**ORDER CALLING  
PUBLIC HEARING**

WHEREAS, a plan, report and map have been duly prepared in such manner and in such detail as heretofore has been determined by the Town Board of the Town of Dryden, Tompkins County, New York, relating to the construction, pursuant to Article 12-C Town Law of improvements to be known and identified as the Grit Removal and Plant Improvement Project, and hereinafter also referred to as “the Grit Removal Project,” to provide improvements to the present Ithaca Area Wastewater Treatment Facility (IAWWTF) in the City of Ithaca managed jointly by the City and Town of Ithaca and Town of Dryden which wastewater treatment plant provides wastewater treatment services for the Town sewer districts served by such wastewater treatment plant, such improvements to be constructed and owned by the City and Town of Ithaca and Town of Dryden, and

WHEREAS, a map, plan and report, including and estimate of costs, have been duly prepared in such manner and in such detail as deemed sufficient by the town board of the town of Dryden pursuant to Article 12-c of Town Law, and

WHEREAS, the area of said Town determined to be benefited by said Improvement Project consists of the entire area of said Town sewer districts served by the IAWWTF, namely all property within the Varna (SS2), Monkey Run (SS4), Turkey Hill (SS5), Peregrine Hollow (SS6) and Royal Road (SS7) sewer districts, and any extensions thereof, and

WHEREAS, the proposed Improvement Project consists of the improvements set forth below, as more particularly shown and described in said plan, report and map presently on file in the Office of the Town Clerk:

The project will consist of installation of a grit removal system, emergency generator replacement, and various improvements at the Ithaca Area Wastewater Treatment Facility located at 525 Third Street in the City of Ithaca, and

WHEREAS, the maximum proposed to be expended for the aforesaid improvements is \$7,190,000 of which the Town of Dryden's share is not to exceed \$142,362, and the proposed method of financing to be employed by said Town of Dryden is as follows: Ithaca Area Wastewater Treatment Facility co-owner City of Ithaca will issue bonds to pay for the City of Ithaca's share of the improvements at the Facility as well as for the Town of Dryden's share of the project cost. The Town of Dryden will not co-issue or be liable on the bonds. The Town of Dryden will reimburse the City of Ithaca for the said Town's share of such project cost. The Town of Dryden's contractual payments to the City of Ithaca will be paid by expenditure of current revenues and surplus funds from sewer rents and charges from the Town of Dryden sewer districts served by the Ithaca Area Wastewater Treatment Facility, and

WHEREAS, the implementation of this project will be through a joint agreement with the City and Town of Ithaca and Town of Dryden,

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Dryden, Tompkins County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, 93 East Main Street, Dryden, in said Town, on the 10th day of January, 2019 at 7:00 o'clock p.m. to consider the aforesaid plan, report and map and the questions of the providing of said Improvement Project, and the question of any related agreement, and to hear all persons interested in the subject thereof, all in accordance with the provisions of Town Law §202-b and applicable provisions of the General Municipal Law and Local Finance Law.

Section 2. The project will consist of installation of a grit removal system, emergency generator replacement, and various improvements at the Ithaca Area Wastewater Treatment Facility located at 525 Third Street in the City of Ithaca, including:

## General Improvements:

Sitework, chemical unloading, vac-truck pad	\$320,000
Concrete Repairs	\$150,000
Influent Building Improvements	\$160,000
Grit System	\$2,160,000
Stair Tower Replacement	\$160,000
<u>Misc (Weirs, scum collectors, gas piping, doors, etc)</u>	<u>\$1,470,000</u>
<b>Subtotal – General Improvements</b>	<b>\$4,420,000</b>

## Electrical Improvements:

Electrical	\$350,000
Emergency Generator Replacement	\$800,000
<u>Instrumentation &amp; Controls</u>	<u>\$110,000</u>
<b>Subtotal – Electrical Improvements</b>	<b>\$1,260,000</b>

## HVAC Improvements:

<u>HVAC</u>	<u>\$310,000</u>
<b>Subtotal – HVAC Improvements</b>	<b>\$310,000</b>

<b>Subtotal - Construction</b>	<b>\$5,990,000</b>
<b>Contingency 10%</b>	<b>\$600,000</b>
<b>Total Construction</b>	<b>\$6,590,000</b>

<b>Engineering, Testing, Legal, Administration</b>	<b>\$600,000</b>
<b>Total Project Cost</b>	<b>\$7,190,000</b>

Section 3. That the area hereby determined to be benefited by said Town of Dryden Grit Removal and Plant Improvements Sewer Improvement at the Ithaca Area Wastewater Treatment Facility is all of that property in the Town that falls within the part of the Town served by the IAWWTF namely the Varna (SS2), Monkey Run (SS4), Turkey Hill (SS5), Peregrine Hollow (SS6) and Royal Road (SS7) sewer districts, and any extensions thereof , and be it

Section 4. That all of the allocable costs of said Improvement shall be borne wholly by property within the Varna (SS2), Monkey Run (SS4), Turkey Hill (SS5), Peregrine Hollow (SS6) and Royal Road (SS7) sewer districts, and any extensions thereof

Section 5. The Town Clerk of the Town of Dryden, Tompkins, County, New York, is hereby authorized and directed to cause a copy of this order to be published once in the official newspaper of the Town, and also to post a copy thereof on the Town signboard maintained by the Clerk, not less than ten (10) nor more than 20 days before the day designated for the hearing as aforesaid.

Section 4. This order shall take effect immediately.

2<sup>nd</sup> Cl Lamb

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

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Bambi L. Avery  
Town Clerk