

**TOWN OF DRYDEN  
TOWN BOARD MEETING  
October 18, 2018**

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

Elected Officials:

Other Town Staff: Ray Burger, Planning Director  
Khandi Sokoni, Town Attorney  
Chrystle Terwilliger, Deputy Town Clerk

Supv Leifer called the meeting to order at 7:08 p.m. Board members and audience recited the Pledge of Allegiance.

Supv Leifer made a motion to approve the meeting minutes for September 13 & 20, 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

**CITIZENS PRIVILEGE**

**Kim Simmons**, 832A Dryden Road, expressed concern regarding the aging infrastructure. Varna does not want Trinitas in their back yards. The construction that is already going on in their area needs to come to fruition before we do anything else. She mentioned a letter she had written in 2015 regarding money being earmarked for the infrastructure in Varna and inquired the status of the project and where the money is. Supv Leifer advised her TG Miller is still working on this and the money was already set aside.

**David Weinstein**, 51 Freese Road, said many of us are mystified that the Town Board would think it's ok to declare a 552-bed development as something our community either wants or needs. They thought they shared a common vision with the Town Board and that's the vision that is expressed in the comprehensive plan. Mr. Weinstein proceeded to read sections of the goals listed in the Varna Comprehensive Plan. He suggested a wealth of other projects would meet the objectives without violating the general goal to preserve the rural and small-town character and quality of life.

**Craig Schutt**, 69 Schutt Road, read into the record an email that was received regarding the Right to Farm Signs, from Lewis County; as it is a good example of what the Ag Committee has been doing and how it is impacting people:

*“Earlier this week, our Ag Round Table discussed how to embrace our farming community and our Cornell Cooperative Extension Executive Director had noticed your lovely signs while traveling through your town. We were wondering if we could get more information on where you sourced the signs and how you picked their locations.*

*Again, thank you very much for your help!*

*Cassandra Buell*

**Senior Planner**

*Lewis County Planning Department”*

On top of this, he was approached at the Heritage Fair at the Southworth House and a woman had asked about the signs. It’s a real plus for both the town and the ag committee to have those signs out there.

**James Skaley**, 940 Dryden Road, said a recently released international report on global warming has summarized over 6,000 studies, which conclude that countries only have about twelve years to implement major reductions of greenhouse gases to keep the planet from warming in excess of 1.5 degrees centigrade. Beyond that limit the report concludes that major environmental damage will occur to the earth’s ecological and physical conditions that may be irreversible.

The Town of Dryden has an outdated 2009 LEED provision, and the 2005 Town Comprehensive Plan makes no mention of energy concerns. The Town has not established a base-line goal to measure greenhouse gases (GHG) nowhere has it indicated a goal for GHG reduction in line with the County goals. Therefore, with developments such as Trinitas, there are no measures by which to judge how much this project would contribute to GHG reduction or how much it would add over the existing level of GHG for the Town.

The recently approved sketch plan letter sent to Trinitas lists a number of contingencies; however, it makes no mention of energy related concerns or how to participate in the County’s reduction goals. I urge the Town to give this serious consideration in any future communications with Trinitas. I also urge that the Town charge the planning board to draft a GHG emissions policy in line with the County’s 80% goals by 2050. Regardless what happens to this project, the Town needs to take action to address GHG emission goals and establish updated codes and design standards to conform with the County’s GHG emission goals.

**Joe Wilson**, Ellis Hollow, said I echo essentially what Jim just said and I hope the town board will charge the planning board to look into the issues that he raised. And then to follow that up with changes in our various codes so that we do indeed start marching in conformity with the county and with some of the plans that have been adopted by the city and town.

**HIGHWAY DEPARTMENT**

Highway Superintendent Rick Young requests resolution to purchase (2) 2019 Chevrolet 2500 pickup trucks to replace the 3 pickup trucks that were previously sold. Discussion ensued regarding prior sale revenue being applied towards the purchase of these 2 new pickups.

**RESOLUTION #143 (2018) - AUTHORIZE THE PURCHASE OF HIGHWAY/DPW EQUIPMENT**

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

**RESOLVED**, that this Town Board hereby authorizes the Highway/DPW Superintendent to use the funds obtained from the prior equipment/vehicle sale and highway equipment funds to purchase two 2019 Chevrolet 2500 pickup trucks.

2<sup>nd</sup> CL Lamb

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

Cl Lamb	Yes
Supv Leifer	Yes

### **GEORGE ROAD BRIDGE**

Supv Leifer advised we received from New York State Department of Transportation the design report for George Road asking for Supv Leifer to sign off on it. They have signatures from B &L and Tompkins County. I have read the approval sheet so there are no non-standard features that have been created or retained. Required environmental determinations have been made and a preferred alternative for this project is ready for final design. It was just emailed today, so if the other board members would like more time to look at it, we can address it at Monday's budget meeting or I can just make the resolution asking for permission to sign this on behalf of the town.

Cl Servoss moved to allow Supv Leifer to sign on behalf of the town.

Cl Green inquired of those who had read it, are there any features of it that we should pay special attention to? So far, this one has been non-controversial.

Supv Leifer stated the biggest issue for George Road is the crossing for the trail. The bridge itself is not even close to the trail crossing.

Cl Servoss -We have had a suggestion that the timber posts be removed and it be one span so that things do not get caught up under the bridge. That is our plan.

Discussion/approval tabled until Monday's meeting. Someone in the audience asked if the plans were available to the public. Cl Servoss advised they are on the website under the page for the documents for our board meetings.

### **ADVISORY BOARD UPDATES**

#### **RECREATION DEPARTMENT**

Monthly report has been submitted. The winter program brochure has been posted on the website. It is not going to be printed to save on costs. The signups have already started for many of the programs.

#### **PLANNING DEPARTMENT**

Monthly update has been submitted.

- A new code enforcement officer has been hired, Steve Cortright.
- ZBA was busy last month. The stone fabrication business at 33 Quarry Road is going to be purchased and converted to the new modular homes manufacturing facility for the Tiny Timbers operation.
- We do have our RFP out there for the housing study, so we will be selecting a contractor for that and will hopefully get the results of that by the end of March 2019.
- ZBA next month will have a couple sub-division frontage variance requests

#### **Trinitas**

- Cl Lavine, regarding the enumerated conditions that Trinitas had to meet, the one extreme position was no renting by the room, in the most recent version we then said the majority. The majority of what? Bedrooms? Units? And why the majority because I don't think that reflects what we said. I think that's a serious issue and certainly is a potential deal breaker for Trinitas.
- R. Burger, the resolution that was passed that night was what went into the letter to Trinitas. The additional two items that I sent, 3 recordings later, was an attempt to

clarify some of the other discussion items that night. Those items didn't make it into the formal resolution that was passed by the Town Board.

- Cl Lavine, I thought it was included in what I was voting for. We still need to define what majority is.
- R. Burger, does not have the resolution in front of him but he thinks we were dealing in dwelling units.
- Cl Lavine, I think we're not being clear about it and it's very important. I think it's something we need to discuss, unless we think there is no risk in letting it ride until after they've submitted the site plan.
- Supv Leifer, they're not approved.
- Cl Lavine, I understand, but I do want to make clear to Varna that one of the stipulations is that it must fit the Varna Plan. All the arguments about the Varna Plan are still on the table.
- Cl Green, am I correct that we don't know yet how many units they will propose based on the restrictions that we have placed on them?
- R. Burger, they could come back and dramatically reduce the number of units.
- Cl Green, so taking any more action to define the majority of units, would depend on knowing how many units they are going to come back and propose.
- Cl Green, this language clarification that you sent to Trinitas says "the majority of units should be leased per unit, not per room. Until we know the number units would you like to raise that number to a higher number?"
- Cl Lavine, we said to them, here are some boundaries and certainly some of them are very subject to interpretation of whether it conforms to the Varna Plan and others are numerical. If that is really what we said, then I don't know that we have a basis for changing it.
- R. Burger, we had an official action that night, which was the written resolution, that's what got translated into the letter. The follow up was to try and give them more clarification on the other discussion that they heard that night. There is discussion on the record from the Town Board, but in fact, all of that did not make it into the written resolution. So, we have two stages of enforceability.
- Cl Lavine, Does the timing of that matter? Is there legalism here that I am not party to about when we can tell them what further clarification we have on that discussion? Is there a basis for doing that now vs. later when they submit a site plan?
- R. Burger, well just reading our statute, there is a 10-day time clock from the Town Board meeting in which they get our letter with the conditions. That has well expired. They still have obligations to be responsive to all that they have heard through this process.
- Cl Lamb, when do we expect to hear back from them?
- R. Burger, I would have thought we would have a proposal back already. They've asked for a call with their architect tomorrow morning so I'll get some feedback then.
- Cl Lamb, they don't have any misunderstanding about what our letter and amendments mean, correct?
- R. Burger, they have not asked for any clarification.

#### **CO-LOCATION OF ANTENNAS AT 1397 DRYDEN ROAD**

The tower above NYSEG has 3 antennas on it, they are going to replace/upgrade those and add 3 more so it requires a SUP amendment. There is a 5-year cycle to recertify these towers, so we are going to wrap that in, since we have an action before the board already. This is being introduced tonight for the purpose of setting a hearing for November 15<sup>th</sup> at 7:05 p.m. The Sprint representative will be here and available for questions. We will have the engineer's report, I will put that up on the web along with the application.

**COUNTY BRIEFING**

Martha Robertson, County Legislator

- They passed a tentative budget to go to public hearing on October 30<sup>th</sup>. They would like to encourage our board to come to their meetings. Cl Green and Cl Lavine stated they would attend.
- Would also like to encourage the board to attend Tompkins County Council of Government (“TCCOG”). Cl Green and Cl Lavine stated they would alternate attending the TCCOG meetings.
- Included in the county budget the planning and sustainability department has \$45,000 set aside for municipal grants, up to \$5,000 for any one municipality, they are developing the details that will come out in the next month or so. Towns can apply for the grant for anything related to affordable housing development or infrastructure development.
- Also voted a similar small grant program for parks and trails. This is a one-time program for a grant of up to \$5,000. The guidelines will be coming out.
- I’ve talked before about studies we have done on heat pumps in residential development. Taitem Engineering completed a study showing that air source heat pumps, especially for town homes, save money on energy for the life cycle of the building, they are essentially the same cost (on average) to install as gas furnaces.
- We would urge that Trinitas be required to do heat pumps. She emailed Evan Bryant of Trinitas regarding the rental market softening and the ownership market being increasingly tight. She sent him a link to the County’s housing strategy and full needs assessment, which showed that our target for rental housing is 200 units per year and ownership housing we need is 380 new units per year.

**Martha Robertson**, as a member of the public. Varna is a community willing to have housing development, affordable rentals, or affordable ownership; that’s not what they are getting. We are desperate to find places in the county where anybody is willing to have new housing put up. I have to believe there is a way to talk to this developer and get what we need and not what they want. Cl Green asked if E. Bryant had provided Trinitas’ market studies? M. Robertson- E. Bryant was to get back to her to schedule a time to meet and go over their study. She has never heard back. Cl Lamb stated Trinitas has not really shown us an eagerness for flexibility and one of the things we are trying to test with them right now is if they can be moved. M. Robertson stated if Trinitas goes away we can find someone else to develop.

Michael Lane, County Legislator

- Advised the old library downtown is being demolished. This was sold well over a year ago with no strings attached to the sale, having to do with this issue of asbestos removal that has come up. They’ve been getting some feedback on this saying the county should do something about this because it used to be a county building. Unfortunately, it used to be a county building, it isn’t a county building at this point.
- Martha mentioned the budget, and we are pleased that we have gotten through our budget. We set a goal for the Legislature back in April to keep the tax levy from going above 2.2%, which is lower than our estimated tax cap at that time. Our sales tax figures are looking better and we were able to use some of that money to help defray the cost of next year’s budget. This along with new assessment for “new lumber” has allowed us to propose a tentative budget that increases the tax levy by 1.54%. That reduces the tax rate. The public hearing will be on October 30<sup>th</sup>.
- The parks grant is a \$50,000 program. There are sixteen municipalities outside the City that would be eligible. That’s not enough for \$5,000 for each of them. If you have

something, the money won't become available until 2019, but get ready to get your application in. It's not likely to repeat itself next year.

- Governor Cuomo came to town this week and broke ground for the expansion of the airport terminal. We will be seeing a larger baggage area, a customs house, amenity improvements, and eventually 4 new gates and a larger passenger loading area. This complements the announcement that we now have direct flights to Dulles International Airport. Once we get our customs facility in place, we will become the Ithaca-Tompkins International Airport.
- TC3 monthly Board of Trustees gave a presentation tonight on food insecurity among students and what they are doing to address that with a food pantry at TC3 that has been expanded. They are now associated with the Food Bank of the Southern Tier. Given this and the food pantries that are around the town, we are doing a lot to address food insecurity in our town.

## ADVISORY BOARD UPDATES

**Planning Board** - Supv Leifer mentioned the following: -

- Marty Moseley resigned and the Planning Board recommended appointing John Keifer as the chair. We do have an organizational meeting in January, and will take up the recommendation to vote on a chair for the Planning Board.
- Mineah Road concerns were discussed. Tiny Timbers are in the storm water review process for the Varna project. They have sold 3 lots so far.

**Conservation Board** - Cl Lamb – We requested the Conservation Board do a wind energy electrical conversion law. They have been following up on this and have drafted some guidance for us. This will be reviewed now by the Planning Board at their next meeting. This came about because we were hearing about problems of siting a wind tower in the Village of Freeville, and the Village was looking at our current wind law as a reason not to extend the height of wind towers in Freeville. I'm grateful to P. Davies and all the members of the Conservation Board who were looking at this and making sure that when towers are sited that they are given enough space. We are looking at at least 2 acres on a lot for the wind tower, issues like the slope of the land where it's going to be installed, setbacks, and overall height for these 25-kW or less wind towers. I think this will put us up-to-date on the issue and maybe get more of that source of alternative energy going in the town. Audience member inquired about separate guidance for the commercial turbines and if there is any plan to undo the ban on commercial scale ones? CL Lamb stated we would have to take that up separately.

**Recreation & Youth Commission** Cl Servoss – The programming started last week. They have been successful in recruiting youth outside of the mobile home parks. There is an event on December 1<sup>st</sup>, it's pretty much Village wide.

- Tree lighting ceremony will be at 5:30 pm at the Village green.
- The Historical Society is having a holiday workshop from 10am – 1pm
- Story time at the library
- Santa fun run starting at 2pm at Montgomery Park. It will use the new rail trail from Montgomery Park to George Road
- After the tree lighting ceremony, Santa arrives
- There will be cupcakes, cakes and hot chocolate at Arnold's Florist
- Christmas cookies, coffee, and hot chocolate at the Community Center Café

Since all the other boards are looking at possibly updating the comprehensive plan, I suggested that DRYC look at the recreation portion of it.

We talked about possibly bringing back the community grants program.

They are willing to help plan the Dryden Lake Festival in 2019.

**Agricultural Advisory Committee** - Supv Leifer, back in September they completed their draft by-laws and submitted them for Town Board approval.

**RESOLUTION # 144 (2018) – APPROVE THE BY-LAWS OF THE AGRICULTURAL ADVISORY COMMITTEE**

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

**RESOLVED**, that this Town Board hereby approves the By-Laws of the Agricultural Advisory Committee.

2<sup>nd</sup> Cl Lamb

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

Discussion ensued with E. Carpenter, Chair of the Ag Advisory Committee, regarding the new right to farm signs that have been installed and the plans for the remaining signs to be ordered and installed as allowed by DPW budget.

**Rail Trail Task Force** – Cl Green – All the benches are installed from the AARP grant that we received. One kiosk is up and two more are in the works. The installation of these has raised the issue of whether people can do memorial donations or make donations to the trail. The Rail Trail Task Force has decided that this is a reasonable fundraising opportunity for the trail. I have drafted a resolution which essentially adopts a gift policy. We wanted to have a uniform way of explaining to people what their options are if they would like to donate to the trail.

To summarize, there are two opportunities for people to give gifts to the trail. One is benches and the other is kiosks. In the draft, the bench naming opportunity was listed at \$750. We are working with potential donors now and the question arose, who pays for the plaque that goes on the bench. After consulting back with the task force, the recommendation now is to raise the bench naming opportunity from \$750 per bench to \$800 per bench and the Town will supply the plaques. In that way the memorial plaques will be uniform.

The second naming opportunity is for a kiosk that will be located at various trailheads along the trail and that includes a plaque on the kiosks. They are larger structures and kiosks naming opportunities would cost a donor \$10,000. We want to make sure that the public understands that the Dryden Rail Trail really is an extension and includes the Jim Schug Trail. Attorney Sokoni advised she will need to look into the laws regarding a commercial enterprise “donating” a plaque. The State Comptroller has restrictions regarding municipalities and the endorsement of commercial enterprises.

Cl Green, inquired if it would be acceptable to specify no commercial naming. She would like clarification as there have been several local businesses who have made donations to various aspects of the trail.

Attorney Sokoni, The Comptroller has written opinions on this so I can look and see. If the Board is comfortable with the fact that you get to scrutinize the writing, you could say no to a

commercial enterprise. She recommends that they plug in an inclusion that the Town reserves the right to decline any signage that appears to endorse a commercial enterprise.

Cl Servoss inquired to the cost of the bench. Cl Green advised the cost of the bench and plaque is approximately 1/2 of the \$800 and the rest of the money will be used to pay for the maintenance of the benches over the years.

Cl Lamb, just to clarify, the benches were purchased with money from AARP.  
Cl Green, our first round of 7 benches is fully paid for by the AARP grant.

**RESOLUTION #145 (2018) – APPROVE THE DRYDEN  
RAIL TRAIL TASK FORCE GIFT POLICY**

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

**WHEREAS**, the Dryden Rail Trail Task Force (RTTF) has advanced the Dryden Rail Trail Project (Trail) to the point where benches and kiosks are being installed along newly-opened sections of the Trail, and

**WHEREAS**, there are potential donors interested in supporting development of the Trail and in naming opportunities for benches and kiosks along the Trail, and

**WHEREAS**, a Rail Trail Gift Policy is needed to create a transparent and uniform process for donors to use when considering a gift for development of the Trail, and

**WHEREAS**, the Town needs a Rail Trail Gift Policy to encourage gifts for development of the Trail and to ensure that benches and kiosks installed along the Trail are done in a carefully planned and consistent manner, and

**WHEREAS**, the RTTF created a Rail Trail Gift Policy which establishes a process for defining, receiving and implementing gifts for naming opportunities for benches and kiosks along the Trail, and

**WHEREAS**, the Trail as referred to in the Gift Policy includes the Jim Schug trail section.

**WHEREAS**, the RTTF approved the Rail Trail Gift Policy at its October 15, 2018 meeting,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board approves the Rail Trail Gift Policy and authorizes the RTTF to implement the policy immediately.

2nd Supv Leifer

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

Cl Lamb, thanked John Kiefer for all his work on this.

**RESOLUTION #146 (2018) – APPOINT JOHN KIEFER AS  
PLANNING BOARD CHAIR**

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

**RESOLVED**, that this Town Board hereby appoints John Kiefer as Planning Board chair for the remainder of the 2018 term.  
2<sup>nd</sup> Cl Green

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

**Water Service Agreement for 802 Dryden Road**

R. Burger said this is the project where the 42 town homes are going in. They are connecting to the water main. Under the town’s agreement with DOT, we have this water service agreement to cover the developer installing and connecting the water line and then turning over that infrastructure to the Town of Dryden.

K. Sokoni, DOT is not in favor of these kind of installations being held by private entities. This is something where the permit was long approved and the developer has gone to get a work permit from DOT. This agreement allows the developer to do the installation at their own expense and once it all done they will turn it over to the town to be part of the town’s infrastructure. K. Sokoni worked very closely with TG Miller, they helped me to understand that this is the arrangement that DOT prefers. We have a tentative agreement drafted, it has not yet been shared with the developer but has all the key provisions that were recommended. The final agreement will have to meet the approval of the town attorney and the town engineers. At the point we are ready to accept the installation, we will need to have a new resolution, as it will come with an easement to the town.

**RESOLUTION NO. 147 (2018) OF THE TOWN OF DRYDEN –  
WATER SERVICE AGREEMENT AT 802 DRYDEN ROAD**

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

**WHEREAS**, the Town owns and controls all facilities that operate the water supply system serving users within the Town; and

**WHEREAS**, NYSDOT owns and operates the highway known as NYS Route 366 (Dryden Road) that runs through the Town (“NYSDOT ROW”); and

**WHEREAS**, it is NYSDOT policy to discourage the installation and maintenance of privately-owned infrastructure in the NYSDOT ROW, favoring the ownership of such infrastructure only by public agencies and subdivisions of the State; and

**WHEREAS**, the Town deems it to be in the interest of the public safety and welfare to, in accordance with NYSDOT policy, control water infrastructure in the NYSDOT ROW for the benefit of its residents; and

**WHEREAS**, the Town Planning Board on November 15, 2017 approved a Site Plan for the planned construction of a residential multi-family complex at 802 Dryden Road (“Project”) by Developer’s predecessor in title, Modern Living Rentals, LLC, which planned Project has since been acquired by Cornell TH, LLC (“Developer”); and

**WHEREAS**, Developer wishes to connect to the water supply system in the Town for purposes of providing water access to its townhouse development located at 802-812 Dryden Road, which connection requires passing piping and related infrastructure in the NYSDOT ROW; and

**WHEREAS**, the Developer is willing to construct the required water connection infrastructure in the NYSDOT ROW and bear the cost for such construction, after which Developer shall convey all interest in said infrastructure over to the Town; and

**WHEREAS**, on October 5, 2018, NYSDOT issued a Highway Work Permit Number 20180372956 to the Developer authorizing the work; and

**WHEREAS**, the Town and the Developer wish to enter into an agreement for the provision of such water service by the Town to the Developer, whereby Developer shall be responsible for installing the required infrastructure and then convey the same to the Town which shall own the same as a public utility,

**NOW THEREFORE BE IT RESOLVED** , that the Town Board approves the execution of such an agreement between the Developer and the Town to be signed by Town Supervisor, Jason Leifer, which agreement shall be in a form that meets approval of the Town Attorney and Town Engineer.

2<sup>nd</sup> Cl Lamb

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

**PUBLIC HEARING  
SPECIAL USE PERMIT 1610 DRYDEN ROAD  
PROFESSIONAL OFFICE (VET CLINIC)**

R. Burger, you have a new site plan that was just submitted today doing some of the shifts that we had talked about in the conditions that were drafted. David Bravo-Cullen advised he has spoken with the DOT and they wanted to remove the exit we had, which is where the current entrance/exit is. They prefer only one access point. They prefer the entrance across from New Vine, as it has the most visibility in both directions. I also added some information that R. Burger requested. R. Burger, the previous revised site plan was submitted to DOT, but they are still within their 30-day timeline and we were not able to get a response by today. They will have it by the end of the month, so we can conduct the public hearing today, but the action would need to delay until after the receipt of that 239 Review. Supv Leifer, we can take public comment and keep it open. Curtiss Dewey, DVM asked if any members of the board had any questions he could answer for them.

- Cl Green asked if he was familiar with the 239 Review, and if you are recommending anything in the project that conforms with the recommendations for reducing energy emissions from this building.
- C. Dewey stated he had not gotten into that and does not know 239 very well. I was focused on the site at this point. With winter approaching I was more concerned with external site. We are going to get into it, it just hasn't happened yet. Supv Leifer asked for any public comments.
- M. Robertson inquired about heat pumps vs. oil/propane. The county asks that the proposer show evidence that they have considered renewable energy. Heat Smart Tompkins is a great resource to use.

Cl Lamb, the Heat Smart Tompkins group is presenting next week in Varna at 6:30 pm at the Varna Community Center.

Supv Leifer, without the 239 Letter we cannot do a resolution.

R. Burger, correct, this is just a public hearing at this point. Suggested a motion be made that the hearing is still open to be re-convened at the November 15<sup>th</sup> town board meeting.

**RESOLUTION #148 (2018) – LEAVING PUBLIC HEARING OPEN FOR 1610 DRYDEN ROAD**

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

**RESOLVED**, that the public hearing will be continued for 1610 Dryden Road at the November 15<sup>th</sup> town board meeting at 7:20 pm.  
2<sup>nd</sup> Cl Green

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

**Safety & Disaster Preparedness Committee** – Dominion’s Title 5 permit renewal application for their facility on Ellis Hollow Creek Road will be treated as a new application by DEC. Letters have been sent to Dominion and to DEC expressing concern about the emission from this station. Katie went to the DEC Syracuse office today to get a copy of the application and supplemental material. She spoke to the air quality engineer, Andrew L., last week, who had received the letter and forwarded it to a supervisor, Reggie Parker, and she met with him in person today. Both Reggie and Andrew would like to have a conference call with Supv Leifer regarding the application. Katie would like to set up a conference call between Supv Leifer, Andrew, Reggie, Katie, and possibly Stu Berg to discuss the application. The Safety Committee would come up with a list of talking points at our next meeting on October 22<sup>nd</sup>. Andrew L. is very familiar with the station and the old equipment. He indicated that if the nitrous oxide emissions fall below 25 parts per million, the application would likely be approved. Please note, the emissions are only calculated and no measurements are made.

Perhaps this has opened a small window of opportunity to encourage the DEC to put pressure on Dominion to do the upgrade. If they were to do the upgrades:

- DEC would have a stronger permit application
- Dominion would save money as there would be reduced maintenance issues than with the older units
- Dominion would gain respect from the community
- Community would benefit from lower emissions and would be offered the same level of protection as the other compressor stations along the pipeline.

Once the draft application is made public, there will be a 1-month public comment period, which is expected to occur the end of this year. It is prudent to voice to the DEC the community’s concern about the equipment and the need to install oxidation catalysts and the two aging turbines.

They are encouraging each member of the Town Board, community members, Ellis Hollow Community Association president, elected officials and local activist groups to submit responses.

Katie also learned that DEC can submit a permit modification application at any time, but pressure to do so must come from the community and not the DEC.

Information will be emailed to Supv Leifer with contact information to set up a conference call on Monday.

### **New Business**

**Clean Energy** – Cl Green said Cornell Cooperative Extension is helping to administer a NYSERDA program which offers grants to communities that meet certain high-impact action items. Can get designated as clean energy community. I met with Terrance Carroll who is the clean energy community coordinator. He is ready to work with us towards this designation for our town. Through this program, communities can earn funding up to \$5,000 for energy conservation projects. The program is designed to saved tax payer dollars on utility costs. I have spoken to our Highway/DPW department and Planning and it looks like we are very close to qualifying already for a few of the high-impact action areas that are recommended through this grant. Examples of high-impact action items:

- Benchmarking of energy consumption in municipal buildings
- Adapt the unified solar permit. It's very similar to what we already use here, with a little more paperwork.
- Code Enforcement officers have already attended the necessary training for this
- LED street lights
- Electronic vehicle charging stations
- Participating in the local solarized campaign
- There may be several other places where we already qualify.

Cl Green asked that we pursue this grant. She has talked to the bookkeeper regarding the requirements for the benchmarking, that involves taking the utility bills each month and entering them into a special spreadsheet that the calculates energy use of our municipal buildings, which would be this building and the DPW building. She would suggest that we start doing this after the transition to the new bookkeeping department is completed, which would mean not starting until January 15, 2019 with the benchmarking.

### **RESOLUTION #149 (2018) ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

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

**WHEREAS**, buildings are the single largest users of energy in the State of New York, the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Dryden will be able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Town of Dryden desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Dryden and

**WHEREAS**, the Dryden Town Board desires to establish a procedure or guideline for Town staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted;

### **BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

#### **§1. DEFINITIONS**

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Dryden that is 1,000 square feet or larger in size.

(5) “Department” shall mean Bookkeeping Department.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

#### **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

**§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than January 15, 2019, and no later than January 15 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

**§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than May 15, 2019 and by May 15 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

**§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

**§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Dryden Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

**§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

**§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

2<sup>nd</sup> Supv Leifer

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

**RESOLUTION #150 (2018) ADOPT THE NEW YORK STATE SOLAR PERMIT PROCESS**

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

**WHEREAS**, the New York State Energy Research and Development Authority (“NYSERDA”), together with the New York Power Authority (“NYPA”) and City University of New York (“CUNY”), developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes;

**WHEREAS**, the Town of Dryden wants to promote the streamlining of the application process for small-scale photovoltaic system installations by adopting the New York State Unified Solar Permit application form and implementing the new procedures;

**NOW THEREFORE, BE IT RESOLVED**, that the Town of Dryden adopts the New York State Unified Solar Permit and the document titled "Understanding Solar PV Permitting and Inspecting in New York State;" and

**RESOLVED**, that the Town of Dryden Code Enforcement Officer is hereby directed to use the New York State Unified Solar Permit application form and procedures in issuance of building permits for the installation of small-scale solar photovoltaic systems; and

**RESOLVED**, that the fee for solar installations is set by resolution of the Dryden Town Board.  
2<sup>nd</sup> Supv Leifer

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

**RESOLUTION #151 (2018) - TO PURSUE CLEAN ENERGY COMMUNITY DESIGNATION FOR THE TOWN OF DRYDEN**

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

**WHEREAS**, the New York State Clean Energy Community’s Program allows communities to earn funding for energy conservation projects, save taxpayer dollars on utilities costs, and educate residents about assistance programs, and promote growth of local businesses, and

**WHEREAS** the Town of Dryden is already close to meeting the requirements for four High Impact Action Items (HIAC's) for a Clean Energy Community Grant of \$5,000 (with no local match required) that can be used for clean energy projects in the Town, and

**WHEREAS**, this grant can be used to complete additional HIAC's, such as:

- Installation of an electric vehicle charging station
- Interior lighting audits and light bulb or street light change-outs
- HVAC building upgrades, or
- Other optimal uses determined in conjunction with building managers and the CEC coordinator,

**NOW THEREFORE BE IT RESOLVED**, that the Town of Dryden will work with the Clean Energies Community Coordinator at Cornell Cooperative Extension of Tompkins County to

- 1) Gather documentation that will help with understanding municipal building energy use
- 2) Create a plan of Action to complete at least 4 of 10 HIAC's.
- 3) Work with the CEC coordinator to submit proof of completion to NYSERDA

2<sup>nd</sup> Supv Leifer

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

Supv Leifer called an executive session at 9:00 pm to discuss employment of an employee, status of contract negotiations with the union, and advice of counsel on a trail easement.

**AMENDMENT TO RESOLUTION #136 (2018) – STIPEND TO PAYROLL CLERK**

Supv Leifer offered the following amendment to Resolution #136 (2018) and asked for its adoption:

**RESOLVED**, that this Town Board hereby amends Resolution #136 (2018) to read as follows:

**Whereas**, from approximately 6/25/18 to 7/19/18 the bookkeeper/HR person was out of work due to a medical condition.

**Whereas**, the payroll clerk and supervisor's secretary stepped up and handled additional duties and performed them in a seamless fashion; and

**Whereas**, neither of these positions are 40-hour positions, so no comp time accrues for them.

Be it therefore resolved that in appreciation, this Town Board approves a stipend in the amount of \$500.00 to the payroll clerk.

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

Cl Lamb            Yes  
 Supv Leifer      Yes

**RESOLUTION #152 (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 for the sale of a truck to the Village of Freeville:

From	To	
DA-2665 Sales- Equipment	DA-5130.2 Equipment	\$18,000

2<sup>nd</sup> Cl Lamb

Roll Call Vote	Cl Lavine	Absent
	Cl Greene	Yes
	Cl Servoss	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**RESOLUTION #153 (2018) – APPROVE VOUCHERS OUTSIDE OF ABSTRACT #10**

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

**RESOLVED**, that this Town Board hereby approves payment to S.C.L.I.W.C. in the amount of \$40.00, and further approves payment to the Greater Tompkins County Municipal Health Insurance Consortium in the amount of \$63,376.73.

2<sup>nd</sup> Supv Leifer

Roll Call Vote	Cl Lavine	Absent
	Cl Greene	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 9:43 p.m.

Respectfully submitted,

Chrystle Terwilliger  
 Deputy Town Clerk