

**TOWN OF DRYDEN
TOWN BOARD MEETING
December 13, 2012**

Present: Supervisor Mary Ann Sumner, Cl Stephen Stelick, Cl Joseph Solomon, Cl Jason Leifer, Cl Linda Lavine

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Dan Kwasnowski, Director of Planning
Jennifer Case, Bookkeeper
Mahlon Perkins, Town Attorney

Supv Sumner opened the meeting at meeting at 7:08 p.m.

Budget modifications are needed in several areas: To cover shortages in the retirement fund in highway and DPW; to cover the increased cost of equipment in a sewer district; \$5,000 from the Virgil Creek stabilization project to the Virgil Creek dam (for inspections); \$38,000 to cover the cost of two large culverts; \$15,000 from snow removal to DA5140 for brush cutting and prep for the culvert replacement; \$1,000 from emergency planning to the Varna plan for additional Behan expense; \$1,000 from road improvement personnel to road improvement overtime; \$15,000 from contingency for the Finger Lakes Land Trust; Planning Dept admin contractual to K Ezell contractual for mileage; DPW \$10,000 from contractual to equipment for purchase of a generator this year instead of next year; \$40,000 for Cortland Road Sewer District for work on pump house.

RESOLUTION #179 (2012) – APPROVE BUDGET MODIFICATIONS

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

RESOLVED, that this Town Board hereby authorizes the following budget modifications:

From Acct	To Acct	Amount
DB5112.1	DB5112.110	\$ 1,000.00
B8020.405	B8020.402	1,000.00
B3620.404	B3620.403	1,000.00
A1990.4	A7110.412	15,000.00
DA4152.4	DA5120.1	38,000.00
DA5142.4	DA5140.1	15,000.00
DA5142.4	DA9010.8	8,000.00
DB5110.4	DB9010.8	8,000.00
SS3-8110.4	SS3-8130.2	600.00
A8745.401	A8745.403	5,000.00
A1490.4	A1490.2	10,000.00
SS3-8120.2	SS3-8130.4	40,000.00

2nd Cl Leifer

Roll Call Vote	Cl Stelick	Yes
	Cl Solomon	Yes

Supv Sumner Yes
Cl Leifer Yes

With respect to the Abstract and approval of vouchers, Cl Stelick said he would like department heads to consider local businesses when making purchases. Often they can offer a competitive price.

RESOLUTION #180 (2012) APPROVE ABSTRACT #11

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

RESOLVED, that this Town Board hereby approves Abstract #11, as audited, vouchers #1070 through #1166, totaling \$605,523.07.

2nd Cl Stelick

Roll Call Vote Cl Stelick Yes
 Cl Solomon Yes
 Supv Sumner Yes
 Cl Leifer Yes

Planning Dept fee schedule – Cl Leifer and Cl Stelick have reviewed a new proposed fee schedule with D Kwasnowski. It is more straight forward. Building permit fees will be a small basic fee with an additional charge per square foot. D Kwasnowski said he will put it in a more final form with backup information for review by the board and can have it ready by next week. The goal is to more accurately reflect the cost to the town. Variance fees will be based on the type of variance. Atty Perkins will review and advise as to the necessary steps for adoption.

Cl Lavine arrived at 7:25 p.m.

Dan Senecal, of Armor Tower, said he has been advised by the Highway Superintendent that a fence should not be placed around the tower on Beam Hill Road. Supv Sumner said Jack Bush believes the fence will interfere with his access and the turnaround for the plow. D Senecal said the tower can be secured by removing the climbing pegs. The permit for the tower was issued to Clarity Connect, and the board advised D Senecal that Clarity will need to ask for a modification to their special use permit.

Supv Sumner said the Planning Department is responsible for getting a final report from Clarity Connect. D Kwasnowski said Clarity must show that service is available to 90% of households that don't otherwise receive broadband access. That is part of the definition of the project being complete. Supv Sumner said they will have to look at that in connection with the fee waiver.

Road Use Local Law – Atty Perkins reviewed the proposed local law with the board. He said the three terms that are the most critical are baseline traffic, concentrated traffic (related to construction activity) which is not baseline and exceeds normal levels, and construction activity.

Construction activity is land disturbance or improvement of a parcel (whether in or out of the town). Evidence of construction activity is that the activity requires a permit or approval. It does not apply to logging or farming.

The Program Manual and Technical Manuals were developed by Delta Engineers. These are the standards.

The local law is applicable to construction activity as defined that will result in concentrated traffic. Current businesses are part of the baseline.

An applicant who proposes to use town highways for construction activity must submit a haul route application. That applies whether the activity is in town or whether they will direct, allow, or induce concentrated traffic. They submit a project traffic worksheet that is reviewed by the highway superintendent. If he determines it is not concentrated traffic, the local law does not apply. If it is concentrated traffic, the applicant can modify the haul route to not use town highways, or apply for a permit under Section 6. If proceeding for a permit, he then files a haul route declaration. The engineer will examine the route and determine whether any upgrades are necessary. If so, the upgrades are paid for by the applicant. The applicant will not then be responsible for any further damage unless he exceeds the parameters of his application. If testing must be done to determine whether the highway is suitable for concentrated traffic, it is done in accordance with the program manual and technical manual. The engineer will come up with an estimate of repairs, and the applicant will pay for it and post security for performance. The security is important to insure that necessary repair or upgrades are done. The applicant may make repairs if qualified to do so. There is an appeal process in the event the applicant disagrees with any of the determinations or findings of the engineer or the Highway Superintendent.

For implementation, one of the things the local law proposes is a sample road use agreement, which is really the heart of the local law. The applicant pays the town's engineering expenses and deposits money with the town to cover those. The amounts are determined by a resolution of the town board. If there are upgrades to the program manual or the technical manual, the local law must be amended to refer to the latest version the town intends to use for enforcement. Fees for application must be set by the Town Board. The town board may grant exemptions provided that it makes a finding that the roads to be used will be adequately protected and repaired.

A violation of the local law is an unclassified misdemeanor with a fine of up to \$5,000 for each violation (per week). A second conviction is \$5,000 to \$10,000, and a third conviction is \$10,000 to \$25,000 per violation. The amount of fines set are those recommended by the Whiteman firm. The board discussed whether the amounts are large enough to encourage compliance.

Joe Wilson said he has briefly reviewed the proposed local law and has some comments that he will provide in writing to the board.

Supv Sumner would like to do some public outreach prior to a public hearing on this local law, and send information to RMS, NYSEG, the quarries, Mix Brothers and other stakeholders. D Kwasnowski will prepare a list of people and/or companies that should receive advance notice. It will be introduced in January or February.

The board discussed whether to move ahead with the Solar Liberty lease. Atty Perkins and D Kwasnowski feel we are close to agreement, and the board directed them to move forward.

Atty Perkins said if the board is prepared to move forward with the fire protection agreements, the Supervisor will need to be authorized to sign them next week.

Supv Sumner and Atty Perkins will be working a new agreement with Cornell with respect to taxes and out of district user agreements.

Applications for board appointments have been distributed for board review. Some of those may also be considered for alternates on some of the boards.

D Kwasnowski said the town has received a Development Focus Areas Matching Fund grant for the NYSEG area. This is a matching grant for \$2,500. They will gather GIS information and map water and sewer infrastructure so the area can be analyzed. The contract contains several errors that need to be corrected and D Kwasnowski will get those corrected before it is signed by the Supervisor.

**RESOLUTION #181 (2012) – AUTHORIZE SUPERVISOR TO SIGN
CONTRACT FOR GRANT**

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

RESOLVED, that this Town Board hereby authorizes the Town Supervisor to execute a contract with Tompkins County for the Development Focus Areas Matching Grant fund.
2nd Cl Solomon

Roll Call Vote	Cl Stelick	Yes
	Cl Solomon	Yes
	Supv Sumner	Yes
	Cl Leifer	Yes
	Cl Lavine	Yes

The Organizational Meeting will be held January 3, 2013 at 6:00 p.m. Town Board meeting will be held the second and third Thursdays at 7:00 p.m. in 2013.

Cl Leifer distributed information from Alternatives Federal Credit Union about the matched savings programs for small businesses. There are a few people interested in the program. The board can discuss this next week.

The Planning Department is looking at software programs as recommended in the Business Process Analysis. D Kwasnowski and B Avery will be speaking with Greg Potter (Tompkins County IT) tomorrow. The hope is to acquire software that will allow us to share information with other municipalities.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk