

**TOWN OF DRYDEN
TOWN BOARD MEETING
Via ZOOM
July 16, 2020**

Present: Supervisor Jason Leifer, Cl Daniel Lamb, Cl James Skaley,
Cl Kathrin Servoss, Cl Loren Sparling,

Elected Officials: Bambi L. Avery, Town Clerk

Other Town Staff: Ray Burger, Planning Director
Khandi Sokoni, Town Attorney
Andrew Pierce, Recreation Dept.

Supv Leifer called the meeting to order at 6:05 p.m.

TOWN CLERK

Minor changes were suggested and accepted by board members.

RESOLUTION #92 (2020) – APPROVE MINUTES

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

RESOLVED, that this Town Board hereby approves the meeting minutes of June 11 and June 18, 2020.
2nd Cl Lamb

Roll Call Vote	Cl Sparling	Yes
	Cl Servoss	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**PUBLIC HEARING
CONTRACTOR YARD
1847 HANSHAW ROAD**

Supv Leifer opened the public hearing at 6:08 p.m. Ray Burger explained this is an application for a contractor yard on Hanshaw Road near the Route 13 intersection. It is in a rural residential zone across from where 89 Lumber is on Hanshaw Road. This is a special use permit before the Town Board, so site plan review takes place tonight. Applicant Terance Bailey is present in this virtual meeting. County 239 review contains no comments or recommendations on this plan. It is a Type 2 action for purposes of SEQR, so there is no environmental review. Application materials and a draft resolution are on the website.

T Bailey said this is straight forward and will result in him being able to store his tools and materials indoors instead of outside. Though his business is officially located in Trumansburg, he does a good deal of business on this side of the lake.

There was no public comment. Sketch plan and other application documents have been reviewed by the board. R Burger reviewed the proposed resolution of approval with the

board and suggested adding a condition requiring that a 20' existing vegetative buffer between the site and the neighboring property be maintained. Tompkins County energy recommendations were considered by the applicant and contained in the package.

There were no further questions or comments and the public hearing was closed at 6:20 p.m.

RESOLUTION #93 (2020) - Approving Site Plan and Granting Special Use Permit for a Contractor Yard at 1847 Hanshaw Road, Tax Parcel 42.-1-29

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

WHEREAS,

- A. Terance Bailey has applied for a Special Use Permit (SUP) to locate a contractor yard at 1847 Hanshaw Road, Tax Parcel 42.-1-29; and
- B. An application, SUP worksheet, elevations, notice of ground disturbance and sketch plan have been submitted, and
- C. The Town Planning Department considers the application complete and in conformance with the requirements of Town Zoning Law §501, §600, §1103 and §1201, and
- D. A public hearing was held on July 16, 2020 with public comments registered in the meeting minutes and considered by this board, and
- E. The Tompkins County Planning Department has reviewed the application pursuant §239 -l, -m, and -n of the New York State General Municipal Law, and
- F. In a letter dated July 8, 2020, the Tompkins County Planning Department determined that the proposal has no negative inter-community, or county-wide impacts, and
- G. The Stormwater Management Officer reviewed the proposal and concluded that only a 'Simple' Stormwater Pollution Prevention Plan (SWPPP), consisting of erosion and sediment control practices, and prepared by the Stormwater Management Officer, is required, and
- H. 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 July 16, 2020, determined that this proposal is exempt from review since it is a Type II action under 6 CRR-NY 617.5 (c) (9), 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 March 16, 2020 as site plan for 1847 Hanshaw Road, conditioned on the following prior to issuance of a Certificate of Occupancy:
 - a. Exterior lighting will be night-sky compliant.
 - b. Building finish will be neutral colors.
 - c. Outside storage will be limited.
 - d. 20ft natural vegetative buffer on the western property line will remain undisturbed.

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 Contractor Yards are a permitted use in this zone and this parcel is located near the Hanshaw Road/ Route 13 intersection near other commercial businesses;
- b. The proposed use is compatible with adjoining properties and with the natural and manmade environment, as this proposal is for a single building located 350 feet from the road and screened by existing trees and there are other large buildings much more visible along this stretch of Hanshaw Road;
- c. Parking, vehicular circulation, and infrastructure for the proposed use is adequate. There are eight parking spaces provided and emergency vehicles have access from the roadway;
- 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 low volume of traffic associated with this business and that it will not generate noise, dust, odors or release harmful substances;
- e. Restrictions and/or conditions on design of structures or operation of the use 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 site is screened from residential uses by the existing landscape.

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 1847 Hanshaw Road with the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

2nd Cl Lamb

Roll Call Vote	Cl Sparling	Yes
	Cl Servoss	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

**PUBLIC HEARING
PROPOSED AMENDMENT TO TOWN OF
DRYDEN ZONING LAW REGARDING VARNA ZONING DISTRICTS**

Supv Leifer opened the public hearing at 6:25 p.m. He asked the board to consider the resolution declaring the town lead agency for purposes of SEQR.

RESOLUTION NO. 94 OF 2020 - DECLARATION OF THE TOWN BOARD OF THE TOWN OF DRYDEN AS LEAD AGENCY IN CONNECTION WITH PROPOSED VARNA ZONING AMENDMENTS

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

WHEREAS, the Town Board of the Town of Dryden (“Town Board”) is in the process of reviewing zoning amendments regarding the Hamlet of Varna, and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQRA") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), all discretionary actions by the Town are subject to environmental review in accordance with SEQRA, and

WHEREAS, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) and its regulations require that a Lead Agency be established for conducting environmental review of all discretionary actions in accordance with local and state environmental law; and

WHEREAS, the Town Board wishes to comply with the SEQR Act and its Regulations with respect to the proposed zoning amendments, and

WHEREAS, SEQRA and its accompanying regulations specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and

WHEREAS, the adoption of these zoning amendments is a legislative action,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF DRYDEN, NEW YORK that as the local agency with primary responsibility for approving this legislative action, it hereby declares itself Lead Agency for purposes of conducting the environmental review required by SEQRA and its accompanying regulations.

2nd Cl Skaley

Roll Call Vote	Cl Sparling	Yes
	Cl Servoss	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Supv Leifer said a letter (dated May 18, 2020) had been received signed by 99 people with respect to the proposed amendment (attached).

Angie Chen – has reviewed the 2012 Varna plan and the parcel their auto business is on and the parcel they own across the street were shown as commercial properties. The current proposal does not reflect this long-time and current usage. She understands the board’s efforts to protect Fall Creek but that has been taken into major consideration and addressed when they purchased the property across the road from Cornell University. The property line is far above the Fall Creek water line and they have a fence on the property line to prevent people from trespassing into the creek. She is asking the board to recognize the past and current use of the parcel. It has been used as overflow parking for Varna Auto for the past 35 years and she asks the board to include it as a mixed use to be more in line with the 2012 Varna plan.

David Weinstein – Reiterating why the Planning Board drafted this proposal, said there is an approved Varna Plan that is an official part of the Comprehensive Plan which identified a vision for the future. That vision was constructed and supported by the Varna community and supported and approved by the Town Board in 2012. It is a vision of how to maintain the community character while allowing a 50% increase in the population of Varna. You may disagree with this vision, but it is the current plan, the current vision, adopted by the town only 8 years ago. Unfortunately, the zoning that was put in place allows a 700% increase in the population of Varna. So, it is clearly incompatible with the plan. The whole idea here is to dial back the allowable density to make it more in line with the Varna plan. This is a fair way of making the two compatible. It is necessary to bring the zoning into compliance with the Comprehensive Plan, which is a requirement of the state.

He added that he fully supports Angie Chen's recommendation that the board include the parcel across the street from the auto repair business as mixed use. That was not something that was really considered by the Planning Board at the time and that change in the map could be added. It is totally appropriate and would protect the environment.

Buzz Dolph, 26 Quarry Road, said he finds it difficult to understand why people who call themselves progressives are advocating for this change in the Varna zoning law, which is calling for lower density, larger lot size and less development. The reasons for this confusion are:

The environment – he's pretty sure that most people who want this zoning change were in support of the solar panels in Dryden. He was for that project also. Many of the same people who were in support of that project want the town to reduce density in the one place in the County where increased density makes the most environmental sense. It's close to work, close to public transportation, hiking and biking trails, world-class natural areas and a lot more. Additionally, the hamlet is the only hamlet in Tompkins County that has both water and sewer. Higher density in housing in Varna would also alleviate the pressures of sprawl throughout the rest of the town.

The need for housing – everyone speaking out for a lower Varna density would probably agree that there is a housing crisis in Tompkins County. Along with the need for more housing they would also probably agree that there is a strong housing justice issue that can be addressed in part with the addition of more housing. By reducing the density in Varna they are effectively removing the best way in which the town can lend a hand to ease some of these pressures.

Tax revenue – Last he knew progressives, and he considers himself one, are all for increases in government revenue. Then why deny the town the benefits of an increased tax base that would come from a fully developed Varna? This increased tax base could be reinvested into the town benefitting all of the residents of the town.

Historically, zoning has been used to separate white economically privileged people from people of color and less advantaged classes. The term "in keeping in character of the neighborhood" is a term that has been used in zoning forever. It's always the character of the neighborhood that needs to be protected. He's come to believe that this term has been used for those who really don't want change, and they want to maintain that white economic privilege that they currently have. Suffice it to say, this behavior is not the behavior of progressives. It's the behavior of NIMBYs. They just don't want it to change because it affects their own homes.

The town of Dryden is currently in the midst of formulating a new comprehensive plan. In the development of this plan we have the opportunity to create a future that works for all residents and can be a collaboration with community members. It should include developers, planners, future possible business owners and all of the players that would want to be part of a

better Varna community. Why do we want to change the zoning law now when this is taking place and only probably to be changed again?

He believes Varna needs a higher density threshold, not less. It's the best thing for the town, the county, the underserved and the plan. He hopes the town rejects the amendment.

Martha Robertson – This is an important conversation and a difficult one. Though as David said, the Varna plan was put into place only eight years ago, things can change overnight. We have seen that in our country in the last four months. Four months is not overnight, but sometimes it feels like it. It will be really important for the Planning Board to have guidelines about real need for protection of the creek and the edges of Varna's development. There are important design guidelines that can prove the outcome of different projects. But for the most part she agrees with Buzz. There is a real need to welcome all different kinds of people into all of Dryden. She hopes we can embrace that and find ways to welcome all different people at different parts of their lives. She was a student renting apartments in this town herself. When we welcome folks then they want to stay and commit their lives and their energies to the community. Change is hard. She listened to an NPR show yesterday about housing discrimination. Housing is truly fundamental. If people don't have a safe place to live that they can afford, they kind of can't move on to do anything else to improve their lives. History of housing discrimination as a structural pattern in this country is devastating when you really dig into it. One of the conclusions of the speaker was that we need to eliminate single-family home zoning. That's a radical proposal and she isn't sure she would go so far as to say that for everywhere, but she thinks we need to tilt the playing field a bit so that we are welcoming all kinds of different people into our community, making sure that we really are tending to the legitimate and careful environmental protections that we value, but recognizing that social justice and access to housing are environmental benefits as well.

Laurie Snyder, representing the Varna Community Association (VCA), said they had unanimously agreed that they want the board to adopt this new Varna density plan. They are not opposed to having all kinds of people in Varna. They just don't want to have it become as dense as some of the developers have proposed as quickly without proper infrastructure, sidewalks, traffic lights, street lighting. None of that has been put in place. She thinks it's a wise reduction. Not eliminating development, but trying to reduce the speed and scale of development and spread it out more around our county and not so densely in the hamlet of Varna at this time. A letter was sent to the board by the Varna Community Association (attached). She also urged that the time for existing development proposals be reduced.

Joseph Haines, member of the VCA board, said he supports the proposed zoning change with the exception of the grace period for the developers.

Laurie Snyder noted Varna has quite a diverse community already. They have people of different socio-economic backgrounds living in the area probably in a much denser way than in many other parts of the nearby county. There is not a majority of homeowners, but a majority of people who are renting. Some of the buildings are already rental properties. Some of what were once single-family homes are divided into apartments. There's a new development at the corner of Forest Home Drive and one across the way. There's Hillside Acres and the development by Game Farm Road. Some of those multi-unit developments have come on rather quickly and some have been there for many, many years. That speaks to the diversity of the community. Whether the new proposals would increase the socio-economic diversity of Varna would be open to question since the units will be quite expensive for the renters and are geared toward student rentals at maximum dollar per square foot.

Larry Fabbroni shared his history in Varna. He was involved in the Observatory Drive project which was pretty much two-family homes. They reached a point where the market

didn't support continuing. He was in public service for 26 years and worked with the town of Dryden to get water and sewer out into the town. This is an area that is pretty valuable in terms of its potential. About ten years ago they proposed a rather large project in Varna. Ironically it ended up in that zoning that they talked about in 2012. In the meantime, they went to Lansing. It's a project that has been developing slowly (48 units a year for 10 years). If you look at it, you can see what Dryden is never going to get. The point is you are mapping out a zoning that is never going to work. If you look around town now the biggest problem is that doing subdivisions, building roads, and developing lots is not happening because of the expense of the infrastructure. You can almost give away the land now for that kind of density. If you go for that low density, it will sit as is and nothing will happen. The old buildings will get older and the empty land will stay empty. If that's the intention, it will work, but you'll have not much of anything happen here.

Janet Morgan, also on the board of the VCA, pointed out the letter from them contained a statement that they recognize that further development in Varna is inevitable and even desirable. The problem has been that the current zoning would increase the density hugely so that there would be no more hamlet of Varna. When she hears people talk about how this proposal will make the density so low that no one will want to do anything in Varna, she doesn't think that makes any sense at all. The letter also requests that development be done in a way that enhances the hamlet and that is what they are looking at first and foremost.

Chuck Geisler said as was previously stated this is a difficult issue at a time of major transition. Lots of macro things are going on around us and consequently for him, as a resident of the town, positions that he has taken in recent months are changing. He read the following statement:

The subject of tonight's hearing are amendments to our zoning law that would, if adopted, hold the line on hamlet density in keeping with the 2012 Varna Plan. My name appears on an earlier letter to you requesting that you pass the proposed amendments. I have a reservation about that letter that I didn't have two months ago and wish to put it into the record.

My concerns have increasingly turned to housing affordability in Varna—it's become a national crisis. The zoning amendments that I and others have supported now seem to me to do little to advance long-term affordability in the hamlet. Instead, they embrace values and norms that arose in a community survey in 2011-- slow growth, low densities, a preference for single-family homes, and open space protection. It is hard to argue against these. Yet I have to wonder how higher density has gone from being an environmental plus that protects open space and saves housing and transportation energy to a concept destined for the woodshed. Not all housing density means more bedroom communities full of students and strangers and bedlam.

For me, the litmus test for each of tonight's amendments is this: do they enhance housing accessibility and affordability in Varna? More density can mean greater affordability. The Tompkins Co. Comprehensive Plan states that the county 'should be a place where housing is affordable, safe, energy efficient, and appealing.'¹ Dryden's Comprehensive Plan echos the same in its housing section: 'Provide for a variety of affordable, high-quality housing options for all town residents.' In the Varna Master Plan (summarized in the 2012 Varna Plan), affordability is the first Action Item.

So for the environmental reasons I mentioned, as well as social diversity and a welcoming character that most of us want in our communities, we shouldn't regulate against all forms of density. Harmonizing the town's zoning law with the Varna Plan, good as it sounds, could inadvertently inhibit social diversity in Varna. We could fall prey unintentionally to *de facto* exclusionary zoning that keeps housing costs high for moderate and low income citizens of all backgrounds.²

I would urge two things: 1) that the Planning Board appoint a subcommittee to investigate the relevance of conventional zoning for Dryden and its hamlets. The Varna Plan refers to “character zoning” and the Comprehensive Plan speaks of Form-Based Zoning—perhaps these alternative zoning tools will shift our focus from density to redevelopment that is inclusive, diverse, and affordable by design. 2) A citizen task force including people for whom housing is currently unaffordable be empaneled to review our zoning rules through the lens of affordability. Density isn’t the problem in Varna; lack of social diversity is.

¹ Housing Chapter of the Tompkins County Comprehensive Plan (see <https://tompkinscountyny.gov/planning/housing-choices>)

² Greenlining is now understood as active efforts on the part of local officials, nonprofit leaders, realtors and others with sway over public goods and investment to bring capital, resources, and amenities to declining/stagnating communities and neighborhoods. It includes housing choices and affordable options (in contrast to red-lining, which impedes it). <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1722&context=sjsj>

Joe Wilson said he understands that neither the current Trinitas or Maifly are affordable as the County’s criteria for affordability are applied. Even if this down-zoning were to impact those two projects, and they may not because of the 60 day extension, they simply don’t meet the criteria of those who are criticizing the zoning changes because they are not affordable housing. With regard to the environment and impacts, he reminds everyone that the Planning Board has already provided recommendations to the Town Board with regard to the impact of the Trinitas project. There the Planning Board found that there were many large negative potential environmental impacts that required an EIS.

Bruno Schickel said he would echo many of the comments that Buzz Dolph and Larry Fabbroni made. When we think of a walkable community in Tompkins County, probably the most successful sought-after walkable community is Fall Creek. If you look at the lot sizes in Fall Creek, lots are around a tenth to .13 of an acre and there are between 7 and 10 lots per acre and duplexes are allowed. They have a density of around 14 to 20 units per acre and in some areas even more. What this down-zoning proposal is doing with quarter acre lots in the traditional area is suburban zoning. Larry made the comment that if this goes into effect nothing is going to happen in Varna and he agrees. You’ll basically kill any development. The fact is this zoning has been around for five years now and there hasn’t been an explosion in Varna. It’s been very, very incremental. When you look through the table and what is being proposed, he thinks it is phenomenally ill-advised. He thinks the board will regret it and that everything in Varna will stall and in five or ten years you’ll wonder how we got here.

It is interesting that there is one category called multi-family rental detached units and they have been zeroed out completely. He developed Boiceville Cottages in Brooktondale where he built 140 units of rental homes on a parcel. It has been very successful, very sought after, people love living there, and according to this proposal that will be excluded completely and not allowed anywhere in Varna. He finds that kind of ironic. Everybody says they want a dynamic, walkable, wonderful community. The only way to do that is to get some density and some critical mass. With the current plan as it exists today, you have a remote chance of getting there. With this new zoning, if it is passed, you have no chance at all of getting there. It really needs to be opposed and voted down.

He reminded the Town Board that it represents the entire town and has to keep in mind what is in the best interests of the entire town. The few people who live on Schutt Road don't get to decide what the zoning is on Schutt Road, and he doesn't think the folks in Varna should get to decide the zoning in Varna because the board needs to keep in the mind the entire town, not just the folks in Varna. If they want to have their own zoning in Varna, and create a village and create their own tax system, they have that option. He doesn't think this should proceed the way it is set up and encouraged the board to vote no.

Laurie Snyder asked Larry how much of the Lucente project on Warren Road is designated for Section 8. He said he didn't know that, but they are some of the most competitive rents in Ithaca in terms of serving the lower income brackets in Ithaca. L Snyder said her point is that neither Trinitas nor Maifly has made any effort to make any of the units at a price point that could be afforded by a small family with limited income. There is some Section 8 housing in Varna, but it is not in any of the new developments.

Martha Robertson said the matter of infrastructure is really critical. This is one section of the town where we do have water and sewer. That makes whatever is constructed more affordable. The builder doesn't have to put in a well and septic. You don't have to do one acre lots to accommodate a septic field like most of the rest of the town. It's a matter of how you do it. The zoning board could look at things like the need for four parking spaces per apartment or a bathroom for each bedroom. Those are the kinds of details that could encourage family housing instead of student housing if that is an issue you are worried about.

Buzz Dolph – What is being addressed tonight takes care of nothing other than solidifying a density level. We are formulating a new plan. There are ways of looking at holistically bringing in INHS and other developers and future business owners to begin to work together to create a plan. With form-based zoning you initiate that plan. If you start putting a density at some completely unrealistic level, then he agrees with Larry and Bruno that you won't get anyone to come in and do the job. It just doesn't seem that hard to include affordability, single-family homes, businesses, or three-story apartment buildings on the main corridor. Things can happen where you can paint a picture that looks great, but you can't do that unless you bring the other pieces of the puzzle in. Those pieces of the puzzle happen to be developers and various types of people who have the money to make it happen. They also have to make a profit. He couldn't make a profit with his houses. He tried to give Varna what Varna wanted. It's not doable. There are ways of making it happen. We're at a point in time where it can happen, but if you pass this now, are we going to go fight again?

David Weinstein – The problem is we had proposals at a lower density. People were coming forward. There were three proposals for the corner of Route 366 & Freese Road at a lower density. Maybe Buzz couldn't make it work, but that doesn't mean that there aren't other mechanisms to make it work. We have to keep emphasizing that none of the new building that has happened under this current zoning has brought in affordable housing. It just hasn't. It's a pipe dream that if we keep this high density that we'll get affordable housing. It's not happening. We have to find other mechanisms to do that.

Bruno Schickel – It is a fallacy to say that this won't have an impact on affordability. The reality is that Detroit and Japan don't make cars that really low income can afford. They buy a used car. When you increase units of housing, it has an impact on the entire market and it has a direct impact on affordability. There have been a lot of apartments built in Tompkins County in the last number of years. It has definitely put downward pressure on rents as well. The idea that if you don't build brand new affordable housing that somehow you aren't addressing the housing issue and the housing affordability issue is simply not true.

Supv Leifer said the County's 239 review has not been received yet so we cannot close the public hearing or vote tonight. The hearing will be continued at the August business

meeting. Comments may be submitted in writing prior to that continuation should people wish to do so.

Cl Lamb thanked the people who commented. It is great to have this level of discussion and hear from all angles on this. Cl Servoss agrees.

Cl Skaley said form-based zoning and character zoning are in the Varna plan. Those are concepts that were foreign to the Planning Board. There was no way to move in that way and they decided to stick with the current zoning and try to modify it. He has been heavily engaged with INHS and they would very much like to build in Varna, but they need access to land and there is no land available at this point in time. He has no disagreement with the idea that form-based zoning could create something that would be better than the Euclidian zoning that we are currently familiar with. The pressures that we are exhibiting are promoting projects that are not going to result in affordability. In fact, the Trinitas proposal would remove a considerable amount of affordable housing that currently exists. These areas have housed people with lower incomes for a number of years and would not be replaced with affordable units. This conversation is good with regard to both future planning and how to encourage the kind of development that we desire as opposed to something that is handed to us. He has mentioned in the past that the town might work with current landowners to develop an RFP or RFQ to solicit the type of developments that we would prefer and would be compatible within the community.

Supv Leifer said that Cl Skaley has been working on an 8-million-dollar upgrade to the water and sewer infrastructure in Varna. The responsibility of payment of that is on the property owners in the consolidated water and sewer districts. One of the proposed projects had offered to contribute close to 3 million dollars toward those upgrades. That is something to keep in mind no matter what happens with this proposed amendment. He said if INHS is actually willing to build in Varna, they need to start moving on that and making their own deals with landowners. This is something they do elsewhere and are free to talk with any landowner they want. It is an empty promise in his opinion.

Hopefully there will be more comments and people who we haven't heard from before will comment at the August meeting. The date, time and method of access will be noticed.

HIGHWAY/DPW DEPARTMENT

Supv Leifer reported the department is doing summer road maintenance.

PLANNING DEPARTMENT

R Burger reported the monthly report has been submitted (attached). The Planning Board met last night and the survey has been finalized. Postcards will go out to 6000 households in the town. Next month there will be two special use permits on the agenda. One is the Borger Station for two new turbines and the other is for equipment sheds on Route 13 to support the FirstLight fiber network.

The solar project at 2150 Dryden Road is now active in construction installing the arrays. They have finally designed the interconnect so there will be a site plan amendment to come before the Town Board at the August 20 meeting to look at the interconnect where they have three basic feeds coming out of the field coming into an array of poles along George Road. They have some renderings of the visual impact from various angles. That will be put on the website in the next few days.

RECREATION DEPARTMENT

Supv Leifer announced that Marty Conger, Recreation Director, has resigned. Andrew Pierce gave an update. A Pierce has adjusted his hours for the remainder of July and August to be from noon to 7:30 p.m. There are some evening programs on Tuesdays and Thursdays. The summer music series has started at the VFW. He is trying to encourage people to get out and play pickleball at Montgomery Park and join him for a bike ride on the trail on Wednesday evenings. They were working with Groton on drive in movies, and there will be two outdoor movies at the Dryden Fire Department on July 23 and August 13. Groton was unable to fulfill their commitment, so in order to get the deal on the movies he has been working with local businesses. Bailey Place has committed to donate \$1,000 toward the event. Dryden Mutual is looking into helping out and the Dryden Youth Opportunity Fund will donate \$600. It looks like they'll be able to host four movie events, drive-in style behind the Dryden Fire Department. Additional dates are August 6 and August 27. The department is moving forward as best it can at this point. He reported that the lacrosse program is complying with direction regarding masks and hand sanitizing and such.

The first movie (in cooperation with the Southworth Library) is a book-to-movie drive-in. It will be Dr. Seuss's The Lorax and the library will be giving away five of the books. August 13 will be The Greatest Showman. August 6 and 27 movies have not been decided and A Pierce said suggestions would be considered.

COUNTY BRIEFING

Martha Robertson said that after a long run of one or no positive Covid cases in the county, we've had an uptick. The Health Department reports that some of those cases were related to 4th of July parties or out of state travelers. They were not related to students coming back. The county is starting to talk about limiting gatherings to less than the state requirement and requiring masks. If they wanted to do something more stringent it would have to be approved by the state Health Department. The number to call if someone is concerned about a gathering locally that is not respecting the social distancing requirements or wearing masks is 273-8000.

With respect to the upcoming budget, there is an early indication that the next quarter of sales tax receipts will be down about 30% overall. It seems like the Federal government is doing nothing really fast and not providing funding to do anything safely. We don't know if there will be a next Covid bill. County staff are working on the proposed budget for 2021. There will be some hard choices to make.

Cl Lamb said he believes that returning students are getting more direction and coaching than the average resident here about appropriate Covid behavior.

Cl Leifer said about two weeks ago the Federal government wouldn't cover testing that wasn't deemed medically necessary. The state is trying to take care of that. What Cornell is doing will be more extensive community testing than will be offered by the state or the county because they feel the responsibility to do it.

The Health Department is working closely with the school districts on reopening strategies. The discussion is on the County's YouTube channel. (https://www.youtube.com/watch?v=DztgAz_96EQ)

DISCUSSION ITEMS/UPDATES

Cl Sparling explained that the town has received two certificates, one from Congressman Reed and one from Assemblyman Seward, recognizing the Town Board's service and contribution in establishing an emergency medical services training at Dryden High

School. Patrick Brunner brought this idea to the town board in December and asked the board to provide one-time funding to start the program. He believes the board should recognize Mr Brunner’s efforts and service to the community because he did address a deficiency in civil service and helped educate our young people. Cl Sparling has prepared a resolution for consideration.

RESOLUTION #95 (2020) - RESOLUTION FOR THE COMMENDATION OF PATRICK BRUNNER

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

WHEREAS, there are a lack of Emergency Medical Responders (EMRs) in the Town of Dryden; and

WHEREAS, Patrick Brunner identified the need for training members of the community to become Emergency Medical Responders; and

WHEREAS, Dryden High School students were offered the opportunity to take an Emergency Medical Responders course leading to New York State certification; and

WHEREAS, this course also sought to instill a commitment to service to our community; and

WHEREAS, having additional EMR-trained individuals will make our community safer overall; now therefore be it

RESOLVED, that the Town Board of Dryden does hereby commend Patrick Brunner for his service to the community through a creative initiative to engage young people in solving a critical need facing the Town.

2nd Supv Leifer

Roll Call Vote	Cl Sparling	Yes
	Cl Servoss	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

RAIL TRAIL – Game Farm Area

Cl Lamb reported they have reached a solution with DEC for access through the Game Farm for the Rail Trail. The current stewardship agreement to access the property did not allow us to improve the trestles. It is still DEC’s responsibility and they wanted us to rebuild the trestle bridge to their standards rather than let us take responsibility. That would have been a deal breaker for us since we don’t have the funds to do that. We wanted the right-of-way through the property and the ability to repair the trestle to our own engineer’s standards. We need to resolve that and the long-term right-of-way status in order to spend down our State Parks money. NYS Parks Department would not let us spend the money they had awarded to us because we did not have a long-term right-of-way.

Cl Lamb has been communicating with the Chief of the Wildlife Bureau, Jim Farquhar, for several years and recently Mr Farquhar recommended a Voluntary Use and Occupancy Permit. He expects that it will be a 50-year term and contain the same specifications used for the rest of the trail easements (30’ from either side of the centerline). Mr Farquhar has said he will personally stamp the plans for the trestles that TG Miller and others have indicated we

need to use to make the infrastructure safe. The hope is to have the agreement finalized in the next 4-6 weeks. This will mean that solutions to the three biggest hurdles in this stretch of the trail have been conquered. Board members thanked Cl Lamb for his efforts in this regard.

There is still an agreement to be signed between the town and the Town of Ithaca and the County for the crossing at Game Farm Road.

CENSUS TRAINING

Census training will take place in the court room at town hall Friday July 31 and August 2, 3 and 4, mornings until 1:00 p.m. The cleaners will come in and clean the space used prior to Court on the days it will be held.

BOOKKEEPER POSITION

A number of candidates have been interviewed and the top three will be discussed during executive session. It appears that the starting date for any of them will be the first or second week of August. The person who was going to contract for the interim has not been approved by the State for out of State-service work and so has been unable to do anything for us yet.

FUTURE MEETING PLANS

The Executive Order authorizing virtual meetings has been extended until August 6, 2020. When in-person meetings are permitted, the board will need to discuss how to make it happen with social distancing protocols in place. Zoom may continue to be used in combination.

PAYMENT OUTSIDE OF ABSTRACT

Two vouchers were paperclipped together last week and the voucher underneath was not paid. Supv Leifer asked the board to authorize payment outside the abstract. The payment was for a performance at the VFW music series, and they have already performed.

RESOLUTION #96 (2020) – AUTHORIZE PAYMENT OUTSIDE THE ABSTRACT

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

RESOLVED, that this Town Board hereby authorizes a payment outside the Abstract to John Diamond in the amount of \$300.00 for a music performance.
2nd Cl Servoss

Roll Call Vote	Cl Sparling	Yes
	Cl Servoss	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

BUDGET CALENDAR & PROCESS

Supv Leifer shared the attached budget calendar and talked about the budget process. He said since the town did the sales tax offset, we don't have the challenge that the county does making their budget. The County will need to make up its deficit (currently estimated at 18 million dollars) through a combination of cuts and tax increases. The last thing we want to do next year is raise the tax rate. That doesn't mean that the amount raised by the levy won't

increase a bit with increased value. The tax cap is about 1.56%. Supv Leifer said department spending next year should not go up. We currently have a lot of grants with match requirements that need to be considered in the budget and the water/sewer project is coming up as well as the broadband project. The project that will have the biggest impact town-wide is the broadband one and it will generate revenue for the town when it is paid off. Supv Leifer said that will be a priority for him when it comes to local match money. There is also the streambank stabilization grant that has a local match. The local match money will need to be calculated accurately for budgeting purposes.

The board can expect additional meetings (budget workshops) in September and October. Department heads should be given direction prior to submitting their budget requests. It looks like the town will only be getting 80% of the CHIPS funding and 80% or less of AIM funding. Mortgage tax is hard to predict though housing sales seem to be fairly strong. It may not be the year for large capital expenses. Department heads can expect direction in August.

REC DEPT STAFFING

There was some discussion about staffing in the Recreation Department after the resignation of the Director (fill it or not, full or part time) and the current limitations on programs. Andrew Pierce is currently performing the duties of the Director. Staffing will be determined in the budget process. Cl Servoss suggested an out-of-title pay increase while this is sorted out. The HR committee will meet with members of DRYC to discuss the vacancy and configuration of the department.

Cl Servoss suggested that Andrew Pierce receive out of title pay (the difference between his current pay rate and what the Recreation Director was making) until the board decides how to move forward. After discussion, the board passed the following resolution.

RESOLUTION #97 (2020) – AUTHORIZE OUT-OF-TITLE PAY – A PIERCE

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

RESOLVED, that this Town Board hereby authorizes an hourly rate increase for Andrew Pierce of the amount of the difference between his current hourly rate and the previous Recreation Director’s hourly rate effective July 6, 2020, and for as long as he remains working out-of-title and pending final determination for the coming fiscal year.

2nd Cl Sparling

Roll Call Vote	Cl Sparling	Yes
	Cl Servoss	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

Supv Leifer noted that the former Director did recommend that a second person be hired for the department. The board will decide whether the position is part-time or full time.

LOCAL LAW TO OVERRIDE THE TAX LEVY CAP

Supv Leifer introduced the following draft local law to override the tax levy cap and a public hearing was scheduled for August 20 at 6:30. Atty Sokoni will review it and provide a final draft prior to the public hearing.

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Dryden, County of Tompkins pursuant to General Municipal Law §3-c, and to allow the Town of Dryden, County of Tompkins to adopt a town budget for (a) town purposes, (b) fire protection districts, and (c) any other special or improvement district, and Town improvements provided pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2021 and ending December 31, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override: The Town Board of the Town of Dryden, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State

Passage of this local law is not indicative of an intent to override the tax cap. This is a cautionary measure.

POLICY AGAINST HARASSMENT AND DISCRIMINATION

Cl Servoss explained that since the town adopted this policy in October of 2019, NYMIR has notified us of changes that needed to be approved in the policy by August 12. She has made the changes in the policy and provided the updated document to the board, together with a proposed resolution for approval.

RESOLUTION #98 (2020) – ADOPTION OF AMENDMENTS TO POLICY AGAINST DISCRIMINATION AND HARASSMENT

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

WHEREAS, the Town Board of the Town of Dryden adopted the Policy Against Discrimination and Harassment on October 17, 2019; and

WHEREAS, New York State updated its anti-discrimination and anti-harassment laws, requiring municipalities to update their own policies to incorporate the law changes no later than August 12, 2020; and

WHEREAS, the Town Board has reviewed the changes to the laws and incorporated the amendments into the previously adopted policy; now therefore be it

RESOLVED, That the Town Board of the Town of Dryden hereby adopts the attached Policy Against Discrimination and Harassment as amended and requires this policy to become effective immediately.

2nd Cl Leifer

Roll Call Vote	Cl Sparling	Yes
	Cl Servoss	Yes
	Cl Skaley	Yes
	Cl Lamb	Yes
	Supv Leifer	Yes

ADVISORY BOARD UPDATES

Planning Board – Is working on the comp plan update.

Conservation Board – Spent most of its last meeting talking about the comp plan update.

Safety & Preparedness Committee – Dana Magnuson has been communicating with Dominion about their project scheduled for a hearing next month.

Rail Trail Task Force – Update provided earlier this evening.

Ag Advisory Committee – Has not met.

Broadband Committee – Will meet tomorrow. The Zoom link is on the town’s website. They have been looking into other possible funding sources.

Recreation & Youth Commission – There needs to be some communication with them about the Recreation Director vacancy. Updating the Recreation Master Plan is on their list of things to work on.

On motion made, seconded and unanimously carried, the board moved into executive session at 8:32 p.m. to receive advice of legal counsel and to discuss the employment history of particular individuals.

No action was taken, and the meeting was adjourned at 9:21 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk

From: "Charles C. Geisler" <ccg2@cornell.edu>
Date: Monday, May 18, 2020 at 12:47 PM
To: John Allison Kiefer <jak14@cornell.edu>
Cc: Judith Pierpont <jp28@cornell.edu>, "buzz@clarityconnect.com" <buzz@clarityconnect.com>
Subject: Petition-letter on PB Resolution #26

Hello John,

We are indebted to the Planning Board for its sustained work on Varna housing issues in unusually dynamic times. We're sending the letter below to you as chairman of the Dryden Planning Board and ask that you forward it to Jason and the Town Board. The 99 co-signers of this letter (names attached) appreciate the effort of your 2019 subcommittee leading to Resolution 26. Varna is a special place. Charting its future deserves the utmost care. Once the differences between the Dryden Zoning law and Comprehensive Plan are rectified, we hope that nuanced, middle-ground housing solutions are studied and pursued.

Thanks for your abiding efforts on behalf of Dryden.

Charles Geisler
517 Ellis Hollow Cr. Rd.

Judith Pierpont
111 Pleasant Hollow Rd.

Mitchell 'Buzz' Lavine
719 Ringwood Rd.

May 18, 2020

Dear Dryden Town Board and Planning Board Members,

We urge the Town Board to pass the proposed changes to the Dryden Town Zoning Law governing the Hamlet of Varna (Article VII), as resolved by the Planning Board on Nov. 20, 2019. The Town Board, among many others, is aware that the current zoning is inconsistent with the The Varna Community Development Plan (the Varna Plan), which became part of the Dryden Comprehensive Plan in 2012. The major inconsistency relates to density. The Town Zoning Law allows much higher density development than was approved by the Varna Plan. If builders develop plans that abide by the existing zoning law, their plans may be approved and yet be inconsistent with the Comprehensive Plan. In fact, there are two overly dense projects before the Town's Boards at this time—Trinitas and Maifly. We believe that the Town should resolve the legal inconsistencies in the zoning before considering any development permits.

The Varna Plan expresses the intentions of the residents regarding future development. It is the purpose of a comprehensive plan to guide the formulation and codification of laws and practices

in municipalities. Therefore, the zoning laws should follow those intentions and constrain inconsistent practices. To be in compliance, our town's zoning laws must be based on the principles set forth in the Comprehensive Plan, which includes the Varna Plan.

Changing the density specifications is one way to support the residents' intention to maintain the character of the community—by limiting types of development that might otherwise disregard that community character. While many criteria should be considered in determining what types of development constitute adherence to community norms, the proposed changes in the density requirements will formalize a key aspect of community character—one that is easily quantifiable. The threat that non-compliant development could be approved before the law is properly changed makes its passage a matter of urgency.

We commend the Planning Board for all the work you have put into revising the Zoning Law and urge you to abide by the guidance you put forth in Resolution #26 before approving any further site plans. We further urge the Town Board to pass the revised zoning law before further development permits are granted.

Yours sincerely,

Judy Pierpont-Dryden
Chuck Geisler-Dryden
Buzz Lavine—Dryden

Co-signers of PB/TB May 18/20 Letter

Judy Pierpont 111 Pleasant Hollow Rd.

Buzz Lavine 719 Ringwood Rd.

Charles Geisler 517 Ellis Hollow Cr. Rd.

Martha N. Wilson 75 Hunt Hill Rd.

William David Parker 57 Freese Rd.

Nancy Morgan, 1608 Hanshaw Rd.

Susan P. Ashdown, 12 Forest La.

Laurie Snyder 36 Freese Rd.

Kim Klein 14 Freese Rd..

Marie McRae 710 Irish Settlement Rd.

Jan Morgan 940 Dryden Rd.

David Weintstein 51 Freese Rd.

Chris Kimball 97 Freese Rd.

Christina Stark 51 Freese Rd.

John Burger 1686 Hanshaw Rd.

Jens Wennberg 501 Midline Road Freeville

Nancy Miller 501 Midline Road Freeville

Lee Yoke Lee 1237 Dryden Rd

Fred Conner 719 Irish Settlement Rd

Karen Thurnheer, 1854 Slaterville Rd.

Stephen Landau 331 Hunt Hill Rd.

Patrice MacLeod 331 Hunt Hill Rd.

Barbara Bedford 517 Ellis Hollow Cr. Rd.

Alicia Dale Alexander 136 Hunt Hill Rd.

John Svenssen 516 Ellis Hollow Cr. Rd.

John Suter 21 Brooktondale Rd.

Natasha Suter 21 Brooktondale Rd.

Mike Shay 738 Ringwood Rd.

Jan Shay 738 Ringwood Rd.

Zorika Henderson 7 Sunny Knoll Cir.

Katharine Payne Ellis Hollow Rd.

Hilary Lambert 1676 Hanshaw Rd.

Kenneth Burhart 98 Hickory Cir.
Martin Hatch 696 Snyder Hill Rd.
Nancy Huffman 21 Ringwood Ct.
Steve Schaeffer 92 Genung Cir.
Marcy Schaeffer 92 Genung Cir.
John Reppy 523 Ellis Hollow Cr. Rd.
Judith Reppy 523 Ellis Hollow Cr. Rd.
Douglas Long 1 Hunter Ln.
Peter Davies 755 Snyder Hill Rd.
Katherine Kiblinger Gottschalk 174 Sodom Rd.
Charlotte Coffman 26 Deerhaven Dr.
Ronnie Coffman 26 Deerhave Dr.
Larry Wright 1138 Dryden Rd.
Catherine Mary Wagner 1665 Ellis Hollow Rd.
Heidi Hopkins 516 Goss St.
Bill Griffin 69 Yellow Barn Rd.
Stuart Davis 111 Pleasant Hollow Rd.
Amy Albright 900 Dryden Rd.
Linda Uhl 65 Hickory Rd.
Peter Rothbart 65 Hickory Rd.
Natan Huffman 21 Ringwood Cir.
Charlie Smith 449 Irish Settlement Rd.

Susan Reed-Fanfoni 387 Mt. Pleasant Rd., Freeville

James Reed 387 Mt. Pleasant Rd., Freeville

John Sullivan 509 Goss St.

Mason Jager 956 Dryden Rd.

Aaron Burgess 956 Dryden Rd.

Lauren Faessler 1217 Dryden Rd.

Lin DeNoyer 755 Snyder Hill Rd.

Laura Stenzler 147 Hunt Hill Rd.

Linda Lavine 719 Ringwood Rd.

Sally Woodmansee 7 Turkey Hill Rd.

Bruce Sternberg 7 Turkey Hill R.

Gary Hodges 920 Snyder Hill Rd.

Linda Clougherty, 34 Hunt Hill Rd.

Jane Walker 116 Baker Hill Rd.

Jesse Townsly 104 Pauls Way

Kathy Russell 434 Snyder Hill Rd.

Cheryl Rigas 18 Beechnut Terrace

Lynne Anguish 804 Snyder Hill Rd.

Tim Anguish 804 Snyder Hill Rd.

Rosemarie Cacioppo 1540 Ellis Hollow Rd.

Anthony Cacioppo 1540 Ellis Hollow Rd.

Kim Simmons 832A Dryden Rd.

Jane Kennedy 8 Nottingham Dr.

Carol Whitlow 52 Turkey Hill Rd.

Ada Albright 1843 Ellis Hollow Rd.

Katie Quinn-Jacobs 52 Sodom Rd.

Robyn Bem 3 Ringwood Rd.

Nancy Huffman 21 Ringwood Ct.

Eileen Maxwell 34 Turkey Hill Rd.

Melody Johnson 112 Mt. Pleasant Rd.

Dick Crepeau 112 Mt. Pleasant Rd.

Bruce Howlett 379 Turkey Hill Rd.

Kathy Howlett 379 Turkey Hill Rd.

Mary Patterson 673 Ringwood Rd.

Rhian Ellis 1309 Ellis Hollow Rd.

Meghan Reiff 1243 Dryden Rd.

Eric Reiff 1243 Dryden Rd.

Michael Hughes 210 Westview Ln.

Martha Wilson Ellis Hollow Rd.

Richard Maxwell 34 Turkey Hill Rd.

Janice Bretscher 293 Ellis Hollow Cr. Rd.

Tony Bretscher 293 Ellis Hollow Cr. Rd.

Maria Nixon 1 Sunny Knoll Rd.

Carol Colfer 21 Etna Ln.

Bob Yavets 28 Settlement Rd.

Nathanial Lakin 13 Freeze Rd.



VARNA COMMUNITY ASSOCIATION, INC.
943 Dryden Rd. P.O. Box 4771 Ithaca NY 14852-4771
www.VarnaCommunityAssociation.org
EIN 16-6052986

Jason Leifer, Supervisor
Dryden Town Board members
93 East Main St. Dryden NY 13053

July 14, 2020

Greetings:

At last evening's meeting of the Varna Community Association Board of Directors, the board voted unanimously in support of the proposed zoning for the Hamlet of Varna. **The board urgently requests that the Dryden Town Board adopt the proposed zoning for Varna.**

We appreciate the extensive and thoughtful effort by the Town's Planning Board to create a proposal for the Town Board to consider. We understand that the Planning Board was unanimous in recommending the proposal to the Town Board. By adopting the proposed zoning the density of future development projects in Varna will bring Varna zoning more in line with the goals of the Town's Comprehensive Plan for Varna.

We recognize that further development in Varna is inevitable and even desirable. We request only that development be done in a way that enhances the hamlet. In contrast to current zoning, the proposed changes will encourage projects that support the character of the hamlet and ensure that Varna offers residents and businesses a unique community with a high quality of life.

At this time, the infrastructure of Varna does not adequately support the large developments under consideration, especially the Trinitas and Maifly projects. The VCA board does not support either of these projects at the density they have proposed.

Changes the Town Board made to the proposed Varna zoning at its meeting on July 2 are reasonable, with one notable exception: We very concerned that the Town Board is willing to grant developers sixty days to complete their applications following approval of the proposed zoning changes. We do not support the two-month grace period for the Trinitas and Maifly projects as these projects do not comply with zoning that supports that Town's Comprehensive Plan for Varna.

We urge that you immediately adopt the proposed zoning for Varna but omit the sixty-day 'grandfather' grace period.

Sincerely,

Laurie Snyder, VCA Chair
and VCA board members: Joe Haines, Michal Kulagowski, Yoke Lee Lee, Janet Morgan, Meghan Reiff,
Jennifer Russell, Simon St Laurent

Memorandum

Date: July 9, 2020

To: Town Board

From: Ray Burger, Planning Director

Subject: Planning Department Update

Application materials and other documents for some of the items below can be found at:

<http://dryden.ny.us>

Planning Department Offices open for window service: For the safety of all Town residents, the Planning Department will conduct business through a walk up window at Town Hall. Applications, complaints and inquiries are also accepted via email (planning@dryden.ny.us), phone and mail.

Comprehensive Plan Update: The Planning Board committee working to update the comprehensive plan held a virtual meeting on July 8 and another will be held July 15. The committee is currently developing a community survey which will be conducted through August. Please check the website Dryden2045.org to inform yourself about this Town project and engage in the process. You can also sign up for updates or leave a comment.

Special Use Permit (SUP) application for contractor yard at 1847 Hanshaw Road: An application to locate a contractor yard in this Rural Residential district will have a public hearing at the July 16 Town Board meeting.

SUP application for public utility infrastructure at 1622 Dryden Road: First Light Fiber is applying for a SUP to locate an equipment shelter at this address. Siting this public utility infrastructure in this Rural Residential district requires a SUP. A public hearing will be held at the August 20 Town Board meeting.

Borger Station Special Use Permit (SUP) application submitted by Dominion: Dominion Energy Transmission, Inc. submitted an application to amend their SUP at 219 Ellis Hollow Creek Road. They propose to replace two existing turbines with more efficient new units that will reduce air emissions. A public hearing will be held at the August 20 Town Board meeting.

Solar project at 2150 Dryden Road: Construction has begun at this site to install 10 MW of solar. The interconnect at George Road has now been designed and this will come to the Town Board for their review and consideration in August.

City Harbor development is impacting the Ithaca Area Wastewater Treatment Plant (IAWWTP): This residential/commercial development in Ithaca is designing their heating system to use waste heat from the wastewater discharge from the plant. They are also requesting modification of utility easements held

by the IAWWTP. Final agreements for both of these issues will be coming to the Town Board for approval in coming months.

Moratorium on Conservation Subdivisions expires this month: This moratorium was in place while the planning board analyzed the various arrangements for protecting open space as specified in Town Subdivision Law Section 902. Better procedures are in place to utilize the various arrangements so the moratorium is no longer needed.

Planning Department activity for TOWN for June

Totals

Building permits:	24	(5 SFH, 1 ADU)
Zoning permits:	10	
Special Use Permit Reviews:	1	
Site Plan Reviews:	1	
Variance reviews:	1	
New businesses:	0	
Fire safety inspections:	1	
Building inspections:	20	
Certificates of Occupancy/Compliance:	6	
Subdivisions:	5	
Violation notices:	5	
Complaints:	6	
Fire calls:	0	
Training hours:	0	

Planning Department activity for VILLAGE for June

Building permits:	8	
Zoning permits:	5	
Special Use Permit reviews:	0	
Site Plan Reviews:	0	
Variance reviews:	0	
New businesses:	0	
Fire safety inspections:	0	
Building inspections:	4	
Certificates of Occupancy/Compliance:	1	
Subdivisions:	0	
Violation notices:	1	
Complaints:	23	
Fire calls:	0	

Appendix B – Budget Calendars

Town Budget Calendar	
(Dates in parentheses apply to towns in Westchester and Monroe counties)	
1. The budget officer furnishes the heads of administrative units with the prescribed forms	We recommend the estimate forms be furnished to the units no later than September 1st (October 1st).
2. The administrative unit heads submit estimates to the budget officer.	On or before September 20th (October 20th). Budget officer prepares estimate for each administrative unit that fails to submit an estimate. (Town Law Section 104)
3. The budget officer files the tentative budget with the town clerk.	Not later than September 30th (October 30th). (Town Law Section 106)
4. The town clerk presents the tentative budget to town board.	On or before October 5th (November 10th). (Town Law Section 106)
5. The town board makes revisions and prepares the preliminary budget; preliminary budget filed with town clerk.	Prior to public hearing. (Town Law Section 106)
6. Notice of public hearing.	At least five days shall elapse between the date of first publication and the date specified for public hearing. (Town Law Section 108)
7. The public hearing is held	On or before the Thursday immediately following the general election (December 10th). The hearing may be adjourned from day to day but not beyond November 15th (December 15th). (Town Law Section 108)
8. Final revisions to the preliminary budget are made.	After public hearing but prior to adoption. (Town Law Section 109)
9. The budget is adopted by the governing board.	Not later than November 20th (December 20th). (Town Law Section 109)

TOWN OF DRYDEN
POLICY AGAINST DISCRIMINATION AND HARASSMENT

SECTION 1: PURPOSE

- A. Scope of Policy
- B. Policy Objectives

SECTION 2: DEFINITIONS

SECTION 3: POLICY

SECTION 4: POLICY ENFORCEMENT

- A. Complaint Procedure for Employees
 - 1. Notification Procedure
 - 2. Making a Complaint
 - 3. Supervisory Responsibilities
- B. Time for Reporting a Complaint
- C. Confidentiality and Privacy
- D. Acknowledgment of Complaint

SECTION 5: INVESTIGATION PROCEDURES

- A. Timing of Investigations
- B. Method of Investigation
- C. Notification to Complaining Party and the Accused Party
- D. Remedial Measures

SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

SECTION 7: APPEALS

SECTION 8: RECORD KEEPING

SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES

SECTION 10: QUESTIONS

SECTION 11: COMPLIANCE OFFICERS

SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION

SECTION 1: PURPOSE

The Town of Dryden believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the Town of Dryden, (hereinafter "Municipality"), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subject to harassment or discrimination in the workplace. It is our Municipality's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation), citizenship, domestic violence victim's status or any other characteristic protected by applicable federal, state or local law.

A. Scope of Policy This Policy applies to all Municipality employees and all personnel in a contractual or other business relationship with the Municipality including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), independent contractors, subcontractors, vendors, consultants, volunteers, visitors, or other independent contractors, contractors, subcontractors, vendors, consultants or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term "employees" refers to this collective group. This Policy applies with equal force on Municipality property as it does at Municipality-sponsored events, programs, and activities that take place off Municipality premises.

B. Policy Objectives By adopting and publishing this Policy, it is the intention of the Municipality's governing body to:

- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
- (2) Inform employees about the complaint procedures established by the Municipality that enable any employee who believes they are the victim of harassment or discrimination to submit a complaint which will be investigated by the Municipality;
- (3) Clearly advise all supervisory staff, managers, and employees that harassment and discrimination is strictly prohibited and no such person possesses the authority to harass or discriminate; and
- (4) Notify all employees that the Municipality has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive and investigate complaints are listed below in Section 11 of this Policy. Any change in the

designated Compliance Officers shall be distributed in writing to all current employees and shall be posted.

SECTION 2: DEFINITIONS

“Prohibited Discrimination of Employees”

Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a Municipality employee or official or a third party engaged in activities sponsored by the Municipality which is based upon the employee’s protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee’s employment opportunities and/or employment benefits. The phrase “prohibited discrimination” as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including “Sexual Harassment” as defined below.

“Harassment”

Harassment is strictly prohibited and includes, but is not limited to, conduct that is unwelcome and has the purpose or effect of unreasonably interfering with a person’s work performance, or creating an intimidating, hostile or offensive working environment. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

“Sexual Harassment”

Sexual harassment is strictly prohibited. It is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
- (3) Such gender-based conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, or of creating an intimidating, hostile or offensive working environment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

Who can be the target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex, gender, or other protected status. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can harassment occur?

Unlawful harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

“Prohibited Behavior and Examples of Harassment, including Sexual Harassment”

Specific forms of behavior the Municipality considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below should not be interpreted in any way as being all-inclusive.

- **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee’s protected characteristic, sexual activity and/or body parts whether or not said in that person’s presence including, but not limited to: sexual innuendoes; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person’s appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping, continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee’s anatomy or protected characteristic that are unwelcome, unreasonably interfere with an employee’s work performance, or create an intimidating, hostile or offensive work environment; and unwelcome advances or demands based on someone’s protected characteristic.
- **Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; staring at a person’s body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the Municipality e-mail system or other electronic communication devices (e.g. voice mail) or using the Municipality’s mail, computers or cell phones to view material that is demeaning or derogatory based on one’s protected characteristic.

- **Physical:** Unwelcome physical conduct, including but not limited to: hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.
- **Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, such as: interfering with, destroying or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying; yelling; or name-calling.

Any employee who feels discriminated against or harassed should report that conduct so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

SECTION 3: POLICY

The Municipality prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The Municipality will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, Municipality officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, manager, or one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials, managers and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the Municipality's designated Compliance Officers. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns about discrimination or harassment, the employee should immediately contact one of the Municipality's designated Compliance Officers.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws, shall be subject to discipline, up to and including termination of employment. Any employee who believes

he/she has been retaliated against in violation of this policy should report violations to one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in *Section 11* of this Policy.

SECTION 4: POLICY ENFORCEMENT

A. Complaint Procedure for Employees

1. Notification Procedure

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her supervisor or a Compliance Officer listed in *Section 11* of this Policy, or another administrator. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her supervisor or a Compliance Officer listed in *Section 11* of this Policy, or another administrator.

2. Making a Complaint

Complaints are accepted orally and in writing. All employees are encouraged to use the Municipality's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Compliance Officer, with no questions asked, or from the Municipality's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the Municipality encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, she/he can obtain assistance from any one of the Compliance Officers or the supervisor to which he/she complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the Municipality's Compliance Officers or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the Municipality's Compliance Officers.

Complainants are expected to cooperate with the Municipality's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

3. **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior, or for any reason to suspect that harassment is occurring, are required to report such suspected harassment or discrimination to one of the Municipality's Compliance Officers.

In addition to being subject to discipline if they engaged in harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue.

Supervisors and managers will also be subjected to discipline for engaging in any retaliation.

B. Time for Reporting a Complaint

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

C. Confidentiality and Privacy

The Municipality shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the Municipality may be required by law to contact and cooperate with the appropriate law enforcement authorities.

D. Acknowledgement of Complaint

Upon receipt of an oral or written complaint, the Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, she/he is encouraged to contact a Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

SECTION 5: INVESTIGATION PROCEDURES

A. Timing of Investigations

The Municipality will promptly investigate all allegations of discrimination and

harassment prohibited by this Policy. The Municipality will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

B. Method of Investigation

Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by Municipality Compliance Officers, Municipality's legal counsel, and/or other impartial persons designated by the Municipality. The primary purposes of all investigations under this Policy will be to determine:

- Did the conduct complained of occur?;
- Did the conduct complained of violate this Policy?; and
- What remedial measures or preventative steps, if any, shall be taken?

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation; depositions, observations, or other reasonable methods. Municipality investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by Municipality employee or agent conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The basis for the decision and final resolution of the complaint, together with any remedial actions.

C. Notification to Complaining Party and the Accused Party

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party.

D. Remedial Measures

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances,

punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party found to have engaged in discrimination or harassment of an employee may be barred from Municipality property.

SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is strictly prohibited by this Policy and by law against anyone for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws.

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment or discrimination.

Complaints of retaliation should be brought directly to a Compliance Officer. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

SECTION 7: APPEALS [OPTIONAL]

Any complainant or accused party who wishes to appeal the conclusion which the Municipality reached in investigating a complaint filed under this Policy, may do so within ten (10) calendar days of receipt of the appealing party's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to

the Municipality's governing body. The appealing party shall be entitled to present evidence in writing as to why the conclusion was flawed, improper, or otherwise not supported by the evidence. The Municipality's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived there from, the Municipality's governing body, or its designee, shall render a decision. That decision shall be final. The appealing party shall be notified of the decision in writing.

Nothing set forth in the Appeal Process above shall be construed to in any way confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the Municipality's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the Municipality at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

SECTION 8: RECORD KEEPING

The Municipality shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The Municipality shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The Municipality shall also maintain these documents for, at a minimum, three years.

The Municipality's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the Municipality but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Municipality, employees may also choose to pursue legal remedies with the governmental entities referenced in the following laws. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment and harassment based on other protected characteristics set forth in this Policy, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging

violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. Complaints of sexual harassment that accrue on or after August 12, 2020 may be filed with DHR at any time **withing three years** of the alleged sexual harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Municipality does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees (in sex discrimination and sexual harassment cases only) and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the discrimination or harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award

remedies if discrimination is found to have occurred. In general, employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact your local police department.

SECTION 10: QUESTIONS

Any questions by employees of the Municipality about this Policy or potential harassment or discrimination should be brought to the attention of one of the Municipality's Compliance Officers. The names, locations, and telephone numbers of the Municipality's Compliance Officers are listed in *Section 11* of this Policy.

SECTION 11: COMPLIANCE OFFICERS

1. Town Supervisor (Position)	Town Hall (Office Location)	607-844-8888 (Telephone Number)
2. Bookkeeper/Personnel Officer (Position)	Town Hall (Office Location)	607-844-8888 (Telephone Number)

SECTION 12: EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy shall be October 17, 2019, revised July 16, 2020. The Municipality's Bookkeeper/Personnel Officer shall ensure that this Policy is adequately disseminated and made available to all employees of the Municipality. This Policy shall be distributed at the beginning of each year with or as part of the Annual Training Packet. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer as well as the Municipality's Personnel Manual.

Upon the effective date of this Policy, the provisions of this Policy shall supersede and replace all prior Municipality policies and regulations regarding employee discrimination and harassment including: **Personnel Manual, Section I – Employment Policies Section, #4 – Sexual Harassment and #5 – Anti-Harassment Policy.**

**ACKNOWLEDGEMENT OF RECEIPT OF MUNICIPALITY'S POLICY AGAINST
DISCRIMINATION AND HARASSMENT**

From:
To:
Subject:

The Municipality is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subjected to harassment or discrimination in the workplace. It is the Municipality's policy to provide a workplace environment free from harassment and discriminatory practices.

The Municipality has adopted and disseminated a revised Policy Against Discrimination and Harassment. Please sign the attached acknowledgement that you have received a copy of the revised Policy, have reviewed it, and have been afforded an opportunity to ask a Municipality Compliance Officer any questions you may have regarding the Policy. Return the signed acknowledgement to the Bookkeeper/Personnel Officer.

Thank you for your assistance in this matter. If you have any further questions regarding this Policy, feel free to contact either Compliance Officer.

**ACKNOWLEDGEMENT OF RECEIPT OF MUNICIPALITY'S POLICY AGAINST
DISCRIMINATION AND HARASSMENT**

I, _____, have received the Municipality's Policy Against
Discrimination and Harassment adopted effective October 17, 2019, revised July 16, 2020.
I have reviewed this Policy, and I have had the opportunity to ask questions regarding the
Policy.

Signature of Employee

Date

Town of Dryden
COMPLAINT FORM

In order to assist the Town of Dryden in investigating your allegations of harassment, discrimination or retaliation in a prompt and thorough fashion, please complete this form to the best of your abilities and with as much detail as you are able. Once completed, please submit this form to a Municipal Compliance Officer identified in Section 11 of the Municipal Policy Against Discrimination and Harassment. If additional space is needed in order to respond to any question below, please attach additional pages as necessary and identify which question corresponds to the information set forth in the additional pages. Any questions regarding this form may be directed to a Municipal Compliance Officer. No individual will be retaliated against for filing a complaint.

Name of Complainant: _____ Date Submitted: _____

Job Title: _____

Address: _____

Home phone: _____ Cell: _____ Work: _____
(Please circle the number you'd prefer us to call)

Email: _____

Name of Victim (if different than Complainant): _____

Basis of this complaint (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Race/color | <input type="checkbox"/> Gender expression |
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender identity |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Transgender status |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Genetic predisposition |
| <input type="checkbox"/> Sex/gender | <input type="checkbox"/> Military/veteran status |
| <input type="checkbox"/> Sexual harassment | <input type="checkbox"/> Citizenship |
| <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Religion/Religious creed |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Domestic violence victim status |
| <input type="checkbox"/> Familial Status | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Other/Not Sure |

If checked "Other/Not Sure," please briefly explain:

Time(s) and date(s) the incident(s) took place:

Name(s) and office address of the individual who allegedly engaged in the harassment, discrimination or retaliation. If more than one, list all.

Name: _____

Location: _____

Describe the incident(s) which occurred with as much detail as you are able, including why you believe the incident(s) constitutes harassment, discrimination or retaliation (please attach any documentation or evidence you believe is relevant to the incident):

Describe briefly what you would consider to be appropriate resolution of the conduct described above: (Please note that the Town of Dryden retains the sole discretion and authority to determine the appropriate disciplinary and/or corrective action to be taken with regard to meritorious complaints. This question should not be construed in any way to constitute a forfeiture of that discretion or authority.)

Identify all persons who witnessed the incident(s) described above:

_____	_____
_____	_____
_____	_____

Please identify any other persons you believe have knowledge important to the incident(s) in question, including his/her contact information and a brief description of the knowledge held by each person:

Have you filed a complaint or charge with a Federal, State, or Local Government agency related to the incident(s) identified above?

Yes _____ No _____

