

**TOWN OF DRYDEN
TOWN BOARD MEETING
Via Zoom
August 13, 2020**

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

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

Other Town Staff: Ray Burger, Planning Director
Sherri Crispell, Payroll Clerk

Supv Leifer opened the meeting at 6:05 p.m.

Abstract Approval

RESOLUTION #99 (2020) – APPROVE ABSTRACT #8

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

RESOLVED, that this Town Board hereby approves Abstract #8, as audited, general vouchers #526 through #625 (\$673,784.32) and TA vouchers #27 through #34 (\$21,767.50) totaling \$695,551.82.

2nd Cl Lamb

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

Cl Servoss said it was found in going through documents that some of the Fire Departments had been paid in full although necessary reports had not been filed. She thanked Sherri Crispell for finding the error and securing the reports that are required under the contracts.

Supv Leifer reported that the phone system had several problems this week and repairs were made. Employees will need to set up their phones as if they were new and record new greetings.

Supv Leifer announced that Amanda Anderson will start on Monday as the town’s new bookkeeper.

RESOLUTION #100 (2020) – APPOINT BOOKKEEPER – AMANDA ANDERSON

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

RESOLVED, that this Town Board hereby approves the appointment of Amanda Anderson as Bookkeeper to the Supervisor at an annual salary of \$55,500 with a six-month

probationary period starting August 17, 2020, with appropriate authorization for transferring funds.

2nd Cl Servoss

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

Cl Servoss said she has contacted Williamson Law Books Company (our software vendor) about training for the bookkeeper. She has sent the board a proposal from WLB to provide training on municipal accounting at the cost of \$95.00 per hour (up to 20 hours). Getting her up to speed as quickly as possible is important with 2021 budget preparations looming. Jen Case has offered to assist with training, but is very involved in learning a new system herself, and Cl Servoss said she doesn't believe she'll have time unless for an emergency question or such. She doesn't want to leave Jen out of the loop, but isn't sure she'll be available for full training. She certainly could help with Dryden specific questions. Cl Sparling knows of a retired municipal bookkeeper who is an expert in WLB software and who is willing to serve as a consultant for a fee. He will share that information with the board.

I A W W T P

Susan Brock has submitted an engagement letter for legal services for the commission and the commission has approved it. Supv Leifer asked the board for authority to execute that document on behalf of the town.

RESOLUTION #101 (2020) – AUTHORIZE SUPERVISOR TO EXECUTE ENGAGEMENT LETTER FOR LEGAL SERVICES (S BROCK FOR SJC)

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

RESOLVED, that this Town Board hereby authorizes the Town Supervisor to execute, on behalf of the town, an engagement letter for legal services for the Special Joint Commission with Susan Brock dated January 6, 2020.

2nd Cl Skaley

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

A few months ago, the HVAC system at town hall and air quality in the building was discussed. S Crispell has a proposal from a vendor in Fulton and she will send it to board members for consideration.

Town Clerk

B Avery has provided information on the new records retention schedule released by State Archives and a proposed resolution adopting that schedule for next week.

County Update

Supv Leifer has shared the notes from the July 30 call. Most people are interested in the plans that Cornell and Ithaca College have for reopening. The county is focusing on restricting large gatherings. Calls for enforcement should be directed to the Health Department or Sheriff's Office. There had been some interest in reducing the allowed number of people for gatherings locally, but the state doesn't appear to be interested in doing that on a county by county basis. Supv Leifer will share the notes from today's call when they are available.

Highway Department

LED Streetlight Project – R Young reported he hasn't heard anything since the paperwork was submitted.

EV Charging Station – That is currently set up. The board needs to make a decision about what they want to charge to cover the cost of the meter per month and any other expenses. R Young has the password to make any changes over the basic setup.

Dryden Lake – R Young met with DEC representatives at Dryden Lake today. There are some problems with the dam leaking. There are records of repair in the 1970's. They took several photos. There are discharges that need to be worked around. They want to keep the level low until the engineers have come up with a plan for repair. They also mentioned they may want to give the lake to the town. The town already has a long-term lease for the property. R Young will share information as he receives it.

Planning Department

Borger Station – Comments are being put on the project link on the website as they are received. R Burger said a revised SWPPP, based on the TG Miller comments, was received today.

Comprehensive Plan Update – The survey will be open until August 31 and about 500 surveys have been submitted to date.

Wood Road Complaints – This is a site near the Etna Fire Department. Notices of violation have been sent for attorney review and will be sent out when received back. Two similar situations on Route 13 will be cited in the same way.

107 Morris Road – This unsafe structure matter will be heard in court on September 18 at 10:00 a.m.

Zoning Law Amendments – The hearing will continue next week. The County 239 review letter has been received and posted on the web. The county road map would be supportive of nodal development and the recommendation of their Planning Department is to maintain the current zoning law.

Cl Skaley has sent his comments to Katy Borgella at County Planning regarding their ideas about nodal development. He feels the assertion that higher density will provide more options is not necessarily the case.

Cl Lamb noted that based on the County's response, passage of this amendment would require a super majority vote of the board.

Short Term Rental Law - This matter was taken up by the Planning Board at the direction of the Town Board after they heard concerns from constituents. The Planning Board has made recommendations for amending the Zoning Law (attached).

Tony Salerno of the Planning Board explained that some of the members researched what other municipalities were doing and got input on how other places are dealing with the issue of short-term rentals. The rentals can be a positive thing because it gives residents an opportunity for extra revenue. They can also be a negative thing because it can drive up housing costs and have impacts on affordable housing and change neighborhoods because people buy up properties to use exclusively for short term rentals.

The Planning Board didn't feel there was an overwhelming need to be super strict. Some municipalities require permits and inspections and there are charges and strict limitations. Larger cities seem to put strict rules and permitting processes in place. The Planning Board didn't feel that Dryden was in a position now to require anything quite so strict. The over-arching goal of this was to put some limitations on it to try to protect neighborhoods and residents, but also allow people to use their properties for short term rentals if they want to. Under the current zoning there isn't an accommodation for short term rental, and if a use isn't specifically permitted, it is prohibited. So, it appears that short term rentals are prohibited in the town although a lot of people are doing it.

The proposed amendment includes a definition for short term rental. They suggested a clause that the short term rental provisions also apply in Varna. Short term rentals are allowed only when dwelling unit is contained in or adjacent to the primary residence of the property owner and only as an accessory use. Requirements include compliance with all Federal, State, County and local laws, codes, rules and regulations. Permitted rental types are defined. It doesn't prevent people from going on vacation and renting out their house while they're gone, or to rent during a specific event in the area. There are no limitations in a situation where the owner is present during the rental. If the owner is present, they are likely to make sure that it fits in with the neighborhood and doesn't have a negative impact on neighbors. There is a restriction that a rental may not be used by a total that exceeds 2 adults per bedroom.

One of the properties that has had complaints is a 3-bedroom house that will do rentals for a total of 12-16 people. The idea is that not every room in the house is not taken up and there isn't adequate parking and the well and septic are not being stressed beyond capacity.

Violators would be cited for conducting a nonpermitted use. Section 1801 of the Zoning Law provides for a fine not to exceed \$350 per day. If someone wanted to purchase a house and use it for short term rental, they would need to apply for a variance.

Cl Lamb is in favor of this amendment as drafted. Cl Skaley wondered if the town should keep track of how many rentals were in the town and where they are. There is software to help track it, but it is expensive. The county is looking at that and if the county signs up for it, they could share the information.

R Burger will work with the town attorney to put this into a local law and hopefully have it ready for introduction in September.

Public Hearings Week – Borger Station is scheduled for 6:05 p.m. We will not be able to hold the hearing for FirstLight as they will be submitting a revised application.

There will be an introduction of a site plan revision at 2150 Dryden Road solar site next week for the interconnect. A visual analysis and site plan amendment will be presented, and a hearing scheduled for September.

Planning Board and ZBA continuing education – Members must obtain a certain number of hours of training and the town board has traditionally approved the trainings. The board could delegate that approval to the Planning Director. Supv Leifer asked R Burger to prepare resolutions for each option and the board will discuss it next week.

Borger Station

Cl Lamb gave some background on this project. Borger wanted to do some expansion work in 2016-2017 and approached the town about a project for chillers on the property. There were a lot of public meetings and information gathering about the special use permit they needed for work on the site. It did not have anything to do with emissions, it had to do with the transmission and chilling of the gas that goes through the facility. The work went ahead, and the town and its residents learned a lot about Borger. There were tours of the facility and we got to know some of the people who work there and their superiors at Dominion. During the process a group of folks including Ellis Hollow residents and Mothers Out Front really wanted the town to push Borger to do something about emissions as a condition of that special use permit they needed. They shared a lot of information about what they perceived as the health threats of the emissions from that plant that uses fairly old engines, turbines and compressors. There were legitimate concerns about the dangers of emissions such as sulfur dioxide, hazardous pollutants, chemicals like nitrous dioxide and nitric oxide. Because the process at the time was not an emissions project, Dominion said you can't mix a facility project having to do with how they handle the gas with an emissions project, which would have to come under a separate permit process. They were right, and we could not make them upgrade their equipment in that process. Town representatives, Mothers Out Front and a group of experts stayed in touch with them and continued to gather more information in the next few years and pushed them to adopt cleaner equipment. Stu Berg came up with recommendations for specific equipment that we thought Dominion should purchase.

Dominion considered the recommendations and came forward with this plan to replace several of the older engines and turbines with cleaner, more efficient models. These will produce much less of what is called criteria pollutants that the DEC in New York regulates. We now have a proposal before us that would increase the protections in terms of the emissions of the plant, but it gets a little complicated. Representatives from Dominion will brief us on this next week and the public will have a chance to ask their questions. Since they are putting in cleaner equipment, they apparently get regulated under what is called a small source permit from New York State as opposed to a major source permit from New York State. With this less strict permit you are allowed more potential emission hours per year. So if you run the numbers, if they ran their equipment 24/7 365 days a year, we would see an increase of carbon dioxide and carbon dioxide equivalent emissions with this new equipment. But we shouldn't disregard that we will also see a massive decrease of the criteria pollutants, the ones that can be particularly dangerous to local residents and that stay near ground level. The key component that Dominion wants us to keep in mind is that this is being done as a replacement project. This is not being done on a demand basis. They don't see this project as something that is going to increase the amount of gas flowing through this facility, nor is it a project that is going to run anywhere close to its potential to emit (the 24/7 365-day scenario). They are required by the Federal Energy Regulatory Commission (FERC) to project out in that way. FERC makes them do these projections even though they have no intention and no history of running at 100% capacity. They run at about 20% capacity historically. They reported today that they were at 20% capacity for the period 4/1/19 to 3/31/20.

This is a replacement project and the board is being asked to see it as that, something that will continue running at 20% capacity, not at 100%. Therefore the emissions are not expected to be that much more than what we see right now, however the harmful criteria pollutants will be much, much lower and we know that will be a benefit to our residents. We've

seen several emails asking us to go slower on this. Cl Lamb reminded people that this is not a project that the town board cooked up, this is not a project that Dominion cooked up. This came from our residents and concerned experts in Ellis Hollow that asked us to do this. Dominion does not have to do this. He thinks they would just as soon not do this. That can be tested. But he thinks we need to be aware of what we are asking for because there's a high likelihood that they'll walk away from this because no one is making them do this. We have to keep that in mind. If the project is delayed beyond a year, they did say that they probably won't do the project. The idea that we might study it for a year may not have the best result for us if we are trying to reduce the local ground level pollution that many of our constituents complain about.

R Burger reported that the County hopes to get its 239 review to us by next Wednesday. The board can hold the hearing, but won't be able to take action until the 239 response is received.

In response to a question, Cl Lamb said NYS DEC does the air permitting and FERC regulates the equipment. FERC is doing this as a replacement project. If this was being done to increase the amount of gas flowing through Borger, it would have to go through what is called a 7C application process through FERC. The proposed project is not based on anticipated demand nor could it be pursuant to how FERC permits. What we are using and how cold the winters are will determine how much gas flows through that. He understands that the equipment doesn't even run for the large part in the summer and will not run at capacity.

This project has not been cooked up in secret. It has been very public. The Safety and Preparedness Committee has been guiding this project. People in this meeting have been part of the process. It is something that the town has been open about in terms of supporting the Supervisor signing letters in support of the project. It puts us in a difficult position to say suddenly that we don't want it. But the board listens and wants to hear what people have to say about this project.

R Burger explained that this project is exempt from the SEQR process (Type 2 action). Replacement projects are exempt from SEQR. That is the same determination made by NYSDEC when they put through the air permit process. The town evaluates the construction of the project. The FEAF was submitted for an informational piece, but that is done before the determination is made. Because it is on the Type 2 list, the FEAF is not a required piece. It is part of the application process.

Cl Servoss said she would like a full environmental study. There are several residents that have been involved in the conversations with Borger since the beginning. Those residents are against this because of the projected increase in CO2. She can't put any stock in promises made by a couple of people in a company that has a legacy that will last for hundreds of years. If they leave their job, that agreement can go out the window. She is concerned that they will try to increase their capacity. She would like a third party to do a study on the impacts of this upgrade. Not to say that the replacement of the equipment isn't greatly appreciated, and the reduced air pollution isn't greatly appreciated, but the potential increased CO2 emissions could put us in a bad space. The town has been requiring that recent developments need to do green energy things like heat pumps so that we could reduce our greenhouse gas emissions, and this seems like we are backtracking and going back ten years. She would appreciate at least having a study done.

Cl Skaley said he will be asking more questions about the emissions because he doesn't quite understand how they move the natural gas through their system and if they can reduce the emissions on the other permitted things, why this is more difficult to deal with.

Supv Leifer said as long as they are still running at their current levels, it is not going to go up. If they had demand they would be putting more gas through there. The best way to reduce demand is what we are doing, and meaningful things would be like passing the NYS stretch code. That would reduce demand and they would push less through this facility.

Cl Lamb said to have questions ready for next week. Methane does go through the plant, but it is not what is coming out of the pipes. There is some methane in some of the emissions, but there is a lot of CO2 coming out from the combustion that occurs at the plant. We need to ask the right questions. This is not a new project. This is something we asked for on behalf of our constituents. Dominion can answer questions. One key thing is that because these turbines are cleaner, they must run a little longer to run their oxidizers and to reduce the criteria pollutants. That's why there is a slight increase in the expected emissions from this project. It will be difficult to verify whether demand will stay consistent in a way that is going to satisfy everybody. We may wind up seeing this project slipping by and us not doing it. No one is making them do this. They may want to pilot this in a community where they will get a positive response. It doesn't have to be ours.

R Burger said he believes Dominion is following this and will be trying to get some clarifications to us in the next few days, so look for updates on the website.

Supv Leifer shared a link to a resource on CO2 and CO2e.

Noise Complaints

Supv Leifer said there have been complaints received from a few different people. He has posted the noise ordinance adopted by the Town of Ithaca. In an email exchange with the Sheriff he learned that Ithaca's law works for them because it allows deputies to have a reason to stop at a residence. He noted there is no actual standard in the law, so he isn't sure how it can be enforced but the idea is to get people to quiet down. Maybe that will be enough for a deputy to show up at the residence.

This could be done at the same time as the short term rental law because they are both short additions to the zoning law. Cl Skaley will see if there are other examples of noise laws or ordinance that could work.

Freese Road Bridge

Cl Lamb said the board had heard from the consultant, Barton & Loguidice, who had received a list of questions from New York State about things that needed clarification. He and Cl Servoss helped provide a response. This was necessary in order to get our proposed plan for a replacement one-lane bridge with traffic signaling on the current footprint approved. There are some people in NYS Cultural Affairs who are still pushing for the town to maintain the old bridge and build a new two-lane bridge next to it (twinning). Our consultant said we needed to make a strong case for why we are not willing to do twinning, which is considered to be a no adverse effect alternative. We have provided some of our town minutes and letters that expressed opposition to twinning and are hoping that is enough to show there is not community support or board support for that option. We reiterated that cost is indeed a factor. The response was sent to DOT earlier this week and we are waiting to see what happens next.

Cornell Re-opening

Gary Stewart has asked what else can be done to communicate Cornell's re-opening plans to the public and Cl Lamb suggested that a representative could speak to the board. After discussion it was decided to give Cornell 15 minutes at the beginning of the meeting next week.

Rail Trail Update

A Memorandum of Understanding between the Towns of Dryden and the County for maintenance of the crossing at Game Farm Road has been prepared and set to the County attorney for review. There will be an engineering and traffic study prepared and the Towns of Ithaca and Dryden will share the expense. It will be prepared by John Lampman pro bono and certified by Barton & Loguidice. Supv Leifer expects there will be something ready for board action in September.

South Hill Rec Way

There will be a meeting next week with the involved towns. There will be an MOU with Dryden, Ithaca, Danby, Caroline and NYSEG. Dryden has a small stretch of that area. At some point we'll need to budget some funds to mow our portion of it and there is an area that may require an investment in a fenced barrier near German Cross Road because of the close proximity to residences.

DEC MOU Update

Cl Lamb reported they are still waiting to hear from DEC on a use and occupancy agreement for the portion of the trail that goes through the Game Farm. This agreement would allow the town to take responsibility and liability for maintenance of the trestles. The NYS Parks funding cannot be accessed and spent until access to this area has been established.

Personnel Manual Update

Cl Servoss reported the personnel committee is reviewing and updating the town's Personnel Manual. Last month the harassment and discrimination policy was updated as required by the town's insurance company. She has updated the Code of Ethics and the draft is on the website. She would like the board to take action next week.

Advisory Board Updates

Broadband Committee – Supv Leifer said he expects they will meet next Friday.

Ag Advisory Committee – B Avery reported they would like to meet, but don't want to meet via Zoom. Some virtual component should be available for public attendance and she asked that someone address what would be necessary to make this happen.

Recreation & Youth Commission – Cl Servoss reported that the DRYC would like to hire a new director as soon as the board approves it. They suggest a full-time director and a part time assistant. There was discussion about where activities would happen since the town has been unable to use the school grounds. So far rec staff have been able to find other locations. There are other activities going on such as the drive-in movies and there are virtual activities that can be held. She said having a full-time director would be great if we could find other funding sources. They could do a lot of the administrative tasks. Cl Lamb asked if the DRYC had prepared a presentation, and said if we can't run all our programs during this pandemic it may not make sense to fully staff right now. He doesn't want to down-size the department, but right size it for the time being, and if they could make a presentation about the programming to be done it would be helpful. Cl Servoss will find out what participation has been.

Conservation Board – Cl Skaley reported that they mostly discussed the Rail Trail and deer hunting issues.

Varna Sewer/Water Update

Cl Skaley reported the engineering report and other documentation has been submitted for the sewer portion. TG Miller is now working on the engineering report for the water portion. There is a deadline of September 1 for applying for certain programs and he expects to have that available in time. There is a webinar that he will attend next Wednesday on how to move through this application process. In the meantime, he has helpful contacts through EFC. The income inventory survey is moving forward and he expects a draft letter to residents in the combined district will be forthcoming.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk

01:43:29 David Weinstein: Thanks to Dan and Kathy for continuing to push for the option we think is the best for the community and for the town's finances.

01:50:15 Joe Wilson: Thanks for File, but it doesn't open in Word. Can you share it in some program that is easily accessible?

01:57:29 Joe Wilson: Hi, I am asking about Jason's GHGs file and folder. Can anyone open it?

01:58:29 David Weinstein: Jim was correct that the additional potential CO₂e emissions if Borger increases beyond their 20% current capacity would come largely from methane leakage and possibly from some increase in CO₂ from burning natural gas to drive the pumps, not from oxides of nitrogen, which they are reducing by 74%.

02:00:09 Joe Wilson: Is the Board legally prohibited from doing a SEQRA review of Borger's potential CO₂e in this Special Use Permit decision? If so, is this based on the Town Attorney's and/or some citable source?

02:01:10 Jason Leifer: <https://ecometrica.com/assets/GHGs-CO2-CO2e-and-Carbon-What-Do-These-Mean-v2.1.pdf>

02:01:26 Jason Leifer: That's the web link to the PDF

02:03:07 Joe Wilson: Thanks Jason for the pdf

02:05:46 Dan Lamb: David, you correct that oxides of nitrogen are reduced. However N₂O, nitrous oxide increases.