

**TOWN OF DRYDEN
TOWN BOARD MEETING
September 10, 2020
Via Zoom**

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: Amanda Anderson, Bookkeeper
Ray Burger, Planning Director

Supv Leifer opened the meeting at 6:00 p.m.

RESOLUTION #110 – APPROVE ABSTRACT #9

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

RESOLVED, that this Town Board hereby approves Abstract #9, as audited, general vouchers #626 through #715 (\$288,809.43) and TA vouchers #35 through #38 (\$4,189.32), totaling \$292,998.75.
2nd Cl Skaley

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

Budget Meeting Schedule

There is a budget meeting scheduled for the board on September 29, 2020 at 6:00 p.m. Supv Leifer will be speaking with the Highway Superintendent on Monday about the highway budget. The tentative budget must be filed with the clerk by September 30, 2020.

For income the town relies mainly on property tax. There are some non-property tax items. The state will cut up to 20% from CHIPS and AIM for 2020 and it may be up to 30% for 2021. Expected revenues from town departments will be down due to Covid. Court fines are down substantially at present. Mortgage tax is currently low, but real estate activity has been pretty high so that will likely change. There will be some reimbursement from FEMA for Covid costs. With the increased assessment values and without changing the tax rate the town will bring in another \$160,000. But some of that will have to make up for the shortfalls on what the state will be giving us. The contractual raise for highway and DPW through their contract will probably increase personnel expenses by about \$35,000. He is asking department heads to not increase their budgets and take that shortfall into account.

Increased costs this year due to Covid include increased cleaning, Zoom expenses, and Adobe Pro subscription to enable more paperless document exchange, creation and signing. When in person meetings are possible we'll likely want to keep Zoom a part of it and that may require upgrades to connection in the public assembly room.

Air Quality at Town Hall

Amanda Anderson reported an air quality sampling test has been performed on the building. The report shows high humidity all the way through the building. There is also visible mold growth on the wall in the mechanical room. The mechanical room and mechanical room attic have elevated levels of black mold and there is also mold spores in the air quality sample in the bookkeeper’s office. It was noted that the air duct system has not been cleaned since the building was opened. It was advised to have the air duct system cleaned and the mechanical room cleaned to remove the mold. It was noted a lower humidity level in the building will discourage the growth of mold in the future.

Someone came today about cleaning the mold and the airducts. Plans of the building were provided so they know how much space there is to be dealt with. They can clean the duct work and the mold. The mold cleaning has state health protocols to be followed and the cost will be high enough that we’ll need to bid this out. This person will prepare a quote, hopefully by next week’s meeting so the board can be updated. It is important to take care of this for the health of the employees. The building is relatively new and it’s important to keep it maintained and be sure that air circulation is done correctly and safely through the building.

Fees for Car Charging Station

Currently the town is charging \$0.17 per kilowatt hour. A search of the area for car charging stations found rates varying \$0.20/kw hr to \$2-\$4/kw hr. Supv Leifer recommends charging \$0.30/kw hr to recover some of the money the town invested because the grant only covered the cost of the charging station itself, not the cost of installation (\$3,000-\$4,000). The town is currently only recovering the cost of electricity, not the cost of maintenance, future maintenance or what has already been expended.

RESOLUTION #111 (2020) – SET RATE FOR CAR CHARGING STATION

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

RESOLVED, that this Town Board hereby sets the user rate for the electric vehicle charging station at Town Hall at \$0.30 per kilowatt hour.
2nd Cl Lamb

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

Planning Department Update

Route 13 Study – There was a public meeting on September 3 and there were about 120 signed on early in the meeting. They reviewed the results of the study in a presentation format. A draft document will be available in the next month or two.

Comp Plan Update – Results are in on the survey and an analysis by the EDR team is being reviewed by the Planning Board. The next meeting of the steering committee will be in October.

Confidential Secretary to the Supervisor

Supv Leifer announced he has hired Cassandra Byrnes as his secretary and needs to set the pay rate for her. She started Tuesday and will work 20-25 hours per week, generally 9 a.m. to 1 p.m. Amanda Anderson and Sherri Crispell are helping to train her. It seems that she will fit in well.

RESOLUTION #112 (2020) - APPROVE PAY RATE FOR CONFIDENTIAL SECRETARY

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

RESOLVED, that this Town Board hereby approves the pay rate for Cassandra Byrnes as Confidential Secretary to the Town Supervisor at \$18.25 per hour.

2nd Cl Lamb

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

NYSEG LED Purchase

Atty Sokoni is looking into whether this is an unlisted SEQR action. The board will need to approve the purchase agreement and it will be on next week’s agenda. New York Power Authority (NYPA) has all the utility bills for the past two plus years. The board should be able to vote on the matter next week. The project summary has been provided to board members. NYPA will help the town finance the costs associated with this purchase. The estimated annual expense is just over \$11,000 and will be paid by the lighting districts. Monthly bills from NYSEG will be reduced because the town will own the fixtures and not pay a rental fee for those. NYSEG will be responsible for the poles.

Dominion Special Use Permit

The public hearing will be continued next week at 6:30 p.m. Documents have been added to the project documents on the town’s website. Cl Lamb said the board had a lot to process at the hearing last month. Since that time, people have had more time to digest the information and Dominion has written a thorough letter in response expanding on the benefits of the project in terms of local air quality. They also traced the history of how this project came about, at the direct request of the town in 2017. The town asked Dominion to clean up their act and provide the safest equipment for the community after hearing concerns of nearby residents, including negative health effects of the emissions.

The plan includes significant reductions of criteria pollutants. Cl Lamb met with Tony Ingraffea just prior to the meeting last month to review a set of conditions to be added to any approval of the special use permit. Those include making Borger integrate leading commercially available methane mitigation technology. Capturing fugitive methane is extremely important because over 20 years methane is 80 times stronger than CO2 in terms of being a greenhouse gas. Borger will use better equipment, clean up how they do their pressurized holds on some of their pumps, use a new method when they do their planned blowdowns, use new equipment for leak detection and repair, among other things to help reduce fugitive methane. The town has a win in terms of Borger being more responsible when it comes to reducing fugitive methane. Borger has agreed to report to the board on an annual basis. More members of the community are aware of this now and T Ingraffea has met with the Safety & Preparedness Committee.

Katie Quinn-Jacobs said it was wonderful that Tony Ingraffea stepped forward to help the committee with this. The committee agrees that the very best thing would be to get an independent, outside consultant to evaluate the data and applications produced, but also to advise the town on things like the Comprehensive Plan or in exchanges with the state or the county. It would be nice to have this established resource of technological knowledge. The methane capture and annual reports are great. Something not in the annual report that would be helpful to know is the volume of gas that is actually flowing through the pipeline.

Cl Lamb said the town always gets the same response: they can tell us run hours, not the volume of gas. Going forward, the town will be keeping track of the conditions, the emissions and the run times. If we stay focused on those things, it isn't something that needs to be farmed out to an expert. If the run times increase, they are moving more gas. We want to see the reduction in emissions and see the conditions met.

The 239 review from the county has been received. They see this as having no negative impact. They also acknowledge the difficulty in making a public health estimate with the side-by-side comparison of reducing greenhouse gases as opposed to reducing criteria pollutants. Cl Lamb said he thinks we will see an improvement in local air quality and that is in our best interest.

Cl Sparling echoed K Quinn-Jacobs' sentiment for an independent consultant. There are no health-based standards for acceptable concentrations of GHGs in ambient air that have been established. This might be an opportunity to create inroads in that. Right now in terms of information, Dominion holds all the cards. He thinks to better guide Dryden's future we need an outside expert to guide questions and investigate results. What Dominion is proposing is better than what is there now, but it could be better. If we say yes to the permit, we will get rid of those harmful pollutants. If we say no, can the residents of Ellis Hollow live with that? What are the actions should Dryden not be satisfied with Dominion's annual reports? They can present the report, but if there is nothing we can do about it, they have all the cards. Those are his biggest concerns. Just because it hasn't happened in the past doesn't mean it won't happen in the future.

Cl Lamb said this was discussed on the 20th. With respect to the idea that we need an outside expert, Tony Ingraffea is a national figure on methane reduction and the threat that methane presents. For him to say that he thinks it is in our best interests to do is significant. Whatever outside expert consultant comes in, someone will always question it because there is no known standard for trying to weigh the immediate health risk of criteria pollutants versus greenhouse gas emissions which do not pose an immediate health risk. We all know what they do in the upper atmosphere in terms of climate change. We get a chance to have this discussion now on a yearly basis and keep this in our focus. We still have to make a decision next week and we've done our due diligence.

Cl Sparling said from what he knows of T Ingraffea he is an expert. In an unofficial capacity though. He's not turning out a report on how a possible 30% increase in carbon dioxide emissions affect us. Cl Lamb said the 20% number they've been using is their potential to emit. Cl Sparling said he calculated at 25% to use their conservative estimate and he came out with a 30% increase in greenhouse gases, carbon dioxide equivalents.

Supv Leifer said we have to weigh climate change or local respiratory health. Cl Sparling noted the little contributions ultimately add up to a lot. Cl Lamb said there is a health benefit that is clear and demonstrable. There is also a greenhouse gas harm that could occur. The board is deciding between something that goes against our instincts about greenhouse gases but does better for local health. He thinks we would be making a mistake not taking this deal that would improve public health at the local level when several experts

have told us that. The town petitioned Dominion to do this. It's going to be hard to get a pure solution here.

2150 Dryden Road Special Use Permit Amendment

R Burger explained this is regarding the interconnection on George Road for the solar farm at 2150 Dryden Road. We finally have the details on how that interconnection will be made. In 2017 the approved site plan showed a single line running over to the side of George Road and five dots showed the interconnection. Now we know that the interconnection will actually take place through an 18-pole matrix. They propose to site it down in that little pocket below the road. They've submitted seven different angles in their visual analysis.

The proposal is to amend the site plan. Per the solar law passed in 2017 there is a requirement to have a Planning Board recommendation on site plan so we are sending it back to the Planning Board. They will meet two weeks from tonight. Next week the hearing will be opened. Neighbors within 500' have been notified. The decision on the amendment will have to wait until the October meeting.

There is a letter from NYSEG that explains their standards for these interconnections. They require a transformer, a recloser and a meter to accept any energy fed into the grid. They also require the customer to have that equipment. NYSEG and the customer both measure the throughput and have the ability to close off the line to protect their respective infrastructure. That's how we have this proliferation of six pieces of equipment to transfer the energy. The positive thing is that the originally envisioned transfer was to take place through five different lines because we were limited to 2 megawatts per field. The PSC has now raised the limit and you can do 5 megawatts per field. Two sets of poles were dropped, but not a third.

Supv Leifer said the issue of running the connection underground will be brought up next week. It seems to be a requirement from NYSEG. R Burger referred the board to NYSEG's email of August 3 posted on the website. This is their standard, they do it for safety reasons, their replacement equipment are these reclosers and meters and such that are all pole mounted. They don't stock any of the ground mounted stuff. They don't train any of their staff on how to repair or deal with any of the ground mounted stuff. They are strictly set up and trained to deal with this standard equipment and that's why they push it on all their customers to connect through their standards. The new standard pole height is 50' and they want all their linemen to anticipate arriving at the same setup whenever they go out for a repair. Even though NYSEG's side of this array is at the NYSEG standard, True Green capital will be repairing their own side and will deal with slightly lower poles.

All the connections through the photovoltaic fields are underground. It has to pop up over Virgil Creek and then on to meet NYSEG. The original site plan approval included going over Virgil Creek.

First Light Equipment Shed

R Burger explained a problem arose when we discovered their survey was faulty. They have to go back and reconfigure their site plan and application and they have not been able to arrive at a revised site plan yet. He doesn't know what their timeline is.

Planning Board

Supv Leifer said he and John Kiefer have spoken over the past several days and asked that the board reappoint him to the Planning Board.

RESOLUTION #113 (2020) – REAPPOINT J KIEFER TO PLANNING BOARD

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

RESOLVED, that this Town Board hereby reappoints John Kiefer to the Planning Board for a term to expire December 31, 2020, and hereby reappoints him as Chair of the Planning Board for a term to expire December 31, 2020.

2nd Cl Skaley

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

Supv Leifer said there has been discussion between him, J Kiefer and Alice Green of a process that will help with communication between the boards. This process will eventually apply to all boards. He said that it was not apparent to him in the Varna zoning proposal process until receipt of the 239 letter that the board would need a super majority to pass it. He would not have voted yes on it because of the work that is being done on the comp plan. While the Town Board appreciates the work the Planning Board put into that proposal, it could be included in the wider Comprehensive Plan process. Other things such as inclusionary zoning and items brought up in the county review also needs to be considered. Better communication between the boards is necessary with the overall goal of how to manage development where we have infrastructure. We have a lot of competing concerns where on one hand based on things put out by County Planning you can't have density where you don't have infrastructure, but then if certain places have infrastructure and a certain character, how do you balance those things? Then throw in the climate change aspect. It's not an easy answer.

Going forward, the way we conduct ourselves at meetings is a big part of this as well and also the way we take public participation during meetings. They have a list to use as a starting point. Cl Lamb said it is good to affirm a lot of these principles that are mostly spelled out in town law already.

J Kiefer said this is an important time for the town to really work on process. The Comprehensive Plan is complicated and the degree to which all the boards work together and communicate openly and effectively causes the comp plan to be better and be a useful thing in the years to come. The opposite is true as well. If we can't seem to find ways to speak honestly and respectfully the comp plan will suffer. That's not something he wants to see happen. In the spirit of the way we work, he thinks it is appropriate and necessary to take time from our task-oriented world and work on work processes and communication. He thanked Alice Green for being a voice of reason. He appreciates Supv Leifer's willingness to have conversations about moving forward. He received lots of encouragement from people on the advisory boards on the concept of working on work processes and how we go about the stressful business that we are engaged in. He is enthusiastic about going forward and his intention is not to squelch participation but to have it be respectful and thoughtful.

Supv Leifer would like to work out the final list by January and use the template for all the advisory boards. Cl Lamb noted the board did adopt a code of conduct a few years ago.

Rail Trail Easements

Easements are needed for the pedestrian bridge over Route 13. R Burger is meeting with DOT tomorrow and will find out what the process is going forward. It will likely include appraisals of a couple of properties. R Burger will update the board next week.

438 Lake Road Conservation Subdivision

The board has been asked to come to a settlement with a property owner who built their home partially in the conservation easement in the Blue Bird Subdivision. They are under pressure from their lender. Cl Servoss said she visited the site and house is pretty far back from the road and they have also planted a number of trees that will shield the house from the road. From where she was standing on the road, the lake wasn't really visible because there were so many trees. Her inclination is to agree with the stipulations as presented. R Burger said the survey shows the house 298 feet from the road (50 plus feet in the conservation easement) and prior to that he didn't have an exact measurement.

Because this subdivision also had driveway permits granted in areas that were not approved by the Planning Board, it was suggested that a process be devised to be sure that all permitting authorities are made aware of such provisions and conditions. R Burger said he had spoken with the Highway Superintendent and believes this won't be a problem in the future.

The homeowner and builder were present and after discussion, it was decided they will meet with Ray Burger on the property. If a mutually satisfactory agreement is reached, that can be put in written form by the attorneys and presented to the board for approval.

Code of Ethics

Cl Servoss said this been available for review for over a month. She received some grammatical suggestions from Cl Sparling and integrated those.

RESOLUTION #114 (2020) – APPROVE AMENDMENT TO PERSONNEL MANUAL – CODE OF ETHICS

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

RESOLVED, that the Town of Dryden Personnel Manual be amended to replace the current Code of Ethics Policy in the Town's Personnel Manual with the following policy, and be it further

RESOLVED, that the Town Board hereby directs all employees, public officers, and agents, either elected or appointed, paid or unpaid, to sign the "*Code of Ethics Acknowledgement Form*" and submit it to the Office of the Town Supervisor.

“3) CODE OF ETHICS

Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board recognizes that there are rules of ethical conduct for Elected Officials and Town employees, which must be observed so as to maintain a high degree of moral conduct and public confidence. Therefore, the Town Board has adopted rules of ethical conduct. These rules are in addition to Article 18 of the General Municipal Law and any other law pertaining to ethical conduct or interest in contracts.

Definitions - For the purpose of the Town of Dryden's Code of Ethics, the following terms shall have the meanings indicated:

- **Municipal Officer or Employee** - will mean and refer to an officer, employee, or agent of the Town of Dryden, whether paid or unpaid, or elected or appointed, including

members of any administrative board, commission committee, or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer, except as chief engineer or assistant chief engineer.

- **Interest** - will mean and refer to a pecuniary or material benefit accruing to an officer or employee, unless the context otherwise requires.

Standards of Conduct - Every officer or employee of the Town of Dryden shall be subject to and abide by the following standards of conduct:

- A. **Gifts** - An officer or employee may not directly or indirectly solicit any gift nor accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the officer or employee, or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on the officer's or employee's part.
- B. **Confidential Information** - An officer, employee, or agent shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.
- C. **Representation Before One's Own Agency** - An officer or employee may not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency over which the officer or employee has jurisdiction or to which the officer or employee has the power to appoint any member, officer or employee.
- D. **Representation Before any Agency for a Contingent Fee** - An officer or employee shall not receive, or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of the Town, whereby the officer's or employee's compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this provision shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. **Disclosure of Interest in Legislation** - To the extent that an officer, employee, or agent knows thereof, the Town Board and any officer, employee, or agent of the Town of Dryden, whether paid or unpaid, or elected or appointed, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board must publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they may have in such legislation.
- F. **Investments which Conflict with Official Duties** - An officer, employee, or agent shall not invest nor hold any investment, directly or indirectly, in any financial, business, commercial, or other private transaction, which creates a conflict with their official duties.
- G. **Appearance of Impropriety** - An officer, employee, or agent must avoid circumstances that compromise his/her ability to make decisions solely in the public interest or create an appearance of impropriety.
- H. **Recusal** - An officer, employee, or agent must recuse him/herself when faced with the above conflicts. Recusal means that the official may not deliberate, vote, or participate in any way in such matters. The official should disclose his/her conflict and remove him/herself from the discussion and actions related to the conflict.
- I. **Town Property** - No employee, officer or agent shall use town property or assets for personal purposes or profit or to benefit a private party. Use of town property or assets are restricted to the conduct of official business and for the benefit of all residents.

- J. **Nepotism** – Spouses and other family members may not serve in positions creating a conflict of interest, the appearance of a conflict, or consolidation of power in one board.
- K. **Private Employment** - An officer or employee shall not engage in, solicit, negotiate for, or promise to accept private employment, or render services for private interests, when such employment or service creates a conflict with or impairs the proper discharge of their official duties.
- L. **Respect in the Workplace** – Every employee, public officer and agent has the right to work in a respectful and dignified workplace, regardless of their status or position. Town employees, public officers and agents are expected to conduct themselves in a manner which exemplifies courtesy and respect to all, exhibiting professionalism, integrity, civility and courtesy on a consistent basis.
- M. **Subordinates** – No public official shall solicit political contributions from subordinates.
- N. **Incompatible Positions** – An officer is prohibited from (a) holding positions when one is subordinate to the other; and (b) holding positions when the duties of the positions conflict.
- O. **Right to File Claims** - Nothing herein shall be deemed to bar, or prevent, the timely filing by a present or former municipal officer or employee of any claim, account, demand, or suit, against the Town of Dryden, or any agency hereto on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.
- P. **Penalties for Offenses** - In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates any of the provisions of this code may be suspended, or removed from office or employment, as the case may be, in the manner provided by law. Town employees or public officials may submit alleged ethical issues or concerns in writing to the Tompkins County Ethics Board for review and investigation. Infractions of the Code of Ethics that are confirmed by such investigation will be referred to the Town Board for action.”

2nd Cl Skaley

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

Short Term Rentals

The Planning Board has submitted a recommendation and the Town Board finds it agreeable. R Burger will ask the town attorney to put it in local law form and the board will then set a public hearing date.

Noise Ordinance

Supv Leifer said the model used by the Town of Ithaca deals with parties. Cl Skaley said other matters have been brought to the board’s attention and that enforcement will be an important component of any draft law. Some of the problems have been with homes rented out via Airbnb where the owner isn’t present. Having something in place will make it more likely to get a response from law enforcement when a problem arises. R Burger said Atty Sokoni has some material from other work she has done that the board can review.

Future Meetings

The Governor has extended the Executive Order allowing virtual meetings of public bodies until October 4. Boards and commission can meet in person (social distancing protocols in place, virtually or via a hybrid). Supv Leifer suggested moving toward a hybrid meeting for Town Board meetings. That will involve some modification/addition to equipment in the board room. It may be possible to do this by the October meetings.

Varna Water/Sewer

Cl Skaley reported that all the required documents have been submitted to the Environment Facilities Corporation for the sewer and Department of Health for the water. He has been notified that we are on the priority list with EFC so we can obtain funding. The DOH will be reviewing the submission and we should hear from them some time in October. With respect to the income survey, the consultant has all the addresses they need and will be sending out letters to households in the consolidated districts. We are moving toward the final application phase. He noted that TG Miller has lowered the cost for the sewer down to 4.3 million.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Bambi L. Avery
Town Clerk

Town Board Meeting

September 10, 2020

Zoom Chat

01:25:03 Joe Wilson: Yes, it would be helpful to know what promises were made regarding underground connections. Wouldn't the Applicant be bound by that as a successor in interest to the original sponsor of the project?