

**TOWN OF DRYDEN**  
**TOWN BOARD MEETING**  
**March 18, 2021**  
**Via Zoom**

Present: Supervisor Jason Leifer, Cl Daniel Lamb, Cl James Skaley,  
Cl Loren Sparling, Cl Leonardo Vargas Mendez

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

Other Town Staff: Amanda Anderson, Bookkeeper  
Ray Burger, Planning Director  
Peter Walsh, Town Attorney

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

**TOWN CLERK**

**Approve Minutes**

**RESOLUTION #71 (2021) – APPROVE MINUTES**

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

RESOLVED, that this Town Board hereby approves the meeting minutes of February 11, February 18, and March 2, 2021.  
2<sup>nd</sup> Cl Sparling

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|----------------|------------------|-----|
| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**Codification**

General Code has completed their work on codifying the towns local laws and ordinances and provided the town with two printed copies of the code and information and documents to be used in the adoption process. Atty Walsh has concerns about exactly how this is filed with the Secretary of State causing it to be effective. He has found a few trivial errors and would like to take a careful read of the entire document as presented. He recommends not setting a public hearing at this time.

**ANNOUNCEMENTS**

Supv Leifer said discussion at the County Officials meeting this morning centered around Covid vaccines and whether the in-person meetings would be allowed in the near future. Tompkins County's registry has been very useful for people wanting to sign up for the vaccine.

**HUMAN RESOURCES**

**Communications Policy** – The document is a good start. Concerns were expressed about the guideline that says town media shall not advertise or promote any private business, not-for-profit organizations, or any other non-municipal organizations. That could be problematic in the town’s interactions with the VFW and Southworth Library, for example. Adoption of the document was tabled in order to consider and draft alternative language.

**Health Insurance Consortium Appointment** – A Anderson explained that we have a vacancy on the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium with the resignation of Kathy Servoss. Leonardo Vargas-Mendez has agreed to serve as the Town’s representative on that board.

**Resolution #72 (2021) - Appointing Leonardo Vargas-Mendez to Board of Directors for Greater Tompkins County Municipal Health Insurance Consortium**

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

Whereas, the position on the Greater Tompkins County Municipal Health Insurance Consortium Board of Directors from the Town of Dryden is vacant.

Therefore, be it resolved that the Board approves the appointment of Dryden Town Board Councilman Leonardo Vargas-Mendez as the representative for the Town of Dryden to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium.  
2<sup>nd</sup> Cl Skaley

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**COUNTY BRIEFING**

Martha Robertson said the American Rescue Plan has been signed into law. The Town of Dryden’s allocation is 1.56 million dollars. Half should be distributed within 60 days and the other half a year from now. She suggested that municipalities should get together and list projects and uses for this rescue money and see if they can coordinate or leverage the money. She suggested it might be on the TCCOG agenda. Capital projects are a logical use. There was discussion about what the funds might be used for and what any restrictions may be. Water, sewer and broadband are examples that were given, and guidance and regulations are being developed.

Tompkins County has spent a lot of time on reimagining public safety. The County Legislature has been discussing and reviewing the recommendations and the committee is developing a resolution for adoption on March 30. It currently doesn’t include a couple of city only initiatives. Most recommendations are collaborative with the city and county. The first big step would be to establish a community justice center and hiring two people (shared expense) that would be lead on taking the outline and turning it into a plan by working further with community groups, public safety groups, etc. It will take time to rebuild what needs to be done with public safety.

The facilities and infrastructure committee met today and had a presentation by Jeff Smith of County Highway. Road repairs planned for this year include repaving parts of Irish

Settlement Road and all of Turkey Hill Road and chipseal treatment most of Irish Settlement Road, most of Hanshaw Road, most of Ellis Hollow Road and Sheldon Road.

On the last day of the Trump administration there was a committee reviewing the designation of metropolitan area. ITCTC does a lot of managing federally funded projects because we are a designated metropolitan area. This committee recommended that a metropolitan area be redefined as populations of over 100,000, up from 50,000. The comment period ends tomorrow and there has been a lot of activity this week rallying different groups to push back on that. It would radically reshape what kind of funding would come to the Ithaca area and communities this size. It would affect our community negatively.

**PLANNING DEPARTMENT**

R Burger reported he has submitted his monthly report. His department is getting their new software on board for building/zoning permit database. It is much more flexible and user friendly. The Accella program is in place for three more months. He expects an easy transition.

**HIGHWAY/DPW DEPARTMENT**

R Young said he would like to sell a truck (#4) to the Village of Freeville (an intermunicipal sale). He would also like to sell the old sign truck (#5) since he has replaced that with the truck purchased from Tompkins County. He would like to purchase two new John Deere tractors off state bid.

**RESOLUTION #73 (2021) – AUTHORIZE PURCHASE OF JOHN DEERE TRACTORS**

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

RESOLVED, that this Town Board hereby authorizes the Highway Superintendent to purchase the following items from New York State bid (Landscaping Grounds PC8131 (PG XN CG 22) for a total amount not to exceed \$22,000, using funds from the DPW equipment budget (A1490.2): 1 John Deere Z930M ZTrak (\$10,112.41) and 1 John Deere X738 (\$11,356.18).  
2<sup>nd</sup> Cl Sparling

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**RESOLUTION #74 (2021) – AUTHORIZE SALE OF EQUIPMENT**

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

RESOLVED, that this Town Board hereby authorizes the sale of the following:

- Truck #4 - 2016 Chevrolet 2500HD Truck (VIN 1GC2KUEG3G2346047) to the Village of Freeville for the sum of \$30,000.00
- Truck #6 - 2012 Chevrolet sign truck (VIN 1GC4KZCG4CF205394) through Auctions International
- 2010 John Deere tractor through Auctions International.

Proceeds of the sale of the trucks will be put into budget DA5130.2 and proceeds from the sale of the tractor will be put into budget A1490.2.

2<sup>nd</sup> Cl Lamb

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**DISCUSSION/ACTION ITEMS**

**Varna Sewer Project** – A resolution has been prepared that designates the town as lead agency on the project. Notification will go out to potential involved agencies with Part 1 of the EAF and they have 30 days to respond.

**RESOLUTION #75 (2021) - INITIAL SEQRA RESOLUTION**

**PRELIMINARILY CLASSIFYING THE CONSOLIDATED SEWER DISTRICT IMPROVEMENT PROJECT AS AN UNLISTED ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND DECLARING THE TOWN BOARD’S INTENT TO ACT AS LEAD AGENCY FOR A COORDINATED REVIEW OF THE PROJECT**

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

**WHEREAS**, the Town of Dryden (the “Town”) is considering undertaking the acquisition, construction and installation of improvements to the Town of Dryden Consolidated Sewer District (the “District”) sanitary sewer system including, but not limited to, the replacement or rehabilitation of sewer mains, manholes, pump stations and other facilities, and the acquisition of machinery, equipment or apparatus required in connection therewith (the “Project”); and

**WHEREAS**, the Project is an action subject to review under the State Environmental Quality Review Act (“SEQRA”), as set forth at Article 8 of the New York State Environmental Conservation Law, and the implementing regulations set forth at 6 NYCRR Part 617, as amended (the “Regulations”); and

**WHEREAS**, the Town desires to comply with SEQRA and the Regulations with respect to the Project; and

**WHEREAS**, as sponsor of the Project, the Town has prepared Part 1 of a Full Environmental Assessment Form (“FEAF”) for the SEQRA review of the Project; and

**WHEREAS**, the New York State Department of Transportation, the New York State Department of Health, the New York State Department of Environmental Conservation, the New York State Office of Parks, Recreation and Historic Preservation, New York State Environmental Facilities Corporation, and the New York State Office of Community Renewal are considered involved agencies for the Project; and

**WHEREAS**, the Town Board of the Town of Dryden (the “Town Board”) has considered the scope and nature of the Project in light of the actions included on the Type I list under Section 617.4 of the Regulations and those on the Type II list under Section 617.5 of the Regulations; and

**WHEREAS**, the Town Board desires to serve as lead agency for purposes of conducting a coordinated review of the Project and to classify the type of action for which the Project qualifies under SEQRA; and

**WHEREAS**, the Town desires to provide a copy of Part 1 of the FEAF and other pertinent materials containing information about the Project to the involved agencies for their review and comment.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF DRYDEN, NEW YORK AS FOLLOWS:**

1. The Town Board hereby preliminarily classifies the Project as an “Unlisted Action,” as defined in the Regulations. Notwithstanding the preliminary classification of the Project as an “Unlisted Action”, the Project will be treated as a “Type I Action”, as defined in the Regulations, to comply with the requirements of New York State Environmental Facilities Corporation, which may provide funding for the Project.

2. The Town Board hereby declares its desire to serve as lead agency for purposes of a coordinated review of the Project under SEQRA.

3. The Town Board directs the Town Clerk to send correspondence to the involved agencies for the Project, including copies of the FEAF Part 1 and related materials, to request their comments on the Project, and to request the concurrence by the involved agencies in the Town Board acting as lead agency.

4. The Town Clerk and Town staff are authorized to take such additional steps as may be necessary to carry out this Resolution.

5. This resolution supersedes and replaces the prior resolution adopted by the Town Board on January 21, 2021 relating to the Town Board’s SEQRA review of the Project.

6. This resolution shall take effect immediately upon its adoption.  
2<sup>nd</sup> Cl Lamb

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**Fall Creek Bank Stabilization Project** – A grant for \$705,000 was received for this project. The EAF has been signed by the Highway Superintendent and there is a resolution to declare lead agency. Notice will be set to interested agencies and after 30 days we can conduct the environmental review.

**RESOLUTION NO. 76 OF 2021 - DECLARATION OF THE TOWN BOARD OF THE TOWN OF DRYDEN AS LEAD AGENCY IN CONNECTION WITH THE FALL CREEK STREAMBANK STABILIZATION PROJECT**

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

WHEREAS:

- A. The Town Board of the Town of Dryden (“Town Board”) is in the process of executing a Water Quality Improvement Project that is partially funded by a \$705,635 grant from the NYS Department of Environmental Conservation
- B. The project location is along various segments of Fall Creek and its tributaries, and
- C. 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

- D. 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
- E. The Town Board wishes to comply with the SEQR Act and its Regulations with respect to executing this project, and
- F. The Town Board has determined that the proposed action is an unlisted action under SEQRA and a coordinated review should be conducted, and
- G. The Town Board is the agency primarily responsible for undertaking decisions regarding this action, is the agency with the broadest governmental powers for investigating the impact of the proposed action, and has the greatest capacity for providing the most thorough environmental assessment of the proposed action.

NOW, THEREFORE, BE IT RESOLVED:

That the Town of Dryden Town Board hereby declares itself Lead Agency for purposes of conducting the coordinated environmental review required by SEQRA and its accompanying regulations.

2<sup>nd</sup> Cl Skaley

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**Solar Decommissioning Agreement Conversion to Bond** – The larger of the two solar fields developed by Delaware River Solar between Route 13 and Ferguson Road has been acquired by True Green Capital and they would like to convert the mechanism in the existing decommissioning agreement from deposit funds to a bond. They have the right to do that conversion and the resolution presented will accomplish that.

**Resolution #77 (2021) – Substituting Bond for Decommissioning at Solar Facility at 214 Ferguson Road**

Supv Leifer offered the following resolution and asked for its

WHEREAS:

- A. Delaware River Solar, LLC was granted a Special Use Permit on March 15, 2018 for a large-scale solar energy system at 212 Ferguson Road, Tax parcel 47.-1-7.3 , and
- B. Ownership and operation of this facility was transferred to NY Dryden I, LLC, and
- C. A Decommissioning Agreement dated 7-12-2018 established a Decommissioning Account with an initial deposit of \$60,000 and annual deposits as outlined in Schedule I, and
- D. Section 7 of the Decommissioning Agreement provides that “Owner shall have the option to replace the funds in the Decommissioning Account with a commercially reasonable decommissioning bond.”, and
- E. NY Dryden I, LLC wishes to provide the Town of Dryden with a decommissioning bond to replace this Decommissioning Account.

THEREFORE BE IT RESOLVED THAT:

1. The Town Board of the Town of Dryden does hereby accept the replacement of the Decommissioning Account with a Decommissioning Bond in an amount sufficient to cover the Cumulative Deposits specified in Schedule 1 of the Decommissioning Agreement and subject to the review and approval of the Town Attorney, and
2. Upon receipt of the approved bond the Town shall refund the remaining funds in the Decommissioning Account to NY Dryden I, LLC.

2<sup>nd</sup> Cl Vargas-Mendez

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**Stormwater Review Services** – The Tompkins County Soil and Water District has offered their services and advice for stormwater reviews and inspections. They have contracts with other municipalities in the county. This would be in addition to the services we receive from TG Miller and be an additional resource for the Stormwater Officer.

**Resolution #78 (2021) - Approve Agreement for Services with Tompkins County Soil and Water Conservation District**

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

WHEREAS, the Town has need from time-to-time for professional services in the administration and enforcement of Local Law No. 4 of 2007, the Town of Dryden Stormwater Management, Erosion and Sediment Control Law; and

WHEREAS, the Town wishes to obtain such professional services at the most cost-effective price; and

WHEREAS, the Tompkins County Soil and Water Conservation District (“Soil and Water” ) is a municipal district with capacity to provide such professional services as may be requested by the Town, and has expressed its willingness to do so;

NOW, it is hereby

RESOLVED, that the Town enter into a non-exclusive, one-year agreement with Soil and Water for the provision of professional, non-engineering services concerning review of basic stormwater pollution prevention plans and monitoring erosion and sediment control measures as approved by the Town; and it is further

RESOLVED, that the Town Supervisor is hereby authorized and requested to execute and deliver as the act of the Town an Agreement for Services with Soil and Water, as approved by the attorney for the Town.

2<sup>nd</sup> Cl Sparling

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**Varna Water/Sewer Project Contracts** – TG Miller has presented a contract for engineering services for the Varna Water and Sewer projects. CI Skaley explained the fees under the contract will be separated between the sewer project (\$324,000.00) and the water project (\$190,000.00). Copies of all contracts for services in connection with the project will need to be submitted to EFC for review as part of the application.

CI Skaley said we currently have \$848,489.00 in the sewer fund balance and if we take the \$324,000.00 for fees, it leaves \$524,489.00 in the fund balance. He proposes reserving \$300,000.00 toward construction costs, leaving \$224,489 in the fund balance. He has spoken with the Highway/DPW Superintendent who seems comfortable with that amount.

The water fund balance currently has \$1,273,931.00 and taking the \$190,000.00 in fees, leaves \$1,083,931. CI Skaley suggests reserving \$900,000.00 toward construction costs, leaving \$183,931.00 in fund balance. Both R Young and D Harner think that is alright. He will convey those figures to the consultant for budgeting purposes on the project.

A Anderson said she has no problem with these numbers, and asked the board to think about how to rebuild fund balances for the future if we are taking this much out now. Supv Leifer said once construction happens there will be some assessment on the properties to pay the debt back and we will build the fund balance with user fees.

**Resolution #79 (2021) - Approve Engineering Services Contract with TG Miller to Upgrade the Sewer and Water Infrastructure for the Consolidated Sewer and Water Districts**

CI Skaley offered the following resolution and asked for its adoption:

Whereas, the TG Miller has proposed to the Town certain fees for providing engineering services to the Town to upgrade the sewer and water mains in the Consolidated Sewer and Water District in the Hamlet of Varna, and

Whereas, as part of our application for funding from the Environmental Facilities Corporation, this agreement shall show separate costs for sewer and for water, and

Whereas, the Town is required to submit this agreement as part of our application for funding by the Environmental Facilities Corporation, be it therefore

Resolved that the Town agrees to accept and approve the contract with TG Miller, subject to approval by the town attorney, and authorizes the Supervisor to sign the contract, and further be it

Resolved that the costs for these services shall be covered by the separate fund balances remaining in each the sewer and water fund balances.

2<sup>nd</sup> CI Vargas-Mendez

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| Roll Call Vote | CI Sparling      | Yes |
|                | CI Vargas-Mendez | Yes |
|                | CI Skaley        | Yes |
|                | CI Lamb          | Yes |
|                | Supv Leifer      | Yes |

Paul Reichel, Esq. of Bond Schoeneck & King has presented agreements for bond work with respect to the Varna Water and Sewer projects for review and signature.

**RESOLUTION #80 (2021) – APPROVE BOND COUNSEL SERVICES –  
VARNA SEWER**

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

Whereas, the Town has engaged Paul Reichel as bond counsel to provide services to assist in funding the consolidated sewer infrastructure improvements, and

Whereas, this agreement is required by the Environmental Facilities Corporation, which is overseeing the sewer project, be it therefore

RESOLVED, that the Town Supervisor is hereby authorized to sign the agreement.  
2<sup>nd</sup> Cl Skaley

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**RESOLUTION #81 (2021) – APPROVE BOND COUNSEL SERVICES –  
VARNA WATER**

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

Whereas, the Town has engaged Paul Reichel as bond counsel to provide services to assist in funding the consolidated water infrastructure improvements, and

Whereas, this agreement is required by the Environmental Facilities Corporation and NYSDOH which is overseeing the water project, be it therefore

RESOLVED, that the Town Supervisor is hereby authorized to sign the agreement.  
2<sup>nd</sup> Cl Skaley

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**Extend Municipal Solutions Contract – Broadband** – Supv Leifer presented a resolution to extend the current 6-month contract with Municipal Solutions. The town continues to need their advice for planning the financing for the municipal broadband system.

**RESOLUTION #82 (2021) – EXTEND CONTRACT WITH MUNICIPAL SOLUTIONS FOR  
BROADBAND**

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

RESOLVED, that this Town Board hereby approves a six-month extension of the contract with Municipal Solutions dated September 4, 2021 under the same terms and conditions.

2<sup>nd</sup> Cl Vargas-Mendez

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**Community Choice Aggregation** – Cl Sparling said at the last Climate Smart Communities meeting he was made aware of the TCCOG’s energy subcommittee’s interest in community choice aggregation. He attended their meeting last Friday and they have completed a draft grant proposal to submit to the Park Foundation. There is a call for municipal support for this and several municipalities have signed on. The benefit of signing on to the effort alleviates the pressure of Dryden working out the details on its own. It will also help us toward keeping revenue local in order to invest in energy saving programs and the possibility for local control of local energy sources and job creation. A proposed resolution in support was shared with the board. The intent of the group is to hire a project manager and pay the manager from this grant.

**RESOLUTION #83 (2021) - IN SUPPORT OF THE COMMUNITY CHOICE AGGREGATION GRANT PROPOSAL**

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

WHEREAS, there is great potential for achieving our energy and sustainability goals while providing unique and forward-thinking opportunities to our constituents through Community Choice Aggregation (CCA); and

WHEREAS, the Tompkins County Council of Government's Energy Committee decided to focus on Community Choice Aggregation in 2020; and

WHEREAS, this effort is currently supported by the Towns of Caroline, Danby, Enfield, Ithaca, and Newfield, the Village of Trumansburg, and the City of Ithaca, as well as the Tompkins County Council of Governments; and

WHEREAS, the stated goal of CCA is to progress in a way that sees savings and financial benefits accrue for our communities and residents, while also alleviating the pressure of municipalities to work out details on their own; and

WHEREAS, there is a desire to outline a path toward CCA 3.0, which would result in keeping revenue locally to invest in energy-related programs that would advance our equity and environmental goals, such as subsidies for clean heating technology for lower-income households; and

WHEREAS, there are also possibilities for development and local control of renewable energy sources, and the possibility to incorporate local priorities of job creation and workforce development into projects; and

WHEREAS, funding from a successful Park Foundation grant proposal would provide a mechanism to investigate and take concrete steps towards the adoption of CCA in Dryden; now

THEREFORE, BE IT RESOLVED THAT the Town Board of the Town of Dryden pledges its support of Community Choice Aggregation by officially signing on to the initiative's grant proposal.

2<sup>nd</sup> Cl Vargas-Mendez

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**Community Campaign to Lower Resident Energy Costs** – Cl Sparling reported HeatSmart Tompkins is receiving funding from NYSERDA and want to inform the public that NYSERDA provides incentives for low to moderate income households for insulation and air sealing, heat pumps and heat pump water heaters. This fits with our plans for the comprehensive plan. Postcards from HeatSmart have been sent out, and this conveys the same idea in collaboration with our Climate Smart Community Task Force. The resolution says the town approves town participation, specifically the Climate Smart Community Task Force, in this campaign for clean heat. The board can have a presentation and a webinar is a possibility for our residents.

Alice Green added that Marie McRae will take the lead on coordinating the campaign. HeatSmart will publicize cost saving services available to our residents and it ties in with our values as a town to help people have clean air in their homes and outside in the town. It is a high impact action under the Clean Energy Communities Program. If ten residents sign up for some of the services, the resident gets a subsidy, and the town gets substantial points toward the Clean Energy Community Leadership Program. There are high level grants available if we complete enough of these action steps. The program is only available until the funding runs out.

**RESOLUTION #84 (2021) - APPROVING TOWN OF DRYDEN PARTICIPATION IN A COMMUNITY CAMPAIGN TO LOWER RESIDENT ENERGY COSTS**

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

WHEREAS, NYSERDA is currently offering generous incentives for low-to-moderate income households for insulation and air sealing, energy efficient heat pumps, and heat pump water heaters, and

WHEREAS, some of these incentives are time limited, and

WHEREAS, HeatSmart Tompkins is offering municipalities the opportunity to participate in a Campaign for Clean Heat to provide information and coordinate resident sign-ups for these services, and

WHEREAS, the campaign offers residents free assessments for home energy improvements, and

WHEREAS, successful participation in this campaign will result in greater comfort and energy savings for participating households and potential grant funding for the Town, and

WHEREAS, the Climate Smart Community Task Force wishes to partner with HeatSmart Tompkins on this campaign, and

WHEREAS, the Campaign will include a Clean Heating and Cooling Webinar in early May that will be open to all residents, and

WHEREAS, the Town of Dryden wishes to help residents lower their energy costs, and to promote clean indoor and outdoor air, now

THEREFORE BE IT RESOLVED, that the Dryden Town Board hereby approves Town participation in the HeatSmart Tompkins Campaign for Clean Heat.

2<sup>nd</sup> Cl Leifer

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| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

### **Newsletter**

The board discussed what they would like to see for content in a newsletter. An outline and example of what it might look like in mail chimp was displayed. There was discussion about how the email list would be started and developed. It is expected the newsletter will go out monthly on the first of the month, with a deadline for submission of the Tuesday after the business meeting. Supv Leifer will email advisory boards and department heads with guidelines and instructions on submission of articles for the newsletter.

### **Broadband Advisory Committee**

With the progress made by the Broadband Task Force, Supv Leifer has prepared a resolution creating a Broadband Advisory Committee that defines the structure, scope of work, and roles and responsibilities. It will consist of five to nine board members with one calendar year appointments. The committee cannot bind the town to any financial commitments and the Town Board will have final say in all matters. The project is at a point where they are looking to start laying fiber, hopefully this year.

### **RESOLUTION # 85 (2021) - AUTHORIZING THE ESTABLISHMENT OF A BROADBAND ADVISORY COMMITTEE**

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

Whereas, the Town recognizes the importance of every resident, educational institution, and business within the Town of Dryden having access to reliable and affordable Broadband Internet service is a public necessity; and

Whereas, the Town recognizes that not every resident, educational institution, or business within the Town of Dryden currently has access to reliable or affordable Broadband Internet service; and

WHEREAS, access to the Internet with reliable connections, low latency, high bandwidth, and high speed is increasingly important and today is considered a basic need and essential for businesses and households; and

WHEREAS, broadband, or high-speed Internet, is defined by the Federal Communication Commission as 25 megabits per second (Mbps) download and 3 Mbps upload for private

companies offering Internet service. However, this standard is increasingly outdated, and there are households and businesses seeking greater symmetrical speeds up to 1 gigabit per second (Gbps) to meet growing demand for Internet consumption and interconnected devices; and

Whereas, the COVID-19 pandemic has shown that Broadband Internet access is necessary for educating our students and conducting business; and

WHEREAS, the State of New York and the Federal Government are funding and developing programs to expand access to high-speed Internet to rural areas of the state to support economic development, education, health care, public safety and basic services; and

WHEREAS, fast, affordable Internet is seen as one way to help expand existing local companies, or to attract new companies; and

Whereas, the Town finds that the current model of relying solely upon private industry to meet the Broadband Internet needs of the residents, educational institutions, and businesses within the Town of Dryden has failed to provide satisfactory Broadband Internet access to the Town of Dryden; and

Whereas, the Town conducted a household and business survey in 2019 that found interest in a Town-owned and -operated Broadband Internet service to be approximately 90 percent; and

Whereas, the Town commissioned a feasibility study in 2019, which was presented to the Town at the December 2019 business meeting, to determine whether the construction of a Town-owned Broadband Internet service was feasible, and the results showed that based upon the household survey the expected take rate would make a Town-owned and -operated Broadband Internet service feasible; and

Whereas, the Town Board allocated approximately \$113,000 in the 2021 budget to facilitate the initial design phase of the proposed Broadband Internet system as well as facilitate applying for loans and grants to assist the Town in constructing the Broadband Internet system; and

Whereas, the Town Board desires to formalize the current Broadband Committee in order to develop municipally owned broadband infrastructure to further the goals of greater availability, affordability, equitability, and quality of broadband access across the community; and

Whereas, the committee will address policy considerations, financial costs, and benefits to the Town, examine infrastructure proposals, advise the Town Board, and operate as an advisory board for the municipal broadband system;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF DRYDEN THAT:

SECTION 1. Broadband Advisory Committee ("Committee")

A. The BROADBAND ADVISORY COMMITTEE ("Committee") shall consist of not less than 5 and not more than 9 members with up to two alternates. Two voting members of the committee shall be from the Town Board as appointed by the Town Supervisor. The remaining members shall be appointed by the Town Board by resolution with a preference for individuals with general backgrounds in Internet services, fiber optic networks or related businesses and industries, public financing, municipal law, telecommunications infrastructure contracting, and small business, education, or non-profit management.

B. No member shall have a direct benefit to a current employer or business interest.

- C. No member shall represent the views of their employer.
- D. The Town Board shall consider perceived or real conflicts of interest in making any appointment.
- E. Appointments shall be calendar year appointments, with renewals and/or appointments occurring at the Town Board's yearly organizational meeting in January.
- F. If a committee member resigns, the Town Supervisor may appoint a replacement to fill the remainder of the term.
- G. The Town Board shall consider the advice of the Broadband Advisory Committee but shall have the final vote on any matter affecting the construction, financing, marketing, publicity, or operation of the municipal broadband system.

## SECTION 2. Scope of Work

The Broadband Advisory Committee shall take the following actions:

- a. Assist with development of a Request for Proposals to select qualified contractors and consultants to finance, design, construct, and operate a municipal broadband system with the goal of providing fiber to the home, offering speeds equal to or greater than the fastest option currently available to residents within the Town of Dryden.
- b. The Committee shall focus on broadband and fiber optic networks to expand quality, access, equity, and affordability and shall not investigate other forms of telecommunication services providing broadband including cellular, cable, digital subscriber line, or satellite services, except insofar as they directly relate to fiber optic networks.
- c. The Committee shall examine the range of common options for municipal broadband and fiber networks offered by other municipalities and assess financial models for operations and capital improvements for options considered, including but not limited to pay as you go, property tax levy, local improvement district, general fund, enterprise utility creation, user fees or other means as may be known to the Consultant or Committee members.

## SECTION 3. Quorums and Decisions and Meetings

- a. The Committee shall be comprised of 5 to 9 voting members with up to two alternates. The Committee shall designate a meeting facilitator, which may be a person who is not a voting member of the committee. The facilitator shall not have a vote unless the facilitator is a voting member of the committee.
- b. Quorum – A majority of the Broadband Advisory Committee present and voting shall constitute a quorum for the transaction of business.
- c. The Committee shall not establish subgroups without the express authorization of the Town Board. The Committee may divide tasks among the committee members.
- d. Decision Making - Committee members shall strive for consensus on decisions and recommendations made to the Town Board. In the absence of consensus, the Committee shall make decisions and recommendations by simple majority vote of the quorum. In the event of a simple majority vote, the minority votes will be allowed to submit a written dissenting opinion to be included in recommendation made to the Town Board.
- e. The Committee shall select two members to coordinate with the facilitator on meeting schedules, agendas and communications issued by the Supervisor's office.

f. Attendance may be in person, via telephone, video conference, Internet video stream or other method provided the member is able to listen, speak, fully participate and view all portions of the meeting.

g. The Committee shall establish its own meeting schedule but shall meet monthly for coordination with the Staff and Consultant.

h. The Committee shall advise and assist the Town on policy issues as defined in previous sections. In an advisory role to the Board, the Committee shall use the following in conducting business:

i. Committee meetings shall be open to the public for observation in a manner consistent with the NY State Open Meetings Law.

ii. Notice of meetings and agendas shall be published using usual and customary means of the Town.

iii. Summary meeting minutes shall be prepared by the Facilitator and provided to the public using usual and customary means of the Town.

iv. The work of the Committee is limited to the scope described in this Resolution and any further directive or resolution issued by the Town Board.

v. The Committee shall have no authority to set policy, direct actions of staff or otherwise replace or supplant any authority reserved for the Town Board or Town Supervisor.

vi. Committee meetings are not required to include public comment periods, nor shall the Committee be obligated to seek public comment on the work outlined in this resolution. Public comment and input on the policy advice and recommendations of the Committee and the Consultant shall be accepted by the Town Board after the completion of the work and presentation to the Town Board. The Committee is encouraged to include public surveys on needs and interests for broadband access, equity and affordability as part of the Scope of work to be completed by the Committee and the Consultant.

vii. The Committee may consider inviting its own members or outside individuals or entities to make presentations to the Committee to establish a base of common knowledge, develop a shared understanding and increase knowledge base concurrent with other elements of work contained in this resolution.

#### SECTION 4. Committee Member Roles and Responsibilities

a. All Committee members have equal voice and status.

b. Committee members shall be respectful of all opinions and views during all meetings and in all public forums outside of Committee meetings.

c. Committee members shall respect decisions of the Town Board and Town Supervisor in appointing members. Committee members shall not criticize other Committee members, individuals or represented companies for perceived conflicts of interest, background or profession.

d. Individual Committee members will not represent an official Committee point of view

unless expressly authorized by the Town Supervisor’s office or adopted by a formal vote of the Committee.

e. Public communications using social media, traditional media, press releases, public statements, or presentations, shall be authorized or issued by the Town Supervisor’s office only.

f. Committee members shall attempt to attend all scheduled meetings. If a committee member will be absent, the Committee member shall notify the Supervisor’s Office by email. If a Committee member is absent from four or more meetings in a calendar year, the Town Board may remove the Committee member.

2<sup>nd</sup> Cl Sparling

|                |                  |     |
|----------------|------------------|-----|
| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**RESOLUTION #86 (2021) – APPOINT MEMBERS TO BROADBAND ADVISORY COMMITTEE**

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

RESOLVED, that this Town Board hereby appoints the following individuals as members of the Broadband Advisory Committee to serve terms ending December 31, 2021: Jason Leifer, Daniel Lamb, Karl Kolesnikoff, Sam Bouabane, Michael Perhnic, Anthony Salerno, and Mark Wilson.

2<sup>nd</sup> Cl Skaley

|                |                  |     |
|----------------|------------------|-----|
| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

**ADVISORY BOARD UPDATES**

**Planning Board** – They have been working on the comp plan update. The consultant has collected the comments and will put together draft report for their review in April. The community greenhouse gas inventory has been completed and will be presented to the Planning Board in April. There will probably be a special meeting set for that toward the end of April. The Planning Board has been reviewing the stretch code and will vote next week on whether to recommend it.

**Conservation Board** – They had a question as to whether the town stormwater law was being enforced, and if so, to what extent. The agreement with Tompkins County Soil & Water may put that matter to rest.

**Recreation & Youth Commission** –The Rec Dept & Library have been collaborating on a spring themed youth event. Summer camps have been given the green light by New York State, but it is uncertain whether facilities are available. DRYC is exploring alternatives. DRYC is also revisiting and re-evaluating its roles and responsibilities so that new members and stakeholders clearly know what they are doing and whether they are doing it well.

**Ag Committee** – They are also looking at the stretch code and its effect on agriculture. A member had contacted someone at NYSERDA who couldn't answer his questions. He will send his questions to members to be amended and will contact the Planning Department and Planning Board. They are excited about the newsletter as an opportunity to educate.

**Safety & Preparedness Committee** – no report.

**Climate Smart Communities Task Force** – In addition to the campaign, there was general discussion on how Dryden might move toward 100% renewable energy and builder perception of the NY Stretch Code.

**Broadband Advisory Committee** – There will be meeting tomorrow at 10:30 and they will select the technology to use. They will probably recommend using a substantial portion of the stimulus funds toward the broadband project. That would get them ahead of the game with a more viable project than the USDA grants are going for. It spreads the benefit to as many residents as possible. Some of the funds in lost sales tax revenue may be used in this way also.

**CITIZENS PRIVILEGE**

None.

On motion made, seconded and unanimously carried, the board moved to executive session at 8:20 p.m. to discuss the employment history of two particular employees and contract negotiations.

The board returned to regular session at 8:48 p.m.

**RESOLUTION #87 (2021) – INCREASE HOURLY RATE FOR CASSIE BYRNES**

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

RESOLVED, that in recognition of six months of employment and increased job responsibilities the Town Board hereby authorizes an increase in the hourly rate for Cassie Byrnes of \$.50 per hour.  
2<sup>nd</sup> Cl Sparling

|                |                  |     |
|----------------|------------------|-----|
| Roll Call Vote | Cl Sparling      | Yes |
|                | Cl Vargas-Mendez | Yes |
|                | Cl Skaley        | Yes |
|                | Cl Lamb          | Yes |
|                | Supv Leifer      | Yes |

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Bambi L. Avery  
Town Clerk