

**TOWN OF DRYDEN  
TOWN BOARD MEETING  
May 20, 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

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

Supv Leifer called the meeting to order at 6:00 p.m.

**RESOLUTION #112 (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 April 8, April 15, and April 22, 2021.  
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

**COUNTY OFFICIAL CALL NOTES**

Discussion centered around the changed density allowances and masking. The Executive Order relaxing the requirements of the open meetings law has been extended until June 17, though there is the option to meet in person. Businesses and municipalities can ask for vaccination status and/or require masks inside. People can continue to wear a mask if they wish to. Asking someone if they have been vaccinated is not a HIPAA violation. The county has announced that pop-up vaccination clinics will continue to be held. Pharmacies are equipped to vaccinate. The County will hold clinics at the schools for kids 12 and over.

The Town Board will begin meeting in person beginning June 10 and may attempt a hybrid meeting. Board members will meet in person and there may be an option for the public to participate virtually.

Supv Leifer has sent a message to Anna Kelles’s office requesting a change in the law to continue to allow remote meetings for other committees.

M Robertson said that the County has discussed hybrid meetings and it would take a lot of work to do that successfully. The County has a YouTube channel. She said it is difficult to do and there will likely be feedback. Supv Leifer said he believes he can accomplish it.

**PUBLIC HEARING**  
**Varna Sewer**  
**202-b Hearing**

Supv Leifer opened the public hearing at 6:20 p.m. Cl Skaley said action on this will give the town the option of going out for bonding at some point, not now, but at some time in the future. The intention is to take a short-term loan from EFC. Documents for this matter are available on the town website and Supv Leifer briefly reviewed them. Cl Skaley said he has not received any comments. The process is to hold the hearing and take public comment, then pass the resolution and publish the estoppel. The maximum amount to bond will not exceed \$4,313,000.

There were no comments from the public or board members and at 6:30 p.m. the hearing was left open.

**PUBLIC HEARING**  
**Codification of Local Laws & Ordinances**

Supv Leifer opened the public hearing at 6:30 p.m. and explained that this action will enable the town to publish all of its laws in this easy-to-use manner.

Town Clerk B Avery explained that the town has adopted many local laws since the beginning of Municipal Home Rule in New York State. There have also been ordinances adopted by resolution. Some of those local laws have been amended or repealed and it is very difficult for people to find out exactly what the current rules are. A few years ago the town contracted with General Code to codify all of our local laws and ordinances. Their team of attorneys pulled all this together, removed things that were redundant, updated old references, and pulled everything together into an organized code. The code has an index, is easily searchable and will be available electronically via a link on our website. Nothing has changed, except the way that it is organized and put together. When local laws are passed in the future, General Code will integrate it into the Town Code.

Cl Skaley said this is an advancement and Cl Lamb noted the improvement in searchability. Supv Leifer said it will be easier to make amendments and you'll know what was changed and when.

Town Attorney Peter Walsh noted this is a remarkably better process and fantastic effort and improvement.

Tom Corey said the codification is a great idea and asked how the town knew that everything was included. General Code can access all the local laws filed with the Secretary of State and the Town Clerk provided all ordinances adopted by the Town.

Chuck Geisler asked about the update process and was told the town would periodically update the code, and that local laws would be available prior to incorporation into the code.

There were no further comments, and the public hearing was closed at 6:40 p.m.

The public hearing on the 202-b hearing was closed at 6:40 p.m.

**RESOLUTION #113 (2021) - APPROVING THE ACQUISITION,  
 CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO  
 THE TOWN OF DRYDEN CONSOLIDATED SEWER DISTRICT  
 FACILITIES.**

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

WHEREAS, pursuant to Town Law Section 202-b, the Town Board of the Town of Dryden (the "Town") proposes to undertake 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 "Improvements"); and

WHEREAS, the total estimated maximum cost of the Improvements is \$4,313,000; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQR Act") 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") by resolution adopted on April 22, 2021, the Town Board determined that the acquisition, construction and installation of the Improvements (the "Project") will not have any significant adverse environmental impacts; and

WHEREAS, on May 20, 2021, prior to adopting this Resolution, the Town Board held a public hearing regarding the Project, as required by Town Law Section 202-b; and

WHEREAS, the Town Board now desires to authorize the Project in accordance with Town Law Section 202-b.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby determines it is in the public interest to acquire, construct and install the Improvements; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor and other proper officers of the Town to proceed with the Improvements provided, however, that the financing of the Improvements shall not occur until the Town Board has adopted a Bond Resolution in accordance with the New York Local Finance Law; and be it further

RESOLVED, that this resolution supersedes and replaces the resolutions adopted pursuant to Town Law Section 202-b on June 18, 2020 and January 21, 2021.

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 #114 (2021) AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE TOWN OF DRYDEN CONSOLIDATED SEWER DISTRICT FACILITIES, AT A MAXIMUM ESTIMATED COST OF \$4,313,000 AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,313,000 SERIAL BONDS TO PAY THE COST THEREOF**

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

BE IT RESOLVED by the Town Board of the Town of Dryden, Tompkins County, New York, as follows:

Section 1. The acquisition, construction and installation of improvements to the Town of Dryden Consolidated Sewer District (the "District") sanitary sewer system in the Town of Dryden, Tompkins County, New York (the "Town") 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, is hereby authorized at an estimated maximum cost of \$4,313,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$4,313,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$4,313,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to Section 11.00(a)(4) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(3)(l) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the Town of Dryden Consolidated Sewer District, which the Town Board shall determine to be especially benefited by the improvement, an amount sufficient to pay the principal of and interest on such obligations as the same becomes due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to

constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The Town Supervisor, as Chief Fiscal Officer of the Town, is further authorized to sell all or a portion of the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, to the New York State Environmental Facilities Corporation (the "EFC") in the form prescribed in one or more agreements (the "Agreements") between the Town and EFC; to execute and deliver on behalf of the Town all Agreements and other documents, and take such other actions, as are necessary or appropriate to obtain a loan or loans from EFC for all or a portion of the costs of the expenditures authorized by this resolution, and perform the Town's obligations under its Bonds or bond anticipation notes delivered to EFC and all Agreements.

Section 10. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or hereafter adopted by the Town Board for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the Town and the serial maturities of the bonds are hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town.

Section 11. The Town Supervisor, as Chief Fiscal Officer of the Town, is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the Town.

Section 12. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution, or a summary hereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 14. This resolution is not subject to a referendum on petition in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 15. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 16. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 17. This resolution supersedes and replaces the prior bond resolutions adopted by the Town Board on June 18, 2020 and January 21, 2021 relating to the objects or purposes authorized herein.

Section 18. This resolution shall take effect immediately.  
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

**RESOLUTION #115 (2021) - ADOPT LOCAL LAW TO PROVIDE FOR THE  
CODIFICATION OF THE LOCAL LAWS ORDINANCES AND CERTAIN RESOLUTIONS  
OF THE TOWN OF DRYDEN**

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

WHEREAS the Town Board of the Town of Dryden entered into a project for the codification of local laws, ordinances and certain resolutions of the Town of Dryden for the purposes of increasing the effectiveness of town governmental administration, providing for greater public awareness of and access to town legislation and protecting the health, safety and welfare of town inhabitants; and

WHEREAS the proposed codification has been published in loose-leaf form; and

WHEREAS notice of public hearing was duly published in The Ithaca Journal on May 10, 2021 and posted on the Town Clerk’s signboard at 93 East Main Street, Dryden, New York, on May 10, 2021, and

WHEREAS, a public hearing on the proposed local law was held on May 20, 2021; and

WHEREAS, the Town Board now desires to formally effect the adoption of said codification by enactment of a local law;

NOW, be it hereby

RESOLVED, that a local law entitled Code of the Town of Dryden, copy of which is attached, is hereby enacted; and it is further

RESOLVED, that the Clerk of the Town of Dryden is directed to file said local law with the Secretary of State of the State of New York as required by the Home Rule Law, and to publish notice of enactment thereof.

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

**PUBLIC HEARING  
CONSIDERATION OF ADOPTION OF  
NYS STRETCH ENERGY CODE**

Supv Leifer opened the public hearing at 6:48 p.m. and noted that comments received to date are posted on the town website with other associated documents.

**Judy Pierpont** thanked the Planning Board and Town Board for all the work and careful research and consideration put into the proposed resolution adopting the NYS Stretch Energy Code. She also commends the high school students for getting involved and writing an eloquent letter. From the perspective of a consumer, she sees every reason to buy a stretch code compliant home. It would save money on energy bills. It would be easy to keep a comfortable temperature, including room by room air conditioning with the pumps. With a tight house and less energy need, it prevents unnecessary emission of climate warming gasses. Any additional cost is already made up in energy savings and the climate advantages. In the end, we know these changes will be mandated by the climate leadership act by 2023. Dryden has shown its environmental leadership in the past and we can show again that we are leaders, not resisters, by adopting the stretch code a couple of years before our action won't have any particular significance. In addition, the Town will receive \$5,000 for doing it and be eligible for \$10,000 to \$30,000 for clean energy community points. She urges the town to pass this resolution and keep Dryden moving forward toward our climate mitigation goals.

**Marie McRae** commends the Planning Board and Town Board for the work that went into this. She wholeheartedly supports adoption of the stretch code.

**Kathy Russell** sent a letter on behalf of herself and her husband, Bill. Echoes the thanks to government officials in Dryden for doing all we can to respond to the climate emergency. Scientists tell us we have a window of opportunity to act and to take morally responsible actions and to act taking effective, practical actions. She and her husband are proud to be living in Dryden which has a record of climate leadership. They want to see the town's name added to the list of others, like Montour Falls and Beacon, who have already adopted the NYS Energy Stretch Code. They are asking Dryden to step up to the plate again. Costs would be incurred in the case of new construction or major or substantial home renovation. This raises a larger question, however. Ultimately, in cases like this we have to weigh economic cost vs moral responsibility. The latter outweighs the former. Think of the needs of people in other parts of the country and the world who are more vulnerable to climate disasters. Even in this area we have seen floods and environmental problems that affect the agriculture sector. If we don't take opportunities to proactively lower carbon emissions in our part of the world, what are we asking others to do? What are we asking others to withstand? We are all connected under the same sky. Leaving ethics and ecology aside, costs per se would be minimal. Many of us in Dryden have stable middle class incomes and we are willing to pay the 1-3% upfront that may arise because of requirements. For those who don't have such financial comfort, there are or will be grants, low-cost construction loans and special zoning laws which will help offset economic disadvantages. Furthermore, costs to a homeowner will be covered in the long run by energy savings. It is very important to have tighter buildings, less susceptible to leaks and with cleaner air. Some residents will be opposed to Dryden's adoption of the stretch code, perhaps because of ideological reasoning, lack of confidence in government institutions who are very important globally and nationally who have told us about the climate emergency. We have to believe them. It's only reasonable to believe them. It's our moral responsibility to accept the science. She thanked the town for the climate actions taken in the past and urged the board to adopt the NYS Stretch Energy Code.

**Martha Robertson** said folks should know in relation to the stretch code, that the town is sponsoring a program right now partnering with HeatSmart Tompkins to spread the word on how people can make their homes warmer, cheaper to operate, cooler in the summer, and more comfortable. It's called EnergyWi\$e Dryden running through July. This is for people of lower to moderate income. They can get a free energy audit with no obligation. The number to call 607-500-HEAT or google HeatSmart Tompkins. It is always good to have carrots and sticks. We need both. We need to make sure that people who don't have discretionary income for this sort of thing are offered some assistance. She thanks the town for taking both of these actions.

**Chuck Geisler** said he is pleased to see the progress that's been made in deeply considering and thinking through the stretch code, not just in our jurisdiction, but in other municipalities around the state. He thanked the Town Board for listening to those who had concerns or may still have concerns about the stretch code. He has heard the argument that it will affect affordability and how adopting the stretch code might contradict the town's interest at many levels in making housing long-term affordable in our town. He has looked hard at that and thinks it's a bogus argument. He is glad the town is moving forward. It's not an easy argument, but as others have said, there are offsetting programs from NYSEDA and others which will likely trickle down and be of assistance to those people who feel any pinch due to the stretch code. He thanked the board for listening to all sides, and said he thinks the town is doing the right thing.

**Bruno Schickel** said he is in the building business. The way this stretch code has been sold by the consultants and by NYSEDA's information, it simply is not honest. The cost of implementing it for a new home is not accurate. Be aware of that. It is a big cost and there is very little savings, if any. There is a question whether there will be any energy savings or monetary savings in energy costs at all. He is very familiar with the codes and insulation values that are required, and when you do an analysis between the required insulation in the walls and ceilings and insulation values of the windows and doors, there is virtually no change between the current NYS energy code and the stretch code as its drafted. When you do the RES check there are two ways to meet the energy code. You can use the prescriptive code or the total envelope. You plug in the details and the R-value of each component. He did a side-by-side comparison for a house he is in the process of building and analyzed it. In some respects, the stretch code is a bit easier to comply with. His conclusion was there is very little difference. If you look at the prescriptive part, then the stretch code is a little bit harder. Most people use the RES check process to determine compliance. They don't use the cookie cutter approach of the prescriptive side.

The big cost is in the Energy Recovery Ventilator and there is very little savings if any. It takes the air inside that has already been conditioned and blows it to the outside and brings in outside air, hot or cool, captures some of the heat or cooling, and blows it into the house. Compared with a house that does not have an ERV, you are not exhaling air to the outside. Not only are you using energy to run the fan that is running day and night in the ERV, there is a long term cost for the operation and maintenance and ultimate replacement of this mechanical device. He doesn't think there is any savings, just cost.

The code reads that you have to have it designed and provide some proof that this is in compliance with code (by an architect or outside expert). The cost is probably around \$200. The other question is the type of heating system being installed. A lot of people put in some sort of forced hot air system. If it is a ducted system, it is relatively inexpensive to put in a whole house ERV because the delivery system is already there. He estimates a cost of \$2,000 to \$3,000 if you have planned for a ducted system. Remember this is a full house ERV system, so it can't be just a single point thing. If you are using a hot water heating system, you don't have ducts available to deliver the air throughout the house. Adding a ducted system for the ERV will cost a minimum of \$4,000.

The other thing to consider is that it requires a third-party verification, so you have to get a third party to come in for balancing and verification. This is not a run of the mill thing; it needs appropriate equipment and will cost at least \$500. So the least expensive ERV is about \$3,000 and if you have to add ducts it will be \$4,500 to \$5,000.

The other part of code requires a rough-in for an anticipated electric car charger somewhere at the house, and he estimates a minimum of \$200. The plumbing component is fuzzy and complicated.

This is not an insignificant cost. You're really looking at over \$3,000 in actual cost depending on the size of the house. There won't be the energy savings to offset this cost. There is no way that is there. The houses that are being built (Rvalue in the walls, ceilings, floors, windows) is virtually unchanged from the current code.

Housing prices are going through the roof. Building materials are going through the roof. It's an extreme problem. The affordability problem is going to get really bad, and this is only going to make it worse.

**Marty Moseley** – Thanked the boards for looking into this and said this is an important topic. He got a quote for a house he is building right now, and for a 1,328 square foot house was \$4,028.08. He could not find a contractor that had the capability to give him the 3<sup>rd</sup> party verification of the analysis. He talked with some NYSERDA folks who told him he was the first person to ask this question of them and they anticipated that it would be \$300 to \$500 because it would probably be roped in with the blower door test that is already required in the code. The cost analysis for the implementation of the window values, if you go with the second option of the energy code, it is a .01 U value better and skylights are a .05 better than what is required in the code today. Energy wall cavity insulation is worse in the energy code as it is now than the stretch energy code would be.

He noticed on a fact sheet on the town's website that compared the stretch energy code to the energy code, that it identified in Zone 6 that an R21 wall insulation cavity would be allowed to be inserted. That is not true. If you pull the stretch energy code from the NYSERDA website, it only allows the option 1 category with respect to the building code for energy code aspect, and that would be the R20 plus 5 continuous on the exterior or the R13 plus ten continuous on the exterior. He thinks those facts are very important for the board to understand before they vote on this.

**Tom Corey** said he thinks the engineers have had their say. He'd like to comment about New York State and the macro-economic impact of these, as well as other actions taken by the NYS legislature. New York is an expensive place to live and there are benefits of living in New York that balance some of that. But New York taxes are very high and the taxes in the town of Dryden are among highest in state. In the village where he lives, they are even higher. With the addition of legislation proposed by state such as the NY Health Act, which is likely to cost everyone a great deal of additional money adding to the higher taxes that we deal with here, to add a piece of legislation which has not been implemented in other parts of the state, and which may be put off, he thinks it is a foolish and unnecessary action on our part. At some point this may happen, but at least we'll be doing it at the same time as the rest of the jurisdictions in the state are doing it.

He said he likes living in central New York and is willing to pay a reasonable cost for that, but there are many people who can't. He has relatives in southern California who pay lower taxes than we do here. Be aware that there are people who can't afford an additional cost when they are trying to find affordable housing. It is a real factor for many people.

**Joe Wilson** said the average selling price of houses in Tompkins County is \$290,000. If the stretch code adds between \$3,000 and \$6,000, that is between 1.2% and 2.4% added costs. Those costs will be passed to the owner to be spread over a typical 15 to 30 year mortgage. Dryden taxes are very high because of the schools, but the town taxes are among the lowest in Tompkins County. Dryden voters in the school district can vote annually on how much they want to pay for their schools, so they have that choice and have apparently made that choice annually for many years to have among the highest taxes in the county.

Supv Leifer reviewed the comments emailed prior to the hearing. They are on the town website and are all in support.

**Jim Crawford** said he understands that incorrect facts were presented to the Planning Board prior to their recommending the stretch code. He said how the errors in the presentation that predicated the Planning Board recommendation were never corrected. Isn't the public entitled to an explanation as to how the facts should be corrected? Supv Leifer said he understood they were made aware of that and there was a canvas of the Planning Board and the people who voted in favor of it still wouldn't have changed their vote.

J Crawford asked if the Town Board believes the facts that were presented or are unmoved by whether they are accurate or not. Supv Leifer said he is more moved by the information from NYSERDA that he can read and download. The discrepancy M Moseley is talking about could be a typo. It doesn't make sense for the state to put out a fact document that doesn't match the code.

J Crawford said he understood there was some technology that was presented as fact which wasn't what it was portrayed as and therefore the cost was not accurate.

**Ron Szymanski** said he is trained as an energy engineer and spent 12 years dealing with building envelopes and the demand side of energy strategies to save energy and to work on economics and making certain that these were utility programs that were implemented. He has spent 12 years now working the supply side strategies, mostly renewable energies. Regarding the types of things that Bruno pointed out, there is the aspirational side of many of these programs, which are wonderful and we all agree with and we all want to see them implemented in conserving energy and preserving the environment. The reality in many cases is that most of these programs on payback and actually being implemented are not as good as they are projected. He would say the real life experience from someone like Bruno and personal experience are more correct in that they don't provide the savings in the end and many cannot be determined when looking at 10-12 years of actually realizing certain types of savings. It is hard to know today what we are going to see in 10-15 years on many of these items of implementing the particular strategies.

**B Schickel** emphasized that the claims presented by NYSERDA of the cost and the payback are really not accurate in the real world. This isn't made up. It is real stuff and it has a real cost and the payback isn't here. It all centers around the ERV. He understands that you can carve out certain components and not adopt the entire document. If you want to adopt it, he suggests carving out the ERV requirement because that is the thing that is driving all the costs. That is the thing that will have a devastating impact on the cost of building a home. Two percent of the overall cost of something is a pretty high burden; it is not an insignificant amount. He remembers reading that the payback in NYSERDA's view is a marginal payback. And the cost is really more than presented. You can get on board with adopting the stretch code, just carve that out and everything will be fine.

When asked, he said that he would assume heating systems in apartment buildings would be individually metered and so each would require its own ERV.

**Cl Sparling** asked how removing the ERV portion would impact the funding. Would it jeopardize funding opportunities for the town from the state?

**John Kiefer** said this topic came up at the Planning Board meeting and at the Climate Smart Communities Task Force meeting and they understand that relative to the program and the benefits NYSERDA offers to communities associated with that, that they require stretch to be adopted in its entirety.

**Cl Lamb** said ERVs are necessary for indoor air quality in a tightly sealed home. They are not intended solely for an energy efficiency device. As we tighten up our buildings we need these devices and he would be against eliminating them from the stretch code. It would make no sense and result in less healthy buildings for residents to live in.

**Alice Green** agrees. She said there was a consensus on the Climate Smart Communities Task Force that having healthy air exchange especially in new homes is important. It will be new for builders to price these out. One consultant made an honest mistake in pricing an ERV. It has been corrected and they feel that conditioning air in the healthiest way possible is something that the town will be doing the right thing by requiring this.

**Joe Wilson** reiterated that when the Planning Board did its research about the overall added cost, ERVs of various types were considered and they still came up with 1-3% added cost, which is then spread out by a mortgage. The consensus of the research they did was that there are indeed energy savings which over time will offset the additional costs. You can believe scientists or what you are hearing tonight.

**Supv Leifer** said he understands there is already ventilation requirements in state regulation. What is different about the energy code than that? The energy code creates tighter homes, so wouldn't they already have to install a ventilation system of some sort anyway? Bathroom fans can be used as part of the system. Is this different than what would be used in an already tight home?

**Marty Moseley** said once you get under five air changes under current standards for the energy code in New York State, you are required to provide additional ventilation. That can be provided by an ERV, an HRV or provided by a combination of intake and exhaust fans for a balanced application. The difference for the stretch code implementation would be you are removing the option to have the additional mechanical aspects, fans in accordance with the bath fans or a kitchen hood fan and an intake to be that balanced load instead and it would go to an HRV or ERV system specifically. Right now, you do have an option to put an HRV or ERV system in.

**Supv Leifer** said it seems the energy code is designed to create a whole house energy system that accounts for everything. Wouldn't that be the explanation of why these basic ones wouldn't be connected to a whole system and not be considered part of the calculation for energy savings?

**Marty Moseley** said in his discussions with NYSERDA, they said the savings come because they analyze the ERV or HRV system in comparison to the mechanical ventilation as it is now the prescriptive version of the energy code. They said it is about an 8-year payback on the ERV or HRV implementation and anticipate the HRV or ERV will last 13-15 years. So like your furnace or hot water baseboard heat, you'd have to install a new one probably.

**B Schickel** said the payback period they are talking about in that situation is based on \$900 in upfront costs, not \$3500 plus. If you go by that logic, it would be a 24-30 year payback.

**J Kiefer** said regarding the discussion that Bruno & Marty are leading, it's true that as we learn how to implement new codes and require higher quality windows and lighting and stuff like that, the initial costs will be high. As we learn how to use and apply these technologies, those costs will go down. There is no question it will be a little expensive. Our building designers and manufacturers will adapt to it and figure out how to produce these buildings more cost effectively. It's a transition that we are going through, and it's an uneasy one. Bruno is correct. Right now with the types of buildings he builds, this is a hard thing. The Planning Board talked about it and voted in favor knowing it will be a bumpy road, but we'll get better at it and the costs will go back down again.

**Cl Vargas-Mendez** said he will take J Kiefer's argument and not for just the short time period we are looking at. This really changes our construction code, not just for five to fifteen years. All the changes will have a positive impact in the long run on our lives and our environment for the next generations. Yes, there is a cost, but for everything there is a cost. We need to start now and not be sorry in 30 years because we didn't want to spend 1-3% in trying to do this.

**Cl Skaley** asked for clarification on rebalancing energy flow. B Schickel said the code requires a 3<sup>rd</sup> party verification. The builder or HVAC contractor can't do it. There is a way to measure the air flow from the duct work. It is technical and is pretty pricey. It isn't the run of the mill thing that people do. (It equalizes the temperature and air flow in the entire building.)

Cl Skaley said the cost of materials is beginning to come down. There are new approaches in construction and as we go forward, there will be approaches other than stick construction for building purposes. There may be future options as technology evolves. He appreciates the analysis. The whole area has to seriously look at affordability. It's not construction of structures, the price of land also figures into total cost. He appreciates Bruno laying this out from a builder's perspective.

**B Schickel** - J Kiefer has said once new systems get put in place, builders and people find more efficient ways to do them. His response is that this is not new technology to builders. It is not rocket science. It just adds a lot of cost. The cost isn't going to decrease.

**Cl Lamb** - The Town Board asked the Planning Board to look at this a few months ago. There were thorough discussions at the Planning Board meetings. He appreciates the recommendation that the Planning Board made to the Town Board. The stretch code is coming, and we are stretching the timeline to now as opposed to waiting until 2023. Why wait? If you believe that climate change is an existential threat, you want to do something about it. Buildings are probably one of the easiest things that we can work on to reduce greenhouse gas emissions. 40% of GHG emissions come from buildings. The cost when you look at the exploding cost of real estate, the incremental aspects of the price of a house are fairly small compared to the almost illogical escalation of prices that we are seeing in real estate nationwide and in Tompkins County.

He likes to look at other communities and talk to them and see how it has worked out in the communities that have done this sort of thing. He spoke with the city manager of Beacon, New York and they said it has been a success. The builders adapted and the housing and commercial markets did not change. This is about a change in policy. There is always going to be an adjustment period. The implementation in Beacon was simple and the building department had no problem implementing this. The Village of Montour Falls adopted this earlier this year and had similar concerns from some people, but it hasn't slowed down interest in development in Montour Falls either.

He is not concerned about it slowing down our real estate market or the availability of housing. This change will not be crushing. This is a pro-consumer effort. When you buy a house you can control what it will be sold for, or the construction. If you move to this area, you are limited, and it is in the best interest of people buying homes that we ensure that these homes are as energy efficient as possible. We are doing something for consumers so they can save money down the road. 10-12% of their energy costs will be cut by making these changes. It may be greater or less depending on the home, but those are the average savings. Why wouldn't we do that for consumers? This is a common sense thing to do and he urges the board to pass this.

**Supv Leifer** said when we talk about a new multi-family development there is always a conversation about LEED requirements to get increased density. Will this negate that for multi-family structures because the energy systems will have to be put in anyway?

**R Burger** said there is LEED incentive bonus in the hamlet of Varna. It is a LEED neighborhood development certification, so just a small piece of that is the energy component. He doesn't see one displacing the other.

**Supv Leifer** said he would prefer a system where you just come in and build an energy efficient structure regardless. Density can be taken care of in zoning as a neighborhood issue rather than trying to tweak it by using energy efficiency.

**R Burger** said anyone seeking the LEED bonus would satisfy the energy requirement by following the stretch code, so they'd be a third of the way there to qualifying for a LEED bonus for neighborhood development. It's just a piece of the incentive. We can still do other aspects of incentive zoning.

**J Wilson** said the ability to administer LEED is problematic.

**Supv Leifer** asked what makes the third-party verification so expensive, and how does it compare to the energy assessment of a home? Is the certification about the new home's energy footprint or just simply the ventilation system? Is it like an energy audit?

**B Schickel** said the third-party verification and balancing is done by someone in that business. It can't be done by the HVAC contractor or the general contractor. M Moseley mentioned the assumption by NYSERDA that it would be \$300 to \$500. They come in and measure the flow of the air through the ERV and verify that it is indeed a whole-house system, that it is distributed throughout the house in a way that it is designed to be, and is what the code requires. And it has a cost. A number of you have said 2-4% added to the cost of construction is no big deal, so an added \$500 is pretty insignificant in terms of that 2-4%.

**Supv Leifer** asked about an energy rating for a house.

**M Moseley** explained there is an energy rating index identified in the code and said again there are multiple paths to get your new house compliant with the NYS code as it is. One of those is the energy rating index, so in order for someone to actually obtain an energy rating on their house, they have to go through a different code program within the NYS code and go through an official rater for their house. That takes a look at all sorts of different items in the house in addition to the heating system and ventilation. Then it will give you a rating, and you will be able to know exactly the amount of energy the house would use. That's not what the stretch energy code does because it does not kick you into the energy rating index requirement. There is a differentiation there.

**Cl Lamb** said he wants to be clear on what we think the cost of this would do to the average home price. NYSERDA estimates that the incremental cost in doing the stretch code is

between \$1,500 and \$2,500 depending on the size of the home. If you accept that the average price in Tompkins County is about \$230,000, we are talking about 1%, not what was said a moment ago, 4%. He is willing to accept the numbers provided by NYSERDA because they have done the research. (Cl Skaley said the average price is up to \$280,000 in Tompkins County.)

**B Schickel** said the land cost is significant. If you are building a house that is 1328 square feet, a \$4,000 or \$5,000 added cost is substantial. The land wouldn't be a part of that. The costs they are putting in are not marked-up costs; they have no builder markup on them at all as well.

**Supv Leifer** closed the public hearing at 8:15 p.m.

No SEQR review is required. This will go into effect at the state level in two years regardless of what the town does. Implementing these items as they become available makes sense in developing a climate action plan. This local law will be effective September 1, 2021 and will be effective for building issued permits on and after that date. M Mosely noted that it typically goes into state register and then becomes effective 90 days after. If you have a full complete application in hand and can issue a permit by September 1, it is not subject to this aspect. R Burger said this gives a three-month lead time and the largest amount of applications is in the springtime.

**RESOLUTION #116 (2021) - ADOPTING LOCAL LAW No. 3 OF 2021 AMENDING LOCAL LAW #1-2007 "PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE" TO ADD PROVISIONS FOR A LOCAL ENERGY CODE**

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

WHEREAS, to prevent a statewide patchwork of stricter energy codes, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code – 2020 (NYStretch);

WHEREAS, a stretch energy code is simply an energy code that is more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a model stretch code that will be ten to twelve percent (10-12 %) more efficient than the minimum requirements of the base energy code, the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY);

WHEREAS, some New York State municipalities have adopted stricter energy standards to ensure reduced energy costs for its residents and businesses;

WHEREAS, under NY Energy Law § 11-109, the Town Board of the Town of Dryden is authorized to adopt a local energy code more stringent than the 2020 ECCCNY;

WHEREAS, the Town Planning Board recommended adoption of NYStretch by Resolution No.8 (2021) at their meeting on March 25, 2021, such resolution incorporated by reference;

WHEREAS, the Town Board is considering amending Local Law 1-2007 "Providing for the Administration and Enforcement of New York State Uniform Fire Prevention and Building Code" to add NYStretch; and

WHEREAS, a public hearing was held on May 20, 2021 at which time all persons either for or against said amendments were heard; and

WHEREAS, the Town Board is declared Lead Agency for the purposes of environmental review with respect to the proposed resolution, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617 (collectively, “SEQRA”); and

WHEREAS, the Town Board as Lead Agency, concludes that the proposed action meets the criteria of a “Type II Action” under SEQRA; now, therefore, be it further

RESOLVED, that Local Law No. 3 of 2021 is hereby adopted as follows:

#### LOCAL LAW NO. 3 of 2021

A LOCAL LAW amending Local Law 1-2007 “Providing for the Administration and Enforcement of New York State Uniform Fire Prevention and Building Code” to add provisions for a local energy code;

BE IT ENACTED by the Town Board of the Town of Dryden as follows:

#### **Section 1. Legislative Intent**

The Town Board of the Town of Dryden seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. On May 12, 2020, the 2020 Energy Conservation Construction Code of New York State (ECCCNYS), updated by the New York State Fire Prevention and Building Code Council, became effective and must be complied with for residential and commercial buildings unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NYStretch Energy Code 2020 (hereinafter referred to as NYStretch), a more energy efficient building code than the 2020 ECCCNYS. This proposed Local Law amendment seeks to modify the Town of Dryden Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

#### **Section 2. Amendment**

Local Law 1 of 2007 Section 2 Definitions is hereby amended to replace the “Energy Code “ definition with the following:

“Energy Code” shall mean the Energy Conservation Construction Code of New York State (ECCCNYS) as currently in effect and as hereafter amended from time to time. The Energy Code includes 19 NYCRR Part 1240. In addition the NYStretch Energy Code 2020, published by the New York State Energy Research and Development Authority (hereafter referred to as “NYStretch”), shall be applicable to all new construction, substantial renovations, alterations and additions, as required by the 2020 ECCCNYS as amended by NYStretch.

#### **Section 3. Authority**

The proposed local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

#### **Section 4. Severability**

If any section or subdivision, paragraph, clause, phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall

not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**Section 6. Effective Date**

This local law shall take effect September 1, 2021 pursuant to New York Energy Law §11-109(1) and the Municipal Home Rule Law.

AND BE IT RESOLVED, that the Town of Dryden Clerk is hereby directed to publish the following Notice of Adoption:

NOTICE OF ADOPTION

TAKE NOTICE that after a public hearing was held by the Town Board of the Town of Dryden on May 20, 2021, the Town Board, at that meeting adopted Local Law No. [#] of 2021 as follows: “A local law amending Local Law 1-2007 “Providing for the Administration and Enforcement of New York State Uniform Fire Prevention and Building Code” to add provisions for a local energy code.

SUMMARY OF LOCAL LAW

These code provisions make the Town of Dryden Code consistent with revisions to the New York State Energy Conservation and Construction Code and adopt more stringent regulations as they relate to new construction or substantial renovation projects.

Copies of the local law are on file in the Town of Dryden Clerk’s Office, Monday through Friday, from 8-4:30 pm.

BY ORDER OF THE TOWN BOARD  
TOWN OF DRYDEN  
2nd Cl Sparling

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

**COUNTY BRIEFING**

Martha Robertson reported the Public Safety Committee voted to fund the community justice center as part of the Reimagining Public Safety effort. They will set in motion hiring for the two positions they are looking for to staff that. More discussion to come on the subject. Resolutions were passed asking the state for civil service reforms to match what the recommendations out of the Reimagining Public Safety. The NYS Association of Counties is working with the Sheriffs Association and Division of Civil Service on some reforms with respect to law enforcement and recruiting and hiring.

The county is just starting conversations about American Rescue Plan funding and what is required and allowed in terms of how the funding is used. The county expects 19.8 million dollars over two years. They just sent some questions off to the US Treasury because there is still a lot to learn about it.

The Infrastructure and Facilities Committee meeting this morning discussed the Freese Road bridge and the Bridge NY project and members of the town were there. There was a fair

amount of conversation, and the meeting is available on the County's YouTube channel. There will be a resolution drafted setting out the principles that people are looking for. That draft will be shared for comment. There was additional discussion on possible ways to handle the local share for BridgeNY projects and how the county and towns can cooperate on these projects in the future.

The Town of Groton is only interested in the trusses from the Freese Road bridge and that is not acceptable to SHPO and Federal Highway, so the town will look at options for "selling" the Freese Road bridge.

### **PLANNING DEPARTMENT**

R Burger said the monthly report is posted on the web. Regarding the comp plan process, the Planning Board will be reviewing more of the climate action plan on May 27. There will be another presentation to the steering committee on June 9. There may be public outreach as soon as July. Next month (June 17) there will be an annual report on the Borger Compression Station.

### **HIGHWAY/DPW DEPARTMENT**

No report.

### **DISCUSSION/ACTION ITEMS**

The board needs to set a public hearing to authorize NYSDOT to manage the acquisition process for the Route 13 Bridge Project.

**RESOLUTION #117 (2021) - Schedule a public hearing on June 17, 2021 regarding entering a contract with NYSDOT as it relates to the proposed Route 13 pedestrian bridge and accepting the recommendations of the Dryden Rail Trail Task Force to establish Alternative 11 as the preferred bridge design alternative**

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

WHEREAS, the Dryden Town Board established the Dryden Rail Trail Task Force to guide the establishment of the Dryden Rail Trail,

WHEREAS, the Rail Trail Task Force unanimously recommends that the Town enter a contract with NYSDOT to advance the Rt. 13 bridge project,

WHEREAS, the Town appreciates the tremendous expertise of the Rail Trail Task Force members, their meticulous oversight of this project, and their recommendation,

WHEREAS, the Rail Trail Task Force recommends Alternative 11 as the preferred alternative,

NOW THEREFORE BE IT RESOLVED that the Town accepts Alternative 11 as the preferred alternative, and

BE IT FURTHER RESOLVED that the Town will hold a hearing on June 17, 2021 at 6:30 p.m. to consider entering a contract with NYSDOT authorizing the agency to manage the acquisition process of portions of two parcels necessary for the Rt. 13 bridge project.

2<sup>nd</sup> Cl Lamb

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

**Varna Water/Sewer update** – Cl Skaley reported that we should be hearing on the CDBG grant for the sewer project soon, then we will know better how the money plays out. Once time is up on estoppel, we can begin the process for a short term loan from EFC.

Regarding the water, we can go out for market rate bonding whenever the appropriate time arrives. All issues have been resolved there and we have permission from the Department of Health. We will need to acquire local permits and TG Miller will move forward with that.

In mid-July the EFC will be re-examining our scoring for a hardship grant. TG Miller has put together a document that suggests EFC failed to recognize certain pieces of the project and that we should have a higher score than we were given. Some of that is related to changes that are going on regarding sewer and water projects in general. We may have a chance for better rates and more possible grant funding.

**Ellis Hollow Road traffic request** – The board has received a request and petition from Ellis Hollow Road residents for a lower speed limit and other traffic mitigation measures on Ellis Hollow Road. After discussion, the matter was put over to the June 10 agenda.

**CITIZENS PRIVILEGE**

**Matt Phillips** said he has helped with slow pitch for over ten years. They have usually played at the high school or McLean. They didn’t play last year and the school hasn’t made a decision for this year. The town needs their own recreation park and knows there is a plan to perhaps put one behind the town hall. He has over 70 signatures from community members wanting the town to provide ball fields. It would be a huge benefit for the community. He has seen ideas for putting smaller parks throughout the town. There would be a bigger benefit with a larger park with several fields. There is community support for a recreation park and he would like to get the ball rolling.

Cl Lamb said the town does want to do this. We have to make a deal with the property owner for land behind town hall and are in discussions. He would love to see it happen.

M Phillips said the school doesn’t do a great job maintaining their fields. Youth leagues would also benefit from the space.

**ADVISORY BOARD UPDATES**

**Rail Trail Task Force** – There was a meeting today about the South Hill Rec Trail. The Town of Dryden will put in a grant application for a feasibility study to do the first mile or so of the South Hill Rec Way extension. It will be a connection from Caroline to Ithaca, running through a small portion of the Town of Dryden.

**Broadband Committee** – They will be working on a better schedule on May 28 and by June should be able to tell people when the project may actually start. The town will have ARP funds to begin using. A website should be up and running by July.

**Ag Committee** - Dairy Day (June 12) will be celebrated this year with a parade around town and a petting zoo and various activities at Dryden Agway.

**Dryden Recreation & Youth Commission** – A member has suggested programming for adults (65 years of age and over) as youth is adequately covered. The Southworth Library is initiating community conversations throughout June called “Let’s talk Dryden” to discuss how to move forward in a post-pandemic environment, talk about problems and obstacles that need to be addressed and share ideas for adult programs, events and activities, among other things. Cl Sparling will supply a flyer for the newsletter. Supv Leifer suggested sending information to WHCU.

There being no further business, on motion made, seconded and unanimously carried, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Bambi L. Avery  
Town Clerk