

MINUTES
For
Village of Dryden
Board of Trustees Meeting
Held on
Thursday, December 18th, 2008

Draft 3/2009 Edited 3/16/09

MAYOR PRESENT: Reba. L. Taylor
TRUSTEES PRESENT: Bob Witty, Charlie Becker & Randy Sterling
TRUSTEE EXCUSED: Don Norman
SUPERVISORS PRESENT: Chief Margaret Ryan & Supt. Ron Moore
ATTORNEY PRESENT: David Dubow
SECRETARY PRESENT: Abby Homer
GUESTS PRESENT: Jim Gresens & Jimmie Joe Carl-MRB Group
Wendy Martin, 30 E. Main Street
Matt Cooper, Dryden Courier
Stacey Shackford, Ithaca Journal
Rebecca & Joseph Young, 12 Conger Circle

Mayor Taylor opened the Board meeting and privilege of the floor at 7:00 p.m.

Mr. Paul Simonet, owner/developer of Maple Ridge development, presented the Board with information related to the extension request for the letter of credit. A revised work left to be completed statement with estimates (for landscaping, sidewalk labor and the remaining street light work) was included in the information. ** note- this was not provided to the Clerk for permanent file. If you-or one of the Board members still have theirs and can give it to me, then we can leave this part out. Abby check with Ron I think he is the only one who actually received the stuff from Paul or maybe David has a copy also I know Ron and Paul were doing all the work together on it.*

Attorney Dubow stated that the Board must be satisfied with the estimate that \$32,000 will be enough to finish the project, upon discussion, the Board noted satisfaction that the amount presented was sufficient and the completion date of June 30th, 2009 was reasonable. All agreed that the cost of materials has gone down and may cause the remaining work to come in lower than anticipated.

The discussion concluded at 7:10 p.m. at which time privilege of the floor was temporarily closed and the regular Board action began.

ITEMS FOR BOARD ACTION:

The Board discussed the new members voted in by Neptune Hose Co. #1; Inc. Chief Ryan noted recent interdepartmental cooperation between the Fire Dept and Police Departments. On a motion by Trustee Sterling and seconded by Trustee Witty, the following was passed. Vote: Sterling-Aye, Witty-Aye, Norman-Aye, Becker-Aye.

RESOLUTION No. 156-08

New members of Neptune Hose Co. #1, Inc.

Resolved, that the Board of Trustees of the Village of Dryden, hereby approves the following new members of the Neptune Hose Co. #1 Inc:

Timothy Arnold, 196 W. Lake Road, Dryden, NY 13053
Amy Scott, 85 Keith Lane, Dryden, NY 13053
Isaac Lief, 14 Union Street Apt. C, Dryden, NY 13053

The Board reviewed the observed Holiday Schedule for 2009. On a motion by Trustee Witty and seconded by Trustee Becker, the following was passed. Vote: Witty-Aye, Becker-Aye, Sterling-Aye, Taylor-Aye.

RESOLUTION No. 157-08
2009 Holiday Schedule

Resolved, that the Board of Trustees of the Village of Dryden, hereby approves the OBSERVED HOLIDAY Schedule for 2009.

The Board noted WWTP Operator Tyson Stiles' completion of his probationary period related to his appointment. Per the original agreement, an additional hourly rate increase is due 1-1-09. On a motion by Trustee Sterling and seconded by Trustee Becker, the following was passed. Vote: Sterling -Aye, Witty-Aye, Becker-Aye-Taylor-Aye.

RESOLUTION No. 158-08
Rate increase for WWTP operator Tyson Stiles

Resolved, that the Board of Trustees of the Village of Dryden, hereby approves the rate increase to \$16.20/hr., effective January 1st, 2009 for Tyson Stiles, WWTP Operator, for successful completion of his probation period.

The Board discussed the resolution prepared regarding the Simonet/Maple Ridge letter of credit extension. It was noted that an amended letter of credit shall be submitted with a corrected completion date and should reflect the amount of \$32,000. On a motion by Trustee Witty and seconded by Trustee Sterling, the following was passed. Vote: Witty-Aye, Sterling-Aye, Becker-Aye, Taylor-Aye.

RESOLUTION No. 159-08
Maple Ridge letter of credit extension

WHEREAS:

- A. As a condition of the approval granted by the Village of Dryden Planning Board (the "Planning Board") for the Simonet Final Subdivision Plat (such subdivision now being known as the "Maple Ridge Subdivision") (the "Subdivision"), it was required that the subdivider comply with the financial security requirements (the "Letter of Credit") of the Village of Dryden land subdivision regulations, including, but not limited to, Sections 80306 and 80307 of the Laws of the Village of Dryden; and
- B. After considering the recommendation of the Planning Board as to the amount of the Letter of Credit and additional terms and provisions governing the release of funds during construction (the "Planning Board Recommendation"), and after considering public comment from the subdivider and representatives of the Planning Board, the

Village of Dryden Board of Trustees (the “Board of Trustees”), as the responsible board for setting the amount of the Letter of Credit in accordance with subsection B of Section 80306 of the Laws of the Village of Dryden, by resolution adopted on July 20, 2006 (the “July 20, 2006 Resolution”), set the amount of the Letter of Credit for Phase I of the Subdivision in the amount of \$471,500; and

C. Subsequently, based upon (i) the subdivider having completed a significant portion of the Phase I improvements for which the Letter of Credit in the amount of \$471,500 was intended to secure (ii) the subdivider having submitted a written summary of such completed work as confirmed by the then Acting Village Superintendent of Public Works, and (iii) the subdivider’s engineering firm having submitted written confirmation as to the sufficiency of a reduced amount of financial security for the remaining work to be completed in Phase I of the Subdivision, the Board of Trustees approved a reduction in the Letter of Credit from the original amount of \$471,500 to \$243,000; and

D. Pursuant to the foregoing action by the Village Board of Trustees the subdivider, as required, delivered to the Village a Letter of Credit dated July 23, 2007 for the amount of \$243,000 with an expiration date of December 31, 2008; and

E. The subdivider has been permitted to draw down the Letter of Credit as provided for in Section 80307 of the Laws of the Village of Dryden as required work has been completed; and

F. The subdivider has completed most of the work required for which the Letter of Credit was provided, but has not completed certain remaining items of work that are proposed for completion during the next six (6) months, such remaining work items and the anticipated cost thereof having been presented to the Board; and

G. The Board of Trustees has reviewed the forgoing materials submitted for its consideration and has determined that an extension of the Letter of Credit in a reduced amount is warranted;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. In accordance with subsection B of Section 80306 of the Laws of the Village of Dryden, the Board of Trustees hereby consents to the July 23, 2007 Letter of Credit in the amount of \$243,000 being extended or replaced with a new Letter of Credit such that (i) the extended or new Letter of Credit for the remaining items of work to be completed be in the amount of \$32,000; (ii) the extended or new Letter of Credit provide for such work to be completed by June 30, 2009; and (iii) the extended or new Letter of Credit provide for a period of two (2) months following such June 30, 2009 completion date during which the Village shall be entitled to draw some or all of the Letter of Credit funds if the subdivider has not completed all of the work required by such June 30, 2009 deadline; and
2. The Board of Trustees of the Village of Dryden hereby directs that (i) the extended or new Letter of Credit be written in accordance with and be subject to all of the requirements and conditions of Section 80306 of the Laws of the Village of Dryden and the approval of the Village Attorney, and (ii) the requirements for the release of the Letter of Credit funds shall be governed by the terms and provisions of Section 80307 of the Laws of the Village of Dryden; and

3. In the event that an extended or new Letter of Credit as provided above is not delivered to the Village by the end of business on December 23, 2008, the Mayor is hereby authorized and directed to thereafter submit on or before December 31, 2008 the required draft and accompanying documentation for the purpose of drawing all of the remaining funds secured by and provided for in the originally issued and current July 23, 2007 Letter of Credit.

Privilege of the floor was re-opened at 7:20 p.m. for a presentation by Village Engineer Shannon Walters and MRB Group related to the finalization and signing of the contract for Engineering Services for the WWTP project.

Attorney Dubow summarized that MRB Group was chosen through a very lengthy, through process to pursue a contract for Engineering services with. A good faith effort has resulted in a form agreement with modifications presented this evening. The design phase is proposed in a lump sum (less than proposed in the original scope of service by using existing drawings) over a fixed period of time with time benchmarks-7 months total design phase. It was also noted that there are provisions if the time goes beyond the projected phase, per stage.

Village Engineer Shannon Walters summarized and explained the contract noting that the design cost has been reduced from \$375,000 in October to the current figure of \$340,500 by incorporating existing engineering work into the design. It was noted that additional long term operating cost savings will be sought throughout the project and the total contract is proposed for \$635,500 (prelim & final design phase, bidding, construction, and post construction).

MRB Group President Jim Gresens introduced himself and Engineer Jimmie Joe Carl to the Board. In summary, Mr. Gresens stated that the goal is for an exceptional project in the end and is also for the Village to have a favorable experience with professional services in general. Mr. Carl stated that as an Engineer, his specialty is Waste Water Treatment Plants and he expressed eagerness and excitement to be head of this project.

Trustee Witty questioned if the Project Manager would be working in the Village's best interest, or if an additional "Clerk of the Works" would be needed? Mr. James Gresens, President of MRB Group responded that the project manager would always be on site acting in the Village's best interest and the Construction Manager would oversee the operations of the contractors. Mr. Gresens stated there will be construction meetings every 2 weeks and an open communication line with Ms. Walters and the Village is "instrumental" in the project. It was also noted that the Village appointed a Resident Project Representative-Shannon Walters-who will be a liaison between the Board and the project.

Trustee Witty questioned the time frame after the design phase? Mr. Gresens stated that it is anticipated that the construction bid will sometime in the end of July and will be out for 30 Days. Construction is anticipated in the fall of 2009, 12 month typical construction time. The new plant is anticipated to be on-line in the fall of 2010. Trustee Witty also questioned the max gallons treated per day, 600,000, and could that be easily increased if development demanded it? The summarized answer was that the design and process will project future expansion; goal is "not to paint the Village's Facility in a corner".

Trustee Becker questioned if the detailed invoice request was satisfied in the contract? Mayor Taylor/ Shannon Walters stated an additional exhibit was added to show the detailed invoice,

with the lump sum amount as a base and a percent complete line to show the total due. Each employee hours and expenses were requested with invoices related to construction and Ms. Walters was requested to review invoices prior to approval.

The Board briefly discussed the upcoming events related to funding and site tours including the kick-off meeting scheduled for 1-6-09. Several public informational meetings were also discussed-all in attendance agreed that the process continues to be open and welcoming to the public. The group thanked each other for their time and professionalism.

On a motion by Trustee Becker and seconded by Trustee Witty, the following was passed. Vote: Becker-Aye, Witty-Aye, Sterling-Aye, Taylor-Aye.

RESOLUTION No.160-08
MRB Group Contract

Resolved, that the Board of Trustees of the Village of Dryden hereby approves the proposed contract for engineering services between the Village and MRB Group and authorizes the Mayor to sign the agreement with substantially the same form and content as presented to the Board.

Ms. Walters noted that additional copies of the signed contract must be sent to the USDA as a funding agency and to NYS EFC as a recent funding opportunity may have opened up to the Village (this will be discussed further at the kick-off meeting in early January).

Privilege of the floor was closed at 8:00 p.m. Regular Board business resumed.

DPW Supt. Ron Moore recently questioned the Public Works Committee on policy related to placement and re-placement of mailboxes. Upon lengthy discussion, no formal policy is in place and the Board was not generally in favor of governing the guidelines for mailbox placement. It was noted that municipalities are **not** responsible for damage done by snowplows. It was recommended that the Village request the Post Office to direct property owners on mailbox location. Supt. Moore then asked if the DPW will replace mailboxes damaged by the Village Plow? The issue will be revisited at the next DPW and/or Board of Trustees meeting for final direction.

The Board then spent an equal amount of time discussing the sidewalk snow removal policy. This was recently brought up due to an incident where the Village sidewalk plow damaged a fence on Lake Street.

There is a Local Law that requires homeowners to be responsible for maintaining their sidewalks, however a policy was adopted in the past when the consensus of the Board at that time was that sidewalks are a public utility and their clearing for safe use shall be the responsibility of the Village (although policy shall not be construed to alter the responsibilities of property owners as enumerated in the existing Village Law).

No changes were made to the existing sidewalk law and policy and the Clerk's Office was requested to report the damaged fence to the Insurance carrier, and if it is not covered, then Supt. Moore was requested to make necessary repairs to the fence as soon as time permits.

The Board reviewed the budget amendments submitted by Clerk/Treasurer Marrotte. It was noted that the public favored the additional police patrols at the polling place (Fire Station). On a

motion by Trustee Witty and seconded by Trustee Becker, the following was passed. Vote: Witty-Aye, Becker-Aye, Sterling-Aye.

RESOLUTION No. 161-08
Budget Amendments

Resolved, that the Board of Trustees of the Village of Dryden, hereby approves the budget amendments/line item transfers as submitted by Clerk/Treasurer Marrotte.

The Board reviewed and discussed the 2009 Health Insurance rates which are significantly higher than the current year. Other less costly plan options are available and Trustee Becker expressed eagerness for the Board to review the options equitably in the future, possibly prior to the police union contract re-negotiation. It was also noted that Tompkins County Council of Governments is in the process of a Health Insurance Consortium that should be considered. The possibility of eliminating the option for an employee to take coverage from the Village, and from a spouse with no contribution to the Village could possibly be a way to lower overall cost to the Village in the future, along with possibly requiring single policy holders to contribute a portion of the premium.

The Personnel Committee will be in charge of reviewing the rates, policies and plans related to Health Insurance. Trustee Becker stressed there is cost savings to be had if the non-union employees who have double coverage were negotiated with to eliminate that option. He stated it is unlikely that the employee is receiving that much more of a benefit from having the double coverage then it costs the Village per month (\$400/mo X 12 = @\$4,800/yr.).Mr. Becker concluded by commenting that the benefits should be measured as considered as an important component of a compensation package, but they should be figured in a way to benefit both the employee and Village taxpayers.

The Board reviewed and discussed the 12-19-08 Abstract. Clerk/Treasurer alerted Mayor Taylor earlier that the Retirement Bill has not been received in the office yet, and a high interest rate is charged when the bill is not paid in a timely fashion. On a motion by Trustee Witty and seconded by Trustee Sterling, the following was passed. Vote: Witty-Aye, Sterling-Aye, Becker-Aye, Taylor-Aye.

RESOLUTION No. 162-08
12-18-08 Abstract

Resolved, that the Board of Trustees of the Village of Dryden, hereby approves and authorizes the Mayor to sign the 12-18-08 Abstract and the Clerk is Authorized to pay the retirement bill upon arrival.

The Board reviewed and discussed the June and July, 2008 minutes. On a motion by Trustee Sterling and seconded by Trustee Becker, the following was passed. Vote: Sterling-Aye, Becker-Aye, Witty-Aye, Taylor-Aye.

RESOLUTION No. 163-08
6-19-08/7-18-08 Minutes

Resolved, that the Board of Trustees of the Village of Dryden, hereby approves the minutes from the June 19th, 2008 & July 18th, 2008, with any corrections noted.

Mayor Taylor noted that Ms. Jo Ellen Bailey of Goodrich Way expressed interest in re-appointment to the Dryden Youth Commission. On a motion by Trustee Sterling and seconded by Trustee Witty, the following was passed. Vote: Sterling-Aye, Witty-Aye, Sterling-Aye, Taylor-Aye.

RESOLUTION No. 164-08
Bailey-Youth Commission Seat

Resolved, that the Board of Trustees of the Village of Dryden, hereby approves the re-appointment of Jo Ellen Bailey to the Village seat on the Dryden Youth Commission, effective 1/1/09 for a two year term expiring 12/31/ 2010.

ITEMS FOR BOARD DISCUSSION:

The Board confirmed the January, 2009 Board meeting to be held on the 15th.

Chief Ryan reported on her appointment on a committee to introduce a Mental Health training component for the Emergency Services Dispatcher course. She has been meeting in Albany several times to revise and prepare curriculum related to the component. The results of the committee will be referred and acted on by a panel at the Governor's Office.

The Village inquired through Thoma Development about the possible submission of a Records Management Grant. The Village has been unsuccessful in a prior attempt due to the amount of work needed in house to purge the records. The Board recommended Chief Ryan and/or the Clerk's Office submit their own grant application next year when more of the in-house work has been completed.

Mayor Taylor noted the receipt of the annual Emergency Action Plan for the flood control dam. This is reviewed and updated annually and on-file in the Village Hall. Chief Ryan noted it is also part of the Police Departments Emergency Management Plan.

The Board noted the receipt of a recent PERMA Evaluation of the DPW. The Village scored almost 100% on the on-site review. Mayor Taylor requested Trustee Becker be given a copy of the report.

The Board noted the receipt of the sales tax report. The figures appear to be close to budget so far, but a decrease is projected County Wide due to the economy. The Village may need to decrease the projected revenues for the upcoming budget year.

The Board noted the receipt of information related to changes to the Time Warner Cable programming.

Chief Ryan distributed a Thank You letter for Police services related to a motor vehicle accident. Mayor Taylor thanked Chief Ryan and the Fire Department for their continued exceptional service.

The Board noted the receipt of informational resolutions passed by the County Legislature and Health Departments regarding gas drilling.

The Board noted the receipt of resolution from Tompkins County Council of Governments regarding State Level tax costs and tax burdens.

Mayor Taylor summarized her attendance at the recent “Medal of Honor: Awards ceremony held in Utica where Chief Ryan was the presenting Chief. She stated that the ceremony was impressive.

Mayor Taylor noted documenting information related to Public Service Commission requests to keep on file in the Village.

The Board briefly discussed a request for proposals for operation and maintenance of the Town of Virgil’s Water/Sewer facilities. The Village Board was not inclined to contract the services of their operators at this time.

The new radio equipment related to the Walker Road Tower contract is almost all in possession by the Village. An additional base station is still needed for the Clerk’s Office in the Village Hall, and there are some other minor items that need to be worked out.

The Board noted the receipt of the monthly Police Reports.

Mayor Taylor announced that as a result of a prior meeting with Thoma Development, herself, Charlie Becker and Chairman Gene German of the Planning Board, the process of the writing and implementing the new Light Industrial Zone is in place. The process will be expensed the existing grant writing fund account the Village the Village has built up with Thoma. With the assistance of Meira Hertzberg of Thoma, the Planning Board will have several informal sessions before the language is recommended to the Board. Ms. Hertzberg will use the existing general language previously recommended to the Trustees and incorporate the formal details decided upon by the Planning Board in their sessions.

The Board briefly discussed the receipt of information related to an early warning system for water/wastewater systems. The information would be reviewed by the DPW Dept.

It was noted that most of the Board members have signed up for the NY ALERT all hazard warning system. There is now an option to set up internal groups like “Trustees” if the Board is inclined.

Attorney Dubow updated that the TC3 (water tower) road access road easement is still being worked on and formalized.

It was noted that the annual County Health Department water system inspection recently took place and the written summary is expected in the near future. Many of the same concerns such as need to replace the reservoirs and the North Street Water line were mentioned.

It was noted that the recent NYSEG Easement has been fully executed by all parties and the payment related to is expected within a short time.

Upon no further questions, comments or action, Trustee Becker made a motion to adjourn. Motion was seconded by Trustee Witty and passed. Becker-Aye, Witty-Aye, Sterling-Aye, Taylor-Aye.

RESOLUTION No.165-08

Adjourn

Resolved, that the Board of Trustees of the Village of Dryden, hereby adjourns the meeting at 9:00 p.m. not to re-convene.