

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, with Supervisor Tupper presiding.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, C. Randolph Ross
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Highway Sup't. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Deputy Director of Cortland County Information Technology, Jack Hess; Town Residents: Robert Martin; Stephen Flatt; Donna Johnson; Thomas Williams; Jeffery Guido and Rebecca Bryan.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Testa, to approve the Draft Special Town Board Minutes of August 15, 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the Cortlandville Zoning Board of Appeals Minutes of July 30, 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the Cortlandville Planning Board Minutes of July 30, 2019. All voting aye, the motion was carried.

The Draft Town Board Minutes of August 21, 2019 were presented to the Board for their review.

RESOLUTION #206 AUTHORIZE CHANGE ORDER NO. 2 FROM COMPLETE CONSTRUCTION CONCEPTS FOR THE INSTALLATION OF THE CONCRETE FLOOR AT THE RESTROOM BUILDING AT THE GUTCHESS LUMBER SPORTS COMPLEX

Motion by Councilman Proud
Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Change Order No. 2 from Complete Construction Concepts, LLC for the installation of the concrete floor for Town's restroom building project at the Gutches Lumber Sports Complex, for the total cost of \$10,850.00, and it if further

RESOLVED, the Town Board further authorizes and directs the Supervisor to sign Purchase Order #0153 submitted by Highway Sup't. Bassett to be paid to Complete Construction Concepts, LLC for the installation of the concrete floor for the total cost of \$10,850.00.

RESOLUTION #207 AUTHORIZE PAYMENT OF VOUCHERS – SEPTEMBER

Motion by Councilman Withey
Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the vouchers submitted have been audited and shall be paid as follows:

Funds A, B, DA, DB, HG, SF, SS, SW	Voucher #1278-1329	
	General Fund A	\$ 16,568.49
	General Fund B	\$ 27,605.14
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 19,401.18
	Gutchess Lumber SC Project HG	\$ 0.00
	C'Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 178.88
	Water Fund SW	\$ 1,732.42
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Funds TA, TE	Voucher #34-34	
	Trust & Agency TA	\$ 39,394.60
	Expendable Trust TE	\$ 0.00

Supervisor Tupper discussed Board members' concern regarding malware, which is a code that is designed to disrupt the normal operation of a network or user's computer, and also their concern for ransomware, in which users must pay ransom to cyber criminals to restore access to their files. Both have been an issue across the country. Supervisor Tupper noted the recent data breach of software where personal data was stolen in six greater Cortland area school districts. The Town contracts with Cortland County Information Technology to provide computer services for PC/Network support requirements. At the request of the Board, Supervisor Tupper invited Jack Hess, Deputy Director of Cortland County Information Technology to discuss the protection the Town has in place.

Supervisor Tupper offered privilege of the floor to Jack Hess.

Jack Hess, Deputy Director of Cortland County Information Technology, addressed concerns the Board had regarding the Town's computer security in respect to malware and ransom ware. He informed the Board that the County uses "endpoint protection" software called SOPHOS and a next generation firewall that is in line with traffic coming into the Town. The County currently has two servers with outward exposure. Mr. Hess said he was investigating a product called Cylance, which is the premier endpoint protection product in the market place. It is an artificial intelligence approach that uses mathematical algorithms to detect malicious payload before it can take effect on a computer system. Mr. Hess will discuss replacing the SOPHOS software with the new product with Supervisor Tupper once he has more information.

Councilman Withey questioned if the Town has had a problem of this type, to which Mr. Hess replied that the Town has not had an attack that locked the system and held it for ransom.

Councilman Ross asked for an explanation of the Town's computer backup process. Mr. Hess explained that a "son, father, grandfather" implementation of backup schemes is used. He explained that backups are done nightly and incrementally through the week as well as monthly and annually. There are layers of redundancy that would allow the County to recreate Cortlandville's system. The backups are located off site. Mr. Hess also explained that the County has a link to the Town through the fiber optic cable connecting the County to the Cortlandville Fire Department, and from the Fire Department to the Town. The County is able to conduct live troubleshooting for the Town through the fiber optic cable.

Councilman Proud inquired about the Supervisory Control and Data Acquisition (SCADA) system that runs the pumps for the Town's water system. He asked what the response would be in the event of an attack. Mr. Hess explained that there is a web interface for the system and that it is not externally exposed, but that the system could be a target as well as any other system. Councilman Proud stated that there were manual overrides, but expressed concern for the length of time it would take to restore the system in the event of an attack. Mr. Hess will discuss the matter with Water & Sewer Sup't. Alteri.

Mr. Hess stated that the current protection for the Town is reasonable, and explained that the biggest risk of exposure is an email being opened containing malware. He mentioned that password complexity (changing computer passwords every 90 days) and employee training and awareness were defenses to guard against attacks.

Supervisor Tupper and the Board thanked Mr. Hess for his presentation.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the monthly report of the Fire and Safety Inspection Officer, Desiree Campbell for the month of August 2019. All voting aye, the motion was carried.

Under new business, Town Clerk Rocco-Petrella apprised the Board she received the 30-day advance notice form for the renewal of an alcoholic beverage license for Night Owls, and requested the Board receive and file the notice.

Councilman Testa made a motion, seconded by Councilman Withey, to receive and file correspondence and the "Standardized Notice Form for Providing 30-day Advance Notice to a Local Municipality or Community Board" from William L. Baker, dated August 29, 2019 for the renewal of an on-premises alcoholic beverage license for Night Owls, located at 3840 US Route 11, in the Town of Cortlandville. All voting aye, the motion was carried.

Town Clerk Rocco-Petrella reminded the Board that her office was in the process of conducting a Dog Enumeration (dog census) for the Town, including the Village of McGraw. An advertisement would be published in the Cortland Standard; a flyer and dog census/license form would be mailed to all Town residents; and a census response form would be available on the Town's website for residents to respond electronically as to whether or not they have dogs. Per New York State Law and the Town Code, all dogs 4 months of age or older are required to be licensed. At this time, there are approximately 870 licensed dogs in the Town. However, as Town Clerk Rocco-Petrella explained, per the calculation offered by the State to determine how many dogs may be harbored in a municipality, there could be over 1700 dogs in the Town.

Town residents are being asked to respond to the dog census and to obtain a dog license by October 31, 2019 to avoid an additional five-dollar enumeration fee and possible fines. Town Clerk Rocco-Petrella explained that at a future meeting she would request the Board adopt a resolution to contract with a dog enumerator to go door to door to aid in the process of licensing dogs. The last dog enumeration was conducted ten years ago, which produced good results. Town Clerk Rocco-Petrella provided the Board with a copy of the flyer that would be mailed and stated that she would keep the Board apprised on the process.

Attorney DelVecchio reported:

Battery Storage Local Law:

Attorney DelVecchio apprised the Board that applications continue to be submitted to the Town for solar projects. He recently spoke with Janet Ward, Associate Project Manager from NextEra Energy Resources LLC, who expressed interest for 2 separate 5MW solar projects in the Town. Ms. Ward indicated that the projects would have the "potential" for battery energy storage in addition to the solar farm itself. If formal applications were presented to the Town in October 2019, the timeline for the projected date for final voting on the projects would be February 2020.

NYSERDA developed a model law for municipalities to consider adopting, which has provisions that govern inspections and installations for battery energy storage. Attorney DelVecchio emailed the model law to Board members prior to the meeting. He recommended the Board study the law and strongly consider adopting the provisions as interest in solar farms continues to grow. Supervisor Tupper asked if battery storage had possible environmental considerations, to which Attorney DelVecchio responded yes. The law has a separate SEQR analysis suggested for adoption. Attorney DelVecchio recalled the moratorium that was put in place by the Town Board prior to the adoption of the Solar Ordinance, and explained that the Board could consider a moratorium for battery storage if they chose to do so.

Supervisor Tupper asked if the NYSERDA model law was a standard model that was widely used. Attorney DelVecchio replied yes and pointed out that Ms. Ward already has projects approved in New York State and that her firm follows the NYSERDA law. He also noted that Ms. Ward reviewed the Town's solar law, to which she commented was very good.

Councilman Proud suggested that the Board individually review the law and convene a special meeting to discuss it. Councilman Withey asked if a representative from NYSERDA could be invited to attend such meeting to answer questions and assist the Board. Attorney DelVecchio would inquire with NYSERDA for that possibility.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the proposed Local Law for an amendment to the Town Code, Chapter 178, Article XVIII, Section 178-112, regarding permitted sign requirements and illuminated signs. All voting aye, the motion was carried.

RESOLUTION #208 SCHEDULE PUBLIC HEARING FOR OCTOBER 2, 2019
CONCERNING THE ENACTMENT OF A LOCAL LAW TO
AMEND CHAPTER 178, ARTICLE XVIII, SECTION 178-112 OF
THE ZONING CODE OF THE TOWN OF CORTLANDVILLE
REGARDING PERMITTED SIGNS AND ILLUMINATED SIGNS

Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby schedule a Public Hearing for Wednesday, October 2, 2019 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, concerning the enactment of a Local Law of 2019 to amend Chapter 178, Article XVIII, Section 178-112 of the Zoning Code of the Town of Cortlandville, regarding permitted signs and illuminated signs.

There was discussion regarding the consideration of a resolution to waive the local fee for a marriage license and marriage certificate when either of the parties making application for the license or certificate is a member of the armed forces of the United States on active duty. Attorney DelVecchio and Town Clerk Rocco-Petrella explained that on August 20, 2019, the Governor of New York signed legislation (S.3756/A.55) waiving the state fee for marriage licenses for active duty members of the U.S. Armed Forces or their spouses. The bill also gives local governments freedom to waive the fees they charge for marriage certificates for active duty service members or spouses. After discussion, the Board agreed that the gesture, while small, was a way to thank the active duty service members and their spouses. Town Clerk Rocco-Petrella did not anticipate that waiving the fees would have a large impact on revenue.

RESOLUTION #209 AUTHORIZE TOWN CLERK TO WAIVE THE LOCAL FEE
FOR A MARRIAGE LICENSE AND MARRIAGE CERTIFICATE
WHEN EITHER OF THE PARTIES MAKING APPLICATION
FOR THE LICENSE OR CERTIFICATE IS A MEMBER OF THE
ARMED FORCES OF THE UNITED STATES ON ACTIVE
DUTY

Motion by Councilman Testa

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0
ADOPTED

WHEREAS, on August 20, 2019, the Governor of the State New York signed legislation (S.3756/A.55) waiving the state fee for marriage licenses for active duty members of the Armed Forces of the United States or their spouses, and

WHEREAS, the legislation also provides that a town or city may elect to waive the local fee for a marriage license, and may also elect to waive the fee for a certificate, when either of the parties applying for such license or making application for such certificate is a member of the armed forces of the United States on active duty, therefore

BE IT RESOLVED, the Town Board of the Town of Cortlandville hereby authorizes and directs the Town Clerk to waive the local fee for a marriage license and to waive the fee for a marriage certificate when either of the parties making application is a member of the armed forces of the United States on active duty, and it is further

RESOLVED, proof that the applicant or spouse is a member of the armed forces of the United States on active duty shall be furnished to the satisfaction of the official issuing the marriage license.

RESOLUTION #210 AMEND THE 2019 BUDGET AND AUTHORIZE
SUPERVISOR TO ESTABLISH AN ACCOUNT FOR DEBT
RESERVE

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to establish an account for debt reserve in the General Fund Town Wide (GFA), to reserve the money not expended for the new Town Highway Garage, to be used solely to pay down the debt for the new Highway Garage, as follows:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A202	HH201	\$197,756.06

With no further comments or discussion to be heard, Attorney DelVecchio requested the Board convene to an Executive Session to discuss pending litigation.

Councilman Proud made a motion, seconded by Councilman Withey, to recess the Regular Meeting to an Executive Session to discuss pending litigation. All voting aye, the motion was carried.

The meeting was recessed at 5:43 p.m.

No action was taken in Executive Session.

Councilman Testa made a motion, seconded by Councilman Withey, to adjourn the Executive Session and reconvene to the Regular Meeting. All voting aye, the motion was carried.

The Executive Session was adjourned at 6:00 p.m.

No further comments or discussion were heard.

Councilman Testa made a motion, seconded by Councilman Withey, to adjourn the Regular Meeting. All voting aye, the motion was carried.

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Kristin E. Rocco-Petrella, RMC
Town Clerk
Town of Cortlandville

*Note:

The draft version of this meeting was submitted to the Town Board for their review on September 18, 2019.
The final version of this meeting was approved as written at the Town Board meeting of _____.