

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Municipal Garage, 3587 Terrace Road, Cortland, New York with Supervisor Williams presiding.

Members present:

Supervisor, Thomas A. Williams  
Councilman, Jay E. Cobb  
Councilman, Jeffrey D. Guido  
Councilman, Theodore V. Testa  
Councilman, Douglas E. Withey  
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Highway Sup’t., Glenn Bassett; Water & Sewer Sup’t., Peter Alteri, Jr.; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Paul Simonet representing Park Outdoor Advertising of New York, Inc.; Town Residents: Bob Martin; Pamela Jenkins; and Stephen Flatt;

Supervisor Williams called the meeting to order.

Councilman Withey made a motion, seconded by Councilman Cobb, to approve the Draft Town Board Minutes of August 19, 2020. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Cobb, to receive and file the Cortlandville Zoning Board of Appeals Minutes of August 25, 2020. All voting aye, the motion was carried.

RESOLUTION #219                      AUTHORIZE PAYMENT OF VOUCHERS – SEPTEMBER

Motion by Councilman Withey  
Seconded by Councilman Guido  
VOTES: AYE – Williams, Cobb, Guido, Testa, 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 #1116-1185		
	General Fund A	\$	44,128.10
	General Fund B	\$	14,115.39
	Highway Fund DA	\$	0.00
	Highway Fund DB	\$	61,806.09
	Gutchess Lumber SC Project HG	\$	5,095.25
	C’Ville Fire District SF	\$	0.00
	Sewer Fund SS	\$	5,675.47
	Water Fund SW	\$	6,451.28
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 #27-28		
	Trust & Agency TA	\$	46,777.18
	Expendable Trust TE	\$	0.00

Supervisor Williams recalled that in February 2020 Park Outdoor Advertising of New York Inc. approached the Board with a proposal to construct a digital sign structure on Town owned property located off of Route 13, otherwise known as the Gutchess Lumber Sports Complex (GLSC). Shortly thereafter the COVID-19 pandemic occurred. Supervisor Williams offered privilege of the floor to Paul Simonet representing Park Outdoor Advertising of New York, Inc.

Paul Simonet gave a presentation to the Board with regard to the proposal of Park Outdoor Advertising of New York, Inc. to lease property owned by the Town of Cortlandville to construct a digital sign(s) for advertising. The location of the proposed sign(s) was the Gutchess Lumber Sports Complex (GLSC), with the sign(s) to be located off of Route 13 near the location of the future retention pond.

Mr. Simonet explained that his company's headquarters are in Ithaca, New York, noting that they value and do most of their business in Central New York. The company has two digital signs in Cortland County; one located on property owned by the Cortland County Industrial Development Agency located in the Town off of Route 281 near the NYS Department of Transportation (DOT); the second is located in the City of Cortland near the SUNY Cortland entrance off of Tompkins Street. He explained that the sign industry is moving to digital, and out of the necessity for survival his company moved to digital signs as well.

Mr. Simonet explained the proposed location of the sign at the Town's GLSC, which would be close to the road off Route 13. He provided a rendering of the proposed sign(s) that would be visible south bound going towards Dryden, and northbound heading towards the Town/City. He assured the Town that the signs are safe and that they meet the requirements, adding that he cannot get a permit to install the sign(s) without DOT approval.

Councilman Testa asked what the dollar amount of the lease agreement would be. Supervisor Williams suggested that the Board discuss the verbiage of the proposed lease in executive session as it was a contract.

Attorney DelVecchio asked what the content of the signs displayed would be. Mr. Simonet explained that his company works with local agencies such as the DOT and allows the signs to be used for emergency alerts such as "Amber Alerts" as well as local public service announcements. There are decency acts that govern the content of the sign. In addition, as the property owner the Town can have a say in what is on the sign.

Councilman Testa asked for the specifications of the sign. Mr. Simonet explained that the signs would follow the current signage guidelines and would not exceed 30 ft. tall from the ground to the top of the sign. The posts would be 18 ft. tall, and the sign would be another 12 ft. He stated that he was also working on a design that would complement the GLSC.

Councilman Testa commented that in the future fencing may be installed surrounding the park. Mr. Simonet did not believe that the fencing would interfere with the sign and that he would work with the Town regarding such.

Attorney DelVecchio asked to speak with Mr. Simonet privately to answer questions regarding legal concerns, which they would do after the meeting. Mr. Simonet provided a sample lease to Attorney DelVecchio for his review. There was no further discussion.

Supervisor Williams offered privilege of the floor to Stephen Flatt.

Town resident, Stephen Flatt gave his credentials as a retired Lieutenant of the US Navy (Security Group). He recalled comments that he made at a prior Board meeting concerning gun control and the response time from the police departments in the event of an active shooter. He also mentioned an ongoing problem in his neighborhood and safety concerns.

Supervisor Williams offered privilege of the floor to Pamela Jenkins.

Town resident, Pamela Jenkins asked the Board to consider a pause in the review and approval of solar installation projects in order to revise, amend and strengthen the Town's Solar Law. She stated that many other localities have taken such action and have put restrictions on the number of acres per year that can be switched to solar farm or the number of acres of farmland that can be converted. She mentioned that the Town of Taylor has proposed a moratorium on solar farms. She stated that according to her attorney, if a town has a moratorium on the issuance of permits it would also apply to permits in the pipeline that haven't already been approved.

Ms. Jenkins, a member of the Town's Comprehensive Plan Committee, explained that the Committee already developed a map for the future development of the land in the Town. She stated that the Town already has a good plan to protect farmland with the Agriculture and Farmland Protection Plan and that a new Comprehensive Plan for the Town was underway. Ms. Jenkins was concerned that some of the solar applications already made to the Town conflict with the Committee's plan for the future. She suggested the Board ask to see the map that dates back to February 2020 from the Chair of the Committee.

On another note, Ms. Jenkins commented on the presentation made by Park Outdoor Advertising of New York, Inc. She stated that the company was undoubtedly a good company; however she voiced concerns about disturbing the beautiful entrance ways to the Town with signs. She also suggested that political advertisements not be allowed on the sign.

Supervisor Williams offered privilege of the floor to Bob Martin.

Town resident, Bob Martin addressed the Board with regard to solar facilities. He mentioned that the Town of Taylor published a legal notice for a public hearing on a local law for a moratorium on the installation of solar facilities and read the legal notice publication aloud. He commented that language of the local law was simple and urged the Board to consider the same.

Attorney DelVecchio explained that he was the Town Attorney for the Town of Taylor and initiated the proposed moratorium.

Mr. Martin commented on the Aquifer Protection Permit application submitted by Cipriani Energy that was on the Board's agenda. He suggested that during the environmental assessment that the Board reflect on the Comprehensive Plan and the impact the application would have on farmland. Mr. Martin was also concerned with a potential PILOT agreement with solar companies and stated that the Board needs to look at all the benefits for the Town and the residents as they manage the solar project application, which are really starting to proliferate in the Town.

Supervisor Williams thanked everyone for their comments.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the August 2020 Monthly Report submitted by Code Enforcement Officer, Kevin McMahon. All voting aye, the motion was carried.

Attorney DelVecchio reported:

Solar Arrays:

Under new business, Attorney DelVecchio gave the Board a history on what the Town has done regarding solar facilities. He explained that initially the Town adopted a local law for a moratorium on the placement of solar facilities (2017) that was in place for a year. A special committee was created to draft a solar law that was later adopted by the Town Board as a local law (2018). Recently there has been concern about mitigating the number of solar facilities. The Town has begun to formalize tactics to mitigate solar farms. At the August 19, 2020 Town Board meeting, the Board adopted a resolution regarding PILOT payments.

Attorney DelVecchio apprised the Board he met with the Town Planning Board to discuss ideas for mitigating solar farms as well. Attorney DelVecchio would present the Board with some proposed changes to the current Solar Law in the near future. He suggested the Board could ask the committee that initially drafted the Town's solar law to meet as well.

As the Attorney for the Town of Taylor as well, Attorney DelVecchio explained that he initiated the moratorium for the Town of Taylor that was mentioned by Mr. Martin during privilege of the floor. While it was a board decision, he was not sure it would be beneficial for the Town of Cortlandville to adopt a moratorium since the Town's solar law was recently adopted and in his opinion was a good law. He stated that this was not an easy topic and that he, along with other officials of the Town, were spending a lot of time getting educated. Overall, he stated that the Town was working hard on the subject and was doing a good job.

Town Board Reports:

Councilman Withey commented on the recent issue involving signs in the Town and violating one's constitutional rights by limiting content. While the Board decided that citations would not be written for signs with political content, it doesn't stop the need to enforce the size of signs or the number of signs on a property.

Supervisor Williams reported:

Purchase Offer with Lime Hollow Nature Center:

Supervisor Williams explained that at the last Town Board meeting the Board authorized the Supervisor to execute a purchase offer with Lime Hollow Nature Center (LHNC) for 2.6 acres of land. Last week, he met with several LHNC board members who were concerned regarding the sale of the property. The LHNC would have to vote on whether or not to sign the purchase offer; the Town cannot move forward until the sale is approved.

#### Town Fee Schedule Modifications:

Supervisor Williams provided the Board with proposed modifications to the Town fee schedule for their review. He explained that some Town fees have not been updated in many years. He asked the Board to review the proposed changes and to ask questions to the appropriate department. He would bring the item back up at a later date.

#### 2021 Budget:

Supervisor Williams reported that the 2021 budget process commenced. In February 2020 the Board adopted a resolution to establish a Recreation Commission, which is allowed per General Municipal Law. Shortly thereafter, the COVID-19 pandemic started and the item was put on hold. He stated that he was bringing the matter back up and was building it into the budget for next year. He explained that currently a log of the money that goes into recreation flows through the Highway Department budget line. Before the recreation program gets bigger in the Town he would like to put a vehicle in place to make it easier in the future. More discussion would occur during the budget process.

#### New Entranceway for Raymond G. Thorpe Municipal Building:

Supervisor Williams apprised the Board he was in receipt of the proposed architectural drawing for a possible new entranceway into the Raymond G. Thorpe Municipal Building (Town Hall) that would provide a much higher level of security for the entire building. He provided the drawing to the Board for review. The drawing would first have to go to the State Office of Court Administration for approval.

#### Chromebooks for Town Board:

Supervisor Williams apprised the Board the Chromebooks they had been using were on loan from the Cayuga BOCES. The Town borrowed the Chromebooks in order for Town employees to complete training on Google Suites by Town employee and Certified Google Teacher, Nick Alteri. Supervisor Williams asked the members of the Board if they would find it helpful to have Chromebooks issued to them (agenda packets were no longer being printed). All members of the Board were interested in the Chromebooks. Supervisor Williams would request a quote and present a purchase order for approval at a later date.

#### Intervener Funds:

Supervisor Williams apprised the Board the Town would be in charge of the Intervener funds approved by the State with regard to the 90 MWac solar project in the tri-town area, to include the Town of Cortlandville, Town of Homer and Town of Solon. Attorney Pat Snyder and engineering firm Barton & Loguidice would represent all three municipalities; however the cost of the legal fees and engineering review would be paid for through the intervener funds. The Town of Cortlandville would manage the paperwork and bills on behalf of all three municipalities. Supervisor Williams explained that initially \$31,500 was available to pay for engineering and legal fees. If the project moves forward, another \$90,000 would be available for legal and engineering fees for the construction process.

RESOLUTION #220	REFER AQUIFER PROTECTION PERMIT APPLICATION SUBMITTED BY CIPRIANI ENERGY GROUP FOR PROPERTY LOCATED AT 1585 TOWER ROAD TO THE TOWN AND COUNTY PLANNING BOARDS FOR REVIEW AND RECOMMENDATIONS
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Motion by Councilman Cobb

Seconded by Councilman Testa

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey    NAY – 0

ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by Cipriani Energy Group for property owned by Thomas E. DE Haven located at 1585 Tower Road, tax map #106.00-06-05.200, shall be forwarded to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the Aquifer Protection Permit application is hereby received and filed.

With regard to correspondence received from Cipriani Energy Group, Attorney DelVecchio explained that the notice was required under the Real Property Tax Law. The Town has 60 days from the time they receive notice and to respond in regard to entering into a PILOT agreement with the Town. He informed the Board that he already responded to the notice informing the applicant that the Town would require that they enter into a PILOT agreement.

Councilman Cobb made a motion, seconded by Councilman Testa, to receive and file correspondence from Cipriani Energy Group, dated August 24, 2020, regarding the proposed Yellow 3, LLC solar project for property located on Tower Road. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Withey, to receive and file correspondence from Hancock Estabrook, LLP, dated August 21, 2020, regarding the public hearing to be held by the Cortland County IDA on Thursday, September 10, 2020 at 11:00 a.m. via Zoom for Locust Solar II, LLC. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file Cortland County Planning Board Resolution #20-12 dated August 19, 2020, and the Cortland County Planning Department Review and Recommendations, dated August 14, 2020, regarding the Aquifer Protection Permit application submitted by Guggenheim Development Services, LLC c/o Bohler Engineering MA, LLC, to construct a 3,000 sq. ft. motor vehicle service facility (Jiffy Lube), for property located off NYS Route 13, tax map #95.20-02-07.000. All voting aye, the motion was carried.

RESOLUTION #221      SCHEDULE PUBLIC HEARING FOR AQUIFER  
PROTECTION PERMIT APPLICATION SUBMITTED BY  
GUGGENHEIM DEVELOPMENT SERVICES, LLC C/O  
BOHLER ENGINEERING MA, LLC (JIFFY LUBE) FOR  
PROPERTY LOCATED OFF NYS ROUTE 13 FOR  
SEPTEMBER 16, 2020

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Motion by Councilman Cobb

Motion by Councilman Withey

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for September 16, 2020 at 5:00 p.m. for an Aquifer Protection Permit application submitted by Guggenheim Development Services, LLC c/o Bohler Engineering MA, LLC, to construct a 3,000 sq. ft. motor vehicle service facility (Jiffy Lube) on property located off NYS Route 13, tax map #95.20-02-07.000.

Supervisor Williams asked whether there was anything further to come before the Board. No further conversation was had.

Councilman Withey made a motion, seconded by Councilman Guido, to recess the Regular Meeting to an Executive Session to discuss contracts and personnel. All voting aye, the motion was carried.

The meeting was recessed at 5:56 p.m.

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

The Executive Session was adjourned at 6:35 p.m.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

*Kristin E. Rocco-Petrella*

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 9, 2020.

The final version of this meeting was approved as written at the Town Board meeting of September 16, 2020.