

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
GUGGENHEIM DEVELOPMENT SERVICES, LLC
C/O BOHLER ENGINEERING MA, LLC, APPLICANT
ROUTE 13 PARTNERS, LLC, OWNER OF RECORD
840 NYS ROUTE 13
TAX MAP #95.20-02-07.000

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Municipal Garage, 3587 Terrace Road, Cortland, New York, concerning an application for an Aquifer Protection Permit 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 owned by Route 13 Partners, LLC located on the east side of NYS Route 13, approximately ¼ mile north of the NYS Route 13/Bennie Rd. intersection, tax map #95.20-02-07.000.

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; Water & Sewer Sup't., Peter Alteri Jr.; Deputy Highway Superintendent, Larry Drach; Deputy Town Clerk, Abigail Albro; Planning Board Chairman, Christopher Newell; Reception Clerk, Nick Alteri; Caryn Mlodzianowski representing Bohler Engineering; Town Residents: Bob Martin; Pamela Jenkins; Stephen Flatt; Andrea Rankin; and News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Williams called the Public Hearing to order.

Town Clerk, Kristin Rocco-Petrella read aloud the published, posted and filed legal notice.

Supervisor Williams offered privilege of the floor to Caryn Mlodzianowski.

Caryn Mlodzianowski, representing the applicant Bohler Engineering, gave the Board an overview of the project for the construction of a 3,000 +/- sq. ft. motor vehicle service facility (Jiffy Lube). A conditional permit and aquifer protection permit applications were submitted to the Town. The Town Planning Board conducted its review and approved the conditional permit application with a recommendation that the Town Board approve the aquifer protection permit. Ms. Mlodzianowski stated that she was present to continue the review of the project with the Town Board and offered to answer any questions.

Supervisor Williams thanked Ms. Mlodzianowski for her comments and explained that the Board would discuss the application during the regular meeting and would ask their questions, if any, during that time.

Supervisor Williams offered privilege of the floor to those in attendance.

No further comments or discussion were heard.

The Public Hearing was closed at 5:07 p.m.

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; Water & Sewer Sup’t., Peter Alteri Jr.; Deputy Highway Superintendent, Larry Drach; Deputy Town Clerk, Abigail Albro; Planning Board Chairman, Christopher Newell; Reception Clerk, Nick Alteri; Caryn Mlodzianowski representing Bohler Engineering; Town Residents: Bob Martin; Pamela Jenkins; Stephen Flatt; Andrea Rankin; and News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Williams called the meeting to order.

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

Councilman Cobb made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of September 2, 2020. All voting aye, the motion was carried.

RESOLUTION #222

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 #1186-1248		
	General Fund A	\$	75,957.97
	General Fund B	\$	7,047.66
	Highway Fund DA	\$	0.00
	Highway Fund DB	\$	18,369.29
	Gutchess Lumber SC Project HG	\$	0.00
	C’Ville Fire District SF	\$	0.00
	Sewer Fund SS	\$	13,932.58
	Water Fund SW	\$	15,605.90
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 #(None)		
	Trust & Agency TA	\$	0.00
	Expendable Trust TE	\$	0.00

Supervisor Williams offered privilege of the floor to Pamela Jenkins.

Town resident, Pamela Jenkins presented the Board with a photograph of a large “vinyl tarp” displayed on private property located on the side of Route 281 (in the proximity of Bell Drive) with the message “violent criminal lives matter, all others be damned”. She asked if the tarp was being condoned by the Town and if that was the image the Town wanted to portray. She noted that the tarp was the second one to appear on the property; the first tarp had offensive words as well. She added that the tarp could be dangerous to motorists as winds could cause it to blow into traffic, and stated it was also a distraction to drivers. She asked if the Board would do something about the tarp and stated that she would like to hear the Board discuss the matter tonight.

On another note, Ms. Jenkins stated that she was in favor of Planning Board Chairman Newell's letter of request to the Board (agenda item I-13) for a brief moratorium on solar projects in order to strengthen and enhance the Town's solar law.

Supervisor Williams thanked Ms. Jenkins for her comments.

There were no further requests for privilege of the floor.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the following monthly reports:

- 1) Cortland Community SPCA – August 2020;
- 2) Town Clerk – August 2020;
- 3) Town Justice LeFevre and Town Justice Mathey – August 2020;
- 4) Water & Sewer Department – August 2020;
- 5) Fire & Safety Inspections – CEO Campbell – August 2020; and
- 6) Town Supervisor – August 2020.

All voting aye, the motion was carried.

Under old business there was discussion 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 owned by Route 13 Partners, LLC located at 870 Route 13, tax map #95.20-02-07.000. Attorney DelVecchio explained the SEQRA process to the Board and noted that the Town Planning Board already granted the appropriate approvals and that the Town Board was designated the lead agency regarding SEQR.

Councilman Withey asked how much oil would be on site at any given time. He also asked if the storage area has a berm so it can't reach out into the aquifer.

Caryn Mlodzianowski, representing Bohler Engineering, answered that she did not have an exact maximum amount of oil that would be on site at any given time. However, she explained that there is a basement for the facility and that in itself is a containment area. There are also no drains on the floor. No further questions were asked by the Board.

The Board commenced their review of Part 2 of the SEQR Short Environmental Assessment Form with Attorney DelVecchio reading the questions. The Board answered no impact to small impact for all of the questions.

RESOLUTION #223	DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION PERMIT #5 OF 2020 SUBMITTED BY GUGGENHEIM DEVELOPMENT SERVICES, LLC C/O BOHLER ENGINEERING MA, LLC (JIFFY LUBE) FOR PROPERTY LOCATED AT 840 NYS ROUTE 13 AND AUTHORIZE SUPERVISOR TO SIGN THE SEQRA APPLICATION
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Motion by Councilman Testa

Seconded by Councilman Guido

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

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Guggenheim Development Services, LLC c/o Bohler Engineering MA, LLC, to permit the construction of a 3,000 sq. ft. motor vehicle service facility (Jiffy Lube), for property owned by Route 13 Partners, LLC located on the east side of NYS Route 13, approximately ¼ mile north of the NYS Route 13/Bennie Rd. intersection, tax map #95.20-02-07.000, and

WHEREAS, the Town Board as Lead Agent, duly reviewed and completed the Short Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent does hereby declare the proposed project of Guggenheim Development Services, LLC c/o Bohler Engineering MA, LLC (Jiffy Lube), Aquifer Protection Permit #5 of 2020, shall have no significant environmental impact, and it is further

RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #5 of 2020.

RESOLUTION #224 APPROVE AQUIFER PROTECTION PERMIT #5 OF 2020
SUBMITTED BY GUGGENHEIM DEVELOPMENT
SERVICES, LLC C/O BOHLER ENGINEERING MA, LLC
(JIFFY LUBE) SUBJECT TO CONDITIONS

Motion by Councilman Withey

Seconded by Councilman Cobb

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

ADOPTED

WHEREAS, the Cortland County Planning Department and the Town Planning Board have reviewed and recommended approval of this Aquifer Protection Permit application, and

WHEREAS, a Public Hearing was duly held by this Town Board, therefore

BE IT RESOLVED, the Town Board does hereby approve Aquifer Protection Permit #5 of 2020, submitted by Guggenheim Development Services, LLC c/o Bohler Engineering MA, LLC, permitting the construction of a 3,000 sq. ft. motor vehicle service facility (Jiffy Lube), for property owned by Route 13 Partners, LLC located on the east side of NYS Route 13, approximately ¼ mile north of the NYS Route 13/Bennie Rd. intersection, tax map #95.20-02-07.000, subject to the following conditions from the Town and County Planning Boards:

1. That an easement be written into the deeds of this property and the Cortlandville Crossing property to insure that continued access to this site is provided from the Cortlandville Crossing property in the future.
2. The applicant either reducing the number and square footage of building mounted signage on the site to conform to the “Zoning Local Law of the Town of Cortlandville” or the applicant applying for and receiving a bulk variance for the increased number and square footage of signage.
3. The Town weighing the benefit of the increase number and square footage of signs to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any bulk variance may be granted.
4. Any floor drains in the facility being connected to a holding tank or sanitary sewer equipped with an oil and grit separating tank.
5. Wastes collected in a holding tank must be disposed of through a licensed waste hauler.
6. Waste degreasing solvents must be stored in drums or a holding tank and disposed of through a licensed waste hauler.
7. Waste oil must be stored in tanks or drums for disposal by a licensed waste hauler.
8. Storage facilities for tanks and/or drums require coated concrete floors and dikes to retain accidental spills or leaks; a permanent roof to protect tanks or drums and to prevent precipitation from entering dikes. Drums should be sealed, and tanks and drums must be located away from floor drains.
9. Large drip pans should be kept beneath drums which have spigots and are stored in horizontal position on racks.
10. Potentially contaminated scrap, including but not limited to scrap parts, batteries and used filters shall be stored in proper containers to prevent environmental release of contaminants.
11. The applicant’s submittal of a list and quantity of proposed chemicals to be stored on site to the Town, and a plan of primary and secondary storage facilities for these chemicals.
12. The applicant’s submittal and the Town’s acceptance of the Spill Response Plan and Spill Prevention, Control & Countermeasures Plan for the site.

13. The applicant obtaining approval of the public water and sewer connection, including the installation of a backflow prevention device for the public water connection, from the County Health Department and Town.
14. That no net loss of pervious surface be permitted to protect and preferably improve infiltration capacity of the site and reduce effects of stormwater on adjacent properties during low-frequency high rainfall storm events, and that standard erosion and sediment control best management practices such as silt fencing, stable construction entrance, and revegetation are employed during construction.
15. That visual screening is erected around the dumpster area.
16. The applicant providing to and obtaining approval from the Town of a more detailed landscaping plan for the site to include additional landscaping other than just lawn areas.
17. The applicant's submittal of a revised site plan indicating locations of snow storage on site.
18. The applicant's submittal of a lighting plan for the site to the Town which indicates that there would be no lighting from this property in excess of 1.0 footcandle outside of the property boundaries.
19. The Town reviewing the proposed building design for conformance with the Town's Design and Development Guidelines.
20. Compliance with SEQR requirements.

AND IT IS FURTHER RESOLVED, the Supervisor is hereby authorized to sign the permit.

Also under old business, there was discussion regarding the increase of Planning/Zoning application fees and Fire and Safety Inspection fees according to the Town Fee Schedule. Supervisor Williams explained that the proposed fees were presented to the Board at the last meeting and that all Board members had the opportunity to ask questions to the appropriate department heads. He suggested that if amended, the new fee schedule be effective October 1, 2020.

Councilman Withey voiced concern that some of the fee increases were large increases, pointing out that the current Aquifer Protection Permit application fee was \$100 and a \$500 fee was proposed. He suggested that the Board increase the fees gradually.

Supervisor Williams stated that he has had in-depth conversations with the departments involved in the proposed fee increases and explained that many of the fees have been set for dozens of years and that the proposed increase was in line with what other municipalities charge for the same applications. The proposed fee increases were researched and discussed extensively.

Councilman Withey reiterated his concern that the increases were drastic. He was also concerned with the proposed effective date of October 1, 2020. Supervisor Williams asked Town Clerk Rocco-Petrella what she thought about the effective date.

Town Clerk Rocco-Petrella explained that the fee increases involved planning and zoning applications, building permit fees, and fire and safety inspection fees. She explained the timeline of making applications. It was her opinion that the increase in fees would not pose a problem for the departments as they could direct the applicants appropriately.

RESOLUTION #225	AMEND TOWN OF CORTLANDVILLE FEE SCHEDULE TO REVISE THE PLANNING/ZONING, BUILDING PERMIT AND FIRE SAFETY INSPECTION FEES EFFECTIVE OCTOBER 1, 2020
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Motion by Councilman Guido

Seconded by Councilman Cobb

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby amend the Town of Cortlandville Fee Schedule (last amended 12/18/2019 by Resolution #280 of 2019) to revise the Planning/Zoning application fees, the Building Permit fees for Solar applications, and the Fire Safety Inspection fees as follows:

Planning/Zoning:

Aquifer Protection Permit Applications:	\$500.00
Conditional Permit Applications:	\$750.00
Revisions to existing approval:	\$350.00
Home Occupation:	\$100.00
Mobile Home Site Plan:	\$100.00

Variance:

Residential (Bulk):	\$100.00
Commercial (Bulk):	\$400.00
Use:	\$500.00 (new fee)
Residential (Use)	\$10.00 (eliminate)
Commercial (Use)	\$15.00 (eliminate)

Building Permits:

Solar:

All:	\$0.10 per square foot (eliminate)
Up to 5 MWac	\$0.10 per square foot (new fee)
5000 up to 25 MWac	\$0.15 per square foot (new fee)
Over 25 MWac	\$0.20 per square foot (new fee)

Fire Safety Inspections:

Multi-Family Occupancies*** - if allowed to do unit inspections

3 to 12 Units	\$18.00/unit
13 to 59 Units	\$16.00/unit
Over 60 Units	\$14.00/unit

Second re-inspection fee (for all buildings)	\$50.00 (new fee)
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Under new business, Town Clerk Rocco-Petrella explained that her office was working to complete the October water and sewer billing. She explained that the October billing period typically reflects the highest water consumption for the year; consumptions were especially high this year due to factors such as it being a dry summer and that more residents were home during the day due to the pandemic. If customers were concerned with their water consumption they were urged to contact her office for further review of their accounts.

Town Clerk Rocco-Petrella announced that Deputy Town Clerk, Abigail Albro recently passed the Notary Public examination. She congratulated Ms. Albro as did the members of the Board. Supervisor Williams stated that it was helpful for there to be numerous notaries in the building and especially in the Town Clerk's office. He suggested there be an incentive for employees to become a notary.

Attorney DelVecchio reported:

Order - Pace vs. Town of Cortlandville et. al.:

Attorney DelVecchio recalled an incident that occurred in the Town Hall in which a gentleman was arrested. A criminal case was pursued and after the fact, he attempted to serve a Notice of Claim on the Town, which is a precursor to a lawsuit. There is a certain time period in which such a claim can be filed; in this case the time period lapsed. The gentleman filed an action in Supreme Court to allow him to serve the notice of claim. The matter went before Judge Blaise on August 14, 2020 and it was dismissed in its entirety. Attorney DelVecchio asked the Board to acknowledge receipt of the Order.

RESOLUTION #226 ACKNOWLEDGE RECEIPT OF THE ORDER IN THE
MATTER OF ANTHONY PACE VS. TOWN OF
CORTLANDVILLE ET. AL.

Motion by Councilman Withey
Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby acknowledge, by receiving and filing, the Order dated August 17, 2020 by Hon. Oliver N. Blaise, III, J.S.C. denying the petition of Anthony Pace vs. Town of Cortlandville et. al.

Supervisor Williams reported:

New Entranceway for Raymond G. Thorpe Municipal Building:

Supervisor Williams apprised the Board that the proposed plan for a new entranceway to the Town Hall was submitted to the New York State Office of Court Administration. He was waiting for a response back regarding their approval.

Purchase Offer with Lime Hollow Nature Center:

Supervisor Williams reported that the purchase offer with Lime Hollow Nature Center (LHNC) was still pending. He had not received a definitive answer regarding the purchase of 2.6 acres of land off of Gracie Road near the Gutchess Lumber Sports Complex.

Permission for Bowhunting on Town-Owned Property:

Supervisor Williams apprised the Board he received a request from Lime Hollow Nature Center (LHNC) to allow bowhunting on Town-owned property that is leased by LHNC for recreation purposes. The Board recently adopted a local law prohibiting “firearms” on Town-owned property, however an exception was allowed with Town Board approval. Discussion occurred amongst the Board and Councilman Withey voiced his concerns regarding proper insurance for the property. Attorney DelVecchio explained that the lease agreement allows LHNC to use the property in line with their recreational prerogative. LHNC also has insurance on the property. Supervisor Williams explained that only one bowhunter, with the necessary licensing requirements, would be hunting/managing the property. LHNC Board member, Bob Martin added that LHNC has been practicing deer management for years; it is quite regulated and managed well. Councilman Withey stated he was comfortable granting permission as long as LHNC had a hold-harmless agreement.

RESOLUTION #227	PERMIT EXCEPTION TO LOCAL LAW NO. 3 OF 2020 TO AUTHORIZE THE LIME HOLLOW NATURE CENTER TO BOWHUNT LEASED PROPERTY OWNED BY THE TOWN OF CORTLANDVILLE FOR DEER MANAGEMENT PURPOSES
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Motion by Councilman Guido

Seconded by Councilman Withey

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

BE IT RESOLVED, the Town Board does hereby permit an exception to Local Law No. 3 of 2020 to authorize the Lime Hollow Nature Center (LHNC) to bowhunt leased property owned by the Town of Cortlandville for deer management purposes, and it is further

RESOLVED, the LHNC shall maintain the proper insurance coverage and only allow one individual with the proper state licensing requirements to bowhunt the property, and it is further

RESOLVED, this exception shall be valid through the term of the lease of the property unless otherwise revoked by the Town Board.

Video Recording Town Meetings:

Supervisor Williams informed the Board there was a recent article in the *Cortland Standard* regarding the video presentation of meetings and the possibility of the State requiring that all public meetings be videotaped and available for public viewing. He explained that the Board has been working on accomplishing this since the beginning of the year, however there have been some delays. He mentioned that Town employee, Nick Alteri has expertise in this

area. Supervisor Williams requested permission to form an exploratory committee to devise a plan that would work for the Town. Councilman Withey stated he was in favor of the committee and asked if the funding for equipment would come from the 2020 budget. Supervisor Williams could not answer the question as this time without knowing the approximate cost of equipment needed. Supervisor Williams stated that the committee members would be himself, the Town Clerk, Supervisor's Secretary, Water & Sewer Sup't. Alteri and Reception Clerk, Nick Alteri.

RESOLUTION #228 AUTHORIZE SUPERVISOR TO FORM A COMMITTEE TO
DEVISE A PLAN TO ACCOMPLISH VIDEO RECORDINGS/
LIVE STREAMING OF TOWN MEETINGS

Motion by Councilman Withey

Seconded by Councilman Cobb

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to form a committee to devise a plan to accomplish video recordings/live streaming of Town of Cortlandville meetings, and it is further

RESOLVED, the committee members shall be Supervisor, Tom Williams, Town Clerk, Kristin Rocco-Petrella, Supervisor's Secretary, Patty O'Mara, Water & Sewer Superintendent, Peter Alteri, and the Reception Clerk, Nicholas Alteri.

Town Board Reports:

Councilman Withey presented the Board with a recent article from the Cortland Standard regarding Cortland County looking to enact a weapons policy. He mentioned the Town's recently adopted local law regarding weapons on Town property and was pleased that the Town was leading the way in that endeavor.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the Cortland County Soil and Water Conservation District Environmental Assessment of the proposed EDF Renewables Inc. Homer Solar Energy Center Solar Array Installation Areas for the Towns of Solon, Homer and Cortlandville, dated September 3, 2020. All voting aye, the motion was carried.

RESOLUTION #229 ACKNOWLEDGE NOTIFICATION FROM THE STATE FOR
FILING OF LOCAL LAW NO. 2 OF 2020 AND LOCAL LAW
NO. 3 OF 2020

Motion by Councilman Cobb

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law No. 2 of 2020, Amending Chapter 171, Water and Sewer Code of the Town of Cortlandville, and Local Law No. 3 of 2020, entitled "Firearms", to be effective August 28, 2020.

RESOLUTION #230 AUTHORIZE WAIVING THE BUILDING PERMIT
APPLICATION FEE FOR THE CORTLANDVILLE
FIRE DISTRICT'S UTILITY BUILDING

Motion by Councilman Guido

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, the Cortlandville Fire District requested the Town Board waive the building permit fee for a utility shed, and

WHEREAS, the Board determined the Cortlandville Fire District to be a municipal agency that may be exempt from the building permit application fee without setting precedent, therefore

BE IT RESOLVED, the Town Board does hereby authorize waiving the building permit application fee for construction of a utility shed at the Cortlandville Fire District located at 999 NYS Route 13.

RESOLUTION #231 AUTHORIZE SUPERVISOR TO SIGN 5-YEAR CONTRACT
WITH VERIZON WIRELESS FOR TOWN CELL PHONES

Motion by Councilman Withey

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign a 5-year contract between Verizon Wireless and the Town of Cortlandville for Town cell phones.

RESOLUTION #232 AUTHORIZE APPROVAL REQUEST OF MELISSA DAVIS
FOR THE 2019 COMMUNITY DEVELOPMENT BLOCK
GRANT TOWN-WIDE HOUSING REHABILITATION
PROGRAM (CDBG #287HR323-19)

Motion by Councilman Cobb

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the approval request of Melissa Davis for property located at 471 Sears Road in the Town of Cortlandville, for a 100% deferred loan for the 2019 Community Development Block Grant Town-Wide Housing Rehabilitation Program (CDBG #287HR323-19), and it is further

RESOLVED, the work to be completed includes roofing, siding, windows & doors, insulation, flooring, interior carpentry and plumbing, for a total cost of \$28,767.00.

RESOLUTION #233 AUTHORIZE APPROVAL REQUEST OF TANESHA
HENRIQUES FOR THE 2019 COMMUNITY DEVELOPMENT
BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION
PROGRAM (CDBG #287HR323-19)

Motion by Councilman Cobb

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the approval request of Tanesha Henriques for property located at 3621 Kellogg Road in the Town of Cortlandville, for a 100% deferred loan for the 2019 Community Development Block Grant Town-Wide Housing Rehabilitation Program (CDBG #287HR323-19), and it is further

RESOLVED, the work to be completed includes windows & doors, exterior and interior and electric, for a total cost of \$26,850.00.

RESOLUTION #234 AUTHORIZE SUPERVISOR TO SIGN THE NYSDOT WORK PERMIT FOR THE “MISCELLANEOUS WATER & SEWER IMPROVEMENTS” PROJECT FOR WORK TO BE COMPLETED FOR THE ROUTE 281 WATER MAIN EXTENSION

Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the New York State Department of Transportation (NYSDOT) Highway Work Permit Application for Utility Work to be completed by G. DeVincentis & Son Construction Co. Inc. on behalf of the Town of Cortlandville for the “Miscellaneous Water & Sewer Improvements” project for work to be completed for the Route 281 water main extension.

Under new business, Supervisor Williams announced that Highway Superintendent Glenn Bassett submitted his letter of resignation for retirement to the Town Clerk on September 10, 2020 to be effective September 24, 2020. Councilman Cobb and the Board thanked Mr. Bassett for his more than thirty years of service to the Town as both an employee of the Highway Department and as the elected Highway Superintendent (since 2018).

RESOLUTION #235 ACCEPT RESIGNATION FOR RETIREMENT FROM GLENN A. BASSETT AS TOWN SUPERINTENDENT OF HIGHWAYS FOR THE TOWN OF CORTLANDVILLE EFFECTIVE SEPTEMBER 24, 2020

Motion by Councilman Cobb

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, after thirty years of service with the Town of Cortlandville, Highway Superintendent Glenn A. Bassett has submitted a letter of resignation for retirement, therefore

BE IT RESOLVED, the Town Board does hereby accept, with regret, the letter of resignation for retirement from Glenn A. Bassett as the elected Town Superintendent of Highways for the Town of Cortlandville, to be effective September 24, 2020, and it is further

RESOLVED, the letter of resignation dated September 10, 2020 is hereby received and filed.

Councilman Testa made a motion, seconded by Councilman Cobb, to receive and file the request from Christopher Newell, Chairman of the Town of Cortlandville Planning Board, for a moratorium to be placed on the currently proposed solar projects in the Town for a maximum of three months. All voting aye, the motion was carried.

There was discussion regarding Chairman Newell’s request for a moratorium on solar projects in the Town. Councilman Guido asked if a moratorium would delay already proposed solar projects or solar projects that were already approved.

Attorney DelVecchio explained that a project is considered “vested” once a building permit has been issued. If a moratorium is imposed it could affect all solar projects that have not been issued a building permit; if a building permit has been issued the moratorium cannot affect the solar project. The moratorium would also have no effect on Article 10 applications. The Board could choose for the moratorium to affect all of the projects or only some of the projects, but cautioned the Board for uniformity and fairness. He recalled that prior to the adoption of the Town’s Solar Law (in 2018) a moratorium was adopted and was in place for over a year while a committee drafted the law. He commented that the Town went to great lengths to enact the law. Projects are pending and developers have spent a considerable amount of money on their projects. However, there was a request from the Planning Board to consider; a board that is comprised of intelligent and diligent people. Members of the Board asked to hear from Chairman Newell.

Chairman Newell addressed the Board. He stated that at the onset, he did not think the Town would see this many projects; there are at least 10 to 12 projects that have been accepted or are waiting to be accepted. He stated that there are concerns regarding the current applications and that the Planning Board would like to hire professionals to review the Town's current law and perhaps suggest amendments to it. Mr. Newell stated that the Planning Board suggested a three month moratorium as they did not want to stretch it out too long.

Councilman Withey asked whether a three month moratorium would be long enough to review and amend the law. He also asked how long it would take for the Town's comprehensive plan to be finalized. Supervisor Williams explained that he had a draft comprehensive plan on his desk, however the Comprehensive Plan Committee was still in the process of their review.

Chairman Newell stated that he was not sure whether the proposed Comprehensive Plan would indicate where "we can and cannot have solar ... do we have control over prime farmland?"

Supervisor Williams suggested that language could be included in the Comprehensive Plan for solar or the Town can amend the solar law. With regard to the time frame for adopting a moratorium versus amending the solar law, Supervisor Williams stated that it could take two months before a local law for a moratorium on solar was in place. He suggested that with some effort, amendments to the solar law could be written and put into place in the same amount of time.

The Board continued its discussion regarding the proposal for a moratorium on solar farms, the process involved and the timeline. Attorney DelVecchio asked if the Board wanted to direct him to draft a local law for a moratorium to allow time to research the solar law, and asked if the moratorium would be applicable to pending solar applications.

Councilman Guido voiced concern for the moratorium affecting solar applications that have already been approved by the Town that may not yet have a building permit, and for the pending applications before the Town.

Councilman Withey asked Chairman Newell if there were concerns regarding the pending applications. Chairman Newell stated that there were concerns and added that a new solar application was expected to be made later in the month.

After further discussion, Attorney DelVecchio recommended the Board decide whether or not to impose a moratorium and for how long and secondly, if the moratorium should apply to the pending applications. If the Board did not want to enact a moratorium they could go through the process to amend the solar law.

Supervisor Williams suggested that in fairness, if a moratorium is pursued it should apply to applications that have not yet been made; the process should continue for applications that have already been made.

Chairman Newell asked if the Planning Board should come up with proposed amendments to the solar law instead of pursuing the moratorium. He explained that the Planning Board has to complete a long environmental assessment form for every solar project they review. The Planning Board wanted to hire outside consultants to go through the solar law; the consultants' review may influence how the Town amends the solar law.

Councilman Withey suggested that it may be a good idea to pursue the moratorium and draft changes to the law. He was in favor of addressing the Planning Board's concerns. Supervisor Williams reiterated the time it could take to have a moratorium in place. After further discussion, it was decided that Attorney DelVecchio would bring options back to the Board for their consideration at the next Town Board meeting, including potential amendments to the solar law.

No further discussion was had at this time.

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

The meeting was recessed at 6:20 p.m.

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

The Executive Session was adjourned at 6:48 p.m.

Members of the public were invited to return to the meeting.

RESOLUTION #236 APPOINT LARRY J. DRACH AS SUPERINTENDENT OF
HIGHWAYS FOR THE TOWN OF CORTLANDVILLE
EFFECTIVE SEPTEMBER 25, 2020

Motion by Councilman Testa

Seconded by Councilman Cobb

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

ADOPTED

WHEREAS, the Office of Superintendent of Highways of the Town of Cortlandville shall be vacant on September 24, 2020 due to the resignation for retirement of the person elected to said office, now therefore

BE IT RESOLVED, the Town Board, pursuant to Town Law Section 64 (5) hereby appoints Larry J. Drach of 3487 Pendleton St. Ext., Cortland, New York to fill the vacancy in the Office of Superintendent of Highways of the Town of Cortlandville, effective September 25, 2020 until December 31, 2021, and it is further

RESOLVED, the salary of the appointed Superintendent of Highways shall be \$80,000 (prorated) for the 2020 year.

Deputy Highway Superintendent, Larry Drach thanked the Board for the appointment to Superintendent of Highways. He stated that he was honored and excited for the opportunity. He explained his work history and knowledge of construction and roads. His career started at Suit-Kote Corporation until securing a job with the County Highway Department. Two years later he was hired by former Highway Superintendent, Carl Bush and has been employed by the Town for the last 18 years. Mr. Drach was appointed Deputy Highway Superintendent in 2018. He stated that the Highway Department has great employees and he was looking forward to further improving the department. He invited and encouraged the members of the Board to visit the Highway garage at any time.

Members of the Board thanked Mr. Drach and congratulated him on his appointment.

Councilman Cobb made a motion, seconded by Councilman Withey to authorize the salary of \$70,000 for a Deputy Superintendent of Highways. Discussion occurred regarding the motion and a change to the position from being paid an hourly wage with overtime pay available to a salaried position, and whether the position was considered “exempt” under the Federal Labor Standards Act. After discussion, Councilman Withey withdrew his second on the initial motion, with Councilman Cobb withdrawing his motion entirely. The matter was tabled until the next meeting to allow more time to research the matter.

RESOLUTION #237 TABLE DISCUSSION REGARDING THE SALARY AND
POSITION OF DEPUTY SUPERINTENDENT OF HIGHWAYS
UNTIL OCTOBER 7, 2020

Motion by Councilman Cobb

Seconded by Councilman Guido

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby table discussion regarding the salary and position of Deputy Superintendent of Highways until the October 7, 2020 Town Board meeting to allow more time to research the matter.

RESOLUTION #238 AUTHORIZE HIGHWAY SUP'T. TO HIRE CLAYTON
WALKER AS A PART-TIME LABORER FOR THE TOWN
HIGHWAY DEPARTMENT

Motion by Councilman Cobb

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board hereby authorizes the Town Highway Sup't. to hire Clayton Walker as a part-time "Laborer" for the Town Highway Department at an hourly pay rate of \$16.25 in accordance with the Town Highway Payroll Schedule, and it is further

RESOLVED, the part-time position shall run through the end of the 2020 recreation season for the purpose of maintenance/janitorial services on weekend days at the Gutches Lumber Sports Complex, and it is further

RESOLVED, the hiring of Mr. Walker is hereby declared an exception to the Town of Cortlandville hiring freeze adopted by Town Board Resolution #135 of 2020 on June 3, 2020.

RESOLUTION #239 AUTHORIZE HIGHWAY SUPERINTENDENT TO HIRE ONE
NEW EMPLOYEE TO FILL ONE VACANT POSITION IN THE
TOWN HIGHWAY DEPARTMENT

Motion by Councilman Withey

Seconded by Councilman Cobb

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

ADOPTED

WHEREAS, due to the resignation of two highway department employees during the year 2020 and the recent resignation of the Town Highway Superintendent, vacancies exist in the Town Highway Department, and

WHEREAS, per Town Board Resolution #135 of 2020, adopted June 3, 2020, the Town Board directed there be a "hiring freeze for the Town of Cortlandville until such decision has been rescinded by the Town Board at a later date", therefore

BE IT RESOLVED, the Town Board does hereby authorize an exception to the hiring freeze to allow one new employee to be hired for the Town Highway Department to fill one position vacated in 2020.

RESOLUTION #240 AUTHORIZE SUPERVISOR TO CREATE A TEMPORARY
FULL-TIME POSITION "RECEPTION CLERK / COMPUTER
TECHNOLOGY EDUCATOR"

Motion by Councilman Testa

Seconded by Councilman Guido

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to create a temporary full-time position (35 hours per week) titled "Reception Clerk / Computer Technology Educator" in accordance with the Civil Service Law, at the hourly rate of \$20.00, effective September 17, 2020 until December 31, 2020, and it is further

RESOLVED, current temporary employee, Nicholas Alteri shall continue to serve the Town in such capacity, and it is further

RESOLVED, the temporary part-time position "Building Receptionist" is hereby eliminated, and it is further

RESOLVED, the new temporary full-time position is hereby declared an exception to the Town of Cortlandville hiring freeze adopted by Town Board Resolution #135 of 2020 on June 3, 2020.

No further comments or discussion were heard.

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

The meeting was adjourned at 7:03 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 23, 2020.

The final version of this meeting was approved as written at the Town Board meeting of October 7, 2020.