

TOWN BOARD MEETING

The Regular Town Board 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, Gregory K. Leach
Councilperson, Kristin E. Rocco-Petrella
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John B. Folmer; Highway Sup’t., Carl A. Bush, Jr.; Town Residents, Barb Leach, Pam Jenkins, Lenore LaFevre, Dan Devlen; Jeff Breed representing Gutchess Lumber; Jared Pantella and Melissa Clark, both representing Abundant Solar Power, Inc.; News Reporters: Sharon Stevans from Channel 2, Access TV, Robert Crennan from the *Cortland Standard*.

RESOLUTION #

AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER
#1378

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: AYE-Tupper, Testa, Proud, Leach, Rocco-Petrella NAY-0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1378 submitted by Water/Sewer Sup’t. Peter Alteri to be paid to Seneca Pavement Marking, Inc. for centerline and edge striping done through County bidding process at \$338.00/mile centerline for 26.44 miles and \$198.00/mile edge line for 20.24 miles.

RESOLUTION #

AUTHORIZE PAYMENT OF VOUCHERS – AUGUST

Motion by Councilman Leach
Seconded by Councilman Testa
VOTES: AYE-Tupper, Testa, Proud, Leach, Rocco-Petrella NAY-0
ADOPTED

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

Funds A, B, DA, DB	Vouchers #659-718	
	General Fund A	\$ 46,772.00
	General Fund B	\$ 21,230.62
	General Fund DA	\$ 0.00
	General Fund DB	\$ 28,975.54
Funds CD1, CD3, CD4	Voucher # (None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD HE, SS, SW	Voucher #249-274	
	Luker Rd Water HA	\$ 3,607.83
	Owego St Water HB	\$ 1,485.58
	Oakcrest/Pendleton Sewer HD	\$ 1,450.86
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 114,586.82
	Water SW	\$ 11,910.87
Funds SF, TA, TE	Voucher # 28-30	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 35,479.46
	Expendable Trust TE	\$ 0.00

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

Sharon Stevans from Cortland Cable Commission offered comments pertaining to the issues raised at the last Town Board Meeting regarding Charter Communications. There is a Commission that does meet and Ms. Stevans is a member of this Commission. She wanted the Board to know that Charter Communications will not be operating under the same business model as Time Warner Cable. Time Warner Cable have been reducing staff, consolidating facilities, and making other changes. There are some indications that they may attempt to ignore and not honor current franchise agreements. The Cable Commission will be meeting soon regarding these issues. She wants to be sure that the localities that receive franchise payments are engaged and educated on this. The City of Cortland and the Town of Virgil have representation on the Commission. Towns Homer and Cortlandville have not made appointments to fill vacancies on the Cable Commission.

Attorney Folmer stated that the town has been for months negotiating with Charter Communications over unpaid franchise fees to the town. Adding the towns franchise contract is still in place and must be enforced.

Councilman Proud made a motion seconded by Councilman Leach to acknowledge the following monthly reports from the Code Enforcer and Town Justices for the month of July 2017. All voting Aye, the motion was carried.

Councilperson Rocco-Petrella made a motion, seconded by Councilman Proud, to receive and file correspondence from Charter Communications dated July 20, 2017, regarding a rate increase. All voting aye, the motion was carried.

Town Clerk Snyder reported the following:

Councilperson Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Cort-Lanes notifying the town that they have made their renewal application to the New York State Liquor Authority. All voting aye, the motion was carried.

RESOLUTION # ACKNOWLEDGE RECEIVING NOTICE OF PETITION FOR
REVIEW OF ASSESSMENTS

Motion by Councilman Leach
Seconded by Councilman Testa

VOTES: AYE-Tupper, Testa, Proud, Leach, Rocco-Petrella NAY-0
ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge, by receiving and filing, the Notice of Petition regarding their current assessments from the following:

Walmart	819 Bennie Road	tax map #105.00-02-07.000
Gator Cortlandville Partners	3654-3666 Route 281	tax map # 96.09-01-02.200

Attorney Folmer reported:

Moratorium on Solar Farms:

Attorney Folmer apprised the Board regarding the Planning Board's recommendation that the Town Board consider enacting a moratorium on the review and installation of solar farms within the Town. He has prepared a rough draft of a Local Law that he distributed to the Board and will be discussed again at the next Town Board meeting. The document is nothing more than an Attorneys work product and is correspondence between two agency's within the Town and is therefore not subject to foil. This Local Law will require a Public Hearing.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file Resolution #17-20 from the Cortland County Planning Board & the review of the recommendation from the Cortland County Planning Department regarding the Aquifer Protection Permit application of Abundant Solar Power, Inc. All voting aye, the motion was carried.

Supervisor Tupper offered privilege of the floor to Jared Pantella from LaBella Associates.

Mr. Pantella from LaBella Associates on behalf of Abundant Solar, Inc. spoke to the Board about construction of solar grids to make energy available to residents. Community Solar/ Abundant Solar produces the array, the array produces power, is placed into the grid and is transmitted to customers and whoever else chooses to purchase the power. Typically the incentive is a ten percent discount to whatever they are currently paying for power. Most of the arrays are 2 megawatts in size. The building and the maintenance of the array will be kept local.

Abundant Solar is proposing to extend Wellington Drive 600 feet and install 2 megawatts of solar panels. They would be 3 feet off the ground and 9 feet at the very top. The facility would be secured with chain link fence to protect people, animals, and Abundant Solar's investment. The area that would be fenced in is approximately 16 acres and the area actually being covered with will be approximately 3 1/4 acres. The panels will not be facing Route 13 so there will be no glare from interrupting traffic on Route 13. Mr. Pantella is looking for Site Plan approval, a Conditional Use Permit, an Aquifer Protection District Special Permit, Zoning Map Amendment to convert the current PUD back to agricultural. Abundant would have post a letter of credit, go for plan signatures and apply for a building permit. He stated that he knows that this is going to take time.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file Resolution #17-21 from the Cortland County Planning Board & the review of the recommendation from the Cortland County Planning Department regarding the Aquifer Protection Permit application for Prop, Inc. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilperson Rocco-Petrella, to receive and file the Aquifer Protection Permit application of Valley Rental (New Mini Storage Facility), Luker Road, tax map #95.08-01-17.000 and refer to Town and County Planning Boards for their review and recommendations. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Aquifer Protection Permit application of E & V Energy, 3951 Route 11, tax map #87.13-01-41.200 and refer to Town and County Planning Boards for their review and recommendations. All voting aye, the motion was carried.

RESOLUTION #	RESOLUTION TO BE PAID DIRECTLY ALL OF TOWN'S SHARE OF COUNTY SALES TAX
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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE-Tupper, Testa, Proud, Leach, Rocco-Petrella

NAY-0

ADOPTED

WHEREAS, New York Tax Law Section 1262 allows municipalities to apply a portion of their Sales Tax against the Property Taxes levied upon real property in that municipality, and

WHEREAS, the Town of Cortlandville requests that the Cortland County Legislature apply \$0.00 (zero dollars and zero cents) of Sales Tax to be utilized in the reduction of the County Tax levied against Real Property, with the amount requested in this resolution divided by 4 and that \$0.00 quarterly amount be deducted from the County quarterly sales tax distribution as per agreements with the County related to Sales Tax Distribution, with any remaining funds available in Sales Tax payments paid to the Town of Cortlandville, and

BE IT FURTHER RESOLVED, that pursuant to New York Tax Law Section 1262, this resolution shall be effective commencing with calendar year 2018, and be it further

RESOLVED, that the Town of Cortlandville Town Clerk shall forward a Certified Copy of this Resolution to the Cortland County Treasurer and the Cortland County Real Property Tax Office by Registered or Certified Mail before September 1st, 2017.

RESOLUTION # AUTHORIZE APPROVAL OF REIMBURSEMENT TO THE
TOWN FOR PAYMENT MADE TO THE CORTLAND
STANDARD FOR THE LEGAL NOTICE REGARDING THE
2016 TOWN-WIDE HOUSING REHABILITATION GRANT
PROJECT (CDBG) #287HR326-16

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE-Tupper, Testa, Proud, Leach, Rocco-Petrella NAY-0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of reimbursement to the town for their payment made in the amount of \$396.35 to the Cortland Standard for the Legal Notice regarding the 2016 Town-wide Housing Rehabilitation Grant Project (CDBG) #287HR326-16.

RESOLUTION # AUTHORIZE APPROVAL OF PAYMENT TO THOMA
DEVELOPMENT CONSULTANTS FOR PROGRAM
DELIVERY SERVICES REGARDING THE 2016 TOWN-WIDE
HOUSING REHABILITATION GRANT PROJECT (CDBG)
#287HR326-16

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE-Tupper, Testa, Proud, Leach, Rocco-Petrella NAY-0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment in the amount of \$2,000.00 to Thoma Development Consultants for Program Delivery Services regarding the 2016 Town-Wide Housing Rehabilitation Grant Project (CDBG) #287HR326-16.

Councilman Proud made a motion, seconded by Councilperson Rocco-Petrella, to receive and file correspondence from Cortland Beer Company that they have made their application to the New York State Liquor Authority regarding the Seedstock Festival, which will be held on August 4th, 5th, and 6th, 2017. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to recess the Regular Meeting to an Executive Session. All voting aye, the motion was carried.

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

The following information was received from the Supervisor's office:

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

RESOLUTION # AUTHORIZE SALARY AND BENEFITS FOR THE NEWLY
APPOINTED DEPUTY TOWN CLERK, KALEE A.UPDYKE

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE-Tupper, Testa, Proud, Leach, Rocco-Petrella NAY-0
ADOPTED

WHEREAS, a vacancy has occurred in the office of the Town Clerk for a Deputy Town Clerk position, and

WHEREAS, Town Clerk, Karen Q. Snyder has appointed Kalee A. Updyke, of 1171 Hillside Drive, Cortland, New York to such position of a Deputy Town Clerk, therefore

BE IT RESOLVED, the Town Board does hereby agree to and authorize the salary of 35,800.00 along with full time benefits for the appointed Deputy Town Clerk, Kalee A. Updyke.

With no further comments or discussion heard.

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

The meeting was adjourned at 6:05 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The final version of this meeting was submitted to the Town Board for their review on October 13, 2017.

The final version of this meeting was approved as written at the Town Board meeting of _____.