

PUBLIC HEARING NO. 1

LOCAL LAW OF 2017

A MORATORIUM FOR THE REVIEW AND APPROVAL OF APPLICATIONS FOR THE
INSTALLATIONS OF SOLAR FACILITIES

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building located at 3577 Terrace Road, Cortland, New York 13045, regarding the enactment of a Local Law for 2017 a Moratorium for the review and the approval of applications for the installations of Solar Facilities, in the Town of Cortlandville.

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; Town Residents, Barb Leach, Susan Fitts, Douglas and Marion Withey, Lenore Lefevre, Carl Pearce, Russ Bean, Donna Johnson, Joseph Steinhoff, Michael Barylski, Marie Kautz; also in attendance; Steven Terwilliger and Tim Perfetti; Elie Schecter, Senior Project Development Manager representing Solar City and Robert Creenan from the *Cortland Standard*.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

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

Eli Schector, Senior Project Development Manager representing Solar City. He applauded the Town Board for enacting a Solar Moratorium. From the solar industry point of view they look at these policies as a good thing for the industry. The project Solar City is doing with Gutches Lumber can benefit the entire community, using a dairy farm as an example of a solar energy. He is hoping that solar and agriculture can work hand in hand.

Marion Withey also spoke in support of solar energy. She stated in Germany there are many solar farms used by agricultural, dairy and other types of farms stationed along the roads with their fields and farms located behind the solar farms.

Joe Steinhoff spoke in support of solar energy. Adding new construction within the municipality could look into the incorporation of solar energy. The initial investment may be expensive but the return is greater. He stated there is a concern about wind farms and has spoken out against wind farms. He said we need to think more about our community and how these solar farms could have an effect.

Supervisor Tupper stated the reason we are enacting a moratorium on solar is so that we can get a handle on the regulations.

The Public Hearing was closed at 5:20 p.m.

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; Town Residents, Barb Leach, Susan Fitts, Douglas and Marion Withey, Lenore Lefevre, Carl Pearce, Russ Bean, Donna Johnson, Joseph Steinhoff, Michael Barylski, Marie Kautz; also in attendance; Steven Terwilliger and Tim Perfetti; Elie Schecter, Senior Project Development Manager representing Solar City and Robert Creenan from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Zoning Board of Appeals Minutes of June 27, 2017. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Zoning Board of Appeals Minutes of July 25, 2017. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Planning Board Minutes of June 27, 2017. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Planning Board Minutes of July 25, 2017. All voting aye, the motion was carried.

Councilperson Testa made a motion, seconded by Councilman Leach, to approve the Town Board Minutes of July 19, 2017, as submitted. All voting aye, the motion was carried.

RESOLUTION #

AUTHORIZE PAYMENT OF VOUCHERS – AUGUST

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

NAY-0

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

Funds A, B, DA, DB	Vouchers #779-847	
	General Fund A	\$ 84,142.87
	General Fund B	\$ 61,807.93
	General Fund DA	\$ 0.00
	General Fund DB	\$ 108,530.88
Funds CD1, CD3, CD4	Voucher #2-3	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 2,396.35
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD HE, SS, SW	Voucher #285-305	
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 20,937.92
	Water SW	\$ 15,363.47
Funds SF, TA, TE	Voucher #31-34	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 34,930.64
	Expendable Trust TE	\$ 0.00

Supervisor Tupper stated there were no requests for privilege of the floor.

Councilman Leach made a motion seconded by Councilman Testa to acknowledge the following monthly reports: Code Enforcement from Kevin McMahon and the Town Supervisor Report for the month of August 2017. All voting Aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilperson Rocco-Petrella, to receive and file correspondence from Charter Communications dated August 31, 2017, regarding programming. All voting aye, the motion was carried.

RESOLUTION #	ADOPT LOCAL LAW NO. 1 OF 2017 IMPOSING A MORATORIUM AND APPROVALS OF INSTALLATIONS OF SOLAR FACILITIES
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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES:	Supervisor Tupper	AYE
	Councilman Testa	AYE
	Councilman Proud	AYE
	Councilman Leach	AYE
	Councilperson Rocco-Petrella	AYE
	ADOPTED	

WHEREAS, the Town Board of the Town of Cortlandville is committed to the encouragement of alternative sources of renewable energy and as there has been a significant increase of interest by residents, landowners and others in developing Solar Farms and similar installations in the town, and there are at present no regulations or zoning in the Town of Cortlandville Code addressing solar installations and appropriate regulation of the location and other technical issues related to Solar Facilities, it is in the best interest of the residents of the town and Solar Facilities present their own unique technology issues as well as other concerns, and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a Public Hearing to be held by said Board to hear all interested parties on a proposed “Local Law Imposing a Moratorium and approvals of Installations of Solar Facilities”, and

WHEREAS, notice of said Public Hearing was duly published in the Cortland Standard, the official newspaper of the said town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, as required by law, and

WHEREAS, said Public Hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the town to adopt said Local Law, therefore

BE IT ENACTED by the Town Board of the Town of Cortlandville as follows:

Section 1. Title

This Local Law shall refer to as the “Local Law Imposing a Moratorium and Approvals of Installations of Solar Facilities”.

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Cortlandville, to regulate and control land use and protect the health, safety and welfare of its residents, the Town Board of the Town of Cortlandville hereby establishes a moratorium on the review and approval of any and all applications for the installation of Solar Facilities in the Town of Cortlandville.

Section 3. Term

This moratorium shall expire on March 1, 2018, or upon the adoption of regulations of Zoning Laws relating to such facilities, whichever shall first occur.

Section 4. Effective Date

This Local Law shall become effective when filed with the Secretary of State as required by law.

Town Clerk, Snyder had new business to report.

Attorney Folmer reported:

Zone Change in Walden Oaks Development:

Attorney Folmer spoke to a resident within the Walden Oaks development regarding the proposed Solar Arrays along with the proposed Zone Change request. He suggested she attend the Planning Board Meeting scheduled on July 25, 2017. As a result the request for a zone change will not be recommended for approval to the Town Board.

Time Warner Cable:

Attorney Folmer apprised the Board about unpaid franchise fees due the town from Time Warner Cable. The settlement agreement states that Charter, the successor to Time Warner, after negotiations will be paying the Town \$64,887.00 to cover unpaid franchise fees from 2009 through 2015. Attorney Folmer requested from the Board authorization for the Town Supervisor the execution of such agreement.

RESOLUTION #	AUTHORIZE TOWN SUPERVISOR TO EXECUTE THE SETTLEMENT AGREEMENT WITH CHARTER COMMUNICATIONS REGARDING UNPAID FRANCHISE FEES DUE THE TOWN SUBJECT TO CLARIFICATION
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Motion by Councilman Leach

Seconded by Councilman Proud

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 the Settlement Agreement with Charter Communications for \$64,887.00 to cover the unpaid franchise fees to the town from 2009 through 2015, subject to clarification.

Cortlandville Sand & Gravel:

Cortlandville Sand and Gravel submitted an application for expansion of their mining. The Planning Board asked that we ask to be named as the Lead Agency for SEQR purposes. The DEC had requested its status as the Lead Agency for SEQR. The determination by the DEC Commissioner has decided that the DEC Region 7 office will be the Lead Agency. The Commissioner said that the Planning Board did raise good questions and will be addressed in a coordinated review.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from the New York State Department of Environmental Conservation regarding the Commissioner's Determination of Lead Agency under Article 8 of the Environmental Conservation Law. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence dated August 14, 2017 from NYS Homes & Community Renewal regarding the Single Audit for the 2013 Town-Wide Housing Rehabilitation Grant Program (CDBG #287HR62-13). All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE SALARY INCREASE FOR BRIAN CLUKEY,
WATER TREATMENT OPERATOR TRAINEE FOR THE
TOWN OF CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town board does hereby acknowledge that Brian Clukey, Cortlandville Water Treatment Operator Trainee, has successfully obtained his Commercial Driver's License Class B and it is further

RESOLVED, that Mr. Clukey's salary increase of \$2,000.00 shall be authorized for his successful completion and obtaining his license.

RESOLUTION # AUTHORIZE SALARY INCREASE FOR ALLEN P. MOORE,
WATER TREATMENT OPERATOR FOR THE TOWN
OF CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town board does hereby acknowledge that Allen Moore, Cortlandville Water Treatment Operator, has successfully obtained his Commercial Driver's License Class B and it is further

RESOLVED, that Mr. Moore's salary increase of \$2,000.00 shall be authorized for his successful completion and obtaining his license.

RESOLUTION # AMEND THE 2017 BUDGET AND AUTHORIZE
SUPERVISOR TO CREATE A CAPITAL PROJECT FUND FOR
THE GUTCHESS LUMBER SPORTS COMPLEX, THE NEW
TOWN PARK

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 amend the 2017 Town Budget and create a Capital Project Fund for the Gutches Lumber Sports Complex, the town's new park.

Councilman Proud made a motion, seconded by Councilperson Rocco-Petrella, to receive and file the Cortland County Planning Board Resolution #17-25 and the recommendation from the Cortland County Planning Department regarding the Aquifer Protection Permit application of E&V Energy, located at 3957 US Route 11. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE TOWN BOARD TO ACT AS LEAD AGENCY
UNDER SEQR REGARDING THE E&V ENERGY AQUIFER
PROTECTION PERMIT APPLICATION AS REQUESTED BY
THE TOWN'S ZONING BOARD OF APPEALS

Motion by Councilman Proud

Seconded by Councilperson Rocco-Petrella

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

BE IT RESOLVED, the Town board does hereby accept the request to act as Lead Agency under SEQR, regarding the E & V Energy Aquifer Protection Permit application submitted, as requested by the Town's Zoning Board of appeals.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortland County Planning Board Resolution #17-26 and the recommendation from the Cortland County Planning Department regarding the Aquifer Protection Permit application submitted by Valley Rental for property located on Luker Road. All voting aye, the motion was carried.

RESOLUTION # SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT APPLICATION SUBMITTED BY
PROP INC. FOR PROPERTY LOCATED AT 3877 LUKER
ROAD

Motion by Councilman Leach

Seconded by Councilperson Rocco-Petrella

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

BE IT RESOLVED, a Public Hearing shall be scheduled for September 20, 2017 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, for the Aquifer Protection Permit application submitted by Prop Inc. for property located at 3877 Luker Rd., tax map #86.17-01-01.000.

RESOLUTION # SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT APPLICATION SUBMITTED BY
VALLEY RENTAL FOR PROPERTY LOCATED ON LUKER
ROAD

Motion by Councilman Leach

Seconded by Councilman Rocco-Petrella

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

BE IT RESOLVED, a Public Hearing shall be scheduled for September 20, 2017 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, for the Aquifer Protection Permit application submitted by Valley Rental for property located on Luker Rd., tax map # 95.08-01-17.000.

Councilperson Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from NYS Homes & Community Renewal regarding Certificate of Completion for the 2013 Town-Wide Housing Rehabilitation Grant Program (CDBG #287HR62-13). All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN FARMLAND
PROTECTION GRANT CONTRACT #T800826

Motion by Councilman Testa

Seconded by Councilman Proud

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 the Farm Land Protection Grant Contract #T800826 dated August 29, 2017.

Councilperson Leach made a motion, seconded by Councilperson Rocco-Petrella, to receive and file correspondence from the office of the Cortland County Attorney, Karen Howe regarding David Jones Aircraft Services, notifying him that he is in breach of his contract with the County as he has failed to pay the town his water and sewer bill since 2011, in an amount of \$882.29. All voting aye, the motion was carried.

RESOLUTION #	AUTHORIZE TOWN CLERK TO CREDIT THE LATE PENALTIES PAID BY APPLEBEE'S FOR THEIR 2 ND QUARTER WATER & SEWER BILLS
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Motion by Councilman Proud

Seconded by Councilman Leach

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

WHEREAS, the Town Board received a request from Applebee's at 856 Route 13, requesting to credit their 2nd Quarter Water & Sewer accounts of late penalties, due to a town clerical error in the changing of an incorrect billing address, and

WHEREAS, Applebee's has paid their 2nd Quarter Water & Sewer bills in the amounts of \$1,379.86 (Account #616) and \$1,822.85 (Account #617), which included late penalties, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Clerk to credit the late penalties for Applebee's accounts, in the amount of \$125.44 (Account #616) and \$165.71 (Account #617), respectively.

No further comments or discussion were heard.

Councilman Testa made a motion, seconded by Councilman Proud, to recess the Regular Meeting in order to hold the scheduled 6:00 p.m. Public Hearing. All voting aye, the motion was carried.

The Regular Meeting was recessed at 5:50 p.m.

PUBLIC HEARING NO. 2

LOCAL LAW OF 2017

PROVIDING FOR THE APPOINTMENT INSTEAD OF ELECTION OF TOWN
SUPERINTENDENT OF HIGHWAYS

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building located at 3577 Terrace Road, Cortland, New York 13045, regarding the enactment of a Local Law for 2017, providing for the appointment instead of election of Town Superintendent of Highways for the Town of Cortlandville, to be effective January 1, 2020.

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; Town Residents, Barb Leach, Susan Fitts, Douglas and Marion Withey, Lenore Lefevre, Carl Pearce, Russ Bean, Donna Johnson, Joseph Steinhoff, Michael Barylski, Marie Kautz; also in attendance; Steven Terwilliger and Tim Perfetti; Elie Schecter, Senior Project Development Manager representing Solar City and Robert Creenan from the *Cortland Standard*.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

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

Susan Fitts spoke on the different benefits between appointed and elected. She questioned if there could be qualifications for elected officials. Adding the voters do a good job picking qualified candidates, the proposal should be scratched.

Russ Bean stated five years ago he voiced his concerns to the Board about the Towns Highway Department, which included the Elected Highway Superintendent. He was told by certain Board members once the budget was passed, in place nothing could be changed in regards to the Highway Budget nor could the Town Board say or do anything with the Elected Highway Superintendent. He sees no reason to appoint someone since there is a Deputy Highway Superintendent in place.

Mike Barylski was opposed to how this proposal is written. The law provides absolutely no criteria for the qualifications for the candidate that is selected and is subject to political abuse. Leaves room for selecting an inferior candidate over a superior candidate if you happen to prefer the politics or the party that that person belongs to. He thinks there should be minimum qualifications or criteria for the candidate to meet.

Marie Kautz from Walden Oaks Boulevard fails to see why appointing a Public Official rather than electing one would be more beneficial. She agreed with Ms. Fitts as the voters can do just as good of job picking a qualified candidate. Thinks the proposal also should be scratched.

Doug Withey spoke against the proposal saying that the Town Board's statements seem to suggest that the voting public can't perform their civic duties and filter down to find the best candidate for Town Highway Superintendent. It also seems to suggest that political parties cannot find a responsible candidate for their party that can perform those responsibilities but the Town Board can. He said shame on them for this. If this proposition goes to the ballot there should be a job description for public review and comment. He questioned whether there is a compensation plan proposal. He thinks it is the cart before the horse. He questioned at what age would a candidate's age be deemed acceptable? Possibly an eighteen year old may be the best candidate. He thinks we should be encouraging participation from all ages and parties. He feels this proposal does not do that. The Town Board right now is addressing the needs and wants of a few not the many. He is an advocate for the community's rights and not the Town Boards wishes on these issues. He would like the Board to withdraw this proposal.

Supervisor Tupper made comments on some of the comments made. He stated that the Deputy Highway Superintendent does not live in the Town of Cortlandville and therefore, cannot take the job of Highway Superintendent. Every full time employee gets full time benefits. He said there is no political abuse and only five of the members on the Planning and Zoning Boards are Republicans out of ten. The Board does not look at the politics. They pick the best candidate for the job. Everything that is done here is based on what is best for the public. No one should accuse the Town Board of political abuse. This Board has had a zero increase in taxes over the last thirteen years, there are three new industries in town, there is a new park on the hill, and this building has been built along with the water and sewer building. They are in the process of developing plans for the new Gutches Lumber Sports Complex on Route 13 and Gracie Road and are trying to get as many private contributors as possible with no tax increase.

John Proud said if we are going to make the decision now for the future of the town do we want to continue with Town Law or do we want to take the option of having an appointed Town Highway Superintendent where we can set up basic requirements? That's the decision that we are at and we are putting it out to the public to vote. There is a 5.5 million dollar budget that may be under the control of an under qualified person. That is up to the residents to decide if they want to take the risk.

Russ Bean spoke about one person plowing. He thinks that two person team plowing is prehistoric. He recommended Tim Weir, who trains one person snowplowing. He is a NYS DOT trainer. Mr. Bean offered his number at 315-391-2485.

Supervisor Tupper stated we are getting off the topic.

Marie Kautz questioned why the Highway Superintendent position stands out so much? Is it the nature of the job? Supervisor Tupper stated the town roads are always the best. We are constantly repaving our roads. We don't allow for our roads to fall apart. Marie also asked what the set-up was in other towns. Are they elected or appointed? John Proud said in most towns in the State they are elected.

Attorney Folmer commented about the vacancies on the Board were reasons due to moving out of town, health, and a death. He also talked about the Planning and Zoning Boards being split 50/50 with regards to political parties. A Town Board that had no backbone would put everything to a referendum. There are two types of referendums, a permissive referendum and a mandatory referendum. A permissive referendum is whenever you are going to bond; transfer of land etc. and requires a certain numbers of days of posting and publication. If a petition is filed with the Town Clerk against the permissive referendum it must be signed by 10 percent of the electorate of the town. This type of proposition could still go to mandatory referendum if the Town Board still so desires. A mandatory referendum would be used to abolish or create an elected office. No petition is required, only the adoption of a Local Law and the creation of the proposition to be placed on the ballot in November. The proposition must be filed with the County Board of Elections within 45 days of such election. This law would not be effective until approved by the majority of voters at a general election and then filed with Secretary of State. Both these referendums come under Town Law §6-18 & 19.

Attorney Folmer apprised the audience that there is a rational and logical argument that this position should be appointed. There is also a logical argument to keep it an elected position. This would give up the right to vote for a public position. He was brought up to believe that every time you could vote you should whether there was a contest or not. This position requires a specific set of skills. There must be criteria and qualifications in place. The public must give permission to change an office from elected to appointed.

Councilman Leach and Rocco-Petrella spoke against the change from election to appointed. They believe the registered voters should make that decision at the end of the Elected Officials term.

With no further comments or discussion heard, the Public Hearing was closed at 6:20 p.m.

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

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; Town Residents, Barb Leach, Susan Fitts, Douglas and Marion Withey, Lenore Lefevre, Carl Pearce, Russ Bean, Donna Johnson, Joseph Steinhoff, Michael Barylski, Marie Kautz; also in attendance; Steven Terwilliger and Tim Perfetti; Elie Schecter, Senior Project Development Manager representing Solar City and Robert Creenan from the *Cortland Standard*.

Supervisor Tupper called the Regular Meeting to order.

Town Clerk Snyder asked for a roll call on the proposed Local Law of 2017, Abolishing the Town of Cortlandville Office of Superintendent of Highways from Elected to Appointed. The adopted resolution follows.

RESOLUTION #	ADOPT LOCAL LAW FOR THE YEAR 2017 ABOLISHING THE TOWN OF CORTLANDVILLE OFFICE OF SUPERINTENDENT OF HIGHWAYS FROM ELECTED TO APPOINTED
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Motion by Councilman Proud
 Seconded by Councilman Leach

VOTES: Supervisor Tupper	Aye
Councilman Testa	Aye
Councilman Proud	Aye
Councilman Leach	Nay
Councilperson Rocco-Petrella	Nay
ADOPTED	

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a Public Hearing on the proposed Local Law for the year 2017, providing for the abolition of the elective office of Town Highway Superintendent and creation of the appointive office of Town Highway Superintendent of the Town of Cortlandville was introduced at a Special Town Board meeting on August 23, 2017, and

WHEREAS, notice of said a Public Hearing was duly published in the Cortland Standard, the official newspaper of the said town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Rad, Cortland, New York, as required by law, and

WHEREAS, said Public Hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the town to adopt said Local Law, therefore

BE IT ENACTED by the Town Board of the Town of Cortlandville as follows:

Section 1. Title

This Local Law shall refer to as the “Local Law Abolishing the Town of Cortlandville Office of Superintendent of Highways from Elected to Appointed”.

Section 2. Purpose and Intent

Pursuant to Municipal Home Rule Law §10, the Town of Cortlandville hereby abolishes the Elective Office of the Town Highway Superintendent. At the biennial Town election succeeding the effective date of the Local Law, no Town Highway Superintendent shall be elected, and upon the expiration of the term of the Town Highway Superintendent for who no successor shall be elected, the Town Board shall appoint a Town Highway Superintendent who shall hold office for a term of two years, commencing with the first day of January 2020.

Section 3. Term

The abolition of said office to take effect on December 31, 2019 and the appointive office of Town Highway Superintendent of the Town of Cortlandville is hereby created as of January 1, 2020.

Section 4. Vacancy

If a Town Highway Superintendent cannot or does not complete the appointed term, the Town Board will appoint a person to fill the remainder of the Town Highway Superintendent’s term.

Section 5. Referendum

This Local Law is subject to Mandatory Referendum according to the provisions of Section 23 of the Municipal Home Rule Law.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State and after approval of a majority of the electors voting thereon in accordance with the requirements of Section 23 of the Municipal Home Rule Law.

No further comments or discussions were heard.

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

The meeting was adjourned at 7:00 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 _____.