

TOWN BOARD MEETING

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

Members present:

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

Others present were: Town Attorney, John Folmer; Highway Sup’t., Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Town Planning Board Chairperson, Katherine Wickwire; Town Planning Board Member, Nasrin Parvizi; Cortlandville Fire Commissioner, Kevin Whitney; Attorney Mahlon Perkins and Al Kryger, representing the Leonidas Group of Virgil, LLC; Town Residents: Pamela Jenkins; Kevin Pristash; Mike Reagan; Kathleen Reagan; Ken Woodman; Adam Davison; Teresa Dailey; Gregg Zattosky; Chase Schermerhorn; Delia Erhard; Daniel Mieras; Leokadia Mieras; News Reporter, Jacob DeRochie from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

The Draft Town Board Minutes of September 5, 2018 were presented to the Board for their review.

Supervisor Tupper apprised the Board the voucher payable to the Cortlandville Fire District for the proposed Generator Installation Project (CVFD) was pulled from the bills. Attorney Folmer explained that payment would be discussed after the CVFD goes out to bid for the project and after a shared services agreement was in place between the Town and the CVFD. Further discussion occurred on the proposed project later in the meeting.

RESOLUTION #222

AUTHORIZE PAYMENT OF VOUCHERS – SEPTEMBER

Motion by Councilman Withey  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

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

Funds A, B, DA, DB, HE, HH, HG, SS, SW	Voucher #1229-1310	
	General Fund A	\$ 97,405.87
	General Fund B	\$ 8,018.55
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 15,786.56
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber SC Project HG	\$ 31,561.36
	New Highway Garage HH	\$ 14,768.80
	Sewer Fund SS	\$ 17,234.31
	Water Fund SW	\$ 15,044.48
Funds CD1, CD3, CD4	Voucher #53-55	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 11,800.00
	Business Devl CD4	\$ 0.00
Funds SF, TA, TE	Voucher #46-47	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 331.23
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Kevin Pristash.

Town resident, Kevin Pristash was in attendance to discuss the proposed Leonidas Group of Virgil, LLC development on Starr Road. He strongly urged the Board to rescind the Negative Declaration previously declared for the project and to declare a Positive Declaration. He said it was unfathomable that a project of such a large size that includes fourteen multi-family

dwelling on a site that had such a slope would be considered as having no impact. He stated a Positive Declaration would allow a thorough Environmental Impact Assessment to be done. He and his neighbors were extremely concerned with the possible impact on the neighborhood and opposed the project.

Supervisor Tupper explained that the matter was before the Planning Board for a public hearing on September 25, 2018 at 7:00 p.m. and advised that would be the proper forum for public comments. The Planning Board would start at the beginning with a new project from the Leonidas Group. Mr. Pristash asked if the Planning Board would still need to hold a public hearing if the Town Board rescinded the Negative Declaration and declared a Positive Declaration tonight. Supervisor Tupper replied that the upcoming Planning Board meeting had nothing to do with the SEQRA the Board completed three years ago. The SEQRA for the project Mr. Pristash was referring to was attached to a project that will not happen. The Leonidas Group was presenting new plans and would start at the beginning of the process again. A new SEQRA will be based on the new proposed project.

Supervisor Tupper offered privilege of the floor to Randy McGory, who was not in attendance.

Supervisor Tupper offered privilege of the floor to Attorney Mahlon Perkins representing the Leonidas Group, who waived his request to speak at this time.

Supervisor Tupper offered privilege of the floor to Michael Reagan.

Town resident, Michael Reagan apprised the Board he wanted to speak in regards to the Star Lite Leonidas Group project and asked if this was the proper time to discuss it. Supervisor Tupper reiterated that the Planning Board would hold a public hearing at their next meeting on that specific project. He explained the Leonidas Group redesigned the initial project and that redesign has to go through the entire planning process again. Mr. Reagan rescinded his request at this time.

Supervisor Tupper offered privilege of the floor to Pamela Jenkins.

Town resident, Pamela Jenkins stated that at the April 2018 meeting and at the September 5, 2018 meeting she informed the Board that they had violated New York State law in significant and numerous ways when the Negative Declaration was granted, before any review or investigation, to the Leonidas Group Starr Road housing project. She said the housing project was spot zoned, over the objections of people living near the proposed housing project. Ms. Jenkins remarked that at the September 5, 2018 meeting, Attorney Folmer indicated that she was correct, and the Negative Declaration would be rescinded at this meeting. She expressed that she and residents of the housing project area hoped to learn that the Board would rescind the Negative Declaration at tonight's meeting. Ms. Jenkins stated it was the same housing project, same location, same number of acres and fewer number of units. She asked for a complete Environmental Impact Statement so that every issue could be addressed. She stressed that it was necessary for the Board to issue a Positive Declaration at this meeting based on the information they currently have. Ms. Jenkins voiced that in order to comply with SEQR NYS ECL 617 the Board must: issue a Positive Declaration; require Leonidas Group to complete a Full Environmental Impact Statement as required by NYS ECL 617; and to inform Planning Board Chairperson Katherine Wickwire that the public hearing for September 25, 2018 must be cancelled. Ms. Jenkins added that the Leonidas Group was unable to answer many of the questions posed to them at the August 2018 Cortlandville Planning Board meeting, and did not have the final plans or maps to provide at that time. She stated there could be no public hearing until the public has had a chance to participate in scoping and to review the Environmental Impact Statement so that all issues can be addressed in the coherent, organized manner which SEQRA requires.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the monthly report of Town Code Enforcement Officer/Building Department, Kevin McMahon for the month of August 2018. All voting aye, the motion was carried.

Councilman Reynolds made a motion, seconded by Councilman Testa, to receive and file the monthly report of Justice Casullo for the month of August 2018, as well as the monthly report of Justice LeFever for the month of August 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Water and Sewer Department for the month of August 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Reynolds, to receive and file the monthly report of the Cortland County SPCA for the month of August 2018. All voting aye, the motion was carried.

Town Clerk Rocco-Petrella alerted the Board that agenda item I-3 was skipped at the September 5, 2018 meeting relating to the reappointment of Louis Closson for the Town's Board of Assessment Review. She asked the Board to formerly reappoint Mr. Closson at tonight's meeting. Supervisor Tupper indicated that he added the item to the end of the agenda.

Town Clerk Rocco-Petrella reminded those in attendance that the October quarterly water and sewer billing would be mailed on blue postcards as used in the past.

Attorney Folmer reported:

Cortlandville Fire District – Generator Installation Project:

Attorney Fomer apprised the Board that the Cortlandville Fire District (CVFD) was going out to bid to install a new generator at the Fire Department. The CVFD adopted a resolution to expand the bid to include the connection of that generator's ability to provide backup power for the Raymond G. Thorpe Municipal Building. Once the bid was received and accepted by the CVFD the intent was to enter into a shared services agreement with the Town. Attorney Folmer requested the Board receive and file a copy of the resolution adopted by the CVFD to have on record.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Resolution adopted by the Cortlandville Fire District (CVFD) on September 18, 2018, regarding the CVFD Generator Installation Project and going out to bid on behalf of the CVFD and the Town of Cortlandville. All voting aye, the motion was carried.

Proposed Local Law – Solar Energy Systems:

Attorney Folmer formally introduced for consideration the revised proposed Solar Law. He explained the Solar Law was revised in consultation with the Zoghlin Group PLLC and the Board to acknowledge receipt of the proposed Solar Law. The Board must acknowledge receipt of the proposed law and provided to the Town Clerk for public review. Members of the Board would be provided with a copy of the proposed law at least six days in advance of the Board's October 3, 2018 meeting.

Attorney Folmer requested the Board adopt a resolution concerning the determinations that need to be made with regard to SEQRA review. He explained that the proposed Solar Law involves 24 or more acres of land, that the County Planning Board already commented on the original proposed law and that the Town Board has adopted, in the current version, both provisions that the County Planning Board recommended the Town to adopt. Attorney Folmer requested the Board adopt a resolution that acknowledges for SEQRA purposes that this is a Type 1 action under SEQRA; that the Board would continue its review by using a Full Environmental Assessment form; that the Board will review any subsequent submissions or comments received; and that establishes the Town Board as Lead Agency for SEQRA purposes. He stated the resolution would be filed with the Town Clerk's office upon adoption and entered into the minutes.

RESOLUTION # 223	ADOPTION BY THE TOWN BOARD OF THE TOWN OF CORTLANDVILLE OF A RESOLUTION CLASSIFYING CONSIDERATION OF THE ENACTMENT OF THE PROPOSED SOLAR LAW AS A TYPE I ACTION UNDER SEQRA
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Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

WHEREAS, on or about August 1, 2018 the Town Board of the Town of Cortlandville (the "Town Board") introduced the proposed Solar Law, and

WHEREAS, the Town Board recognizes the emergence and growing use of solar energy as a renewable energy resource, and

WHEREAS, the Town of Cortlandville's current Town Code does not adequately meet the Town's objectives, which include:

- A. To protect and promote the farmland and agricultural economy and culture.
- B. To protect and promote scenic and environmental resources by minimizing Solar Energy Systems' siting impacts on the Town of Cortlandville's scenic and environmental resources such flood plains, historic sites, conservation easements, trails, parklands, wetlands, wildlife and scenery, and areas for recreational and outdoor activities.
- C. To protect public resources by minimizing Solar Energy Systems' siting impacts on government lands.
- D. To take advantage of a safe, abundant, renewable and non-polluting energy resource in a way that is consistent with the nature and character of the Town, and

WHEREAS, adoption of the Proposed Solar Law would involve a change in allowable uses within at least one zoning district affecting 25 or more acres of the district, and

WHEREAS, the Town Board referred a prior version of the proposed Solar Law to the County Planning Board for review and comment, and

WHEREAS, the Town Board has considered the County Planning Board's comments on the proposed solar law.

WHEREAS, The Town Board has considered the content of the prior version of the proposed Solar Law, the current version of the proposed solar law, the FEAF, and all comments related to this action received to date, and

WHEREAS, The Town Board has considered any relevant public input, and

NOW, THEREFORE, the Town Board of the Town of Cortlandville hereby finds that the adoption of the current version of the proposed Solar Law would qualify as a Type I action under SEQRA because it would involve a change in allowable uses within any zoning district affecting 25 or more acres of the district, under 6 NYCRR 617.4(b)(2).

AND THEREFORE, the Town Board of the Town of Cortlandville further resolves that the Proposed Action is classified as a Type I Action under SEQRA.

AND THEREFORE, the Town Board of the Town of Cortlandville will continue its SEQRA review of the proposed solar law by preparing a Full Environmental Assessment Form.

AND THEREFORE, the Town Board of the Town of Cortlandville will review any relevant submissions and comments related to the proposed Solar Law in order to make a determination of environmental significance under SEQRA.

AND THEREFORE, the Town Clerk is hereby directed to enter this resolution in the minutes of this meeting.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file the proposed Part 1 of SEQR review documentation for the Town's proposed Solar Law. All voting aye, the motion was carried.

Royal Nissan CDBG #287SB902-18:

For informational purposes only, Attorney Folmer announced that the Town would be closing the transaction for the CDBG loan and grant with Royal Nissan on Thursday, September 20, 2018 at 10:00 a.m.

RESOLUTION #224      AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT  
REGARDING THE TOWN'S 2016 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM BETWEEN THE TOWN AND  
THOMAS THOMPSON, CATHY THOMPSON AND  
THOMAS R. THOMPSON

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Motion by Councilman Withey

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Thomas Thompson, Cathy Thompson and Thomas R. Thompson, 3686 US Route 11, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$27,150.00.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortland County Planning Department recommendations, dated August 10, 2018, and Cortland County Planning Board Resolution #18-25, dated August 15, 2018, regarding the Town of Cortlandville's Agricultural and Farmland Protection Plan. All voting aye, the motion was carried.

Councilman Withey questioned the County Planning Board's recommendations for changes to the Town of Cortlandville's Agricultural and Farmland Protection Plan. Councilman Proud explained that changes were made while the Plan was in draft form. The County Planning Board recommended one change and one item to consider, which have been satisfied.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from the Cortland County Agricultural and Farmland Protection Board, dated August 21, 2018, regarding the Town of Cortlandville's Agricultural and Farmland Protection Plan. All voting aye, the motion was carried.

Agenda item I-6, to authorize the Supervisor to amend the Budget to account for the Generator Installation Project between the Cortlandville Fire District and the Town, was withdrawn from consideration at this time.

There was discussion regarding the Leonidas Group of Virgil, LLC and the Negative Declaration under SEQRA issued by the Town Board in 2016.

Attorney Folmer addressed Ms. Jenkins comments made during privilege of the floor. He mentioned that the minutes of the September 5, 2018 meeting reflected that he was not prepared to offer an opinion with regard to a rescission of the Negative Declaration for the Leonidas Group LLC, but that he would offer an opinion at tonight's meeting. He noted his remarks did not pertain to the Leonidas Group particularly, although the "fact pattern" deals with the Leonidas Group project.

He remarked that two weeks ago he indicated that Ms. Jenkin's observation concerning the SEQRA determination was accurate, a statement he still agreed with. In his opinion, however, he stated those observations at this point in time are not material to the discussion before the Board this evening. He said the Town has learned the hard way twice that the proper way to establish a challenge to a SEQRA determination is by the commencement of an Article 78 proceeding under the Civil Practice Law and Rules. There is a very short time frame in which such an action can be commenced, which is 120 days following the adoption and proper recordation of the determination. The Negative Declaration in discussion was issued by the Town Board in May of 2016. An Article 78 proceeding was not commenced to challenge that determination. Any such action that might be commenced today would be considered in his opinion time barred. Attorney Folmer expressed that a rescission would not be proper.

Secondly, and also in Attorney Folmer's opinion, he stated that if the Board was to rescind the Negative Declaration it would establish a very dangerous precedent. In effect, it would be saying that a determination made by the Town Board or any other board could be rescinded or repealed years after it had been relied on. He said the purpose of the short statute of

limitations to commence an Article 78 proceeding is to provide some degree of finality so an applicant knows that he/she does not have to be concerned about a challenge for administrative actions taken and can rely on the determinations made.

Therefore, Attorney Folmer stated that the short statute of limitations and the length of time that has passed since the declaration was made, and the precedent a rescission would set, as his advice to the Board to not rescind the Negative Declaration.

Councilman Withey questioned if there would be a new plan and scope. Attorney Folmer responded that to his knowledge there have been significant changes to the plan from the time that it was reviewed by the Town Board. The Board reviewed what in effect was a zoning change. He stated he examined the Negative Declaration documentation in the Town Clerk's office; Part 1 and Part 2 were complete. In the discussion of Part 2, the Board identified three areas of concern of larger quantity: traffic, lighting, and stormwater management. In the Part 3 of the determination, the Board determined that the three itemized issues could be mitigated because the Planning Board, in review of the Site Plan, would deal with as it had in the past: 1) the stormwater management - requiring a plan, monitoring and maintenance, etcetera; 2) lighting, because the Planning Board has dealt with the kind of lighting that can be installed; 3) the traffic situation would be conducted by the Planning Board probably in conjunction with a traffic study. Attorney Folmer's view was that the documentation was complete and could have been subjected to an Article 78 proceeding if one had been commenced within the statutory period of time, but it was not.

Councilman Withey specified that Attorney Folmer's remarks pertained to the original plan and asked where the SEQRA process was in regard to the new plan. Attorney Folmer stated that the plan was before the Planning Board. If the Planning Board determines to do a new SEQRA they can decide to be the Lead Agency or can ask the Town Board to act as the Lead Agency for the review. Councilman Withey asked if the first Negative Declaration would be null and void in light of the new process to which Attorney Folmer responded no. The first would remain in effect because it has already been done. If a new SEQRA is required it would replace the first SEQRA but not erase it. Councilman Withey inquired if that was the case, what good was the old one. Attorney Folmer explained, to the best of his knowledge, if the second SEQRA were to be required and accomplished, it would clearly have to indicate that it was replacing the earlier SEQRA and would specify the reason it was being done was because there have been significant changes to the plan. Attorney Folmer continued, stating that if somebody decides a new SEQRA needs to be done, it would be his responsibility to try and convince them that the undertaking needs to be done clearly and specifically in place of and take precedent over the original SEQRA determination. Attorney Folmer repeated his main concern in this situation was a precedent being set.

Councilman Proud commented that to rescind an action taken three years ago by the Board would, in his mind, send a chilling message to anyone who wishes to do business with the Town in the future that at any time the Board could step in and rescind an action. Councilman Withey stated it was clear the Board was not rescinding the action. If there is a new SEQRA process it would take precedent over the old SEQRA form. Attorney Folmer stated his concern was what should be done about the present SEQRA, which in his view would be a mistake to rescind.

Supervisor Tupper announced that Honorable Julie Campbell was in attendance this evening to discuss the New York State Raise the Age Legislation and to request utilization of the Raymond G. Thorpe Municipal Building for off hour youth arraignments.

Cortland County Court Judge, Honorable Julie Campbell apprised the Board that New York State Legislature and Governor have passed and signed legislation that raises the age of adult criminal responsibility from the current age of 16 years old to 18 years old. The law takes effect October 1, 2018. The legislation requires the court system to create specialty Youth Parts of County Court to handle criminal matters involving 16 and 17 year old youths. These youths cannot be held overnight. Arraignments must be handled in a timely fashion by Judges and Justices who are attorneys, specially trained and designated as Accessible Magistrates. Judge Campbell said she has been assigned the task of creating Cortland County's court plan. She approached Cortlandville Justice LeFevre and Justice Casullo and they have graciously agreed to assist Judge Alexander and herself in handling the duties. Cortlandville's court facilities have the ability to record all proceedings and could be used for off hour youth arraignments, therefore providing continuity for local police agencies in holding, transporting and processing 16 and 17 year old youths charged with crimes. She anticipated the volume would be approximately 6 per year. Councilman Reynolds asked if additional security would be necessary. She responded an arrested individual would be accompanied by a police officer and that would be the extent of Court security. No additional security was required. She requested the Town's consideration and approval.

RESOLUTION #225      AUTHORIZE THE CORTLAND COUNTY COURT JUDGES  
AND “ACCESSIBLE MAGISTRATES” TO UTILIZE THE  
RAYMOND G. THORPE MUNICIPAL BUILDING FOR  
OFF HOUR YOUTH ARRAIGNMENTS

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Motion by Councilman Proud

Seconded by Councilman Withey

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

WHEREAS, the New York State Legislature and Governor passed and signed legislation that raises the age of adult criminal responsibility from the current age of 16 years old to 18 years old, and requires the court system to create specialty Youth Parts of County Court to handle criminal matters involving 16 and 17-year old youths, and

WHEREAS, the Town Board received a request from Hon. Julie A. Campbell, Cortland County Court Judge, to utilize the Raymond G. Thorpe Municipal Building for off hour youth arraignments, and

WHEREAS, in addition to the Cortland County Court Judges, Hon. Julie A. Campbell and Hon. David A. Alexander, Town of Cortlandville Justices, Hon. Francis A. Casullo and Hon. Lenore M. LeFevre will be designated as “Accessible Magistrates”, therefore

BE IT RESOLVED, the Town Board does hereby authorize the Cortland County Court Judges and “Accessible Magistrates” to utilize the Raymond G. Thorpe Municipal Building for off hour youth arraignments.

Town Clerk Rocco-Petrella requested authorization to enter into a 5-year agreement with Tompkins County for the Tompkins shared service electronic records repository. The agreement would in effect allow her to digitize Town records utilizing the laser fiche computer program and to store the digital files on the Tompkins County shared server, eliminating the need for space to be used on the Town’s server. By scanning Town records (in particular permanent records) and creating electronic files, it would improve the Town’s records management program, would safeguard permanent records from potential destruction/natural disasters, allow for the paper copy of records to be purged, and would allow documents to be searched faster aiding in the ease of filling FOIL requests. Public documents could also be more readily available. Currently, the only Town records that had been scanned and digitized were building plans and maps, which was initiated years ago by former Town Clerk Snyder through a grant.

Town Clerk Rocco-Petrella explained that several years ago the Tompkins County Clerk applied for and received a shared services grant for an electronic records repository and to digitize records. The grant included all Tompkins County municipalities, Cortland County, the Town of Virgil and the Town of Harford. An outside firm was engaged to complete the scanning of documents for the municipalities. In this case, the agreement at hand would not include the scanning of any records by an outside agency, but would allow the Town to utilize the electronic records repository and to purchase a license for laser fiche at the current cost of \$205.00 per year per license. Since Cortland County had already signed the agreement and was utilizing the repository, Cortland County IT was already involved and aware of the program. She added that Cortland County Clerk, Elizabeth Larkin would be applying for a shared services grant in the future to assist in scanning records, which she hoped the Town could participate in.

Councilman Reynolds questioned how many licenses would be needed for laser fiche. Town Clerk Rocco-Petrella replied that only one license was needed for now, but anticipated additional licenses may be necessary for other departments in the future. Attorney Folmer drew attention to the termination conditions of the contract. If the Town wished to terminate the agreement Tompkins County would release the digital records to the Town within 6 months.

RESOLUTION #226      AUTHORIZE THE TOWN CLERK TO ENTER INTO A 5-  
YEAR AGREEMENT WITH TOMPKINS COUNTY FOR THE  
TOMPKINS SHARED SERVICES ELECTRONIC  
RECORDS REPOSITORY (TSSERR)

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Motion by Councilman Proud

Seconded by Councilman Withey

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

WHEREAS, Tompkins County has initiated and secured grants for the Tompkins County Shared Services Electronic Records Repository (TSSERR) which is a shared service hosted by Tompkins County and made available to all municipalities within Tompkins County, and

WHEREAS, the participating members of the TSSERR have drafted a set of By-Laws and a Group Agreement which have been presented to its members and the Tompkins County Operations Committee, and

WHEREAS, Tompkins County has extended the TSSERR to municipalities in Cortland County, with the County of Cortland, the Town of Harford and the Town of Virgil already utilizing the shared service, and

WHEREAS, recognizing the importance of an electronic document management system (EDMS) and in the interest of improving the Town of Cortlandville's current records management program to include long-term preservation and an electronic disaster recovery solution for existing and future records; to establish a repository of public records and offer improved "transparency" of public information in an electronic system which provides for more immediate access and retrieval; the Cortlandville Town Clerk and Records Management Officer has presented and discussed the TSSERR agreement and by-laws with the Cortlandville Town Board, now therefore

BE IT RESOLVED, that the Town Board does hereby authorize and direct the Town Clerk to enter into the Tompkins County Shared Services Electronic Records Repository Group Agreement on behalf of the Town of Cortlandville for a 5-year agreement.

There was discussion regarding correspondence from Cortland County Soil and Water Conservation District (SWCD) regarding Cortlandville Sand & Gravel Mine (Route 13 Rocks) and the revised proposed permit modification for the project. Councilman Proud indicated that the SWCD gave a thorough review on its view of what the NYS DEC considers to be a complete application. Councilman Proud drew the Board's attention to the SWCD's recommendations to be completed by the responsible party prior to issuance of permit modifications, and read aloud from page 2 of such comments:

- 1) Conduct spatial and temporal groundwater quality monitoring via upgradient and multiple downgradient wells to define baseline conditions;
- 2) Establish the water table elevation spatially across the floor of the mine and temporally; and
- 3) Complete a spill prevention plan and an emergency/contingency plan, each approvable by the NYS DEC and the Town of Cortlandville to address any detrimental effects of the proposed mining itself or the release of contaminants associated with mining, on ground water quality or quantity.

Councilman Proud briefed that the Town's Lime Hollow well is about 900 feet from the mine, which is a 90-day travel time. He stressed the "what if" factor of who would be responsible for taking care of an occurrence (of contamination). He said even though there is a lot of gravel in the mine once the gravel is removed the mine would no longer be valuable. The owner of the mine has no obligation to take care of it. It may be of no value to the owner, but it would continue to be a valuable asset to the Town of Cortlandville. The probability of an occurrence may be minute, but the consequence of an occurrence would be extreme. He stressed the matter should be defined in a contingency plan. The DEC considers the application to be complete and a SEQRA will need to be done. If a Negative Declaration is made there would be a 30-day public comment period. If a Positive Declaration is made, a Full Environmental Impact Statement must be accomplished. The DEC is the Lead Agency for the project. Councilman Withey agreed with Councilman Proud's comments.

Councilman Proud made a motion, seconded by Councilman Withey to receive and file correspondence from Cortland County Soil and Water Conservation District, dated September 13, 2018, regarding the March 2018 revised proposed permit modification for the Cortlandville Sand & Gravel Mine (Route 13 Rocks LLC application) NYS DEC Mining Permit #7-1122-00043/00008. All voting aye, the motion was carried.



RESOLUTION #227                      REAPPOINT LOUIS D. CLOSSON TO THE CORTLANDVILLE  
BOARD OF ASSESSMENT REVIEW

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Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby reappoint Louis D. Closson, of 3076 West River Road, Cortland, New York to the Cortlandville Board of Assessment Review for a five-year term commencing October 1, 2018 and shall expire September 30, 2023.

No further comments or discussion were 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 5:54 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 27, 2018.

The final version of this meeting was approved as written at the Town Board meeting of October 3, 2018.