

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, C. Randolph Ross
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town of Cortlandville Assessor, David Briggs; Deputy Town Clerk, Patricia Romer; Mark Sweeney, Sweeney Law Firm, PLLC; Town Residents: Pamela Jenkins; Robert Martin; Stephen Flatt; and Rebecca Bryan.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Zoning Board of Appeals Minutes of June 4, 2019. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Withey, to approve the Special Town Board Minutes of May 23, 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to approve the Town Board Minutes of June 5, 2019. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Proud, to receive and file the Cortlandville Planning Board Minutes of June 4, 2019. All voting aye, the motion was carried.

RESOLUTION #153

AUTHORIZE PAYMENT OF VOUCHERS – JULY

Motion by Councilman Withey
Seconded by Councilman Testa
VOTES: AYE – Tupper, Testa, Proud, Ross, 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 #928-1011	
	General Fund A	\$ 115,764.63
	General Fund B	\$ 8,398.19
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 10,972.36
	Gutchess Lumber SC Project HG	\$ 0.00
	C’Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 997.79
	Water Fund SW	\$ 8,671.55
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 #26-27	
	Trust & Agency TA	\$ 5,616.00
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Pamela Jenkins.

Town resident Pamela Jenkins commented on agenda item I-7, "Resolution to consider approval of PILOT Agreements with respect to the five previously approved solar projects". She noted that the Payment In Lieu of Tax (PILOT) Agreements were received by the Board today and were not posted to the Town's website prior to the meeting, which "effectively excludes the public from participating in this discussion in any way or knowing anything about it before your vote." Ms. Jenkins was provided with hard copies of the agreements earlier today. Ms. Jenkins mentioned that the Town Attorney was absent from tonight's meeting and could not answer any questions the public may have. She urged the Board not to take action on the agenda item until the Town Attorney is present. She indicated that there may be contrasts and problems between the PILOT agreements and the NYSERDA guidebook.

Ms. Jenkins apprised the Board that from her discussions with her contact at the Attorney General's Office, she was concerned that "segmentation was probably used on what amounts to 80-acres worth of solar arrays by calling them different things even on adjacent pieces of property and getting them approved piecemeal." She added that her contact at the DEC confirmed that most of the solar projects are Type 1 projects, because in regard to land disturbance, it is not just the tiny piece of land under the racking system that is accounted for, it should be the entire amount of land under the solar panels. She states that the applicants' representatives gave the Board written misinformation for the projects and misleading information when they said that only 0.73 acres of land would be disturbed. Ms. Jenkins urged the Board to table the matter at tonight's meeting.

Supervisor Tupper thanked Ms. Jenkins for her comments.

Supervisor Tupper offered privilege of the floor to Bob Martin.

Town resident Bob Martin thanked the Board for the opportunity to speak under "privilege of the floor". He stated that while it is a privilege to speak, people would like to speak intelligently about what is going to be discussed. He pointed out that the timing of privilege of the floor within the meeting is important, as well as how much time in advance the public is able to get information pertaining to the meeting. He suggested the Board allow a question and answer session later in the meeting so that once the Board has discussed agenda items the public would have an opportunity to ask questions.

Mr. Martin commented on many of the items listed on the meeting agenda. He referred to agenda item F-4, "Receive and file the Report & Proposal concerning the future staffing of positions related to the Town of Cortlandville's Financial Organization, Pursuant to Town Board Resolution #7 of 2019." With regard to the Town hiring a claims auditor, he commented that the Cortland City School District has a part-time independent person who periodically reviews vouchers, purchase orders and such to be sure that the expenditures are correct and that the proper procedures are followed. He commended Councilman Proud and Councilman Ross for their efforts.

Mr. Martin turned his attention to item I-4 on the agenda, "Receive and file the correspondence dated June 19, 2019 from Cortland County Attorney to City Mayor regarding Workers Compensation." He questioned what the impact would be on the Town, if any, if the City terminated its workers' compensation policy with the County.

Mr. Martin addressed agenda item I-6, "Receive and file the memorandum from Nasrin Parvizi, Chairperson of the Cortlandville Comprehensive Plan Committee, dated June 12, 2019, regarding the proposed Overlay Zoning for the installation of large Solar Systems in R-1 District", and I-6a, "Receive and file the review & recommendation from Cortland County Planning Board & Cortland County Planning Department Resolution #19-13 regarding McLean Road Solar, LLC, solar overlay district". He commented that the agenda items reiterate what he and others have stated in the past, that overlay zoning does not take away zoning requirements, but adds more stringent requirements. The proposed overlay zone for the proposed solar project would be spot zoning.

With regard to the PILOT agreements for the solar projects, Mr. Martin reminded the Board that he provided information to Attorney DelVecchio from NYSERDA. The information is a solar toolkit developed to help municipalities advance solar projects with payment in lieu of taxes guidance, to assist local government, to spur economic growth and reach the goal of 50% of renewable energy by the year 2030. Mr. Martin referred to Real Property Tax Law §487 and how it applied to the Town with regard to opting out or opting into the PILOT agreements. A guideline is provided by NYSERDA for a solar PILOT calculator. The range depends on the utility and the region. Mr. Martin stressed that the PILOT agreements should be reasonable for the Town and County in terms of solar development and proper compensation for the Town.

Supervisor Tupper thanked Mr. Martin for his comments.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of Code Enforcement Officer Kevin McMahon for the month of June 2019. All voting aye, the motion was carried.

With regard to the monthly report of the Water & Sewer Department, Supervisor Tupper reported that revenue for water and sewer is slightly higher than what was projected for the first two quarters.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the monthly report of the Water & Sewer Department for the month of June 2019. All voting aye, the motion was carried.

RESOLUTION #154 ACCEPT CONTINUING DISCLOSURE STATEMENT FOR
THE TOWN OF CORTLANDVILLE AS PREPARED BY
FISCAL ADVISORS & MARKETING, INC. FOR THE FISCAL
YEAR ENDING DECEMBER, 31, 2018

Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Continuing Disclosure Statement for the Town of Cortlandville as prepared by Fiscal Advisors & Marketing, Inc., dated June 27, 2019, for the Fiscal Year ending December 31, 2018 is hereby accepted and shall be filed in the Town Clerk's office.

Councilman Withey made a motion, seconded by Council Testa, to receive and file the Report and Proposal, dated July 1, 2019 concerning the future staffing of positions related to the Town of Cortlandville's Financial Organization, Pursuant to Town Board Resolution #7 of 2019. All voting aye, the motion was carried.

Councilman Ross requested discussion regarding the Report and Proposal concerning future staffing of positions related to the Town of Cortlandville's Financial Organization in order to provide guidance for a resolution to be acted on at the next Town Board meeting.

Councilman Proud apprised those in attendance that he and Councilman Ross were appointed as co-chairs for an advisory committee to examine the financial organization of the Town and to consider the possibility of appointing a Director of Finance or any other position to assist in the budgeting and financial operations of the Town. They interviewed four outside independent financial professionals: John Poli of Tompkins Trust Company; George Wagner, Cortland County Legislator (current Chair of the Budget and Finance Committee); Mack Cook, Director of Administration and Finance for the City of Cortland; and Matthew McSherry, CPA, of Port, Kashdin & McSherry. State Law was also examined to determine what the Town's options were. Councilman Proud said that the options would be discussed and acted on at the next Board meeting, and would be part of the upcoming budget discussions. Supervisor Tupper added that if positions were to be created, they need to be included in the 2020 budget. He also mentioned that Attorney DelVecchio researched the matter and indicated that both titles were valid in New York State.

Councilman Withey apprised the Board that he spoke with Town Bookkeeper, Marcia Hicks and Assistant Bookkeeper, Megan Johnson concerning the need for a Claims Auditor and a Fiscal Officer. He stated that as the concept is new, it will need to be molded to fit as the Town grows. He suggested the number of part-time positions be left as "as needed." Councilman Withey said that the report read well and he commended Councilman Proud and Councilman Ross on their efforts.

Councilman Ross explained to Councilman Withey that as they had previously discussed, the reason for two different positions was that one position (Claims Auditor) was very detailed and the other (Fiscal Officer) was more for the "big picture" to report to the Board. He said that he and Councilman Proud will draft a resolution to present to the Board for the next meeting. The proposed resolution could be amended, if needed.

Councilman Proud added that he and Councilman Ross also spoke with Bookkeeper Hicks and Assistant Bookkeeper Johnson, both together and separately. He explained that the two suggested positions require two different skillsets.

Councilman Withey expressed concern with regard to part-time positions and longevity of the employee. He stated that he would prefer to focus on training the current staff to the level of competency the Town expects.

Supervisor Tupper praised Bookkeeper Hicks for her abilities, and explained that she essentially performs the duties of a claims auditor. He also thanked Councilman Proud and Councilman Ross for their work and for the compliments they gave him in the report.

RESOLUTION #155 ACCEPT 2019 TAX COLLECTOR'S SUMMARY

Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the 2019 Tax Collector's Summary from January 1, 2019 through July 1, 2019, is hereby accepted and shall be received and filed.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Town Clerk for the month of June 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the monthly report of Fire & Safety Inspector Desiree Campbell for the month of June 2019. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Charter Communications, dated July 3, 2019 regarding programming services. All voting aye, the motion was carried.

Under new business, Town Clerk Rocco-Petrella announced that the July quarterly water/sewer bills were mailed on June 28, 2019. She explained that at the request of Water & Sewer Sup't. Alteri, there was a change to the "service dates" on the billing cards so that they reflect the actual dates the water meter was read. As a result, the customer would have more accurate information and a better understanding of their bill and consumption. Previously, the water/sewer bills reflected service dates that were in line with the dates for quarterly billing, such as January 1, 2019 through March 31, 2019, however the meter was actually read at the beginning of December 2018 and then at the beginning of March 2019.

Town Clerk Rocco-Petrella requested authorization to proceed with online dog licensing payments utilizing software from BAS (current Town Clerk computer software provider), to allow dog owners to renew their licenses online by credit/debit/E-check. The cost of the online dog licensing program was included in the 2019 budget. She explained that there would be a one-time fee of \$800.00 and thereafter a charge of \$300.00 per year for the annual hosting fee, support and maintenance fee. She also requested authorization to accept credit cards/E-checks through a new third party vendor. Town Clerk Rocco-Petrella explained that she hoped the online dog licensing program would be convenient for the residents and would encourage timely renewals. If the online program was not being utilized and the cost was more than the benefit she would reevaluate the need for the program in the future.

Councilman Proud commended the concept of online dog licensing, but expressed concerns with the dog licensing revenue versus the expenditure to maintain the Town's contract with the SPCA. He suggested the Board devote the time to address how to balance the revenue/expenditure issue and the benefit to the community. There was discussion regarding raising dog licensing fees which have not been raised in several years. Town Clerk Rocco-Petrella explained her intent to conduct a dog enumeration in 2019, which would increase revenue.

RESOLUTION #156 AUTHORIZE TOWN CLERK TO PROCEED WITH ONLINE
DOG LICENSING PAYMENTS UTILIZING SOFTWARE FROM
BUSINESS AUTOMATION SERVICES, INC. (BAS) AND TO
ENTER INTO AGREEMENT WITH THE APPROPRIATE
CREDIT/DEBIT/ELECTRONIC CHECK VENDOR

Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Clerk to proceed with online dog licensing payments to allow Town of Cortlandville dog owner customers the ability to view and renew expiring dog licenses online using a credit, debit, or electronic check with an additional convenience fee charged to the cardholder, and it is further

RESOLVED, the Town Clerk is hereby authorized to enter into an agreement with Business Automation Services, Inc. (BAS) for the online licensing program and to enter into an agreement with the appropriate credit/debit/electronic check vendor.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from the Cortland County Attorney's Office to the City of Cortland Mayor, dated June 19, 2019, acknowledging receipt of the City of Cortland's letter dated June 4, 2019 reserving its right to terminate its workers' compensation policy with New York State Mutual. All voting aye, the motion was carried.

With regard to the correspondence received from the Cortland County Attorney's Office to the City of Cortland Mayor concerning workers' compensation, Supervisor Tupper explained that the towns/city/villages are required to notify the County of their intent to stay or withdraw from the County's workers' compensation plan by July 31, 2019. The City is in the process of determining whether to stay or withdraw from the plan, but is waiting on financial data before making that determination. Supervisor Tupper stated that if the City leaves it would have an effect on all participants. The Village of Homer withdrew from the plan in 2018 for the 2019 year, but has not settled with the County yet. Supervisor Tupper stated that there is a financial cost to withdrawing.

Councilman Withey stated that there is a lack of financial information available relating to how much money the County has in its checking/savings accounts for workers' compensation. Without such information it would be difficult to make a decision as to whether to stay or withdraw from the plan. Councilman Withey said he is not advocating either way. A few years ago, Councilman Withey recommended examining a countywide plan for workers' compensation in which the municipalities would pay a percentage of payroll costs instead of paying a percentage based on property assessments. Under the current plan, the City of Cortland and Town of Cortlandville pay approximately 60% of the share. He proposed that the Town wait to make any decisions until more information is available.

Discussion continued and Supervisor Tupper explained the circumstances of how the plan originated. He said that the Town's portion is low as it is based on claims submitted for workers' compensation; the Town has a low claim history. If the Town chose to withdraw at this point, he expected that the financial cost would be low. If the City of Cortland withdraws, however, the Town will be the next highest assessed, which would place a large burden on the Town. Financial data from the plan will be ready by July 31, 2019.

Councilman Withey made motion, seconded by Councilman Testa, to receive and file correspondence from County Fair Manager, Richard Bush, dated May 23, 2019, requesting permission to close a section of Fairground Drive and Carroll Street for the Cortland County Jr. Fair. All voting aye, the motion was carried.

RESOLUTION #157 AUTHORIZE “TEMPORARY CLOSURE” OF A SECTION OF
FAIRGROUND DRIVE AND CARROLL STREET FOR THE
2019 CORTLAND COUNTY JR. FAIR

Motion by Councilman Withey

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, the Town received a request from the Cortland County Fair Manager, Richard Bush, to authorize a “Temporary Closure” of a section of Fairground Drive and Carroll Street during the 2019 Cortland County Fair, and

WHEREAS, the temporary closure will not prohibit emergency vehicles access to Fairground Drive or Carroll Street, and

WHEREAS, the Town Highway Sup’t. has reviewed and approved the temporary closure, therefore

BE IT RESOLVED, the Town Board does hereby authorize a “Temporary Closure” on a portion of Fairground Drive and Carroll Street, being the “corner” where the two roadways connect, from July 7, 2019 through July 14, 2019 for the 2019 Cortland County Jr. Fair, and it is further

RESOLVED, signage for the temporary closure shall be provided by the Cortland County Fair Board.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file a memorandum from Nasrin Parvizi, Chairperson of the Cortlandville Comprehensive Plan Committee, dated June 12, 2019, regarding the proposed Overlay Zoning for the installation of large Solar Systems in an R-1 District. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file Cortland County Planning Board review and recommendations dated May 30, 2019, and Cortland County Planning Department Resolution No. 19-13, dated June 19, 2019, regarding the McLean Road Solar, LLC Solar Overlay District. All voting aye, the motion was carried.

Supervisor Tupper introduced Town Assessor, David Briggs who was present to explain the laws and research in relation to the Payment In Lieu of Tax (PILOT) Agreements with regard to the solar projects. Mr. Briggs was the former Executive Director of New York State Assessors Association and has 40 years of experience.

Assessor Briggs stated that solar projects are relatively new and have presented a challenge to assessors around the state. He explained that Real Property Tax Law § 487 provides an exemption that is different from most exemptions as it allows solar developers to seek PILOT agreements on projects at the County, Town and School levels. However, there are no PILOT agreements for special districts, which may still assess taxes.

The Town may opt out of the exemption, in which case the property would remain taxable; otherwise, the property would be exempt and the Town may enter into PILOT agreements. Assessor Briggs explained that the Lime Hollow Solar, LLC solar project is a 2.0 Megawatts (MW) solar system and was used as a test for all five solar projects involved. He explained that once the company provides notification of a project to the municipality, the County, School District and Town have 60 days in which to require a PILOT agreement. The Town responded accordingly, but the County and School District did not, and therefore the County and School District may not require PILOT agreements. The Town received information from the solar company, including a proposal as to the amount they would pay in a PILOT agreement.

Assessor Briggs stated that the question was what is the fair amount to pay in lieu of taxes? He explained the proposed PILOT agreement for the solar project was a 15-year agreement. He stated it was his understanding that all five of the proposals for the solar projects would be exactly the same.

Assessor Briggs explained that assessors around the state, and specifically the County Director of Tompkins County, Jay Franklin, assisted him with calculations for the Lime Hollow, LLC solar project, which is a 2MW project and would have a market value of \$2 million. Currently, the Town is at 92% of market value. The Town tax rate per \$1,000 of assessed value was \$3.40 in 2019; that would produce annual taxes of approximately \$6,460 on the solar property. The solar company offered the Town \$8,000 per year for the 15-year period. Assessor Briggs said that it was a feasible project and that the project would “begin in the black and not the red.” Assessor Briggs explored tax rates over the last 15 years and reported that the tax rate had increased 14% over that period of time. He projected that with a 14% increase over 15 years the payment increases to \$7,364 in Town taxes only, which is still below the \$8,000 per year offered by the solar company.

Assessor Briggs explained that neither the School District nor the County will have a PILOT agreement. The Fire District will not have a PILOT agreement, but as a special district will still assess taxes. Assessor Briggs stated that for the 15-year agreement for a 2 MW system, the proposed fee is consistent with what the taxes would have been. He stated that the analysis and methodology that he used for his calculations was used for other municipalities as well. Assessor Briggs was asked to assist the IDA with the Town of Lapeer’s 30-year PILOT in determining the value of the project, which was a much larger project. He explained that the same analysis, methodology and calculations were used.

Assessor Briggs stated that he had a few questions regarding the agreement and he talked with the project’s attorney, Mark Sweeney, who was very receptive to his comments. One concern Assessor Briggs had concerned the Fire District tax, which remains in effect. He explained that if the assessment was \$100 million, the Fire District still taxes for its full amount, but the solar company has the right to contest the assessment and could ultimately sue the Town on the assessed value as any taxpayer could. In that situation, the Town would then be in the position to have to represent the Fire District and absorb the costs associated, such as pay any refunds. Assessor Briggs was uncomfortable with that possibility, and explained that the issue was addressed in the agreement.

Another concern Assessor Briggs had was that the solar company wanted to make payment to the Town for the PILOT agreement at a date later than January 31st, which is when all Town taxes are due. After Assessor Briggs explained this concern, the solar company agreed to make payment by January 31st annually. Assessor Briggs stated that the solar company was very amenable and that they revised the agreement to satisfy his concerns.

Town resident Bob Martin asked what school districts the solar projects were in. The Cortland Virgil Road Solar, LLC and Route 13 Solar, LLC projects are in the Cortland City School District. The Lime Hollow Solar, LLC and McLean Solar 2, LLC projects are in the Dryden School District. The East River Solar, LLC project is in the Homer Central School District.

Councilman Ross commented that with regard to the solar projects, they can change in assessed value over 25 years; the tax rate may not go up as the value may depreciate. Assessor Briggs agreed and stated that one of the issues with solar projects and values in the future is that they are determined by income and expenses capitalized into a value; future income in 15-years is uncertain. He said that other projects have typically not allowed expenses within the calculations. He said it is difficult to guess, but it remains to be seen if the State will intervene and allow expenses considered non-typical to become typical. Indications are that it will stay with normal income valuation. He said that NYSERDA has a calculator tool used by assessors to determine a value.

Councilman Withey asked, if the calculation was based on a 2.0 MW system, but it actually increased to a 3.0 MW system, would the assessment change to reflect the change to 3.0 MW or be locked in at 2.0 MW? Councilman Proud answered that there is a clause in the solar company’s contract that if the MW increased there would be a prorated PILOT increase. He explained that NYSERDA recommends a clause for an adjustment if it either increases or decreases. In the proposed PILOT, the “decrease” has been taken out, which is to the Town’s advantage.

Attorney Mark Sweeney, representing the solar developers, stated that they “have no plans to come back and expand any of these projects.” As he explained to the Planning Board, each project has a particular permission to interconnect into the grid for a certain amount of power. He reiterated there were no plans to expand the projects; the process would have to be started all over again with significant costs to upgrade the substations.

To answer Councilman Withey’s question, Attorney Sweeney explained that if the same company was expanding one of the projects, there are provisions in the contract that would allow for adjustments. If they were to add on to any of the projects, it would likely require its own

PILOT agreement or an amendment to the current PILOT agreement. Ample opportunity would be had to examine how any change would fit at that time. Attorney Sweeney stated that the provision in the contract is a protection for the Town, but it is unlikely for an expansion to come into play. He reiterated that each project has particular permission to interconnect into the grid for a certain amount of power.

Councilman Ross asked if each of the five solar projects were precisely 2.0 MW. Attorney Sweeney explained that solar panels create electricity on a DC circuit. The electricity goes into an inverter which turns it into AC. The AC controls what goes into the grid. The AC that is coming out of the inverters has to match what they are allowed to interconnect to the grid. Attorney Sweeney confirmed there would be 2.0 MW per project that would be produced and put into the grid.

No further questions were asked. Supervisor Tupper thanked Assessor Briggs for his time and efforts and for the explanation. He also thanked Attorney Sweeney for the information he provided.

RESOLUTION #158 APPROVE AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT) FOR REAL PROPERTY BETWEEN CORTLAND VIRGIL SOLAR, LLC AND THE TOWN OF CORTLANDVILLE FOR PROPERTY LOCATED AT 899,904 SOUTH CORTLAND VIRGIL ROAD, TAX MAP #105.00-04-18.000

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby approve the Agreement for Payment In Lieu of Taxes (PILOT) for Real Property between Cortland Virgil Road Solar, LLC (“Developer”) and the Town of Cortlandville (“Town”), for property owned by Farm East, LLC, located at 899, 904 South Cortland Virgil Road, tax map #105.00-04-18.000, for a total of fifteen (15) consecutive fiscal tax years, payable to the Town January 31, 2020 through January 31, 2034, for the total payment of \$8,000 per year.

RESOLUTION #159 APPROVE AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT) FOR REAL PROPERTY BETWEEN EAST RIVER ROAD SOLAR, LLC AND THE TOWN OF CORTLANDVILLE FOR PROPERTY LOCATED ON EAST RIVER ROAD, TAX MAP #77.00-11-08.000

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby approve the Agreement for Payment In Lieu of Taxes (PILOT) for Real Property between East River Road Solar, LLC (“Developer”) and the Town of Cortlandville (“Town”), for property owned by Farm East, LLC, located on East River Road, tax map #77.00-11-08.000, for a total of fifteen (15) consecutive fiscal tax years, payable to the Town January 31, 2020 through January 31, 2034, for the total payment of \$8,000 per year.

RESOLUTION #160 APPROVE AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT) FOR REAL PROPERTY BETWEEN LIME HOLLOW SOLAR, LLC AND THE TOWN OF CORTLANDVILLE FOR PROPERTY LOCATED ON LIME HOLLOW ROAD, TAX MAP #95.00-06-04.100

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby approve the Agreement for Payment In Lieu of Taxes (PILOT) for Real Property between Lime Hollow Solar, LLC (“Developer”) and the Town of Cortlandville (“Town”), for property owned by Farm East, LLC, located on Lime Hollow Road, tax map #95.00-06-04.100, for a total of fifteen (15) consecutive fiscal tax years, payable to the Town January 31, 2020 through January 31, 2034, for the total payment of \$8,000 per year.

RESOLUTION #161 APPROVE AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT) FOR REAL PROPERTY BETWEEN MCLEAN SOLAR 2, LLC AND THE TOWN OF CORTLANDVILLE FOR PROPERTY LOCATED AT 693,723 STUPKE ROAD TAX MAP #95.15-01-12.000

Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby approve the Agreement for Payment In Lieu of Taxes (PILOT) for Real Property between McLean Solar 2, LLC (“Developer”) and the Town of Cortlandville (“Town”), for property owned by Gutchess Lumber Company Inc., located at 693, 723 Stupke Road, tax map #95.15-01-12.000, for a total of fifteen (15) consecutive fiscal tax years, payable to the Town January 31, 2020 through January 31, 2034, for the total payment of \$8,000 per year.

RESOLUTION #162 APPROVE AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT) FOR REAL PROPERTY BETWEEN ROUTE 13 SOLAR, LLC AND THE TOWN OF CORTLANDVILLE FOR PROPERTY LOCATED ON ROUTE 13, TAX MAP #105.00-04-02.120

Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby approve the Agreement for Payment In Lieu of Taxes (PILOT) for Real Property between Route 13 Solar, LLC (“Developer”) and the Town of Cortlandville (“Town”), for property owned by Farm East, LLC, located on Route 13, tax map #105.00-04-02.120, for a total of fifteen (15) consecutive fiscal tax years, payable to the Town January 31, 2020 through January 31, 2034, for the total payment of \$8,000 per year.

RESOLUTION #163 AUTHORIZE SUPERVISOR TO SIGN THE FIVE APPROVED AGREEMENTS FOR PAYMENT IN LIEU OF TAXES (PILOT) FOR REAL PROPERTY BETWEEN THE TOWN OF CORTLANDVILLE AND THE FIVE SOLAR COMPANIES

Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the five approved Agreements for Payment In Lieu of Taxes (PILOT) for Real Property between the Town of Cortlandville and the following five developers of solar energy systems:

1. Cortland Virgil Road Solar, LLC (tax map #105.00-04-18.000);
2. East River Road Solar, LLC (tax map #77.00-11-08.000);
3. Lime Hollow Solar, LLC (tax map #95.00-06-04.100);
4. McLean Solar 2, LLC (tax map #95.15-01-12.000);
5. Route 13 Solar, LLC (tax map #105.00-04-02.120).

RESOLUTION #164 AUTHORIZE SUPERVISOR TO SIGN THE PROJECT STATUS REPORT FOR JANUARY 1, 2019 – JUNE 30, 2019 FOR THE CDBG #287SB902-18 ECONOMIC DEVELOPMENT/SMALL BUSINESS PROGRAM GRANT FOR ROYAL NISSAN OF CORTLAND, INC.

Motion by Councilman Proud

Seconded by Councilman Withey

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Project Status Report for January 1, 2019 – June 30, 2019 for the Community Development Block Grant Small Business Economic Development Program (CDBG #287SB902-18) for Royal Nissan of Cortland, Inc.

There was discussion regarding the draft vision statement (Chapter 3, *Cortlandville's Vision*) submitted by the Town's Comprehensive Plan Committee for review by the Town Board. Councilman Ross thanked everyone who was working on the Plan and the vision statement. Councilman Proud said it was a diligent effort and that he and Jean Lowenstein, from CHA, felt it was an appropriate time to present the vision statement to the Board for discussion purposes. Councilman Proud stated that it was a very lengthy and involved projection, from a goals and objective perspective, that will lead to plan recommendations and finally to action items. He suggested the Board acknowledge receipt of the vision statement and take time to review it for discussion at the July 17, 2019 Town Board meeting.

Councilman Withey remarked that it would also give time for the public to be involved, to which Supervisor Tupper advised a Public Hearing would eventually be held.

Supervisor Tupper shared recent news regarding a kayaker that overturned in the Tioughnioga River. He reported that the Cortlandville Boat Launch was used as the rescue site. The emergency personnel entered and exited from that location and he stated it was very possible that it saved a person's life. Supervisor Tupper also commented that the daily use of the boat launch this summer has been incredible.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:12 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 July 19, 2019.

The revised draft version of this meeting was submitted to the Town Board for their review on July 30, 2019.

The final version of this meeting was approved as written at the Town Board meeting of August 7, 2019.

There is no Resolution #152 of 2019. The resolution number was skipped in error and is indicated as such in the 2019 Index of Actions. (KRP)