

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 Attorney, John A. DelVecchio; Highway Sup’t. Glenn Bassett; Deputy Town Clerk, Patricia Romer; Town Residents: Pamela Jenkins; Robert Martin; Stephen Flatt; Rebecca Bryan; Jamie Parker; Claude Coville III; Donna Johnson; and Jeff Guido.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Testa, to approve the Town Board Minutes of June 19, 2019. All voting aye, the motion was carried.

RESOLUTION #165

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 #1012-1090	
	General Fund A	\$ 70,237.83
	General Fund B	\$ 64,051.56
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 17,683.76
	Gutchess Lumber SC Project HG	\$ 108,172.98
	C’Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 1,820.42
	Water Fund SW	\$ 11,894.98
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 #28-28	
	Trust & Agency TA	\$ 494.52
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Robert Martin.

Town resident Robert Martin commented on agenda item I-3, “Review & adopt the NYS Unified Solar Installation Permits Application”. Mr. Martin referred to and read from the NY State Unified Solar Permit application.

“Unified solar permitting is available statewide for eligible solar photovoltaic (PV) installations. Municipal authorities that adopt the unified permit streamline their process while providing consistent and thorough review of solar PV permitting applications and installations.”

Mr. Martin noted that the project eligibility for the unified permitting process has some stipulations. One stipulation is that the project has a rated DC capacity of 25 KW or less. He stated that the Gutchess solar projects fall within this classification. (Note: See discussion on page 4 regarding project MW size.) Another stipulation for the unified permit is that the project does not need a zoning variance or special use permit. For solar PV systems not meeting these eligibility criteria, the applicant is not eligible for the Unified Solar Permit and must submit a conventional permit application.

Mr. Martin commented on agenda items I-4 and I-5 regarding the authorization to file grant applications for funds from Empire State Development (up to \$250,000) and from the New

York State Office of Parks, Recreation, and Historic Preservation (up to \$500,000) for the Gutches Lumber Sports Complex. He questioned what the grant funds would be requested for and hoped the funds would not be used to purchase more property.

Mr. Martin apprised the Board he reviewed the Supervisor's monthly report ending May 31, 2019 and noted an increase in "cash and savings" for the Gutches Lumber Sports Complex. He inquired if the increase was from the rental of the facility. Supervisor Tupper responded that the increase was from the receipt of a donation. Mr. Martin suggested a more detailed record of the financial aspects of the Gutches Lumber Sports Complex be made available to the public.

Supervisor Tupper thanked Mr. Martin for his comments.

Supervisor Tupper offered privilege of the floor to Pamela Jenkins.

Town resident Pamela Jenkins stated there was nothing on the Town Board agenda that addressed the actions taken by the Cortlandville Planning Board regarding the "Gutches/Farm East/Sweeney/C2 Energy" proposed zoning amendment for the R-1 property on McLean Road and throughout Cortlandville. She explained that the Town Planning Board met and considered all the information, as did the Cortland County Planning Board, and unanimously voted to reject the proposed zoning amendment. She stated that the Town Planning Board went further and requested that the Town Board finalize the recommended denial. Ms. Jenkins submitted a copy of the Town Planning Board Index of Actions from July 9, 2019, which she asked to be attached to the minutes. She requested the Board vote to deny the proposed zoning amendment tonight. (Note: The Index of Actions for all Planning Board meetings, as submitted by the Planning Board Secretary, are on file with the Planning Board Minutes for permanent retention.)

Ms. Jenkins commented on the five previously approved solar farm permit applications for "Gutches/Farm East/C2 Energy". She stated that because the solar farms are all owned by Gutches/Farm East/C2 Energy and are in the same area, and all will be served by the same infrastructure which connects it to the power grid, that "segmentation was actually used to get one giant solar farm approved piece by piece." Ms. Jenkins stated that a solar farm that generates more than 25 MW of electricity cannot use a streamlined permit and must go through the lengthy Article 10 process. She recalled that Attorney Sweeney, representing the solar farm applicants, indicated that the project would generate a total of 60-80 MW. (Note: See discussion on page 4 regarding project MW size.) She stated that the projects cannot be permitted using the streamlined process. Ms. Jenkins stated that because segmentation was used, if the Board chooses "not to alert the applicants that they must go through the Article 10 process we can have every action that's been taken to date negated because segmentation was used to approve an Article 10 project greater than 25 MW using a piecemeal approach, using segmentation, which is contrary to SEQRA for a Type 1 action."

Supervisor Tupper thanked Ms. Jenkins for her comments.

Supervisor Tupper offered privilege of the floor to Claude Coville.

Town resident Claude Coville explained that he was attending a summer class at OCM BOCES and is learning about people in government and debates. He stated that he was present at tonight's meeting to observe and he would be writing a report on the process. He asked Supervisor Tupper for his signature to verify his presence at the meeting.

Supervisor Tupper thanked Mr. Coville for his interest.

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

Councilman Testa made a motion, seconded by Councilman Withey, to receive and file the monthly report of the Cortland Community SPCA for the month of June 2019. All voting aye, the motion was carried.

RESOLUTION #166	ACCEPT ANNUAL REPORT OF TOWN RMO AND SCHEDULE OF DISPOSED RECORDS IN 2018 IN ACCORDANCE WITH THE RETENTION AND DISPOSITION SCHEDULE
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Motion by Councilman Testa

Seconded by Councilman Proud

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

NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the Annual Report of the Records Management Officer of the Town, including a list of the disposed records in 2018, in accordance with the Records Retention Disposition Schedule, MU-1.

Supervisor Tupper commended Town Clerk Rocco-Petrella and her staff for the incredible amount of effort taken to maintain and complete the disposition of records annually.

Under new business, Town Clerk Rocco-Petrella apprised the Board that she received the 30-day advance notice form for the renewal of an alcoholic beverage license for 281 Bowl Inc., and requested the Board receive and file the notice.

Councilman Proud made a motion, seconded by Councilman Testa to receive and file the "Standardized Notice Form for Providing 30-Day Advance Notice to a Local Municipality or Community Board" from Scott F. Becker, President of 281 Bowl Inc., dated July 11, 2019, for the renewal of an on-premises alcoholic beverage license for 281 Bowl located at Route 281 in the Town of Cortlandville. All voting aye, the motion was carried.

Attorney DelVecchio reported:

Proposed Zoning Text Amendment to Establish Zoning Overlay Districts:

Attorney DelVecchio commented on the proposed Zoning Text Amendment to establish zoning overlay districts. He apprised the Board that the Town Planning Board met and addressed the application for zoning overlay districts and recommended the Town Board deny the application for many reasons. Attorney DelVecchio explained the item was not on tonight's agenda. He received a phone call from the attorney for the applicant requesting that the application not be acted on because they are assessing their options as to whether or not to continue with this specific application, to amend the application, or go in another direction. He explained that the Board could address the application formally by either tabling it or by acting on the application tonight. He stated that he had email correspondence from the attorney asking that the application not be acted on until further notice by the attorney. Attorney DelVecchio stated he would advise the Board accordingly thereafter.

Councilman Testa was agreeable to allowing the attorney more time to consider options. Councilman Withey indicated that he would like to act on the application. He stated that the application has gone through the process and that both the Town and County Planning Boards recommended denial of the application. He stated that he recommended denial of the application from the beginning, which he felt was incomplete. Councilman Withey stated it was prudent to act on the application tonight.

Attorney DelVecchio suggested that since the applicant has formally requested the application not be acted on, it was customary not to act until there is a formal request to continue or discontinue. Councilman Ross noted that the application has not been withdrawn as of yet. He asked if anything is going to happen to it other than denial, what would it be? Attorney DelVecchio explained the applicant's options, other than the application that was made, would be to apply for a use variance or revert back to a zone change rather than a change to the Zoning Ordinance. Councilman Ross said he would like to remain respectful to the applicants, but in light of negative feedback and adverse comments from the public, the applicants should remain respectful to the Town's processes as well. He suggested the Board take action and deny the application as it stands. He explained that what the Board would be voting on was to deny the request for the overlay zone amendment to the Town's zoning code.

Attorney DelVecchio reiterated that the application that is pending, which has been addressed by the Planning Board, is a request to the Town Board to amend the actual Zoning Ordinance, particularly solar, to allow for an overlay district. If the Board grants the zoning amendment, the Board would have to adopt another local law allowing the project on the site. Councilman Ross stated that the Board would have to separately consider the request to create an overlay zone for that particular site. Attorney DelVecchio added that if the Board did not approve the zone change, the application dies. He explained that the Town Board does not even have to provide a reason for the denial.

Councilman Proud reminded the Board that in previous discussions it was stated the Board would follow the usual procedures when considering applications. The application was forwarded to the Town and County Planning Boards. Councilman Proud stated that he has seen the County Planning Board and County Planning Department's recommendation, and the Town Planning Board Index of Actions, but has not yet seen the Minutes of Town Planning Board

meeting and was uncomfortable acting on the request without following normal procedure. Attorney DelVecchio stated that he did not provide the information in detail tonight to the Board because he received the request by the applicant to not act on the application. Attorney DelVecchio thought he would provide that information to the Board once the applicant had decided what to do.

Councilman Ross indicated he was comfortable taking action on the request with the information provided, which included the Town Planning Board's Index of Actions from July 9, 2019, the County Planning Department's report, and the County Planning Board's recommendations for denial of the application. Councilman Ross made a motion to deny the request as submitted by McLean Solar LLC to amend the Town zoning code. Councilman Withey seconded the motion. Councilman Proud reiterated that he would be more comfortable waiting until the Board received the Town Planning Board Minutes from July 9, 2019. Supervisor Tupper called for a vote on the matter.

RESOLUTION #167 DENY ZONING AMENDMENT REQUEST AS SUBMITTED
BY MCLEAN SOLAR LLC TO ESTABLISH SOLAR
OVERLAY DISTRICTS IN THE TOWN OF CORTLANDVILLE

Motion by Councilman Ross

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby deny the Zoning Amendment Request as submitted by McLean Solar LLC to establish Solar Overlay Districts in the Town of Cortlandville.

Attorney DelVecchio stated that he would inform the applicant that the request, as submitted, was denied.

Source Water Protection Grant:

Attorney DelVecchio briefly commented on agenda items I-9 and I-10 concerning the authorization to apply for a Source Water Protection Grant through NYS DEC to assist in the purchase of ±107.58 acres of unimproved property located on Lime Hollow Road, as well as the authorization to purchase such property (portions of tax map #95.00-06-02.000, #95.00-06-04.100 & #105.00-03-01.000) for \$215,000.00 from Farm East, LLC. Attorney DelVecchio explained that the Town was interested in applying for a grant to purchase properties that surround the Town's well over the Aquifer for water protection purposes. He drafted a formal letter, which he would request the Board to consider and act on. He stated that Councilman Proud would elaborate on the matter at the appropriate time in the meeting in accordance with the meeting agenda.

Supervisor Tupper asked Attorney DelVecchio to comment on Ms. Jenkin's comments made under privilege of the floor. Her position was that the Board was violating the law in regard to all the approvals for the solar projects, which she stated were done by segmentation and are not proper. It was his understanding from Attorney DelVecchio and the applicant's attorney, that the Town's procedures were proper.

Councilman Ross commented that the Town has not yet used the Unified Solar Permit application, to which Supervisor Tupper agreed, so that none of the current approved projects have been approved pursuant to this streamlined application process.

Attorney DelVecchio explained that a total of six solar projects were submitted to the Board. Five of the sites for the proposed solar projects were located in zoning districts in the Town where such projects are permitted. Applications were submitted to the Town Planning Board for site approval, for SEQRA review, and for everything needed for the projects to move forward. All five projects were approved by the Planning Board and the Town Board. The sixth project, located in an area zoned Residential, was just denied. Attorney DelVecchio stated that segmentation was an argument that could be brought forward by a person with legal standing to challenge the Town's approval of the five projects. At this point, the applicant has gone through the process properly and the Town granted approval for the five sites.

Councilman Ross recalled that the applications were for 2 MW each, which would total 10 MW. (Note: See the minutes of the July 3, 2019 Board meeting, discussing the PILOT agreements for five projects, each at 2 MW. The applicants represented that the projects totaled 60 acres, not 60 MW).

Councilman Withey said in order to have a clear understanding of when segmentation may exist, he would like to have a “tool” to help the boards at each level recognize if segmentation exists. He noted that the five projects were individually approved, to which Attorney DelVecchio agreed. Attorney DelVecchio stated that the projects were not looked at as a whole. He said the applications were properly submitted because the projects are on separate parcels and separate applications were submitted. Attorney DelVecchio confirmed that each project and application was carefully addressed, separate and distinct from each other. Councilman Withey agreed with Attorney DelVecchio and suggested a closer examination of segmentation for future projects. Councilman Proud stated he was not sure if ownership played into segmentation. He stated that he attended the Planning Board meeting in which the solar company made its first presentation; each project was portrayed as a separate and distinct project and that they did not all have to be approved. Councilman Ross indicated the layman’s answer of what the Board should consider would be beneficial.

There was discussion regarding the adoption of the Unified Solar Installation Permit Application. Councilman Proud indicated that he reviewed the permit application and recommended approval, which was seconded by Councilman Ross. Supervisor Tupper apprised the Board that Code Officer Kevin McMahon requested that the Board adopt the NY State Unified Solar Permit application. This would be used for small solar arrays of only 25 KW (not MW) or less.

RESOLUTION #168 ADOPT NY STATE UNIFIED SOLAR PERMIT
APPLICATION FOR THE TOWN OF CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Ross

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

BE IT RESOLVED, the Town Board does hereby adopt the NY State Unified Solar Permit application for the Town of Cortlandville to provide consistent and thorough review of solar photovoltaic (PV) permitting applications and installations.

There was a brief discussion regarding the adoption of a new building permit fee schedule. Town Clerk Rocco-Petrella inquired if the Board would consider the new permit fees at this meeting. She explained that a proposed fee schedule was submitted by CEO McMahon, which included permit fees for solar arrays. In order for the fees to be established, the adopted Town fee schedule must be amended. Supervisor Tupper indicated that CEO McMahon was using the current fee schedule and that any changes or additions would have to be approved. Supervisor Tupper was not in receipt of the proposed fee schedule at this time. Councilman Withey asked if the fees would be reviewed before the 2020 Budget is approved, to which Supervisor Tupper replied yes.

There was discussion regarding the authorization to apply for new grants for the Gutches Lumber Sports Complex. Supervisor Tupper explained that at the recommendation of Jean Eggenhoffer from the New York State Office of Parks Recreation and Historic Preservation, the Town would be seeking approval of three different grant applications (one application was previously approved). The grant applications were to complete restrooms, ADA compliant playgrounds, additional landscaping, walking trails and engineering costs. The Town’s engineering firm, CHA, provided the Town’s grant writing consultants, Thoma Development Consultants, with the necessary information. Supervisor Tupper indicated that many of the items were cut from the original bid documents due to the cost. The hope is to get financial help from the state. He explained that the Town would be applying for a total of \$980,000, with a \$155,000 match of cash or in-kind services. It is uncertain as to the amount of money that the Town would receive, but if granted, the Town could complete all items on Phase 1 for the park.

Supervisor Tupper explained that the Town utilizes Thoma Development Consultants for grant writing and pays a quarterly fee. Thoma Development has been responsible for the Town’s grant writing for numerous years as most of the grants applied for are competitive and complicated.

RESOLUTION #169 AUTHORIZE SUPERVISOR TO SIGN THE GRANT WRITING AGREEMENT BETWEEN THE TOWN AND THOMA DEVELOPMENT CONSULTANTS TO APPLY FOR A 2019 EMPIRE STATE DEVELOPMENT GRANT FOR THE GUTCHESS LUMBER SPORTS COMPLEX PARK PROJECT

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 Grant Writing Agreement between the Town of Cortlandville and Thoma Development Consultants to apply for a 2019 Empire State Development Grant for the Gutches Lumber Sports Complex Park Project, for the total cost of \$2,750.00.

RESOLUTION #170 AUTHORIZE SUPERVISOR TO FILE AN APPLICATION FOR FUNDS FROM EMPIRE STATE DEVELOPMENT FOR THE GUTCHESS LUMBER SPORTS COMPLEX PARK PROJECT

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, that Richard C. Tupper, as Supervisor of the Town of Cortlandville, is hereby authorized and directed to file an application for funds from Empire State Development, in an amount not to exceed \$250,000, and upon approval of said request to enter into and execute a project agreement with the State for financial assistance to the Town of Cortlandville for the Gutches Lumber Sports Complex Park Project.

RESOLUTION #171 AUTHORIZE SUPERVISOR TO SIGN THE GRANT WRITING AGREEMENT BETWEEN THE TOWN AND THOMA DEVELOPMENT CONSULTANTS TO APPLY FOR A 2019 NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION GRANT FOR THE GUTCHESS LUMBER SPORTS COMPLEX PARK PROJECT

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 Grant Writing Agreement between the Town of Cortlandville and Thoma Development Consultants to apply for a 2019 New York State Office of Parks, Recreation and Historic Preservation Grant for the Gutches Lumber Sports Complex, for the total cost of \$3,500.00.

RESOLUTION #172 AUTHORIZE SUPERVISOR TO FILE AN APPLICATION FOR FUNDS FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR THE GUTCHESS LUMBER SPORTS COMPLEX PARK PROJECT

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, that Richard C. Tupper, as Supervisor of the Town of Cortlandville, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$500,000, and upon approval of said request to enter into and execute a project agreement with the State for financial assistance to the Town of Cortlandville for the Gutchess Lumber Sports Complex Park Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from NYS Homes & Community Renewal, dated June 28, 2019 regarding the CDBG Project #287HR323-19 Town-wide Housing Rehabilitation Grant Program awarded to the Town. All voting aye, the motion was carried.

RESOLUTION #173 AUTHORIZE SUPERVISOR TO SIGN THE NYS
COMMUNITY DEVELOPMENT BLOCK GRANT
AGREEMENT FOR THE AWARDED 2019 TOWN-WIDE
HOUSING REHABILITATION PROGRAM

Motion by Councilman Testa

Seconded by Councilman Proud

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 NYS Community Development Block Grant Agreement #287HR323-19 for the 2019 Town-Wide Housing Rehabilitation Program.

There was discussion regarding the inclusion of part-time positions of a Claims Auditor and of a Fiscal Officer into the 2020 Town budget. Councilman Withey inquired if the action was strictly for a line item for the positions in the budget. Councilman Ross replied yes and said it starts the process of consulting with civil service to define the job description to have the positions created.

Supervisor Tupper stated that he has been performing the duties of two positions for 15 years (i.e., Supervisor and Budget Officer) and questioned the Board why it was necessary to create new positions. Councilman Ross answered that the creation of one of the positions was because Bookkeeper Marcia Hicks would be retiring soon, and the second position was because Supervisor Tupper is retiring. He said, after consulting with outside independent financial professionals, it was determined, as the Town Board is ultimately responsible for the budget, that there should be a position to report the in-depth finances of the Town to the Board, and a position to audit the financial procedures. Councilman Ross stated that the Town has grown and the budget is larger and more complex. Supervisor Tupper asked if Councilman Ross felt that the persons running for Supervisor were not capable. Councilman Ross replied “not in the least.” He pointed out that the Town Supervisor is one position, and the Budget Officer is a separate position; Supervisor Tupper has had the pleasure of serving both positions. Separating those positions would take some of the energy and money that has been dedicated to a Budget Officer and the Town would have a professional with expertise.

Councilman Proud agreed with Councilman Ross’s summary. He said there was a great deal of effort put into the consideration of the Town’s current position. He spoke of Bookkeeper Hick’s pending retirement and stated that the Town hired an Assistant Bookkeeper to have a good grounding in the Town finances before Bookkeeper Hicks retired. He stressed that the position of a Bookkeeper to keep the books, and the position of a Claims Auditor who understands the budget and reviews the vouchers, is necessary. He indicated that the State Comptroller’s Office recommends such. Councilman Proud stated that Supervisor Tupper has been the Supervisor and the Budget Officer, but in his view, Supervisor Tupper has also been a Fiscal Advisor. Supervisor Tupper understands “big” money, trends, state and federal taxes and discussions going on in the County. He said that when Supervisor Tupper leaves, that skill set could be absent. Councilman Proud expressed concern for the future Town Boards. He stated that his long-term view for the Town is to have a person who will guide the fiscal affairs of the Town and who will anticipate and research matters that will affect the Town.

Councilman Withey requested clarification that right now the Board was only looking to finance a line item for budgetary considerations. Job descriptions would have to be written as further discussions would have to be had.

RESOLUTION #174 AUTHORIZE THE INCLUSION IN THE 2020 BUDGET OF
THE PART-TIME POSITION OF A “CLAIMS AUDITOR” AND
“FISCAL OFFICER” FOR THE TOWN OF CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Ross

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

ADOPTED

WHEREAS, in Resolution No. 7 of 2019, the Town Board established “an advisory committee to examine the Financial Organization of the Town,” and

WHEREAS, the Town Board accepted the Committee’s Memorandum and Report (the “Report”) at its meeting on July 3, 2019, and

WHEREAS, the Town Board also set a date to vote on any recommendations made by this Committee at the next meeting of the Town Board, therefore

BE IT RESOLVED, the Town Board:

1. Hereby authorizes the inclusion in the 2020 Town budget of the part-time position of “Claims Auditor,” and further authorizes the commencement of the process of working with the County Civil Service Office to create this position, consistent with the Report but with the precise duties and final compensation to be defined by the Town Board as constituted in January 2020, and to be filled at a time to be decided by that Town Board; and
2. Hereby authorizes the inclusion in the 2020 Town budget of the part-time position of “Fiscal Officer” for at least the amount now budgeted for the Town Budget Officer, and further authorizes the commencement of the process of working with the County Civil Service Office to create this position, consistent with the duties as described in the Report, to be filled as of January 2020.

Supervisor Tupper recalled the matter of County Workers’ Compensation Plan to the Board as discussed at the Town Board meeting on July 3, 2019. Per the County’s Local Law, all municipalities have until July 31, 2019 to decide whether or not to stay or withdraw from the Plan. He said that financial data is still unavailable from the County. The Board discussed options of how to proceed at great length. Points of concern were: the Town’s low claim rate, withdrawal by the City of Cortland and other large municipalities from the Plan and the effect that would have on the Plan, buyouts, and subsidizing smaller municipalities. After discussion, the Board agreed to authorize the Supervisor to send a letter to the Cortland County Attorney reserving the right to terminate the Town’s participation in the County Workers’ Compensation Plan.

RESOLUTION #175 AUTHORIZE SUPERVISOR TO SEND A LETTER TO THE
CORTLAND COUNTY ATTORNEY RESERVING THE RIGHT
TO TERMINATE THE TOWN OF CORTLANDVILLE’S
WORKERS’ COMPENSATION POLICY WITH NEW YORK
STATE MUTUAL

Motion by Councilman Withey

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to send a letter to the Cortland County Attorney reserving the right to terminate the Town’s Workers’ Compensation Policy with New York State Mutual by withdrawing from the County’s Workers’ Compensation Plan, subject to Town Attorney approval of the letter.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Cortland County Attorney, Karen L. Howe to the Town of Virgil, dated July 11, 2019, acknowledging receipt of the Town of Virgil's letter dated June 25, 2019 indicating the Town of Virgil is reserving its right to terminate its workers' compensation policy with New York State Mutual. All voting aye, the motion was carried.

Supervisor Tupper apprised the Board that the Town has been trying to purchase property owned by Farm East, LLC for the last few years and the owner has now agreed to sell. He referred to Councilman Proud for further explanation.

Councilman Proud explained the State Health Department has a designation of property around the Town's Lime Hollow wells called an inner and outer zone. It is what they consider to be the prime flow to the two wells. A few years ago, the properties, owned by Farm East, LLC were in a federal program and it would have been costly for the owners tax structure if sold at that time. There is a Source Water Protection Grant through NYS DEC that is part of the water quality improvement program. Councilman Proud and Attorney DelVecchio negotiated and agreed on a purchase price of \$215,000.00 after the property was appraised. The purchase price is in line with the market value on similar properties. The application for the grant is not complete, but has to be filed by 4:00 p.m. on July 26, 2019. Councilman Proud explained that since there would not be another Board meeting prior to that date, the item was on tonight's agenda.

Councilman Proud indicated that the Town typically uses Thoma Development Consultants for grant writing services, however the Cortland County Soil and Water Conservation District will be helping the Town with the application and its filing. Attorney DelVecchio drafted a Letter of Commitment that has been accepted by the property owners. Councilman Proud recommended authorization from the Board, as he stressed the importance of acquiring the property and keeping it vacant to protect the Town's Lime Hollow wells.

Councilman Ross asked if acquiring the property was contingent upon receiving the grant, to which Councilman Proud replied no. The grant is a 25% matching grant. Councilman Withey asked how soon the closing would occur. Councilman Proud said the Town could close at any time, as the Water Fund has enough money in it to cover the cost. It would be a necessary risk and DEC has not yet given out all of the water quality improvement program money, which is approximately \$70 million. Councilman Withey agreed with that reasoning and hoped the Town received the grant to cover most of the cost to purchase the property. He stated he was not opposed to the project but voiced concern for the Board having to take action so quickly. Councilman Proud recalled that he mentioned the grant at prior meetings. The State announced the grant on May 1, 2019, however the Town was not aware of the grant for several weeks after that. Supervisor Tupper added that the Town has been looking to purchase the parcels for several years and that the Town wanted the property to stay vacant rather than be developed.

Councilman Ross questioned whether the Lime Hollow Nature Center was interested in managing the property, as it is contiguous to their property. Councilman Proud stated that Lime Hollow was open to future discussions regarding the possibility.

Councilman Proud also alerted the Board that the Route 13 Rocks application to permit mining 100 feet and more into the water table could be considered complete by November 2019, which adds to the urgency to purchase the property. There is concern regarding the mine's proximity to municipal wells.

Attorney DelVecchio provided Board members with a copy of the "Letter of Intent" to purchase the property, which spells out the simple terms of what has been agreed upon in principal. Attorney DelVecchio explained the contents of the letter for a purchase agreement to be formalized in the near future as follows: lays out the property as ± 107.58 acres; identifies the tax map parcels that are involved; makes reference to the appraisal report as prepared by Assessor Briggs; explains where the property lines are going to be; the purchase price of \$215,000.00; and mention that there be a "contingency" of the purchase being contingent upon applying for and obtaining a grant. Attorney DelVecchio explained that one thing that was not mentioned was that the way the properties are configured, and to facilitate the purchase, a subdivision application must be submitted by Farm East, LLC and approved by the Town Planning Board. Also included in the letter was that Farm East, LLC will maintain long-term timber rights in perpetuity.

Councilman Proud explained that per Assessor Briggs, that was a standard consideration in property transfers. He stated that he did not have any objection because the Town is not necessarily interested in the surface of the property, but is interested in the water (aquifer) underneath. He added that one of the parcels contains the vast majority of the timber.

Attorney DelVecchio suggested the Board authorize two separate resolutions: 1. authorization for the Supervisor to make application for the Source Water Protection Grant; 2. authorize the purchase of the properties from Farm East, LLC including a provision for the Supervisor to sign any and all documents necessary to facilitate the purchase.

RESOLUTION #176 AUTHORIZE SUPERVISOR TO MAKE APPLICATION FOR A SOURCE WATER PROTECTION GRANT THROUGH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO ASSIST IN THE PURCHASE OF UNIMPROVED PROPERTY CONSISTING OF ±107.58 ACRES OF LAND LOCATED AT LIME HOLLOW ROAD IN THE TOWN OF CORTLANDVILLE

Motion by Councilman Testa

Seconded by Councilman Ross

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to make application for a Source Water Protection Grant by and through the New York State Department of Environmental Conservation to assist in the purchase of all unimproved property consisting of ±107.58 acres of land located at Lime Hollow Road in the Town of Cortlandville, County of Cortland and State of New York and further identified as portions of Cortland County Tax Parcel ID #95.00-06-02.000 and #95.00-06-04.100 and all of Cortland County Tax Parcel ID #105.00-03-01.000, and it is further

RESOLVED, the Supervisor is hereby authorized and directed to sign the grant application.

RESOLUTION #177 AUTHORIZE PURCHASE OF ±107.58 ACRES OF UNIMPROVED PROPERTY OWNED BY FARM EAST, LLC LOCATED AT LIME HOLLOW ROAD

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 the purchase of all unimproved property consisting of ±107.58 acres of land located at Lime Hollow Road in the Town of Cortlandville, County of Cortland and State of New York and further identified as portions of Cortland County Tax parcel ID #95.00-06-02.000 and #95.00-06-04.100 and all of Cortland County Tax Parcel ID #105.00-03-01.000 from Farm East, LLC for the total amount of \$215,000.00, and it is further

RESOLVED, the Supervisor is hereby authorized to sign any and all documents necessary to facilitate the purchase of said property from Farm East, LLC.

RESOLUTION #178 AUTHORIZE PAYMENT APPLICATION NO. 7 SUBMITTED BY ZMK CONSTRUCTION, INC. FOR THE GUTCHESS LUMBER SPORTS COMPLEX PHASE 1

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 execute Payment Application No. 7 as submitted by ZMK Construction, Inc. for payment in the amount of \$108,172.98 for the Gutches Lumber Sports Complex Phase 1.

RESOLUTION #179 AUTHORIZE CHANGE ORDER NO. 2 SUBMITTED BY ZMK CONSTRUCTION, INC. FOR WORK CHANGE DIRECTIVE 7, 8 AND 9 FOR THE GUTCHESS LUMBER SPORTS COMPLEX PHASE 1

Motion by Councilman Testa

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Change Order No. 2 from ZMK Construction, Inc. for the following Work Change Directives 7, 8 and 9, for a total increase of \$11,701.00 for the Gutches Lumber Sports Complex Phase 1:

Work Change Directive 7: \$11,651.00	Relocating proposed sanitary sewer and manholes to avoid electric and gas utility located in the ROW of Byrne Hollow Crossing.
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Work Change Directive 8: (\$2,150.00)	Per the Town Highway Superintendent, the installation of the End of Road Barricade does not need to be installed.
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Work Change Directive 9: \$1,500.00 or \$2,200.00 <u>maximum price</u>	Installation of white inlay artificial turf for the coaches' boxes at both fields per NCAA guidelines.
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Total: \$11,701.00

Supervisor Tupper apprised the Board that the "punch list" is down to \$68,000. Most of the items to be completed are for items under \$10,000. The Town was also withholding payment of \$200,000 until the project was complete.

He added that according to representatives from the Office of Parks & Recreation, the Town has more than satisfied its responsibility to duplicate Citizens Park. Supervisor Tupper explained that the Town closed Citizens Park with two fields, a bathroom and a pavilion, and constructed 2 multi-million dollar fields, a bathroom and a pavilion on 10-12 acres.

RESOLUTION #180 AUTHORIZE SUPERVISOR TO SIGN THE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE GUTCHESS LUMBER SPORTS COMPLEX PHASE 1

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 Certificate of Substantial Completion between the Town and ZMK Construction Inc. for the Gutches Lumber Sports Complex Phase 1.

RESOLUTION #181 AUTHORIZE FINAL PAYMENT APPLICATION NO. 2 SUBMITTED BY VACRI CONSTRUCTION CORPOPORATION FOR THE TERRACE ROAD WELL WATER MAIN DESIGN PROJECT AND ACCEPT THE PROJECT AS COMPLETE

Motion by Councilman Withey

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 execute Payment Application No. 2 as recommended by CHA for the Town of Cortlandville – Terrace Road Well Water Main Design Project, for payment in the amount of \$3,900.00 to Vacri Construction Corporation, and it is further

REOLVED, the project is hereby accepted as complete.

Supervisor Tupper apprised the Board he received an email communication from Verizon Real Estate Manager, Gregory Hanley, who was interested in attending a Town Board meeting to discuss Verizon's future small cell deployment plan in the right of way in the Town of Cortlandville in 2020. It was decided that Supervisor Tupper would invite Mr. Hanley to discuss the matter with him first and then present to the Board if appropriate.

With regard to the authorization for a salary increase for Deputy Town Clerk Amanda Rainbow, Town Clerk Rocco-Petrella praised Ms. Rainbow for her professionalism and positive attitude and said she has been a welcomed addition to the Town Clerk's office. Supervisor Tupper agreed and commented that Town employees have expressed positive regards for her.

RESOLUTION #182 AUTHORIZE SALARY INCREASE FOR DEPUTY
TOWN CLERK, AMANDA K. RAINBOW

Motion by Councilman Withey

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge that Amanda K. Rainbow, Deputy Town Clerk, has successfully completed one year of employment for the Town Clerk's office, and be it further

RESOLVED, that per the provisions of her employment contract, the Town Board hereby authorizes a \$500.00 increase to her salary (pro-rated), thereby increasing her total annual salary to \$36,700.00.

Supervisor Tupper questioned whether there was anything further to come before the Board.

Councilman Proud recalled that the Board was provided with the draft vision statement (Chapter 3, *Cortlandville's Vision*) for review as submitted by the Town's Comprehensive Plan Committee at the last Town Board meeting. He requested the item be added to the August 7, 2019 agenda to allow proper time for discussion.

No further comments or discussion were heard.

Councilman Proud made a motion, seconded by Councilman Withey, to adjourn the meeting.

The meeting was adjourned at 6:43 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 August 7, 2019.

The revised draft version of this meeting was submitted to the Town Board for their review on August 16, 2019.

The final version of this meeting was approved as written at the Town Board meeting of August 21, 2019.

