PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
BUILDER'S BEST HOME IMPROVEMENT CENTER, INC.
3798 LUKER ROAD
TAX MAP #95.00-09-01.000

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Municipal Garage, 3587 Terrace Road, Cortland, New York, concerning an application for an Aquifer Protection Permit submitted by Builder's Best Home Improvement Center, Inc. to construct a 2,000+/- sq. ft. addition to an existing home improvement center for use as office space and to expand the existing parking area by 3,400 sq. ft., for property located on the southeast side of Luker Road, approximately 1,525 ft. southwest of the NYS Route 281/Luker Road intersection, tax map #95.00-09-01.000.

Members present:
Supervisor, Thomas A. Williams
Councilman, Jay E. Cobb
Councilman, Jeffrey D. Guido
Councilman, Theodore V. Testa
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Water & Sewer Sup't., Peter Alteri Jr.; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Tom Kile representing CNY Living History Center; Peter and Susan Grimm; Joseph and Tony DeVincentis representing G. DeVincentis & Son Construction Co.; Janet Ward representing DG New York, LLC; Paul Nanni; Town Residents: Bob Martin; Stephen Flatt; Peter Morris-Ackley; Cindy Stoker; and News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Williams called the Public Hearing to order.

Town Clerk, Kristin Rocco-Petrella read aloud the published, posted and filed legal notice.

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

No requests were made for privilege of the floor.

No further comments or discussion were heard.

The Public Hearing was closed at 5:06 p.m.

PUBLIC HEARING NO. 2

AQUIFER PROTECTION PERMIT
TOM KILE, CNY LIVING HISTORY CENTER, APPLICANT
HOMER CORTLAND COMMUNITY AGENCY, OWNER
4386-4392 US ROUTE 11
TAX MAP #76.15-01-30.000

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Municipal Garage, 3587 Terrace Road, Cortland, New York, concerning an application for an Aquifer Protection Permit submitted by Tom Kile for the CNY Living History Center to construct a 40 ft. by 80 ft. two story building as an additional museum display area resembling an old fire station with a 10 ft. by 10 ft. bell tower, for property located on the east side of US Route 11/NYS Route 41, immediately north of the viaduct, tax map #76.15-01-30.000.

Members present:
Supervisor, Thomas A. Williams
Councilman, Jay E. Cobb
Councilman, Jeffrey D. Guido
Councilman, Theodore V. Testa
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Water & Sewer Sup't., Peter Alteri Jr.; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Tom Kile representing CNY Living History Center; Peter and Susan Grimm; Joseph and Tony DeVincentis representing G. DeVincentis & Son Construction Co.; Janet Ward representing DG New York, LLC; Paul Nanni; Town Residents: Bob Martin; Stephen Flatt; Peter Morris-Ackley; Cindy Stoker; and News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Williams called the Public Hearing to order.

Town Clerk, Kristin Rocco-Petrella read aloud the published, posted and filed legal notice.

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

No requests were made for privilege of the floor.

No further comments or discussion were heard.

The Public Hearing was closed at 5:08 p.m.

AUGUST 19, 2020 5:08 P.M.

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Municipal Garage, 3587 Terrace Road, Cortland, New York with Supervisor Williams presiding.

Members present: Supervisor, Thomas A. Williams
Councilman, Jay E. Cobb
Councilman, Jeffrey D. Guido
Councilman, Theodore V. Testa
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Water & Sewer Sup't., Peter Alteri Jr.; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Tom Kile representing CNY Living History Center; Peter and Susan Grimm; Joseph and Tony DeVincentis representing G. DeVincentis & Son Construction Co.; Janet Ward representing DG New York, LLC; Paul Nanni; Town Residents: Bob Martin; Stephen Flatt; Peter Morris-Ackley; Cindy Stoker; and News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Williams called the meeting to order.

Councilman Guido made a motion, seconded by Councilman Cobb, to receive and file the Cortlandville Zoning Board of Appeals Minutes of June 30, 2020 and Cortlandville Planning Board Minutes of June 30, 2020 and August 4, 2020. All voting aye, the motion was carried.

Councilman Guido made a motion, seconded by Councilman Cobb, to approve the Draft Town Board Minutes of July 15, 2020. All voting aye, the motion was carried.

RESOLUTION #199 AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER #0165 TO ONIX NETWORKING CORP.

Motion by Councilman Cobb
Seconded by Councilman Withey
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0165 to be paid to Onix Networking Corp. for the annual license/support agreement for G Suites on all Town computers, for the cost of $3,000.

RESOLUTION #200 AUTHORIZE PAYMENT OF VOUCHERS – AUGUST

Motion by Councilman Withey
Seconded by Councilman Testa
VOTES: AYE – Williams, Cobb, Guido, Testa, 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 #1033-1115		
	General Fund A	$	79,321.68
	General Fund B	$	1,328.36
	Highway Fund DA	$	0.00
	Highway Fund DB	$	32,328.53
	Gutchess Lumber SC Project HG	$	0.00
	C'Ville Fire District SF	$	0.00
	Sewer Fund SS	$	172,997.23
	Water Fund SW	$	8,518.50
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 #26-26		
	Trust & Agency TA	$	506.74
	Expendable Trust TE	$	0.00

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the following monthly reports:

1) Town Justice LeFevre and Town Justice Mathey – July 2020;
2) Town Supervisor – July 2020; and
3) Water & Sewer Department – July 2020.

All voting aye, the motion was carried.

Supervisor Williams offered privilege of the floor to Robert Martin.

Town resident, Robert Martin stated that he was speaking as a citizen and a taxpayer of the Town and not as board member of the Lime Hollow Nature Center. He commented on the Gutchess Lumber Sports Complex and plans for a new storage building. He recalled that at the August 5, 2020 Town Board meeting he and resident, Stephen Flatt asked questions pertaining to the GLSC and the financials. He stated that while change orders commonly occur for projects, more often than not the cost exceeds the plans for the project, and mentioned the addition of bleachers for the GLSC among other things.

Mr. Martin spoke on agenda item I-11 regarding authorization for a purchase agreement between the Town and the Lime Hollow Nature Center. He asked why the Town needs to buy 2.5 acres of land when there are 100 acres at the GLSC. He commented that the Lime Hollow Nature Center purchased the property in question with plans for a campsite to tie into the trails. Mr. Martin would bring his concerns up to the board of directors for the Lime Hollow Nature Center as well.

Supervisor Williams offered privilege of the floor to Stephen Flatt.

Town resident, Stephen Flatt informed the Board that he is a civil engineer and recalled matters that occurred at the August 5, 2020 Town Board meeting. He reminded the Board of his complaint that there was a drug trafficking operation next door to his residence. Since then, his neighbors have moved. Mr. Flatt voiced his displeasure that Attorney DelVecchio interrupted Councilman Testa at the last meeting. He stated that Mr. Testa has been on the Board longer than any other member and deserves respect. He also disagreed with a statement that Attorney DelVecchio made at the last meeting regarding not being a constitutional expert. Mr. Flatt stated that every attorney should be considered an expert. Mr. Flatt's final concern was regarding "gun control" on Town property and its efficacy.

Supervisor Williams offered privilege of the floor to Peter Morse-Ackley.

Town resident, Peter Morse-Ackley read a prepared letter addressed to the Board regarding the Town's sign ordinance, which he later provided to the Town Clerk for the record. He stated he was glad that the Town was reviewing its sign ordinance and gave the Board background information regarding the three signs located in his yard that read: 1) "Please"; 2) "Vote for Joe", 3) "Thank You".

Mr. Morse-Ackley explained his two issues with the Town's sign ordinance: 1) the issue of the content of the sign by "specifying time frames for election signs" treating some sings different than others, thereby limiting a person's rights in one category but not having the same rules for others; 2) the size of the sign specified in the ordinance may be "an unnecessary hindrance or limitation on our rights".

Mr. Morse-Ackley asked the Board to look at how to legally balance the right of free speech and the different "safety, aesthetic and community standards of the residents and the Town. He also voiced concern about the Town Attorney not reviewing the Town laws for the resident's constitutional rights and commented on his own research on the topic of signs and constitutionality. He asked what the Town Board and Town Attorney will do differently in the future so that the Town's ordinances and businesses are more thoroughly vetted to be legal, practical and effective.

Supervisor Williams offered privilege of the floor to Tom Kile.

Tom Kile declined privilege of the floor at this time since there were no comments made during the public hearing for the Aquifer Protection Permit submitted by the CNY Living History Center, which he was representing.

Supervisor Williams offered privilege of the floor to Joseph DeVincentis.

Joseph DeVincentis introduced himself as the Vice President of G. DeVincentis & Son Construction Company, Inc. as well as his father, Antonio DiVincentis, who was the President of the organization.

Mr. DeVincentis spoke regarding the award of the bid for the Miscellaneous Water and Sewer Improvement projects, which his company submitted the lowest base bid for. He recalled events that took place regarding the bids from the time of the bid opening to the Board tabling the award at the July meeting when it was decided that the Town would proceed with the base bid plus the alternate bid, thereby moving forward with all three water and sewer projects. His company was the clear lowest bidder for the base bid, but with the alternate bid included his company and the third lowest base bidder, Vacri Construction, had identical total amounts. Mr. DeVincentis explained that all of the additional information asked of him was provided to the Town's engineer.

Mr. DeVincentis stated that he was surprised to see the August 5, 2020 Town Board agenda item to award the bid to another company; not the lowest base bidder. As a result, he contacted his attorney, Alan Pope who attended the Board meeting that night and provided his written legal opinion regarding the award of the bid.

Mr. DeVincentis apprised the Board that his company has 51-years of experience specializing in sewer and water construction projects. He bid the project as he needs the work and will do a good job. He stated that the project's design specifications determine that the alternate bid is decided after the award of the base bid and that his company qualifies as the lowest bidder; Vacri does not.

He also recalled a statement made at the July 15th Board meeting that the Town was involved in litigation with one of the bidders in the past. He stated that there was no litigation but there was an issue that the Board was very interested in making go away. He also mentioned that his company completed a $2 million project for the Town shortly thereafter.

In closing, Mr. DeVincentis stated that his company is more than qualified and more than responsible to complete the project and asked the Town to take his comments into consideration.

Under old business there was discussion regarding the Aquifer Protection Permit application submitted by Builder's Best Home Improvement Center, Inc. to permit the construction of a 2,000+/- sq. ft. addition to an existing home improvement center for use as office space and to expand the existing parking area by 3,400 sw. ft., for property located at 3798 Luker Road, tax map #95.00-09-01.000. Attorney DelVecchio explained the SEQRA process to the Board. The Board commenced their review of Part 2 of the SEQR Short Environmental Assessment Form with Attorney DelVecchio reading the questions. The Board answered no impact to small impact for all of the questions.

RESOLUTION #201 DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION PERMIT #3 OF 2020 SUBMITTED BY BUILDER'S BEST HOME IMPROVEMENT CENTER, INC. FOR PROPERTY LOCATED AT 3798 LUKER ROAD AND AUTHORIZE SUPERVISOR TO SIGN THE SEQRA APPLICATION

Motion by Councilman Testa
Seconded by Councilman Withey
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Builder's Best Home Improvement Center, Inc. to permit the construction of a 2,000+/- sq. ft. addition to an existing home improvement center for use as office space and to expand the existing parking area by 3,400 sq. ft., for property located on the southeast side of Luker Road, approximately 1,525 ft. southwest of the NYS Route 281/Luker Road intersection, tax map #95.00-09-01.000, and

WHEREAS, the Town Board as Lead Agent, duly reviewed and completed the Short Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent does hereby declare the proposed project of Builder's Best Home Improvement Center, Inc., Aquifer Protection Permit #3 of 2020, shall have no significant environmental impact, and it is further

RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #3 of 2020.

RESOLUTION #202 APPROVE AQUIFER PROTECTION PERMIT #3 OF 2020 SUBMITTED BY BUILDER'S BEST HOME IMPROVEMENT CENTER, INC. SUBJECT TO CONDITIONS

Motion by Councilman Withey
Seconded by Councilman Guido
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

WHEREAS, the Cortland County Planning Department and the Town Planning Board have reviewed and recommended approval of this Aquifer Protection Permit application, and

WHEREAS, a Public Hearing was duly held by this Town Board, therefore

BE IT RESOLVED, the Town Board does hereby approve Aquifer Protection Permit #3 of 2020, submitted by Builder's Best Home Improvement Center, Inc. permitting the construction of a 2,000+/- sq. ft. addition to an existing home improvement center for use as office space and to expand the existing parking area by 3,400 sq. ft., for property located on the southeast side of Luker Road, approximately 1,525 ft. southwest of the NYS Route 281/Luker Road intersection, tax map #95.00-09-01.000, subject to the following conditions from the Town and County Planning Boards:

1. The applicant applying for and receiving a bulk variance in order to decrease the lot coverage on a lot which already does not meet the Wellhead Protection Zone 1a minimum greenspace requirement.

2. the Town weighing the benefit of increasing the lot coverage on a lot which already does not meet the minimum greenspace requirement to the applicant vs. the health, safety and welfare of the community/neighborhood, as is required before this bulk variance may be granted.

3. The applicant preparing and receiving approval of a stormwater pollution prevention plan for the site from the Town if it is determined that a stormwater pollution prevention plan is required per the Town's stormwater ordinance.

4. The applicant obtaining a General Permit GP-0-15-002 for stormwater discharges from construction sites from the New York State Department of Environmental Conservation (NYSDEC) per State Pollution Discharge Elimination System (SPDES) program since the proposed addition will involve the disturbance of land in which construction activities may result in the discharge of stormwater from the property into neighboring Otter Creek.

5. Compliance with SEQR requirements.

AND IT IS FURTHER RESOLVED, the Supervisor is hereby authorized to sign the permit.

Under old business there was discussion regarding the Aquifer Protection Permit application submitted by Tom Kile for the CNY Living History Center to construct a 40 ft. by 80 ft. two story building as an additional museum display area resembling an old fire station with a 10 ft. by 10 ft. bell tower, for property located at 4386-4392 US Route 11, tax map #76.15-01-30.000. The Board commenced their review of Part 2 of the SEQR Short Environmental Assessment Form with Attorney DelVecchio reading the questions.

There was discussion regarding question 10, "Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?" Attorney DelVecchio explained that the property is located in a flood plain. Mr. Kile has been working with the Town Code Office and has been asked to provide the CEO, with assistance from his engineers, mitigation regarding any flood concerns. CEO Campbell has been working with Pat Reidy and Mr. Kile's engineers and that process will play itself out. Two permits must be approved by the Code Office; the Code Office has to be satisfied that any flooding concerns have been addressed. Attorney DelVecchio stated that if the Board's SEQRA determination results in a Negative Declaration, then it should be contingent upon Mr. Kile submitting the necessary documents.

Councilman Withey asked for information regarding how much impervious area there would be and stated he did not think there would be erosion issues. With permission from the Board, Mr. Kile addressed the Board. He explained that the proposed building would be 3,200 sq. ft. with no additional parking. To address flood concerns, flood gates would be included in the foundation so that in the event of a flood it does not displace water onto other properties. Mr. Kile indicated that he (CNY Living History Center) would comply with everything asked by the Code Office. He also mentioned that the CNY Living History Center previously demolished a building that was on site; there wouldn't be any more lot coverage than there was prior to the demolition.

The Board resumed the SEQR review, in which the Board answered no impact to small impact for all of the questions.

RESOLUTION #203 DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION PERMIT #4 OF 2020 SUBMITTED BY TOM KILE FOR THE CNY LIVING HISTORY CENTER FOR PROPERTY LOCATED AT 4386-4392 US ROUTE 11 AND AUTHORIZE SUPERVISOR TO SIGN THE SEQRA APPLICATION CONTINGENT UPON THE GRANTING OF ANY AND ALL PERMITS BY THE TOWN CODE ENFORCEMENT OFFICE PERTAINING TO FLOOD ZONE CONCERNS

Motion by Councilman Testa
Seconded by Councilman Withey
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Tom Kile for the CNY Living History Center to permit the construction of a 40 ft. by 80 ft. two story building as an additional museum display area resembling an old fire station with a 10 ft. by 10 ft. bell tower, for property owned by the Homer Cortland Community Agency located on the east side of US Route 11/NYS Route 41, immediately north of the viaduct, tax map #76.15-01-30.000, and

WHEREAS, the Town Board as Lead Agent, duly reviewed and completed the Short Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent does hereby declare the proposed project submitted by Tom Kile for the CNY Living History Center, Aquifer Protection Permit #4 of 2020, shall have no significant environmental impact, and it is further

RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #4 of 2020, contingent upon the granting of any and all permits by the Town Code Enforcement Office pertaining to Flood Zone concerns.

RESOLUTION #204 APPROVE AQUIFER PROTECTION PERMIT #4 OF 2020 SUBMITTED BY TOM KILE FOR THE CNY LIVING HISTORY CENTER SUBJECT TO CONDITIONS

Motion by Councilman Testa
Seconded by Councilman Withey
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

WHEREAS, the Cortland County Planning Department and the Town Planning Board have reviewed and recommended approval of this Aquifer Protection Permit application, and

WHEREAS, a Public Hearing was duly held by this Town Board, therefore

BE IT RESOLVED, the Town Board does hereby approve Aquifer Protection Permit #4 of 2020, submitted by Tom Kile for the CNY Living History Center permitting the construction of a 40 ft. by 80 ft. two story building as an additional museum display area resembling an old fire station with a 10 ft. by 10 ft. bell tower, for property owned by the Homer Cortland Community Agency located on the east side of US Route 11/NYS Route 41, immediately north of the viaduct, tax map #76.15-01-30.000, subject to the following conditions from the Town and County Planning Boards:

1. The applicant either submitting a technical evaluation by a licensed professional engineer of the proposal that demonstrates that the proposed encroachment into the floodway shall not result in any increase in flood levels during the occurrence of the base flood, or

   the Town of Cortlandville agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary date, analyses and mapping and reimburses the Town of Cortlandville for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Cortlandville for all costs related to the final map revisions, as is required before development in the floodway may occur.

2. That either the lowest floor of the proposed building, including basement or cellar, be elevated to or above two feet above the base flood election, or

   that the proposed building be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy as is required before development within an area of special flood hazard in (100 year floodplain) may occur.

3. The applicant applying for and receiving a bulk variance from the required front yard setback upon the Town weighing the benefit of the reduced front yard to the applicant vs. the health, safety, and welfare of the community/neighborhood.

4. The applicant preparing and receiving approval of a stormwater pollution prevention plan for the site from the Town if it is determined that a stormwater pollution prevention plan is required per the Town's stormwater ordinance.

5. The applicant applying for and receiving a bulk variance from the maximum lot coverage allowance upon the Town weighing the benefit of exceeding the maximum permitted lot coverage to the applicant vs. the health, safety, and welfare of the community/neighborhood, if it is determined that the lot coverage of this site exceeds 75%.

6. A negative declaration of environmental impact under SEQR.

AND IT IS FURTHER RESOLVED, the Supervisor is hereby authorized to sign the permit.

Under new business and agenda item H-3, “Resolution to award Bid for the miscellaneous Water & Sewer Projects to Vacri Construction Corporation”, Attorney DelVecchio stated he would like to discuss the matter in executive session as it is a contract.

RESOLUTION #205 TABLE ACTION REGARDING THE AWARD OF BID FOR THE "TOWN OF CORTLANDVILLE MISCELLANEOUS WATER AND SEWER IMPROVEMENTS"

Motion by Councilman Cobb
Seconded by Councilman Testa
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby table the award of the bid for the "Town of Cortlandville Miscellaneous Water and Sewer Improvements" until after the Board conducts an Executive Session and reconvenes to the Regular Meeting of August 19, 2020.

Under new business, Town Clerk Rocco-Petrella informed the Board she received a letter from the New York State Department of Transportation (NYSDOT) thanking the Town for its recent request for a reduction speed limit on McLean Road in the Town of Cortlandville. The NYSDOT Traffic Engineers will conduct a formal investigation and report back to the Board at a later date. Town Clerk Rocco-Petrella requested the Board receive and file the correspondence.

Councilman Testa made a motion, seconded by Councilman Cobb, to receive and file correspondence from the New York State Department of Transportation, dated August 12, 2020, acknowledging receipt of the town's request for a reduction in speed limit on McLean Road from NYS Route 281 to Fairview Drive in the Town of Cortlandville. All voting aye, the motion was carried.

Attorney DelVecchio reported:

Response to Privilege of the Floor Comments:

Attorney DelVecchio responded to comments made during "privilege of the floor" by Mr. Flatt. He explained that the only reason he interjected at the August 5, 2020 meeting was because he foresaw there being an argument rather than productive discussion. Councilman Testa thanked Attorney DelVecchio and stated that he did not take offense.

Controversy Regarding Signs:

Attorney DelVecchio commented on recent newspaper articles in the *Cortland Standard*. He stated that it was not the first time to have criticism and welcomed it if it is constructive criticism. He added that he has thought long and hard on these issues and how to handle it in a fair and appropriate way and would potentially ask the Board to adopt a resolution that will have a fair and good impact as it relates to these issues in the future.

Town Board Reports:

Councilman Withey commented on the issue involving signs, which he stated was taking up a lot of press space in the *Cortland Standard*. After the Board's last meeting and listening to comments regarding signs, he spoke with Mrs. Fitzgerald who in turn sent him a publication from the NYS Department of State, Division of Local Government Services titled, "Municipal Control of Signs" which he forwarded to the Board. In his reading of the publication (drawing attention to page 63), he stated it was clear that the Town's ordinance was in violation of the 1st amendment. He reminded the Board of their oath of office, which states that they will support the constitution of the United States and the Constitution of the State of New York. He stated that all signs should be treated equally. Councilman Withey apprised the Board he prepared a resolution that he thought would satisfy everyone.

On another note, Councilman Withey reported that he attended the Cortland County Airport Committee meeting on August 18, 2020, which he found very educational. He was pleased to learn that the airport is self-sustaining.

Councilman Withey was interested in the status of a Recreation Committee for the Town. He commented that he attended the last ad-hoc committee meeting held via zoom, and was concerned that a suggestion was made to possibly allow baseball games to resume at the GLSC during the pandemic.

Councilman Testa made a motion, seconded by Councilman, Withey to receive and file correspondence from the New York State Department of Environmental Conservation, dated August 4, 2020, regarding the renewal of the Mining Permit of Economy Paving Company, Inc. (NYS DEC ID No. 7-1122-00010/00001). All voting aye, the motion was carried.

There was discussion regarding the resignation submitted by Ray Brown, MEO for the Town Highway Department. Members of the Board thanked Mr. Brown for his service and wished him much success in his future endeavors noting that he would be missed.

RESOLUTION #206 ACCEPT RESIGNATION FROM RAY A. BROWN, JR. FROM THE TOWN OF CORTLANDVILLE HIGHWAY DEPARTMENT EFFECTIVE AUGUST 20, 2020

Motion by Councilman Cobb
Seconded by Councilman Withey
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby accept, with regret, the letter of resignation from Ray A. Brown, Jr. as Motor Equipment Operator for the Town of Cortlandville Highway Department, to be effective August 20, 2020, and it is further

RESOLVED, the letter of resignation dated August 5, 2020 is hereby received and filed.

RESOLUTION #207 AUTHORIZE SUPERVISOR TO EXECUTE DISCHARGE OF MORTGAGE BETWEEN THE TOWN AND MELODY LADD REGARDING THE 2008 COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION PROGRAM

Motion by Councilman Testa
Seconded by Councilman Cobb
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute the discharge of mortgage between the Town and Melody Ladd, 851 Lamont Circle, Cortland, New York, regarding the 2008 Community Development Block Grant Town-Wide Housing Rehabilitation Program, in the amount of $24,822.52.

RESOLUTION #208 ESTABLISH THE STANDARD WORK DAY FOR AN APPOINTED OFFICIAL OF THE TOWN OF CORTLANDVILLE FOR THE YEAR 2020

Motion by Councilman Withey
Seconded by Councilman Cobb
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby establish the following as a standard work day for the following appointed official and will report the following days worked to the New York State Local Employees' Retirement System based on the record of activities maintained and submitted by this official to the Town Clerk:

Appointed Officials:	Name:	Standard Work Day:	Term of Office:	Record of Activities:
Town Historian	Jenae M. Withey	6 hours	02/05/2020-12/31/2021	0.29

RESOLUTION #209 AUTHORIZE TOWN OF CORTLANDVILLE TO MAINTAIN DIGITALLY CREATED RECORDS FOR THE LEGALLY PROSCRIBED RETENTION PERIOD AND TO DEEM COPIES OF RECORDS IN OTHER FORMATS, INCLUDING PAPER, AS CONVENIENCE COPIES

Motion by Councilman Cobb
Seconded by Councilman Testa
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board of the Town of Cortlandville hereby authorizes and directs that the Town of Cortlandville shall maintain all digitally created records in their native digital format for the legally proscribed retention period of the record, and it is further

RESOLVED, the Town shall maintain all digital records adhering to the guidelines set forth in the Regulations of the Commissioner of Education Part 185.8, and is it further

RESOLVED, copies of records in other formats, including paper, shall be deemed convenience copies and disposed of when no longer needed for reference or other administrative purposes.

There was discussion regarding authorization for the Supervisor to sign agreements with CHA for a "Preliminary Study for a new groundwater supply well ($8,800); and for a proposed vestibule addition to the Raymond G. Thorpe Municipal Building ($2,445).

Councilman Withey commented that the Town needs to look at consolidating the water supply systems (between the Town and City of Cortland), which he has mentioned in the past. He stated that water is the most precious resource; we are nothing without clean water. However he stated it was more necessary to spend the money on consolidating water systems.

RESOLUTION #210 AUTHORIZE SUPERVISOR TO SIGN PROPOSAL/AGREEMENTS BETWEEN THE TOWN AND CHA CONSULTING, INC. FOR THE "PRELIMINARY STUDY FOR NEW GROUNDWATER SUPPLY WELL" AND "PROPOSED TOWN HALL VESTIBULE ADDITION"

Motion by Councilman Guido
Seconded by Councilman Testa
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board hereby authorizes and directs the Supervisor to sign the proposal/agreements between the Town of Cortlandville and CHA Consulting, Inc. (CHA) for the "Preliminary Study for New Groundwater Supply Well" (CHA Proposal No. X48317) in the amount of $8,800, and for the "Proposed Town Hall Vestibule Addition" at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York (CHA Proposal No. X65536) in an amount not to exceed $2,445.

RESOLUTION #211 TABLE ACTION REGARDING THE PURCHASE AGREEMENT BETWEEN LIME HOLLOW NATURE CENTER INC. AND THE TOWN OF CORTLANDVILLE

Motion by Councilman Withey
Seconded by Councilman Testa
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby action regarding the authorization for the Supervisor to sign a purchase agreement between Lime Hollow Nature Center, Inc. and the Town of Cortlandville until after the Board conducts an Executive Session and reconvenes to the Regular Meeting of August 19, 2020.

Supervisor Williams added an item to the agenda regarding the Town's share of County Sales Tax. He explained that the Town has options as to how it receives its share of the County Sales Tax; the Town may receive all of the sales tax in cash or it can use the sales tax to reduce the County tax levy. The Town has always received the sales tax in cash. The Town must notify the Cortland County Treasurer and the Cortland County Real Property Tax Office by certified resolution each year as to how the Town wishes to receive the sales tax. He asked the Board to adopt a resolution as done in the past.

RESOLUTION #212 RESOLUTION TO BE PAID DIRECTLY ALL OF TOWN'S SHARE OF COUNTY SALES TAX

Motion by Councilman Withey
Seconded by Councilman Testa
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

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

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

BE IT FURTHER RESOLVED, that pursuant to New York Tax Law Section 1262, this resolution shall be effective commencing with calendar year 2021, and be it further

RESOLVED, that the Town of Cortlandville Town Clerk shall forward a Certified Copy of this Resolution to the Cortland County Treasurer and the Cortland County Real Property Tax Office by Registered or Certified Mail before September 1st, 2020.

Councilman Withey made a motion, seconded by Councilman Guido, to recess the Regular Meeting to an Executive Session to discuss contract negotiations. All voting aye, the motion was carried.

The meeting was recessed at 6:10 p.m.

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

The Executive Session was adjourned at 7:22 p.m.

Members of the public were invited to return to the meeting.

There was discussion regarding agenda item H-3 which was to award the bid for the "Miscellaneous Water and Sewer Improvements" projects to Vacri Construction. The item was tabled earlier in the meeting until after the Executive Session. Supervisor Williams pulled agenda item H-3 from consideration to which the Board agreed.

Councilman Withey made a motion, seconded by Councilman Cobb, to award the bid for the "Miscellaneous Water and Sewer Improvements" to include the base bid plus alternate to G. DeVincentis and Son Construction Company, Inc. for the total amount of $642,000.

RESOLUTION #213 AWARD BID FOR THE "TOWN OF CORTLANDVILLE MISCELLANEOUS WATER AND SEWER IMPROVEMENTS" TO G. DEVINCENTIS & SON CONSTRUCTION COMPANY, INC. FOR THE BASE BID PLUS ALTERNATE NO. 1 IN THE AMOUNT OF $642,000

Motion by Councilman Withey
Seconded by Councilman Cobb
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

WHEREAS, bids were advertised for the "Town of Cortlandville Miscellaneous Water and Sewer Improvements" to include the following projects:

Lime Hollow Chlorine Contact Time WM Loop: Installation of approximately 600 feet of 30-inch DOP water main and associated valves and fittings in the open grassy area adjacent to the Lime Hollow well site;

Hillside Drive Sewer Repairs: Replace approximately 250 feet of 8-inch PVC sewer main on Hillside Drive, which has developed pipe sags, along with minor repairs to laterals in the vicinity;

Alternate Bid Option - Route 281 Water Main Extension: Installation of approximately 400 feet of 8-inch DIP water main along Route 281, to connect the dead-end 8-inch DIP main on Blue Creek Road with the 8-inch ductile iron main on Fisher Avenue; and

WHEREAS, sealed bids were opened on July 8, 2020 at 12:00 p.m. and provided to Laura Cassalia, P.E. of CHA Consulting, Inc., for review as follows:

G. DeVincentis & Son Construction Co. Inc.	Lime Hollow Work:	$390,000
7 Belden Street	Hillside Drive Work:	$106,000
Binghamton, NY 13903	Total Base Bid:	$496,000
	Alternate No. 1 – Route 281 Work:	$146,000
	Base Bid & Alternate:	$642,000
Joseph J. Lane Construction Inc.	Lime Hollow Work:	$387,000
One Brick Avenue	Hillside Drive Work:	$111,000
Binghamton, NY 13901	Total Base Bid:	$498,000
	Alternate No. 1 – Route 281 Work:	$175,777
	Base Bid & Alternate:	$673,777
Vacri Construction Corporation	Lime Hollow Work:	$402,000
One Brick Avenue	Hillside Drive Work:	$115,000
Binghamton, NY 13901	Total Base Bid:	$517,000
	Alternate No. 1 – Route 281 Work:	$125,000
	Base Bid & Alternate:	$642,000
Adhan Piping	Lime Hollow Work:	$577,500
One Brick Avenue	Hillside Drive Work:	$124,250
Binghamton, NY 13901	Total Base Bid:	$701,750
	Alternate No. 1 – Route 281 Work:	$195,000
	Base Bid & Alternate:	$896,750

AND, WHEREAS, per Town Board Resolution #172 of 2020 adopted on July 15, 2020, the Town Board resolved that it would be in the best interest of the Town to proceed with the award of the Base Bid plus Alternate Bid No. 1, therefore

BE IT RESOLVED, the bid for the "Town of Cortlandville Miscellaneous Water and Sewer Improvements" is hereby awarded to G. DeVincentis & Son Construction Co. Inc. of 7 Belden Street, Binghamton, NY 13903 for the Base Bid plus Alternate Bid No. 1, in the total amount of $642,000.00.

Supervisor Williams moved to agenda item I-11 regarding the purchase agreement between Lime Hollow Nature Center Inc. and the Town of Cortlandville. Similarly, the item was tabled earlier in the meeting until after the Executive Session. Supervisor Williams asked the Board to take action.

RESOLUTION #214 AUTHORIZE SUPERVISOR TO EXECUTE THE PURCHASE AGREEMENT BETWEEN THE LIME HOLLOW NATURE CENTER INC. AND THE TOWN OF CORTLANDVILLE FOR 2.5+/- ACRES OF LAND LOCATED AT 3118 GRACIE ROAD (PORTION OF TAX MAP #105.00-01-37.000)

Motion by Councilman Guido
Seconded by Councilman Testa
VOTES: AYE – Williams, Cobb, Guido, Testa NAY – Withey
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Purchase Agreement between the Lime Hollow Nature Center Inc. (the "Seller"), and the Town of Cortlandville (the "Buyer") to purchase a parcel of unimproved property consisting of 2.5+/- acres of land located at 3118 Gracie Road in the Town of Cortlandville, a portion of tax map #105.00-01-37.000, for the purchase price of $1.00 plus any and all closing costs and fees.

With regard to the issues relating to the enforcement of political signs in the Town of Cortlandville, Attorney DelVecchio suggested a motion be made to suspend any and all further enforcement involved in Section 178-112, Subsection 5 as it related to the time restrictions involved in that section until further Board action.

RESOLUTION #215 SUSPEND ANY AND ALL FURTHER ENFORCEMENT INVOLVED IN SECTION 178-112 SUBSECTION 5 OF THECODE OF THE TOWN OF CORTLANDVILLE AS IT RELATES TO THE TIME RESTRICTIONS INVOLVED IN THAT SECTION UNTIL FURTHER BOARD ACTION

Motion by Councilman Testa
Seconded by Councilman Withey
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby suspend any and all further enforcement involved in Section 178-112, Subsection 5 of the Code of the Town of Cortlandville as it relates to the time restrictions involved in that section until further Board action.

Supervisor Williams stated that he would entertain a motion rescind Town Board Resolution #184 of 2020 adopted July 15, 2020 relating to PILOT agreements for solar projects in the Town of Cortlandville.

RESOLUTION #216 RESCIND TOWN BOARD RESOLUTION #184 OF 2020, "REQUEST CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY STIPULATE $7,500 PER MW FOR PAYMENT IN LIEU OF TAX (PILOT) AGREEMENTS FOR ANY SOLAR PROJECT PROPOSED IN THE TOWN OF CORTLANDVILLE"

Motion by Councilman Cobb
Seconded by Councilman Testa
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby rescind Town Board Resolution #184 of 2020 adopted July 15, 2020, "Request Cortland County Industrial Development Agency Stipulate $7,500 per MW for Payment In Lieu of Tax (PILOT) Agreements for any Solar Project Proposed in the Town of Cortlandville".

Supervisor Williams stated that the Town Board has elected to be the primary arbitrary of PILOT amounts of various projects that will be coming into the Town. The County Industrial Development Agency (IDA) will still do that for each project. There is one in the pipeline, "within inches of crossing the finish line". The mentioned amount for the PILOT agreement between that company (DG New York CS, LLC) and the IDA was $4,500 per megawatt. Supervisor Williams asked for a motion to allow the Cortland County IDA to proceed with the PILOT agreements in the amount of $4,500 per megawatt for the two solar projects already approved in the Town of Cortlandville.

RESOLUTION #217 AUTHORIZE PAYMENT IN LIEU OF TAX (PILOT) OF $4,500 PER MEGAWATT FOR THE TWO SOLAR PHOTOVOLTAIC PROJECTS APPROVED FOR DG NEW YORK LLC AS NEGOTIATED BY THE CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Motion by Councilman Testa
Seconded by Councilman Withey
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board of the Town of Cortlandville hereby authorizes a Payment In Lieu of Tax (PILOT) of $4,500 per megawatt (MWac) as negotiated by the Cortland County Industrial Development Agency (IDA) for two 5 MWac solar photovoltaic projects approved by the Town of Cortlandville submitted by DG New York CS, LLC for property owned by Joanne Condron, located off of East River Road, tax map #87.00-03-02.110 (Cortlandville 1), and for property owned by Douglas J. Christofferson, located off of Riley Road, tax map #87.00-01-08.100 (Cortlandville 3) in the Town of Cortlandville.

Supervisor Williams asked the Board to entertain a resolution to establish a minimum acceptable PILOT per megawatt for solar projects under consideration by the County IDA in the Town of Cortlandville. He explained that the total amount to be charged would be $7,000 per megawatt with a 2% increase for the term of the agreement to be distributed among all of the taxing jurisdictions. There would also be a requirement for the company to enter into a "Community Host Agreement" with the Town to be deducted from the minimum PILOT. The payment to the host community would be no less than $1,500 per megawatt.

RESOLUTION #218 ESTABLISH A MINIMUM ACCEPTABLE PAYMENT IN LIEU OF TAX (PILOT) PER MEGAWATT FOR SOLAR PHOTOVOLTAIC PROJECTS UNDER CONSIDERATION BY THE COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN THE TOWN OF CORTLANDVILLE

Motion by Councilman Cobb
Seconded by Councilman Withey
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

WHEREAS, developers of solar photovoltaic facilities ("Solar Energy Systems") have expressed interest in constructing and operating such systems within the Town of Cortlandville, Cortland County ("Town"); and

WHEREAS, developers of Solar Energy Systems often seek Financial Assistance (as defined in New York General Municipal Law §854 (14) from Industrial Development Agencies; and

WHEREAS, Industrial Development Agencies generally require developers of Solar Energy Systems to enter agreements for payment in lieu of real property taxes ("PILOT Agreements"); and

WHEREAS, the Town wishes to establish a minimum payment in lieu of real property tax to include in any PILOT Agreements entered into by the IDA for Solar Energy Systems constructed in the Town; and

WHEREAS, the Town would like to further require developers of Solar Energy Systems seeking Financial Assistance from the Cortland County Industrial Development Agency (IDA) to enter a Community Host Agreement ("CHA") with the Town and that any amounts paid to the Town under such a CHA be deducted from the minimum payment in lieu of tax recommended herein;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CORTLANDVILLE, AS FOLLOWS:

RESOLVED, that the Town hereby establishes a minimum annual payment in lieu of real property tax to include in any PILOT Agreements entered into by the IDA for Solar Energy Systems constructed in the Town in the amount of $7,000.00 per megawatt (MWac), together with an annual 2% increase in said amount for the term of the PILOT Agreement, to be distributed among all of the taxing jurisdictions in accordance with law; and, be it further

RESOLVED, that the Town hereby requires developers of Solar Energy Systems seeking Financial Assistance from the IDA to enter a Community Host Agreement ("CHA") with the Town (or Towns) and that any amounts paid to the Town (Towns) under such a CHA be deducted from the minimum payment in lieu of tax recommended herein; and be it further

RESOLVED, that the CHA payment amount to the host community or communities be no less than a total of $1,500.00 per megawatt, and that it be split between the host communities on the basis of the percentage of the project in each community where there is more than one such community.

Councilman Testa voiced concern over the number of solar farm applications coming before the Town. Supervisor Williams acknowledged his concern and stated that Attorney DelVecchio was working with the Planning Board on this matter.

Attorney DelVecchio explained that there are certain provisions in the solar law to allow the Planning Board to mitigate the number of solar projects that come into the Town. The Planning Board may be proposing modifications to the Town's current solar law that may also have a mitigating effect. Attorney DelVecchio would come back before the Board at a later date.

No further comments or discussion were heard.

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

The meeting was adjourned at 7:30 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 27, 2020.
The final version of this meeting was approved as written at the Town Board meeting of September 2, 2020.