

TOWN BOARD MEETING

As a result of COVID-19, and the Executive Order of the Governor of the State of New York, the Regular Meeting of the Town Board of the Town of Cortlandville was held via Zoom, video and telephone conferencing, 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; News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Williams called the meeting to order.

Councilman Withey made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of April 15, 2020 and the Draft Town Board Minutes of May 6, 2020. All voting aye, the motion was carried.

RESOLUTION #110

ACKNOWLEDGE AND AUTHORIZE PAYMENT OF  
VOUCHERS – MAY 6, 2020 (ABSTRACT #09)

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

WHEREAS, per Town Board Resolution #87 of 2020, Supervisor Williams was authorized by the Board to be the sole signatory on vouchers in order to pay bills as needed during the declared State of Emergency, therefore

BE IT RESOLVED, the Town Board does hereby acknowledge and authorize payment of the following vouchers, as audited by Supervisor Williams and paid on May 6, 2020 (Abstract #09), and further acknowledges receipt of an electronic copy of the Abstract by email:

Funds A, B, DA, DB, HG, SF, SS, SW	Voucher #502-556	
	General Fund A	\$ 38,9979.92
	General Fund B	\$ 1,473.89
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 24,916.89
	Gutchess Lumber SC Project HG	\$ 0.00
	C’Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 144,472.14
	Water Fund SW	\$ 4,829.98
Funds CD1, CD3, CD4	Voucher #9-11	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 7,500.00
	Business Devl CD4	\$ 76,022.19
Funds TA, TE	Voucher #13-16	
	Trust & Agency TA	\$ 49,152.50
	Expendable Trust TE	\$ 0.00

RESOLUTION #111

AUTHORIZE PAYMENT OF VOUCHERS – MAY

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Motion by Councilman Testa  
Seconded by Councilman Withey  
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 #557-637	
	General Fund A	\$ 114,512.32
	General Fund B	\$ 29,183.57
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 19,864.13
	Gutchess Lumber SC Project HG	\$ 2,084.32
	C'Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 5,399.05
	Water Fund SW	\$ 33,760.96
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 #17-18	
	Trust & Agency TA	\$ 37,673.67
	Expendable Trust TE	\$ 0.00

Supervisor Williams acknowledged that typically at this time in the meeting privilege of the floor is offered to those in attendance. However, during the Town's declared state of emergency due to COVID-19, privilege of the floor was suspended. He suggested the Board continue to suspend public comment during Town Board meetings until such time as the Governor removes the restriction set in his Executive Order. (Governor Cuomo issued Executive Order 202.1 to temporarily suspend the Open Meetings Law to allow any public body to meet and take action without permitting in-person access to the meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.) Public comment could be submitted to the Board by mail or email, or submitted in the Town drop box or in person during office hours.

RESOLUTION #112      SUSPEND "PRIVILEGE OF THE FLOOR" AT  
CORTLANDVILLE TOWN BOARD MEETINGS UNTIL THE  
GOVERNOR REMOVES SUCH RESTRICTION DUE TO  
COVID-19

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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 suspend public comment or "Privilege of the Floor" at Cortlandville Town Board Meetings until such time as the Governor of the State of New York removes the restrictions per Executive Order 220.1 issued on March 12, 2020, to temporarily suspend the Open Meetings Law (Article 7 of the Public Officers Law) due to COVID-19.

Councilman Guido made a motion, seconded by Councilman Withey, to receive and file the monthly report of Cortland Community SPCA for the month of April 2020. All voting aye the motion was carried.

Councilman Withey made a motion, seconded by Councilman Cobb, to receive and file correspondence from Charter Communications, dated May 15, 2020, regarding programming services. All voting aye, the motion was carried.

Under new business, Town Clerk/Collector Rocco-Petrella reported that over 96% of the total 2020 Cortlandville Town/County tax warrant (\$12+ million) has been collected to date. Taxes are due by June 1, 2020; after such time they will be returned to the County Treasurer's office for collection.

Councilman Withey asked whether special requests were made to relieve tax penalties due to COVID-19. Town Clerk/Collector Rocco-Petrella explained that per Town Law, the Town does not have the authority to waive penalties as villages do; no concessions could be made due to the unfortunate circumstances of the pandemic.

Attorney DelVecchio reported:

Water/Sewer Department Repair for Water Leak:

With regard to the problem the Town Water/Sewer Department encountered when completing a repair for a water leak on private property, Attorney DelVecchio apprised the Board that the matter was ongoing as there were outstanding issues. He would report back to the Board at a later date.

Public Access to April 15, 2020 Town Board Meeting:

Attorney DelVecchio apprised the Board there was a question as to public notification and public access of the April 15, 2020 Town Board Meeting that was held by video/teleconference. Although the Executive Order only specifies the municipality attempt to allow access, and there is no definition or clarification, he suggested the Board address the resolutions that were adopted at such meeting. Attorney DelVecchio suggested that it would be in the best interest of the Town for the Board to rescind the adopted resolutions and adopt them again individually. The Board was in favor of doing so. Attorney DelVecchio read aloud Town Board Resolutions #92 through #102 of 2020 adopted at the April 15, 2020 Town Board Meeting.

RESOLUTION #113                      RESCIND TOWN BOARD RESOLUTIONS #92 THROUGH  
#100 OF 2020 ADOPTED AT THE APRIL 15, 2020 TOWN  
BOARD MEETING

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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 rescind Town Board Resolution #92, #93, #94, #95, #96, #97, #98, #99, and #100 of 2020 adopted at the April 15, 2020 Town Board meeting as follows:

- #92 of 2020    Acknowledge and authorize payment of vouchers – April 1, 2020 (Abstract #07);
- #93 of 2020    Accept Annual Report of Town RMO and Schedule of Disposed Records in 2019 in accordance with the Retention and Disposition Schedule;
- #94 of 2020    Authorize Town Attorney to execute proposed tax certiorari settlement with Wal-Mart Stores East, LP #1781 subject to determination that there will be no unfavorable impact on the School District;
- #95 of 2020    Authorize payment to all Town Employees during the declared State of Emergency in the Town of Cortlandville until modified by the Town Board;
- #96 of 2020    Authorize Town Employees to work from home during the declared State of Emergency in the Town of Cortlandville until modified by the Town Board;
- #97 of 2020    Suspend loss of accrued paid time off for all Town Employees who would lose accrued time until September 1, 2020;
- #98 of 2020    Authorize CHA to continue with the engineering and completion of bid specs/documents for the proposed new storage building at the Gutches Lumber Sports Complex;
- #99 of 2020    Acknowledge notification from the State for filing of Local Law No. 1 of 2020;
- #100 of 2020    Authorize approval of payment regarding the Town-Wide Housing Rehabilitation Grant Program CDBG #287HR323-19.

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RESOLUTION #114      ACKNOWLEDGE AND AUTHORIZE PAYMENT OF  
VOUCHERS – APRIL 1, 2020 (ABSTRACT #07)

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0  
ADOPTED

WHEREAS, per Town Board Resolution #87 of 2020, Supervisor Williams was authorized by the Board to be the sole signatory on vouchers in order to pay bills as needed during the declared State of Emergency, therefore

BE IT RESOLVED, the Town Board does hereby acknowledge and authorize payment of the following vouchers, as audited by Supervisor Williams and paid on April 1, 2020 (Abstract #07), and further acknowledges receipt of an electronic copy of the Abstract by email:

Funds A, B, DA, DB, HG, SF, SS, SW	Voucher #411-454	
	General Fund A	\$ 28,557.23
	General Fund B	\$ 3,521.55
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 6,566.71
	Gutchess Lumber SC Project HG	\$ 0.00
	C'Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 2,030.77
	Water Fund SW	\$ 9,235.28
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 #12-12	
	Trust & Agency TA	\$ 6,157.22
	Expendable Trust TE	\$ 0.00

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RESOLUTION #115      ACCEPT ANNUAL REPORT OF TOWN RMO AND  
SCHEDULE OF DISPOSED RECORDS IN 2019 IN  
ACCORDANCE WITH THE RETENTION AND DISPOSITION  
SCHEDULE

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the Annual Report of the Records Management Officer of the Town as submitted by the Town Clerk/Records Management Officer, including a list of the disposed records in 2019, in accordance with the Records Retention Disposition Schedule, MU-1.

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RESOLUTION #116      AUTHORIZE TOWN ATTORNEY TO EXECUTE PROPOSED  
TAX CERTIORARI SETTLEMENT WITH WAL-MART  
STORES EAST, LP #1781 SUBJECT TO DETERMINATION  
THAT THERE WILL BE NO UNFAVORABLE IMPACT ON  
THE SCHOOL DISTRICT

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby and direct the Town Attorney to execute the proposed tax certiorari settlement between the Town of Cortlandville and Wal-Mart Stores East, LP #1781, subject to the determination that there will be no unfavorable impact on the school district.

RESOLUTION #117      AUTHORIZE PAYMENT TO ALL TOWN EMPLOYEES  
DURING THE DECLARED STATE OF EMERGENCY IN THE  
TOWN OF CORTLANDVILLE UNTIL MODIFIED BY THE  
TOWN BOARD

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct payment to all Town employees during the declared State of Emergency in the Town of Cortlandville (commencing March 16, 2020) until modified by the Town Board.

RESOLUTION #118      AUTHORIZE TOWN EMPLOYEES TO WORK FROM HOME  
DURING THE DECLARED STATE OF EMERGENCY IN THE  
TOWN OF CORTLANDVILLE UNTIL MODIFIED BY THE  
TOWN BOARD

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct Town of Cortlandville employees to work from home, under the direction of their direct department heads, during the declared State of Emergency in the Town of Cortlandville (commencing March 16, 2020) until modified by the Town Board.

RESOLUTION #119      SUSPEND LOSS OF ACCRUED PAID TIME OFF FOR ALL  
TOWN EMPLOYEES WHO WOULD LOSE ACCRUED TIME  
UNTIL SEPTEMBER 1, 2020

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby suspend the loss of accrued paid time off for all Town employees who would lose accrued time until September 1, 2020 as a result of COVID-19 and the declared State of Emergency in the Town of Cortlandville.

RESOLUTION #120      AUTHORIZE CHA TO CONTINUE WITH THE  
ENGINEERING AND COMPLETION OF BID  
SPECS/DOCUMENTS FOR THE PROPOSED NEW STORAGE  
BUILDING AT THE GUTCHESS LUMBER SPORTS  
COMPLEX

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize CHA to continue with the engineering and completion of bid specs/documents for the construction of a new storage building at the Gutches Lumber Sports Complex, as previously authorized per Town Board Resolution #58 of 2020.

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RESOLUTION #121                      ACKNOWLEDGE NOTIFICATION FROM THE STATE FOR  
FILING OF LOCAL LAW NO. 1 OF 2020

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law No. 1 of 2020, Amending Chapter 178, Article XVIII, Section 178-112 A(4) and A(5) of the Code of the Town of Cortlandville, to be effective March 13, 2020.

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RESOLUTION #122                      AUTHORIZE APPROVAL OF PAYMENT REGARDING THE  
TOWN-WIDE HOUSING REHABILITATION GRANT  
PROGRAM CDBG #287HR323-19

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment for the following regarding the Town-Wide Housing Rehabilitation Grant Program – CDBG #287HR323-19:

Voucher #1: Thoma Development Consultants – Administration Services – \$4,500.00

Voucher #2: Thoma Development Consultants – Administration Services – \$3,000.00

Solar Projects in Town of Cortlandville:

Attorney DelVecchio apprised the Board that there are three proposed solar projects in the Town of Cortlandville: a 90 MW proposed facility (EDF Renewables) which will be reviewed through the Article 10 process, and two smaller solar projects whose applications would be reviewed at the Town level. Attorney DelVecchio indicated that he would be mailing letters to the solar companies demanding the solar companies enter into PILOT agreements with the Town. He stated he would make sure that the Town gets paid the appropriate amount of money for the projects.

Councilman Guido asked if the solar companies are required to provide a bond or have money set aside for decommissioning the project in the future. Attorney DelVecchio explained there is a requirement in the Town's solar law that every approved solar project must have a decommissioning plan before a building permit is issued; the Code Enforcement officer would ensure the bond was in place. The purpose of the bond is to ensure there is money available to properly disband the project. The only open ended question is what happens to the material once the project is disbanded. How is the material disposed of? Is it recycled? Attorney DelVecchio suspected that the State Legislature would address the issue.

Councilman Withey stated it was brought to his attention that should there be a fire at a solar facility, because of hazardous waste issues, how the fire departments responds should be of concern. Councilman Cobb stated it was his understanding that the fire departments will not fight fires at solar facilities with water.

Attorney DelVecchio explained that the Town Code does not have provisions with regard to battery storage at this time. He recalled that he reached out to NYSERDA numerous times in the past, without success, to ask them to assist the Town with battery storage provisions. He would reach out to NYSERDA again.

Town Board Member Reports:

Councilman Guido informed the Board that he received several inquiries as to the use of the Gutchess Lumber Sports Complex (GLSC) baseball fields for the summer and what the Town's stance was. The use of the GLSC, or Town parks in general, depend on the Governor of New York and what phase of reopening due to COVID-19 that parks and recreation fall under. Regardless, Councilman Guido noted that there was still a lot of interest in the use of the park.

Councilman Withey apprised the Board that he asked the Town Historian, Jenae Withey, to provide the Board with a report of her activity, which would be forthcoming.

Supervisor Williams reported:

Audit of Town Vouchers:

Supervisor Williams recalled that during the declared State of Emergency in the Town of Cortlandville due to COVID-19, he was authorized to be the sole signatory of the Town vouchers during that time rather requiring three Board member signatures prior to payment. (Members of the Board were provided with the abstract of vouchers via email and were able to audit the already approved vouchers at a later date.) Supervisor Williams suggested the Board return to its procedure for the auditing bills in which three signatures are required for payment. He asked that all vouchers be provided to the Bookkeeper's office the Friday before a meeting to allow time for processing. Vouchers would be available for Board review and signatures at noon on Tuesdays prior to a Board meeting. At this time, the bills would be audited in the Water/Sewer garage to maintain proper social distancing guidelines.

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RESOLUTION #123                      RESUME STANDARD PROCEDURE FOR AUDITING TOWN  
VOUCHERS PRIOR TO PAYMENT

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Motion by Councilman Guido

Seconded by Councilman Cobb

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

WHEREAS, per Town Board Resolution #87 of 2020, Supervisor Williams was authorized by the Board to be the sole signatory on vouchers in order to pay bills as needed during the declared State of Emergency due to COVID-19 which has since expired, therefore

BE IT RESOLVED, the Town Board does hereby resume its standard procedure for auditing and signing Town vouchers prior to payment in which three signatures are required, and it is further

RESOLVED, vouchers shall be provided to the Town Bookkeeper's office on the Friday prior to a Board meeting in order for the vouchers to be prepared and available for Board review and signatures by 12:00 p.m. on the Tuesday prior to a Board meeting.

New Procedure for Entering Town Hall:

Supervisor Williams explained that as a result of COVID-19 there was a new procedure in place for entering the Town Hall. At this time, the Town Hall would be open to the public Monday through Friday from 10:00 a.m. until 12:00 p.m. and from 1:00 p.m. until 3:00 p.m. In order to gain access to the building, the public would press the intercom on the outside of the main entrance of the building, would speak with reception, and would be allowed to enter the building. At this time, anyone entering the building would be required to wear a mask, would be asked for photo identification, and would have his/her temperature taken (must be below CDC threshold of 100.4). The number of people permitted inside the building at one time would be limited. Supervisor Williams explained there would be separate protocols for the Town Court to be set by State Office of Court Administration. At this time, court was not in session. Supervisor Williams stated that the new standard procedures were set with the security and safety of the Town employees as paramount. The public would be encouraged to conduct business utilizing the Town drop box when possible.

Board of Electrical Generation and Siting Board – Article 10:

For information purposed only, Supervisor Williams apprised the Board that the Board of Electrical Generation and Siting was requesting the names of four individuals to possibly serve on an ad-hoc committee regarding solar applications that fall under Article 10. All municipalities involved in the solar application were asked to submit the names of four candidates; only two individuals would serve on such committee. Supervisor Williams indicated that he reached out to four individuals and was waiting for responses.

Restriction on Pets in Town Hall:

Supervisor Williams apprised the Board it was brought to his attention that there is no restriction regarding allowing pets into Town Hall. He asked the Board to adopt a resolution prohibiting pets in the Town Hall other than service animals. Due to safety concerns, the Board was in agreement.

RESOLUTION #124                      ESTABLISH POLICY PROHIBITING ALL ANIMALS FROM  
ENTERING THE TOWN HALL WITH THE EXCEPTION OF  
SERVICE ANIMALS

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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 a policy prohibiting all animals from entering the Town Hall with the exception of service animals as a matter of public safety effective May 20, 2020.

Purchase Amp System for Town Meetings:

Supervisor Williams apprised the Board a request was made by the Town Planning Board and Zoning Board of Appeals to purchase an amplifier system to be used for their meetings while they are being conducted in the Municipal Garage. Due to COVID-19 and social distancing guidelines, the public meetings would be held in the water/sewer garage.

Supervisor Williams explained that prior to the pandemic he was looking into enhancing the sound quality in the Town meeting room which included the installation of four new speakers. He suggested the Board move forward to purchase the speakers at this time, which would be used in the Municipal Garage at this time and then installed in the meeting room at a later date when meetings could be held in such space. The Town already had an amplifier that the speakers could be connected to, as well as microphones. Supervisor Williams expected the cost of each speaker to be approximately \$200. The Board was in agreement to move forward with the purchase.

RESOLUTION #125                      AUTHORIZE PURCHASE OF FOUR SPEAKERS PER THE  
QUOTE FROM BEARD ELECTRIC

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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 the Supervisor to purchase four speakers as previously quoted by Beard Electric, to be temporarily utilized in the Municipal Garage during public meetings, which shall ultimately be installed in the Court Room/Meeting Room in the Raymond G. Thorpe Municipal Building.

FEMA – Homeland Security Application:

Supervisor Williams apprised the Board he submitted an application to the Federal Emergency Management Agency (FEMA) for reimbursement of funds spent by the Town due to COVID-19. He would update the Board as needed.



Proposed Water/Sewer Projects:

Supervisor Williams apprised the Board that the Town's engineering firm, CHA completed its design for the Hillside Drive Sewer Project and for the Lime Hollow Well Contact Time Project. He asked the Board for authorization to go out to bid for both projects. Councilman Testa made a motion, seconded by Councilman Guido, to authorize the Town to go out to bid for both projects. Supervisor Williams explained that the funding for both projects was available in the Town water and sewer funds, and that the projects were shovel ready as the engineering was already completed for both projects. However, after discussion, and concern from Councilman Withey that he had not had an opportunity to review the plans, no action and no vote was taken on the matter. Supervisor Williams indicated that he would reach out to CHA and have the plans available for review prior to the next Board meeting. The Board would revisit the matter at their June 3, 2020 meeting.

Opening of Town Court:

Supervisor Williams reported that the opening of the Town Court was governed by the State Office of Court Administration (OCA). A meeting was scheduled for the following week with himself, the Town Justices and other officials to discuss the necessary steps to be taken by the Town in order for the court to reopen.

Cortland County - Professional Marketing Group:

Supervisor Williams apprised the Board he received a request from the County prior to the meeting asking the Town to consider funding a professional marketing group to work with the County to market local businesses as they are allowed to re-open in phases. The County, City and other municipalities would be asked to help fund the project. The professional outfit would help advertise the local businesses as they reopen, or rather the types of businesses that were open. The County was asking for \$2,500 to help fund the marketing efforts. After discussion, which included concerns as to whether all businesses would be promoted and not excluded, and that a decision on the matter was perhaps rushed, the Board agreed to authorize the expenditure of up to \$2,500 to fund the marketing project with the County. Supervisor Williams would use his discretion and noted that more details were forthcoming; he would apprise the Board as he learned more.

RESOLUTION #126	AUTHORIZE EXPENDITURE OF UP TO \$2,500 TO CORTLAND COUNTY TO ENGAGE THE SERVICES OF A PROFESSIONAL MARKETING FIRM TO PROMOTE THE REOPENING OF BUSINESSES IN THE COUNTY AS THEY OPEN IN PHASES DUE TO COVID-19
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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey     NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the expenditure of up to \$2,500 to Cortland County to engage the services of a professional marketing firm to promote the reopening of businesses in the County as they open in phases per the Governor of the State of New York due to the coronavirus pandemic (COVID-19).

EDF Renewables – Article 10 Solar Application – Intervener Funds:

There was discussion regarding the Article 10 application submitted by EDF Renewables for a 90 MW solar facility in the Towns of Cortlandville, Homer and Solon. Supervisor Williams apprised the Board that he recently met with representatives from the Town of Homer, Town of Solon, a County Legislator, and Attorney Pat Snyder representing the Town of Homer. Attorney Snyder suggested that the municipalities join efforts and ask for funding via the State "intervener" funds, which could provide up to \$31,500 to be used for funding engineering and legal fees for the Phase 1 application of the Article 10 solar application by EDF Renewables. The intervener funds would benefit the municipalities in that the funds would be used to pay for engineering and legal fees eliminating out of pocket expenses by the municipalities involved. Supervisor Williams explained that if the project goes into Phase 2, up to \$90,000 could be available through the Intervener funds.

Supervisor Williams explained that the purpose of the funds was to help the municipalities have access to engineering and legal experts. The Town of Homer suggested the use of Barton & Loguidice as the engineering firm, and that perhaps Attorney Snyder, an environmental attorney, would be retained for legal expertise.

Attorney DelVecchio explained that a formal request must be made for the intervenor funds (up to \$31,500) by June 3, 2020. Supervisor Williams added that the Town would have to sign a boiler plate agreement with the engineering firm, Barton & Loguidice to represent the Town, which he and Attorney DelVecchio would review.

Discussion continued amongst the Board. Councilman Withey asked who would be responsible for the accounting of the funds if granted. Supervisor Williams explained that it was his understanding that the approval of the billing would come from the administrative law judge. If approved, the bill could be paid. One municipality would be in charge of the funds, the logistics of which would be worked out at a later date if the funds are received. The Board agreed to move forward with the formal request for the intervenor funds.

RESOLUTION #127	AUTHORIZE TOWN SUPERVISOR AND TOWN ATTORNEY TO PROCEED WITH DEVELOPING A PLAN WITH THE TOWN OF HOMER AND/OR TOWN OF SOLON TO REQUEST “INTERVENER FUNDS” IN RESPECT TO THE ARTICLE 10 SOLAR APPLICATION SUBMITTED BY EDF RENEWABLES, INC.
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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 Town Supervisor and Town Attorney to proceed with developing a plan with the Town of Homer and/or Town of Solon to request “Intervener Funds” to be used in connection with the Article 10 solar application submitted by EDF Renewables, Inc. for a proposed 90 MW solar farm in the Towns of Cortlandville, Homer and Solon.

#### PILOT Agreement – Solar Projects:

Supervisor Williams asked Attorney DelVecchio to address the issue of payment in-lieu-of-tax (PILOT) agreements.

Attorney DelVecchio explained that as a general rule, solar projects are tax-exempt. However, the Real Property Tax Law says that any taxing authority such as the municipality, school, and county has the ability to opt out of the rule. If the taxing authority opts out, the solar project is obligated to pay taxes to the taxing authority for that project. To date, the Town has not opted out. There was discussion at previous Town Board meetings to not opt out, because opting out could potentially discourage solar companies from locating in the Town. What the Town chose to do instead of opting out, the Town follows the “hidden exception” in the tax law that says as soon as the Town receives notice of a solar project in the Town, the Town can then issue a written letter within 60-days of the official notice demanding that the solar project enter into a PILOT agreement with the Town. Attorney DelVecchio explained that he did such with the first solar applications approved by the Town and plans to do the same with the new applications.

Councilman Withey mentioned that he discussed the matter with Assessor Briggs and commented on how complicated the matter is. He mentioned a concern regarding the concern of the power of the IDA and whether or not the project should be taxable or a PILOT was vague. Attorney DelVecchio commented that he suspected the State Legislature would take up the matter in the future due to ambiguities.

Discussion continued on the matter and the crafting of PILOT agreements. Supervisor Williams noted that there are funding sources for the municipality in addition to the PILOT: the land is still taxed, and there is still revenue via to the building permit fees for the approved solar projects. A substantial amount of money would still be made by the municipality.

RESOLUTION #128      AUTHORIZE THE TOWN BOARD AGENDA AND  
SUPPORTING DOCUMENTATION TO BE SUBMITTED  
ELECTRONICALLY TO THE TOWN SUPERVISOR, TOWN  
BOARD AND TOWN ATTORNEY

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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 authorize and direct that the Town Board Agenda and supporting documentation be submitted electronically to the Town Supervisor, Town Board and Town Attorney unless a hard copy is requested otherwise, and it is further

RESOLVED, the Town Clerk shall be provided with original documents for filing.

Councilman Guido made a motion, seconded by Councilman Testa, to receive and file correspondence from NYS Agriculture & Markets regarding the Final Notice of Intent to Undertake an Action within an Agricultural District, for the following projects: Nextera, Cortlandville 3 Solar, Riley Road, dated May 11, 2020; and Nextera, Cortlandville 1 Solar, East River Road, dated May 15, 2020. All voting aye, the motion was carried.

Councilman Guido made a motion, seconded by Councilman Testa, to receive and file correspondence from Young/Sommer LLC, Attorneys at Law, dated April 9, 2020, regarding the application of EDF Renewables Development, Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of the Homer Solar Energy Center in the Towns of Homer, Cortlandville and Solon, Cortland County. All voting aye, the motion was carried.

Councilman Guido made a motion, seconded by Councilman Testa, to receive and file email correspondence from Jeanie Gleisner, dated April 29, 2020, Program Manager of the CNY Regional Planning & Development Board, as well as the final Homer to Cortland section of the CNY Peacemaker Trail Bike Corridor Wayfinding Plan. All voting aye, the motion was carried.

Councilman Guido made a motion, seconded by Councilman Testa, to receive and file the Notice of Orders from the New York State Department of Transportation establishing exempt railroad grade crossings on Delaware Street, between Taylor Street and Squires Street with EXEMPT signs on approaches from the north and south; and on McLean Road, west of NYS Route 281, with EXEMPT approaches from the north and south. All voting aye, the motion was carried.

RESOLUTION #129      ESTABLISH THE STANDARD WORK DAY FOR ELECTED  
AND APPOINTED OFFICIALS OF THE TOWN OF  
CORTLANDVILLE FOR THE YEAR 2020

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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 establish the following as standard work days for elected and appointed officials 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 these officials to the Town Clerk:

Elected Officials:	Name:	Standard Work Day:	Term of Office:	Record of Activities:
Town Attorney	John A. DelVecchio	6 hours	01/01/2020-12/31/2021	11.63
Highway Superintendent	Glenn D. Bassett	8 hours	01/01/2020-12/31/2021	27.47
Town Clerk/Collector	Kristin E. Rocco-Petrella	7 hours	01/01/2020-12/31/2021	26.56

Councilman Cobb made a motion, seconded by Councilman Guido, to receive and file the Certificate of the Final State Equalization Rate for 2020 Assessment Roll from the New York State Department of Taxation & Finance, Office of Real Property Tax Services, dated May 18, 2020, establishing a final State equalization rate of 89.00 for the Town of Cortlandville. All voting aye, the motion was carried.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:35 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 June 12, 2020.

The final version of this meeting was approved as written at the Town Board meeting of June 17, 2020.