

PUBLIC HEARING NO. 1

LOCAL LAW OF 2020
AMENDMENT TO CHAPTER 171
WATER AND SEWERS

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 the enactment of a Local Law amending Part II of General Legislation of the Code of the Town of Cortlandville, Part 1, Article 1, Chapter 171 – Water and Sewers.

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; Highway Sup't., Glenn Bassett; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Attorney, Alan Pope representing G. DeVincentis & Son Construction Co.; Tim Perfetti; Brendan McGovern; Town Residents: Paul Koekebacker; Bob Martin; Dr. Kathleen Fitzgerald; Patrick Fitzgerald; Stephen Flatt; Peter Morris-Ackley; Matt Steele; Rebecca Bryan; News Reporter, Kevin Conlon 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 Robert Martin.

Town resident, Robert Martin commented on the provisions to Chapter 171 – Water and Sewers. He pointed out an error in the draft law providing for changes to “(6)(h)(1) and (6)(h)(1)” which should have read “(6)(h)(1) and (6)(h)(2)”. He also asked whether the diagram would be staying the same which provided for two meters.

Attorney DelVecchio suggested that if the Board wanted to address Mr. Martin’s questions that they do so after the public hearing.

Councilman Withey asked if he should speak at this time or later in the meeting. Attorney DelVecchio stated that he should hold his comments until after the public hearing.

Supervisor Williams asked if there were any further comments to be made.

No further requests were made for privilege of the floor.

The Public Hearing was recessed at 5:09 p.m.

PUBLIC HEARING NO. 2

LOCAL LAW OF 2020
AMENDMENT TO CHAPTER 178,
ARTICLE XVIII, SECTION 178-112 A(4) AND A(5)

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 the enactment of a Local Law adding provisions regarding the discharge and possession of firearms to Part II of General Legislation of the Code of the Town of Cortlandville, as Chapter 91 entitled “Firearms”.

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; Highway Sup’t., Glenn Bassett; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Attorney, Alan Pope representing G. DeVincentis & Son Construction Co.; Tim Perfetti; Brendan McGovern; Town Residents: Paul Koekebacker; Bob Martin; Dr. Kathleen Fitzgerald; Patrick Fitzgerald; Stephen Flatt; Peter Morris-Ackley; Matt Steele; Rebecca Bryan; News Reporter, Kevin Conlon 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 Paul Koekebacker.

Town resident and retired State Police Officer, Paul Koekebacker voiced his opposition to the proposed local law and his concerns for restricting people who have a pistol permit to carry their weapon on Town property. He commented on the state of the country at this time and the need to protect oneself and one’s family. He stated that a pistol permit was built on honesty, trust and character. Mr. Koekebacker urged the Board not to adopt the local law.

Supervisor Williams offered privilege of the floor to Bob Martin.

Town resident, Bob Martin asked why the proposed local law was necessary and suggested the word “discharge” be defined. He also asked, what circumstances would the Board grant permission to discharge a gun.

Supervisor Williams offered privilege of the floor to Matt Steele.

Town resident, Matt Steele thanked the Board for the opportunity to speak and for making it possible for the public to be in attendance at this time. Mr. Steele indicated that he is pro-gun and believes in the 2nd Amendment. Mr. Steele wrote a letter to the Board voicing his opposition to the proposed local law (received and filed July 19, 2020). He did not understand why people who have a pistol permit would not have the right to take their gun wherever. He also stated that the “special language” seems to be vague regarding the Supervisor being able to grant an exception to certain people. He suggested that language be “tightened up”.

Supervisor Williams offered privilege of the floor to Dr. Kathleen Fitzgerald.

Town resident, Dr. Kathleen Fitzgerald shared a story regarding an incident that occurred at her home involving a gun and the spoke about the dangers of guns. She stated, this is a community and we need to protect each other.

Supervisor Williams offered privilege of the floor to Stephen Flatt

Town resident, Stephen Flatt apprised the Board he was formerly a naval officer and as such is considered to be a retired federal officer and stated he would be exempt from the law. He explained that in 2006 Congress passed a law authorizing all retired police officers and federal officers to be permitted to carry weapons anywhere inside the Country. Federal law, specifically, made such officers immune to state laws as long as they left service in good standing and they maintain qualification standards set by that service. Mr. Flatt suggested the Board look into that and include retired officers as exempt from the proposed Town law.

Supervisor Williams asked if there were any further comments to be made.

No further requests were made for privilege of the floor.

The Public Hearing was recessed at 5:27 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; Highway Sup’t., Glenn Bassett; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Attorney, Alan Pope representing G. DeVincentis & Son Construction Co.; Tim Perfetti; Brendan McGovern; Town Residents: Paul Koekebacker; Bob Martin; Dr. Kathleen Fitzgerald; Patrick Fitzgerald; Stephen Flatt; Peter Morris-Ackley; Matt Steele; Rebecca Bryan; News Reporter, Kevin Conlon from the *Cortland Standard*.

Supervisor Williams called the meeting to order.

RESOLUTION #185

AUTHORIZE PAYMENT OF VOUCHERS – AUGUST

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 #931-1032	
	General Fund A	\$ 131,707.62
	General Fund B	\$ 45,018.00
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 139,631.96
	Gutchess Lumber SC Project HG	\$ 2,595.42
	C’Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 4,815.79
	Water Fund SW	\$ 15,719.40
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 #23-25	
	Trust & Agency TA	\$ 47,283.92
	Expendable Trust TE	\$ 0.00

Supervisor Williams offered privilege of the floor to Bob Martin.

Town resident, Bob Martin commented on the Gutchess Lumber Sports Complex (GLSC). He stated that in a presentation by the Town to New York State seeking further funding for the GLSC Phase II, the following was provided: 100 acres land swap for an existing 6 acre Town park; Market Analysis was done by Market & Feasibility Advisors out of Chicago, Illinois; Phase 1 – site work, infrastructure, parking lot, restroom and lights for \$4,312,000; Cortlandville bonded for \$3,200,000; ESD Route 7 CFA Grant for \$862,000; State grant for \$250,000; Miscellaneous expenses have pushed the Town investment to \$4,000,000. Mr. Martin stated that Phase 2 proposal is to maximize potential on return on investment with the construction of Phase 2. The application for \$10,000,000 funding from CNY REDC was not approved.

Mr. Martin asked the Board what the total costs were for the GLSC and what the income was, direct from usage fees and indirect from tax revenue. Mr. Martin mentioned the State Comptroller’s Audit Report from 2019 that recommended a cost benefit analysis be performed on projects of this nature. He stated that now and in the future, we need to insure that the

residents of the Town gain a benefit at a reasonable cost to them; we do not need to increase spending and taxes at this time.

Mr. Martin stated that future planning of Phase 2 of the GLSC should include citizens of the Town and not just special interest groups; a new ad-hoc committee should be formed.

Mr. Martin also commented on solar farms in the Town of Cortlandville noting that the Town has a local law for solar energy systems. He stated that the Board should make sure that solar farms are in environmental compliance and also financially beneficial to the citizens of the Town. He asked, what is the effect on taxes or PILOT? He commented that NYSEERDA provides online guidance for State Environmental Quality Review (SEQR) for solar and provides step-by-step instructions for municipalities. He explained the SEQR guide and that the lead agency must complete its own analysis by preparing Part 2 and Part 3 of the Environmental Assessment Form (EAF). Mr. Martin stated that in certain areas of the state, agricultural land is protected under the Agriculture and Markets Law. Part 1 of the EAF requires a calculation of the impact to productive agricultural soils regardless of whether the project is located in a state-certified district or not. He urged the Board to consult with the Department of Agriculture and Markets.

Mr. Martin stated that solar farms will be proliferating in New York State and in the Town. He stated that we need to make sure we have a total process fully implemented that will handle environmental and financial concerns. He recommended that the Town's Comprehensive Plan Committee continue reviewing the Town's zoning needs and address solar farms as part of that process.

Supervisor Williams offered privilege of the floor to Dr. Kathleen Fitzgerald.

Town resident, Dr. Kathleen Fitzgerald voiced concerns regarding a citation she received for having an "anti-Trump" sign in her yard, in which she was told she would be fined \$200 per day if the sign was not taken down. After speaking with the Town Code Enforcement Officer and Town Attorney, Dr. Fitzgerald researched the matter on her own and learned that a municipality cannot regulate signs based on content, however the size of a sign can be regulated. She noted that the Town's law allows for signs that are 2 square feet in size.

Dr. Fitzgerald voiced concerns that there was a political bias and that the enforcement was not across the board, calling attention to the numerous republican candidate signs throughout the Town that were not being addressed. She commented on the manner in which a complaint is made, and stated it was the Board's responsibility to report/address complaints. Dr. Fitzgerald stated that she would be putting a sign up in her yard that would comply with the dimension requirements and would challenge the Town legally if necessary. She provided, for the record, case law and legal memorandums regarding restrictions on election signs from the U.S. Supreme Court and New York State Department of State.

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

Town resident, Peter Morris-Ackley addressed the Board regarding the notice of violation he received for signs located in front of his house that read "Please", "Vote for Joe", "Thank You". He voiced concerns regarding the restrictions placed on election signs and limiting freedom of speech granted by the First Amendment to the United States Constitution. Mr. Morris-Ackley read from *Legal Memorandum LUO2 from the Department of State Office of General Counsel*:

"If challenged, such local regulations are likely to be struck down by the courts as unlawful interference with the right of free expression as guaranteed by the First Amendment to the United States Constitution. The main flaw in a local law or ordinance that applies specifically to election signs is that it imposes restrictions based on the content or message. Local legislation that regulations signs must be content neutral, meaning it must apply equally to all signs, regardless of message."

Mr. Morris-Ackley stated that he did not think the Town's local law was proper, questioned why the provision was adopted, and asked the Board to look into the matter further and decide if the law was legal.

Supervisor Williams offered privilege of the floor to Attorney, Alan Pope.

Attorney Alan Pope, representing G. DeVincentis & Son Construction Co., Inc. apprised the Board he was in attendance regarding the award of the "Town of Cortlandville Miscellaneous Water and Sewer Improvements" project. He wrote a letter to Attorney DelVecchio regarding the award of the bid, which he would submit for the record. Attorney Pope reviewed the bid specification document (Section 1.3 and Section 17/17.5) with the Board and explained that

G. DeVincentis was the lowest responsible, responsive bidder. He discussed the Alternate bid option and whether the Route 281 project could be considered. He stated that there is an entire section in the bid specifications on alternates, which provides that immediately after the bid opening the Town would notify each party in writing with the status of the alternate; following the award is when the alternates can be awarded and considered.

Attorney Pope recalled that at the July 8, 2020 Town Board meeting the issue was raised that G. DeVincentis had filed a lawsuit against the Town years ago regarding irregularities in the bidding. A few years later, the Town awarded a \$2 million project to the company that was successfully completed. Attorney Pope stated it would be arbitrary and capricious not to award the bid to G. DeVincentis. If the Board was prepared to award the bid to Vacri Construction Co. there must be a reason why. He urged the Board to go back and research the matter and to look at the project specifications. After doing so he suspected the Board would award the bid to G. DeVincentis.

Supervisor Williams offered privilege of the floor to Stephen Flatt.

Town resident, Stephen Flatt first explained that he always gives his work experience and credentials prior to speaking at a board meeting to establish a certain level of expertise. He stated that he makes it a policy that he does not speak on anything that he does not have expert information to provide. Mr. Flatt thanked the Board for resuming the Board meetings in person rather than by videoconference.

Mr. Flatt apprised the Board of suspected criminal activity in his neighborhood and asked for help to alleviate the problem.

Next, Mr. Flatt voiced concerns regarding the Gutchess Lumber Sports Complex project, including his disapproval of the park. He apprised the Board that Onondaga County was looking to build a similar complex that would include an indoor sports complex and would be operational all year as opposed to the Town's park.

On a final note, Mr. Flatt stated that he was happy to see that the Town contracted with Plan First Technology for IT services.

There were no further requests for privilege of the floor.

RESOLUTION #186	ACCEPT	CORTLAND	COUNTY	SHERIFF'S	OFFICE
	ANNUAL	REPORT	FOR 2019		

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 accept the Cortland County Sheriff's Office Annual Report for 2019 as submitted by Sheriff Mark E. Helms.

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

- 1) Town Supervisor – June 2020
- 2) Post-Construction Stormwater Maintenance Inspection Program Report for 2019 – Revision 1 – Cortland County Soil & Water Conservation District (Report Accepted at TBM 7/15/2020 – Resolution #167 of 2020);
- 3) Code Enforcement Officer, Kevin McMahon – July 2020;
- 4) Town Clerk – July 2020;
- 5) Fire & Safety Inspector/Code Enforcement Officer, Desiree Campbell – July 2020.

All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file correspondence from Charter Communications, dated July 13, 2020, July 31, 2020 and August 4, 2020 regarding programming services. All voting aye, the motion was carried.

There was discussion regarding the proposed Local Law of 2020 – Amend Chapter 171, Water and Sewers. Councilman Withey stated that he was not in favor of the proposed local law to amend the water/sewer code. He voiced concerns for not allowing the installation of two meters in residential homes to meter water consumption that does not go into the sewer, separately from water consumption that goes into the sewer. He explained reasons why he was not in favor of the local law, which included asking the public to pay for service they may not be getting. Water and Sewer Sup't. Alteri explained the reasons he suggested the proposed changes to the water/sewer code, which included his desire to stabilize rates and water conservation.

RESOLUTION #187 ADOPT LOCAL LAW NO. 2 OF 2020 AMENDING PART II OF
GENERAL LEGISLATION OF THE CODE OF THE TOWN OF
CORTLANDVILLE, PART 1, ARTICLE 1, CHAPTER 171 –
WATER AND SEWERS

Motion by Councilman Withey
Seconded by Councilman Guido

VOTES: Supervisor Williams	Aye
Councilman Cobb	Aye
Councilman Guido	Aye
Councilman Testa	Aye
Councilman Withey	Nay
ADOPTED	

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a public hearing to be held by said Board to hear all interested parties on a proposed Local Law amending Part II of General Legislation of the Code of the Town of Cortlandville, Part 1, Article 1, Chapter 171 – Water and Sewers, and

WHEREAS, notice of said public hearing was duly published in the *Cortland Standard*, the official newspaper of the said Town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, as required by law, and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Cortlandville hereby adopts said Local Law as Local Law No. 2 of 2020, amending Part II of General Legislation of the Code of the Town of Cortlandville, Part 1, Article 1, Chapter 171 – Water and Sewers, a copy of which is attached hereto and made a part hereof, and the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Cortlandville, and to give due notice of the adoption of said Local Law to the Secretary of State.

Be it enacted by the Town Board of the Town of Cortlandville as follows:

A. Add 3 subsections (E, F and G) to §171-2; Applications and Permits

1. All water project plans need to be reviewed and approved by the Cortland County Health Department before any type of installation of any water project can be started.
2. All water project plans must to be reviewed and approved by the Water/Sewer Superintendent or his designee prior to any installation work.
3. No permit will be issued to any person or persons who are indebted to the Town of Cortlandville.

B. Add a subsection (E)(3)(a) to §171-4; Services

- Any copper service line up to 1" in diameter and is over 200' in length or any plastic service line with a connection between the Curb stop and the first shut off, requires a meter pit at the right of way or at a location approved by the Department head or his designee. Any service line greater than 1" shall be 4" D.I. pipe (Refer to section 171-13 B.C and D for installation and testing procedure).

C. Add a subsection 4(E)(5) to §171-4; Services

- Only one connection shall be allowed between the curb box and the first shutoff inside the building and there shall be no connections between the corporation and the curb box

D. Add a subsection 4(E)(6) to §171-4; Services

- There shall be no sweat fittings before the first valve within any building.

E. Add a subsection I to §171-6; Meters

- Any customer wishing to dispute the accuracy of a meter shall complete a customer Dispute Form and file the same with the Town within 30 days from the billing date in question.

F. Delete subsections (6)(H)(1) and (6)(H)(2) of §171-6; Meters

- These provisions allow for a second meter

G. Replace subsections (6)(H)(1) and (6)(H)(2) of §171-6; Meters with new subsection 1

- All bypass lines installed in the Town shall have a meter and a backflow device installed in that line.

H. Change subsection A of §171-10; Bills and Payment

- Change payable at the “office of the Town Department of Water and Sewer” to “office of the Town Clerk.”

I. Change subsection D of §171-10; Bills and Payment

- Change “Town Water Department” to “office of the Town Clerk.”

J. Change subsection D of §171-10; Bills and Payment

- Change “turned off by an employee of the Town Board” to “turned off by a Town Water/Sewer Department Operator or employee thereof.”

K. Change subsection E of §171-10; Bills and Payment

- Change “making application at the office of the Town Water Department” to “making application at the office of the Town Clerk.”

L. Add subsection F of §171-12; Hydrants and Valves

- Any fire hydrant outside the Town’s right of way is considered private and therefore shall be the responsibility of the property owner to test and maintain.

M. Add a sentence to subsection E of §171-13; Technical standards and specifications for connecting water systems and mains

- All installed brass fittings that come in contact with potable water shall not be composed of lead

N. Add subsection I of §171-13; Technical standards and specifications for connecting water systems and mains

- All water mains, fitting, valves and fire hydrants shall have a minimum cover of 5 feet but not less than 6 inches in diameter.

There was discussion regarding the proposed Local Law of 2020 – Firearms. Councilman Withey made a motion, seconded by Councilman Guido to adopt the Local Law of 2020 entitled “Firearms”. Discussion occurred regarding the motion. Councilman Withey was in favor of the proposed local law, however he suggested that the exception be eliminated for the Supervisor to permit a person to enter the Town Hall or town property with a firearm.

Attorney DelVecchio apprised the Board that while drafting the proposed local law he reviewed similar laws from the Towns of Dewitt and Manlius and added that there are similar provisions in numerous municipalities. He stated that the local law was supported by the police officers who work for the Town Court and mentioned that in the future everyone who enters the building may have to go through a magnetometer. If there is no provision for this on the books then it could not be enforced.

Supervisor Williams explained that he was pushing the adoption of the local law. The proposed law involves Town owned “premises” rather than only buildings. He mentioned the Town’s parks and property owned surrounding the parks. By prohibiting weapons on town owned property, violators could be arrested and removed from the property. He mentioned that people cannot enter City Hall with a weapon nor get on an airplane.

Councilman Withey stated that he would like to consider adopting the proposed law without any exceptions for a person to be authorized to have a weapon on Town premises with Supervisor approval. He asked the Board to discuss his suggestion. Attorney DelVecchio read aloud definition of “person” as written in the draft law, which read, “Any person except a police officer, sheriff or deputy sheriff, New York State police officer or peace officer or any other such person that is authorized by the Supervisor of the Town of Cortlandville”.

Councilman Guido withdrew his second, with Councilman Withey withdrawing his initial motion to adopt the local law as presented.

There was discussion regarding a change to the definition of “person”. Supervisor Williams explained one reason to have an exception to the law to allow a firearm on premises could be to grant permission for a State Senator’s security personnel to be allowed in the Town Hall with a firearm. Councilman Withey stated there is “no room for guns in Town Hall or town property... .” He noted that the Towns of Dewitt and Manlius do not have exceptions in their laws.

After continued discussion, Councilman Withey made a motion, seconded by Councilman Guido to adopt the Local Law of 2020 entitled “Firearms” with an amendment to the definition of “person” to read as follows: “Any person except a police officer, sheriff or deputy sheriff, New York State police officer or peace officer or any other such person that is authorized by the Town Board”.

RESOLUTION #188

ADOPT LOCAL LAW NO. 3 OF 2020 ENTITLED
“FIREARMS”

Motion by Councilman Withey
Seconded by Councilman Guido

VOTES: Supervisor Williams	Nay
Councilman Cobb	Aye
Councilman Guido	Aye
Councilman Testa	Aye
Councilman Withey	Aye
ADOPTED	

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a public hearing to be held by said Board to hear all interested parties on a proposed Local Law adding provisions regarding the discharge and possession of firearms to Part II of General Legislation of the Code of the Town of Cortlandville, as Chapter 91 entitled “Firearms”, and

WHEREAS, notice of said public hearing was duly published in the *Cortland Standard*, the official newspaper of the said Town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, as required by law, and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law, with an amendment to the definition of “person” to replace “authorized by the Supervisor of the Town of Cortlandville” with “authorized by the Town Board”,

NOW, THEREFORE, the Town Board of the Town of Cortlandville hereby adopts said Local Law as Local Law No. 3 of 2020, adding provisions regarding the discharge and possession of firearms to Part II of General Legislation of the Code of the Town of Cortlandville, as Chapter 91 entitled “Firearms”, a copy of which is attached hereto and made a part hereof, and the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Cortlandville, and to give due notice of the adoption of said Local Law to the Secretary of State.

Be it enacted by the Town Board of the Town of Cortlandville as follows:

ARTICLE I: DISCHARGE

§ 91-1. Discharge restricted.

A. No person shall discharge any gun, pistol, revolver or other firearm upon any premises owned or used for any public purpose by the Town of Cortlandville, except with the permission of the Town Board of the Town of Cortlandville.

B. No person shall discharge any gun, pistol, revolver or other firearm upon any premises owned or used by any water district located within the Town of Cortlandville, except with the permission of the Town Board of the Town of Cortlandville.

§ 91-2. Penalties for offenses.

Any person violating the provisions of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not exceeding one hundred dollars (\$100) or imprisonment for not exceeding ten (10) days, or both such fine and imprisonment.

ARTICLE II: POSSESSION OR DISPLAY IN PUBLIC BUILDINGS

§ 91-3. Purpose.

The Town Board of the Town of Cortlandville, in order to assure the proper protection, health, safety and welfare of persons lawfully in the public buildings of the Town of Cortlandville, and in order to ensure the performance of essential governmental functions by town employees without threat or intimidation to such employees or others, finds it to be in the public interest to prohibit the open display or transport of any weapon in certain public buildings of the Town of Cortlandville.

§ 91-4. Definitions.

When used in this Article, the following words and phrases shall have the meanings herein ascribed to them:

OPENLY CARRY OR DISPLAY — The possession or transport by any person of a weapon as hereinafter defined, in such a manner that such weapon is visible to persons in the immediate vicinity except where such possession or transportation is consistent with an authorized activity or function at the specific town building where such possession occurs.

CONCEALED CARRY — The practice of carrying a weapon (such as a handgun) in public in a concealed manner, either on one's person or in close proximity.

PERSON — Any person except a police officer, sheriff or deputy sheriff, New York State police officer or peace officer or any other such person that is authorized by the Town Board.

PUBLIC BUILDING — Any and all buildings or properties owned, occupied or operated by the Town of Cortlandville.

WEAPON — Any firearm, electronic dart gun, gravity knife, switchblade knife, cane sword, billy, blackjack, bludgeon, metal knuckles, chuka stick, sandbag, shirken, sandclub, slungshot, dagger, dangerous knife, dirk, bow and arrow and other archery equipment, razor stiletto, imitation pistol or any other dangerous or deadly instrument or weapon.

§ 91-5. Open display of weapon.

No person shall openly carry or display any weapon in any public building owned, occupied or operated by the Town of Cortlandville.

§ 91-6. Concealed Carry of weapon.

No person shall concealed carry any weapon in any public building owned, occupied or operated by the Town of Cortlandville.

§ 91-7. Surrender of weapon; return.

A. No person who openly carries or displays a weapon in any public building shall refuse to surrender such weapon at the request of any police officer, sheriff or deputy sheriff, or peace officer.

B. Any legal weapon so surrendered shall be returned to such person upon his or her departure from the public building.

§ 91-8. Exceptions.

A. Nothing contained in this Article shall be deemed to authorize the possession of any weapon, the possession of which is made unlawful by any other law, statute, ordinance or resolution.

B. Nothing contained in this Article shall be deemed to prohibit the possession of any weapon, otherwise lawful, except under the circumstances herein specified.

§ 91-9. Penalties for offenses.

Any person who violates the provisions of § 91-5 or 91-6 of this Article shall be guilty of an offense and may be punished by a fine not to exceed two hundred dollars (\$200) or imprisonment for not more than ten (10) days, or both such fine and imprisonment.

Attorney DelVecchio reported:

Solar Project Applications:

Attorney DelVecchio requested the Board consider a motion to consent that the Town Planning Board act as lead agency with respect to the two solar project applications submitted by SSC Cortlandville II, LLC and SSC Cortlandville III, LLC. He explained that customarily the Planning Board conducts the SEQRA review for solar applications, however since the Town Board is an involved agency with respect to the aquifer protection permit applications the Town Board has a say for SEQRA. He stated it was appropriate for the Town Board to consent to the Planning Board acting as lead agency.

Councilman Cobb made a motion, seconded by Councilman Withey to consent to the Town Planning Board acting as lead agency with respect to the two solar projects. Discussion occurred on the matter. Councilman Testa commented that he has heard concerns from the public regarding solar farms and questioned whether the Town was moving too fast with the projects. Attorney DelVecchio explained that the Town Planning Board has similar concerns and may meet at a future date to address that same concern. The Planning Board may make a recommendation to the Town Board to potentially limit the number of solar projects coming before the Town.

Councilman Withey mentioned the status of the completion of a new Comprehensive Plan for the Town. He stated that the Board does not yet know what the new plan looks like, and stated that the Town may be making a big mistake regarding the placement of the solar farms. He stated he was not in favor of a moratorium, but would like to have more efforts to ensure the projects fit with the new Comprehensive Plan.

RESOLUTION #189 CONSENT TO THE TOWN PLANNING BOARD ACTING AS
LEAD AGENCY WITH REGARD TO THE APPLICATIONS
SUBMITTED BY SSC CORTLANDVILLE II, LLC AND SSC
CORTLANDVILLE III, LLC FOR TWO SOLAR PROJECTS

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 consent to the Town Planning Board acting as Lead Agency with regard to the Aquifer Protection Permit applications submitted by SSC Cortlandville II, LLC for property located at 4242 Bell Crest Drive, tax map #86.00-02-01.100, and Cortlandville III, LLC for property located at 4240 Bell Crest Drive, tax map #86.00-02-01.100.

Signs:

Attorney DelVecchio stated the Board heard concerns from the public regarding signs. He stated that the provisions that are in the town code were made many years ago. The statement made that “we made these provisions” is misconstrued. He stated that he sees to it every time that if a complaint is made to the Code Office he works with the CEO to process the complaint. The code is examined, the complaint is examined, the sign is examined and a determination is made as to whether or not the property owner is in violation of the code. Attorney DelVecchio stated that it is not the CEO’s job nor is it his job to determine whether the code is constitutional or not. He stated it is their job to enforce the code, which he does with integrity in each situation. He stated there is no political bias involved in his office or in the CEO’s office. They examine each situation case by case and do their best to enforce the code.

Attorney DelVecchio stated that as far as the constitutionality of the Town’s code, he was not a constitutional law expert. However, he suggested a constitutional professional could examine the code and address the code being too restrictive or what have you. He stated that was a debate for another day. He stated he would continue to enforce the code with no political bias.

Councilman Withey thanked Attorney DelVecchio for his comments. He suggested the Board hire a constitutional law expert to review the law to see if it infringes on constitutional rights. He stated he was criticized for voting on the recent amendment to the local law, which had to do with a definition of “election day” and the time limit for political signs. He stated that the sitting Board did not write the initial law. However, he asked the Board to resolve the matter immediately. Supervisor Williams apprised Councilman Withey that the process to review the code has already started.

Councilman Withey made a motion to adopt a moratorium on the existing sign ordinance as it relates to political signs. Attorney DelVecchio explained that a moratorium involves the adoption of a local law, a public hearing etcetera. Due to the timing and the upcoming election and that there are only a handful of complaints, none of which have gone to court, he suggested the Board examine the constitutionality of the code. Councilman Withey withdrew his motion.

Supervisor Williams reported:

Town Hall – Repair Employee Entrance Door:

Supervisor Williams informed the Board that the “closer” is malfunctioning on the Town Hall exterior door known as the employee entrance. He received a quote today to repair the door in the amount of \$2,431.73 and requested approval of the quote to purchase the “closer” and repair the door.

RESOLUTION #190 AUTHORIZE SUPERVISOR TO SIGN QUOTE FROM
STANLEY ACCESS TECHNOLOGIES TO REPAIR THE
TOWN HALL EXTERIOR DOOR (EMPLOYEE ENTRANCE)

Motion by Councilman Guido

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 the Quote from Stanley Access Technologies to purchase parts and complete the repair on the Town Hall exterior door (employee entrance), for the total cost of \$2,431.73.

Gutchess Lumber Sports Complex – Accessible Playground:

Supervisor Williams reported that the accessible playground equipment for the Gutchess Lumber Sports Complex was ordered. The Town would break ground after receiving confirmation on the delivery of the equipment.

Town Hall Main Entrance:

Supervisor Williams apprised the Board he asked the Town's engineering firm, CHA to look into reconfiguring the Town Hall main entrance to allow space to move the magnetometer and provide security for the entire building, not just for the Town Court. The Court would reach out to the Office of Court Administration to ask for their input.

Code Office – COVID-19 Complaints:

Supervisor Williams stated that the Town has received several complaints about people not wearing masks in stores or not maintaining social distancing. One of the last directives from the Governor indicated that the issue could be enforced by local enforcement authorities, or rather whatever the county government says the local enforcement authority is. Supervisor Williams reached out to the Chair of the County Legislature. In his opinion he feels that nobody should enforce laws unless they are trained and equipped to enforce laws – can they defend themselves. Complaints were urged to be handled by phone or email. The Chair of the Legislature would bring the matter to the Legislature. Supervisor Williams stated that the Town's Code Enforcement Officers would not be responding to such complaints in person.

Proposed Solar Projects – Bell Crest Drive (Off of Blue Creek Road):

Supervisor Williams displayed a map of the proposed location of two solar farms off of Blue Creek Road and Bell Crest Drive. The proposals were for two 19,000 panel units, a total of 38,000 panels. The large solar array would be visible from Route 281. Councilman Withey stated that he attended the Town Planning Board meeting on August 4, 2020 and the proposal included the subdivision of land. The two solar projects were 5 MWac each. Attorney DelVecchio reiterated that the Planning Board would be meeting to discuss solar in the near future.

Under old business, Attorney DelVecchio advised the Board to table the award of the bid for the "Miscellaneous Water and Sewer Improvements" to the August 19, 2020 meeting to allow him time to look into the matter further and have discussions with the Town's engineer. He indicated that he reviewed the letter he received from Attorney Pope representing G. DeVincentis & Son and also looked over the General Municipal Law rules and applicable code provisions.

RESOLUTION #191	TABLE AWARD OF BID FOR THE "TOWN OF CORTLANDVILLE MISCELLANEOUS WATER AND SEWER IMPROVEMENTS"
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Motion by Councilman Cobb

Seconded by Councilman Guido

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" to allow more time to research and discuss the Town's options due to the tie between two contractors/bidders for the Base Bid plus Alternate Bid No. 1.

Under new business, Town Clerk Rocco-Petrella informed the Board she received a Notice of Petition from Benderson-Cortland Associates and asked that the Board acknowledge its receipt.

RESOLUTION #192 ACKNOWLEDGE RECEIVING NOTICE OF PETITION FOR
REVIEW OF ASSESSMENT

Motion by Councilman Cobb

Seconded by Councilman Guido

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge, by receiving and filing, the Notice of Petition from Benderson-Cortland Associates, for property located off of Route 281 in the Town of Cortlandville, tax map #86.17-01-08.110, regarding their current assessed valuation of real property.

Under new business, there was a brief discussion regarding a petition received from Town residents regarding the noise level from the jake brakes of tractor trailers traveling on NYS Route 222 and the request for speed limit reduction signs. Supervisor Williams explained that Highway Sup't. Bassett was in contact with the NYS Department of Transportation regarding the issue and was waiting for a response. Supervisor Williams asked that the petition be received and filed.

Councilman Withey made a motion, seconded by Councilman Guido, to receive and file the Petition from residents on NYS Route 222, Lyncort Drive, Westvale Drive, Katie Lane and Sterling Park regarding the noise level from the jake brakes of tractor trailers traveling on NYS Route 222 and the request for speed limit reduction signs. All voting aye, the motion was carried.

RESOLUTION #193 REFER AQUIFER PROTECTION PERMIT APPLICATION
SUBMITTED BY SSC CORTLANDVILLE II, LLC FOR
PROPERTY LOCATED AT 4242 BELL CREST DRIVE TO
THE TOWN AND COUNTY PLANNING BOARDS FOR
REVIEW AND RECOMMENDATIONS

Motion by Councilman Withey

Seconded by Councilman Guido

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

ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by SSC Cortlandville II, LLC, for property located at 4242 Bell Crest Drive, tax map #86.00-02-01.100, shall be forwarded to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the Aquifer Protection Permit application is hereby received and filed.

RESOLUTION #194 REFER AQUIFER PROTECTION PERMIT APPLICATION
SUBMITTED BY SSC CORTLANDVILLE III, LLC FOR
PROPERTY LOCATED AT 4240 BELL CREST DRIVE TO
THE TOWN AND COUNTY PLANNING BOARDS FOR
REVIEW AND RECOMMENDATIONS

Motion by Councilman Withey

Seconded by Councilman Guido

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

ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by SSC Cortlandville III, LLC, for property located at 4240 Bell Crest Drive, tax map #86.00-02-01.100, shall be forwarded to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the Aquifer Protection Permit application is hereby received and filed.

RESOLUTION #195 REFER AQUIFER PROTECTION PERMIT APPLICATION
SUBMITTED BY GUGGENHEIM DEVELOPMENT
SERVICES, LLC C/O BOHLER ENGINEERING MA, LLC FOR
PROPERTY LOCATED AT 840 ROUTE 13 TO THE TOWN
AND COUNTY PLANNING BOARDS FOR REVIEW AND
RECOMMENDATIONS

Motion by Councilman Withey

Seconded by Councilman Guido

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

ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by Guggenheim Development Services, LLC c/o Bohler Engineering MA, LLC for a proposed “Jiffy Lube”, for property owned by Route 13 Partners, LLC located at 840 Route 13, tax map #86.00-02-01.100, shall be forwarded to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the Aquifer Protection Permit application is hereby received and filed.

Councilman Cobb made a motion, seconded by Councilman Withey, to receive and file Cortland County Planning Board Resolution #20-08 dated July 15, 2020, and the Cortland County Planning Department Review and Recommendations, dated July 10, 2020, regarding the Aquifer Protection Permit application 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 sw. ft., for property located at 3798 Luker Road, tax map #95.00-09-01.000. All voting aye, the motion was carried.

Councilman Cobb made a motion, seconded by Councilman Withey, to receive and file Cortland County Planning Board Resolution #20-09 dated July 15, 2020, and the Cortland County Planning Department Review and Recommendations, dated July 10, 2020, 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 #76.15-01-31.000. All voting aye, the motion was carried.

RESOLUTION #196 SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT APPLICATION SUBMITTED BY
BUILDER’S BEST HOME IMPROVEMENT CENTER, INC.
FOR PROPERTY LOCATED AT 3798 LUKER ROAD

Motion by Councilman Cobb

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for August 19, 2020 at 5:00 p.m. for an Aquifer Protection Permit application 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 sw. ft., for property located at 3798 Luker Road, tax map #95.00-09-01.000.

RESOLUTION #197 SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT APPLICATION SUBMITTED BY
TOM KILE FOR THE CNY LIVING HISTORY CENTER FOR
PROPERTY LOCATED AT 4386-4392 US ROUTE 11

Motion by Councilman Cobb

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for August 19, 2020 at 5:00 p.m. or as soon thereafter as the parties may be heard, for an Aquifer Protection Permit application submitted by Tom Kile on behalf of the CNY Living History Center, for property owned by Homer Cortland Community Agency, 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 #76.15-01-31.000.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file correspondence from New York State Department of Environmental Conservation, dated June 29, 2020, to Route 13 Rocks, LLC regarding the mining permit renewal for the Cortlandville Sand & Gravel Mine in the Town of Cortlandville issued to Route 13 Rocks LLC. All voting aye, the motion was carried.

RESOLUTION #198 ADOPT RETENTION AND DISPOSITION SCHEDULE FOR
NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)

Motion by Councilman Cobb

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, by the Town Board of the Town of Cortlandville that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein, and it is further

RESOLVED, that in accordance with Article 57-A:

- (a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;
- (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods;

AND IT IS FURTHER, RESOLVED, that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)* hereby supersedes and replaces the Records Retention and Disposition Schedule MU-1 previously adopted by the Town Board per Resolution #79 of 1989.

No further comments or discussion were heard.

Councilman Cobb made a motion, seconded by Councilman Withey, to recess the Regular Meeting to an Executive Session to discuss land acquisition. All voting aye, the motion was carried.

The meeting was recessed at 7:24 p.m.

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

The Executive Session was adjourned at 7:37 p.m.

No further comments or discussion were heard.

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

The meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Kristin E. Rocco-Petrella

Kristin E. Rocco-Petrella, RMC
Town Clerk
Town of Cortlandville

*Note:

The draft version of this meeting was submitted to the Town Board for their review on September 24, 2020.
The final version of this meeting was approved as written at the Town Board meeting of October 7, 2020.