

## TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, with Supervisor Tupper presiding.

Members present:

Supervisor, Richard C. Tupper  
 Councilman, Theodore V. Testa  
 Councilman Ronal L. Rocco  
 Councilman, John C. Proud  
 Councilman, Gregory K. Leach  
 Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Town Planning Board Member, Nick Renzi; Town Zoning Board of Appeals Member, David Alexander; Town Historian, Jeff Guido and his son and daughter; Deputy Town Clerks: Kristin Rocco-Petrella and her daughter Avery, Chavonne LaPlant, Patricia Romer; Groton Town Clerk, April Scheffler; Homer Town Clerk, Anita Jebbett; Solon Town Clerk, Margaret Honour; Jeffrey Betters; Kristina Russell; Town Bookkeeper, Marcia Hicks; Dave Hicks; Brice Smith; Janet Steck; Stephen A. Furlin; George Duane; Victor Siegle; Randy Young; Mary Heider; Michael Barylski; Denise Knight; Alison King; Todd Miller; Chris Bushnell; Trudy Wise; Gus Wehbe; Denise McNeal; Charlotte McNeal; Frank McNeal; Paul Heider; Althea Heider; Gary Loudan; Ellis McDowell-Loudan; Brianna Head; Deb & John Head; Kimberlea VanderWoude; Peter VanderWoude; Robert Beard; Roydell S. Hurlbert; Shelly White; Loni Moore; Ed Moore; Mecke Nagel; Gary Davis; Steve Flatt; Lee Miller; and News Reporters, Katherine Wilde from the *Cortland Standard*, Eric Mulvihill from WXHC, and Sharon Stevans for Channel 2 Access TV.

Supervisor Tupper called the meeting to order and offered privilege of the floor to April Scheffler.

April Scheffler, Town Clerk from the Town of Groton, and District 6 Director of the New York State Town Clerks Association, explained that each year, the NYSTCA bestows the honor of District Clerk of the Year upon one Clerk from each of the 10 Districts in the State. District 6 encompasses the counties of Cortland, Madison, Chenango, Broome, Tioga, Tompkins, Schulyer, and Chemung. At the NYSTCA convention held in Buffalo from April 28-May 1, 2013, Town Clerk, Karen Q. Snyder was designated as the 2013 District 6 Clerk of the Year. Town Clerk Scheffler read aloud the following proclamation presented to Town Clerk Snyder by the NYSTCA:

PROCLAMATION – PRESENTED TO KAREN Q. SNYDER

WHEREAS, it is with honor the New York State Town Clerks Association has recognized and paid tribute to a Town Clerk who has made strong contributions to her community and serves as a role model for her peers; and

WHEREAS, KAREN Q. SNYDER was chosen by the New York State Town Clerks Association District Six Directors, Jane Ike and April Scheffler, as the District Six Clerk of the Year; and

WHEREAS, she has served the Town of Cortlandville as the Town Clerk for fourteen years and before that as Deputy Clerk for 12 years; has been a member of the New York State Town Clerks Association for twenty-six years, serving as former District Director; is a member of the International Municipal Clerks Association; and is a member of the Cortland County Town Clerks Association, serving as Vice President; and

WHEREAS, the New York State Town Clerks Association has conferred the Title of Registered Municipal Clerk upon Karen as she has completed the requirements prescribed by the Association for certification; and

WHEREAS, Karen was nominated by Kristin Rocco-Petrella, Cortlandville Deputy Town Clerk; Richard Tupper, Cortlandville Supervisor; Elizabeth Larkin, Cortland County Clerk; the Honorable James Seward, NYS Senator; John Folmer, Cortlandville Town Attorney; Kevin Whitney, Cortland County Legislator; Bernard Thoma, Thoma Development Consultants; Suzanne Etherington, NYS Archives Region 6 Advisory Officer; Nicholas Renzi, Cortlandville Planning Board; Katherine Wickwire, Cortlandville Planning Board; Anthony Pace, Cortland County Legislator; Theodore Testa, Cortlandville Deputy Supervisor; Francis Casullo, Cortlandville Town Justice; Marcia Hicks, Cortlandville Bookkeeper; Peter Alteri, Jr., Cortlandville Water and Sewer Department; David Briggs, Assessor; Carl Bush Jr., Cortlandville Highway Superintendent; Anita Jebbett, Homer Town Clerk; Margaret Honour, Solon Town Clerk; Valerie Hall; Debbie Crandall, Lansing Town Clerk; Bambi Avery, Dryden Town Clerk; and Robin Cargian, Groton Deputy Town Clerk; and

WHEREAS, she has gone above and beyond her responsibilities to serve her constituents and all who visit the Town of Cortlandville Town Clerk's Office as Notary Public, Registrar of Vital Statistics, Tax Collector, and Records Management Officer and by working closely with all other departments; and

WHEREAS, she has contributed tremendously to her fellow clerks by founding the Cortland County Clerks Association; hosting many NYS Archives Seminars; initiating a countywide program to allow for partial payment of Town and County Taxes; helping create a countywide spay/neuter program; and always opening her heart as a mentor and a friend; and

WHEREAS, Karen has given unselfishly to her community by her steadfast involvement as Member of the Cortlandville Republican Committee; Member of the Cortland County Republican Women's Group; Member of the Cortland County Records Management Advisory Committee; and former Member of CAPCO – Cortland County Community Action; being instrumental in the success of many grant applications for the Town of Cortlandville; playing a major roll in the design of a new Town Hall; and working with the Fire Department to develop ordinances; now

THEREFORE BE IT RESOLVED, that the New York State Town Clerks Association does hereby resolve to recognize KAREN Q. SNYDER for her outstanding and heartfelt commitment to the Town of Cortlandville and the great State of New York.

Town Clerk Snyder expressed her gratitude and was honored to be the recipient of such award, which she felt would have made her predecessor, Pauline Parker Batsford very proud.

Supervisor Tupper recognized and congratulated Town Clerk Snyder for receiving the award. He stated that there are 1240 Towns in the State of New York and it was therefore very selective for Town Clerk Snyder to win such award.

Anita Jebbett, Homer Town Clerk and President of the Cortland County Town Clerks/Tax Collectors Association, presented Town Clerk Snyder with a Certificate of Appreciation on behalf of the Association. The certificate was given in appreciation in honor and recognition she has brought to the Association as the recipient of the prestigious award.

Town Clerk Snyder acknowledged her children Jeffrey Betters and Kristina Russell who surprised her with their attendance tonight. She also thanked her staff and the many people who supported her by writing letters of support for her to receive such award.

The Regular Meeting was recessed at this time to conduct a Public Hearing for a Local Law for Wind Energy Facilities in the Town of Cortlandville.

The meeting was recessed at 5:10 p.m.

## PUBLIC HEARING NO. 1

LOCAL LAW OF 2013  
WIND ENERGY FACILITIES

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, regarding the enactment of a Local Law for Wind Energy Facilities in the Town of Cortlandville.

## Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman, Ronal L. Rocco  
Councilman, John C. Proud  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Town Planning Board Member, Nick Renzi; Town Zoning Board of Appeals Member, David Alexander; Town Historian, Jeff Guido and his son and daughter; Town Bookkeeper, Marcia Hicks; Dave Hicks; Brice Smith; Janet Steck; Stephen A. Furlin; George Duane; Victor Siegle; Randy Young; Mary Heider; Michael Barylski; Denise Knight; Alison King; Todd Miller; Chris Bushnell; Trudy Wise; Gus Wehbe; Denise McNeal; Charlotte McNeal; Frank McNeal; Paul Heider; Althea Heider; Gary Loudan; Ellis McDowell-Loudan; Brianna Head; Deb & John Head; Kimberlea VanderWoude; Peter VanderWoude; Robert Beard; Roydell S. Hurlbert; Shelly White; Loni Moore; Ed Moore; Mecke Nagel; Gary Davis; Steve Flatt; Lee Miller; and News Reporters, Katherine Wilde from the *Cortland Standard*, Eric Mulvihill from WXHC, and Sharon Stevans for Channel 2 Access TV.

**Supervisor Tupper:** Alright. We have a public hearing scheduled this evening and I would ask Karen if she would please read the notice.

**Town Clerk Snyder:** Please take notice that a public hearing will be held by the Town Board of the Town of Cortlandville on May 15, 2013 or as soon thereafter as the parties may be heard at the Raymond G. Thorpe Municipal Building, regarding the enactment of a local law for Wind Energy Facilities in the Town of Cortlandville. Copies of the local law are available for inspection at the office of the Town Clerk during regular business hours or on the Town's website. At the time and place of said hearing all parties in interest and citizens shall have an opportunity to be heard with comments on environmental concerns as well as the provisions of the proposed local law. By order of the Town Board of the Town of Cortlandville.

**Supervisor Tupper:** Thank you Karen. We have a sign-in sheet for speakers ... I am going to lay a little bit of the ground rules here and give you a little bit of an idea of how we got here this evening. We've been working for about two and a half years to come up with an ordinance. We've decided to do it by local law. The reason we're doing this is because in the future if somebody comes to the Town of Cortlandville with a proposal to put windmills in we have no written regulation or requirements. So we decided that should somebody come to us we had better have something in writing. I want to thank John and Ron and John Folmer. The three of them made a lot of trips back and forth to Syracuse with our engineering firm to start this. We sent it to the County and the Town Planning Board and we got incredible comments. Then we had private citizens come in and clean up and add a lot of technical things to it. And I think that we've got an ordinance that will protect the Town of Cortlandville from any kind of I say windmills, I can't ... turbines, thank you, turbines. So we are very, very pleased about that. This is the first opportunity that the public has had to comment on wind turbines so we are very pleased that we're the first to do that in the county. We are going to have some restrictions.

**Councilman Rocco:** May I ask a question?

**Supervisor Tupper:** Sure.

**Councilman Rocco:** Perhaps some people didn't know that they needed to sign in or up on that sheet, and I might ask that we open that up to anyone that wanted to say something but didn't sign their name on the sheet.

**Supervisor Tupper:** There is a second sheet here. If you want to put it back out on the table. If you feel you want to say something go ahead and sign up. In the interest of time and energy we are going to limit speakers to three minutes. Mr. Folmer will be keeping the clock. He will

wave at you when you have fifteen seconds left, and when your three minutes are up we would ask you to close out your comments. The second thing is that this is a public hearing on this local law. It's not a public hearing on the DEIS or TCI or windmill companies in general. It is on this local law and we would ask you to limit your comments to what is in the local law.

**Councilman Rocco:** May I ask how many people have signed up.

**Supervisor Tupper:** Eight so far.

**Councilman Rocco:** Okay so if we give each three minutes that's twenty-four minutes and we had talked earlier about possibly raising that to five or six minutes seeing that there are so few that have signed up in the event that they would like to.

**Supervisor Tupper:** Okay.

**Councilman Rocco:** Six minutes?

**Supervisor Tupper:** We'll make it, we'll go to five minutes. John, does your calculator do that?

**Attorney Folmer:** My calculator will go a lot more than that.

**Supervisor Tupper:** Okay then we'll go to five minutes.

**Attorney Folmer:** I can't, but it will!

**Supervisor Tupper:** And let me. The first name on our list is Brice Smith from Trumansburg.

**Attorney Folmer:** ... give your name and address.

**Supervisor Tupper:** And for the record you need to give your name and address so Karen can have it.

**Brice Smith:** My name is Brice Smith. My home address is 39 East Main Street in Trumansburg. I teach at the college up at SUNY Cortland. I am the Chair of the Physics Department. I won't need the full five minutes. I actually prepared a set of written comments that I would like to submit. I'm going to allow the discussion to go on. I would just briefly commend the Board. I think that the draft law upon review has really struck an excellent balance between the need for a very important energy resource for wind in the future which really does have a crucial role to play in the future of renewable energy system with protecting the local public and protecting from the real impacts of wind as opposed to some of the proposed impacts of wind in terms of sound and the light. My background is I'm a Ph.D. in Physics. My particular area of interest is in energy and I've studied this for quite some time. There were a small number of recommendations that I had for places where there were bits that I thought could strengthen specifying the time limit with respect to the decibel limit for the noise limits. A few places like that. I've included the references for those as well. I would with that just like to submit my written comments and I will turn the floor over. Who should I submit these to?

**Supervisor Tupper:** Karen gets all the written comments. We have other written comments that have come in also so.

**Town Clerk Snyder:** Thank you.

**Supervisor Tupper:** We appreciate it.

**Councilman Rocco:** You've come a long way. Isn't there one summary comment that you'd like to make?

**Brice Smith:** Well I mean the comment I think that I made was that I thought that the law does strike an excellent technical balance between protecting the local community and still being reasonably, um, reasonable in terms of what is acceptable for siting, setbacks, and the like. In almost every criteria the regulations that I saw were either comparable or more protective than almost any other jurisdiction that I reviewed. So I thought that the draft law was quite protective overall.

**Supervisor Tupper:** Good. Thanks Brice. Lee Miller.

**Lee Miller:** Hi I'm Lee Miller from McGraw. I have two questions ... my own time. When are the comments due if we turn in written comments?

**Supervisor Tupper:** We are going to accept them up to ...

**Attorney Folmer:** June 13<sup>th</sup>. Noon on Monday June 13<sup>th</sup>.

**Lee Miller:** Okay. And my second question I had, will there ever be an opportunity for us to ask you questions and actually get answers back. Would you ever be willing to hold a session where, because I have questions for example of how a setback was determined or about such and such a thing were determined. Could we ever have that?

**Attorney Folmer:** We will have to consider that based on what we hear this evening.

**Lee Miller:** Not to put you on the hotseat but I have legitimate questions to know. How did you come up with that? Or you know what went into your thinking? And I would like to know from my own elected officials what went into, what was your data? What did you use? And that kind of thing. So I'm also going to be turning in written comments so I'm just going to briefly touch on a few. I advocate a total ban. I think that this contributes virtually nothing to anything that's good in Cortland County. I think that if you do accept these forty-five years from now you're going to find that you are grossly behind, that you have been woefully left behind the rest of the country and the rest of New York. There are many things that you are not going to be able to do. You are not going to be able to pursue tourism in the one area that you still have available to you. You are going to see stymied growth. God forbid if something should ever happen such as a turbine part breaks and kills somebody and you have a wrongful death lawsuit I literally don't think you could recover. I think that the amount you would face in a lawsuit would be catastrophic to the Town and I don't think you could pull out of that. So the risks so far overshadow the gain that you ever could possibly get. I have some objections to the findings. You know the very first finding is that wind energy is an abundant resource of the Town. No it's not. I mean every single map and Department of Energy maps have listed this as a poor to marginal area. So I even have, you know, going down through the givens even before we get to the law I kind of question that and I'll be turning that in in my comments. To me the setbacks are not far enough. I would urge you to make one setback and make it the maximum you need to cover the eventualities. Don't have one setback from a property line but then a minimum setback from a house. That's why we have zoning. If somebody moves the next person may not want to have a wind turbine that close to their home and you may find that house unable to be sold, unable to be occupied. I don't know why you have a lesser setback to wetlands. You'd almost think you'd want a farther setback to wetlands. I would ask that you would consider farther setbacks from known and identified endangered plant and animal species that have been identified and ask that you do the same for known historic structures and things that you might be able to gain an enormous income from tourism from. Consider a much more strident setbacks for those. I don't know why you would give minimal setbacks to those things. I would also ask you that when you look at, um, I hope you know by now that tourism is the number one industry in the state and you want to be on that bandwagon. You want to be on board that because that can get you the whopping money that you should have coming in. Don't just rely on so far of what's listed as a state historic site or a federal historic site. Look at what could be eligible for being listed because there's a lot of places that could really reap you a lot of money that so far aren't listed. And I would urge you to do that. The same with wetlands. There are federal wetlands, state wetlands you talked about, but I have a private wetland. I don't even know if private wetlands are regulated. They probably are but I don't know if the state knows about them so you may not know that I have a private wetland for example. Bird and bat populations. When I looked at the DEC for my own property it turns out the last survey was 1985. So don't just rely on things that you may get from the agencies. I don't know what mechanism you have but I have had extensive people come on to my property deliberately to try to figure out what I've got so that I can then relay it to you. So don't just look at things that the feds or the state may give you because they may be vastly out of date and we may have other data out there. So I don't know how you are going to gather data on what needs to be protected and what's out there. Again I guess I'll limit my comment to this because I will certainly be turning in more. I just want to warn you, or not warn you, just remind you, remind you that tourism is the most lucrative enterprise you could ever hope to accomplish and Ag is number two. And Ag and tourism go together beautifully and you could make millions and millions and millions of dollars and it hasn't been yet developed in the town. This will stop it. It'll stop it dead in its tracks. So

I want to see, I don't want to see us frozen like the land that time forgot for forty-five years. So please give us the maximum amount of protection and consider strengthening them by far. Thank you.

**Supervisor Tupper:** Thank you. Janet Steck.

**Janet Steck:** I'm Janet Steck and my address is 113 Clinton Street, Homer. Before I start I'm going to read my remarks and they are very brief. I'd just like to say that I'd describe myself originally as being a pro-wind person. But I am very concerned about the global warming trend and therefore I've been very interested in looking for and becoming informed about renewable sources of energy. So when I started my journey I was very open to the idea of wind industry and the wind turbines which I had experienced while traveling. However, as I became more informed about them I changed my mind. I believe that there might be some places where they can benefit us and contribute to the slow-down of global warming but I don't think Cortland County is the place for them. So if I had my druthers I would prefer a ban. However, having said that I want to congratulate the Town Board on its design of what I believe is a strong but fair local law to regulate industrial wind turbine development in the town. I believe as Town Supervisor Tupper has said, this document protects the citizens and taxpayers of Cortland County and I would like to add that in my view that works as well for the towns neighboring communities. It seems to be a very well thought out document. And as most of us know Mr. Tupper just reminded us that two and a half years have gone into the preparation of this document. That a great deal of time and energy devoted to scientific investigation and analysis are the foundations of the documents findings and requirements. So to sum up I would like to point out in particular five regulations contained in the local law which I believe are especially important in view of protecting public health, safety and welfare. They are: 1. Setbacks of 3,280 feet from property lines. 2. Decommissioning provisions including the requirement that any project developer/owner maintain a decommissioning fund. 3. The requirement for any project developer/owner to hold proof of liability insurance at a total annual policy minimum of \$20,000,000. 4. The limit in height of 500 feet wind energy structures. And 5. A set of provisions noted as Real Estate Property Value Assurance which would protect non-participating property owners from property value loss should problems occur due to the construction and operation of wind turbines. The Cortlandville local law is an important step forward not just for this municipality but for the entire county. As we meet, now as we are meeting, three other towns are in the process of creating their own local laws. The Cortlandville local law sets both a model and a standard for them to follow. I strongly urge the members of the Cortlandville Town Board to accept this local law as proposed, and I thank you for this opportunity to speak.

**Supervisor Tupper:** Thank you Janet. Chris Bushnell.

**Chris Bushnell:** My name is Chris Bushnell. I live at 3655 Page Green Road. As many of the residents in Cortland County and in this room I did not know too much about industrial wind farms before June 2012. One of the most important things I have learned is there must be proper and safe setbacks from property boundaries and residences. I would like to thank the Board tonight for proposing, for protecting the residents of the Town of Cortlandville with this proposed wind draft ordinance. However the final draft that becomes law must be documented. At this time I would like to direct this toward Mr. Folmer our town's attorney. It's imperative. Please be sure that all information in our law is backed up by science and studies with documents lawyers can find and read. These documents that ... having this documentation is just ... not having this documentation is just like writing an un-protective or a bad law. Safe setbacks from residents must be documented. The more science and studies to back-up your numbers for the setbacks the more credible your law will be in Albany. This is essential. And actually it's not just the setbacks it's everything else that's in the law. You have to come up with information that, you know, that backs up why you wrote it in the law. And it's not just for TCI it's for anybody else as Mr. Tupper stated before. That's why you have to have a law in the first place. And it's only as good as the documentation you provide to it.

**Councilman Rocco:** We do have much and that's an excellent idea.

**Chris Bushnell:** Well from what I found is, is you can find many documents that say close to the same number. But if you pick a number between whatever those documents tell you then, you know, your law is going to hold up. And that's really the bottom line is making sure the law is good. And once again I'd like to thank everybody for all the hard work as well as quite a few of the folks in this audience. And congratulations Karen.

**Town Clerk Snyder:** Thank you Chris.

**Supervisor Tupper:** Thank you Chris. Denise McNeal.

**Denise McNeal:** Good evening. My name is Denise McNeal. I'm located at 4327 North Road in McGraw. I have just recently submitted to Mr. Tupper my concerns and my reasoning of how I would be affected and my son with a disability of autism spectrum disorder, ADHD type C combined would be affected by the turbines as I would be within close proximity of them. With that being submitted I'd just like to say I like the fact that the draft law has setbacks calculated from the property line and I appreciate that. Thank you.

**Supervisor Tupper:** Thank you Denise. And let's see. Scott Flatt.

**Steve Flatt:** He's not here now ...

**Supervisor Tupper:** Steve. Steve Flatt.

**Steve Flatt:** Scott died in 2008.

**Supervisor Tupper:** You didn't. You put S. Flatt.

**Steve Flatt:** I did not. You know me!

**Supervisor Tupper:** I know I do but. Steve Flatt for the record.

**Steve Flatt:** My name is Steve Flatt and I live on Levydale Park in Cortlandville. I was made aware of this about two years ago. Mr. Rocco asked me some questions. I told him I didn't know anything about wind, and had no experience in it. And so I've been following this on and off since. Okay. And I read the first version last August. I realized before I made any comments that there was going to be another version. And before I got to read that I realized there was going to be yet a third one. So this one I have gone through and I have written up comments that I'll give you in a minute. And I'll let those stand as they are. I may go back and submit some more if you're going to give us until the 13<sup>th</sup> of June. The only other thing I have, I have a couple of items here that I thought were serious enough to bring to your attention to talk about. Oh I should say you've got a lot of cleanup to do on your document. You've got some outlining errors and some ... stuff like that. The more I saw I put a ... I put a note in my other comment.

**Councilman Rocco:** Spellcheck.

**Steve Flatt:** Well not spellcheck. English grammar. There is one thing that concerns me. If I go through and read that there is no provision for setting aside normal towers to collect weather information. Unless you do that you're basically including towers like the ones they have at the airport that take weather observations for pilots. You're including towers that the school system may set up for training and teaching at the high school. And you're going to expect me to live by that law that my six-foot weather pole out in the backyard that has an anemometer on it and a weather head on it that does all of the measurements that you would find on these wind survey towers, you're going to probably be in jeopardy for having to go through your permit process. And I don't want to do that. I don't think it's necessary. So that is something I'd like you to look at. The other thing that concerned me was independent consultants that you mentioned ... what not. I see that you're trying to make sure that the applicants pay for all of the expenses. I think that's a good thing. I don't like the term independent because in my mind at least, and Mr. Folmer may have a different opinion, that sets up kind of an arbitration system where you have the town on one side and the applicant on another and some independent entity out here that may or may not have the power to make a decision. So I'd like to see that changed. Okay.

**Councilman Rocco:** We make the decisions. Those are basically ...

**Steve Flatt:** So take the, take the independent part out. Because you don't want them independent. You want me coming in as an applicant and I'm going to provide engineering for my customer. And then if I'm working on your behalf, if you're on the other side, then I'm going to be working on the town's behalf and there is no independents on either side. I've never seen an independent thing like this in any requirement. So, I think and if you want to talk about it more detail I can do that. The other thing I noticed in there that kind of gave me a little

heartburn was you have a section in there requiring some sort of certification to do audio acoustic measures. Alright. Now a licensed engineer is going to object to that. The state is going to uphold that because the whole licensing process at the state level is to avoid that sort of thing for a town to come in and set up requirements to do professional work. If you're going to do it with contractors that's fine but you're going to have to exclude the licensed engineers from that because it is up to the licensed engineer to decide what work he can do, what he has to do to prepare himself for new work, or work he may not have done a lot of in the past. And I have had personal experience with this. About twenty years ago Cayuga County tried to make me go to a course to measure septic tank viability and as an engineer, you know, that's what the licensing process is for. But they had it in their law that everybody that did this was required. I've talked to John McNeal who is on the licensing board in Albany and I don't know what he did or who he talked to but the next day I had a call waiting for me when I came in that said oh we misunderstood, and we're sorry you can do these tests without coming to our course. So you have to be careful with that.

**Councilman Rocco:** May I ask you Mr. Chairman. I think I should address the question to you because this is important. I mean if I have a heart problem I'm going to go to a heart surgeon. I'm not going to a general surgeon. If I have an electrical problem that requires circuitry and just not general electrical hookup in a house I'm going to go to a circuitry engineer. I don't understand what the difference is by specifying the specific field of engineering of acoustical measurement because it is a separate field of engineering. And that not all as has been proven by our own experience with our own engineering firm, not everyone has the ability to give advice in all areas of engineering.

**Supervisor Tupper:** We'll take that into consideration.

**Steve Flatt:** We know what our confidences are. And we know what our capabilities are. And that's pretty much what's up to us by the state as to whether we want to get involved in something that comes under our licensing. I have a couple more things. I wanted to thank you for including my concerns on the ground vibration transmission issue that I brought up earlier. I think you may find that that's becoming more important in the future. And I also think these three gentlemen here especially have done a phenomenal job and they deserve all the credit that we can give them for coming up with a very comprehensive, very well thought out law. The only ...

**Attorney Folmer:** I hate to stop you when you are being so nice but the time is about to expire. (laughter in audience)

**Supervisor Tupper:** Thank you Steve.

**Steve Flatt:** But I did put that in my last paragraph in the cover letter ... So I'd like you to look at that. I think you did a great job.

**Supervisor Tupper:** Brianna Head.

**Brianna Head:** Hi everyone. I'm Brianna Head and I live on 4500 North Road. ... and four of our children. For the past four to five years we have been slowly developing our future home on a parcel of land that's adjacent to the one we live on now. We have put a driveway in, our pole barn ... Sorry ...

**Councilman Testa:** A little louder please.

**Brianna Head:** Do you want me to start over or just continue?

**Councilman Testa:** Continue. A little louder, please.

**Brianna Head:** We have put a driveway in, pole barn, septic service in and hope to do more in the future but we have put everything on hold due to the setbacks that were set previously. Now that the new setbacks ... the new setbacks ... I really do like the fact that the draft law has the setbacks calculated from the property line so we can hopefully continue with our dream. And also I have a daughter with ADHD who will be greatly affected by these if they are put in so I am very much in favor of these setbacks. Thank you very much.

**Supervisor Tupper:** Thank you.

**Councilman Rocco:** Is your husband, is he the one who works in or outside Cazenovia near Fenner? No. Okay. There is another person building a house up there ...

**Supervisor Tupper:** Thank you. Paul Heider.

**Paul Heider:** My name is Paul Heider. I live at 4378 Syrian Hill Road, McGraw, in the Town of Solon. I came up here to mention a couple of things about the ordinance. The first is I've been researching wind turbines since 2008 and I believe the setbacks that are in your local law will mitigate most of the impacts that I've read about and researched. I believe the 3,280 feet is right where we need to be. I also want to reinforce Mr. Bushnell's thoughts on documentation. I believe we might be heading to Albany with this law sometime in the future. It has been told to us. Documentation I would really like to make sure we have in place before the law is approved by the Board. I think that's very important. The other thing I would like to ask about is on page 20 of your local law under setback distances. I'll just read it. Under number one. 3,280 feet from the nearest site boundary property line notwithstanding any other provision of this local law regarding waivers or setbacks easements. No WECS shall be within 1,200 feet of any residence whether or not said residence has okayed it in the Town of Cortlandville. My understanding of the 1,200 feet from residences might be from people who have signed to be involved with the project. My thoughts are that the law needs to protect even those people who are involved with the project. Giving them a lesser setback I don't see how it would be protective of them. If they want to ... My thoughts are if they want to agree to have a lesser setback it should be done with an attorney and the Town of Cortlandville because that setback does not protect them. I really like this setback to protect even those that want to be involved in the project. Those are my thoughts. Thank you very much for your draft. It's an excellent law.

**Supervisor Tupper:** Did anybody else sign up on the additional sheet?

**Councilman Rocco:** I'd just like to mention that Mr. Heider brought to the attention of the Attorney General the misdeeds of a wind company concerning ...

**Supervisor Tupper:** We don't have any wind companies that we're talking about tonight Ron. The only thing we're talking about is an ordinance. Thank you.

**Councilman Rocco:** Yes. I know that. But, I mean, what I'm saying is he had a great deal to do with a lot of people ...

**Town Clerk Snyder:** I think you've got one more that may want to speak.

**Supervisor Tupper:** ... somebody else ...

**Town Clerk Snyder:** Gary. I think.

**Supervisor Tupper:** Okay.

**Councilman Rocco:** ... I salute him for ... it takes a lot to get the Attorney General to issue a fine ...

**Supervisor Tupper:** ... Do you have additions?

**Unknown:** One more.

**Supervisor Tupper:** Okay. Thank you.

**Councilman Rocco:** ... He was able to do it through his perseverance and his policeman background.

**Supervisor Tupper:** Thank you. Gary Davis.

**Gary Davis:** Hi. I'm Gary Davis. 4515 North Tower Road, Solon. Cincinnati Post Office. I'm President of the McGraw Sportsman Club and President of the County Federation. And my biggest concern is the wildlife. You can talk about protecting people and all that stuff but there's not many people that will speak for the wildlife. I worry about turkeys in particular ground nesting birds. I know in the Midwest they've had problems with not allowing wind farms near traditional nesting grounds for endangered species ... because they won't nest near them. I have

not heard of any scientific studies of grouse states trying to reintroduce spruce grouse wild turkeys. Those are great tourist attractions for Cortland County because there are a lot of people who come here to turkey hunt. And I have no idea if it would affect fish ... stream or not. So I think those are things that need to be strongly looked at before you agree to have something that, ah, but other than that your ... law is drafted way better than the original.

**Supervisor Tupper:** Thank you Gary.

**Councilman Rocco:** Turkey almost became the national bird by the way instead of the bald eagle.

**Supervisor Tupper:** We want to thank you all for your comments. You gave us some ... We want to thank you for your comments. Basically you gave us some ideas. There's a couple of things in here that I know that we thought we covered every single item after two and a half years, but it looks like John's going to have to do some legal research on a couple of the items you brought up. So we appreciate that. We are not going to take this up for a vote until June 19<sup>th</sup>.

**Attorney Folmer:** 15<sup>th</sup>. Is it the 15<sup>th</sup>?

**Supervisor Tupper:** Today is the 15<sup>th</sup>.

**Councilman Rocco:** Wednesday the 15<sup>th</sup> ...

**Town Clerk Snyder:** 19<sup>th</sup>.

**Councilman Rocco:** Our meeting on Wednesday, June ...

**Supervisor Tupper:** Wednesday the 19<sup>th</sup>.

**Attorney Folmer:** 19<sup>th</sup>.

**Councilman Rocco:** The 19<sup>th</sup>.

**Attorney Folmer:** Correct.

**Supervisor Tupper:** We are going to take this up on Wednesday, the 19<sup>th</sup> at our Town Board meeting. We are going to accept comments up until noon on the Monday before that.

**Attorney Folmer:** Which is the 17<sup>th</sup>. I misspoke. It's the 17<sup>th</sup> not the 13<sup>th</sup>.

**Supervisor Tupper:** So we'll be accepting comments up until the 17<sup>th</sup>. If you have any written comments you'd like to make we certainly would like to see them. Again it helps us if it's in writing. And we do appreciate it. We've got a couple other people in the audience that we know put a lot of effort into this. Mike Barylski retired from the DEC and Victor Siegle from Homer. They gave us a lot of technical advice in areas that we really didn't have. So we want to thank the two of them for their comments. (Applause from audience)

**Councilman Rocco:** Dick, I think we'd be remiss if we didn't mention the Planning Board.

**Supervisor Tupper:** I did.

**Councilman Rocco:** Oh you did. Very good.

**Supervisor Tupper:** I mentioned them. Yes. I don't think I missed anybody. If I did I apologize.

**Attorney Folmer:** Mr. Tupper, before you close the public hearing I'd like to add two things ...

**Supervisor Tupper:** Okay.

**Attorney Folmer:** ... Four things to the record of the public hearing if you don't mind.

**Supervisor Tupper:** Okay.

**Attorney Folmer:** First of all we did receive two written comments. One from Judy Wade. It was received by us on May 14<sup>th</sup>. It's dated the 13<sup>th</sup>. It's a handwritten note and that should be part of the record. And we did in fact receive written comments from Ms. Denise McNeal as she referred to earlier. That should be part of our record as well. I had two verbal thoughts expressed to me. I've had more than two but the two that I think we should put here. I was asked whether or not the regulation should include some description or limitation on the effect of the flicker effect on a residence within an annual period of time and that is something that we will look at but I want it part of the record. And the second question I had had to do with the measurement of the setback depending upon irregular topography, because theoretically I guess if you measure this way up a hill you could end up with the facility being closer than the setback to the actual building. I am advised and believe by people who know more about this than I do that there is a method that surveyors use to measure horizontally so that they make the world what is in effect pre-Columbus or flat. And once they have done that, once we have satisfied ourselves that that is the way that this should be done I think we should consider putting that into the ordinance so that everybody is clear. Other than that I've had no other comments. But I think the record ought to include the four that I have mentioned. And I thank you.

**Supervisor Tupper:** Thank you John. We're going to close this public hearing.

The Public Hearing was closed at 5:50 p.m.

## TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, with Supervisor Tupper presiding.

## Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman Ronal L. Rocco  
Councilman, John C. Proud  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Town Zoning Board of Appeals Member, David Alexander; Town Historian, Jeff Guido and his son and daughter; Michael Barylski; Denise Knight; Steve Flatt; and News Reporters, Katherine Wilde from the *Cortland Standard*, Eric Mulvihill from WXHC, and Sharon Stevans for Channel 2 Access TV.

Supervisor Tupper called the meeting to order.

Councilman Rocco questioned where the written comments regarding the proposed Local Law for Wind Energy Facilities would be available for public review. Supervisor Tupper indicated that the comments would be available through the Town Clerk's Office.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Zoning Board of Appeals Minutes of March 26, 2013. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to approve the Draft Town Board Minutes of April 24, 2013. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to approve the Draft Town Board Minutes of May 1, 2013. All voting aye, the motion was carried.

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**RESOLUTION #109      AUTHORIZE PAYMENT OF VOUCHERS – MAY**

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Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Rocco Proud, Leach      NAY – 0

ADOPTED

BE IT RESOLVED, the vouchers submitted have been audited and shall be paid as follows:

Funds A, B, DA, DB	Voucher #414-476	
	General Fund A	\$ 26,914.06
	General Fund B	\$ 3,290.76
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 20,520.54
Funds CD1, CD3, CD4	Voucher #20-22	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 10,232.09
	Business Devl CD4	\$ 0.00
Fund HC, SS, SW	Voucher #147-168	
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Sewer SS	\$ 7,141.06
	Water SW	\$ 4,929.52
Funds SF, TA, TE	Voucher #(none)	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 0.00
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Jeff Guido.

Town Historian, Jeff Guido first congratulated Town Clerk Snyder for her hard work and dedication to the Town. He then gave the Board an update regarding things that he has been doing as Town Historian. He apprised the Board he attended the Association of New York Public Historians meeting in Liverpool, New York last month.

Mr. Guido recalled that the Board authorized Reverend Robert Calvert to install a new headstone at his relative's grave located in the Town of Cortlandville's South Cortland Cemetery located on Route 13. Mr. Guido informed the Board that Reverend Calvert would be placing a new headstone at his Great-Great-Grandfather's grave on June 15, 2013 at 11:00 a.m. and that the Board was invited to attend the ceremony. Flags would also be placed at the tombstones of veterans who are buried in the cemetery. Mr. Guido notified the VFW and the American Legion and they would provide the flags.

Supervisor Tupper indicated that the Town Highway Department was replacing the post and rail fence at the South Cortland Cemetery. The work should be complete prior to the June 15, 2013 ceremony.

The monthly reports of the Town Clerk, Tax Collector, Town Justice, Supervisor, and Water and Sewer Department for the month of April 2012 were on the table for review and are filed in the Town Clerk's office.

There was a brief discussion regarding correspondence from Time Warner Cable. Supervisor Tupper mentioned that Time Warner Cable would be reorganizing its channel lineup by category. Channels 1 through 99 would remain the same, however channels over 100 would now be organized by genre. The change would be effective on or about June 18, 2013. Supervisor Tupper questioned Town Clerk Snyder if Time Warner would be notifying the public. Town Clerk Snyder was not aware and suggested that Supervisor Tupper contact the Town's Cable Commissioner to inquire.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Time Warner Cable, dated May 14, 2013, regarding the reorganization of its channel lineup by category. All voting aye, the motion was carried.

Town Clerk Snyder apprised the Board that the New York State Town Clerks Association conference, which she recently attended in Buffalo, New York, was very educational. Numerous changes were forthcoming for Town Clerks in the State of New York. One such change, which she did not have too much information on at this time, was the possible future elimination of Town Clerks as issuing agents for conservation licenses.

Town Clerk Snyder thanked the Board for their support with regard to being honored as District 6 Clerk of the Year. She stated she was lost for words, and that it was an honor to serve the Town of Cortlandville, and to put Cortland County on the map with the New York State Town Clerks Association.

Attorney Folmer stated that one of the most pleasant things he has had the opportunity to do as Town Attorney was to write a letter in favor of Town Clerk Snyder's award. He stated it was impossible for him to say just how much support that she and her staff give to the office of the Town Attorney. He stated that he thanks his "lucky stars every day that she is our Town Clerk."

RESOLUTION #110	AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT REGARDING THE TOWN'S 2011 COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION PROGRAM BETWEEN THE TOWN AND HERBERT T. AND SHERRY L. HICKS
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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Rocco Proud, Leach

NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2011 Community Development Housing Rehabilitation Program, between the Town of Cortlandville and Herbert T. and Sherry L. Hicks, 4097 Hicks Hill Road, McGraw, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$28,602.09.

RESOLUTION #111      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
HERBERT T. AND SHERRY L. HICKS FOR THE TOWN'S 2011  
COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING  
REHABILITATION PROGRAM

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Motion by Councilman Rocco

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Rocco Proud, Leach      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Herbert T. and Sherry L. Hicks, 4097 Hicks Hill Road, McGraw, New York, for a 100% deferred loan for the 2011 Community Development Block Grant Housing Rehabilitation Program in the amount of \$28,602.09.

RESOLUTION #112      AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT  
REGARDING THE TOWN'S 2011 COMMUNITY  
DEVELOPMENT BLOCK GRANT HOUSING  
REHABILITATION PROGRAM BETWEEN THE TOWN AND  
DALYCE HEWES

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Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Rocco Proud, Leach      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2011 Community Development Housing Rehabilitation Program, between the Town of Cortlandville and Dalcyce Hewes, 2284 Blodgett Mills Road, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$1,275.00.

RESOLUTION #113      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
LEAMON AND DORENE EATON FOR THE TOWN'S 2011  
COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING  
REHABILITATION PROGRAM

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Motion by Councilman Leach

Seconded by Councilman Rocco

VOTES: AYE – Tupper, Testa, Rocco Proud, Leach      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Leamon and Dorene Eaton, 1596 Oakcrest Street, Cortland, New York, for a 100% deferred loan for the 2011 Community Development Block Grant Housing Rehabilitation Program in the amount of \$273.09.

There was a brief discussion regarding correspondence from the Internal Revenue Service regarding the recent compliance check of the employment tax of the Town. Supervisor Tupper mentioned that a representative from the IRS spent about 2 ½ hours with the Town Bookkeeper and found her records to be in great shape and did not find any reason to continue the audit.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from the Internal Revenue Service, dated May 3, 2013, regarding the recent compliance check of the employment tax of the Town of Cortlandville. All voting aye, the motion was carried.

Supervisor Tupper reminded the Board and the public that the next Town Board Meeting would be held on Wednesday, June 5, 2013 at 7:00 p.m. at the Blodgett Mills Independent Baptist Church.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The draft version of this meeting was submitted to the Town Board for their review on May 22, 2013.

The draft version of this meeting was approved as written at the Town Board meeting of \_\_\_\_\_.