

PUBLIC HEARING NO. 1

LOCAL LAW OF 2018
ZONING TEXT AMENDMENT
SOLAR ENERGY SYSTEMS

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 13045, concerning the enactment of a Local Law revising the Zoning Code of the Town of Cortlandville to permit and regulate Solar Energy Systems.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Absent:

Councilman, John P. Reynolds

Others present were: Town Attorney, John Folmer; Deputy Town Clerk, Patricia Romer; Cortlandville Fire Department Representative, Courtney Metcalf; Taitem Engineering Representative, Dan McLean; C2 Energy Representative, Elie Sclecter; News Reporters: Jacob DeRochie from the *Cortland Standard*; and Hannah Bistocchi from the *Cortland Voice*.

Supervisor Tupper called the Public Hearing to order.

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

Supervisor Tupper offered privilege of the floor to Dan McLean.

Dan McLean from Taitem Engineering thanked the Board for holding the Public Hearing. He explained he has clients who would like to install solar systems on their homes but are in limbo at this time. He agreed with the language in the Town's proposed Local Law for Solar Energy Systems, and respected the Board's intention for properness. He urged the Board to move forward with the Local Law as citizens are eager to have solar power on their roofs in a tasteful way. He stated that it was a great time for people to save money on their electricity bills, however it may not be as appealing in the future as utility companies are "gaining the upper hand" concerning some of the regulations making solar power not as appealing in the future.

No further comments or discussions were heard.

The Public Hearing was closed at 5:03 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, John C. Proud
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Absent:

Councilman, John P. Reynolds

Others present were: Town Attorney, John Folmer; Deputy Town Clerk, Patricia Romer; Cortlandville Fire Department Representative, Courtney Metcalf; Taitem Engineering Representative, Dan McLean; C2 Energy Representative, Elie Sclecter; News Reporters: Jacob DeRochie from the *Cortland Standard*; and Hannah Bistocchi from the *Cortland Voice*.

Supervisor Tupper called the meeting to order.

The draft Town Board Minutes of October 3, 2018 were presented to the Board for their review.

RESOLUTION #239

AUTHORIZE PAYMENT OF VOUCHERS – OCTOBER

Motion by Councilman Proud
Seconded by Councilman Withey
VOTES: AYE – Tupper, Testa, Proud, Withey
ABSENT – Reynolds
ADOPTED

NAY – 0

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

Funds A, B, DA, DB, HE, HG, HH, SS, SW	Voucher #1409-1481		
	General Fund A	\$	42,439.05
	General Fund B	\$	4,501.67
	Highway Fund DA	\$	0.00
	Highway Fund DB	\$	6,828.11
	Saunders Rd Sewer HE	\$	0.00
	Gutchess Lumber SC Project HG	\$	522,230.39
	New Highway Garage HH	\$	59,805.30
	Sewer Fund SS	\$	617.65
	Water Fund SW	\$	5,824.78
Funds CD1, CD3, CD4	Voucher #(None)		
	BMills Rehab CD1	\$	0.00
	Town Wide Rehab CD3	\$	0.00
	Business Devl CD4	\$	0.00
Funds SF, TA, TE	Voucher #51-51		
	C’Ville Fire District SF	\$	0.00
	Trust & Agency TA	\$	520.02
	Expendable Trust TE	\$	0.00

Supervisor Tupper offered privilege of the floor to those in attendance. No requests were made.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Cortland County SPCA for the month of September 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the monthly report of Justice LeFevre for the month of September 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the monthly report of Justice Casullo for the month of September 2018. All voting aye, the motion was carried.

Under old business, there was discussion regarding the proposed Local Law for Solar Energy Systems. Attorney Folmer stated that the procedure the Board would follow was the procedure as suggested by Town's consultants The Zoghlin Group PLLC.

Attorney Folmer explained the first suggestion from The Zoghlin Group was that a resolution be adopted to declare the Solar Law as a Type 1 action under SEQRA. The resolution relates the history of the program from its introduction through review by the County Planning Board and the Town Planning Board. In consideration of threshold definitions in the SEQRA requirements, it is clearly a Type 1 Action and as Lead Agency, the Board needs to declare it a Type 1 Action (Note: The following Resolution was also adopted on 9/19/2018 as Resolution #223 of 2018).

RESOLUTION #240 ADOPTION BY THE TOWN BOARD OF THE TOWN OF
CORTLANDVILLE OF A RESOLUTION CLASSIFYING
CONSIDERATION OF THE ENACTMENT OF THE
PROPOSED SOLAR LAW AS A TYPE I ACTION UNDER
SEQRA

Motion by Councilman Proud
Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey
ABSENT – Reynolds
ADOPTED

NAY – 0

WHEREAS, on or about August 1, 2018 the Town Board of the Town of Cortlandville (the "Town Board") introduced the proposed Solar Law, and

WHEREAS, the Town Board recognizes the emergence and growing use of solar energy as a renewable energy resource, and

WHEREAS, the Town of Cortlandville's current Town Code does not adequately meet the Town's objectives, which include:

- A. To protect and promote the farmland and agricultural economy and culture.
- B. To protect and promote scenic and environmental resources by minimizing Solar Energy Systems' siting impacts on the Town of Cortlandville's scenic and environmental resources such flood plains, historic sites, conservation easements, trails, parklands, wetlands, wildlife and scenery, and areas for recreational and outdoor activities.
- C. To protect public resources by minimizing Solar Energy Systems' siting impacts on government lands.
- D. To take advantage of a safe, abundant, renewable and non-polluting energy resource in a way that is consistent with the nature and character of the Town, and

WHEREAS, adoption of the Proposed Solar Law would involve a change in allowable uses within at least one zoning district affecting 25 or more acres of the district, and

WHEREAS, the Town Board referred a prior version of the proposed Solar Law to the County Planning Board for review and comment, and

WHEREAS, the Town Board has considered the County Planning Board's comments on the proposed solar law.

WHEREAS, The Town Board has considered the content of the prior version of the proposed Solar Law, the current version of the proposed solar law, the FEAF, and all comments related to this action received to date, and

WHEREAS, The Town Board has considered any relevant public input, and

NOW, THEREFORE, the Town Board of the Town of Cortlandville hereby finds that the adoption of the current version of the proposed Solar Law would qualify as a Type I action under SEQRA because it would involve a change in allowable uses within any zoning district affecting 25 or more acres of the district, under 6 NYCRR 617.4(b)(2).

AND THEREFORE, the Town Board of the Town of Cortlandville further resolves that the Proposed Action is classified as a Type I Action under SEQRA.

AND THEREFORE, the Town Board of the Town of Cortlandville will continue its SEQRA review of the proposed solar law by preparing a Full Environmental Assessment Form.

AND THEREFORE, the Town Board of the Town of Cortlandville will review any relevant submissions and comments related to the proposed Solar Law in order to make a determination of environmental significance under SEQRA.

AND THEREFORE, the Town Clerk is hereby directed to enter this resolution in the minutes of this meeting.

Attorney Folmer continued and apprised the Board the second suggestion from The Zoghlin Group PLLC was to complete Part 2 of SEQRA application. The suggestions made for the Board's responses were a result of The Zoghlin Group PLLC's review of all material including the text of the Local Law, comments that were received prior to today together with the comments of the Cortlandville Planning Board and the County Planning Board. Attorney Folmer read aloud the questions and suggested answers to which Board members would agree or disagree. The answers to the Part 2 Full Environmental Assessment Form for identification of potential project impacts suggested were "no" with the exception of the following questions which were answered "yes" with the sub-questions answered "No, or small impact may occur": 8. Impact on Agricultural Resources; 9. Impact on Aesthetic Resources; 11. Impact on Open Space and Recreation; and 15. Impact on Noise, Odor, and Light. The Board agreed with all suggested responses and Part 2 was complete.

Attorney Folmer presented the Board with a draft of Part 3 of the SEQRA application as prepared by The Zoghlin Group, which summarized the necessity of steps the Town had been reviewing. He asked the Board if they were prepared to declare a Negative Declaration or if they preferred to review Part 3 before acting on it. The Board agreed to review Part 3 before taking action and would do so at a separate Meeting on October 26, 2018 at 10:00 a.m.

Attorney Folmer explained that after the review is complete the Board would need to adopt a resolution declaring a Negative Declaration under SEQRA and to adopt the Solar Law itself. If action is taken on October 26, 2018, the Town would be able to file it with the Secretary of State prior to the expiration of the moratorium on October 31, 2018. Town Clerk Rocco-Petrella would provide the Board with copies of the proposed resolutions for the Negative Declaration and adoption of the Local Law as well as Part 2 of SEQRA.

Supervisor Tupper commended Attorney Folmer and The Zoghlin Group for a thorough review. Attorney Folmer pointed out there have been revisions to the SEQRA regulations. Changes in definitions of Type 1 and Type 2 matters would take effect on January 1, 2019. A major change is Scoping, which was always a discretionary method but will now be mandatory in all SEQRA applications. Councilman Proud discussed the complexity of the SEQRA process and acknowledged it being difficult even with his environmental background.

RESOLUTION #241**SCHEDULE PUBLIC HEARING REGARDING THE
2019 PRELIMINARY BUDGET**

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey

ABSENT – Reynolds

NAY – 0

ADOPTED

BE IT RESOLVED, a Public Hearing is hereby scheduled to be held on November 7, 2018 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York regarding the 2019 Preliminary Budget, and it is further

RESOLVED, that copies shall be made available for distribution to the public on November 7, 2018.

RESOLUTION #242 SCHEDULE DATE TO ADOPT THE 2019 PRELIMINARY
BUDGET AS THE 2019 ADOPTED BUDGET

Motion by Councilman Withey
Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Withey
ABSENT – Reynolds
ADOPTED

NAY – 0

BE IT RESOLVED, the Town Board shall adopt the 2019 Preliminary Budget as the 2019 Adopted Budget at the Regular Town Board Meeting on Monday, November 19, 2018 at 5:00 p.m.

RESOLUTION #243 SCHEDULE SPECIAL TOWN BOARD MEETINGS FOR
OCTOBER 22, 2018 AND OCTOBER 26, 2018

Motion by Councilman Withey
Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Withey
ABSENT – Reynolds
ADOPTED

NAY – 0

BE IT RESOLVED, The Town Board does hereby schedule a Special Town Board Meeting for Monday, October 22, 2018 at 9:00 a.m. for the purpose of discussing modifications to the 2019 Tentative Budget, and it is further

RESOLVED, the Town Board further authorizes a Special Town Board Meeting for Friday, October 26, 2018 at 10:00 a.m. for the purpose of discussing modifications to the 2019 Tentative Budget as well as the proposed Local Law of 2018 for Solar Energy Systems.

Attorney Folmer reported:

Tax Levy Limit:

Attorney Folmer explained there was a possibility that the Town could adopt a budget that exceeds the tax levy limit. He recommended the Board adopt a Local Law to override the tax levy limit, which he drafted and presented to the Board. He suggested the Board schedule a public hearing to consider the Local Law.

Supervisor Tupper explained that based on the Town's budget, the 2% tax cap will be very difficult to adhere to. A resolution should be passed as a precautionary measure to stay in compliance. Attorney Folmer added that the Local Law simply gives the Town the option to override the tax levy limit. If it is determined by the Board that it is not necessary, it is not required once the Local Law is in place.

Councilman Withey announced he would not be able to attend the Town Board Meeting on November 7, 2018.

RESOLUTION #244 SCHEDULE PUBLIC HEARING FOR A LOCAL LAW OF
2018 TO OVERRIDE THE TAX LEVY LIMIT

Motion by Councilman Proud
Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey
ABSENT – Reynolds
ADOPTED

NAY – 0

BE IT RESOLVED, A Public Hearing is hereby scheduled to be held on November 7, 2018 at 5:00 p.m. or as soon thereafter as the parties may be heard, at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York regarding a proposed Local law for 2018 to override the Tax Levy Limit established in General Municipal Law Section 3-c.

Intermunicipal Cooperation Agreement:

Attorney Folmer discussed the execution of the Intermunicipal Cooperation Agreement between the Cortlandville Fire District and the Town for the installation of the backup generator facility from the Fire Station to provide power to the Raymond G. Thorpe Municipal Building in the event of a power outage. The agreement was prepared by the Fire District and reviewed and revised by Attorney Folmer. The Fire Commissioners met on October 16, 2018 and approved the revised agreement. Attorney Folmer advised the Board that the form of the agreement was proper and could be utilized.

Tax Certiorari Proceedings:

Attorney Folmer explained that the Town has several taxpayers who file tax certiorari proceedings annually against the Town challenging their assessments. Gator Cortlandville Partners files such a proceeding annually and had pending certiorari claims for the years 2014, 2015, 2016, 2017 and 2018. A conference with the Court was held recently which resulted in a stipulation circulated which discontinues without changing the assessment for the years 2014, 2015, 2016 and 2017. The assessment proceedings for 2018 remains open.

Niagara Mohawk Power Corporation Easement:

Attorney Folmer apprised the Board that the Niagara Mohawk Power Corporation asked the Town to grant an Easement to them over the road that leads into the Town's new Gutches Lumber Sports Complex for running electric utilities. The Easement was in proper form for legal purposes. Attorney Folmer said if it is the Town's desire to convey the Easement to them, per Town Law it must be done by resolution subject to permissive referendum.

Councilman Proud asked for the purpose of the Easement, to which the answer was power. Supervisor Tupper explained that heavy power is necessary for the park. An underground concrete box and conduit is needed for the source. An easement is needed from that box to the source. There would be no additional cost to the Town as it was included in the bid specs for the construction of the Gutches Lumber Sports Complex.

RESOLUTION #245	AUTHORIZE SUPEVISOR TO SIGN AN EASEMENT BETWEEN THE TOWN OF CORTLANDVILLE AND NIAGARA MOHAWK POWER CORPORATION FOR PROPERTY LOCATED AT 487 ROUTE 13 SUBJECT TO PERMISSIVE REFERENDUM
-----------------	--

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Withey

NAY – 0

ABSENT – Reynolds

ADOPTED

BE IT RESOLVED, that the Town Board of the Town of Cortlandville does hereby authorize the Supervisor to execute an Easement between the Town of Cortlandville and Niagara Mohawk Power Corporation for the purpose of running electric utilities to Town property located at 487 Route 13 in the Town of Cortlandville, known as the site of the Gutches Lumber Sports Complex, tax map#105.00-04-02.200, and it is further

RESOLVED, this resolution is adopted Subject to Permissive Referendum as required by law.

Past Due Water/Sewer Department Invoice:

Attorney Folmer apprised the Board that the Water and Sewer Department expended money in connection to improvements made to a development. He explained that this was not unusual to do so because it is required in the Town specifications that a certain type of equipment must be utilized. However, the equipment has not been paid for by the customer. Attorney Folmer was asked to file a Small Claims in the Town Justice Court to collect the unpaid bill for \$2,447.41 on behalf of the Water and Sewer Department, and requested Board authorization to do so.

RESOLUTION #246 AUTHORIZE TOWN ATTORNEY TO FILE A SMALL
CLAIMS ON BEHALF OF THE TOWN OF CORTLANDVILLE
WATER AND SEWER DEPARTMENT

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Withey

NAY – 0

ABSENT – Reynolds

ADOPTED

BE IT RESOLVED, that the Town Attorney is hereby authorized and directed to file a Small Claims in the Town of Cortlandville Justice Court, on behalf of the Water and Sewer Department for an unpaid invoice in the total amount of \$2,447.41 for materials purchased from the Town of Cortlandville.

BCO Alliance and the Proposed NYSEG Powerline Corridor:

Attorney Folmer spoke with regard to a letter previously received by the Town Board from the Supervisor of the Town of LaFayette in connection with the Broome/Cortland/Onondaga Forrest, Farm and Home Preservation Alliance (BCO) The BCO Alliance is aimed at dealing with the proposed NYSEG powerline that is to be run through parts of Onondaga, Cortland and as far as Binghamton. Attorney Folmer spoke with LaFayette Supervisor Fitzpatrick who explained that the BCO Alliance is gathering people to join in, or to participate in, a class action lawsuit regarding the installation of the powerline. Attorney Folmer said there are several signs along Route 13 in the Truxton and Cuyler area opposing the powerline. Supervisor Fitzpatrick provided an email address to Attorney Folmer to gain more information on the matter. The BCO Alliance would provide suggested text of local laws for the Board to consider. Attorney Folmer would provide the information to the Board to aid them in their decision to participate or not.

Supervisor Tupper informed the Board that the proposed powerline does slightly touch Cortlandville in the Polkville area. Councilman Proud was contacted by one resident who would be impacted by the powerline and indicated he would like to view a map to see where the proposed line would affect the Town. Councilman Withey said there are “two sides to the coin” and agreed he would like more information regarding the matter.

RESOLUTION #247 AUTHORIZE SUPERVISOR TO SIGN THE UTILIZATION OF
SECTION 3 RESIDENTS AND BUSINESSES 3RD QUARTER
REPORT 2018 REGARDING THE 2016 CDBG TOWN-WIDE
HOUSING REHABILITATION PROGRAM (#287HR326-16)

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ABSENT – Reynolds

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Utilization of Section 3 Residents and Businesses 3rd Quarter Report of 2018, regarding the 2016 CDBG Town-Wide Housing Rehabilitation Program (#287HR326-16).

Supervisor Tupper informed the Board he received a letter from Earl and Donna Fox who were recipients of the Town-Wide Housing Rehabilitation Grant. Much appreciation was expressed and compliments were given to the contractors that performed the work. The letter would be added to the project file.

Supervisor Tupper spoke in regard to the CNH Mobile Home Park Permit Renewal application for 3610 Kingsley Avenue and the violations attached to it. CEO Campbell reported that the three violations were satisfied and CNH Trailer Park was compliance. Town Clerk Rocco-Petrella informed the Board that the permit was issued.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Town Code Enforcement Officer, Desiree Campbell, dated October 4, 2018, regarding the correction of the code violations at the CNH Trailer Park located at 3610 Kingsley Avenue. All voting aye, the motion was carried.

There was a brief discussion regarding the Intermunicipal Cooperation Generator Agreement between the Town and the Cortlandville Fire District (CVFD). Supervisor Tupper explained that Beard Electronics was awarded the contract by the CFVD through its RFP and would be completing the electrical work within the municipal building and the fire station. The Town Highway Department would begin digging next week to connect the Raymond G. Thorpe Municipal Building to the backup generator at the Cortlandville Fire Department.

RESOLUTION #248 AUTHORIZE SUPERVISOR TO SIGN THE INTER-MUNICIPAL COOPERATION GENERATOR AGREEMENT BETWEEN THE CORTLANDVILLE FIRE DISTRICT AND THE TOWN OF CORTLANDVILLE

Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Withey

ABSENT – Reynolds

NAY – 0

ADOPTED

WHEREAS, the undersigned recognize that there is a need for backup power for The Raymond G. Thorpe Municipal Building (Town Hall) during emergencies to allow for continuity of operations and government;

WHEREAS, the Cortlandville Fire District has a generator capable of powering it's buildings as well as the Town Hall;

WHEREAS, the Cortlandville Fire District offers the shared service of the Fire Station 1 generator located at 999 State Route 13, Cortland, NY to provide the Cortlandville Town Hall at 3577 Terrace Road, Cortland, NY backup emergency power;

WHEREAS, the Town of Cortlandville will pay the Cortlandville Fire District the sum of \$58,175, the cost of installing the electrical and related equipment and facilities necessary to provide the backup power described above;

WHEREAS, the Cortlandville Fire District generator requires routine and preventative maintenance;

WHEREAS, the Town of Cortlandville provides snow removal and lawn care for the properties of the Cortlandville Fire District;

NOW, THEREFORE, BE IT RESOLVED, that, through this IMCA, the Cortlandville Fire District shall share the use of the generator and pay for costs associated with routine and preventative maintenance of the generator for as long as the Town of Cortlandville continues to provide snow removal and lawn care for the properties of the Cortlandville Fire District known as Stations #1 & #2.

BE IT FURTHER RESOLVED, in consideration of the terms and conditions contained herein, together with other good & valuable consideration, and in accordance with the New York State General Municipal Law, Article 5-G, Section 119, the parties herein do covenant and agree as follows:

Section 1. Term

A. The term of this agreement shall remain in place for such time as the conditions above are met.

B. Termination by Either Party

Either party may terminate this Agreement, with or without cause, upon twelve (12) months' written notice to the other party. Upon termination, all materials, files, reports or other work products relating to this Agreement shall be returned to the appropriate party.

Section 2. Compliance with Laws

In connection with the Services to be performed under this Agreement, both parties and each of their agents and employees shall comply with all federal, state and local laws, resolutions, ordinances, codes, rules and regulations applicable to the performance of the Services to be rendered hereunder.

Section 3. Liability and Indemnification.

Each party hereby covenants and agrees to indemnify, defend, and hold harmless the other and its officers, agents and employees from any and all claims, liabilities, obligations, damages, losses and expenses whether contingent or other-wise, including reasonable attorney's fees and costs of defense, incurred by any party as a result of the performance of this agreement. As part of its obligation to indemnify and hold harmless, each party agrees to obtain and maintain in full force and effect, for the terms of this agreement, insurance coverage naming each other as additional insured.

Section 4. Law

This Agreement shall be governed by the law of the State of New York. In the event that a dispute arises between the parties, venue for the resolution of such dispute shall be the County of Cortland, New York.

Section 5. Severability

If any provision of the agreement is held invalid by a court of law, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the laws of the State of New York.

RESOLUTION #249 AMEND THE 2018 BUDGET AND AUTHORIZE
SUPERVISOR TO TRANSFER FUNDS

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Withey

ABSENT – Reynolds

NAY – 0

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to transfer funds to adjust the accounts of the 2018 Budget to record increases in appropriations from fund balance for the Town Hall Generator Project as follows:

1) GENERAL FUND A: Transfer \$58,175.00

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A599	A1620.4	<u>\$58,175.00</u>
	TOTAL:	\$58,175.00

Supervisor Tupper discussed correspondence received from NYS Homes and Community Renewal regarding lead agency status for the proposed YWCA Housing project to be located at 1318 Carroll Street. He stated the Board does not wish to be lead agency. Attorney Folmer recommended a letter be written to decline Lead Agency status as it would expedite the process for the YWCA housing project. He also pointed out there is controversy in regard to part of Carroll Street being privately owned; the owners are not happy with the idea of using part of the road for access to the proposed building.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Heather Spitzberg, Esq. of NYS Homes and Community Renewal, dated September 11, 2018, requesting lead agency status for the proposed YWCA Housing project for property located at 1318 Carroll Street in the Town of Cortlandville. All voting aye, the motion was carried.

RESOLUTION #250 AUTHORIZE SUPERVISOR TO WRITE A LETTER TO NYS
HOMES AND COMMUNITY RENEWAL DECLINING LEAD
AGENCY STATUS FOR THE PROPOSED YWCA HOUSING
PROJECT

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey

ABSENT – Reynolds

NAY – 0

ADOPTED

WHEREAS, the Town Board received correspondence from NYS Homes and Community Renewal requesting lead agency status for the proposed YWCA housing project for property located at 1318 Carroll Street in the Town of Cortlandville, to which the Town Board does not object, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to write a letter to Heather Spitzberg, Esq., NYS Homes and Community Renewal indicating that the Town Board does not object to the Office of NYS Homes and Community Renewal being designated as lead agency.

Councilman Proud discussed correspondence received from the NYS DEC to Christopher Henry regarding the notice of incomplete application for the mining permit modification in relation to Route 13 Rocks, LLC. He explained that the initial application for the mining permit modification was in November of 2017, which required more information. Correspondence of August 7, 2018 considered the application complete. Councilman Proud stated that a major issue concerning the project was that they are to excavate 100 feet into the aquifer, which would be 108 feet below the current floor of the mine. Another concern is that the mine it is within 1,000 feet of the Town's Lime Hollow wells, which poses a substantial risk. The latest correspondence, dated September 14, 2018, indicated that the DEC was requesting additional information. Eight items cited in the correspondence focus on the Town's well and public water supply. Councilman Proud was pleased the DEC was taking this additional step. The DEC will need to obtain additional information from the consultants for Route 13 Rocks, and then make a determination as to a Negative or Positive Declaration under SEQRA. If a Negative Declaration is made the Town would have 30 days for comment. Councilman Proud repeated his previous concerns regarding the project.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from the NYS Department of Environmental Conservation to Mr. Christopher Henry of Route 13 Rocks, LLC, dated September 14, 2018, regarding the DEC 2nd Notice of Incomplete Application for Mining Permit Modification MLR #70436. All voting aye, the motion was carried.

RESOLUTION #251 AUTHORIZE HIGHWAY SUP'T. TO PURCHASE TWO (2)
NEW PICKUP TRUCKS

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ABSENT – Reynolds

ADOPTED

WHEREAS, the Town Board received a request from Highway Sup't. Bassett to replace two (2) Cortlandville Highway Department pickup trucks that are dated and the cost of repairs are above the value of the trucks, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Highway Sup't. to purchase two (2) new pickup trucks in accordance with the Town's procurement policy, with one pickup truck to be purchased under the 2018 Budget and the second truck to be purchased from the 2019 Budget.

RESOLUTION #252 DESIGNATE CITIZENS PARK DRINKING FOUNTAIN AS
SURPLUS PROPERTY AND AUTHORIZE SAID FOUNTAIN
TO BE CONVEYED TO CAROL (PIERCE) LAVIGNE

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ABSENT – Reynolds

ADOPTED

WHEREAS, Citizens Park is no longer utilized as a Community Park; and

WHEREAS, the Town Board has determined that the personal property at Citizens Park is of no use to the Town and is surplus property; and

WHEREAS, former Town Supervisor, Melvin Pierce was instrumental in the creation of Citizens Park and his daughter has expressed an interest in owning, as a keepsake, the drinking fountain used at the Park;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board designates the Citizens Park drinking fountain as surplus property and conveys said property to Carol (Pierce) LaVigne.

RESOLUTION #253 AMEND THE 2018 HOLIDAY SCHEDULE FOR THE TOWN
OF CORTLANDVILLE

Motion by Councilman Withey

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ABSENT – Reynolds

ADOPTED

BE IT RESOLVED, the Town Board does hereby amend the 2018 Holiday Schedule for the Town of Cortlandville to include the closure of the Town offices at 1:00 p.m. on Wednesday November 21, 2018 and at 12:00 p.m. on Friday, December 21, 2018.

Supervisor Tupper commended Water and Sewer Sup't. Peter Alteri and Deputy Water and Sewer Sup't. Brian Congdon for discovering a problem with the Terrace Road well. They quickly found the problem and reacted professionally and appropriately. Even though the well tested safe, it was shut down as a precaution and will be extensively cleaned. All measures were taken to be sure water is safe for Cortlandville residents. The State and the County have acknowledged the actions of the Town's Water Department to be proper.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:00 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 November 7, 2018.
The final version of this meeting was approved as written at the Town Board meeting of November 19, 2018.