

**CORTLANDVILLE TOWN BOARD
AGENDA
AUGUST 1, 2018 - 5:00 P.M.**

Pledge Allegiance to the Flag

- A. CALL THE MEETING TO ORDER**
- B. APPROVE MINUTES**
 - B-1 Town Board Minutes of July 11, 2018
 - B-2 Special Town Board Minutes of July 16, 2018
 - B-3 Town Board Minutes July 18, 2018
- C. PURCHASE ORDERS**
- D. AUTHORIZATION TO PAY THE BILLS**
- E. PRIVILEGE OF THE FLOOR**
- F. REPORTS – (Town Clerk)**
- G. COMMUNICATIONS**
- H. OLD BUSINESS**
 - H-1 Further consideration of the Solar Code Amendment – SEQRA & Aquifer Protection Permit
 - H-2 Receive & file the correspondence dated July 25, 2018 from Phillips Lytle LLP regarding comments on the Town’s proposed Solar Code
- I. NEW BUSINESS**
 - I-1 Town Clerk
 - I-2 Town Attorney
 - I-3 Authorize the Supervisor to sign the Agreement with CHA dated July 12, 2018 regarding the Gutchess Lumber Sports Complex – Concession-Restroom Building Schematic Design

- I-4 Receive & file the Cortland County Planning Department review & recommendations dated July 13, 2018 & Resolution #18-24 from Cortland County Planning Board dated July 18, 2018 regarding Zoning Map Amendment & Area Variance – Emmanuel Pothos
- a.) Schedule a Public Hearing for August 18, 2018 at 5:00 p.m. regarding the Zoning Map Amendment of Emmanuel Pothos for property located north of Weaver Road & south of Interstate Route 81, Tax Map #87.00-05-05.000 & 11.000
- I-5 CDBG #287HR326-16 Town-wide Housing Rehabilitation Grant Program:
- a.) Authorization to pay the following vouchers for the Town-wide Housing Rehabilitation Grant Program CDBG# 287HR326-16 **(Originals in Supervisor's packet to be signed & initialed by Town Board)**
- 1.) Voucher # 51, Reome Electrical & General Contracting, \$9,610.00
- 2.) Voucher # 52, Joseph Jenne, \$13,500.00 (Program Income – Darik & Amber Hanback, 3673 Pendleton Street)
- I-6 Authorize the Supervisor to sign the contact with the Cortland Youth Bureau Recreation contact for the year 2018

J. ADJOURN



Phillips Lytle LLP

H-2

Via E-Mail and FedEx

July 25, 2018

Town of Cortlandville Town Board
 Attn: Richard C. Tupper, Town Supervisor
 The Raymond G. Thorpe Municipal Building
 3577 Terrace Road
 Cortland, NY 13045

Re: Comments on the Town of Cortlandville's Proposed Solar Zoning Ordinance

Dear Supervisor Tupper and Members of the Town of Cortlandville Town Board:

We serve as counsel to C2 Energy Capital LLC ("C2 Energy"), a New York-based solar developer with extensive experience in operating over fifty (50) projects on behalf of utilities, school districts, governmental authorities, colleges, low-income housing, non-profits, and hospitals.

As stated in its initial comments submitted to the Town Board on April 26, 2018, and in person at the May 16, 2018 public hearing, C2 Energy wishes to work collaboratively with the Town to appropriately tailor the proposed solar zoning ordinance (the "Solar Law") to achieve mutually-shared goals and provide economic benefits to the Town and its community members.

In advance of the August 1, 2018 Town Board meeting, C2 Energy respectfully submits the following supplemental comments on the Solar Law. For the reasons set forth more fully below, C2 Energy respectfully requests that the Town Board adopt the Solar Law, including the Section 3(D)(a) waiver provision (as modified in **bold underline**) which would state:

*"The Planning Board may, in its sole discretion, modify and/or waive the requirements of this section for a Large-Scale Solar Energy System **proposed on a parcel, located in whole or in part, within two-thousand (2,000) feet of an Agricultural or Industrial Zoning District** that it believes is harmonious with surrounding land uses, and where, because of its size or other considerations, the Planning Board believes that it does not need to be subjected to the specific requirements set forth herein."*

ATTORNEYS AT LAW

KEVIN C. BLAKE, ASSOCIATE DIRECT 716 847 7082 KBLAKE@PHILLIPSLYTLE.COM

ONE CANALSIDE 125 MAIN STREET BUFFALO, NY 14203-2887 PHONE 716 847 7082 FAX 716 852 6100

NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | WASHINGTON, DC | CANADA: WATERLOO REGION | PHILLIPSLYTLE.COM



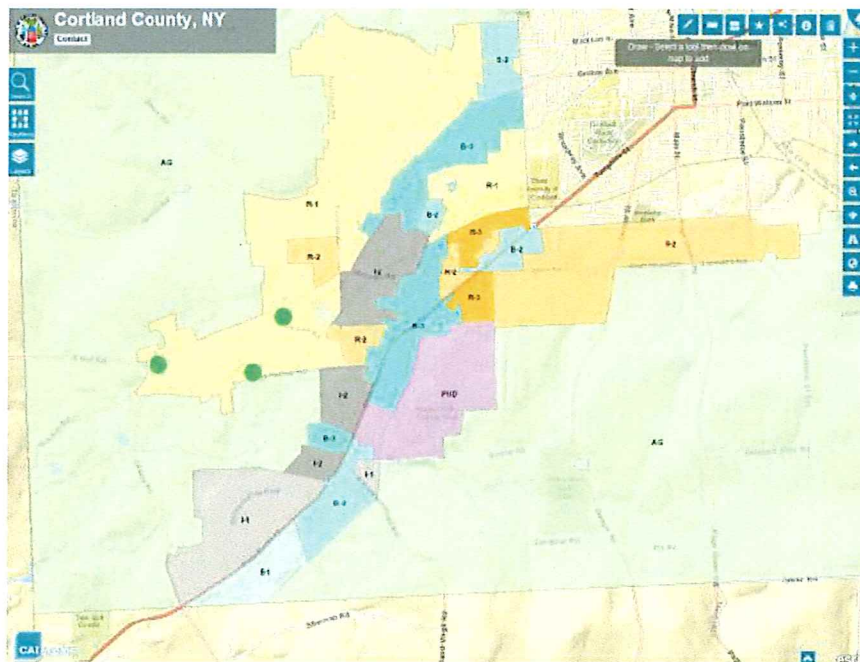
July 25, 2018

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I. Without a Waiver Provision, the Solar Law Would Expressly Prohibit Three Solar Projects in the Town of Cortlandville

As noted in our April 26, 2018 comments, C2 Energy is concerned that absent a waiver provision in Section D(3)(a), the Solar Law would prohibit large-scale solar projects located outside of Agricultural or Industrial zoning districts. This provision is overly restrictive for its intended purpose, and would have the effect of prohibiting the following three (3) projects which are located on the outer fringes of the R-1 district, directly on the boundary of the Agricultural district¹:

Project Name	Project Location
<i>Gunzenhauser 1</i>	415 McLean Road, Cortland, NY13045
<i>Gunzenhauser 2</i>	Lime Hollow Road, Cortland, NY 13045
<i>Stupke</i>	684 McClean Road, Cortland, NY 13045



¹ The below map illustrates the zoning districts located in the southwestern corner of the Town. The three (3) green circles represent the location of C2 Energy's three (3) solar projects located within the R-1 district. As illustrated, these projects are located at the far outskirts of the R-1 district, directly bordering the Agricultural district, and are harmonious with land uses in the area.



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II. C2 Energy Worked With the Planning Board to Narrowly Tailor the Waiver Provision

In order to provide the Town with increased flexibility to allow the above-referenced projects to proceed as a principal or accessory use (with the issuance of a Conditional Permit) C2 Energy originally requested, in its April 26, 2018 comments, that the Town include a waiver provision in Section D(3) of the Solar Law (the "Original Waiver Provision"). As first proposed, the Original Waiver Provision would have allowed the Planning Board to waive the Agricultural and Industrial restriction to the extent that a proposed solar project would be harmonious with surrounding land uses.

Based on further discussions with members of the Planning Board, C2 Energy supported a significantly narrowed scope of that waiver provision. As revised, the narrowed waiver provision ("Narrowed Waiver Provision"), as described above, would allow the Planning Board to only grant a waiver to the extent a project is located, in whole or in part, on a parcel within two-thousand (2,000) feet of an Agricultural or Industrial Zoning District and only to the extent such a project would be harmonious with surrounding land uses.

C2 Energy and members of the Planning Board appear to be in agreement that narrowing this waiver by subjecting it to the above-referenced 2,000-foot "buffer zone" would significantly narrow the scope of its application and enhance the Town Board's ability to enforce the Solar Law. As revised, the Narrowed Waiver Provision would ensure the Solar Law has adequate flexibility to allow projects to proceed in those limited "buffer zone" areas without the Town Board overly conceding jurisdiction and control over application of the Solar Law. Because the Narrowed Waiver Provision fairly balances the interests of the Town, its citizens, and the solar community, C2 Energy respectfully requests that it be adopted in the Solar Law.

III. The Town Has Authority To Include a Waiver Provision in the Solar Law

Contrary to the County Planning Board's comments, as outlined in County Planning Board Resolution No. 18-18, the Town Board does, in fact, have authority to include a waiver provision in its own Solar Law and the Planning Board does, in fact, have authority to grant such a waiver if it is provided for in a local law. New York Town Law § 274-b(5) states the following in connection with waiver provisions:

Waiver of requirements. The town board may further empower the authorized board to, when reasonable, waive any requirements for the approval, approval with modifications or disapproval of special use permits submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in the



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ordinance or local law adopted pursuant to this section, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit.

In Matter of Real Holding Corp. v. Lehigh, 2 N.Y.3d 297, the Court of Appeals interpreted Town Law § 274-b(5) to uphold a town board's decision to empower an "authorized board" (such as the planning board) to waive any requirement of a conditional/special permit. *See Lehigh* at 302. Furthermore, the fact that a town board's waiver provision may create "two avenues" through which an applicant may address inability to comply with a given requirement (the waiver or a variance issued by the Zoning Board of Appeals), this overlap "**does not** create discord in the town law" (emphasis added). *Id.* As such, despite the County Planning Board's comments, the Town does in fact have the legal authority to adopt the Solar Law, with the above-referenced Narrowed Waiver Provision, by supermajority vote pursuant to General Municipal Law Section 239-m.

IV. The Waiver Provision Is Consistent with the New York State Model Solar Law

Not only does the Town have authority to include the waiver provision, but such a provision is consistent with and recommended by the New York State Model Solar Energy Law ("Model Law"), which was developed in conjunction with local government participants and Pace Law School's Land Use Law Center in an effort to assist communities in developing balanced solar zoning provisions that promote solar energy while protecting the community character and the environment.

Pursuant to the Model Law, a municipality "may consider a waiver for... projects in preferred locations... or other situations where [certain] standards are deemed unnecessary by the community." *See Model Law* at 21. C2's Narrowed Waiver Provision is consistent with the Model Law's suggested waiver language and is narrowly tailored to allow the Planning Board to waive certain overly-restrictive provisions in very limited circumstances where deemed appropriate. As provided in the Model Law, the Town may waive certain unnecessary restrictions, such as the restriction to limit large-scale ground-mounted solar in Agricultural and Industrial districts, where, as here, the project would fit harmoniously with the surrounding land uses.

Because the Narrowed Waiver Provision is narrowly-tailored, consistent with the Model Law, and appropriately balances diverse community interests, the Town should adopt it as part of the Solar Law.



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V. Omitting the Narrowed Waiver Provision Would Jeopardize the Economic and Environmental Benefits Associated with Three Solar Projects

As the Solar Energy System Zoning Committee has recognized, the Solar Law is intended to promote the health, safety, and welfare of the Town and to bring multiple revenue streams and benefits to its residents. The owner of a project site will lease land to C2 Energy in return for lease payments. Community solar customers, which may include municipalities, business, and residents, will save money on their utility bills. And local counties, cities, towns, villages and school districts can benefit from payment-in-lieu-of-taxes (PILOT) agreements. Each component of a solar project benefits the local economy and wellbeing of the residents. Beyond those economic benefits, the solar projects being proposed in the Town provide essential electric energy necessary to drive New York toward a clean, local, renewable energy future that is not reliant on out-of-state or out-of-county fuel sources. Without the Narrowed Waiver Provision, the Solar Law would jeopardize the economic and environmental benefits associated with three significant solar projects proposed in the Town.

As demonstrated above, the Town has authority, with a supermajority vote, to adopt the Solar Law and the Narrowed Waiver Provision, which would allow the above-referenced projects to proceed as a principal or accessory use (with the issuance of a Conditional Permit). Because the Narrowed Waiver Provision (1) is narrowly-tailored to address the Planning Board's concern, (2) provides flexibility to meet the diverse interests of the Town's community members, and (3) is consistent with the Model Law waiver provision language, C2 Energy respectfully requests that it be adopted as part of the Solar Law.

C2 Energy looks forward to continuing this cooperative and productive relationship with the Town, and welcomes the opportunity to further discuss its projects, and this request, with the Town at the August 1, 2018 Town Board meeting.

Very truly yours,

Phillips Lytle LLP

By /s/ Kevin C. Blake

Kevin C. Blake

CC: John Folmer, Town Attorney (jfolmer@cortlandville.org)
Kristin E. Rocco-Petrella, RMC, Town Clerk (townclerk@cortlandville.org)



RECEIVED JUL 25 2018

1-3

July 12, 2018

Supervisor Richard Tupper
Town of Cortlandville
Raymond G. Thorpe Municipal Building
3577 Terrace Road
Cortland, New York 13045

**RE: *Town of Cortlandville- Gutchess Lumber Sports Complex
Concession-Restroom Building Schematic Design
CHA Project No. 31591 EWA 5 – CHA Proposal No. X54752***

Dear Supervisor Tupper:

As the Town continues to plan for the future phases of the Gutchess Lumber Sports Complex and the first phase of construction on the two (2) baseball fields will be complete at the end of the year, the planning of the concession-restroom building is the next priority element that will enhance the overall function of the park. Therefore, CHA is pleased to provide architectural services to complete a schematic design of the proposed building that is to be centrally located in between the four (4) ball fields.

Our proposed Scope of Services, Schedule, and Fee are outlined below:

EXHIBIT A - SCOPE OF SERVICES

Task 1: Schematic Design/Design Development Phase

CHA will subcontract with Robertson Strong Apgar Architects, P.C. (RSA) to assist us with the architectural services for a new concession-restroom building. We understand the scope of the building to include the following:

- ✓ Concession stand with no cooking
- ✓ Men's and Women's rest rooms
- ✓ Field storage
- ✓ Fully ADA accessible
- ✓ Team room
- ✓ 2nd floor press box

This Schematic Design/Design Development Phase will include the following:

1. Review the overall facility program.
2. Evaluate scope of project thoroughly with the Town and Advisory Committee.
3. Complete the International Building Code and NYS Energy Code review and analysis, and incorporate required code and ADA requirements into the Schematic Design.
4. Provide a preliminary analysis of structural and MEP systems space and clearance requirements.
5. Conduct up to three (3) meetings with Town and Advisory Committee to review and approve program and schematic design.
6. Provide graphic drawings and renderings showing the new facility.
7. Provide preliminary cost estimates for architectural and structural portions of the work.

- 8. Major items to be shown in schematic design drawings are:
 - a. Floor Plans of field house, concession stand, and all floors
 - b. Preliminary building section drawings
 - c. Exterior elevations, all four sides

This task does not include construction contract documents or technical specifications.

EXHIBIT B - SCHEDULE

We are prepared to begin work on this project immediately upon receiving authorization. CHA will work with the Town and architect to establish milestone dates for meetings and deliverables. Once the overall facility program and scope of project are approved by the Town/Advisory Committee, then the schematic design will take approximately 3 weeks to complete.

EXHIBIT C - FEES

We propose to be compensated for our services for a fee of \$12,750.00.

CHA will bill at cost the out of pocket expenses for printing, postage and shipping, and automobile mileage.

As always, we appreciate the opportunity to offer these services to the Town of Cortlandville. Should you have any questions regarding this extra work authorization, please contact our office at your convenience.

Very truly yours,



James F. Trasher, P.E.
Vice President

Authorized by Town of Cortlandville:

Name, Title

Date



July 13, 2018

GML# 87.00-05-05.000 &
87.00-05-11.000
Town of Cortlandville
Zoning Map Amendment & Area Variances
Pothos

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a zoning map amendment and area variances is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-M because the properties are located within 500 feet of US Route 11/NYS Route 41 and Interstate Route 81.

GENERAL INFORMATION

Date Received:	June 29, 2018
Applicant:	Emmanuel Pothos 109 N. Main Street Cortland, NY 13045
Status of Applicant:	owner
Requested Action:	zoning map amendment and area variances
Purpose:	to rezone a 2.82+/- acre parcel from AG (Agricultural) to B-3 (Planned Commercial Business) and to place a total of three off-premise signs on this property and an adjoining 13.01+/- acre parcel
Location:	north of Weaver Road and south of Interstate Route 81
Size:	15.83± acres total
Existing Zoning:	AG (Agricultural) – 2.82+/- acre parcel B-3 (Planned Commercial Business) – 13.01+/- acre parcel
Existing Land Use:	Agricultural

Surrounding Zoning: AG (Agricultural),
B-3 (Planned Commercial Business) and
I-2 (General Industrial)

Surrounding Land Uses: N – Interstate Route 81
S - Agricultural, residential, woods
E - Interstate Route 81
W– Agricultural, residential

Existing Regulations: Code of the Town of Cortlandville
Chapter 178 Zoning
Article III – Agricultural Districts
Section 178.12. Permitted agricultural uses.
Section 178.13. Permitted residential nonfarm uses
Section 178.14. Permitted uses subject to site plan approval.
Section 178.15. Uses subject to conditional permit
Article VIII A – Planned Commercial Business District
Section 178.36.8. – Permitted structures and uses subject to
site plan approval
Section 178-36.9. – Uses subject to conditional permit
Article XVIII – Signs
Section 178-111. Sign placement and construction
Requirements
Section 178-112. Permitted signs
B. Requiring building permit
(4)
Article XXI – Zoning Board of Appeals
Section 178-132. Duties and powers
B.

ANALYSIS -

The applicant is requesting a zoning map amendment to rezone a 2.82+/- acre parcel from AG (Agricultural) to B-3 (Planned Commercial Business) and area variances to place a total of three off-premise signs on this property and an adjoining 13.01+/- acre parcel. The properties are located on the north side of Weaver Road and south of Interstate Route 81.

Off-premises signs are only permitted in the Business and Industrial Districts. NYS Department of Transportation (DOT) sign regulations also permit off-premises signs within 660 ft. of an interstate right of way in all commercial and industrial zones within the boundaries of incorporated municipalities as those boundaries existed on September 21, 1959. It appears that the subject properties were zoned for commercial purposes on September 21, 1959 and would therefore qualify for the placement of off-premises signs within 660 ft. of the

Interstate Route 81 right of way. The NYSDOT sign regulations however also require the properties to have an existing commercial zoning designation in order to be able to meet the NYSDOT requirements for the placement of off-premises signs within 660 ft. of an interstate right of way. Since the 2.82 +/- acre parcel is currently zoned Agricultural, the applicant is requesting a zoning map amendment to B-3 (Planned Commercial Business) to comply with NYSDOT requirements that the property also have an existing commercially zoned designation. It should be noted that this 2.82 +/- acre parcel has no road frontage and is surrounded by B-3 zoned properties on the south side of Interstate Route 81. It is separated from other properties zoned AG by Interstate Route 81. It therefore seems that the B-3 District is the appropriate designation for this property as it is surrounded by B-3 zoned properties and is separated from other properties zoned AG by Interstate Route 81.

The applicant is proposing to construct three monopole off-premises signs, two on the existing 13.01 +/- acre parcel and one on the 2.82 +/- acre parcel. Each sign would be separated from the next sign by approximately 500 ft. Each sign would have two faces in a V-shaped pattern at a 30 degree angle with the maximum distance from the far edge of the sign faces being 30 ft. to allow view from both directions on Interstate Route 81. Each sign would be 65 ft. in height with each sign face having an area of 14 ft. by 48 ft. (672 sq. ft.). Therefore, the total area of signage requested is 4,032 sq. ft. (six sign faces at 672 sq. ft. each).

The Town's zoning law allows off-premises signs up to a maximum area of 75 sq. ft. with one sign per 300 ft. of frontage on a public street right of way. The two properties combined have 1,680 ft. of 'frontage' along Interstate Route 81 which would allow up to five off-premises signs. It is unclear from the Town's zoning law as to whether each sign face would constitute a separate sign (six) or if each sign structure is considered a single sign. Regardless, each proposed sign area (672 sq. ft.) greatly exceeds the maximum permitted area per sign (75 sq. ft.). The height of the proposed signs (65 ft.) also greatly exceeds the maximum permitted height (8 ft.) allowed for off-premises signs per the Town's zoning law. NYSDOT sign regulations permit signs with a maximum area 1,200 square feet, a minimum of 500 ft. apart, with a maximum height of 30 feet and a maximum length of 60 feet. Signs which exceed 325 square feet in area also may not be double-faced.

The Town's zoning law therefore appears to allow up to five signs on this property not to exceed 75 sq. ft. in area each and not to exceed 8 ft. in height. The applicant has therefore applied for area variances. In order for these area variances to be granted, the Town must weigh the benefit of exceeding the height and square footage of signage to the applicant vs. the health, safety and welfare of the community/neighborhood. As noted above, the NYSDOT allows signs to have a maximum area of 1,200 sq. ft. each or 325 sq. ft. if double sided with a maximum height of 30 feet. It is therefore recommended that if positive consideration is given to granting area variances for the proposed signage, that the signage be limited to the maximum NYSDOT allowances (325 sq. ft. double sided signs with a maximum height of 30 ft.). It is also recommended that the applicant obtain written approval from the NYSDOT of any signage approved by the Town including height, area and location of signs before any erection of signage on this site commences.

It should also be noted that the application does not mention any lighting of the proposed signs. Any lighting of the proposed signs also requires Town and NYSDOT approval.

Finally, the applicant has completed Part I of a Full Environmental Assessment Form under SEQR. Parts II and III should be completed by the Town to determine if there may be any significant adverse environmental impacts as a result of the proposed zoning map amendment and area variance.

RECOMMENDATION -

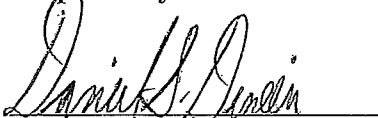
The staff recommends approval of this application for a zoning map amendment as the B-3 District appears to be the appropriate designation for the 2.82 +/- acre property as it is surrounded by B-3 zoned properties and is separated from other properties zoned AG by Interstate Route 81.

The staff further recommends returning the area variance request for local determination with any positive consideration contingent upon the following:

1. the Town weighing the benefit of exceeding the height and square footage of signage to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any area variance may be granted.
2. that if positive consideration is given to the area variances, that the signage be limited to the maximum NYS Department of Transportation (DOT) allowances (325 sq. ft. double sided signs with a maximum height of 30 ft.).
3. the applicant obtaining written approval from the NYSDOT of any signage approved by the Town including height, area and location of signs before any erection of signage on this site commences.
4. contingent upon compliance with SEQR requirements.

The staff also notes that any lighting of the proposed signs also requires Town and NYSDOT approval.

Prepared by:



Daniel S. Dineen
Director of Planning

1-4

ON THE MOTION OF Danny Ross
Amy Bertini

RESOLUTION NO. 18-24

GML#87.00-05-05.000 &
87.00-05-11.000
Town of Cortlandville
Zoning Map Amendment &
Area Variances
Pothos

WHEREAS, on June 29, 2018 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for a Zoning Map Amendment and Area Variances because the properties are located within 500 feet of US Route 11/NYS Route 41 and Interstate Route 81, which has been received by the Cortland County Planning Department, AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated July 13, 2018, which is on file, AND

WHEREAS, the Cortland County Planning Board on July 18, 2018 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for a zoning map amendment as the B-3 District appears to be the appropriate designation for the 2.82 +/- acre property as it is surrounded by B-3 zoned properties and is separated from other properties zoned AG by Interstate Route 81, AND

BE IT FURTHER RESOLVED, that the Board recommends returning the area variance request for local determination with any positive consideration contingent upon the following:

1. the Town weighing the benefit of exceeding the height and square footage of signage to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any area variance may be granted.
2. that if positive consideration is given to the area variances, that the signage

be limited to the maximum NYS Department of Transportation (DOT) allowances (325 sq. ft. double sided signs with a maximum height of 30 ft.).

- 3. the applicant obtaining written approval from the NYSDOT of any signage approved by the Town including height, area and location of signs before any erection of signage on this site commences.
- 4. contingent upon compliance with SEQR requirements, AND

BE IT FURTHER RESOLVED, that the Board notes that any lighting of the proposed signs also requires Town and NYSDOT approval, AND

BE IT FURTHER RESOLVED, that the Board reminds the Town of the requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville.

Wendy Miller, Secretary
 Cortland County Planning Board
 July 18, 2018

Ayes: 8
Nays: 0

AGREEMENT

This agreement made the ____ day of _____, by and between the City of Cortland, a Municipal Corporation with a principal place of business located at 25 Court Street, Cortland, New York, hereafter referred to as the "City," and the Town of Cortlandville, a municipal corporation with a principal place of business located at 15 Terrace Road, in the Town of Cortlandville, County of Cortland, and State of New York, hereafter referred to as the "Town:"

WHEREAS, the City maintains, through its Cortland Youth Bureau, facilities and personnel for Recreation, Youth Services/Counseling and parks; and

WHEREAS, the Town desires to provide for its residents facilities and personnel for Recreation, Youth Services/Counseling and parks.

In consideration of the mutual covenants herein expressed, the parties agree as follows:

I. Use of Facilities, Services and Personnel

The City will make available, at such time and for such duration as determined by the Cortland Youth Bureau, facilities, Youth Services/Counseling, recreation programs and parks for use by the residents of the Town.

II. Payment

In consideration of the use of said facilities, Youth Services/Counseling and parks, the Town agrees to pay the City the amount of Seventy One Thousand and Seven Hundred Dollars and 00/100 (\$71,700.00) for use of said facilities, Youth Services/Counseling, Recreation Programs and Parks, during the 2018 calendar year.

III. Indemnification

The Town agrees to indemnify and save harmless the City from any liability or damages the City may suffer as a result of claims, demands, costs, or judgments against the City arising out of an intentional or negligent act committed by the Town and/or the Town residents during the use of said facilities, Youth Services/Counseling and parks.

IV. Duration of Agreement

This agreement will commence January 1, 2018, and terminate as of December 31, 2018.

V. Facility Management

The City shall provide, through its Youth Bureau, management services for the daily operation of the facilities. The City shall provide the following services:

- Maintain a written reservation and scheduling system.
- Require and maintain Certificates of Insurance from groups using facilities.
- Report all maintenance issues to the Town Highway Superintendent.
- Promote use of the Ted Testa Citizens Park, and Blodgett Mills Park hereinafter collectively the "Cortlandville Parks," and provide program information in the Cortland Youth Bureau brochure.
- Provide staff to manage field reservation and inquires.
- Provide Park Patrol service and patrol car from May 1st – September 1st from 6:00 PM seven days a week at all three of the Cortlandville parks.
- Provide participation data in CYB Recreation Programs.

XII. Entire Agreement

This agreement constitutes the complete understanding between the parties as to the matters contained herein. This agreement shall not be modified except by written agreement signed by the parties.

IN WITNESS WHEREOF, the parties have executed this agreement at the date first noted above.

City of Cortland

By: _____
Brian Tobin, Mayor

Town of Cortlandville

By: _____
Richard C. Tupper, Supervisor

STATE OF NEW YORK)
COUNTY OF CORTLAND) ss:

On this ____ day of _____, before me, the undersigned Notary Public in and for said State, personally appeared Brian Tobin, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Mayor of the City of Cortland and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF CORTLAND) ss:

On this ____ day of _____, before me, the undersigned Notary Public in and for said State, personally appeared Richard C. Tupper, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public