

**CORTLANDVILLE TOWN BOARD
AGENDA
SEPTEMBER 19, 2018 - 5:00 P.M.**

Pledge Allegiance to the Flag

- A. CALL THE MEETING TO ORDER**
- B. APPROVE MINUTES**
- C. PURCHASE ORDERS**
- D. AUTHORIZATION TO PAY THE BILLS**
- E. PRIVILEGE OF THE FLOOR**
 - E-1 Kevin Pristash & neighbors from Party Drive regarding Leonidas Group of Virgil, LLC proposed project
 - E-2 Randy McGory – Spectrum Cable Commission – Franchise Agreement
- F. REPORTS – (Town Clerk)**
 - F-1 Receive & file the Monthly Report of the Code Enforcement/Building Department for August 2018 submitted by Kevin McMahan, Code Enforcement Officer
 - F-2 Receive & file the Monthly Report of the Town Justice for August 2018 submitted by Judge Casullo & Judge LeFever
 - F-3 Receive & file the Monthly Report of the Water & Sewer Department for the August 2018
 - F-4 Receive & file the Monthly Report of Cortland County SPCA for August 2018
- G. COMMUNICATIONS**
- H. OLD BUSINESS**
- I. NEW BUSINESS**
 - I-1 Town Clerk
 - I-2 Town Attorney
 - I-3 CDBG #287HR326-16 Town-wide Housing Rehabilitation Grant Program:
 - a.) Authorize the Supervisor to sign the Affidavit for Thomas R. & Cathy Thompson, 3676 US Route 11

- I-4 Receive & file Cortland County Planning Department recommendations dated August 10, 2018 & Cortland County Planning Board Resolution # 18-25 dated August 15, 2018 regarding the Town's Agricultural & Farmland Protection Plan
- I-5 Receive & file the correspondence dated August 21, 2018 from Cortland County Agricultural & Farmland Protection Board regarding the Town's Agriculture & Farmland Protection Plan
- I-6 Authorize the Supervisor to amend GFA Town-wide Budget to account for the duck work for the Generator project between Cortlandville Fire Department and Cortlandville Town Hall
- I-7 Leonidas Group of Virgil. LLC – Consider rescinding the SEQRA Negative Declaration
- I-8 Authorize Cortland County Judges Campbell & Alexander to use the Cortlandville Courtroom after hours for youth arraignments due to NYS Legislation to raise the age of adult criminal responsibility from the current age of 16 years old to 18 years old. NYS requires a special Youth program of County Court to handle criminal matters involving 16-17 year old youths
- I-9 Authorize the Town Clerk to enter into a 5-Year Agreement with Tompkins County for the Tompkins Shared Services Electronic Records Repository (TSSERR)
- I-10 Receive & file the correspondence dated September 13, 2018 from Cortland County Soil & Water Conservation District regarding NYS Route 13 Rocks LLC NYS DEC Mining Permit #7-1122-00043/00008

J. ADJOURN

RECEIVED SEP 06 2018

1-3a

AFFIDAVIT

TOWN OF CORTLANDVILLE:
STATE OF NEW YORK: ss:

I, Richard Tupper, having been duly sworn, hereby depose and say that:

1. I am Supervisor of the Town of Cortlandville, an incorporated municipality in the County of Cortland, State of New York, and

2. In my capacity as Supervisor, I am fully familiar with the extension of loan funds by the Town's Community Development Program to Thomas Thompson, Cathy Thompson and Thomas R. Thompson, on or about December 8, 2017 in the amount of \$27,150.00 and

3. The Town received in return for said loan funds a mortgage on the property located at 3676 US Route 11, in the Town of Cortlandville, and

4. Upon information and belief, based upon the information supplied by the New York State Department of Taxation and Finance the Town of Cortlandville is "... an organization organized other than for profit which is operated on a non-profit basis no part of the net earnings of which inures to the benefit of any officer, director or member and which is exempt from Federal Income Taxation pursuant to Section A of Section 501 of the Internal Revenue Code ...", and as such, is exempt from the mortgage tax as well as the special mortgage tax imposed by State Tax Law, and I request the Clerk of the County of Cortland to record the aforesaid mortgage without charging the above mentioned mortgage taxes.

Richard Tupper, Supervisor

Sworn to me this
____ day of _____, 2018

Notary Public

August 10, 2018

RECEIVED SEP 05 2018

1 of 2

1-4

**Town of Cortlandville
Adoption of Town Agriculture &
Farmland Protection Plan**

Cortland County Planning Board

FROM: Cortland County Planning Department

This application for adoption of the Town Agriculture & Farmland Protection Plan is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-M because it affects property throughout the Town of Cortlandville.

GENERAL INFORMATION

Date Received: August 6, 2018

**Applicant: Town of Cortlandville
3577 Terrace Road
Cortland, NY 13045**

Requested Action: adoption of the Town of Cortlandville Agriculture & Farmland Protection Plan

ANALYSIS -

The Town of Cortlandville is seeking to adopt an Agriculture & Farmland Protection Plan to as a guide to programs and strategies to promote and maintain a strong agriculture sector in the Town. Key actions identified in the Plan are briefly summarized below:

- a. Educate and engage residents as to importance and value of farming and what it means to live in a farming community.**
- b. Establish an Agricultural Advisory Committee (AAC) to assist with the review of projects in the Agricultural zoning district and to act as a liaison between the farming community, town officials and the community.**
- c. Update Town regulations and zoning ordinance to address items identified in this plan, most noteworthy the changes in the AG zone to limit non-agriculture uses.**
- d. Further investigate voluntary programs such as TDR, PDR and incentive**

zoning to determine the best fit for Cortlandville to meet its farmland protection goals.

- e. **Continue to support agricultural businesses and farming support activities through regular and consistent communication, streamlining site plan review and permitting processes for these activities, providing assistance with capital improvements as well as the establishment of a year round farmers market.**

The Plan was developed by Clough Harbour & Associates and the Agriculture Plan Steering Committee consisting of a Town Board member, the Cortland County Soil & Water Conservation District, three local farmers and a local farm implement business owner. The NYS Department of Agriculture & Markets also provided assistance with the development of the Plan. Public comment was also solicited through a number of public meetings.

The Plan is divided into five sections. The First section is the Introduction which provides a brief description of the Town and a synopsis of local and regional pertinent plans. This section also describes the purpose and need for farmland planning as a vital component to the economy of the Town and County. Finally, this section provides an outline of the public participation process.

Section 2 details existing conditions. A review of the zoning law for the Town of Cortlandville indicates that approximately 80% of the land in the Town is zoned Agricultural. However, only 36.4% of the land in the Town is actually used for agricultural purposes. The amount of land used for agricultural purposes has been steadily declining over the past 50 years from almost 60% in the mid-1960's to 49% in the mid-1970's to 36.4 % today. In the past 40 years, approximately 4,300 acres of farmland in Cortlandville has been converted to other uses. Most of this conversion has occurred on prime farmland soils and farmland of statewide importance as these areas are generally in the lower elevations of the Town which are easier to develop and along major transportation routes. This section also addresses the agricultural economy at the County level as this data is not available at the Town level. This data indicates that there are 518 farms in the County contributing \$62.9million annually to the economy of the County. Meanwhile, agriculture only requires \$0.35 in services for every dollar in property taxes paid compared to residential uses which require \$1.32 in services for every dollar in property taxes paid. This section also provides a review of the Town's existing zoning, water and sewer regulations and subdivision regulations. The Plan recommends the following actions pertaining to the Town's existing zoning.

- o **Definitions**

- The definition of farming is limited and dated.

- o **Potential Action:**

- The Town should develop a more descriptive definition of Farming based on the American Farmland Trust's Toolkit for Towns and Counties.

- o **Purpose and Intent of Agricultural (AG) District**

- A strong purpose and intent statement indicates a support of farms and other

agricultural operations.

- **Potential Action:**

Clearly state that Agriculture is the primary land use in the AG district.

- **Lot Size requirements in the AG Zone**

Large areas of the Town are zoned AG. Farm operations require 5 acres; residences require 1-acre. 1-acre zoning does not protect farms and farm activities; and can result in fragmentation and additional development pressures including pressure from neighbors regarding farming activities. The Town allows cluster subdivisions but does not require them.

- **Potential Actions:**

Limit allowable uses in the AG zone to agriculture uses only.

Increase lot sizes in the AG Zone to be a minimum 20 acres (size of a typical farm field).

Density Average Zoning- If the desired density is determined to be one residence per 20 acres, a 100-acre parcel could have five residences. A community might further specify a required minimum lot size of 1 acre (to comply with health department requirements) and a maximum lot size of 2 acres. Using the density averaging approach the 100 acre parcel could yield for example, five 2-acre lots and one 90-acre lot on a 100-acre parcel. Permits must be tracked to ensure that parcels of land that have “used up” their allowed residential subdivisions are not further developed.

Require the submission of cluster layout option for all projects in the AG Zone and/or AG District #1. Provisions can be made to decrease lot size if water and sewer service is provided. This can be combined with large lot zoning to allow for more standard lot sizes (1/2 acre) when clustered, thus conserving most of the agricultural land. This alternative becomes more powerful when combined with rural design guidelines and incentive zoning. Incentive zoning could be used to allow a density bonus above the base density in exchange for permanent conservation easements on other agricultural lands or the payment of a fee that would help to support a purchase of development rights program. The rural design guidelines would help to achieve a development project with the least impact on the productive agricultural lands and rural character.

- **Planned Unit Developments (PUD's) in AG District**

Currently all types of PDD may be proposed/considered in the AG District.

- **Potential Actions:**

Town should review language to determine what types if any should be considered. Once it has been determined what areas of Town should be conserved for agriculture, PDDs should be excluded from these areas.

Town should determine if the existing required “community benefits” in the AG Zone are sufficient to grant a PDD.

It should be noted that the County Health Department’s minimum lot size requirement for lots without public water and sewer is actually a minimum dimensional requirement. The County Health Department’s minimum dimensions for a lot using a private well and septic system are 300 ft. by 350 ft. which equates to 2.4 acres. It is recommended that this is corrected in the draft Plan as the Plan notes that the Health Department minimum lot size is 1 acre. It is also not practical to limit the AG District to only agricultural uses with a minimum lot size of 20 acres without also permitting single family residential uses as this District encompasses 80% of the Town. The Plan suggests that any residential development occur in 20 acre units. For example, a 100 acre parcel can have five housing lots. This housing can encompass five 20 acre lots or can be clustered into five smaller lots placing an easement on the remaining lands to restrict it from further residential development. It should be noted however that the Plan also recommends reducing the AG District from 80% of the Town to 62% to the area outside of the Town’s development corridors. The Town however should be aware that 20 acre residential lots may have the opposite effect on the preservation of farmland as each residential lot would include approximately 18 acres of excess land which could have otherwise been used for agricultural purposes.

The Plan also addresses the extension of sewer and water lines. The Plan recommends the following actions pertaining to the extension of sewer and water lines.

- **Potential Actions:**

1. Limit the extent of the water and sewer districts to growth areas only. This would be most effective in conjunction with the development of a water and sewer master plan/capital improvement plan. Municipal water has less of an impact on development pressure/density and may be beneficial for certain areas of town where groundwater supplies are less plentiful or of poor quality and for certain agricultural operations (see 3 below).

2. Create guidelines to evaluate proposals for the extension of sewer and waterline into AG District.

3. Allow water connections using the NYS Agriculture and Markets “Lateral Restriction - Conditions on Future Service” Guidelines (Appendix C) for properties within AG District as a guide.

Section 2 of the Plan also addresses the Town’s subdivision regulations with a potential action to develop requirements for cluster layouts in the AG Zone. This can be based on or rely on Rural Design Standards/Guidelines. Other actions recommended are the following.

- Adopt a Right to Farm Law
- Develop Rural Design Standards/Guidelines or Agricultural Protection Guidelines
- Consider the use of incentive zoning

- Consider the use of Transfer of Development Rights and/or Purchase of Development Rights programs
- Consider the use of Conservation Easements

A SWOT (strengths, weaknesses, opportunities, threats) analysis was also conducted regarding existing agricultural conditions in the Town which reinforced the importance of agriculture in the Town but also recognized the continued loss of farmland through conversion to non-farm uses.

Section 3 of the Plan addresses the Vision, Goals and Recommendations. The Plan states the Town's vision as follows:

The Town of Cortlandville recognizes the key role agricultural operations play in the local economy and the overall character of the Town. The Town will proactively protect and promote agriculture lands and farm operations and businesses for both existing and future generations. The Town will balance development to respect, protect and preserve farms and meet the needs of residents, property owners and businesses.

To accomplish this vision the Town has established five goals.

Goal 1 - Educate the community on the strengths, weaknesses, threats and opportunities associated with farming and agriculture in Cortlandville so it more fully understands the value of farming to the community and the economy. This could be accomplished in part via Town activities in conjunction with the Agricultural Advisory Committee outlined in Goal 2.

Goal 2 - Establish an Agricultural Advisory Committee (AAC) to engage the farming and nonfarming community and other key stakeholders in the implementation process for the Plan recommendations.

Goal 3 - Protect local farmland resources from loss due to abandonment, fragmentation by development and conversion to other uses.

Goal 4 - Identify strategies and specific actions that are necessary to enhance agriculture and achieve farmland protection goals and objectives in Cortlandville through voluntary programs.

Goal 5 - Enhance economic development opportunities that support agricultural businesses and farming support activities.

These goals are followed by a number of recommendations for action items.

Establish an Agricultural Advisory Committee (AAC)

This committee would review development projects within the Agricultural District as a matter of course and provide the Planning Board written comments. In addition to this review task, this committee would serve as the champion of the agricultural

community through communication and education of Town officials and the community at large.

Hire a town planner

The planner would assist the Town with education and public engagement, communication with the farming community and the implementation of farmland protection strategies. An important task would be initiating discussions with the City of Cortland and surrounding towns as it relates to land use decisions and agriculture.

Encourage local farmer representation on Boards and special committees

Members of the farming community should be actively encouraged to participate on boards and committees that address land use issues, public infrastructure projects, and business development in the community. Openings on boards and committees can specifically target farmers by advertising with local farm organizations such as the Cortland County Farm Bureau.

Create a centralized location for agricultural resource and related information

This could be accomplished in a number of ways but the simplest would be to create a link on the Town's webpage to an agricultural resources webpage or a separate tab or page on the Town's website. This could provide one-stop shopping for farmers in the community to find information on farming techniques, local experts, grants or other funding, changes in regulations, agricultural land for sale or lease and other agricultural initiatives through articles and web links.

Engage surrounding municipalities and towns

This could be initiated by the Town Board or the AAC. These discussions would focus on shared opportunities to promote agriculture through education and land use decisions.

Matchmaker and Succession Planning

Maintaining the strength and health of the agricultural community requires farmers. The median age of principal farm operators in Cortland County is 57.1 years, and although slightly less than the national average of 58.3 years, highlights the critical need to attract a younger cohort to take over existing operations as well as start new farming businesses. Collaboration between organizations and groups such as the Town Board, Planning Board, local real estate professionals, Cortland County Farm Bureau and expert and advocacy groups, such as Cornell Cooperative Extension and the American Farmland Trust, will all be necessary in this effort.

Farmland Protection through Development Buffers

A buffer or growth boundary would be established that encompasses both existing, non-agriculturally zoned areas, and additional adjacent AG zoned lands that would be available for development. Lands within the buffer might be considered for the extension of municipal water and sewer and changes in zoning. This buffer or growth area is intended as a general concept and does not reflect any known development plans. It would however, provide significant area for future growth and protect agricultural lands. This approach

reserves the remaining AG zoned lands (outside the growth boundary) for agricultural uses. The key action in this scenario is the regulatory recommendation to limit allowable uses in the AG District to agricultural uses only. This would eliminate future residential uses with few exceptions. Existing residential uses would remain and an exception could include a farm operator who wishes to sell his farm and remain in his home. Allowable uses on the remaining farm parcel would include a single family residence for the new farm owner to live. No further subdivision of land would be allowed. The Plan includes a map of the proposed development buffer areas which are areas outside of the existing growth corridors in the Town. Implementing the Buffer Scenario would result in roughly 19,400 acres of land remaining for agriculture use out of approximately 31,280 acres of land in the Town which is a reduction of the AG District from 80% of the Town to 62%.

Permanent Conservation Easements

Purchase of Development Rights (PDR's) – PDR programs are typically managed by a municipality. This option allows land to remain in private ownership and the landowner will be allowed to continue farming the land and may only further develop the land with farm uses essential to the farming operation. No further subdivision of land for residential or other nonfarm uses is permitted. Purchase price involves a negotiation process between the landowner and the entity purchasing the rights. The price would be derived from difference between the value of the land in its current state as agricultural land and the value if it were subdivided. Once executed, the conservation easement will run with the land in perpetuity. The landowner may sell the land but the easement would remain. This has been an effective tool in some communities and provides the landowner with an infusion of funds that can be used to reinvest in the business or save for retirement, college, etc. Funding for PDRs can come from grants, incentive zoning, Planned Unit Development amenities, or from the Town's general fund.

Transfer of Development Rights (TDR) - is the process whereby some or all development rights are transferred from a sending property to a receiving property. The TDR receiving properties are allowed development that is more intensive than would normally be permitted by the area's zoning. Consistent with other conservation easements, TDR sending areas seek to preserve important community land resources (e.g. agriculturally productive soils, groundwater recharge areas, wildlife habitats, etc.). The concept of land conservation is the same as the PDR program. The landowner of the sending zone or area is paid for the development rights lost and a permanent conservation easement is placed on the land.

The difference between PDR's and TDR's is that in a TDR program the cost is typically borne by a developer in exchange for higher density granted for a project in a receiving zone. There would be limited costs to the municipality as it completes any necessary planning studies to establish the sending and receiving zones and completes the appropriate zoning code amendments.

Incentive Zoning – Incentive zoning allows the same benefits of a TDR program without the need to establish the sending and receiving zones. However, the community still needs to identify and set a value on the lands to be conserved and recognize

that other areas may become more highly developed. A maximum density increase would need to be specified in the zoning along with the types of resources to be preserved. This method can be used to establish funds that the municipality can then use as part of a PDR program.

Term Easements – Land can be placed in a conservation easement for a period of time determined through the term easement program. After the term is up, the restrictions on the land are lifted and the landowner may develop the land as they see fit. This is typically not the best tool or use of community funds or grants as there is no long term benefit for the community.

Right to Farm Legislation

A basic but important step towards both protecting and supporting farm operations would be to develop and adopt Right to Farm legislation. The intent and purpose of a Right to Farm Law is to protect agricultural practices and promote the continuation of farms, encourage the expansion of existing farms and initiation of new farms and agribusinesses, and promote ways to resolve potential disputes within the community concerning agricultural practices and farm operations.

Amendments to Existing Regulations

The central protection measure, narrowing allowable uses in the AG zone to a single use (agriculture) is discussed above under the Buffer Scenario. As noted in Section 2 of the Plan, a farm friendly audit of existing town regulations identified a number of additional areas where regulations could be strengthened or be made more specific as it relates to farming and farming operations. Suggested amendments range from edits to the Definitions section to changes in the allowable uses and lot size requirements in the AG District.

Develop and Adopt Lateral Restriction Legislation

The availability of sewer and water infrastructure often creates or heightens development pressure particularly on farmland, as valuable (prime or important) soils are also the soils most cost effective to develop. The New York State Department of Agriculture and Markets has developed Lateral Restriction Guidelines which are included in Appendix C of the Plan. Essentially the guidance proposes that within a New York State Agricultural District only existing structures at the time of construction or lands or structures that have been previously approved may connect to the proposed water or sewer line. It is important to note, that both existing and future agricultural operations may connect to proposed water or sewer lines. The adoption of this type of legislation would both support and protect agricultural operations from some development pressure.

Adopt Conservation (Rural Design) Guidelines

Conservation guidelines can be used by the Town to provide additional protection to farms and farmlands when development does occur. These guidelines would address the factors that impact rural character and farm functionality. Tools such as cluster or conservation subdivisions would provide the flexibility to maintain allowed densities but preserve large open spaces that could remain in farming or maintained as open space.

Adopt Review Process for Projects in the Agricultural District

This review would be completed by the AAC. All projects within the Agricultural District subject to Planning Board review would also be subject to the review by the AAC based on specific criteria. The AAC would provide written comments to the Planning Board prior to Planning Board action on a project.

Establish a Year Round Farmers Market

A permanent farmer's market location would support both local and regional farming operations while increasing access to high quality local farm products and increasing awareness and knowledge of farm operations and businesses. Strong visibility and convenient access are key considerations to the chosen location. Input from local and regional farmers regarding location, setup and hours should be solicited. The location and hours for farm markets in the region should also be considered. The addition of a permanent farmers market would also provide opportunities for increased community awareness and appreciation of the farming economy.

Promote existing and new opportunities

As it works with farmers and farming businesses, the AAC should continue to identify and promote new opportunities in agri-tourism and agri-businesses including assistance pursuing economic development funding for capital improvements, facility expansion and bringing new products to market. Coordination with the Cornell Cooperative Extension and the County Farm Bureau among others would provide information and assistance in identifying and implementing new opportunities. In addition the Town should maintain active communication with existing members of the farming and agri-business community regarding business needs such as infrastructure, appropriately trained labor pool and supportive business policies. This should include periodic reviews of existing regulations with the goal to streamline site plan review and permitting and to ensure that opportunities are not unintentionally precluded or prohibited.

The recommendations from the Plan outlined above provide the Town with excellent guidance in the preservation of agricultural land to insure that future generations have lands available for this vital component of the Town's economy.

Section 4 of the Plan is an implementation matrix which places all of the above goals into one of three time frames for implementation; short term (initiate within 2 years from plan adoption), intermediate term (initiate within 2-5 years from plan adoption) and long term (initiate within 5-10 years from plan adoption).

Finally, the Plan includes four appendices; information on the public outreach completed during the drafting of the Plan, farmland data (primarily US Census of Agriculture data), sample local law from other municipalities in NYS, and farmland protection strategies considered in the development of the Plan.

This Plan is a thorough well written plan that will provide the Town with all of the tools necessary to preserve and protect its agricultural resources. The adoption of this Plan is considered a Type I Action under SEQRA as is required for the adoption of a resource

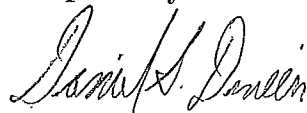
(agriculture) management plan. The Town therefore is required to complete a Full Environmental Assessment Form to determine if the adoption of the Plan may have any significant adverse environmental impacts.

RECOMMENDATION -

The staff recommends adoption of the draft "Town of Cortlandville Agricultural & Farmland Protection Plan" as it is a thorough well-conceived plan which will provide the Town with the necessary tools and guidance to preserve and protect its agricultural resources. This recommendation however is contingent upon the following:

1. that the County Health Department's minimum lot size for lots using an individual well and septic system be corrected in the draft Plan as the Plan notes that the Health Department minimum lot size is 1 acre while the Health Department's minimum requirement is actually a dimensional requirement of 300 ft. by 350 ft. which equates to 2.4 acres.
2. that the Town consider that 20 acre minimum lot size for residential lots in the Agricultural zoning district may have the opposite effect on the preservation of farmland as each residential lot would include approximately 18 acres of excess land which could have otherwise been used for agricultural purposes.
3. compliance with SEQR requirements.

Prepared by:



Daniel S. Dineen
Director of Planning

1-4

ON THE MOTION OF Ann Swisher
Amy Bertini

RESOLUTION NO. 18-25

Town of Cortlandville
Adoption of Town
Agriculture and Farmland
Protection Plan

WHEREAS, on August 6, 2018 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for Adoption of the Town Agriculture and Farmland Protection Plan because it affects property throughout the Town of Cortlandville, which has been received by the Cortland County Planning Department, AND

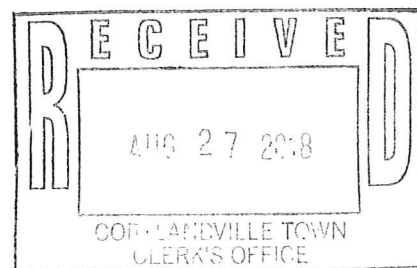
WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated August 10, 2018, which is on file, AND

WHEREAS, the Cortland County Planning Board on August 15, 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 adoption of the draft "Town of Cortlandville Agricultural & Farmland Protection Plan" as it is a thorough well-conceived plan which will provide the Town with the necessary tools and guidance to preserve and protect its agricultural resources. This recommendation however is contingent upon the following:

1. that the County Health Department's minimum lot size for lots using an individual well and septic system be corrected in the draft Plan as the Plan notes that the Health Department minimum lot size is 1 acre while the Health Department's minimum requirement is actually a dimensional requirement of 300 ft. by 350 ft. which equates to 2.4 acres.
2. that the Town consider that 20 acre minimum lot size for residential lots in the Agricultural zoning district may have the opposite effect on the preservation of farmland as each residential lot would include approximately 18 acres of



excess land which could have otherwise been used for agricultural purposes.

3. compliance with SEQR requirements, 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
August 15, 2018**

Ayes: 7

Nays: 2 (Danny Ross, Paul Dries)



1-5

AGRICULTURAL & FARMLAND PROTECTION BOARD**37 Church St. • Cortland, NY 13045-2838**

Michael McMahon
Chairman

Telephone: 607-753-5043
Fax: 607-753-5150

August 21, 2018

Richard Tupper, Supervisor
Town of Cortlandville
3577 Terrace Road
Cortland, NY 13045

Dear Mr. Tupper:

The Cortland County Agriculture & Farmland Protection Board met on August 20, 2018 to review the Town of Cortlandville draft Agricultural & Farmland Protection Plan. The Board consists of members of the agricultural community in the County including farmers and individuals engaged in agribusiness and/or agricultural service agencies.

The Board, upon review of the draft Plan, recommended that the Town adopt the draft Agricultural & Farmland Protection Plan as it is a thorough well-conceived plan which will provide the Town with the necessary tools and guidance to preserve and protect its agricultural resources. The concepts outlined in the Plan of particular interest to the Board are the establishment of an Agricultural Advisory Committee and the adoption of a Right to Farm Law. The Agricultural Advisory Committee will assist with the review of projects in the Agricultural zoning district and will act as a liaison between the farming community, town officials and the community. The establishment of this committee will provide a link between the agricultural community and the Town's planning board and zoning board of appeals to insure that the preservation of agricultural resources is considered in the review of projects in the Agricultural District. The adoption of a Right to Farm Law will help to protect agricultural practices and promote the continuation of farms, encourage the expansion of existing farms and promote ways to resolve potential disputes within the community concerning agricultural practices and farm operations.

The only concern that the Board has with the draft plan is the proposed 20 acre minimum lot size in the Agricultural zoning district. The Board recommends that the Town consider reducing the proposed minimum lot size for residential lots in the Agricultural District as a 20 acre minimum lot size may have the opposite effect on the preservation of farmland as each residential lot would include approximately 18 acres of excess land which could have otherwise been used for agricultural purposes.

The Cortland County Agricultural & Farmland Protection Board therefore recommends adoption of the Town of Cortlandville draft Agricultural & Farmland Protection Plan as it is a

thorough well-conceived plan which will provide the Town with the necessary tools and guidance to preserve and protect its agricultural resources. The Board however recommends that the Town consider reducing the proposed 20 acre minimum lot size for residential lots in the Agricultural District as a 20 acre minimum lot size may have the opposite effect on the preservation of farmland as each residential lot would include approximately 18 acres of excess land which could have otherwise been used for agricultural purposes.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McMahon", with a long horizontal flourish extending to the right.

Michael McMahon, Chair

Cortland County Agricultural & Farmland Protection Board

Patty O'Mara

From: Town Clerk <townclerk@cortlandville.org>
Sent: Thursday, September 06, 2018 12:45 PM
To: Patty O'Mara
Subject: Fwd: FW: Send data from MFP07897133 09/06/2018 12:11
Attachments: Cortland County AG Farmland_Protection Bd Letter-09062018121120.pdf

Hi Patty,

I wanted to make sure you received this email - the hard copy will be mailed. It should probably be added to the next TBM agenda to be received and filed.

Thanks!

Kristin

-----Original Message-----

From: Maryellen Roodenburg <mroodenburg@cortland-co.org>
To: "Richard C. Tupper, Cortlandville" <supervisor1@cortlandville.org>
Cc: Kristin Rocco Petrella <townclerk@cortlandville.org>
Date: Thu, 6 Sep 2018 16:26:47 +0000
Subject: FW: Send data from MFP07897133 09/06/2018 12:11

Mr. Tupper,
Please find the letter recommending the Town of Cortlandville adopt the draft Ag and Farmland Protection Plan.
Any question can be directed to Dan Dineen at the Cortland County Planning Department at 607-753-5043 or email ddineen@cortland-co.org.
The original letter will be mailed US Mail.

Thank you,
Mary Roodenburg

Mary Ellen Roodenburg
Secretary I
Cortland County Planning Department
37 Church Street
Cortland, NY 13045
Phone: 607-753-5043
Email: mroodenburg@cortland-co.org
Fax: 607-753-5150

-----Original Message-----

From: County Copier - Planning [<mailto:copier@cortland-co.org>]
Sent: Thursday, September 06, 2018 12:11 PM

To: Maryellen Roodenburg
Subject: Send data from MFP07897133 09/06/2018 12:11

Scanned from MFP07897133
Date:09/06/2018 12:11
Pages:2
Resolution:300x300 DPI

This email, including attachments, may include confidential and/or proprietary information and is intended for persons sent to only. If the reader of this email is not the intended recipient or his or her authorized agent, the reader is hereby notified that any dissemination, distribution, or copying of this email is prohibited. If you have received this email in error, please notify the sender by replying to this message and deleting this email immediately.

This email, including attachments, may include confidential and/or proprietary information and is intended for persons sent to only. If the reader of this email is not the intended recipient or his or her authorized agent, the reader is hereby notified that any dissemination, distribution, or copying of this email is prohibited. If you have received this email in error, please notify the sender by replying to this message and deleting this email immediately.

Kristin E. Rocco-Petrella, RMC
Town Clerk, Tax Collector
Registrar, Notary Public
Records Management Officer
Town of Cortlandville
3577 Terrace Rd.
Cortland, NY 13045
607 756-5725
www.cortlandville.org

RECEIVED SEP 10 2018

**AUTHORIZATION TO AMEND THE 2018 BUDGET
GENERAL FUND TOWN WIDE (GFA)**

1-6

September 19th, 2018
Meeting

Town Board

This authorization is to amend GFA Town Wide Budget to account for the Duct Bank and Town Hall Generator Project Work provided by the Cortlandville Fire Department for the town hall building.

To record increases in appropriations to be financed from appropriation of additional fund balance from 2018 in the General Fund A.

Debit A599 - Appropriated Fud balance - \$58,175.00
Credit A1620.4 - Town Hall Building - \$58,175.00

Thank you
Marcia Hicks
Bookkeeper

RECEIVED SEP 14 2018

1-8



**COUNTY of CORTLAND
COUNTY COURT CHAMBERS**

Cortland County Courthouse
46 Greenbush Street
Cortland, New York 13045-2725
Phone (607) 218-3343 Fax: (212) 520-6829
mmccrack@nycourts.gov

JULIE A. CAMPBELL
Cortland County Judge, Surrogate,
Judge of the Family Court and
Acting Supreme Court Justice

A.L. Beth O'Connor
Principal Law Clerk

MJ McCracken
Secretary to Judge

September 12, 2018

VIA E-MAIL

Richard C. Tupper
Supervisor, Town of Cortlandville
Town Hall
3577 Terrace Road
Cortland, NY 13045

Re: NYS Raise the Age legislation

Dear Dick:

The New York State Legislature and Governor have passed and signed legislation that raises the age of adult criminal responsibility from the current age of 16 years old to 18 years old. The legislation requires the court system to create specialty Youth Parts of County Court to handle criminal matters involving 16 and 17-year-old youths. As part of any county level implementation plan, provision MUST be made to handle off hours (times outside of normal County Court hours of 8:30-4:30 M-F) arraignments. These arraignments must be handled in a timely fashion by Judges/Justices who are attorneys, specially trained and designated as "Accessible Magistrates". I have been assigned the task of creating Cortland County's court plan. To that end, I approached Cortlandville's two Town Justices to ask for their assistance in being part of an on call Accessible Magistrate schedule. Justices Casullo and LeFevre have graciously agreed to assist Judge Alexander and myself in handling these duties. We anticipate that there will be a four-week rotating schedule and that the Cortlandville Judges on call weeks will coincide with their existing on call schedule. Judge Alexander and I will handle the other two weeks of the schedule each month.

Justices Casullo and LeFevre will utilize Cortlandville's court facilities including the ability to record all proceedings that they handle. In order to provide continuity for our local police agencies in holding, transporting and processing 16 and 17-year-old youths charged with crimes, Judge Alexander and myself would like to also use Cortlandville's court facilities for off hour youth arraignments. We are not anticipating a significant volume of these types of matters, maybe 6 per year amongst the 4 of us. Accordingly, I am writing to you seeking approval in this regard. The Town's consideration of this request is appreciated. If you require additional information, please do not hesitate to contact me. I can be reached at 218-3343, Monday through Friday from 8:00 to 4:30.

Thank you for your courtesies.

Very truly yours,

 Digitally signed by
Hon. Julie A. Campbell
9/12/2018, 12:30:05 pm

Hon. Julie A. Campbell
County Court Judge

CC: Kristin Rocco-Petrella, Town Clerk **via e-mail**
Hon. Lenore Lefevre, Cortlandville Town Justice **via e-mail**
Hon. Francis J. Casullo, Cortlandville Town Justice **via e-mail**

DRAFT Resolution for September 19, 2018

RESOLUTION # AUTHORIZE THE TOWN CLERK TO ENTER INTO A 5-
YEAR AGREEMENT WITH TOMPKINS COUNTY FOR THE
TOMPKINS SHARED SERVICES ELECTRONIC
RECORDS REPOSITORY (TSSERR)

Motion by Councilman

Seconded by Councilman

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey NAY - 0

ADOPTED

WHEREAS, Tompkins County has initiated and secured grants for the Tompkins County Shared Services Electronic Records Repository (TSSERR) which is a shared service hosted by Tompkins County and made available to all municipalities within Tompkins County, and

WHEREAS, the participating members of the TSSERR have drafted a set of By-Laws and a Group Agreement which have been presented to its members and the Tompkins County Operations Committee, and

WHEREAS, Tompkins County has extended the TSSERR to municipalities in Cortland County, with the County of Cortland, the Town of Harford and the Town of Virgil already utilizing the shared service, and

WHEREAS, recognizing the importance of an electronic document management system (EDMS) and in the interest of improving the Town of Cortlandville's current records management program to include long-term preservation and an electronic disaster recovery solution for existing and future records; to establish a repository of public records and offer improved "transparency" of public information in an electronic system which provides for more immediate access and retrieval; the Cortlandville Town Clerk and Records Management Officer has presented and discussed the TSSERR agreement and by-laws with the Cortlandville Town Board, now therefore

BE IT RESOLVED, that the Town Board does hereby authorize and direct the Town Clerk to enter into the Tompkins County Shared Services Electronic Records Repository Group Agreement on behalf of the Town of Cortlandville for a 5-year agreement.



Cortland County Soil and Water Conservation District

100 Grange Place, Room 202, Cortland, NY 13045
Phone: (607) 756-5991 • Fax: (607) 756-0029
www.cortlandswcd.org

SWCD - Celebrating 70 years of promoting the conservation and wise use of our county's natural resources

September 13, 2018

Dick Tupper, Town Supervisor
Town of Cortlandville
Raymond G. Thorpe Municipal Building
3577 Terrace Road
Cortland, NY 13045

Re: Cortlandville Sand & Gravel Mine
NYSDEC Permit # 7-1122-00043/00008

Dear Mr. Tupper:

We have reviewed the March, 2018 revised proposed permit modification for the above-referenced project.

The proposed permit modification includes: 1) complete removal of the protective 8' gravel layer between active mining and the water table, 2) mining to approximately 100' below the water table across the entire life of mine (LOM) boundary and 3) lateral expansion of the LOM boundary by a net 11.5 acres.

The mine is approximately 730 feet from the Lime Hollow Road water supply well for the Town of Cortlandville and is within Zone 1A of the Town's wellhead protection area, the most critical zone for protection of this water supply. The aquifer below the mine provides drinking water for the City of Cortland as well.

Threats to the quality of the aquifer could include petroleum products, hydraulic fluids, flocculants and washwater stored or produced within the mine. Any release of these materials directly threatens water quality of the aquifer.

Mining and interception of groundwater by mining below the water table may affect water quality and quantity of the aquifer with potential effects on, for example, temperature, recharge and water table elevation. In addition, mining below the water surface opens the aquifer to increased risk of contamination from external sources during and beyond the life of the mine. The quality and quantity of the drinking water supply is at greater risk if mining below the water table is approved than if the 8' buffer is maintained.

Although we recognize that mining provides benefits to the State of New York and its citizens, not all locations are appropriate for mining and in some locations other priorities should take precedence.

For these reasons, the proposed activity of mining below the water table is of particular concern in this important and sensitive area. Any such proposed activities should be reviewed and any uncertainties should be decided, on the side of caution.

If this activity is to be authorized, we recommend that the following actions be completed by the responsible party prior to issuance of permit modifications:

- 1) Conduct spatial and temporal groundwater quality and quantity monitoring via upgradient and multiple downgradient wells to define baseline conditions;
- 2) Establish the water table elevation spatially across the floor of the mine and temporally; and
- 3) Complete a spill prevention plan and an emergency/contingency plan, each approvable by the NYS DEC and the Town of Cortlandville to address any detrimental effects of the proposed mining itself or the release of contaminants associated with mining, on ground water quality or quantity.

At such time as the above actions have been completed and approved, if expansion of mining operations as proposed are to be permitted, we recommend that:

- 1) Monitoring by the responsible party be continued throughout the life of the mine, to ensure prompt detection of any detrimental changes in water quality or quantity of the aquifer that would necessitate triggering of contingency actions;
- 2) Ongoing analyses be conducted to assess effects of mining operations on adjacent waters;
- 3) The use of flocculants not be allowed during mining operations under any condition;
- 4) Any contaminant spills be required to be reported to the NYS DEC and the Town of Cortlandville; and
- 5) Appropriate Town of Cortlandville personnel have right of access for inspection of mining operations.

Please call me at 345-4624 if you have any questions.

Sincerely,

Kathleen McCull

Kathleen E. McGrath
Water Quality Specialist

Cc: John Proud, Cortlandville Town Board
Pat Reidy, Amanda Barber, Cortland SWCD
Joe Dlugolenski, Thomas Rigley, R7 DEC
John Gansfuss, H2H