

## SPECIAL TOWN BOARD MEETING

The Special 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, Ronal L. Rocco  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

## Absent:

Councilman, Theodore V. Testa  
Councilman, John C. Proud

Others present were: Town Attorney, John Folmer; Matt McSherry of Port, Kashdin & McSherry, CPA's; News Reporter: Tyrone Heppard from the *Cortland Standard*.

Supervisor Tupper called the Special Meeting to order, the purpose of which was to consider the execution of an Option Agreement with Gutchess Lumber. He asked Attorney Folmer to discuss the Option Agreement.

Attorney Folmer explained that the Option Agreement with Gutchess Lumber would give the Town the ability to exercise an option to acquire a 90-acre parcel on Route 13 for park purposes. If the Town were to exercise the option, Gutchess Lumber has an option to acquire title to what is now known as Citizens Park. There is nothing in the agreement that requires the Town to exercise the option, and nothing in the agreement requiring Gutchess to exercise the option unless the Town acts first. The State Legislation which authorized the conveyance of Citizens Park had a condition that no conveyance take place unless and until the Town opened the park on Route 13 to the public. The purpose of the 2-year option was to provide an opportunity for the Town to obtain financing. If the Town obtains financing necessary to begin construction, the Town could exercise the option and replicate Citizens Park before Gutchess exercises its option. Attorney Folmer explained the purpose of the agreement was to give the Town the right to acquire title if it chooses to do so within a 2-year period. Gutchess could not exercise the agreement no matter what for a period of at least 1-year.

Attorney Folmer indicated that the Special Meeting was being held because a grant application to provide funding with regard to the park was due by July 31, 2015. Supervisor Tupper explained that the Town could not apply for a grant unless it had control over the property. The Option Agreement would give the Town actual control over the property.

Supervisor Tupper questioned whether Gutchess Lumber was happy with the terms. Attorney Folmer indicated that Gutchess was okay with the Option Agreement.

Supervisor Tupper questioned whether there were any questions or comments.

Councilman Rocco commented that Citizens Park was built by the citizens of Cortlandville. He mentioned his involvement in the construction of the Park as well as the involvement of former Board members and former Supervisor Mel Pierce. He anticipated that the new park on Route 13 would be busy all of the time, similar to Testa Park. He also mentioned that children could access the future park from Gracie Road and the Lime Hollow trail.

Councilman Leach questioned whether Citizens Park included the Lamont Circle Park. Supervisor Tupper indicated that the Lamont Circle Park was not included and would remain.

Councilman Leach also questioned how many acres were actually included in the transfer. Attorney Folmer explained there is a survey map that shows the entire parcel is 101+ acres. However, 10-acres of the parcel would be sold to Redding Hunter, which would leave 90+ acres for the Town. Supervisor Tupper added that the Town was hoping to connect to the Lime Hollow trails, which would enhance their activity.

There was a question regarding where the old railroad tracks were in relation to the property. Town Clerk Snyder explained that the abandoned railroad tracks run from Gracie Road to the Lamont Circle Park. Lime Hollow Nature Center maintains the old trail.

Matt McSherry, from Port, Kashdin & McSherry, CPA's requested privilege of the floor. He stated that his business has owned and operated the parcel next to Citizens Park for over 30 years and has serious concerns about the use of the property if it is not owned by the Town. His business was not only concerned with the potential use of the property but also with the potential negative impact on the value of their property. He was told that any future use would be subject to ZBA and Planning Board hearings, however he was not confident that his business' concerns would be adequately addressed.

Attorney Folmer commented on Mr. McSherry's concerns, which he stated were legitimate. He mentioned that he had a conversation with his business partner, Mr. Kashdin, regarding the matter in April 2015. Similar to what Attorney Folmer said to the people who appeared at public hearings regarding the re-zoning of Gutchess property, he stated that they could rely on the effectiveness of the Zoning Board and the Planning Board to make sure that minimal effects are felt by property owners. He indicated that Gutchess was aware of that and they are aware of Mr. McSherry's concern. Attorney Folmer stated that the Town has one of the best Planning Boards in the State. He understood Mr. McSherry's concern, but stated he had a great deal of confidence in the agencies who handle site plan reviews etcetera.

Councilman Rocco questioned whether Mr. McSherry has had any contact with Gutchess regarding the matter.

Mr. McSherry indicated that since the proposal was announced he has been in contact with Gutchess Lumber. He was concerned that Gutchess was not willing to divulge what the future use of the property would be. Mr. McSherry stated that his business has a nice buffer from Gutchess right now. He stated that Gutchess did not have a quiet operation; it was a heavy equipment operation with a lot of truck traffic and a saw mill operation. He was concerned with the huge change in use of the Citizens Park property, how it would impact the use of his property, and the Route 281 commercial corridor.

Councilman Rocco commented that the Town was working with neighbors on McLean Road and issues they had with the noise created by trucks/equipment backing up. Gutchess stated they would look into the issue and found an alternative for the machines that require the backup noise signals. Gutchess was already making the conversion to the machines. He added that the Board has had a complete tour of the Gutchess facility. Also, Gutchess would be planting a row of trees behind the houses along McLean Road. Gutchess wanted to be a good neighbor. Councilman Rocco stated that he understood Mr. McSherry's concern and offered to help him in any way possible.

Supervisor Tupper agreed that Gutchess was concerned about its neighbors, and that the Town Planning Board would also listen to Mr. McSherry's concerns.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO EXECUTE THE OPTION  
AGREEMENT WITH GUTCHESS LUMBER COMPANY

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Motion by Councilman Leach

Seconded by Councilman Rocco

VOTES: AYE - Tupper, Rocco, Leach    NAY - 0 ABSENT - Testa, Proud  
ADOPTED

WHEREAS, the Town Board of the Town of Cortlandville is planning to construct a park on property to be acquired on Route 13 in the Town of Cortlandville to replace the present day Citizens Park, and

WHEREAS, until such time as a new park is opened to the public, the present Citizens Park will remain in operation as it is as on the date of this resolution, and

WHEREAS, the Legislature of the State of New York has enacted legislation which, under certain conditions permits the transfer of the Citizens Park parcel, and

WHEREAS, the Governor of the State of New York has signed such legislation into law, and

WHEREAS, the Town has negotiated an Option Agreement with Gutchess Lumber Company to accomplish the exchange of the present Citizens Park consisting of approximately 6 acres with a parcel owned by Gutchess Lumber Company consisting of approximately 90 acres, at no monetary cost to the Town

NOW THEREFORE BE IT RESOLVED, the Town Supervisor is hereby authorized and directed to execute the aforementioned Option Agreement on behalf of the Town, and it is further

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

Attorney Folmer mentioned that at the Executive Session of the July 15, 2015 Town Board Meeting, the Board discussed the possibility of bidding at the County Tax Sale with regard to the Budget Inn. The bidding was eventually done by the IDA and the Town did not bid.

Secondly the Board discussed the terms of the Option Agreement with Gutchess Lumber.

No further comments or discussion were heard.

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

The meeting was adjourned at 9:30 a.m.

Respectfully submitted,

Karen Q. Snyder, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The draft version of this meeting was submitted to the Town Board for their review on July 31, 2015.

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