

## TOWN BOARD MEETING

As a result of COVID-19, and the Executive Order of the Governor of the State of New York, the Regular Meeting of the Town Board of the Town of Cortlandville was held via Zoom, video and telephone conferencing, with Supervisor Williams presiding.

Members present: Supervisor, Thomas A. Williams  
 Councilman, Jay E. Cobb  
 Councilman, Jeffrey D. Guido  
 Councilman, Theodore V. Testa  
 Councilman, Douglas E. Withey  
 Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Town Residents: Robert Martin; John and Kathy Reynolds.

Supervisor Williams called the meeting to order. A roll call was conducted with all members of the Board, Town Attorney and Town Clerk present.

### RESOLUTION #130                      AUTHORIZE PAYMENT OF VOUCHERS – JUNE

Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

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

Funds A, B, DA, DB, HG, SF, SS, SW	Voucher #638-679		
	General Fund A	\$	19,581.26
	General Fund B	\$	465.14
	Highway Fund DA	\$	0.00
	Highway Fund DB	\$	2,532.55
	Gutchess Lumber SC Project HG	\$	204,059.67
	C'Ville Fire District SF	\$	9.77
	Sewer Fund SS	\$	722.11
	Water Fund SW	\$	2,698.64
Funds CD1, CD3, CD4	Voucher #(None)		
	BMills Rehab CD1	\$	0.00
	Town Wide Rehab CD3	\$	0.00
	Business Devl CD4	\$	0.00
Funds TA, TE	Voucher #19-19		
	Trust & Agency TA	\$	6,544.09
	Expendable Trust TE	\$	0.00

*[Per Town Board Resolution #112 of 2020, "Privilege of the Floor" was suspended until such time as the Governor of the State of New York removes the restrictions per Executive Order 220.1 issued on March 12, 2020, to temporarily suspend the Open Meetings Law (Article 7 of the Public Officers Law) due to COVID-19.]*

Councilman Withey made a motion, seconded by Councilman Cobb, to receive and file the following monthly reports:

- 1) Town Supervisor – February 2020;
- 2) Town Supervisor – March 2020;
- 3) Town Justice LeFevre & Town Justice Mathey – March 2020;
- 4) Code Enforcement Officer, Kevin McMahon – May 2020;
- 5) Fire & Safety Inspector/Code Enforcement Officer, Desiree Campbell – May 2020.

All voting aye, the motion was carried.

Councilman Guido made a motion, seconded by Councilman Testa, to receive and file correspondence from Charter Communications, dated June 1, 2020, regarding programming services. All voting aye, the motion was carried.

RESOLUTION #131      AUTHORIZE SUPERVISOR TO LET OUT TO BID FOR THE  
“TOWN OF CORTLANDVILLE MISCELLANEOUS WATER  
AND SEWER IMPROVEMENTS”

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Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to let out to bid for the “Town of Cortlandville Miscellaneous Water and Sewer Improvements” to include the following projects:

**Lime Hollow Chlorine Contact Time WM Loop:** Installation of approximately 600 feet of 30-inch DOP water main and associated valves and fittings in the open grassy area adjacent to the Lime Hollow well site;

**Hillside Drive Sewer Repairs:** Replace approximately 250 feet of 8-inch PVC sewer main on Hillside Drive, which has developed pipe sags, along with minor repairs to laterals in the vicinity;

AND IT IS FURTHER, RESOLVED, sealed bids will be received by the Town of Cortlandville Town Clerk’s office at 3577 Terrace Road, Cortland, NY 13045 until 12:00 p.m., July 8, 2020, at which time they will be publically opened and read, and it is further

RESOLVED, the bid shall be awarded at the July 15, 2020 Town Board meeting at 5:00 p.m.

Attorney DelVecchio reported:

Solar Farm Application – Locust Ave – Source Renewables Inc.:

Attorney DelVecchio apprised the Board that a solar application was submitted by Source Renewables Inc. for property located in both the Town (2 MW) and in the City of Cortland on Locust Avenue (contiguous property). The Town Planning Board discussed the matter at the June 2, 2020 meeting, and decided that because the project was being proposed in the Town and City, if two SEQRA reviews were conducted there could potentially be a legal challenge for “segmentation”. In order to avoid segmentation it was suggested that one SEQRA review be conducted.

Attorney DelVecchio contacted Attorney John Sidd representing the Cortland County IDA as well as Attorney VanDonsel representing the City of Cortland regarding the matter. To eliminate the segmentation argument and instead of Town and City conducting separate SEQRA reviews, the IDA agreed to act as the lead agency, with the Town and City being interested agencies. Attorney DelVecchio asked the Board to consent to the IDA acting as lead agency for the project. He noted that the Town will review several zoning aspects of the project; just because the IDA completes SEQRA it does not mean that the Town won’t have supervisory abilities.

Councilman Withey asked the status of the PILOT for the project and whether the Town opted out of the PILOT program. Attorney DelVecchio stated that he had preliminary conversations with the IDA. The Town has not opted out; a PILOT would be entered into if the project is approved. He added that he spoke with the project manager and mailed the applicant a letter today on behalf of the Town regarding the Town’s intent to pursue PILOT.

RESOLUTION #132      CONSENT TO THE CORTLAND COUNTY IDA ACTING AS  
LEAD AGENCY FOR THE SOLAR PROJECT PROPOSED BY  
SOURCE RENEWABLES INC. FOR PROPERTY LOCATED  
OFF OF LOCUST AVENUE IN THE TOWN OF  
CORTLANDVILLE

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Motion by Councilman Withey

Seconded by Councilman Cobb

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby consent to the Cortland County Industrial Development Agency (IDA) acting as Lead Agency for SEQRA purposes for the solar project proposed by Source Renewables, Inc. for property located off of Locust Avenue owned by Gunzenhauser Real Estate, tax map #76.20-01-08.000, in the Town of Cortlandville.

Executive Session:

Attorney DelVecchio requested the Board convene to an executive session at end of meeting to discuss pending litigation.

Under new business, Town Clerk Rocco-Petrella asked the Board to acknowledge receipt of the "Consent Order and Judgment" regarding the tax certiorari matter involving Walmart Real Estate Business Trust #1781. It was agreed that the assessment would be reduced from \$13,300,000 to \$12,000,000. Councilman Withey added that the impact on the school district would much less than what he initially suspected and was comfortable with the settlement.

RESOLUTION #133      ACKNOWLEDGE RECEIPT OF CONSENT ORDER AND JUDGMENT IN THE MATTER OF WALMART REAL ESTATE TRUST #1781 V. BOARD OF ASSESSMENT REVIEW AND/OR ASSESSOR OF THE TOWN OF CORTLANDVILLE, AND THE TOWN OF CORTLANDVILLE, COUNTY OF CORTLAND, NEW YORK

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Motion by Councilman Testa

Seconded by Councilman Withey

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge receipt of the "Consent Order and Judgment" in the matter of Walmart Real Estate Trust #1781 v. Board of Assessment Review and/or Assessor of the Town of Cortlandville, and the Town of Cortlandville, County of Cortland, New York, reducing the assessed value from \$13,300,000 to \$12,000,000 (reduction of \$1,300,000) for property located at 819 Bennie Road, tax map 105.00-02-07.000.

Town Board Reports:

Councilman Guido apprised the Board he received more inquiries as to whether or not the Gutches Lumber Sports Complex will open. The Town would be following the State guidelines when and if parks and recreation would be permitted due to COVID-19.

Councilman Withey informed the Board that he received a report from Town Historian, Jenae Withey which he would forward to the Board at a later date.

Supervisor Williams reported:

Request for Purchase of Shed for Testa Park:

Supervisor Williams reported that Highway Sup't. Bassett requested authorization to purchase a prebuilt shed to be located and used at Testa Park. Per the Town's procurement policy the necessary quotes were received. The lowest quote was from Kennedy Hardwood for \$6,200 and could take between 6-8 weeks before delivery. Supervisor Williams explained the purpose of the shed was to be used by the athletic teams that utilize the park. At this time, the Town's equipment storage shed was being shared. Highway Sup't. Bassett was concerned regarding the use of the shed by sports teams due to the type of equipment and field maintenance supplies that are stored in the shed. Supervisor Williams apprised the Board there was a possibility that donations could be made by the athletic teams. Per Machell Phelps, Cortland Regional Sports Council, the soccer league that uses the park offered approximately \$3,000 towards the purchase of a shed in the past. Councilman Guido stated he was in favor of the purchase and suggested that the Board could wait to authorize the purchase until after they knew if outside contributions would be made. However, after continued discussion the Board agreed to move forward with the authorization.

RESOLUTION #134      AUTHORIZE EXPENDITURE OF UP TO \$6,200 FOR THE  
PURCHASE OF A SHED FROM KENNEDY HARDWOOD TO  
BE USED AT TESTA PARK

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey    NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the expenditure of up to \$6,200 for the purchase of a 12' x 24' prebuilt shed from Kennedy Hardwood to be used at Testa Park for storage purposes.

2021 Budget Preparation and Possible BAN/RAN:

Supervisor Williams apprised the Board he was starting the 2021 budget process early due to potential shortfalls in the budget as a result of COVID-19. He suggested that in order to save money the Town could look into a Bond Anticipation Note (BAN) or a Revenue Anticipation Note (RAN) to fund the purchase of the already approved truck/vehicle for the Highway Department and Water & Sewer Department and perhaps for the water and sewer improvement projects (Hillside Drive Sewer, Lime Hollow Well Contact Time). Supervisor Williams suggested that the Town could seek a \$600,000 short term bond. If at the end of the year the Town had money available, the short-term BAN or RAN could be paid off.

Discussion occurred amongst the Board. Councilman Guido stated that it sounded like a good idea; the Town could put money aside for six months and could pay the bond off if the money was not needed elsewhere. Councilman Withey was opposed to seeking a BAN or RAN for the water/sewer projects and noted that there is money to complete the projects.

Supervisor Williams explained that one of the big negatives/shortfalls is sales tax. The Town anticipated receiving \$2.3 million in sales tax revenue; \$1.7 million must be generated in the next three quarters or approximately \$600,000 per quarter. He projected that sales tax will be dramatically lower than what the Town is used to receiving. If the Town only receives half, there would be a budget shortfall of approximately of \$800,000. Supervisor Williams stated that if the Town needs money by the end of the year they may have to do short term borrowing which was not desired. If the sales tax revenue is not as bad as projected, the Town could pay off the BAN/RAN.

Councilman Withey voiced concern for moving forward and suggested that the Board wait to make any decisions until the mid-year budget figures were known in the month of July. He also questioned the need to move forward with the water and sewer projects. Supervisor Williams reiterated his points and added that the Board just authorized going out to bid for the water and sewer improvement projects. The Board decided to discuss the matter further after they receive the mid-year budget figures.

Hiring Freeze for Town of Cortlandville:

Supervisor Williams suggested the Board authorize a hiring freeze in the Town at this time. He explained that the Highway Department was down two employees, with almost no summer help employees working at this time. Another employee announced her resignation for retirement in the month of July and there was a possibility for one more retirement later in the year. Supervisor Williams explained the potential savings to the Town due to the pending resignations and not filling the positions.

RESOLUTION #135      AUTHORIZE HIRING FREEZE FOR THE TOWN OF  
CORTLANDVILLE

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Motion by Councilman Withey

Seconded by Councilman Cobb

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey    NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct that there be a hiring freeze for the Town of Cortlandville until such decision has been rescinded by the Town Board at a later date.

Wi-Fi for Municipal Garage:

Supervisor Williams asked for Board authorization for the expenditure of funds to install equipment in the Municipal Garage to increase the Wi-Fi capability. In addition to housing the Water & Sewer Department, the space was being utilized to hold board meetings.

RESOLUTION #135-A      AUTHORIZE EXPENDITURE OF \$879.00 TO INSTALL  
EQUIPMENT IN THE MUNICIPAL GARAGE TO INCREASE  
WI-FI CAPABILITY

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Motion by Councilman Withey

Seconded by Councilman Cobb

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the expenditure of \$879.00 to Beard Electric to install equipment in the Municipal Garage to increase Wi-Fi capability in the garage.

RESOLUTION #136      AUTHORIZE SUPERVISOR TO SIGN THE SERVICE QUOTE  
FROM MODULAR MECHANICAL SERVICE TO REPLACE  
THE COMPRESSOR IN THE HVAC SYSTEM

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the service quote from Modular Mechanical Service to replace the compressor in the HVAC system at the Raymond G. Thorpe Municipal Building in the amount of \$6,100.

Under new business, there was discussion regarding a request received from Robert Martin and Pamela Jenkins, 4023 Collegeview Drive, for a reduction in the sewer charges on their 2<sup>nd</sup> Quarter bill due to a pool fill. Per Water & Sewer Sup't. Alteri's calculations, then number of gallons of water that was used for the pool fill would have resulted in sewer charges of \$71.81.

Supervisor Williams explained that the Martins had a problem with their pool and before work could be done to fix the problem the pool had to be drained completely. The repair was made and the pool was filled. The Board has waived sewer charges in the past for situations in which there was a water leak and it was known that the water did not go through the sewer.

However, according to the Town Clerk's records, relief for sewer charges due to pool fills had not been approved since at least 2015. While there was discussion in board minutes regarding the matter there was no formal resolution or policy. Supervisor Williams stated that in years past previous Boards discussed the matter and were not going to "be in the swimming pool filling business". The Town Clerk was authorized to waive charges up to \$75.00. Town Clerk Rocco-Petrella explained that while the water for the pool fill may not have run through the sewer, the consumption was reported to the wastewater treatment plant and the Town would pay for operation and maintenance charges based on the reported consumption. There was also a considerable amount of administrative time involved to complete an adjustment.

Supervisor Williams added that the Cortlandville Fire Department conducts pool fills for a charge; the service is a revenue source for the fire department.

Councilman Withey voiced concern that the owners were paying for a service they did not receive. Attorney DelVecchio stated he was worried about setting precedent especially if previous requests were denied.

Councilman Testa made a motion, seconded by Councilman Withey to approve the requested refund/relief of sewer charges as a result of a pool fill. With all members **voting NAY**, the **motion failed**.

Councilman Cobb suggested the Board establish a formal policy regarding pool fills in which the sewer charges will not be forgiven or reimbursed.

RESOLUTION #137      ESTABLISH TOWN POLICY REGARDING SWIMMING  
POOLS IN WHICH THE SEWER CHARGE SHALL NOT BE  
FORGIVEN FOR POOL FILLS

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Motion by Councilman Cobb

Seconded by Councilman Withey

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby establish a Town Policy regarding swimming pools in which the sewer charge shall not be forgiven or reimbursed by the Town for requests made for relief due to pool fills.

Under new business, there was discussion regarding a request received from William McDermott for relief of sewer charges due to the failure of a check valve in his meter pit located at 4021 Highland Road in which the water did not go into the sewer, as well as a request to be charged for only one of the two required meters in the meter pit.

Supervisor Williams explained that Mr. McDermott owns a housing development off of Highland Road (Woods Edge) in which he installed a private water system and has a corporation. Mr. McDermott ran a line from the water main on Highland Road to his private pump station, which then pressurizes the water which runs to the houses in the development. Per the Town's policy, two meters are required for the system.

Supervisor Williams read a letter aloud from former Town Attorney, John Folmer to Mr. McDermott's Engineer, Tim Buhl from December 2016 that was on file with the Town. According to the letter, Mr. McDermott was creating a "Transportation Corporation". The entire installation would be at Mr. McDermott's cost and included two meters that had to be approved in advance by the Town and regularly inspected. The water would be provided by the Town at the Town's rate.

Supervisor Williams reiterated that it was Mr. McDermott's water system. He was obligated to pay the minimum charge for the second meter. Although Mr. McDermott wanted to be able to remove one of the meters, the Town requires the two meters; both meters must remain. Councilman Withey added that it was common practice for there to be a second meter on the system.

Councilman Cobb made a motion, seconded by Councilman Withey to approve the request made by William McDermott. With all members voting **NAY**, the **motion failed**.

Supervisor Williams indicated he would respond back to Mr. McDermott's request with a letter explaining the Board's decision.

There was discussion regarding email correspondence received from John Conway updating the Board on his concern regarding the speed limit and speeders on Bennie Road and a request for a new stop sign. Supervisor Williams explained that Mr. Conway installed a radar recording device in his yard and prints weekly reports of traffic and the recorded speeds. According to his correspondence, an average of 1,800 cars per week travel Bennie Road with speeds of 42-62 mph. The speed limit on Bennie Road is 45 mph just west of Mr. Conway down the hill toward Walmart and then turns into 30 mph. Highway Sup't. Bassett installed a "30 mph ahead" sign on Bennie Road in the 45 mph zone hoping that motorists would slow down.

According to Mr. Conway's correspondence, he would like a 3-way stop sign installed at the Walden Oaks intersection. He offered the example of Ferguson Road in the Town of Dryden, a residential road, in which a 3-way stop was created to help slow traffic.

Supervisor Williams apprised the Board he encouraged Mr. Conway to ask the sheriff to monitor the speed from his driveway. Supervisor Williams stated was of the understanding that the Town did not have authority to take action regarding the speed limit noting it was a County and State decision.

Councilman Cobb made a motion, seconded by Councilman Testa, to receive and file email correspondence from John Conway, dated May 22, 2020, regarding the speed limit on Bennie Road and a 3-way stop sign at the intersection of Walden Oaks and Bennie Road. With the Board noting deep concern for public safety and support in Mr. Conway's efforts, all voting aye, the motion was carried.

RESOLUTION #138      AUTHORIZE FINAL PAYMENT APPLICATION NO. 9  
SUBMITTED BY ZMK CONSTRUCTION, INC. FOR THE  
GUTCHESS LUMBER SPORTS COMPLEX PHASE 1 AND  
ACCEPT PROJECT CLOSEOUT DOCUMENTS

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Motion by Councilman Guido

Seconded by Councilman Testa

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Final Payment Application No. 9 as submitted by ZMK Construction, Inc. for payment in the amount of \$204,059.67 for the Gutches Lumber Sports Complex Phase 1, and it is further

RESOLVED, the project closeout documents are hereby accepted.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file correspondence from the Cortland County Board of Elections, dated May 21, 2020, regarding the poll site consolidation due to COVID-19 for the Primary Election to be held on June 23, 2020. All voting aye, the motion was carried.

Supervisor Williams explained that the Cortlandville Highway Garage would remain open as a polling site, while that the Cortlandville Town Hall would be consolidated with the Municipal Garage (located at 3587 Terrace Road, Cortland, New York) for the primary election.

RESOLUTION #139      AUTHORIZE RENEWAL OF MOBILE HOME PARK PERMIT  
FOR CORTLAND ESTATES TRAILER PARK FOR 2020

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0

ADOPTED

WHEREAS, Cortland MHP Associates Inc. of Pittsford, New York, owner, submitted a completed application and the appropriate fee of \$945.00 for the renewal of the Cortland Estates Mobile Home Park Permit for property located at 1054 Route 13 in the Town of Cortlandville, tax map #96.09-04-10.000, and

WHEREAS, Town Code Enforcement Officer, Desiree Campbell conducted an inspection of the Mobile Home Park on January 8, 2020 and January 23, 2020 and submitted her inspection reports to the Town Board for review, and

WHEREAS, CEO Campbell noted numerous violations which have been satisfied per the final re-inspection of the site conducted on May 19, 2020, therefore

BE IT RESOLVED, the Town Board does hereby approve the Mobile Home Park Permit Renewal for Cortland MHP Associates, Inc. for Cortland Estates Mobile Home Park for the year 2020, and it is further

RESOLVED, the Town Clerk is hereby authorized and directed to issue the Mobile Home Park Permit, which shall be valid until December 31, 2020, at which point the permit must be renewed.

No further comments or discussion were heard.

Councilman Withey made a motion, seconded by Councilman Testa, to recess the Regular Meeting to an Executive Session to discuss pending litigation and personnel. All voting aye, the motion was carried.

The meeting was recessed at 6:18 p.m.

Councilman Testa made a motion, seconded by Councilman Withey, to adjourn the Executive Session and reconvene the Regular Meeting. All voting aye the motion was carried.

The Executive Session was adjourned at 6:40 p.m.

Supervisor Williams explained that two matters were discussed during the Executive Session.

RESOLUTION #140      ACKNOWLEDGE RECEIPT OF CIVIL ACTION NO. 5:20-cv-489 (GTS/ATB), STEPHEN COMPAGNI, INDIVIDUALLY AND AS SOLE OFFICER OF ECONOMY PAVING, INC. V. TOWN OF CORTLANDVILLE, TOWN OF CORTLANDVILLE PLANNING BOARD, JOHN DELVECCHIO, ET. AL.

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Motion by Councilman Testa

Seconded by Councilman Withey

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge notice of receipt of Civil Action No. 5:20-cv-489 (GTS/ATB) filed in the United States District Court for the Northern District of New York, Stephen Compagni, Individually and as Sole Officer of Economy Paving, Inc., v. Town of Cortlandville, Town of Cortlandville Planning Board, John DelVecchio, et. al.

RESOLUTION #141      AUTHORIZE      SUPERVISOR      TO      CONTINUE  
CONVERSATION WITH RICHARD C. TUPPER TO ENGAGE  
HIS SERVICES AS A PRIVATE CONSULTANT TO ASSIST  
THE TOWN IN THE 2021 BUDGET PROCESS

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Motion by Councilman Testa

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does here by authorize and direct the Supervisor to continue the conversation with Richard C. Tupper to engage his services as a private consultant to assist the Town of Cortlandville in the preparation of the 2021 Town Budget.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:45 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 July 10, 2020.

The final version of this meeting was approved as written at the Town Board meeting of July 15, 2020.