

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT  
PROP INC.  
3877 LUKER ROAD  
TAX MAP #86.17-01-01.000

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, concerning an application for an Aquifer Protection Permit submitted by Prop Inc. to permit the construction of a 100' x 120' (12,000 sq. ft.) cold storage warehouse for lumber storage and a 2,304 sq. ft. utility building, for property located on the west side of Luker Road approximately 250 ft. southwest of the NYS Route 281/Luker Road intersection, tax map #86.17-01-01.000.

Members present:

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

Others present were: Town Attorney, John Folmer; Highway Sup't. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patty Romer; Cortlandville Fire District Members: Commissioner, Kevin Whitney, Fire Chief, Jared Gebel, Secretary, Courtney Metcalf, Jim Dugan, Paul Alteri, Larry Biviano; Nicole Lener; Tim Perfetti; Bill Fiske; Attorney, Douglas Zamelis; Town Residents: Greg Leach, Barb Leach, Anne McLorn, James McLorn, Pam Jenkins, Andrea Rankin, Marie Kautz, John Woodward, Tony Cincotta, Lavonne Mack, Russ Bean; News Reporters: Sharon Stevans from Channel 2, Access TV, Robert Creenan from the *Cortland Standard*, and Brad Smith from WXHC.

Supervisor Tupper called the Public Hearing to order.

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

Supervisor Tupper offered privilege of the floor to those in attendance.

No comments or discussions were heard.

The Public Hearing was closed at 5:06 p.m.

PUBLIC HEARING NO. 2

AQUIFER PROTECTION PERMIT  
DAVID YAMAN (CORTLAND COMMERCE CENTER, LLC)  
580 LIME HOLLOW ROAD  
TAX MAP #95.00-10-01.000 (portion of) and #95.00-10-02.000

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, concerning an application for an Aquifer Protection Permit submitted by David Yaman (Cortland Commerce Center, LLC) to permit the construction of a 35,050 sq. ft. building for use as a medical manufacturing facility with accessory parking for 58 vehicles, for property located on the south side of Lime Hollow Road, approximately 375 ft. west of the Lime Hollow Road/NYS Route 13 intersection, tax map #95.00-10-01.100 (portion of) and #95.00-10-02.000.

Members present:

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

Others present were: Town Attorney, John Folmer; Highway Sup't. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patty Romer; Cortlandville Fire District Members: Commissioner, Kevin Whitney, Fire Chief, Jared Gebel, Secretary, Courtney Metcalf, Jim Dugan, Paul Alteri, Larry Biviano; Nicole Lener; Tim Perfetti; Bill Fiske; Attorney, Douglas Zamelis; Town Residents: Greg Leach, Barb Leach, Anne McLorn, James McLorn, Pam Jenkins, Andrea Rankin, Marie Kautz, John Woodward, Tony Cincotta, Lavonne Mack, Russ Bean; News Reporters: Sharon Stevans from Channel 2, Access TV, Robert Creenan from the *Cortland Standard*, and Brad Smith from WXHC.

Supervisor Tupper called the Public Hearing to order.

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

Supervisor Tupper offered privilege of the floor to those in attendance.

No comments or discussions were heard.

The Public Hearing was closed at 5:07 p.m.

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, with Supervisor Tupper presiding.

Members present:

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

Others present were: Town Attorney, John Folmer; Highway Sup’t. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patty Romer; Cortlandville Fire District Members: Commissioner, Kevin Whitney, Fire Chief, Jared Gebel, Secretary, Courtney Metcalf, Jim Dugan, Paul Alteri, Larry Biviano; Nicole Lener; Tim Perfetti; Bill Fiske; Attorney, Douglas Zamelis; Town Residents: Greg Leach, Barb Leach, Anne McLorn, James McLorn, Pam Jenkins, Andrea Rankin, Marie Kautz, John Woodward, Tony Cincotta, Lavonne Mack, Russ Bean; News Reporters: Sharon Stevans from Channel 2, Access TV, Robert Creenan from the *Cortland Standard*, and Brad Smith from WXHC.

Supervisor Tupper called the meeting to order.

Councilman Testa made a motion, seconded by Councilman Proud, to approve the Town Board Minutes of February 21, 2018. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Proud, to approve the Town Board Minutes of March 7, 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Zoning Board of Appeals Minutes of February 27, 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Planning Board Minutes of March 6, 2018. All voting aye, the motion was carried.

RESOLUTION #76

AUTHORIZE PAYMENT OF VOUCHERS – MARCH

Motion by Councilman Testa  
Seconded by Councilman Withey  
VOTES: AYE - Tupper, Testa, Reynolds, Withey    NAY - 0  
ABSTAIN – Proud  
ADOPTED

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

Funds A, B, DA, DB, HE, HG, SS, SW	Voucher #353-410	
	General Fund A	\$ 21,269.21
	General Fund B	\$ 3,935.25
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 18,381.77
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber SC Project HG	\$ 4,591.25
	Sewer Fund SS	\$ 76,257.57
	Water Fund SW	\$ 62,531.86
Funds CD1, CD3, CD4	Voucher #19-20	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 25,631.73
	Business Devl CD4	\$ 0.00
Funds SF, TA, TE	Voucher #12-15	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 41,216.69
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Councilman Doug Withey.

Councilman Withey took the podium to address the Board and read the following:

Dear colleagues and fellow councilmen,

On December 20, 2017, as a newly elected councilman for the Town of Cortlandville, I took an oath of office requiring me to uphold the Constitution of the United States and the Constitution of New York. I take this very seriously.

I also take just as seriously, the voices of our community. Because of their voice, I decided to run for office on a platform of open and transparent government and to help safeguard our "Sole Source Aquifer". Additionally, I wanted to offer a balance to our local governmental representatives on the Town Board. I spoke to our citizens during my campaign and came out of the campaign with a pretty good understanding of what they are looking for from their town board.

The local Town Board proposal for changing the B2 zoning along Tompkins Street to a B3 zone has raised the ire of our public in this area. The Cortland County Planning Board denied the proposal 5-0 and the public has spoken strongly against the proposal.

1. Our constituents want to be heard.
  - a. You have heard from them and have received written validation of their concerns from our citizens and our Planning Board.
2. They want their concerns addressed legally and fairly.
  - a. Last year, two Article 78's against the Town of Cortlandville were heard by the courts and upheld in favor of the plaintiffs. We do not need another one.
3. They want to be able to rely on their boards to do the right thing within the constraints of local laws.
  - a. The optics on how we serve our public seems very dim at times.
  - b. The optics on how we view the Planning Board's decision on this matter will be eye opening.
4. We state that every change is not to favor the Byrne Dairy wishes to expand their gas delivery in our area.
  - a. But, they would need this change if they want to pursue locating here and this does open a door for this to be an issue again and again.
5. This area has for years been recognized as a transition area from residential to commercial and the people want it to stay that way.
  - a. This area is best suited for professional offices, expansion of businesses already located in this area, or something alike.
6. The voices you have heard, the comments that have been written and the decision from our Town Planning Board need to be recognized.
  - a. As such, I speak to you during the public comment period of our meeting to announce and give you time to weigh your vote on this matter and secure the public's trust in our official capacity to do the right thing for our residents and long-term tax payers and that:
  - b. Under old business I will be proposing the following resolution: The Town of Cortlandville has heard from our public and have read the written comments from the public and the Town Planning Board regarding the proposal to rezone the B2 area on Tompkins Street to B3, and we thank all of you for your participation and guidance on this issue. Therefore, be it resolved, the Town of Cortlandville Town Board rescinds the proposal for rezoning the aforementioned area.

Supervisor Tupper offered privilege of the floor to Anne McLorn.

Town resident, Anne McLorn of Blue Creek Road apprised the Board she was in attendance to make the Board and public aware of the ongoing nonconforming use of property owned by Arthur Bell Jr., located at 4245 Bell Crest Drive and the adjacent property under Article 1 Chapter 178 of the Town Zoning Laws. Mrs. McLorn read from a prepared statement, which was received and filed by the Board later in the meeting.

Mrs. McLorn gave a history of the parcels from 2016 to current, which included subdivisions, duplexes, stormwater and SPDES regulations/violations. She commented on the structures that are on the parcels and the use of the new 40' x 80' equipment garage/office. Mrs. McLorn wanted it to be clear that Mr. Bell was conducting his commercial construction business from this location, which was not an allowed use under Article III: Agricultural Districts regulations within the Zoning Law.

It is not a Permitted agricultural use (Section 178-12) or a Permitted nonfarm use (Section 178-13) or a Permitted use subject to site plan approval (Section 178-14) or a Use subject to a conditional permit (Section 178-15) or a Home Occupation as defined in Article I: Title Definitions (Section 178-2).

Mrs. McLorn questioned why the Code Enforcement Office had not determined that the property was nonconforming. She stated that no future special use permits or variances were in order in accordance with the law.

Mrs. McLorn also indicated that she was “opposed to the rezoning of portions of Tompkins Street and surrounding areas on the basis of the dangers the newly allotted business uses would afford to our Sole Source Aquifer and the fact that no more gas stations are needed or warranted in this area.”

Supervisor Tupper informed Mrs. McLorn that he would forward her comments to the Town Planning Board and ZBA.

Supervisor Tupper offered privilege of the floor to Nicole Lener.

Nicole Lener, McGraw High School Environmental Science and Biology Teacher, apprised the Board that she presented her high school students with a recent article published in the *Cortland Standard* regarding the proposed zone change and the Byrne Dairy gas station. She gave her students the opportunity to reflect on the article and research the proposal.

Ms. Lener read excerpts of the letters to the Board, and presented copies to the Town Clerk to be provided to the Board.

**McKenzie:** “... I now hope the councilmen and councilwomen of Cortlandville will seriously consider what I and so many others are clearly repeating: the aquifer of Cortlandville must be properly protected, and the intentions of an outside company should not be held at a higher regard than the safety and health of those in our community.”

**George:** “... Pollutants in water coming from gasoline can do damage such as the ones listed below: ...

- Isooctane ... is highly flammable.
- Cyclopentane ... Human exposure and toxicity. Symptoms of exposure to high concentrations ... dizziness, confusion ... possibly respiratory failure. ...
- Ethyl benzene ... possible human carcinogen ...

Imagine these ingredients in our water system and the potential effects it could do to our community.

**Caitlyn:** “... These zoning laws were made for a reason. To protect not only our environment but ourselves. The board already changed the laws from a B1 to a B2. Why even have the laws if every time someone asked to change them, they’re changed? ...”

**Ahlexis:** “... The negatives of this aquifer being contaminated on these sources ...

- People are exposed to carcinogens and toxins that affect our health. ...
- The water would never be able to be cleared from the exposure of the gas that could leak into the water systems.
- Local businesses might not pass health codes because they can’t meet current inspection levels with their water. Which will cause businesses to close.”

**Maverick:** “... The water if is contaminated, it could cause everyone in Cortland a lot of sickness and even more money, which would result in the County being sued, which will throw off all of its beneficial money down the drain by having to pay it back. ...”

**Trinity:** “... Gasoline is hazardous to people and it should be thought about with great apprehension. ... The public’s health comes first in any type of deal or law being considered, which is why placing a gas station right on top of the aquifer is a bad idea. ... I’m writing to you today for the interests of the citizens, building a gas station on top of the aquifer is an appalling idea and I urge you to pick somewhere else or vote against the new zoning law proposal.”

**Kiara:** “... How greedy can one be to risk their supply of water that comes from the aquifer, and potentially contaminate the surrounding land with toxic chemicals from the gas. ...”

**Cade:** “Suppose I am currently a single father with a two month old baby. I am living on Tompkins St. and the proposal of building a gas station over the aquifer is very troubling to us. I have to make my daughter’s bottles with the tap water, and if that water were to become contaminated I have no idea what I could do, since I can’t afford to buy bottled water. ... I am not usually one for writing letters, or speaking out against anything, but this just seemed too important to ignore. ...”

**Adam:** “... The section is designated a B-2 zone, there is absolutely no reason to switch it to a B-3, money is not worth risking the lives of 30,000+ men, children and women. Please consider that this is not a good idea at all and that you should carefully weigh the pros and cons and realize the cons will very much outweigh the pros. ...”

Ms. Lener stated that we see things from a different viewpoint when we look through the eyes of young people. Her students brought up some points that she had not even thought of. She asked the Board to take their comments into consideration.

Supervisor Tupper thanked Ms. Lener and complimented her students for their well written letters. Councilman Proud offered to speak to Ms. Lener’s students if she was interested.

Supervisor Tupper offered privilege of the floor to Pam Jenkins.

Town resident, Pam Jenkins first asked the Board to receive and file her letter of March 9, 2018 to correct the record that the Cortland County Planning Board had a quorum present at their February 14, 2018 meeting. The County Planning Board passed all of their motions on their agenda except for the one concerning the B2 to B3 rezoning attempt. She stated that the law was not returned for local determination because the Board stated this attempt to rezone the Tompkins Street area placed a regional drinking water supply for 30,000 people at stake.

Ms. Jenkins recalled that at the last Town Board meeting the public was told the Board needed more time for review and would let the public know what the next steps would be at tonight's meeting. She stated, "the only rational conclusion is to abandon the attempt to rezone the Tompkins Street area from B2 to B3." The Board heard from residents and read written protestations against the law.

Ms. Jenkins stated, "We connected the dots between Byrne Dairy's September 2017 gas station site plan presentation for the Wilcox Tire property, their November 2017 zone change request letter for the Wilcox Tire property, and your January 2018 rezone law for the Wilcox Tire property and surrounding properties which are mostly all developed already into neighborhoods and small businesses." She stated it was pointed out that the B2 to B3 law is in conflict with the 2002 Aquifer Protection Plan, and that residents pointed out the proposed rezoning removes the zoning property protections they have relied on. The rezoning "could impact property values, traffic and lead to commercialization and disruption of their established neighborhoods."

Ms. Jenkins commented on the SEQR process and stated that the Board did not provide the required SEQR documents which should have included a completed EAF, a Positive Declaration, scoping documents and Environmental Impact Statement. She stated that if passed, the zoning law would open the Tompkins Street area to storage warehouses, gas stations and larger commercial enterprises. She asked the Board to represent the citizens interests and to abandon the proposed rezoning.

Ms. Jenkins also commented on Mrs. McLorn's concern regarding property owned by Art Bell, Jr. and why she was approaching the Board. She stated that the CEO's have been unresponsive to Mrs. McLorn's requests. She also noted that the DEC has been contacted regarding the lack of a stormwater plan for the 6.3 acres. She asked the Board to instruct the CEO's to inform Mr. Bell that his construction business was not an allowed use on Agricultural zoned land, that he will not qualify for a variance, and that the business cannot be considered a home accessory use or home occupation as it does not meet that definition under Town codes. She stated that Mr. Bell can use the building solely for his personal garage because that is what he applied for in his permit application.

Supervisor Tupper offered privilege of the floor to Marie Kautz.

Town resident, Marie Kautz urged the Board to drop further consideration of the zoning proposal due to the opposition of the Town Planning Board, the lack of positive recommendations from the County Planning Board, and numerous expressions of concern and opposition of concerned residents. The change was contrary to the aquifer protection plan of the sole source aquifer. Some of the types of development allowed under the proposal were likely to increase risk of contamination to the aquifer, and were high volume uses increasing paved parking areas, connecting roadways, and large footprint buildings. Residents have expressed concerns regarding increased traffic, noise and light disturbance, and adverse effects on the character of neighborhoods. Higher volume businesses would require additional high volume entrances/exits/traffic signals and lights and would mirror the traffic lights further down Route 13. She asked the Board to follow the advice of residents and the Town Planning Board and to drop the proposal tonight.

Supervisor Tupper offered privilege of the floor to Bill Fiske.

Bill Fiske apprised the Board he was a resident of the City and was employed by Intertek. He commented that Intertek is one of the highest property tax payers in the Town, and that Intertek's 300+ employees generate a lot of sales tax. Mr. Fiske recalled that he spoke in front of the ZBA in 2017 regarding E&V Energy's proposal for 100,000 gallon above ground gasoline storage tanks. Mr. Fiske stated that fuel storage can fail whether it is aboveground or underground. He reminded the Board of Murphy's Law and stated, "every system has inherent defects, if a thing can fail, eventually it will fail and when it does fail it will be at the worst possible time."

Mr. Fiske explained that Intertek uses a lot of water for its processes; they runs water through piping for heat transfer because the facility generates a lot of heat. Because of the problem with Smith Corona (contamination), Intertek was forced to install a stripper. The Federal EPA dictated that Intertek could not recharge the aquifer with the water but instead has to pump it into the river.

Supervisor Tupper offered privilege of the floor to Lavonne Mack.

Lavonne Mack reminded the Board that she spoke under privilege of the floor at the March 7, 2018 Town Board Meeting. She corrected a statement she made about speaking in front of similar boards in the past in her capacity as a realtor. She stated that never had she attended a meeting in other municipalities to address a zone change that would put dollar stores in people's backyards or would affect the water supply.

Supervisor Tupper offered privilege of the floor to Andrea Rankin.

Town resident, Andrea Rankin indicated that everything she planned to comment on had already been said.

Supervisor Tupper thanked everyone for their comments. No further comments or discussion was heard under privilege of the floor.

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

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

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the monthly report of Town Code Enforcement Officer Campbell for the month of February 2018. All voting aye, the motion was carried.

With Councilman Proud leading, the Board conducted Part 2 of the SEQR review for the Aquifer Protection Permit submitted by Prop Inc., for property located at 3877 Luker Road in the Town of Cortlandville. After discussing and answering all of the required questions as either having none to small impact, the Board proceeded with action.

RESOLUTION #77                      DECLARE    NEGATIVE    IMPACT    FOR    AQUIFER  
PROTECTION PERMIT #1 OF 2018 SUBMITTED BY PROP  
INC. FOR PROPERTY LOCATED AT 3877 LUKER ROAD

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Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Prop Inc. to permit the construction of a 100' x 120' (12,000 sq. ft.) cold storage warehouse for lumber storage and a 2,304 sq. ft. utility building, for property located on the west side of Luker Road approximately 250 ft. southwest of the NYS Route 281/Luker Road intersection, tax map #86.17-01-01.000, and

WHEREAS, the Town Board as Lead Agent, duly reviewed and completed the Short Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare the proposed project of Prop Inc., Aquifer Protection Permit #1 of 2018, shall have no significant environmental impact.

## RESOLUTION #78

AUTHORIZE SUPERVISOR TO SIGN SEQRA  
APPLICATION OF AQUIFER PROTECTION  
PERMIT #1 OF 2018

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Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #1 of 2018, submitted by Prop Inc.

Councilman Withey commented that there was discussion at the County level regarding monitoring wells and whether the Town was doing enough monitoring with the wells. He would like to bring the item to the table for discussion at a later date.

Councilman Proud explained that in 2009 the Town contracted with the Soil and Water Conservation District to conduct a water quality study. There were no substantial issues, however sodium and chloride were increasing because the DOT puts salt on the roads. It was not a health issue at the time but was a trend that can't continue without becoming a public health issue.

Before acting on the approval of the Aquifer Protection Permit, Supervisor Tupper informed the Board there were three conditions set by the County Planning Board. While the Board believed the conditions had been met, Attorney Folmer suggested the Board incorporate the conditions in their approval.

## RESOLUTION #79

APPROVE AQUIFER PROTECTION PERMIT #1 OF 2018  
SUBMITTED BY PROP INC. FOR PROPERTY LOCATED AT  
3877 LUKER ROAD SUBJECT TO CONDITIONS

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Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, the Cortland County Planning Department and the Town Planning Board have reviewed and recommended approval of this Aquifer Protection Permit application, and

WHEREAS, a Public Hearing was duly held by this Town Board, therefore

BE IT RESOLVED, the Town Board does hereby approve Aquifer Protection Permit #1 of 2018, submitted by Prop Inc., permitting the construction of a 100' x 120' (12,000 sq. ft.) cold storage warehouse for lumber storage and a 2,304 sq. ft. utility building, for property located on the west side of Luker Road approximately 250 ft. southwest of the NYS Route 281/Luker Road intersection, tax map #86.17-01-01.000, subject to conditions from the Town and County Planning Boards:

1. The applicant either reducing the impervious surface on the lot by 5% as part of this proposal or applying for and obtaining a bulk variance to forgo this requirement per the Town's Wellhead Protection Zones lot coverage requirements.
2. That data collected from the monitoring wells be forwarded to the County Health Department due to the chemicals stored on site and its close proximity to the City of Cortland water supply.
3. Compliance with SEQR requirements.

AND IT IS FURTHER RESOLVED, the Supervisor is hereby authorized to sign the permit.

There was discussion regarding the Aquifer Protection Permit application of David Yaman (Cortland Commerce Center, LLC). Attorney Folmer suggested the Board postpone action on the permit to the next meeting as the SEQR documents had not been received. He recalled that the Cortland County IDA acted as Lead Agency for the project. The Board did not object to postponing action. Supervisor Tupper stated he would have the item added to the next Town Board agenda under old business.

There was discussion regarding the consideration of the proposed Zone Change from B-2 to B-3 for properties located on Route 13 (Tompkins Street).

Councilman Withey made the following motion, which was seconded by Councilman Testa:

The Town of Cortlandville has heard from our public and have read the written comments from the public and the Town Planning Board regarding the proposal to rezone the B2 area on Tompkins Street to B3, and we thank all of you for your participation and guidance on this issue. Therefore, be it resolved, the Town of Cortlandville Town Board rescinds the proposal for rezoning the aforementioned area.

Supervisor Tupper questioned whether there were any further comments from the Board before moving forward.

Councilman Proud stated he would like to discuss the proposal as he spent a considerable amount of time reviewing it. He stated he would direct his comments to the rezoning because that was the only issue before the Board at this time. Many comments were received, however he addressed what he considered to be significant comments to base a decision on.

Several statements implied that the Town isn't protecting the aquifer and that this area of Route 13 is over the Aquifer. Councilman Proud stated, "yes, this area is over the aquifer. Virtually the entire Town of Cortlandville is over the Aquifer. If you don't live on a hill you are mostly living on top of the Aquifer." Some comments suggested that development over the aquifer was inappropriate; however most of the existing B-3 business zone in the Town is in Wellhead Protection Zones 1a and 1b, which are the two most critical zones for aquifer protection. He explained that zone 1a is a 2-year travel time for water to move from the zone to the well; zone 1b is a 5-year travel time. Outside of the zone is the feeder area and is Zone 2. The vast majority of this rezone area on Route 13 is not in either the 1a or 1b Zone, it is in Zone 2, which is outside the 5-year area. The Town well sites are tested regularly as required and a Water Quality Report sent annually to every Town water customer. In addition, as a precautionary measure, the Town contracted with the County Soil Conservation Service to conduct a Phase 1 Monitoring study of the Otter-Dry Creek Aquifer. Councilman Proud discussed the results of the study and read the summary of the Phase 1 results.

Councilman Proud stated that the entire lengths of Route 13/Route 281 in the Town are over the Aquifer and are the primary access to and through the Town. After the construction of I-81 the NYSDOT attempted to create by-passes around Cortland and Cortlandville from Exits 10 and 12 reaching toward the Ithaca/Elmira area. Since that effort was unsuccessful, Route 13/281 has been improved to handle today's traffic volume and traveler demand, which he expected to increase in the future.

The area to be rezoned was also characterized as being primarily residential, which was not true according to the Cortland County Planning Department report of February 9, 2018: the number of parcels in the area is 35.4% Residential or 64.6% other uses or vacant; by acreage 26.6% is Residential and 73.4% is in other uses or vacant. Councilman Proud explained that all of the residences, with the exception of The Park, are non-conforming uses in the existing B-2 Business Zone.

Councilman Proud stated it has been inferred that the Cortland County Planning Board did not approve the rezone. They neither approved nor disapproved it – they took no action, meaning the "Town of Cortlandville may proceed with this application without further input from the County". The Cortland County Planning Department staff report recommended approval with 3 contingencies: two of the contingencies were for a correction to the number of tax map parcels, and that the Town complete SEQR. The Town Planning Board recommended against this rezoning. Most of their expressed concerns were about changing this area from a "transitional" business zone to one with greater business activity. Councilman Proud felt that the road would see tremendous increases in activity as the population increased in the Town. Another comment was that significant acreages and parcels surrounding these areas are still residential and mainly single-family, which he stated was not true and referred to the percentages he provided earlier.

Councilman Proud stated that it was mentioned that an Environmental Assessment was not done, which was correct. It is difficult to do an environmental assessment when there is no official action.

There was mention that the proposal was inconsistent with the 2002 Land Use and Aquifer Protection Plan, however the Cortland County Planning Department had a different opinion as their recommendation was for approval. Councilman Proud read the Planning Department's report:

The Staff recommends approval of this application for a zoning map amendment as a B-3 district appears to be more appropriate for areas outside of wellhead protection zones 1a and 1b. Therefore the zoning amendment appears to be consistent with the NYS Route 281/13 Corridor Land Use and Aquifer Protection Plan which is the most recent plan addressing land use and development over the aquifer.

There was a concern that the proposal increases risk to the sole source aquifer. Councilman Proud stated that the Board was discussing a zoning proposal. There is no change in risk to the sole source aquifer until an applicant comes to the Town. Councilman Proud stated that any business coming in would be a risk to the aquifer, however the decision was how much risk.

It was mentioned that there are already traffic concerns on Route 13, which Councilman Proud agreed with and said had to be addressed. He recalled that there have been several deaths on Route 13. Discussion should be had with the NYS DOT.

Councilman Proud commented on the concern that there are already too many gas stations. He stated that whether or not there are too many gas stations was a business decision and not in the purview of the Town. He stated that he did not want to see the Town dictating what business can and can't come in by number.

The final concern he addressed was that the Town should wait on the rezoning until after the Town completes a new Comprehensive Plan. Councilman Proud stated that later in the agenda the Board would be reviewing a proposal that has been under discussion for over a year to redo the Comprehensive Plan. Councilman Proud stated that if the Board does not receive the Town Board's approval tonight he would want to move forward with the rezoning. He suggested the Board wait until after they vote on the proposal for the Comprehensive Plan before deciding on whether to abandon the rezoning.

Supervisor Tupper indicated that there was already a motion and a second on the proposal. The only way to stop the vote was to make a motion to table.

Councilman Proud made a motion to table the vote on Councilman Withey's motion until after the Board votes on the proposal for the Comprehensive Plan.

RESOLUTION #80                      TABLE ACTION ON THE VOTE TO RESCIND THE  
PROPOSED ZONE CHANGE FROM B-2 TO B-3 FOR  
PROPERTIES LOCATED ON ROUTE 13

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Motion by Councilman Proud

Seconded by Councilman Reynolds

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

ADOPTED

WHEREAS, Councilman Withey made a motion, seconded by Councilman Testa, to rescind the proposed Zone Change for parcels located on Route 13 from B-2 to B-3, and

WHEREAS, after discussion Councilman Proud made motion to table action on Councilman Withey's motion until after the Board votes on the proposal for an updated Comprehensive Plan for the Town of Cortlandville, therefore

BE IT RESOLVED, the Town Board does hereby table action on the vote to rescind the proposed Zone Change for parcels located on Route 13 from B-2 to B-3 until after the Board votes on the proposal for an updated Comprehensive Plan for the Town of Cortlandville.

Under new business, Town Clerk Rocco-Petrella informed the Board that Deputy Town Clerk, Kalee Updyke submitted a letter of resignation to pursue a new opportunity with the Cortland County Sheriff's Department. Mrs. Updyke has been an asset to the Town Clerk's Office and the Town as a whole and will be missed. Town Clerk Rocco-Petrella and the Board wished her well in her new endeavor.

RESOLUTION #81                      ACCEPT RESIGNATION FROM KALEE A. UPDYKE AS  
DEPUTY TOWN CLERK EFFECTIVE MARCH 28, 2018

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Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the letter of resignation from Kalee A. Updyke as Deputy Town Clerk, with regret, to be effective March 28, 2018, and it is further

RESOLVED, the letter of resignation dated March 14, 2018 is hereby received and filed.

Also under new business, Town Clerk Rocco-Petrella requested the Board acknowledge receiving a Notice of Claim in the matter of Doreen Stacy vs. the Town of Cortlandville for property damage. Attorney Folmer added that the Town's insurance company had been notified and was advised that their representatives would be in touch to examine the claim.

RESOLUTION #82                      ACKNOWLEDGE RECEIVING NOTICE OF CLAIM IN THE  
MATTER OF DOREEN STACY VS. THE TOWN OF  
CORTLANDVILLE

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Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge, by receiving and filing, the Notice of Claim in the matter of Doreen Stacy vs. the Town of Cortlandville for property located at 3269 Walden Oaks Blvd., Cortland, New York, tax map #106.05-01-26.000.

Attorney Folmer reported:

Bonding for Gutchess Lumber Sports Complex:

Attorney Folmer apprised the Board he was in receipt of the signed opinion letter from Hawkins Delafield & Wood LLP relating to the sale and issuance for the \$3 million Bond Anticipation Note for construction of the Gutchess Lumber Sports Complex – Phase 1. He asked the Board to receive and file the letter. Attorney Folmer explained that the only outstanding item was the arbitrage certificate.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the opinion letter from Hawkins Delafield & Wood LLP, dated January 30, 2018, relating to the sale and issuance for the \$3 million Bond Anticipation Note for construction of the Gutchess Lumber Sports Complex – Phase 1. All voting aye, the motion was carried.

Cortlandville Fire District – Live Fire Training Facility:

Attorney Folmer apprised the Board that the Cortlandville Fire District (CVFD) was in the process of requesting funding through a grant to construct a Live Fire Training Facility at their 999 Route 13 location. The CVFD was also asking the Town to convey approximately 1.0 acre of land behind the Town Hall in order to construct the facility, and requested a letter from the Town indicating their willingness to convey the property. He and Supervisor Tupper reviewed the request and discussion occurred amongst some members of the Board. Attorney Folmer drafted a letter for Supervisor Tupper to sign, which he read aloud.

“... this conveyance would be made when you have received all applicable and required approvals for the construction of your training facility. Be advised that the transfer will be accomplished by resolution adopted by the Town Board subject to a permissive referendum as required by Section 64.2 of the Town Law. ...”

Attorney Folmer requested the Board adopt a resolution authorizing Supervisor Tupper to sign the letter.

Discussion continued regarding the CVFD's request. Supervisor Tupper stated that the Board was happy to support the CVFD and congratulated them for the grant funding. He mentioned that the training facility would be one of the nicest facilities around.

Fire Commissioner Whitney was in attendance with members of the Fire Department and was prepared to give a short presentation to the Board if requested.

Councilman Reynolds questioned whether there was a necessity for the training facility as a result of the City of Ithaca's facility being condemned. Commissioner Whitney explained that the CVFD has always utilized the City of Ithaca's live fire training facility, which was condemned and repaired, but now only has a 5-year life use. The CVFD was proposing to construct a \$700,000 “burn building” that would have a 30-40 year life span. The District was applying for a \$500,000 grant and reached out to both Senator Seward and Assemblywoman Lifton for support. The CVFD chose to start the process for approvals of the necessary permits before securing funding so the project would not hold up grant funding if the CVFD did not secure the required permits.

Councilman Withey questioned what the fire tax implications would be on the residents of the Town, if the building would be adequately insured and whether there would revenue for the training school. Commissioner Whitney expected that between the grant and the CVFD's budget they would be able to support the construction without increasing taxes. He mentioned that the fire district has been able to maintain the same tax rate for years. The CVFD would have adequate insurance coverage on the building. Commissioner Whitney also explained that there was no revenue from the training center.

Supervisor Tupper requested the Board act on authorizing him to sign the letter as well as to move to agenda item I-11 to receive and file and refer the Aquifer Protection District application of the CVFD to the Town and County Planning Boards.

RESOLUTION #83                      AUTHORIZE SUPERVISOR TO SIGN A LETTER TO THE  
CORTLANDVILLE FIRE DISTRICT REGARDING THE  
CONVEYANCE OF 1.0+/- ACRE OF LAND OWNED BY THE  
TOWN OF CORTLANDVILLE

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Motion by Councilman Testa

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign a letter to the Cortlandville Fire District regarding the conveyance of 1.0+/- acre of land owned by the Town of Cortlandville for the purpose of constructing a Live Fire Training Facility, and it is further

RESOLVED, this conveyance would be made when the Cortlandville Fire District has received all applicable and required approvals for the construction of the training facility, and would be accomplished by resolution adopted by the Town Board subject to a permissive referendum as required by Section 64.2 of the Town Law.

RESOLUTION #84                      REFER THE AQUIFER PROTECTION PERMIT  
APPLICATION SUBMITTED BY THE CORTLANDVILLE  
FIRE DISTRICT TO THE TOWN AND COUNTY PLANNING  
BOARDS FOR REVIEW AND RECOMMENDATIONS

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Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby refer the Aquifer Protection Permit application submitted by the Cortlandville Fire District for property located at 999 Route 13, tax map #96.09-02-05.000, to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the Aquifer Protection Permit application is hereby received and filed.

Bonding – Town Highway Garage:

Attorney Folmer apprised the Board he was in receipt of the bonding resolution from bond counsel regarding the \$750,000 BAN for the construction of a new Town Highway Garage. He requested the Board authorize the approval of the BAN, which was subject to permissive referendum. Attorney Folmer explained that after the required waiting period, there would be an estoppel period. The first step in the process was for the adoption of the bond resolution.

## RESOLUTION #85

BOND RESOLUTION OF THE TOWN OF CORTLANDVILLE, NEW YORK, ADOPTED MARCH 21, 2018, AUTHORIZING THE CONSTRUCTION OF A NEW HIGHWAY GARAGE BUILDING; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000; APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE; AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$750,000 TO FINANCE SAID APPROPRIATION

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES:	Supervisor Tupper	AYE
	Councilman Testa	AYE
	Councilman Proud	AYE
	Councilman Reynolds	AYE
	Councilman Withey	AYE
	ADOPTED	

THE TOWN BOARD OF THE TOWN OF CORTLANDVILLE, IN THE COUNTY OF CORTLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cortlandville, in the County of Cortland, New York (herein called the "Town"), is hereby authorized to construct a new highway garage building. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$750,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$750,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$750,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 11(b) of the Law, is twenty (25) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and

168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Cortland Standard*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CORTLANDVILLE, NEW YORK

PLEASE TAKE NOTICE that on March 21, 2018, the Town Board of the Town of Cortlandville, in the County of Cortland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Cortlandville, New York, adopted March 21, 2018, authorizing the construction of a new highway garage building; stating the estimated maximum cost thereof is \$750,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$750,000 to finance said appropriation,"

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct a new highway garage building; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$750,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$750,000 to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$750,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is twenty-five (25) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$750,000 bonds will exceed five (5);

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: March 21, 2018  
Cortlandville, New York

Kristin E. Rocco-Petrella  
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

RESOLUTION #86                      AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE  
TOWN-WIDE HOUSING REHABILITATION GRANT  
PROGRAM CDBG #287HR326-16

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Motion by Councilman Proud  
Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize approval of payment for the following regarding the Town-Wide Housing Rehabilitation Grant Program-CDBG #287HR326-16:

Voucher #25: Reome Electric & General Contracting - \$13,200.00  
Voucher #26: O'Donnell Construction - \$3,800.00  
Voucher #27: Thoma Development Consultants - \$6,911.60

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the Executed Grant Agreement between the Town of Cortlandville and New York State Homes and Community Renewal for NYS CDBG Project #287SB902-18 for Royal Nissan of Cortland, Inc. All voting aye, the motion was carried.

RESOLUTION #87                      AWARD BID TO THOMA DEVELOPMENT CONSULTANTS  
FOR PROGRAM DELIVERY AND ADMINISTRATIVE  
SERVICES FOR THE 2018 CDBG ECONOMIC  
DEVELOPMENT/SMALL BUSINESS PROGRAM GRANT  
(#287SB902-18) AND LOAN FROM PROGRAM INCOME FOR  
ROYAL NISSAN OF CORTLAND, INC.

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Motion by Councilman Proud  
Seconded by Councilman Testa

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

WHEREAS, a Request for Proposal was advertised for the Program Delivery and Administrative Services for the 2018 CDBG Economic Development/Small Business Program Grant (NYS CDBG Project #287SB902-18) and a loan from the Town of Cortlandville's CDBG Program Income for Royal Nissan of Cortland, Inc., and

WHEREAS, one sealed bid was received and opened by the Town Clerk on March 20, 2018 at 12:00 p.m. as follows:

Thoma Development Consultants	\$4,800.00
34 Tompkins Street	
Cortland, NY 13045	

BE IT RESOLVED, the bid is hereby awarded to Thoma Development Consultants of Cortland, New York, in the amount of \$4,800.00, subject to approval from the New York State Homes and Community Renewal, Office of Community Renewal.

There was discussion regarding the proposed Agreement with CHA for a Comprehensive Plan (the "Plan") for the Town of Cortlandville. Supervisor Tupper explained that it would take approximately 18-20 months to complete a new Plan. The Town budgeted 50% of the cost in the 2018 Budget, and would budget the other 50% in the 2019 Budget. The total cost for CHA to complete the Plan was \$131,150.00.

Councilman Proud questioned when the zoning code would be changed after the Plan was complete. Supervisor Tupper apprised the Board that CHA indicated to him that when the Plan was complete the proposed zoning map would look quite different than what it looks like now. Attorney Folmer stated it was impossible to answer how long it would take to change the zoning code as it would depend on the changes necessary.

Councilman Proud questioned whether the Town would need to consider a moratorium when the final Plan is adopted. Attorney Folmer commented that the Board may want to consider a moratorium during the construction of the Plan, with certain exclusions, such as for single family homes. A moratorium should be considered at some point, whether it is at the beginning of the Plan, after the Plan has been received or before adoption of a new zoning code.

Councilman Withey asked if there would be public input before adoption of a final Plan. Supervisor Tupper stated that a public hearing would be held and the public would have an opportunity to make comments. A committee of 7-9 people would also be created to work on the Plan. Councilman Withey questioned whether the Plan would be CHA's Plan for the Town. Attorney Folmer clarified that the Plan would not become the Town's Plan until the Board adopted it, which would not be done without a public hearing.

Councilman Withey requested that the comments heard tonight regarding the proposed zone change as well as comments received by the Board in the past, be incorporated in the Plan that CHA would be completing. It was Councilman Withey's opinion that the comments made tonight should be addressed by CHA as part of the plan; CHA should know the concerns up front not after the fact.

Attorney Folmer stated that if the Board, in their review of the CHA proposal, finds that the concerns have not been addressed the Board has the obligation to bring those considerations into the conversion of the draft Plan into the final Plan. In addition, CHA will or should, or should be instructed by the Town, to gather as much information as they can from the Town's records that could impact the Plan. Attorney Folmer stated that the Board was to provide CHA with the instructions necessary to prepare a proposed Comprehensive Plan for the Town. The question the Board was discussing was what are the resources you want to utilize to prepare the draft? In preparation of the draft, the Town should make available all of the information the Town has had in discussion of various zoning actions, including comments and discussions with regard to the zone change discussed tonight and any others that have gone on in the past. CHA should be instructed to investigate the issues and to have that information in their development of the Plan.

Councilman Proud stated he could not imagine that the issues brought up tonight would not be brought up by the committee of 7-9 people as well as by CHA. Councilman Withey agreed, however he suggested it would be better to address the items up front than to complete the plan and find out they did not address some of the concerns. Councilman Proud asked Councilman Withey to word his resolution to make sure the contract covered his concern. Attorney Folmer interjected and suggested the Board: 1. Decide whether or not they want to approve the contract and adopt a resolution to approve the contract; 2. Adopt a resolution that says it is the Board's direction that all comments made with regard to all zoning and planning issues on file with the Town be incorporated in the review prior to the draft Plan.

Supervisor Tupper questioned how many years the Town should go back. Attorney Folmer stated the Board can decide how far is relevant, and if CHA has not gone back far enough the Board can take action to correct that. Councilman Proud stated he wants to see a new Comprehensive Plan for the Town and has been lobbying for such a plan for the past 4 years through the budget process.

Councilman Withey suggested the Board have CHA review the actions and public comments from the past 5 years in the process for completing the Plan.

Councilman Testa stated that CHA has experience with such Plans and felt they would be able to address the issues within the Town. Councilman Withey stated he wanted to ensure that CHA was going to address the local issues that have been brought to the Town Board, Planning Board and ZBA in the past.

Supervisor Tupper asked for a vote on the proposed contract for the Comprehensive Plan.

RESOLUTION #88                      AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH  
CHA TO COMPLETE A NEW COMPREHENSIVE  
PLAN FOR THE TOWN OF CORTLANDVILLE

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Motion by Councilman Testa  
Seconded by Councilman Reynolds  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the agreement with CHA to complete a new Comprehensive Plan for the Town of Cortlandville, in a total amount not to exceed \$131,150.00.

Councilman Withey proposed that the Town add language to include the public comments over the past five years as it relates to any areas of the Comprehensive Plan under review.

Attorney Folmer suggested that he and Supervisor Tupper draft a letter of instruction to CHA and provide it to the Town Board for review to determine if it is sufficient before sending it out. The Board agreed to Attorney Folmer drafting such a letter.

RESOLUTION #89                      BRING AGENDA ITEM H-3 – CONSIDER ZONE CHANGE,  
OFF THE TABLE FOR BOARD CONSIDERATION

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Motion by Councilman Proud  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby bring Agenda Item H-3 – Consider Zone Change, off the table for Board consideration.

Supervisor Tupper requested Councilman Withey read his proposed motion once again.

The Town of Cortlandville has heard from our public and have read the written comments from the public and the Town Planning Board regarding the proposal to rezone the B2 area on Tompkins Street to B3, and we thank all of you for your participation and guidance on this issue. Therefore, be it resolved, the Town of Cortlandville Town Board rescinds the proposal for rezoning the aforementioned area.

Before taking action on the motion, Attorney Folmer suggested the Board receive and file the two communications from Stephen Jones, as well as the communications received this evening from Anne McLorn and Pam Jenkins.

Councilman Proud suggested the Board consider removing the word “guidance” and replace it with the word “opinions” from Councilman Withey’s motion. The Board agreed.

RESOLUTION #90                      RESCIND PROPOSAL TO REZONE THE B-2 AREA ON  
TOMPKINS STREET TO B-3

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Motion by Councilman Withey  
Seconded by Councilman Testa  
VOTES:      Councilman Proud                      AYE  
                 Councilman Reynolds                  AYE  
                 Councilman Testa                          AYE  
                 Councilman Withey                          AYE  
                 Supervisor Tupper                          AYE  
ADOPTED

WHEREAS, the Town of Cortlandville has heard from our public and have read the written comments from the public and the Town Planning Board regarding the proposal to rezone the B-2 area on Tompkins Street to B-3, and we thank all of you for your participation and opinions on this issue, therefore

BE IT RESOLVED, the Town of Cortlandville Town Board rescinds the proposal for rezoning the aforementioned area.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file the following correspondence regarding the proposed Local Law for a Zoning Map Amendment:

- a.) Stephen Jones, dated March 9, 2018 to the Town Planning Board;
- b.) Stephen Jones, dated March 9, 2018 to the Town Board;
- c.) Pam Jenkins, dated March 9, 2018 and March 21, 2018;
- d.) Anne McLorn, dated March 21, 2018 to the Town Board.

All voting aye, the motion was carried.

RESOLUTION #91                      AUTHORIZE SUPERVISOR TO SIGN THE 2018 CONTRACT  
WITH VALLEY VIEW GARDENS & LANDSCAPING, INC.  
FOR LANDSCAPE MAINTENANCE AT THE RAYMOND G.  
THORPE MUNICIPAL BUILDING

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Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the contract with Valley View Gardens & Landscaping, Inc. for landscape maintenance at the Raymond G. Thorpe Municipal Building for the year 2018, for a total amount not to exceed \$2,510.00.

There was discussion regarding the proposal from CHA to perform post-closure monitoring for the South Hill Dump. Attorney Folmer explained that when the Town executed the conservation easement with the DEC for the inactive South Hill Dump, protocol was developed by the DEC to monitor the site. The Town has undertaken responsibility for monitoring in exchange for an agreement which excuses the Town from any liability for superfund expenses in the approximate amount of \$14 million. The 2-year proposal for post-closure monitoring by CHA was approximately \$25,000 and was based on time and materials.

Councilman Reynolds questioned whether monitoring would have to be conducted forever. Attorney Folmer explained that the Town would have to complete monitoring every year, however he expected the cost would be less expensive as time goes on.

Councilman Withey questioned whether the Town requested proposals for such work as it was a good business practice. Supervisor Tupper explained it was not mandatory to request proposals. Attorney Folmer suggested that if after 2-years the Town wanted to look for a new firm they could do so; he suspected the difference in fees would be miniscule. Councilman Proud suggested the Board move forward with CHA at this time and explained there was a fixed fee schedule, that the Town was familiar with CHA and their work. He was concerned that if the monitoring was not complete the DEC would say the Town was not complying. In the future a different regimen of sampling may be changed, and the Town Highway Department can accomplish requirements such as mowing. Councilman Proud explained that one of the biggest expenses was the lab samples.

RESOLUTION #92                      AUTHORIZE SUPERVISOR TO SIGN PROPOSAL WITH CHA  
TO PERFORM POST-CLOSURE MONITORING FOR THE  
SOUTH HILL DUMP

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Motion by Councilman Proud

Seconded by Councilman Withey

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the proposal with CHA to perform Post-Closure Monitoring for the South Hill Dump, for the total amount not to exceed \$25,160.00 annually.

RESOLUTION #93                      AMEND 2018 BUDGET AND AUTHORIZE SUPERVISOR TO  
CREATE A NEW BUDGET ACCOUNT A8090.4 FOR THE  
EXPENSES FOR ENVIRONMENTAL MONITORING OF THE  
SOUTH HILL DUMP

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Motion by Councilman Proud  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to Amend the Budget and to create a new budget account A8090.4 for the expenses for the Environmental Monitoring of the South Hill Dump.

RESOLUTION #94                      AUTHORIZE SUPERVISOR TO LET OUT TO BID FOR THE  
GUTCHESS LUMBER SPORTS COMPLEX – PHASE 1

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Motion by Councilman Testa  
Seconded by Councilman Reynolds  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to let out to bid for the Gutches Lumber Sports Complex – Phase 1, and it is further

RESOLVED, the bids shall be opened at 10:00 a.m. on April 12, 2018 at the office of the Town Clerk.

There was discussion regarding the Draft Agricultural & Farmland Protection Plan for the Town of Cortlandville. Councilman Proud gave a brief history of plan and explained that the Town received a Farmland Protection Grant to complete the plan. Councilman Proud suggested the Board conduct a workshop to discuss the proposal. He directed the Board to concentrate on Chapter 3 and Chapter 4. Cortlandville, while it has an agricultural zoning classification it does not zone for agriculture, which was not conducive to promoting agriculture. Evidence of that are the Route 13 and Route 281 corridors. If the Town is going to protect farmland, then the Town has to protect farmland as it exists today and as they see it in the future. Councilman Proud explained that the Town has to approve a plan by the end of June 2018 according to the NYS Department of Ag. & Markets.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Draft Agricultural & Farmland Protection Plan for the Town of Cortlandville dated March 2018 as prepared by CHA. All voting aye, the motion was carried.

RESOLUTION #95                      SCHEDULE SPECIAL TOWN BOARD MEETING FOR THE  
PURPOSE OF CONDUCTING A WORKSHOP TO DISCUSS  
THE DRAFT AGRICULTURAL & FARMLAND PROTECTION  
PLAN FOR THE TOWN OF CORTLANDVILLE

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Motion by Councilman Testa  
Seconded by Councilman Proud  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby schedule a Special Town Board Meeting for Monday, March 26, 2018 from 5:00-6:30 p.m. for the sole purpose of conducting a Workshop to discuss the Draft Agricultural & Farmland Protection Plan for the Town of Cortlandville.

No further comments or discussion were heard.

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

The meeting was adjourned at 7:10 p.m.

Respectfully submitted,

*Kristin E. Rocco-Petrella*

Kristin E. Rocco-Petrella, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The final version of this meeting was submitted to the Town Board for their review on April 12, 2018.

The final version of this meeting was approved as written at the Town Board meeting of April 18, 2018.