

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 Raod, Cortland, New York with Supervisor Tupper presiding.

Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman, John C. Proud  
Councilman, Gregory K. Leach  
Councilman, Walter J. Kasperek  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Highway Sup't. Carl A. Bush, Jr.; Town Resident; Barb Leach and Pam Jenkins; Town Zoning Board of Appeals Member and resident, Lenore Lefevre; Robert Creenan from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

RESOLUTION #                      AUTHORIZE PAYMENT OF VOUCHERS - MAY

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Motion by Councilman Leach  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Proud, Leach, Kasperek                      NAY - 0  
ADOPTED

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

Funds A, B, DA, DB	Voucher #407-464	
	General Fund A	\$ 97,353.37
	General Fund B	\$ 58,440.88
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 23,173.45
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #172-186	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 5,789.39
	Water SW	\$ 11,149.21
Funds SF, TA, TE	Voucher #18-20	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 33,238.80
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Pam Jenkins

Pam Jenkins reminded the Town Board that a Public Hearing was held on April 5, 2017 regarding the Gas Station Law. She requested, for the second time, that the Town Board publically discuss their intentions.

The monthly reports of the Town Justices for the month of April were on the table for review and are filed in the Town Clerk's office.

Councilman Proud made a motion, seconded by Councilman Kasperek, to receive and file correspondence from Time Warner Cable, dated May 11, 2017, regarding programming services. All voting aye, the motion was carried.

Supervisor Tupper apprised the Board that he received correspondence from Attorney Folmer regarding a mining permit that was applied for in the Town of Cortlandville. He explained that the DEC has asked the Board, being that they are an interested party, if they wanted to act as Lead Agency. Attorney Folmer has mailed a response to the DEC indicating that the Town would like to act as Lead Agency. Supervisor Tupper further explained as the mine is only one thousand feet from our well the Town is definitely an interested party.

RESOLUTION #                      REFER AQUIFER PROTECTION PERMIT APPLICATION  
SUBMITTED BY THE CLIFTON LAND COMPANY, LLC FOR  
PROPERTY LOCATED AT 876 NYS ROUTE 13 TO THE TOWN  
AND COUNTY PLANNING BOARDS FOR REVIEW AND  
RECOMMENDATIONS

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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek

NAY-0

ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by Clifton Land Company, LLC for property located at 876 NYS Route 13, tax map # 95.16-02-78.100, shall be forwarded to the Town and County Planning Boards for review and recommendations regarding a 2,366± sq. ft. automatic wash bay to an existing car wash building, and it is further

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

Supervisor Tupper discussed the Market & Feasibility Study for the Gutches Lumber Park & Sports Complex. He briefed the Board that a summary was filed in May of last year, but it was not the entire report including the numerical calculations. He stated the completed study will now be available for review in the Town Clerk's office.

Councilman Leach made a motion, seconded by Councilman Kasperek to receive and file the completed Market & Feasibility Study, dated May 10, 2017, for the Gutches Lumber Park & Sports Complex. All voting aye, the motion was carried.

In regards to the Town of Cortlandville Health Reimbursement Account Plan, Supervisor Tupper apprised the Board that the Town's personnel handbook instructs, in many instances, to refer back to a plan. There was never a formalized plan for reference; however a formalized plan is now available and filed with the Town's Bookkeeper Marcia Hicks.

Councilman Proud made a motion, seconded by Councilman Leach to receive and file the Town of Cortlandville Health Reimbursement Account Plan Document. All voting aye, the motion was carried.

Supervisor Tupper stated the following document to be received and filed explains the Town's Employee Health plan.

Councilman Kasperek made a motion, seconded by Councilman Leach to receive and file the Town of Cortlandville Health Reimbursement Account Summary Plan Description. All voting aye, the motion was carried.

Councilman Leach reminded the Board of the request to reduce the speed limit on East River Road from Route 11 to Lorings Crossing. He asked if that request could be amended to take the speed limit reduction to the Town Line just before Parks Road.

RESOLUTION #                      AUTHORIZE REQUEST TO REDUCE SPEED LIMIT ON EAST  
RIVER ROAD FROM THE INTERSECTION OF ROUTE 11 TO  
THE TOWN OF HOMER TOWN LINE IN THE TOWN OF  
CORTLANDVILLE

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek

NAY-0

ADOPTED

WHEREAS, a request was received from Town Councilman Gregory K. Leach to reduce the speed limit to 40 mph on East River Road, from the intersection of Route 11 to the Town of Homer town line within the Town of Cortlandville, and

WHEREAS, because of the seven bends in the roadway, the different grading of the roadway, the residential homes that are close to the shoulder of the road, and due to a recent fatality the roadway is dangerous for vehicles and pedestrians, and

WHEREAS, East River Road is a County road, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the request to reduce the speed limit on East River Road to 40 mph, from the intersection of Route 11 to the Town of Homer town line within the Town of Cortlandville, be submitted to the NYS DOT for approval, via the Cortland County Highway Superintendent for his input, as required.

Supervisor Tupper alerted the Board of a discovery that several town roads do not have posted speed limits of 30 MPH. He explained that the said roads are all developed residential areas. He stated if a speed limit is not posted, the speed limit is considered to be 55 MPH. The Town Board will officially request 30 MPH speed limits. Highway Superintendant has confirmed which roads require speed limit reductions.

RESOLUTION #                      AUTHORIZE REQUEST TO REDUCE SPEED LIMIT ON  
SEVERAL TOWN ROADS WITHIN THE TOWN OF  
CORTLANDVILLE

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Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek

NAY-0

ADOPTED

WHEREAS, a request was submitted by Town Highway Superintendent, Carl A. Bush, Jr. to the Town Board of Cortlandville, requesting the speed limits be reduced on several town roads, which follow:

Parti Drive	.20 miles	Hart Drive	.05 miles
Collegeview Drive	.33 miles	Fieldcrest Drive	.16 miles
Gwen Lane	.19 miles	Woodside Drive	.14 miles
Northway	.15 miles	Hillside Drive	.30 miles
Meadow Lane	.12 miles		
Clinton Street (outside Village of McGraw)	.5 miles		

NOW THEREFORE;

BE IT RESOLVED, the Town Board does hereby authorize and direct this request be sent to the NYS DOT for approval, via the Cortland County Highway Superintendent for his input, as required

Councilman Leach made a public announcement regarding a rash of car burglaries that have occurred in the Blodgett Mills area of West River Road and Kellogg Road. He alerted residents to be vigilant and to lock their vehicles.

Councilman Leach also informed the Board that he has decided it would be in the best interest of the Town Board to recuse himself on any and all conversations involving the pending Gas Station Law. He relayed that in light of certain misconceptions, he does not wish to be a poor influence on the Board in regards to decisions. Supervisor Tupper interjected that recusal was strictly Councilman Leach's decision, as Attorney Folmer has indicated that it is not necessary to do so.

Councilman Proud communicated to the Board that he attended a training session on climate change. He explained the Climate Smart Communities Pledge and urged the Board to give it consideration. He provided the Town Board with material as an introduction to the topic and briefed the Board that the Pledge is a way for the Town of Cortlandville to take a step forward and acknowledge that climate change is an issue. The Pledge lays out the steps to be taken for the Board to be involved.

Councilman Proud also addressed comments received in regards to the Public Hearing held on April 5, 2017. Councilman Leach recused himself and left the meeting.

Councilman Proud stated when he received the finalized minutes of the April 5, 2017 Public Hearing, which the next Town Board Meeting was conducted in McGraw. He explained as McGraw is not the usual meeting place for Town Board meetings, the topic of the Gas Station Law was not discussed because public attendance is not as high. Councilman Proud stated that he reviewed the minutes of the Public Hearing and highlighted twenty eight comments made by the thirteen people who spoke. He relayed he considered some of the comments to be major and would require a considerable amount of discussion. He indicated a few of the comments could be discussed at this present meeting.

One comment was recusal. Councilman Proud conveyed his disappointment that due to accusations made against Councilman Leach and his business that Councilman Leach personally decided to recuse himself. Councilman Proud recognized that although it was not necessary for Councilman Leach to do so, he appreciated Councilman Leach's decision to not be a distraction for discussion regarding the Gas Station Law. Councilman Proud asserted that in light of Councilman Leach's decision, he considers the comment of recusal, which was initiated in the Public Hearing, to now be off the table.

Another comment raised at the Public Hearing, that Councilman Proud felt could be discussed in this meeting, was residents' objections to the number of gas stations in the Town of Cortlandville. He stated he does not believe that to be an issue for the Town Board, the Town Planning Board or any other Cortlandville Board to decide. Councilman Proud said those are entrepreneurial decisions. The Town Board is not the forum for those types of decisions.

Councilman Proud sought opinions of his fellow Board members in relation to Councilman Leach's decision to recuse himself on Gas Station Law discussion. Supervisor Tupper responded by agreeing that he is sorry Councilman Leach was put into a position to make such a decision, but understood Councilman Leach's wish to avoid future conflict. Supervisor Tupper reiterated that Attorney Folmer informed Councilman Leach that it was not necessary for him to recuse himself. In regards to Councilman Proud's analysis of residents voicing opposition to the number of gas stations in the Town of Cortlandville, Supervisor Tupper concurred that the issue is pure economics and not an obligation for any Cortlandville Board member to decide.

In response to Pam Jenkins request for public discussion on Gas Station Law, Supervisor Tupper stated the Board will examine and discuss items at each Town Board meeting held at the Raymond G. Thorpe Building in order to address the complete list of concerns/comments voiced at the April 5, 2017 Public Hearing.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The final version of this meeting was submitted to the Town Board for their review on June 30, 2017.

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