

## 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, C. Randolph Ross  
 Councilman, Douglas E. Withey  
 Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Highway Sup't. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Christine Hodges; John Shafer; Sherry Musci; Town Residents: Kathy and John Reynolds; Marilyn Avery; William Campbell; Katherine Wickwire; Chris and Helen Newell; Chet and Karen Seibert; John and Sarah Discenza; Nick Renzi; John Folmer; Thomas Williams; Jay Cobb; Andrea Niggli; Pamela Jenkins; Robert Martin; Rebecca Bryan; Robert Trimerch; Stephen Flatt; and News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

A reception to honor Katherine S. Wickwire's retirement from the Town Planning Board was held prior to the Town Board meeting. It was attended by Ms. Wickwire's friends and colleagues who remained for the presentation of a plaque and the induction of Ms. Wickwire into the "Town Hall of Fame" at the Town Board meeting.

Supervisor Tupper moved to Agenda item I-3, "Award in recognition to Katherine S. Wickwire", and read aloud the resolution to induct Ms. Wickwire into the Town Hall of Fame.

Town Clerk Kristin Rocco-Petrella thanked those in attendance for attending the reception and meeting and said it was a true testament to what Ms. Wickwire means to the community. Town Clerk Rocco-Petrella read a summary of Ms. Wickwire's 31 years of service while on the Planning Board.

Ms. Wickwire's brother, John Shafer, read aloud a letter from himself and his wife in which he expressed pride in her wisdom, dedication and brilliant service to her community.

Ms. Wickwire conveyed her sadness in retiring from the Planning Board, and voiced that her accomplishments mentioned tonight were a result of the Town Board's support and confidence. She thanked her friends, family and the Board for honoring her.

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RESOLUTION #238                      INDUCT KATHERINE S. WICKWIRE TO  
    THE TOWN HALL OF FAME

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey                      NAY – 0

ADOPTED

WHEREAS, the Town Board of the Town of Cortlandville established the Town Hall of Fame on December 19, 2018 to recognize and honor individuals who have significantly contributed to the Town of Cortlandville and our community as a whole, and

WHEREAS, it would bring the Board great honor to induct Katherine S. Wickwire, Chairwoman of the Town Planning Board, to the Town Hall of Fame, and

WHEREAS, Katherine S. Wickwire was appointed to the Town Planning Board as a Member June 28, 1988, and was appointed as Chairwoman January 29, 1991, and has continuously served the residents of the Town of Cortlandville in that capacity for the past 31-years until her retirement on September 25, 2019, and

WHEREAS, such public service provides an incredible example for others of unselfish efforts on behalf of one's community, now therefore

BE IT RESOLVED, it is with great honor that the Town Board does hereby induct Katherine S. Wickwire to the Town Hall of Fame.

Supervisor Tupper invited those in attendance to join him in the main hallway to share in the placement of Ms. Wickwire's plaque onto the Town Hall of Fame wall.

Supervisor Tupper recessed the Regular Meeting to the scheduled public hearings.

The meeting was recessed at 5:15 p.m.

PUBLIC HEARING NO. 1

LOCAL LAW OF 2019

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL  
MUNICIPAL LAW SECTION 3-c

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building located at 3577 Terrace Road, Cortland, New York 13045, regarding a Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Cortlandville pursuant to General Municipal Law Section 3-c, to allow the Town of Cortlandville to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Members present:

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

Others present were: Town Attorney, John A. DelVecchio; Highway Sup’t. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Town Residents: Thomas Williams; Jay Cobb; Andrea Niggli; Pamela Jenkins; Robert Martin; Rebecca Bryan; Robert Trimerch; Stephen Flatt; and News Reporter, Colin Spencer from the *Cortland Standard*.

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 Robert Martin.

Town resident, Robert Martin spoke with regard to the proposed Local Law to override the limit on the amount of real property taxes that may be levied by the Town. He recalled that at a recent Budget Workshop, it was indicated by Supervisor Tupper that the proposed tax rate would increase by \$0.01 for the year 2020. He asked if it was necessary to enact such law at this time. He also asked if the taxpayers should be allowed to vote on such an increase and suggested that it should be determined by approval of 60% of the voters rather than of the Town Board.

Supervisor Tupper thanked Mr. Martin for his comments and questions.

No further comments or discussions were heard.

The Public Hearing was closed at 5:17 p.m.

PUBLIC HEARING NO. 2

PRELIMINARY BUDGET 2019

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 the 2020 Preliminary Budget.

Members present:

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

Others present were: Town Attorney, John A. DelVecchio; Highway Sup't. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Town Residents: Thomas Williams; Jay Cobb; Andrea Niggli; Pamela Jenkins; Robert Martin; Rebecca Bryan; Robert Trimerch; Stephen Flatt; and News Reporter, Colin Spencer from the *Cortland Standard*.

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 Robert Martin.

Town resident, Robert Martin said that the revenue to balance the 2020 Preliminary Town budget seems to be allocating \$1,000,000.00 from the fund balance. He noted that the 2018 the Town budget had a negative \$445,725.78 and asked if this indicated money going back into reserves. He also stated that the 2019 budget had a negative \$327,587.47 as of 9/30/2019 and the 2019 modified budget showed \$1,020,000.00 and the 2020 budget proposed shows \$1,000,000.00. Mr. Martin asked the Board to explain, and asked what the "primary driver" was for the increase in the 2020 budget.

Supervisor Tupper thanked Mr. Martin for his comments.

Councilman Withey asked the Board if it would give a written response to Mr. Martin's questions. Supervisor Tupper explained that the Public Hearing was held for the Board to listen to the public, but does not respond to questions at such time. The Board could respond to the questions at the next Town Board meeting.

No further comments or discussions were heard.

The Public Hearing was closed at 5:21 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, C. Randolph Ross
	Councilman, Douglas E. Withey
	Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Highway Sup't. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Town Residents: Thomas Williams; Jay Cobb; Andrea Niggli; Pamela Jenkins; Robert Martin; Rebecca Bryan; Robert Trimerch; Stephen Flatt; and News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Tupper reconvened the Regular Meeting, which was recessed to conduct the two scheduled public hearings.

Councilman Testa made a motion, seconded by Councilman Withey, to approve the Draft Town Board Minutes of October 2, 2019. All voting aye, the motion was carried.

RESOLUTION #239                      AUTHORIZE PAYMENT OF VOUCHERS – NOVEMBER

Motion by Councilman Proud  
 Seconded by Councilman Withey  
 VOTES: AYE – Tupper, Testa, Proud, Ross, 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 #1564-1679	
	General Fund A	\$ 120,557.12
	General Fund B	\$ 20,052.07
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 88,191.88
	Gutchess Lumber SC Project HG	\$ 0.00
	C'Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 276,943.55
	Water Fund SW	\$ 110,399.83
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 #40-42	
	Trust & Agency TA	\$ 42,915.65
	Expendable Trust TE	\$ 0.00

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Fire District Final 2020 Budget. All voting aye, the motion was carried.

Supervisor Tupper explained to those in attendance that although the Cortlandville Fire District is a separate entity from the Town of Cortlandville and holds its own public hearings, the Town receives the Fire District budget each year because the county levies the fire tax onto the Cortlandville Town and County tax bill. The Town receives and files the budget and notifies the County.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the monthly report of Code Enforcement Officer, Kevin McMahon for the month of October 2019. All voting aye, the motion was carried.

Councilman Proud asked whether a monthly report was received from CEO Campbell. Supervisor Tupper stated that he was not in receipt of a monthly report. The September and October monthly reports were outstanding at this time.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the monthly report of the Town Clerk for the month of October 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the monthly report of the Water & Sewer Department for the month of October 2019. All voting aye, the motion was carried.

Supervisor Tupper offered privilege of the floor to Robert Martin.

Town resident, Robert Martin congratulated his opponents in the 2019 Election; Tom Williams, Jay Cobb, Ted Testa and Jeff Guido. Mr. Martin said he hoped for bipartisan cooperation among all Board members and stated that Councilman Testa and Councilman Withey should provide leadership and guidance to the new members.

Mr. Martin directed his attention to items on the meeting's agenda. Agenda item I-9, "Resolution to acknowledge receipt of Local Law #2 of 2019-Amending Chapter 178, article XVIII "Signs" Section 178-112 "Permitted signs" of the Town Code effective October 11, 2019". He said Section 178-112 "Signs" A4 and A5 states no more than 45 days prior to an election". Business, industrial and agriculture districts states no more than one sign and R-1, R-2, and R-3 states no more than 5 signs. Mr. Martin suggested all districts allow 5 signs. He stated the 9/18/2019 Town Board minutes used the words "election day", but Section 178-112 of the Town Code uses the word "election". He asked that the minutes be corrected and the law be clarified.

Mr. Martin addressed item I-11 on the meeting's agenda, "Receive and file the correspondence dated October 23, 2019 from the NYS DOT regarding the request of multiple speed limits to be lowered in the Town and Village of McGraw". Mr. Martin thanked the Board for improving safety in neighborhoods and mentioned that he and Pamela Jenkins live in one of the reduced speed neighborhoods.

Supervisor Tupper thanked Mr. Martin for his comments.

Under old business, and with regard to the proposed Local Law to override the tax levy limit, Supervisor Tupper explained that typically, as a safeguard, the Board schedules and conducts a public hearing even if the Board has no intention of going above the 2% tax levy limit. He mentioned that the 2020 Preliminary Budget was \$56,000.00 below the 2% tax cap and stated that he did not find it necessary to vote on the proposed local law at this time. He stated that the Preliminary Budget could only go down at this point. Attorney DelVecchio concurred. Supervisor Tupper stated that as soon as the Board passes the budget, he would complete the necessary tax levy limit filing with the State.

Councilman Proud cautioned the future Board to "set the stage" for a local law to override the tax levy limit by adopting the necessary resolutions. He indicated that there were deadlines to meet, such as the publication deadlines for legal notices, that often occur prior to the preliminary budget being set. The local law does not have to be adopted, but it would not even be a possibility without meeting the required deadlines.

Under new business, Town Clerk Rocco-Petrella updated the Board on the Dog Enumeration being conducted by her office. Response has been great since the fliers were sent out on September 16, 2019 with 326 new dogs licensed during the months of September and October. She explained the next step would be to send a dog enumerator door to door. Town Clerk Rocco-Petrella said she would draft a contract to be reviewed by Attorney DelVecchio and would ask for the Board's approval at a future meeting. A \$5.00 enumeration fee was in effect and would remain through the end of the process. Town Clerk Rocco-Petrella also apprised the Board that her office has been very busy satisfying FOIL requests and preparing for the year 2020. She thanked her staff for their hard work.

Attorney DelVecchio reported:

Attorney DelVecchio stated that the brunt of his discussion would be related to certain items on tonight's agenda and he would address them at the appropriate time. With regard to the dog enumeration, he alerted that the number of dogs harbored could possibly raise some legal issues and he referred to recent court cases. The zoning ordinance states that in a residential district a dog kennel is not allowed. A dog kennel is defined as more than 3 dogs. He suggested the Town examine the matter closely in case it becomes an issue in the future for enforcing that aspect of the ordinance.

There was discussion regarding the outstanding grass and weed control charges for 2019. Supervisor Tupper explained that it is the responsibility of a property owner to maintain their grass. In the event a complaint is issued, the Highway Sup't. will give notice to the property owner and if the property owner does not comply within 10 days, the Highway Sup't. will remedy the condition. If the property owner does not pay the charges by November 1<sup>st</sup> each year, the charges are relevied onto the property owner's Town and County tax bill.

RESOLUTION #240                      AUTHORIZATION TO RELEVY OUTSTANDING GRASS  
AND WEED CONTROL CHARGES ONTO THE 2020 TAX  
ROLL OF THE TOWN OF CORTLANDVILLE

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Motion by Councilman Withey

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey                      NAY – 0

ADOPTED

WHEREAS, pursuant to Chapter 98 of the Code of the Town of Cortlandville the Highway Superintendent of the Town is authorized by Section 98-4 to enforce grass and weed control, therefore

BE IT RESOLVED, the Town Board does hereby authorize the following outstanding grass and weed control charges for the year 2019, as submitted by the Town Highway Superintendent and Code Enforcement Office, to be relevied onto the 2020 tax roll of the Town of Cortlandville:

Faruque, Mohammad O.	87.13-01-29.000	1384-1386 E. River Rd.	\$129.00
ARCTDNY001, LLC	95.16-01-18.000	3548 Route 281	\$190.74
Dorsett, Gail	95.16-02-31.000	816 S. Lamont	\$553.53
Susman, Melinda	106.05-01-24.000 3266	Walden Oaks Blvd.	<u>\$761.00</u>
			Total: \$1,634.27

There was discussion regarding the request made by a Town resident to adjust their sewer bill due to a leak in a garden hose. Water and Sewer Sup't. Peter Alteri recommended that the owner's sewer bill be adjusted accompanied by a letter advising the owner to be diligent in not allowing the situation to happen again. The Board agreed to adjust the charges as suggested.

RESOLUTION #241                      AUTHORIZE TOWN CLERK TO ADJUST THE SEWER  
CHARGE AND WATER AND SEWER PENALTIES FOR THE  
3<sup>RD</sup> QUARTER BILLING 2019 FOR PROPERTY LOCATED AT  
3938 HIGHLAND ROAD

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey                      NAY – 0

ADOPTED

WHEREAS, a request was received from Kathleen Telling to reduce the sewer charges for the 3<sup>rd</sup> Quarter Billing 2019 for Account #1060, for service to 3938 Highland Road, tax map #85.16-01-32.000, due to a leak in her garden hose that went undetected, and

WHEREAS, Water & Sewer Sup't. Peter Alteri reviewed the request and recommends the Town adjust the sewer portion of the bill as the majority of the water did not go into the sewer, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Clerk to adjust the sewer charge for the 3<sup>rd</sup> Quarter Billing 2019 in the amount of \$260.46, as well as the sewer penalties in the amount of \$26.61, and it is further

RESOLVED, the Town Clerk is further authorized to make an adjustment to the water/sewer benefit tax to be charged in 2020 if necessary.

RESOLUTION #242      APPROVE EXTRA WORK AUTHORIZATION NO. 3 FROM  
CHA FOR THE 2020 POST-CLOSURE MONITORING FOR  
THE SOUTH HILL DUMP SITE

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby approve Extra Work Authorization No. 3 from CHA for the 2020 Post-Closure Monitoring for the South Hill Dump Site, dated October 13, 2019, to provide professional engineering services for the year 2020 in connection with the post-closure monitoring in accordance with the procedures and protocols included in the approved December 2015 Site Management Plan (SMP), for the total cost of \$13,050.00.

Supervisor Tupper discussed the 2020 Post Closure Monitoring for the South Hill Dump. He reported that the Town's engineering firm, CHA (Clough Harbor and Associates) has negotiated with the NYSDEC for semi-annual site wide inspections. The negotiations have resulted in substantial cost savings for the Town.

RESOLUTION #243      REFER AQUIFER PROTECTION PERMIT APPLICATION  
SUBMITTED BY DG NEW YORK CS, LLC FOR PROPERTY  
LOCATED ON RILEY ROAD TO THE TOWN AND COUNTY  
PLANNING BOARDS FOR REVIEW AND  
RECOMMENDATIONS

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey      NAY – 0  
ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by DG New York CS, LLC for property located on Riley Road, owned by Douglas J. Christofferson, tax map #87.00-01-08.100, shall be forwarded 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.

RESOLUTION #244      REFER AQUIFER PROTECTION PERMIT APPLICATION  
SUBMITTED BY DG NEW YORK CS, LLC FOR PROPERTY  
LOCATED ON EAST RIVER ROAD TO THE TOWN AND  
COUNTY PLANNING BOARDS FOR REVIEW AND  
RECOMMENDATIONS

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey      NAY – 0  
ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by DG New York CS, LLC for property located on East River Road, owned by Joanne Condron, tax map #87.00-03-02.110, shall be forwarded 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.

Councilman Testa made a motion, seconded by Councilman Proud, to receive and file correspondence from Janet Ward, Associate Project Manager with DG New York CS, LLC, dated October 27, 2019, regarding a proposed Solar Project Development to be located on East River Road, tax map #87.00-03-02.110. All voting aye, the motion was carried.



Councilman Testa made a motion, seconded by Councilman Proud, to receive and file correspondence from Janet Ward, Associate Project Manager with DG New York CS, LLC, dated October 27, 2019, regarding a proposed Solar Project Development to be located on Riley Road, tax map #87.00-01-08.100. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the Stormwater Maintenance Program Activities Reports from the Cortland County Soil and Water Conservation District for the years 2015, 2017 and 2018. All voting aye, the motion was carried.

Supervisor Tupper recalled that in 2015, Planning Board Member, Nick Renzi requested follow-up on stormwater maintenance locations to be a course of action. Cortland County Soil & Water Conservation District reviews the Town's stormwater maintenance systems and issues reports to the Town indicating whether or not the Town needs to take corrective action.

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RESOLUTION #245                      ACKNOWLEDGE NOTIFICATION FROM THE STATE FOR  
FILING OF LOCAL LAW NO. 2 OF 2019

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey                      NAY – 0

ADOPTED

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law No. 2 of 2019, Amending Chapter 178, Article XVIII "Signs", Section 178-112 "Permitted Signs", of the Code of the Town of Cortlandville, to be effective October 11, 2019.

There was discussion regarding the award to Thoma Development Consultants for program delivery and administrative services for the 2019 NYS CDBG Townwide Housing Rehabilitation Grant #287HR323-19. Supervisor Tupper explained that the Town advertised for request for proposals (RFP) and that the only proposal received was from Thoma Development Consultants. Town Clerk Rocco-Petrella forwarded the proposal to the NYS Office of Community Renewal (OCR) for review and approval prior to the Town Board awarding the bid.

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RESOLUTION #246                      AWARD BID TO THOMA DEVELOPMENT CONSULTANTS  
FOR PROGRAM DELIVERY AND ADMINISTRATIVE  
SERVICES FOR THE 2019 CDBG TOWNWIDE HOUSING  
REHABILITATION GRANT (#287HR323-19)

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey                      NAY – 0

ADOPTED

WHEREAS, a Request for Proposal was advertised for the Program Delivery and Administrative Services for the 2019 CDBG Townwide Housing Rehabilitation Grant (NYS CDBG Project #287HR323-19), and

WHEREAS, one sealed bid was received and opened by the Town Clerk on October 23, 2019 at 12:00 p.m. as follows:

Thoma Development Consultants	\$43,000 Program Delivery
34 Tompkins Street	<u>\$16,000</u> Administrative Services
Cortland, NY 13045	\$59,000 Total Fee

BE IT RESOLVED, the bid is hereby awarded to Thoma Development Consultants of Cortland, New York, in the total amount of \$59,000.00, subject to approval from the New York State Homes and Community Renewal, Office of Community Renewal.

Councilman Testa made a motion, seconded by Councilman Proud, to receive and file correspondence from New York State Department of Transportation, dated October 23, 2019, regarding the Town's requests for the reduction of speed limits in the Town of Cortlandville as follows: Area Speed Study 1: Gwen Lane, Woodside Road, College View Drive, Hart Drive, Northway Drive, Field Crest Drive – Approved reduction in speed to 30 MPH; Area Speed Study 2: Meadow Lane and Hillside Drive – Approved reduction in speed to 30 MPH; Linear Speed Study 1: Parti Drive, from Starr Road to Parti Drive's terminus – Approved reduction in speed to 30 MPH; and Linear Speed Study 2: Clinton Street Extension from Village of McGraw east boundary line to the Town of Cortlandville east boundary line – Denied reduction in speed to 30 MPH. All voting aye, the motion was carried.

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RESOLUTION #247                      AMEND THE 2019 BUDGET AND AUTHORIZE  
SUPERVISOR TO TRANSFER FUNDS

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey                      NAY – 0  
ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to make an interfund transfer per the 2019 Budget from the sewer fund (SS9901.9) to General Fund A in the amount of \$99,158.00, and from the water fund (SW9901.9) to General Fund A in the amount of \$87,499.00.

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RESOLUTION #248                      AUTHORIZE SUPERVISOR TO TRANSFER FUNDS FROM  
FUND BALANCES INTO ESTABLISHED RESERVE  
ACCOUNTS PER THE 2019 BUDGET

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey                      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to transfer the following funds from fund balances into the following reserve accounts per the 2019 Budget:

- \$50,000.00 from DB fund balance into Highway Equipment Capital Reserve Fund DB 231

- \$15,000.00 from Water fund balance into Water Improvement Capital Reserve Fund SW 231

- \$25,800.00 from Sewer fund balance into Sewer Improvement Capital Reserve Fund SS 231

There was discussion regarding agenda item I-13, regarding approval for an updated Section 3 Participation Plan. Supervisor Tupper thanked Town Clerk Rocco-Petrella for comprising and organizing the Town of Cortlandville Section 3 Participation Plan for Section 3 Covered Contracts. Town Clerk Rocco-Petrella explained that she used the sample plan as recommended by the state. In order to receive the 2019 CDBG funds from the State, it was required that the Plan be in place. The policy provides direction for implementing Section 3, when required.

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RESOLUTION #249                      APPROVE UPDATED SECTION 3 PARTICIPATION PLAN  
FOR THE TOWN OF CORTLANDVILLE

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey                      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby approve the updated Section 3 Participation Plan for the Town of Cortlandville for Section 3 Covered Contracts, as signed by the Town Supervisor on October 30, 2019, to provide direction for implementing Section 3, when required.

Supervisor Tupper apprised the Board that he received a contract via email from Siemens Industry, Inc. with regard to the Town's proposed energy project. Siemens would send hard copies of the contract, which would be reviewed by Attorney DelVecchio and placed on the November 20, 2019 agenda for discussion. The Board would make a decision as to whether to move forward with the project or not.

Councilman Proud mentioned that Siemens provided the Board with a list of municipalities/organizations they have contracted with. He suggested the Board contact a few of the names on the list to inquire about their relationship with Siemens.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Thomas Garrett from Siemens Industry, Inc., dated October 28, 2019, regarding the final review of the Town of Cortlandville's proposed Energy Project. All voting aye, the motion was carried.

Discussion continued from the October 16, 2019 Town Board meeting regarding the engagement and hiring of an engineer to evaluate the Site Plan and Stormwater Pollution Prevention Plan of Economy Paving Inc., located at 1819 Route 13 in the Town of Cortlandville, tax map #77.00-12-07.000. Attorney DelVecchio modified the proposed Request for Proposal (RFP), drafted by Planning Board Member Nick Renzi, to clarify dates and the fact that Economy Paving would not allow access to the property. He also researched numerous engineering firms to confirm proper expertise and qualifications of the firms. Attorney DelVecchio mailed the RFP along with a cover letter to six engineering firms, mostly from the Syracuse area. To date, no firms have responded. The deadline to respond was November 5, 2019. Attorney DelVecchio said he assumed that when the firms realized that Economy Paving Inc. would not allow access to the property, the firms were not interested. Attorney DelVecchio attempted to contact Economy Paving's attorney to ascertain if Economy Paving would cooperate, and if once the report was done, if Economy Paving would accept the results. At this time he did not receive any answers to his inquiries.

Attorney DelVecchio commented on the suggestion made by the attorneys for Economy Paving that he recuse himself in this matter as Town Attorney. He explained that he was a Cortlandville Planning Board Member at the time when the Site Plan for Economy Paving was revoked. Attorney DelVecchio chose to recuse himself as the Town Attorney from any issue related to the revocation of the permit, but the issue before the Planning Board now, which is the decision of whether or not to reinstate the site plan, is a separate issue. Attorney DelVecchio stated that he would not recuse himself from the issue at hand as it is separate from the revocation of the permit.

With regard to hiring an engineer, Attorney DelVecchio recommended simplifying the process by not sending out the RFP. He said the RFP is very detailed and it requests that the firm explore several issues. The principal question is whether or not the Stormwater Plan is currently in compliance and if the site has been altered. He suggested that he or a Board member contact an engineering firm, discuss the issues involved and try to narrow the issues down to compliance or if the site has been altered. Attorney DelVecchio asked the Board how they would like him to proceed.

Discussion continued regarding options to achieve cooperation from Economy Paving. Options included the use of aerial photos, forcing the issue of allowing someone on site as a condition for reinstatement of the site plan or to use the current information available to make a decision. It was decided that Attorney DelVecchio would engage in discussions with the engineering firms. Board members were in agreement that they would support the Planning Board in its decision process.

Supervisor Tupper explained the necessity of a 15-foot easement for New York State Electric & Gas Corporation (NYSEG) on the Gutches Lumber Sports Complex site, located off of NYS Route 13 on. The easement was necessary in order for NYSEG to install a gas line from the main road to the new bathroom to service the gas boiler system. Highway Sup't. Basset asked that a larger line be installed to allow for more volume if needed in the future. Attorney DelVecchio reviewed the documents to ensure they were in proper form.

RESOLUTION #250      AUTHORIZE SUPERVISOR TO SIGN AN EASEMENT  
BETWEEN THE TOWN OF CORTLANDVILLE AND NEW  
YORK STATE ELECTRIC & GAS CORPORATION FOR  
PROPERTY LOCATED AT 3111 BYRNE HOLLOW  
CROSSING SUBJECT TO PERMISSIVE REFERENDUM

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey      NAY – 0  
ADOPTED

BE IT RESOLVED, that the Town Board of the Town of Cortlandville does hereby authorize the Supervisor to execute an Easement between the Town of Cortlandville and New York State Electric & Gas Corporation for the purpose of installing and maintaining an underground gas pipeline to Town property located at 3111 Byrne Hollow Crossing in the Town of Cortlandville, known as the site of the Gutches Lumber Sports Complex, tax map#105.00-04-02.200, and it is further

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

Supervisor Tupper commented on the recent 2019 Election. He congratulated the candidates who won, but stressed that in a democracy it was necessary to recognize all candidates who ran for election. He stated that putting one's name on a ballot was a big event, and that there are very few people who make the decision to run for office. Those who make such a decision deserve to be congratulated as well.

Councilman Ross reminded the Board that the Town Code needs to be updated with regard to battery storage on solar farms. He also mentioned the new solar farm permit applications submitted by DG New York CS, LLC and the Town's intent with regard to possible PILOT agreements if the projects move forward. Attorney DelVecchio stated that he contacted NYSEDA to schedule meetings but has had no response as of yet. With regard to the PILOT agreements and timelines, Attorney DelVecchio stated that he would confer with Assessor Briggs in order to react appropriately.

Councilman Testa commented on the Gutches Lumber Sports Complex and the need for signage to indicate that the park is closed. He also expressed concern for snowmobiles using the property and potentially damaging the fields. Councilman Proud suggested that Highway Sup't. Bassett contact the snowmobile clubs to reinforce the Town's concerns and that snowmobiles are not permitted to use the property.

Supervisor Tupper announced the next City, Town, Village meeting would be held on November 7, 2019 at 6:00 pm at the County Office Building to discuss the County Traffic Diversion Program.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:36 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 December 3, 2019.

The final version of this meeting was approved as written at the Town Board meeting of December 18, 2019.