

TOWN BOARD MEETING

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

Members present:

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

Others present were: Town Attorney, John A. DelVecchio.

Supervisor Williams called the meeting to order.

Councilman Cobb made a motion, seconded by Councilman Withey, to approve the Draft Town Board Minutes of March 4, 2020 and of March 18, 2020. All voting aye, the motion was carried.

Councilman Cobb made a motion, seconded by Councilman Guido, to receive and file the Cortlandville Zoning Board of Appeals Minutes of March 3, 2020. All voting aye, the motion was carried.

RESOLUTION #92

ACKNOWLEDGE AND AUTHORIZE PAYMENT OF  
VOUCHERS – APRIL 1, 2020 (ABSTRACT #07)

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Motion by Councilman Cobb  
Seconded by Councilman Withey  
VOTES: AYE – Williams, Cobb, Guido, Testa, Withey    NAY – 0  
ADOPTED

WHEREAS, per Town Board Resolution #87 of 2020, Supervisor Williams was authorized by the Board to be the sole signatory on vouchers in order to pay bills as needed during the declared State of Emergency, therefore

BE IT RESOLVED, the Town Board does hereby acknowledge and authorize payment of the following vouchers, as audited by Supervisor Williams and paid on April 1, 2020 (Abstract #07), and further acknowledges receipt of an electronic copy of the Abstract by email:

Funds A, B, DA, DB, HG, SF, SS, SW	Voucher #411-454		
	General Fund A	\$	28,557.23
	General Fund B	\$	3,521.55
	Highway Fund DA	\$	0.00
	Highway Fund DB	\$	6,566.71
	Gutchess Lumber SC Project HG	\$	0.00
	C'Ville Fire District SF	\$	0.00
	Sewer Fund SS	\$	2,030.77
	Water Fund SW	\$	9,235.28
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 #12-12		
	Trust & Agency TA	\$	6,157.22
	Expendable Trust TE	\$	0.00

RESOLUTION #93      ACCEPT ANNUAL REPORT OF TOWN RMO AND  
SCHEDULE OF DISPOSED RECORDS IN 2019 IN  
ACCORDANCE WITH THE RETENTION AND DISPOSITION  
SCHEDULE

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Motion by Councilman Cobb

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the Annual Report of the Records Management Officer of the Town as submitted by the Town Clerk/Records Management Officer, including a list of the disposed records in 2019, in accordance with the Records Retention Disposition Schedule, MU-1.

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

- 1) Code Enforcement Officer, Kevin McMahon – March 2020;
- 2) Water & Sewer Department – March 2020;
- 3) Tax Collector – March 2020;
- 4) Town Clerk – March 2020;
- 5) Cortland Community SPCA – March 2020;
- 6) Fire & Safety Inspector/Code Enforcement Officer, Desiree Campbell – March 2020.

All voting aye, the motion was carried.

Under new business, Town Clerk Rocco-Petrella suggested that the Board may want to discuss its recreation contract with the City of Cortland. She apprised the Board that due to the COVID-19 pandemic, the Cortland City Youth Bureau cancelled its upcoming summer events and activities. Supervisor Williams indicated that he would bring the matter up for discussion later in the meeting.

Attorney DelVecchio reported:

Town Planning Board and Zoning Board of Appeals Meetings:

Attorney DelVecchio apprised the Board he spoke with PZO Weber, Planning Board Chairman Newell, and ZBA Chairman Finn with regard to the upcoming Planning and Zoning Board of Appeals Meetings/Public Hearings. As a result of COVID-19 and Governor Cuomo's Executive Order pertaining to the open meetings law and conducting meetings, it was decided by the aforementioned that the meetings would not occur until June. Chairman Newell was open to conducting business via videoconference, but it was not known whether all members could participate in such manner. Discussion occurred amongst the Board noting concerns for a delay in applications being acted on as well as concerns for public participation. Attorney DelVecchio would discuss the matter further with PZO Weber.

Tax Certiorari Settlement – Wal-Mart Stores East, LP #1781:

Attorney DelVecchio reported that a settlement agreement was reached by the Attorney representing the County and the Attorney for Walmart Real Estate Business Trust in regard to the tax certiorari claim (assessment on real property). Attorney DelVecchio spoke with Town Assessor Briggs regarding the settlement agreement which would decrease the assessed value from \$13,300,000 to \$12,000,000. Assessor Briggs indicated that the settlement was reasonable and that it was in the best interest of the Town to resolve the matter before May 1<sup>st</sup> and the taxable status date. Attorney DelVecchio suggested the Board authorize him to execute the order to go before the judge. Discussion occurred amongst the Board with regard to the settlement and the potential impact the decrease in assessment would have on the school district. Councilman Withey questioned why the school district was not involved in the settlement. Councilman Testa suggested the Board agree with Assessor Briggs and authorize the settlement. Councilman Guido mentioned that he works for the school district and asked whether he had a conflict of interest for any reason, to which Attorney DelVecchio stated he did not. After further discussion concerning the settlement the Board agreed to authorize Attorney DelVecchio to execute the proposed settlement agreement subject to determination that there would be no unfavorable impact on the school district.

RESOLUTION #94                      AUTHORIZE TOWN ATTORNEY TO EXECUTE PROPOSED  
TAX CERTIORARI SETTLEMENT WITH WAL-MART  
STORES EAST, LP #1781 SUBJECT TO DETERMINATION  
THAT THERE WILL BE NO UNFAVORABLE IMPACT ON  
THE SCHOOL DISTRICT

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Motion by Councilman Testa

Seconded by Councilman Cobb

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

BE IT RESOLVED, the Town Board does hereby and direct the Town Attorney to execute the proposed tax certiorari settlement between the Town of Cortlandville and Wal-Mart Stores East, LP #1781, subject to the determination that there will be no unfavorable impact on the school district.

Board of Ethics Committee and Rules:

Attorney DelVecchio apprised the Board that was working on the Board of Ethics Committee and rules and should have a formalized document for Board consideration at a future date.

Lease of Town Property to Lime Hollow Nature Center:

Attorney DelVecchio commented that the Lime Hollow Nature Center (LHNC) was interested in leasing the Town's newly acquired property located off of Lime Hollow Road surrounding the site of the Town's wells. Discussion ensued amongst the Board and Attorney DelVecchio. Supervisor Williams explained the benefits to the Town by LHNC becoming the "watchdog" for the property, and to interconnect and extend trails from the LHNC property to Town property. Supervisor Williams explained that the Town already had a lease with LHNC for town property. His only reservation was that he wanted to be sure that there was nothing in the Town's grant agreement (for funding to purchase the property for protection of the Town's wells) that would preclude the Town from entering into such an agreement with LHNC. Councilman Withey was concerned that there should be a hold harmless agreement and a lease agreement. Attorney DelVecchio would research the matter and would report back to the Board.

Town Board reports:

Councilman Withey asked for an update regarding the status of pending litigation regarding Economy Paving. Attorney DelVecchio explained that the matter was on hold at this time; courts are not in session.

Supervisor Williams reported:

Gutchess Lumber Sports Complex – Playground:

Supervisor Williams recalled discussion the Board had at a prior meeting (March 30, 2020) in regard to the plans for the Gutchess Lumber Sports Complex (GLSC) and the accessible playground. The Town had approximately \$85,000 in committed funds through the Community Development Block Grant (CDBG) program, as well as a \$10,000 private donation, which was about half of the total cost of the project. Supervisor Williams asked the Board for their thoughts on whether or not the Town should proceed to purchase some of the playground equipment and store it until it could be installed (by volunteers) at a later date. The Town had half of the funds for the playground. After discussion, the Board was in consensus to see what equipment could be purchased and installed at a later date. Supervisor Williams indicated that the Town's engineering firm was commissioned to see what equipment could be purchased with the money on hand, while the Town's grant writing firm, Thoma Development Consultants was verifying that the committed CDBG funds could be spent at this time.

Lime Hollow Nature Center – Connect Property/Trails to GLSC:

Supervisor Williams apprised the Board that Glenn Reisweber from Lime Hollow Nature Center and Highway Sup't. Bassett were in communication with regard to a potential shared services agreement between the Town and Lime Hollow Nature Center (LHNC) regarding the construction of new trails on LHNC property and the Town's GLSC property. After discussion, Attorney DelVecchio would look into the matter, while Supervisor Williams would discuss the matter further with Mr. Reisweber and Highway Sup't. Bassett.

Town Employees:

Supervisor Williams indicated that all Town employees have been paid since he declared a State of Emergency in the Town of Cortlandville due to COVID-19, when all Town buildings were closed to the public. Supervisor Williams asked the Board to adopt a formal resolution authorizing such payment until modified by the Town Board.

RESOLUTION #95                      AUTHORIZE PAYMENT TO ALL TOWN EMPLOYEES  
DURING THE DECLARED STATE OF EMERGENCY IN THE  
TOWN OF CORTLANDVILLE UNTIL MODIFIED BY THE  
TOWN BOARD

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Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct payment to all Town employees during the declared State of Emergency in the Town of Cortlandville (commencing March 16, 2020) until modified by the Town Board.

There was discussion amongst the Board in regard to a possible furlough or layoffs of Town employees and possible cost savings measures for the Town. No employees were furloughed at this time. Discussion would continue, if necessary at a later date.

RESOLUTION #96                      AUTHORIZE TOWN EMPLOYEES TO WORK FROM HOME  
DURING THE DECLARED STATE OF EMERGENCY IN THE  
TOWN OF CORTLANDVILLE UNTIL MODIFIED BY THE  
TOWN BOARD

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Motion by Councilman Cobb

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct Town of Cortlandville employees to work from home, under the direction of their direct department heads, during the declared State of Emergency in the Town of Cortlandville (commencing March 16, 2020) until modified by the Town Board.

RESOLUTION #97                      SUSPEND LOSS OF ACCRUED PAID TIME OFF FOR ALL  
TOWN EMPLOYEES WHO WOULD LOSE ACCRUED TIME  
UNTIL SEPTEMBER 1, 2020

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Motion by Councilman Guido

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby suspend the loss of accrued paid time off for all Town employees who would lose accrued time until September 1, 2020 as a result of COVID-19 and the declared State of Emergency in the Town of Cortlandville.

### Interconnection between Town and City Water/New Well:

Supervisor Williams apprised the Board that the study to connect the Town to the City's water was on hold by the City at this time. The Town and City received a grant to help fund the study, which required a match of \$12,500 from both municipalities. Supervisor Williams explained that if the Town were to proceed with the interconnection, the project would be paid for by the Town to enable the Town to purchase water from the City if needed. The cost of the interconnection would be approximately \$3 million. The need for the additional source of water had to do with the Town's Lime Hollow well; if there is a problem with contamination or the pump goes down, the Town would have a major problem providing the water that is demanded by its customers solely from the Town's Terrace Road wells.

Supervisor Williams apprised the Board that another possible solution was to look into the location of a new well, which would cost approximately \$1 million. Water & Sewer Sup't. Alteri, along with the Town's engineering firm, CHA, would look into a possible location for a new well. A lengthy discussion occurred amongst the Board with regard to the possibilities. Councilman Withey was in favor of interconnecting the City water to the Town, noting the potential for contamination at the Lime Hollow well site, especially if the Rocks 13 mining permit is modified. Councilman Withey was in favor of keeping the wells safe and not restricting future development.

Supervisor Williams explained that a potential location for the location of a new well would be upstream from Rocks 13 so the well won't be impacted by contamination. He suggested the potential location of a new well near Byrne Dairy, and potentially asking Byrne Dairy to give the Town property for the well which would be to their benefit as a large water user. At this time, Supervisor Williams was only interested in bringing the matter to the Board's attention.

### Proposed Storage Building - Gutches Lumber Sports Complex:

Supervisor Williams apprised the Board that the plans for the proposed new storage building at the Gutches Lumber Sports Complex (GLSC) were 90% complete by CHA. Supervisor Williams suggested the Board allow CHA to complete the engineering and bid specs/documents for the proposed building so the project would be ready to move forward when the time comes. In order to go out to bid the funding/financing must be in place.

RESOLUTION #98	AUTHORIZE CHA TO CONTINUE WITH THE ENGINEERING AND COMPLETION OF BID SPECS/DOCUMENTS FOR THE PROPOSED NEW STORAGE BUILDING AT THE GUTCHES LUMBER SPORTS COMPLEX
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Motion by Councilman Testa

Seconded by Councilman Cobb

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize CHA to continue with the engineering and completion of bid specs/documents for the construction of a new storage building at the Gutches Lumber Sports Complex, as previously authorized per Town Board Resolution #58 of 2020.

### Contracts - 2020:

There was discussion regarding the approved recreation contracts for 2020 with the City of Cortland and with John McNerney as the Town's Part-time Recreation Director. Supervisor Williams explained that at this time and due to COVID-19, the City cancelled its summer recreation program for the year 2020 and furloughed employees. Director McNerney was the only Recreation Department employee working at this time. After discussion, the Board was in agreement that the contract with Mr. McNerney, as the Town's Part-Time Recreation Director, remain in place as his work was important for the success of the Gutches Lumber Sports Complex. It was also the Board's consensus to honor the contract with the City for recreation services, with Supervisor Williams reaching out to the City to ask if the contract could be extended into 2021 to make up for any shortfalls.

Similarly, Supervisor Williams suggested that he talk with Plan First Technologies with regard to the Town's new contract for computer services to ask if the contract could be extended into 2021 to make up for the fact that typical services may not be rendered at this time due to the offices being closed and employees working remotely. The Board was in agreement.

Use of Byrne Dairy Storage Barn:

Supervisor Williams apprised the Board that he reached out to his contact at Byrne Dairy to inquire if the Town could lease/rent the empty storage barn off of Route 13 to store Town equipment used at the Gutches Lumber Sports Complex, as well as a Town dump truck. Supervisor Williams would report back to the Board at a later date after hearing back from Byrne Dairy.

Plan to Reopen Town Hall to the Public:

There was discussion regarding the reopening of the Raymond G. Thorpe Municipal Building (Town Hall) to the public after the state of emergency expired or was lifted. Supervisor Williams presented the Board with a sketch of the proposed changes to enhance public safety and security, including a reception desk and protective shields for counters to protect customers and employees. Once there a date certain was established for opening the Town Hall to the public, a more formal presentation would be given.

Water/Sewer Department Repair for Water Leak:

There was discussion regarding a problem the Town Water/Sewer Department encountered when completing a repair for a water leak on private property. Three quotes were received to correct the electrical repair. Attorney DelVecchio suggested that he speak with the Town's insurance company before the Board took any action.

There was discussion amongst the Board about how they were coping with the COVID-19 pandemic in their personal lives and outside jobs. Councilman Cobb spoke of his daily work experiences. Councilman Guido, a high school teacher, explained that he was conducting his classes virtually. Councilman Withey encouraged the Board to check in with department heads throughout the crisis. Town Clerk Rocco-Petrella commented that her office staff was working remotely throughout the stay at home order and was reporting to the office as needed and as directed by her. Supervisor Williams added that most staff was working remotely or in the office daily, such as his secretary, Patty O'Mara. Employees were commended for their work during this difficult time.

Supervisor Williams apprised the Board that he would be spending approximately \$1,000 or less on items necessary items for employee safety. As Supervisor, he had the authority to do so under the Executive Law however he wanted the Board to be aware of what he was doing.

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RESOLUTION #99                      ACKNOWLEDGE NOTIFICATION FROM THE STATE FOR  
FILING OF LOCAL LAW NO. 1 OF 2020

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Motion by Councilman Testa

Seconded by Councilman Guido

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

ADOPTED

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law No. 1 of 2020, Amending Chapter 178, Article XVIII, Section 178-112 A(4) and A(5) of the Code of the Town of Cortlandville, to be effective March 13, 2020.

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RESOLUTION #100                      AUTHORIZE APPROVAL OF PAYMENT REGARDING THE  
TOWN-WIDE HOUSING REHABILITATION GRANT  
PROGRAM CDBG #287HR323-19

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Motion by Councilman Withey

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment for the following regarding the Town-Wide Housing Rehabilitation Grant Program – CDBG #287HR323-19:

Voucher #1: Thoma Development Consultants – Administration Services – \$4,500.00

Voucher #2: Thoma Development Consultants – Administration Services – \$3,000.00

No further comments or discussion were heard.

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

The meeting was adjourned at 6:55 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 May 11, 2020.

The final version of this meeting was approved as written at the Town Board meeting of May 20, 2020.