

TOWN BOARD MEETING

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

Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman, Ronal L. Rocco  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Excused:

Councilman, John C. Proud

Others present were: Town Attorney, John Folmer; Highway Sup’t. Carl Bush; Town Justice, David Alexander; Barbara Leach; News Reporters: Eric Mulvihill from WXHC, Tyrone Heppard from the *Cortland Standard*, Sharon Stevans from Channel 2, Access TV, and Peter Blanchard from the *Cortland Voice*.

Supervisor Tupper called the meeting to order.

The Draft Town Board Minutes of October 7, 2015 were presented to the Board for their review.

RESOLUTION #

AUTHORIZE SUPERVISOR TO SIGN  
PURCHASE ORDER #1253

---

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1253 submitted by Highway Sup’t. Bush to be paid to Midland Machinery Co., for the purchase of a conveyor belt for the Shoulder Machine, for the total cost of \$3,618.00.

RESOLUTION #

AUTHORIZE PAYMENT OF VOUCHERS – OCTOBER

---

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

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

Funds A, B, DA, DB	Voucher #946-981	
	General Fund A	\$ 20,435.96
	General Fund B	\$ 4,640.59
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 67,987.50
Funds CD1, CD3, CD4	Voucher #49-50	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 12,447.75
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #389-399	
	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	\$ 1,117.13
	Water SW	\$ 9,961.88

Funds SF, TA, TE	Voucher #35-37	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 39,650.16
	Expendable Trust TE	\$ 0.00

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

Councilman Rocco made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated October 21, 2015, regarding programming services. All voting aye, the motion was carried.

---

RESOLUTION #	SCHEDULE PUBLIC HEARING REGARDING THE 2016 PRELIMINARY BUDGET
--------------	--

---

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

BE IT RESOLVED, a Public Hearing is hereby scheduled to be held on November 4, 2015 at 5:00 p.m. regarding the 2016 Preliminary Budget, and it is further

RESOLVED, that copies shall be made available for distribution to the public on November 4, 2015.

---

RESOLUTION #	SCHEDULE DATE TO ADOPT 2016 PRELIMINARY BUDGET AS THE 2016 ADOPTED BUDGET
--------------	--

---

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

BE IT RESOLVED, the Town Board shall adopt the 2016 Preliminary Budget as the 2016 Adopted Budget at the Regular Town Board Meeting on Wednesday, November 18, 2015 at 5:00 p.m.

Under new business, Town Clerk Snyder apprised the Board she received notification from the Dryden Town Clerk regarding a proposed amendment to the Town of Dryden's Zoning Law. The Town of Dryden was required to send notice to the Town of Cortlandville because they are an adjoining town.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from Bambi L. Avery, Dryden Town Clerk, dated October 8, 2015, as well as the Notice of Public Hearing regarding a proposed Zoning Law Amendment for the Town of Dryden (Local Law #1 of 2015). All voting aye, the motion was carried.

Attorney Folmer reported:

Proposed Local Law – Retail Petroleum Sales:

Attorney Folmer reported that after the Board's comments a change was made to the proposed Local Law for Retail Petroleum Sales to prohibit those facilities in Agricultural and all Residential zones, however it was no longer prohibited in the B-1 zone. The draft was forwarded to the Town and County Planning Boards for their comments.

**Conditional Permit - Fast Lane Auto:**

Attorney Folmer apprised the Board that at the Town Planning Board's September 29, 2015 meeting they approved a Conditional Permit for John Barden, Fast Lane Auto. The permit approved the current use of greenspace provided that he be in compliance with his proposed site plan submitted at the meeting. CEO Williams inspected the property on October 19, 2015 and provided a memo to Attorney Folmer to present to the Planning Board at their next meeting. In CEO Williams' opinion, Mr. Barden was in compliance as to the number of vehicles and their placement. Attorney Folmer advised Mr. Barden that he was in compliance and suggested to him that he stay in compliance.

**Outstanding Engineering Fees Payable to the Town:**

Attorney Folmer apprised the Board that there were outstanding engineering fees due for both Sun Auto (\$7,115.25) and the propane facility in Polkville, HBDR, LLC (\$6,308.25). Attorney Folmer contacted Attorney Shafer who represented both applicants regarding the outstanding fees.

**Water/Sewer Benefit Tax for Lime Hollow Nature Center, Inc.:**

Attorney Folmer recalled that in 2011 the Board adopted a resolution with regard to the Lime Hollow Nature Center. At that time, the Lime Hollow Nature Center acquired a parcel of land on Stupke Road/Lime Hollow Road and agreed that it would be cleaned up, taken care of, and that they had no plans to develop or sell any part of that parcel. They requested the Board assess the parcel at one unit for Water/Sewer Benefit Tax purposes, which the Board agreed to. The resolution would expire December 31, 2015.

Attorney Folmer apprised the Board that he met with John Gustafson from the Lime Hollow Nature Center who indicated that there has been no change to the status of the property. Attorney Folmer suggested the Board consider adopting a resolution extending the one unit determination for a period of 5 years commencing January 1, 2016 through December 31, 2020.

RESOLUTION #	AUTHORIZE EXTENSION OF A WATER AND SEWER BENEFIT TAX ONE UNIT CHARGE FOR PROPERTY OWNED BY LIME HOLLOW NATURE CENTER, INC.
--------------	--

---

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Rocco, Leach NAY - 0 ABSENT- Proud  
ADOPTED

WHEREAS, per Resolution #94 of 2011, adopted April 20, 2011, the Town Board authorized a reduction of the Water and Sewer Benefit Tax unit charge to one unit for Water and Sewer until December 31, 2015, for a 12.57 acre parcel of land owned by Lime Hollow Nature Center for Environment & Culture, located between Stupke and Lime Hollow Roads, tax map #95.15-03-23.100, and

WHEREAS, according the 2015 Town of Cortlandville Final Roll, tax map #95.15-03-23.100 is an 11.39 acre parcel owned by Lime Hollow Nature Center, Inc., and

WHEREAS, the said parcel is a portion of lands currently formed as a nature preserve along the old Lehigh Valley Railroad right of way, and

WHEREAS, the Center accomplished site clean-up and other environmental activities that would enhance two wet lands located within such parcel, and

WHEREAS, the Center has no plans to develop and/or sell said parcel or any part thereof, and has asked the Town to continue to grant relief for this green space, and

WHEREAS, the Town Board has reviewed the matter and determined that the special assessment shall be continued, now therefore

BE IT RESOLVED, the Lime Hollow Center for Environment & Culture shall be assessed on the above referenced parcel at one unit for Water and Sewer from January 1, 2016 until December 31, 2020, unless prior to that date any portion of the above referenced parcel is sold, or developed beyond those activities set forth in a communication from the Center dated March 29, 2011, and it is further

RESOLVED, the Center and the Town shall review this matter during the year 2020 to determine if such special assessment shall be continued.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN THE ANNUAL  
PERFORMANCE REPORT REGARDING THE TOWN OF  
CORTLANDVILLE'S COMMUNITY DEVELOPMENT  
BLOCK GRANT FOR PRECISION E-FORMING

---

Motion by Councilman Leach

Seconded by Councilman Rocco

VOTES: AYE - Tupper, Testa, Rocco, Leach NAY - 0 ABSENT- Proud  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Annual Performance Report (Final) regarding the Community Development Block Grant for the Town of Cortlandville for Precision E-forming (287SB46-12) for the period of January 1, 2015 through October 1, 2015.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO REFUND THE PARK  
RESERVATION FEE OF \$50.00 TO DONNA PARKER

---

Motion by Councilman Testa

Seconded by Councilman Rocco

VOTES: AYE - Tupper, Testa, Rocco, Leach NAY - 0 ABSENT- Proud  
ADOPTED

WHEREAS, the Town Board received a request from Donna Parker to be refunded the \$50.00 park reservation fee due to the cancellation of her October 4, 2015 reservation for Citizens Park, and

WHEREAS, due to a medical issue the park reservation was cancelled, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to refund \$50.00 to Donna Parker.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
MICHELLE TOWSLEY FOR THE TOWN'S 2013 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM

---

Motion by Councilman Leach

Seconded by Councilman Rocco

VOTES: AYE - Tupper, Testa, Rocco, Leach NAY - 0 ABSENT- Proud  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Michelle Towsley, 1368 East River Road, Cortland, New York, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$5,200.00.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT  
REGARDING THE TOWN'S 2013 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM BETWEEN THE TOWN AND  
KLARON C. AND JANICE D. SMITH

---

Motion by Councilman Leach

Seconded by Councilman Rocco

VOTES: AYE - Tupper, Testa, Rocco, Leach NAY - 0 ABSENT- Proud  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2013 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Klaron C. and Janice D. Smith, 3671 Pendleton Street, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$2,429.32.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT  
REGARDING THE TOWN'S 2013 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM BETWEEN THE TOWN AND  
STACY CRANDALL-JONES

---

Motion by Councilman Leach

Seconded by Councilman Rocco

VOTES: AYE - Tupper, Testa, Rocco, Leach NAY - 0 ABSENT- Proud  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2013 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Stacy Crandall-Jones, 1280 Fisher Avenue, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$1,152.89.

Supervisor Tupper mentioned that the Town's 2016 Preliminary Budget shows no increase from the 2015 Budget, with a \$3.06 Town tax rate and a \$2.24 tax rate for the Village. The Benefit Tax, which has not yet been computed, should decrease slightly. There was also a decrease in the proposed Cortlandville Fire District's Budget.

Councilman Rocco updated the Board with regard to the speed limit concern on McLean Road. He indicated that there were two Letter to the Editor's written in the *Cortland Standard*; one by Town resident Andrea Rankin, and the second by John Gustafson from the Lime Hollow Nature Center. Town Clerk Snyder provided a photocopy of the Town's McLean Road speed limit file to Councilman Rocco, which he delivered to the Rankins' for their review. Councilman Rocco mentioned that included in the packet were recommendations from numerous individuals requesting a reduction in speed limit, including letters from the former President of the Lime Hollow Nature Center, the Superintendent of Schools, the Transportation Supervisor, and two State Troopers, all recommending a lower speed limit out of concern for the school buses. Councilman Rocco indicated to Mr. Rankin that if he or his wife had any questions, or if they wanted to pursue anything further, that they should contact him.

Councilman Rocco also mentioned that he asked the Lime Hollow Nature Center why they don't blacktop their driveway, which he thought would help school buses exit the driveway. The "lip" of the driveway was blacktop, however they prefer to keep the driveway stone because they don't want to harm the aquifer.

Supervisor Tupper questioned when the last time the Board requested a reduction in speed limit was. Councilman Rocco indicated that the last time was in 2010. Supervisor Tupper stated that the programs offered at the Lime Hollow Center have grown exponentially since then. He suggested the Board submit another request for a reduction in speed limit.

After continued discussion, the Board agreed to submit another request for a reduction in speed limit on McLean Road. The request would include the information that has been sent to

the NYS DOT from prior requests, as well as additional information including: a cover letter listing the attachments, a narrative explaining changes since 2010 that would warrant a reduction in speed limit, and updated information from the Cortlandville Fire Department and County Sheriff's Department. The request would be forwarded to the NYS DOT via the County Highway Sup't.

RESOLUTION #                      AUTHORIZE REQUEST TO REDUCE SPEED LIMIT ON  
MCLEAN ROAD IN THE TOWN OF CORTLANDVILLE

---

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Rocco, Leach NAY - 0 ABSENT- Proud  
ADOPTED

WHEREAS, since documentation of January 26, 1971 the Town Board has persistently submitted requests for a reduction in speed limit on McLean Road, a heavily traveled County Road in the Town of Cortlandville, and

WHEREAS, requests for a reduction in speed limit on McLean Road were submitted March 3, 1971; December 3, 1975; May 6, 1981; September 6, 1989; May 3, 1995; October 20, 1999; March 28, 2000; October 18, 2000; November 13, 2003; March 15, 2006; February 7, 2007; December 19, 2007; April 1, 2009; December 26, 2013 (by Town resident Raphael Stark), and

WHEREAS, such requests have included numerous letters and petitions from Town residents; letters of support from State Senator James Seward and former Member of Assembly, 125<sup>th</sup> District, Martin A. Luster; requests from the Dryden Central School District, Superintendent of Schools; Dryden Central Schools, Transportation Supervisor; Cortland City School District, Superintendent of Schools; Cortland City School District, Board of Education; Homer Central School District, Superintendent of Schools; Lime Hollow Center for Environment & Culture; traffic reports from the New York State Police; accident reports from the Cortlandville Fire District; newspaper articles; and photographs depicting road conditions, vehicles in distress, and personnel called to the scene of accidents (previously submitted to Diana L. Graser, P.E., NYS DOT), and

WHEREAS, the State of New York Department of Transportation has continuously denied the Towns requests indicating that the "roadside development and highway characteristics justify retaining the existing speed limit," a decision that is not acceptable to the Town Board, and

WHEREAS, requests were once again received to reduce the speed limit on McLean Road to 45 mph from Deerfield Heights to the Cortland/Tompkins County line, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct that this request, including the supporting documentation, be submitted once again to the New York State Department of Transportation, via the Cortland County Highway Superintendent, and it is further

RESOLVED, the Town Board hereby requests that the Cortland County Highway Superintendent submit his comments and considerations for a reduction in speed limit.

Councilman Leach mentioned that he recently asked for the former Budget Inn property to be mowed. Supervisor Tupper indicated that the Brockway Museum mowed the property and agreed to take care of the mowing.

Supervisor Tupper thanked Town Bookkeeper, Marcia Hicks for her many hours working on the Town Budget. He also thanked the department heads for their hard work.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The draft version of this meeting was submitted to the Town Board for their review on November 13, 2015.

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