

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
ROUTE 222 CORTLANDVILLE, LLC (WELLOW URGENT CARE), APPLICANT
ROSSLER-HERWOOD PROPERTIES, LLC, OWNER
NYS ROUTE 222
TAX MAP #86.13-01-58.100

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Municipal Garage, 3587 Terrace Road, Cortland, New York, concerning an application for an Aquifer Protection Permit submitted by Route 222 Cortlandville, LLC (wellNOW Urgent Care), for the subdivision a 22,546 sq. ft. lot from a 5 acre parcel and the construction of a 3,531 sq. ft. medical clinic with accessory parking for 29 vehicles, for property owned by Rossler-Herwood Properties, LLC located on the south side of NYS Route 222 immediately east/adjacent to Burger King restaurant, tax map #86.13-01-58.100.

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; Highway Sup't., Larry Drach; Water & Sewer Sup't. Alteri; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Anthony Gizzie and Matt Lester representing WellNOW Urgent Care; Town Residents: John Conway; Tony Dilucci; Jackie Dilucci; Joanna Ames; Pamela Jenkins; Stephen Flatt; and News Reporter, Colin Spencer from the *Cortland Standard*.

**Councilman Withey joined the Public Hearing via Zoom video conference.*

Supervisor Williams called the Public Hearing to order.

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

Supervisor Williams offered privilege of the floor to those in attendance. No requests were made.

No further comments or discussions were heard.

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

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Municipal Garage, 3587 Terrace Road, Cortland, New York 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; Highway Sup't., Larry Drach; Water & Sewer Sup't. Alteri; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Anthony Gizzie and Matt Lester representing WellNOW Urgent Care; Town Residents: John Conway; Tony Dilucci; Jackie Dilucci; Joanna Ames; Pamela Jenkins; Stephen Flatt; and News Reporter, Colin Spencer from the *Cortland Standard*.

**Councilman Withey joined the Public Hearing via Zoom video conference.*

Supervisor Williams called the meeting to order.

Supervisor Williams announced that the Town Board Meetings during the month of December, including any Special Town Board Meetings, would be held via Zoom video conference due to COVID-19 and rising cases. He explained that the County Legislature would be conducting business virtually through the end of the year, and thought it was prudent for the Town to follow suit.

Councilman Cobb made a motion, seconded by Councilman Testa, to approve the Draft Special Town Board Minutes of October 14, 2020 and the Draft Town Board Minutes of October 21, 2020. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Guido, to receive and file the Cortlandville Zoning Board of Appeals Minutes of October 27, 2020 and the Cortlandville Planning Board Minutes of October 27, 2020. All voting aye, the motion was carried.

RESOLUTION #296 AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER
#0168 TO STADIUM INTERNATIONAL TO REPAIR A 2005
INTERNATIONAL #2923-D1-HWY (11) PLOW TRUCK

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 and direct the Supervisor to sign Purchase Order #0168 submitted by the Highway Superintendent to be paid to Stadium International for the repair of a 2005 International #2923-D1-HWY (11) Plow Truck, for the total cost of \$9,738.23.

RESOLUTION #297 AUTHORIZE PAYMENT OF VOUCHERS – NOVEMBER

Motion by Councilman Guido

Seconded by Councilman Testa

VOTES: AYE – Williams, Cobb, Guido, Testa, 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 #1498-1571	
	General Fund A	\$ 183,415.84
	General Fund B	\$ 1,077.99
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 12,429.15
	Gutchess Lumber SC Project HG	\$ 0.00
	C'Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 176,114.30
	Water Fund SW	\$ 86,932.82
Funds CD1, CD3, CD4	Voucher #14-14	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 11,875.00
	Business Devl CD4	\$ 0.00
Funds TA, TE	Voucher #(None)	
	Trust & Agency TA	\$ 0.00
	Expendable Trust TE	\$ 0.00

Supervisor Williams offered privilege of the floor to Tony Dilucci.

Tony Dilucci, Town resident and President of the Walden Oaks Homeowners' Association, addressed the Board concerning the stop signs approved for the intersection of Bennie Road and Walden Oaks Blvd. He thanked Supervisor Williams for mailing a letter to the residents of the Walden Oaks development informing them of the Board's decision and also thanked resident John Conway for the information he provided as well.

Mr. Dilucci asked the Board to reconsider their decision for a three-way stop at the intersection and to instead request a reduction in speed limit from 45 MPH to 30 MPH on Bennie Road past Walden Oaks Blvd. He stated that slowing traffic with stop signs was not an appropriate measure.

Mr. Dilucci has lived in the development for 20 years and was "unaware of any serious traffic related accidents on this stretch of road". He indicated that Highway Sup't. Drach was of the same opinion. He referenced a study done by Cornell University's Local Roads program with references to the Manual of Uniform Traffic Control Devices and the NYSDOT Highway design manual and read the following: "The placement of one or more stop signs to slow traffic will often have the opposite effect. Drivers will go faster between the signs to make up for 'lost' time. In addition to speeding, the drivers will need to accelerate and decelerate for each sign. A constant vehicle speed is generally safer for both vehicles and the other users along a highway."

Mr. Dilucci referenced the NYSDOT Highway Design Manual regarding traffic calming and mentioned that three things stood out to him: 1) the need for a NYSDOT study prior to deploying traffic calming devices – he asked whether a study was conducted; 2) the need for community involvement, which he was not sure occurred; and 3) stop signs are not specifically recognized as a "speed calming device. He added that the manual also warns that no speed calming devices can take the place of consistent monitoring by law enforcement.

In closing, Mr. Dilucci urged the Board to reconsider its decision on this matter and asked that if they proceeded with their decision that they consider posting the speed limit at 30 MPH much closer to the intersection of Route 215 and Bennie Road. He suggested that slowing traffic on the "S" curve would be appropriate. Mr. Dilucci provided his written comments for the record.

Supervisor Williams thanked Mr. Dilucci for his comments.

Supervisor Williams offered privilege of the floor to John Conway.

John Conway, Town resident, thanked the Board for allowing the public to speak. He addressed the Board with regard to the speed limit and safety concerns on Bennie Road as he has done in the past. He stated that this study has gone on for a year and offered the speed reports that he produced and provided to Mr. Dilucci from the radar device that he installed at his own expense in his yard to monitor the speed of vehicles on Bennie Road.

Mr. Conway stated that if there is an area with high speeds and restricted view then stop signs would be appropriate. He mentioned his hidden "hidden driveway" and the numerous near accidents that have occurred. While the stop signs may be an inconvenience, if the Board moves forward with the installation of the stop signs as already approved, he stated that the signs would save lives. In closing, Mr. Conway stated that he hoped the stop signs are installed and that "we make things safe".

Members of the Board thanked Mr. Conway for his comments.

Supervisor Williams offered privilege of the floor to Pamela Jenkins.

Pamela Jenkins, Town resident and member of the Town's Comprehensive Plan Committee (the "Committee"), stated she was hoping for an update on the Town's Solar Law and on the Town's Comprehensive Plan. She informed the Board she contacted Nasrin Parvizi, Chair of the Committee regarding the status of the Comprehensive Plan and CHA. According to both Ms. Parvizi and CHA, the Committee and CHA have completed their work and were waiting to hear back from the Town. Ms. Jenkins asked the Board to take concrete steps to complete the Comprehensive Plan and amendments to the Solar Law. She recalled that in October the Board did not want to enact a moratorium but were going to work to improve the solar law. She was concerned that more applications could be made in the next months and stressed the need to protect Cortlandville, especially from out of state companies that "see our land as cheap for their use".

Ms. Jenkins reported that provided local laws from other counties to the members of the Planning Board that she obtained from the New York State Department of State website, such as from Steuben County, Carlisle County, New Lisbon County and many others. She asked the members to review them and talk about changes.

With regard to the Gutchess Lumber Sports Complex (GLSC) she stated it was time that a public body makes decisions about spending taxpayer dollars there. She stated there needs to be broad representation. Until the time you create a public body, she asked to see minutes taken from the ad-hoc committee meetings. She asked who was making the decisions.

Lastly, in regard to the proposal from Park Outdoor to locate an electronic billboard on town property, the site of the GLSC, Ms. Jenkins stated she learned that an area variance and use variance is needed. She asked that Park Outdoor make the appropriate applications and presentations and not "short circuit it" so the public is excluded from the decision making process.

Supervisor Williams thanked Ms. Jenkins for her comments.

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

- 1) Water & Sewer Department – October 2020;
- 2) Town Supervisor – October 2020;
- 3) Cortland Community SPCA – October 2020; and
- 4) Town Justice LeFevre and Town Justice Mathey – October 2020.

All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Cobb, to receive and file correspondence from Charter Communications, dated November 7, 2020, regarding programming services. All voting aye, the motion was carried.

There was discussion regarding the Aquifer Protection Permit application submitted by Route 222 Cortlandville, LLC (wellNOW Urgent Care), to subdivide a 22,546 sq. ft. lot from a 5 acre parcel and construct a 3,531 sq. ft. medical clinic with accessory parking for 29 vehicles (wellNOW), for property owned by Rossler-Herwood Properties, LLC located on the south side of NYS Route 222 immediately east/adjacent to Burger King restaurant, tax map #86.13-01-58.100. Attorney DelVecchio introduced Matt Lester who was in attendance on behalf of the applicant to answer questions from the Board. Mr. Lester explained that the project was to construct an urgent care facility that is open 365 days per year, with hours of operation from 8:00 am to 8:00 pm during the weekdays and 8:00 am to 10:00 pm on the weekends. Mr. Lester explained that WellNOW Urgent Care has 50 locations; with headquarters in Syracuse, New York.

The Town Board had no questions for Mr. Lester at this time. The Board commenced their review of Part 2 of the SEQR Short Environmental Assessment Form with Attorney DelVecchio reading the questions. The Board answered no impact to small impact for all of the questions.

RESOLUTION #298 DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION PERMIT #9 OF 2020 SUBMITTED BY ROUTE 222 CORTLANDVILLE, LLC (WELLNOW) FOR PROPERTY LOCATED OFF OF NYS ROUTE 222 AND AUTHORIZE SUPERVISOR TO SIGN THE SEQRA APPLICATION

Motion by Councilman Testa

Seconded by Councilman Guido

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

WHEREAS, an Aquifer Protection Permit application was submitted by Route 222 Cortlandville, LLC, to subdivide a 22,546 sq. ft. lot from a 5 acre parcel and construct a 3,531 sq. ft. medical clinic with accessory parking for 29 vehicles (wellNOW), for property owned by Rossler-Herwood Properties, LLC located on the south side of NYS Route 222 immediately east/adjacent to Burger King restaurant, tax map #86.13-01-58.100, 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 Route 222 Cortlandville, LLC (wellNOW), Aquifer Protection Permit #9 of 2020, shall have no significant environmental impact, and it is further

RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #9 of 2020.

RESOLUTION #299 APPROVE AQUIFER PROTECTION PERMIT #9 OF 2020 SUBMITTED BY ROUTE 222 CORTLANDVILLE, LLC (WELLNOW) SUBJECT TO CONDITIONS

Motion by Councilman Testa

Seconded by Councilman Withey

VOTES: AYE – Williams, Cobb, Guido, Testa, 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 #9 of 2020, submitted by Route 222 Cortlandville, LLC (wellNOW), permitting the subdivision a 22,546 sq. ft. lot from a 5 acre parcel and the construction of a 3,531 sq. ft. medical clinic with accessory parking for 29 vehicles, for property owned by Rossler-Herwood Properties, LLC located on the south side of NYS Route 222 immediately east/adjacent to Burger King restaurant, tax map #86.13-01-58.100, subject to the following conditions from the Town and County Planning Boards:

1. That proposed easement through the Valu Home Center property be written into the deeds of both properties to insure continued access to this site through the Valu Home Center property.
2. That the Town reviews the design of the property building for conformance with the Town's Design and Development Guidelines.
3. That the applicant submits an updated narrative for the proposed project to the Town to include hours of operation for the proposed urgent care facility.
4. That the applicant considers moving the proposed handicap spaces closer to the main entrance of the clinic.

5. That if the 10 parking spaces on the Burger King property to the west of this site are intended to be used by the urgent care facility that an easement be written into the deeds of this property and the adjoining Burger King property to insure continued access to these parking spaces by the urgent care facility.
6. That the applicant move the dumpster enclosure father east and add gates to the east side of the enclosure to allow for easier waste hauler access and to prevent traffic flow issues due to the enclosure's proximity to proposed parking spaces and the southern entrance to the site.
7. That during construction the applicant follows all standard Erosion and Sediment Control (ESC) practices such as silt fencing around downgradient areas and any topsoil stockpiles, a stabilized construction entrance and prompt landscaping/revegetation of any areas not planned for repaving should be employed to avoid loss of sediment from the site to either the sole source aquifer or local surface waters.
8. That the applicant considers the potential risk of flooding in the project design as the site is located entirely within a FEMA designated 500 year flood plain and in close proximity to an FEMA designated 100 year flood plain.
9. That the applicant submits a revised site plan to the Town showing traffic flow from the surrounding plaza into the proposed site including details regarding vehicular movement into and out of the proposed site, how traffic would flow on the eastern and southern sides of the proposed site and proposed snow storage areas.
10. That the proposed landscaping plan be reviewed and approved by the Town.
11. That the existing grass area and trees remain to the southwest of this site, as this serves as a buffer to the adjacent businesses.
12. The Town weighing the benefit of exceeding the maximum sign size and number of signs and not meeting the minimum sign setback requirements to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any bulk variances may be granted.
13. That all site lighting be directed in a downward manner and away from the surrounding properties so as to not adversely impact these properties.
14. The Town weighting the benefit of the reduced lot area to the applicant vs. health, safety, and welfare of the community/neighborhood as is required before any bulk variance may be granted.
15. The applicant obtaining approval of the connections to the public water and public sewer including the construction of section water main with easements for Town access and the installation of an RPZ backflow prevention device from the County Health Department via application to the Town.
16. Compliance with SEQR requirements.

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

Under new business, Town Clerk Rocco-Petrella explained the water/sewer relevy process to the Board, which was on the agenda for approval. Town water/sewer bills were due by November 20, 2020 to avoid being relevied on to the 2021 Town/County tax bill. Letters were mailed to all customers/owners along with a mailer from the Public Service Commission regarding customer rights and what to do if the customer was unable to pay his/her utility bills as a result of the COVID-19 pandemic. She explained that residential customers could self-certify their inability to pay their utility bill at this time and that penalties/late fees would be waived through March 2021. Town Clerk Rocco-Petrella urged customers to contact her office with any questions.

Attorney DelVecchio reported:

Solar Battery and Storage Law:

Attorney DelVecchio reported that he successfully made contact with Ian Latimer, a representative from NYSERDA, and asked for assistance drafting a proposed solar battery and storage law. He stated that such a law would eventually become an important aspect of the solar projects and suggested the Town develop rules and regulations for applicants to abide by. Attorney DelVecchio suggested the Board schedule a public workshop with Mr. Latimer, whether it be virtual or in person, to discuss solar. Mr. Latimer was also knowledgeable about additional incentives the Town could take advantage of. Attorney DelVecchio would report back to the Board when he scheduled a meeting date.

Purchase Agreement – Lime Hollow Nature Center:

Attorney DelVecchio commented on the purchase of property from the Lime Hollow Nature Center for the purpose of constructing a storage building/highway garage. He asked the Board for a motion to authorize the Supervisor to execute the Purchase Agreement, which included language for contingencies such as a 25-year lease back to the Lime Hollow Nature Center in the event the sale goes through. Supervisor Williams reminded Attorney DelVecchio that a resolution was previously adopted authorizing the execution of a Purchase Agreement (Resolution #214 of 2020 adopted 8/19/2020)

At this time, Supervisor Williams made a presentation to the Board regarding changes to the proposed plans for the construction of a storage building on the site of the LHNC property to be conveyed to the Town. He explained that he and Highway Sup't. Drach met at the GLSC and drove the property. A suggestion was made to relocate the roadway to the back of the GLSC property rather than from where the road was initially proposed. If the GLSC road is moved, the driveway to the proposed storage building could connect to the GLSC roadway rather than to Gracie Road. The hedgerow between properties would be removed making the building visible to the public. Additionally, by moving the GLSC roadway more land would be open for development such as to expand the parking lot. Supervisor Williams asked the Board for a motion to authorize CHA to conduct a feasibility study to relocate the roadway.

Councilman Withey stated he has been opposed to this from the beginning and remained steadfast in his opposition.

RESOLUTION #300	AUTHORIZE SUPERVISOR TO ENGAGE THE SERVICES OF CHA TO CONDUCT A FEASIBILITY STUDY TO RELOCATE THE PROPOSED ROADWAY THROUGH THE GUTCHESS LUMBER SPORTS COMPLEX
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Motion by Councilman Guido

Seconded by Councilman Cobb

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to engage the services of CHA to conduct a feasibility study to relocate the proposed roadway through the Gutches Lumber Sports Complex to accommodate the construction of a highway storage building on property adjacent to the park, which the Town has signed a purchase agreement for.

Town Board reports:

Councilman Withey stated that he was in agreement with comments made by Ms. Jenkins regarding the need for a use and area variance for the proposed billboard to be located at the Gutches Lumber Sports Complex (near Route 13).

Councilman Withey, who was attending the meeting virtually, reported that while he tested negative for coronavirus, has been in quarantine as a result of a direct contact with someone who has the virus. Councilman Withey stated that quarantine has been more difficult than he thought.

Councilman Cobb reinforced earlier comments made by Ms. Jenkins regarding an update on the Town's Comprehensive Plan and changes to the Town's Solar Law. He asked what the status of both were.

Supervisor Williams explained that a Draft Comprehensive Plan was rolled out in the Spring. There was a list of items that needed to be done at that point, however the COVID-19 pandemic delayed progress. He indicated that he has been involved with the Planning Board Chair and with the Chair of the Comprehensive Plan Committee and hasn't heard from them. The matter must be revisited.

As a result of the push back from the residents of Walden Oaks regarding the new stop signs approved for Bennie Road at the intersection of Walden Oaks Blvd., Councilman Guido asked what the process was for requesting a reduction in speed limit on Bennie Road from Route 215. He asked whether the NYS DOT needs to conduct a traffic study before the stop signs are installed. .

Attorney DelVecchio noted that Mr. Dilucci left the meeting, however Mr. Conway was still in attendance. The Board chose to have the stop signs ordered and installed. Attorney DelVecchio stated that the neighbors brought valid concerns to the table and Mr. Conway has done a diligent job voicing his concerns on the matter. The Town Highway Sup't. has done good work as well.

Attorney DelVecchio explained that requesting a reduction in speed limit can be a long process; the NYS DOT would conduct a traffic study which could take one to two years to complete. A second option was to have an independent study completed by an engineer who would prepare a report for the Board's consideration to determine if it is a good idea to install stop signs at that location. Mr. Conway previously offered to pay for such a study to be completed, and after discussion he offered to do so again.

Councilman Guido asked for the matter to be back on the table given the public concern for the installation of the stop signs.

Supervisor Williams stated that the Board has voted on the matter twice. The stop signs could be installed and a study initiated and the matter could be revisited after the study is complete. Highway Sup't. Drach reported that the signs were ordered but not yet installed. Highway Sup't. Drach was of the opinion that the speed limit should be addressed and that stop signs are more appropriate when there is an even traffic pattern in all three directions., which was not the case at this time.

Councilman Guido commented on the speed limit and voiced concerns for vehicles travelling too fast on Bennie Road from Route 215. He asked whether the Board put the "cart before the horse" with the installation of the stop signs and suggested a reduction in speed limit be requested.

After a lengthy discussion on the matter, the Board resolved to: 1) move forward with the installation of the stop signs; 2) to hire an engineer at the Town's expense to conduct an independent study of Bennie Road to determine if stop signs are appropriate at the intersection of Bennie Road and Walden Oaks Blvd.; and 3) to request a speed limit reduction on Bennie Road from 45 MPH to 30 MPH at distances to be provided by Highway Sup't. Drach.

**RESOLUTION #301 AUTHORIZE REQUEST TO REDUCE THE SPEED LIMIT ON
BENNIE ROAD IN THE TOWN OF CORTLANDVILLE**

Motion by Councilman Cobb

Seconded by Councilman Guido

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

ADOPTED

WHEREAS, a request was received from the town Highway Superintendent to reduce the speed limit from 45 MPH to 30 MPH on Bennie Road, a distance of approximately 1.1 miles (5,780 feet) from the Route 13 intersection, and approximately 0.446 miles (2,356 feet) from the Route 215 intersection within the Town of Cortlandville, and

WHEREAS, Bennie Road is a Town road, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the request to reduce the speed limit on Bennie Road from 45 MPH to 30 MPH, a distance of approximately 1.1 miles (5,780 feet) from the Route 13 intersection and approximately 0.446 miles (2,356 feet) from the Route 215 intersection within the Town of Cortlandville, be submitted to the NYS DOT for approval, via the Cortland County Highway Superintendent for his input as required.

RESOLUTION #302 AUTHORIZE SUPERVISOR TO ENGAGE THE SERVICES AN
ENGINEERING EXPERT TO CONDUCT A STUDY ON
BENNIE ROAD REGARDING THE INSTALLATION OF
STOPS SIGNS AT THE INTERSECTION OF BENNIE ROAD
AND WALDEN OAKS BLVD.

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 and direct the Supervisor to engage the services of an engineering expert to conduct a study on Bennie Road in the Town of Cortlandville regarding whether or not the installation of stop signs at the intersection of Bennie Road and Walden Oaks Blvd. was appropriate, and it is further

RESOLVED, the cost of the study shall be at the Town's expense.

Supervisor Williams reported:

Chromebooks for the Town Board:

Supervisor Williams informed the Board that the Chromebook laptop computers arrived and would be distributed to them. The computers would make the virtual meetings easier for the Board and would decrease the amount of paperwork.

Town Hall – Holiday Closure:

Supervisor Williams apprised the Board and those in attendance that the Town Hall would be closing on Wednesday, November 25, 2020 at 12:00 pm for the Thanksgiving holiday and would reopen Monday, November 30, 2020.

Payment to Town Planning Board for Meeting Attendance:

Supervisor Williams explained he received a request from members of the Town Planning Board regarding compensation for their last meeting. The Town budgets for twelve regular meetings plus one special meeting per year for both the Planning and Zoning Board of Appeals. However, the Planning Board has had two special meetings. After discussion, the Board agreed that the payment should be authorized.

RESOLUTION #303 APPROVE PAYMENT TO TOWN PLANNING BOARD
MEMBERS AND PLANNING BOARD SECRETARY FOR
ATTENDANCE AT AN ADDITIONAL MEETING
SCHEDULED FOR 2020

Motion by Councilman Testa

Seconded by Councilman Guido

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

WHEREAS, out of necessity the Town Planning Board scheduled more meetings than budgeted for in the 2020 Budget, therefore

BE IT RESOLVED, the Town Board does hereby approve payment to the Town Planning Board Members and the Planning Board Secretary for attendance at an additional meeting scheduled for the year 2020, and it is further

RESOLVED, a budget transfer for the appropriate amount shall be approved at a subsequent meeting.

Gutchess Lumber Sports Complex Revenue:

Supervisor Williams reported that the revenue received for the Gutchess Lumber Sports Complex (GLSC) to date was \$62,904.50 in comparison to the approximate \$42,000.00 received in 2019. Supervisor Williams was encouraged by the numbers given the fact that the GLSC was not used for the months of March through May and a portion of June due to the coronavirus.

Town Board Meetings for December 2020:

Supervisor Williams reminded the Board and those in attendance that the Town Board meetings scheduled for the remainder of 2020 would be conducted virtually using Zoom. The meeting information would be posted to the website as well as noticed in the newspaper.

Bennie Road Stop Signs:

Supervisor Williams informed the Board that he contact the County Sheriff and asked for an estimated cost to the Town to provide one sheriff deputy for 10 hours per week to enforce traffic/speed in the residential neighborhoods of the Town. He stated that if you want to reduce speed it is by traffic control enforcement. He would report back to the Board with more information at a later date.

SEQR Cookbook:

Lastly, Supervisor Williams apprised the Board that Planning Board Chair Newell provided them with copies of the "SEQR Cookbook" which provides an in depth review of how SEQR works. Copies were distributed to the Board.

RESOLUTION #304 APPROVE EMERGENCY REQUEST OF 2019 CDBG TOWN-WIDE HOUSING REHABILITATION PROGRAM (CDBG #287HR-323-19) PENDING APPLICANT, MICHAEL HOMZA FOR PROPERTY LOCATED AT 2086 WEAVER ROAD

Motion by Councilman Cobb

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, Michael Homza of 2086 Weaver Road in the Town of Cortlandville has applied for the Town's 2019 CDBG Townwide Housing Rehabilitation Program, however the new applicant approval request has not yet been approved by the Town as Thoma Development Consultants is working to secure bids and determine the total project cost, and

WHEREAS, Mr. Homza has a bee infestation and an immediate need for a beehive extraction, therefore

BE IT RESOLVED, the Town Board does hereby approve the emergency request from pending applicant Michael Homza for the 2019 CDBG Townwide Housing Rehabilitation Program (CDBG #287HR323-19), to proceed with the beehive extraction for property located at 2086 Weaver Road in the Town of Cortlandville.

Councilman Testa made a motion, seconded by Councilman Cobb, to receive and file correspondence from the Cortland County Soil and Water Conservation District, dated June 5, 2020, regarding the Cortlandville Sand & Gravel Mine Permit NYSDEC #7-1122-00043. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Guido, to receive and file the H2H Geoscience Engineering Report, dated November 3, 2020, regarding amending the previous KLR Permit Application of Cortlandville Sand & Gravel Mining Permit NYS DEC #7-1122-00043. All voting aye, the motion was carried.

RESOLUTION #305 ADOPT THE TOWN BUDGET FOR FISCAL YEAR OF 2021

Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

WHEREAS, on the 4th day of November 2020 the Town Board of the Town of Cortlandville held a Public Hearing on the Preliminary Budget and proposed amounts to be raised by the benefit tax on benefited properties in the Town Sewer and Town Water Improvement Districts, approved by the Town Board, and filed with the Town Clerk for fiscal year commencing January 01, 2021 and having heard all persons in favor of, or against any items therein contained, and

WHEREAS, no modifications were made to the Preliminary Budget, therefore

BE IT RESOLVED, the Preliminary Budget is hereby approved, and the same is hereby adopted and established as the annual budget of this Town for the fiscal year beginning January 01, 2021 and such annual budget, as so adopted, is filed with the Town Clerk, and it is further

RESOLVED, that the Town Clerk of this Town shall prepare and certify, as provided by law, duplicate copies of the annual budgets, hereby adopted, together with the assessment rolls for the benefit of improvement for the Sewer and Water Funds, adopted pursuant to Section 202-a of the Town Law and within five days thereof, deliver two copies to the Supervisor of the Town and the Supervisor shall present the copies of the annual budget to the Legislature of Cortland County within ten days after his receipt thereof from the Clerk.

**RESOLUTION #306 AUTHORIZE TRANSFER OF FUNDS TO BALANCE
ACCOUNTS FOR THE 2020 BUDGET**

Motion by Councilman Cobb

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Budget Officer is hereby authorized and directed to transfer funds to adjust the accounts of the 2020 Budget for the Town of Cortlandville as follows:

1) GENERAL FUND A - TOWN WIDE: Transfer \$42,081.34

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A1220.2	A1220.4	\$ 237.83
A1990.4	A1420.4	\$ 3,753.66
A1620.4	A1620.2	\$ 4,035.46
A8810.4	A1680.4	\$ 5,596.62
A1990.4	A1910.4	\$ 482.61
A7110.2	A7110.4	\$ 17,404.78
A559	A8090.4	\$ 8,277.64
A6410.4	A9050.8	\$ 2,267.84
A6410.4	A9055.8	\$ 24.90
	TOTAL:	\$ 42,081.34

2) GENERAL FUND B - PART TOWN: Transfer \$3,044.18

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
B1990.4	B1910.4	\$ 1,501.18
B1990.4	B7310.4	\$ 1,543.00
	TOTAL:	\$ 3,044.18

3) HIGHWAY FUND – PART TOWN DB: Transfer \$201,912.11

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
DB5110.1	DB5130.1	\$201,911.91
DB9030.8	DB9055.8	\$ 0.20
	TOTAL:	\$201,912.11

4) **SS – SEWER FUND:** Transfer \$42,801.24

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SS1990.4	SS8110.2	\$ 7,176.50
SS599	SS8130.4	\$ 35,624.74
		TOTAL: \$ 42,801.24

5) **SW – WATER FUND:** Transfer \$16,136.27

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SW8320.2	SW8310.2	\$ 7,176.50
SW599	SW9710.7	\$ 8,959.77
		TOTAL: \$ 16,136.27

RESOLUTION #307 AUTHORIZE PAYMENT APPLICATION NO. 1 SUBMITTED BY G. DEVINCENTIS & SON CONSTRUCTION COMPANY, INC. FOR THE TOWN OF CORTLANDVILLE MISCELLANEOUS WATER AND SEWER IMPROVEMENTS PROJECT

Motion by Councilman Guido
Seconded by Councilman Cobb

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Payment Application No. 1 as recommended by CHA for the Town of Cortlandville Miscellaneous Water and Sewer Improvements Project, for payment in the amount of \$89,196.00 to G. DeVincentis & Son Construction Company, Inc., to reflect work completed to date (\$93,880.00.00) minus the five percent retainage (\$4,694.00).

RESOLUTION #308 AUTHORIZE CHANGE ORDER NO. 1 SUBMITTED BY G. DEVINCENTIS & SON CONSTRUCTION COMPANY, INC. FOR THE TOWN OF CORTLANDVILLE MISCELLANEOUS WATER AND SEWER IMPROVEMENTS PROJECT

Motion by Councilman Guido
Seconded by Councilman Cobb

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Change Order No. 1 from G. DeVincentis & Son Construction Company, Inc. for the Town of Cortlandville Miscellaneous Water and Sewer Improvements Project, decreasing the total cost of the project by \$22,960.00 to account for the re-routing of proposed HDPE water main, as the proposed water main, as designed, is unable to be installed due to an existing house structure.

RESOLUTION #309 AUTHORIZE CHANGE ORDER NO. 2 SUBMITTED BY G. DEVINCENTIS & SON CONSTRUCTION COMPANY, INC. FOR THE TOWN OF CORTLANDVILLE MISCELLANEOUS WATER AND SEWER IMPROVEMENTS PROJECT

Motion by Councilman Guido
Seconded by Councilman Cobb

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Change Order No. 1 from G. DeVincentis & Son Construction Company, Inc. for the Town of Cortlandville Miscellaneous Water and Sewer Improvements Project, for a contract time extension in which “all water and sewer work and winter site stabilization must be completed by Substantial Completion date; only final site restoration (topsoil, seed, final top course paving) shall be extended until Final Completion date in the spring 2021.

RESOLUTION #310 AUTHORIZATION TO RELEVY DELINQUENT WATER AND
SEWER ACCOUNTS TO THE 2021 TAX ROLL OF THE
TOWN OF CORTLANDVILLE

Motion by Councilman Guido

Seconded by Councilman Withey

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

WHEREAS, the list of delinquent water and sewer accounts of the Town Water & Sewer Department was submitted, as required, therefore

BE IT RESOLVED, the Town Board does hereby receive and file and forward the list of delinquent water and sewer accounts of the Town of Cortlandville to the Cortland County Real Property Tax Office, to be relevied onto the 2021 tax roll of the Town of Cortlandville.

No further comments or discussion were heard.

Councilman Cobb made a motion, seconded by Councilman Guido, to recess the Regular Meeting to an Executive Session to discuss a contract. All voting aye, the motion was carried.

The meeting was recessed at 6:34 p.m.

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

The Executive Session was adjourned at 6:50 p.m.

Members of the public were invited to return to the meeting at this time.

RESOLUTION #311 AUTHORIZATION FOR EXPENDITURE FROM WATER
IMPROVEMENT CAPITAL RESERVE FUND

Motion by Councilman Guido

Seconded by Councilman Cobb

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

WHEREAS, this Board established a Water Improvement Capital Reserve Fund by Resolution No. 39 on January 5, 1983, pursuant to General Municipal Law 6-c, for the cost of construction , reconstruction and acquisition for water improvements, and

WHEREAS, it is now beneficial to use a portion of the funds on deposit in said account,

NOW, THEREFORE, BE IT

RESOLVED, that there is authorized the expenditure of \$300,000.00 as an emergency payment to the Town of Cortlandville Fire District contingent on the said Fire District to pay back the Town at a market rate of interest at a term to be later determined. The funds expended to effectuate the payment will be derived from the reserves with the said fund and not from the unreserved fund balance. The legal arrangement regarding the expenditure of funds and the re-payment thereof shall be contingent on the approval of the Town Attorney of the Town of Cortlandville.

RESOLVED, that this resolution is adopted subject to permissive referendum, pursuant to Article 7 of the Town Law.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:53 p.m.

Respectfully submitted,

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 12, 2020.
The final version of this meeting was approved as written at the Town Board meeting of _____.

DRAFT