

PUBLIC HEARING NO. 1

2021 PRELIMINARY BUDGET

A Public Hearing was held by the Town Board of the Town of Cortlandville Municipal Garage, 3587 Terrace Road, Cortland, New York, concerning the 2021 Preliminary Budget.

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; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Budget Consultant, Richard Tupper; Attorney Francis Casullo representing Cortland Travel Holding, Inc.; Rich Cunningham representing Thoma Development Consultants; Cortlandville Fire District Commissioner, Kevin Whitney; Jim Halstrom and Matt Lester representing WellNOW Urgent Care; Town Residents: John Conway; Stephen Flatt; and News Reporter, Colin Spencer from the *Cortland Standard*.

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 5:02 p.m.

PUBLIC HEARING NO. 2

AQUIFER PROTECTION PERMIT  
CORTLAND TRAVEL HOLDING INC., APPLICANT/OWNER  
3742 US ROUTE 11  
TAX MAP #97.02-01-24.000

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 Cortland Travel Holding Inc. to install a 9,400 gallon below ground storage tank for a non-petroleum based material at an existing fuel station, for property located on the east side of US Route 11, immediately south of Interstate 81, exit #10, tax map #97.02-01-24.000.

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; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Budget Consultant, Richard Tupper; Attorney Francis Casullo representing Cortland Travel Holding, Inc.; Rich Cunningham representing Thoma Development Consultants; Cortlandville Fire District Commissioner, Kevin Whitney; Jim Halstrom and Matt Lester representing WellNOW Urgent Care; Town Residents: John Conway; Stephen Flatt; and News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Williams called the Public Hearing to order.

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

Supervisor Williams mentioned that on behalf of the applicant, Attorney Francis Casullo was in attendance to answer any questions the public may have.

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

Councilman Withey asked if he should pose his questions at this time. Attorney DelVecchio instructed the Board to hold off on their comments or questions until the Regular Board Meeting, at which point Attorney Casullo could respond to any questions.

No further comments or discussions were heard.

The Public Hearing was closed at 5:04 p.m.

PUBLIC HEARING NO. 3

AQUIFER PROTECTION PERMIT  
SUIT- KOTE CORPORATION, APPLICANT/OWNER  
3779 US ROUTE 11  
TAX MAP #97.00-01-31.000

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 Suit-Kote Corporation to construct two 200 ton asphalt storage tanks, a new service gas building and a new scale platform to weigh trucks at an existing batch mix blacktop plant, for property located on the south side of US Route 11, approximately 750 ft. east of the NYS Route 41/US Route 11 intersection, tax map #97.00-01-31.000.

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; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Budget Consultant, Richard Tupper; Attorney Francis Casullo representing Cortland Travel Holding, Inc.; Rich Cunningham representing Thoma Development Consultants; Cortlandville Fire District Commissioner, Kevin Whitney; Jim Halstrom and Matt Lester representing WellNOW Urgent Care; Town Residents: John Conway; Stephen Flatt; and News Reporter, Colin Spencer from the *Cortland Standard*.

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 5:05 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; Deputy Town Clerk, Abigail Albro; Reception Clerk, Nick Alteri; Budget Consultant, Richard Tupper; Attorney Francis Casullo representing Cortland Travel Holding, Inc.; Rich Cunningham representing Thoma Development Consultants; Cortlandville Fire District Commissioner, Kevin Whitney; Jim Halstrom and Matt Lester representing WellNOW Urgent Care; Town Residents: John Conway; Stephen Flatt; and News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Williams called the meeting to order.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Zoning Board of Appeals Minutes of September 23, 2020. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Planning Board Minutes of September 29, 2020. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of October 7, 2020. All voting aye, the motion was carried.

RESOLUTION #279

AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER  
#0167 TO THE GLASS SMITH INC. FOR LABOR AND  
MATERIALS FOR THREE GLASS ENCLOSURES AT THE  
RAYMOND G. THORPE MUNICIPAL BUILDING

Motion by Councilman Withey  
Seconded by Councilman Guido  
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 #0167 to be paid to The Glass Smith, Inc. for labor and materials for the installation of two glass enclosures at the Town Clerk’s office and one glass enclosure at the Town Assessor’s office, for the total cost of \$2,595.00.

RESOLUTION #280

AUTHORIZE PAYMENT OF VOUCHERS – NOVEMBER

Motion by Councilman Testa  
Seconded by Councilman Cobb  
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 #1425-1497	
	General Fund A	\$ 45,343.86
	General Fund B	\$ 4,483.63
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 24,723.53
	Gutchess Lumber SC Project HG	\$ 0.00
	C’Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 43,335.06
	Water Fund SW	\$ 4,062.50

Funds CD1, CD3, CD4	Voucher #12-13		
	BMills Rehab CD1	\$	0.00
	Town Wide Rehab CD3	\$	4,700.00
	Business Devl CD4	\$	0.00
Funds TA, TE	Voucher #35-36		
	Trust & Agency TA	\$	6,170.85
	Expendable Trust TE	\$	0.00

Supervisor Williams offered privilege of the floor to John Conway.

Town resident, John Conway asked for permission to speak later in the meeting when the Board took up agenda item H-3 regarding the Bennie Road speed limit and stop signs. Supervisor Williams agreed to Mr. Conway's request.

RESOLUTION #281                      ACCEPT AUDIT REPORT OF THE FISCAL AFFAIRS OF THE  
TOWN OF CORTLANDVILLE FROM INSERTO & CO. CPA'S,  
LLP THE PERIOD ENDING DECEMBER 31, 2019

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Motion by Councilman Cobb

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Audit Report of the fiscal affairs of the Town of Cortlandville from Insero & Co. CPA's, LLP for the period ending December 31, 2019 for the Town of Cortlandville is hereby accepted and shall be received and filed.

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

- 1) Town Supervisor – September 2020;
- 2) Town Clerk – October 2020;
- 3) Code Enforcement Officer, Kevin McMahon – October 2020; and
- 4) Fire & Safety Inspections – CEO Campbell – October.

All voting aye, the motion was carried.

There was a brief discussion regarding the memorandum from CEO Campbell regarding the annual inspection of the three mobile home parks in the Town of Cortlandville. Supervisor Williams explained that CEO Campbell conducted the inspections and notified the property owners of the violations. The mobile home park permit renewal letters were recently mailed to the property owners. No action was needed by the Board at this time.

Councilman Withey made a motion, seconded by Councilman Cobb, to receive and file the Mobile Home Park Inspection Report submitted by CEO Campbell, dated November 2, 2020, regarding the inspection of the CNH Trailer Park, Cortland Mobile Home Park, and Landmark Park. All voting aye, the motion was carried.

Councilman Cobb made a motion, seconded by Councilman Withey, to receive and file correspondence from Robert Martin, received October 30, 2020, regarding the 2021 Preliminary Budget for the Town of Cortlandville. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Cobb, to receive and file Cortland County Planning Board Resolution #20-23 dated October 21, 2020, and the Cortland County Planning Department Review and Recommendations, dated October 7, 2020, regarding the Aquifer Protection Permit application submitted by Cortland Travel Holding Inc. to install a 9,400 gallon below ground storage tank for a non-petroleum based material at an existing fuel station, for property located at 3742 US Route 11, tax map #97.02-01-24.000. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Cobb, to receive and file the Cortland County Planning Department Review and Recommendations, received November 4, 2020, regarding the Aquifer Protection Permit application submitted by Suit-Kote Corporation, to construct two 200 ton asphalt storage tanks, a new service gas building and a new scale platform to weigh trucks at an existing batch mix blacktop plant, for property located at 3779 US Route 11, tax map #97.00-01-31.000. All voting aye, the motion was carried.

There was discussion regarding the Aquifer Protection Permit application submitted by Cortland Travel Holding Inc. for the installation of a 9,400 gallon below ground storage tank for a non-petroleum based material at an existing fuel station, for property located at 3742 US Route 11, tax map #97.02-01-24.000. Attorney DelVecchio explained that on behalf of the applicant, Attorney Francis Casullo was in attendance to answer any questions the Board may have. The Town Planning Board and County Planning Board reviewed the application and recommended the Town Board approve the Aquifer Protection Permit.

Attorney Casullo addressed the Board on behalf of the applicant who was seeking an Aquifer Protection Permit to install a 9,400 underground storage tank for a non-petroleum based product. The product, diesel exhaust fluid (DEF) was essentially water; it is biodegradable, non-toxic, non-combustible, and never mixed with fuel. The product is used for diesel vehicles to make emissions cleaner. Attorney Casullo explained that in 2010 the Environmental Protection Agency (EPA) made regulations that most of the newer trucks must have DEF fluid or their engines won't start. Attorney Casullo's client wanted to make the product available to consumers.

Attorney Casullo explained that he was working with Forrest Earl from Geologic on the project. He provided the Board with email correspondence from the NYS Department of Environmental Conservation explaining that there are "no CBS or PBS regs for DEF". Attorney Casullo stated that there are no regulations for the storage tanks; no chemical bulk storage regulations. He also explained that if approved by the Board, the facility would be the first in the County to provide the product.

Councilman Withey asked what happens to the product over time. Attorney Casullo explained that the product is essentially water; it is not fuel. He added that the storage tank is double walled. The tank will empty and will be filled; the tank is a supply tank for consumption. Councilman Withey thanked Attorney Casullo for the information and explained he thought the tank was a receptacle for waste from trucks rather than a supply for trucks.

Councilman Cobb commented on the product which he was familiar with. He explained the purpose of the product was to reduce emissions and stated that even diesel tractors were running on the product.

With no further comments or questions, 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 #282      DECLARE      NEGATIVE      IMPACT      FOR      AQUIFER  
PROTECTION PERMIT #7 OF 2020 SUBMITTED BY  
CORTLAND TRAVEL HOLDING INC. FOR PROPERTY  
LOCATED AT 3742 ROUTE 11 AND AUTHORIZE  
SUPERVISOR TO SIGN THE SEQRA APPLICATION

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Motion by Councilman Testa

Seconded by Councilman Cobb

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

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Cortland Travel Holding Inc. to permit the installation of a 9,400 gallon below ground storage tank for a non-petroleum based material at an existing fuel station, for property located on the east side of US Route 11, immediately south of Interstate Route 81, exit #10, tax map #97.02-01-24.000, 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 Cortland Travel Holding Inc., Aquifer Protection Permit #7 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 #7 of 2020.

RESOLUTION #283      APPROVE AQUIFER PROTECTION PERMIT #7 OF 2020  
SUBMITTED BY CORTLAND TRAVEL HOLDING INC.  
SUBJECT TO CONDITIONS

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Motion by Councilman Withey

Seconded by Councilman Testa

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 #7 of 2020, submitted by, Cortland Travel Holding Inc., permitting the installation of a 9,400 gallon below ground storage tank for a non-petroleum based material at an existing fuel station, for property located on the east side of US Route 11, immediately south of Interstate Route 81, exit #10, tax map #97.02-01-24.000, subject to the following conditions from the Town and County Planning Boards:

1. That the applicant contact the NYS Department of Environmental Conservation (DEC) and obtain approval of any DEC requirements for the underground storage tank.
2. Compliance with SEQR regulations.

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

Under old business there was discussion regarding the Aquifer Protection Permit application submitted by Suit-Kote Corporation to permit the construction of two 200 ton asphalt storage tanks, a new service gas building and a new scale platform to weigh trucks at an existing batch mix blacktop plant, for property located on the south side of US Route 11 approximately 750 ft. east of the NYS Route 41/US Route 11 intersection, tax map #97.00-01-31.000. The Board had no questions at this time and 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 #284      DECLARE NEGATIVE IMPACT FOR AQUIFER  
PROTECTION PERMIT #8 OF 2020 SUBMITTED BY SUIT-  
KOTE CORPORATION FOR PROPERTY LOCATED AT 3779  
US ROUTE 11 AND AUTHORIZE SUPERVISOR TO SIGN  
THE SEQRA APPLICATION

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Motion by Councilman Cobb

Seconded by Councilman Withey

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

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Suit-Kote Corporation to permit the construction of two 200 ton asphalt storage tanks, a new service gas building and a new scale platform to weigh trucks at an existing batch mix blacktop plant, for property located on the south side of US Route 11 approximately 750 ft. east of the NYS Route 41/US Route 11 intersection, tax map #97.00-01-31.000, 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 Suit-Kote Corporation, Aquifer Protection Permit #8 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 #8 of 2020.

RESOLUTION #285      APPROVE AQUIFER PROTECTION PERMIT #8 OF 2020  
SUBMITTED BY SUIT-KOTE CORPORATION SUBJECT TO  
CONDITIONS

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Motion by Councilman Withey

Seconded by Councilman Testa

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 #8 of 2020, submitted by, Suit-Kote Corporation, permitting the construction of two 200 ton asphalt storage tanks, a new service gas building and a new scale platform to weigh trucks at an existing batch mix blacktop plant for property located on the on the south side of US Route 11 approximately 750 ft. east of the NYS Route 41/US Route 11 intersection, tax map #97.00-01-31.000, subject to the following conditions from the Town and County Planning Boards:

1. Compliance with SEQR regulations.

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

Under “Old Business” there was discussion regarding the speed limit and stops signs previously approved for Bennie Road, at its intersection with Walden Oaks Blvd. Supervisor Williams explained that Town resident, John Conway installed his own radar device to document the speed that vehicles travel on Bennie Road. Supervisor Williams recalled the discussion that occurred at the October 21, 2020 Town Board Meeting, and that the Town Board instructed Highway Sup’t. Drach to pursue the installation of stop signs. Since the last meeting, Highway Sup’t. Drach discussed the matter with both Mr. Conway and Supervisor Williams and asked the Board to revisit the issue.

Attorney DelVecchio stated that he spoke with Highway Sup’t. Drach at length, who spoke with the NYS Department of Transportation (NYS DOT) and secondary sources who gave him advice on the matter. Highway Sup’t. Drach had two concerns: 1) setting precedent, in which other residents could approach the Board in the future saying “you did it in one area and not in the next”; 2) a counterintuitive effect, in that if the Town installs the stop signs that the opposite occurs – that the stop signs cause accidents. According to Highway Sup’t. Drach, a three-way stop is supposed to address traffic patterns that are similar on all three sides. Attorney DelVecchio stated that there is a legitimate concern. He mentioned that he drove the road himself and was aware that Highway Sup’t. Drach spent a considerable amount of time on Bennie Road as well.

Highway Sup’t. Drach addressed the Board. He informed the Board that he has plowed Bennie Road for 15 years and has never seen an accident at the location being discussed. He recalled that the speed limit used to be 45 MPH on Bennie Road and was reduced to 30 MPH (just prior to Walden Oaks Blvd travelling from Route 13). He indicated that he spoke with the same representative from the NYS DOT that Mr. Conway was in communication with. She indicated that sometimes, when radar signs are installed it causes the opposite effect; motorists try to see how fast they can go. Highway Sup’t. Drach reported that he located the Town’s radar signs on Bennie Road and the average speed recorded in the location of concern was 37 MPH. Overall, he was of the opinion that if the Town installs the stop signs at the intersection of Bennie Road and Walden Oaks Blvd. there will be issues. He suggested that the Town have an engineer look into the matter; the NYS DOT could conduct the study.

Attorney DelVecchio stated that if a field study could be conducted it would be helpful.

Councilman Withey asked for clarification regarding the speed limit. He voiced his concern that if the Town does nothing the same dilemma exists. He stated that a citizen spent his own money to document his concern.

Highway Sup’t. Drach explained that the speed limit on Bennie Road (from Route 13) is 30 MPH. After Walden Oaks Blvd. the speed limit is 45 MPH.

Supervisor Williams offered privilege of the floor to John Conway.

Mr. Conway stated that for the past 10 months he has been documenting the speed on Bennie Road. He voiced concerns for the danger and the potential for accident, explaining the

high speeds that vehicles travel on Bennie Road, from Route 215 towards Walden Oaks and Route 13 and the danger that exists when driving out of Walden Oaks Blvd. onto Bennie Road. Mr. Conway stated that he has more than enough data and evidence from his radar device to support his concern.

Mr. Conway compared his concerns on Bennie Road to the traffic on Luker Road, Gracie Road and Starr Road. He mentioned the traffic that comes from Starr Road to Route 215 to Bennie Road to get to Wal-Mart. He commented that he also spoke with the same NYS DOT representative that Highway Sup't. Drach spoke with. According to Mr. Conway and his conversation with the NYS DOT representative, it was best to have a stop sign. Mr. Conway offered to pay for the stop signs.

Attorney DelVecchio suggested a third party conduct a professional traffic study. He asked Mr. Conway if he would pay for such a study, which Mr. Conway answered that he would.

Councilman Testa suggested the Town install the stop signs and ask the County Sheriff to patrol the road. Mr. Conway stated that the Sheriff's Department has patrolled the area but has been busy. Supervisor Williams interjected and stated that another factor was involved in that it wasn't just local traffic travelling Bennie Road. He asked whether it would be prudent to hire a Sheriff Deputy to do nothing but traffic control in the Town and for the Town to pay the salary for the Sheriff. Supervisor Williams would look into the cost for such.

Councilman Testa again suggested Highway Sup't. Drach install the stop signs to slow motorists down; the stop signs would not cost a lot of money. Supervisor Williams asked Highway Sup't. Drach if he needed permission to install the stop signs. Highway Sup't. Drach reported that he already spoke with the County and would coordinate with the County.

Discussion continued regarding the installation of stop signs and whether they would be solar or standard stop signs. Highway Sup't. Drach informed the Board the cost of solar stop signs (which are not NYS DOT approved) was approximately \$2,000 per sign. The Board consensus was to install standard stop signs at this time.

Town Clerk Rocco-Petrella reminded the Board they previously authorized the installation of solar stop signs at the intersection of Bennie Road and Walden Oaks Blvd. She suggested the Board amend the original resolution to reflect the installation of standard stop signs.

RESOLUTION #286      AMEND TOWN BOARD RESOLUTION #264 OF 2020,  
"AUTHORIZE HIGHWAY SUPERINTENDENT TO PROCEED  
WITH THE INSTALLATION OF TWO STOP SIGNS TO BE  
LOCATED ON BENNIE ROAD AT THE INTERSECTION OF  
BENNIE ROAD AND WALDEN OAKS BLVD. SUBJECT TO  
CORTLAND COUNTY HIGHWAY DEPARTMENT  
APPROVAL" TO

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Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

WHEREAS, per Resolution #264 of 2020 adopted on October 21, 2020, the Town Board authorized and directed the Highway Superintendent to proceed with the installation of two stop signs (solar) to be located on Bennie Road, at the intersection of Bennie Road and Walden Oaks Blvd., subject to Cortland County Highway Department approval, and

WHEREAS, after further discussion the Town Board finds it in the best interest of the Town to install standard stop signs at said location, therefore

BE IT RESOLVED, the Town Board does hereby amend Resolution #264 of 2020, "Authorize Highway Superintendent to Proceed with the Installation of Two Stop Signs to be Located on Bennie Road at the Intersection of Bennie Road and Walden Oaks Blvd. Subject to Cortland County Highway Department Approval", to provide for the installation of standard stop signs rather than solar stop signs.

Attorney DelVecchio reported:

Expenditure of Funds from Water Reserve Fund for Cortlandville Fire District:

Attorney DelVecchio informed the Board researched the request made by the Cortlandville Fire District for a “loan” from the Town in the amount of \$300,000. Attorney DelVecchio asked the Town’s auditors about the matter. Their opinion, which he had in writing, was to use the water reserve fund that had a balance of over \$400,000.

Attorney DelVecchio explained that the applicable law was the State Constitution. There is a gift or loan clause in which a municipality cannot gift or loan money to a private individual or private entity. The Fire District is not a private individual or private entity but rather is a municipality itself. Therefore, that part of the constitution does not apply. Looking at case law, when a municipality gives a loan or public gift there still has to be a public purpose. The Fire District’s need served a public purpose. He explained that the Fire District was waiting for grant funds to be received from the State (for the already constructed live fire training building).

Attorney DelVecchio stated that Fire Commissioner Kevin Whitney was in attendance at the meeting. Mr. Whitney provided documentation showing that the grant money would be received in the near future by the Fire District, which Attorney DelVecchio was comfortable with. The question that still remained was whether or not the water reserve funds were a “specific or type” reserve and if the funds could be used.

If the Board was interested in pursuing the request the payment terms, interest rates and the duration of the loan would have to be discussed further. Attorney DelVecchio suggested the Board continue the discussion with Mr. Whitney.

Councilman Withey asked when the grant funds were anticipated to be received.

Mr. Whitney explained that the Fire District was awarded two grants (for the live fire training building). The funds for one of the grants supported by Assemblywoman Lifton was released and received by the District in 2020. The second grant from Senator Seward was not released. In order to receive grant money the project must commence. In anticipation of the grant money, the Fire District took a 2-year Revenue Anticipation Note that is due December 31, 2020 and constructed the building. The Fire District is not able to bond for the money or it will jeopardize receiving the grant money.

Mr. Whitney commented that the Fire District is in a situation they did not think they would be in; he was not sure why the Assemblywoman’s money was released while the Senator’s money was not released. It was not known whether or not the COVID-19 pandemic played a role or not. At this time, Mr. Whitney was not sure if the grant money would be released in 2021 either. Councilman Withey interjected and stated it would be 2022 before the money is released.

Supervisor Williams stated it was a possibility that the money is never released. He suggested that if the Board moves forward with the loan that it be structured so that the payment could be budgeted and paid for by the Fire District. He suggested the Board informally give Attorney DelVecchio direction to proceed with his research and necessary documents to accomplish the loan. The Board agreed and would take formal action at a later date.

Mr. Whitney thanked the Board and the Town of Cortlandville as a whole. He stated that the Fire District was embarrassed to be in this position and appreciates the partnership and support they have always had with the Town.

Purchase Agreement with Lime Hollow Nature Center:

Attorney DelVecchio apprised the Board he negotiated further with the attorneys for the Lime Hollow Nature Center (LHNC) for the purchase of property from LHNC for the purpose of constructing a storage building for the Highway Department. He explained the main reason for the purchase of property from LHNC was to avoid any potential alienation issues involved with constructing such a building on the site of the Gutches Lumber Sports Complex (GLSC). If the highway building itself is not on the park land, there is no need for legislative approval. If the highway building is constructed on the park and used for other reasons than just the park it would require legislative approval and could be a lengthy process.

Along with the purchase of the property by the Town, LHNC was interested in a 25-year lease from the Town for use of a portion of the future building/outdoor area. The term of the lease was approved by the LHNC Board of Directors.

Attorney DelVecchio provided a purchase agreement that laid out the purchase of the property (for \$1.00), contingent upon the subdivision approval and the own paying all attorney fees and closing costs. Councilman Guido made a motion, seconded by Councilman Testa, to approve the purchase of the property and to approve the lease to LHNC.

Discussion occurred on the proposal. Councilman Withey voiced his opposition to the proposal to construct a \$400,000 building to store park equipment/highway equipment. He was concerned that a cost-benefit analysis was not done. Councilman Withey stated that the proposed property was a poor location as most people in the community won't see the building (off of Gracie Road). He suggested that a smaller less expensive building would be adequate to store equipment for the GLSC and that the building should be constructed on the GLSC. Councilman Withey stated that the new Highway Garage located in Polkville was more than adequate to store highway equipment. He also voiced concern for not knowing what the loss of revenue (due to COVID-19) would be and the impact it would have on the Town. He reiterated that he was opposed to the proposed location of the building which he said would not be visible to the taxpayers. Councilman Withey also stated it was not smart to spend tax dollars on Lime Hollow's initiative.

Supervisor Williams stated that Councilman Withey had two issues that should not be comingled: 1) location of the building; 2) the size of the building. Supervisor Williams stated that for years the Highway Department has expressed that they "need a presence on this side of town". He explained that the proposed new building would have four features: 1) store park equipment; 2) modest office for park personnel; 3) modest storage for highway equipment; and 4) Lime Hollow Nature Center could use the building. He explained that Glenn Reisweber from LHNC was adamant that they would not need anything inside the building other than bathrooms which could be accessible from the outside. The "rough design" of the building included an extended roof line or overhang to provide a location for picnic tables to be used by LHNC.

Councilman Guido stated that the location of the proposed building would give the Town more flexibility with GLSC in the long run. If the Board moves forward with the purchase of the property they could then discuss the size of the building, the cost and the needs. He agreed that the cost of the proposed building was high, but suggested that could be discussed later. He suggested the Board move forward with the purchase agreement to start the process.

Attorney DelVecchio reiterated concern for parkland alienation and interference with future grants. Supervisor Williams recalled that when the Town made its initial request to swap land with Gutches Lumber for the park it took many months. At that time, there was no COVID-19 pandemic and there were two friendly high ranking entities in the State Assembly and Senate. However now, there are two new bodies that Supervisor Williams stated could add to the length of time for the alienation process.

Councilman Withey stated that the original GLSC proposal included storage for equipment. He reiterated his opposition to the proposed location of the building off of Gracie Road and concerns for spending \$400,000 to house equipment.

Supervisor Williams asked members of the Board to recognize Councilman Withey's position, which all members did. He asked for a vote on the motion that was on the table.

In regard to the proposed purchase agreement with LHNC, Councilman Cobb asked if the Town was expected to construct a building on the property right away. Attorney DelVecchio explained that the purchase agreement could be written so that it was contingent upon the Town deciding what the building will look like in the future. Supervisor Williams added that the purchase agreement would lock LHNC into the purchase of the property by the Town. The Board could decide later, after the agreement is signed, about a building.

Councilman Guido stated he did not disagree with Councilman Withey's concern regarding the cost of the building but was interested in moving the purchase agreement forward. Councilman Testa voiced the need for a building to store equipment and stated he was concerned about the cost of the building as well. He added that "we don't realize the potential of the park".

Attorney DelVecchio asked for the original motion to be withdrawn to provide for more specific language to authorize the Supervisor to sign the purchase agreement for the property owned by Lime Hollow Nature center with the contingency that there be a 25-year lease agreement with Lime Hollow and a further contingency that the Town formally decides to construct a building on that property. If the Town decides not to construct a building the purchase is null.

Councilman Testa withdrew his second and Councilman Guido withdrew his original motion.

Councilman Cobb made a motion, seconded by Councilman Guido, to authorize the Supervisor to sign the purchase agreement for the property owned by Lime Hollow Nature center with the contingency that there be a 25-year lease agreement with Lime Hollow and a further contingency that the Town formally decides to construct a building on that property.

RESOLUTION #287      AUTHORIZE SUPERVISOR TO EXECUTE THE PURCHASE AGREEMENT BETWEEN THE LIME HOLLOW NATURE CENTER INC. AND THE TOWN OF CORTLANDVILLE FOR 2.5+/- ACRES OF LAND LOCATED AT 3118 GRACIE ROAD (PORTION OF TAX MAP #105.00-01-37.000) SUBJECT TO CONTINGENCIES

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Motion by Councilman Cobb

Seconded by Councilman Guido

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Purchase Agreement between the Lime Hollow Nature Center Inc. (the “Seller”), and the Town of Cortlandville (the “Buyer”) to purchase a parcel of unimproved property consisting of 2.5+/- acres of land located at 3118 Gracie Road in the Town of Cortlandville, a portion of tax map #105.00-01-37.000, for the purchase price of \$1.00 plus any and all closing costs and fees, subject to the following contingencies:

- 1) That there be a 25-year lease agreement between the Town of Cortlandville and the Lime Hollow Nature Center for the use of the property, which shall be subject to permissive referendum; and
- 2) That the Town Board formally decides to construct a building on said property.

Supervisor Williams reported:

PILOT Agreements for Solar Projects:

Supervisor Williams apprised the Board that it was suggested by both the Town of Homer and County of Cortland to slightly modify the resolution that was adopted in August 2020 regarding payment in lieu of tax agreements (PILOT) for solar projects. The resolution previously adopted established a minimum PILOT agreement in the amount of \$7,000.00 per megawatt (MWac) with an annual 2% increase in the amount for the term of the agreement. A change was suggested to reflect a COLA adjustment annually instead so if there is a large spike in inflation the municipalities would not receive less than they should. Supervisor Williams asked the Board to amend the resolution they previously adopted to reflect the change.

RESOLUTION #288      AMEND TOWN BOARD RESOLUTION #218 OF 2018, “ESTABLISH A MINIMUM ACCEPTABLE PAYMENT IN LIEU OF TAX (PILOT) PER MEGAWATT FOR SOLAR PHOTOVOLTAIC PROJECTS UNDER CONSIDERATION BY THE COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN THE TOWN OF CORTLANDVILLE” TO PROVIDE FOR AN ANNUAL COLA ADJUSTMENT RATHER THAN AN ANNUAL 2% ADJUSTMENT

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Motion by Councilman Cobb

Seconded by Councilman Guido

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby amend Resolution #218 of 2020, adopted August 19, 2020 as follows to provide for an “annual Cost of Living Adjustment (COLA)” rather than an “annual 2% adjustment”:

ESTABLISH A MINIMUM ACCEPTABLE PAYMENT IN LIEU OF TAX (PILOT) PER MEGAWATT FOR SOLAR PHOTOVOLTAIC PROJECTS UNDER CONSIDERATION BY THE COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN THE TOWN OF CORTLANDVILLE

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Motion by Councilman Cobb

Seconded by Councilman Guido

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

ADOPTED

WHEREAS, developers of solar photovoltaic facilities (“Solar Energy Systems”) have expressed interest in constructing and operating such systems within the Town of Cortlandville, Cortland County (“Town”); and

WHEREAS, developers of Solar Energy Systems often seek Financial Assistance (as defined in New York General Municipal Law §854 (14) from Industrial Development Agencies; and

WHEREAS, Industrial Development Agencies generally require developers of Solar Energy Systems to enter agreements for payment in lieu of real property taxes (“PILOT Agreements”); and

WHEREAS, the Town wishes to establish a minimum payment in lieu of real property tax to include in any PILOT Agreements entered into by the IDA for Solar Energy Systems constructed in the Town; and

WHEREAS, the Town would like to further require developers of Solar Energy Systems seeking Financial Assistance from the Cortland County Industrial Development Agency (IDA) to enter a Community Host Agreement (“CHA”) with the Town and that any amounts paid to the Town under such a CHA be deducted from the minimum payment in lieu of tax recommended herein;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CORTLANDVILLE, AS FOLLOWS:

RESOLVED, that the Town hereby establishes a minimum annual payment in lieu of real property tax to include in any PILOT Agreements entered into by the IDA for Solar Energy Systems constructed in the Town in the amount of \$7,000.00 per megawatt (MWac), together with an annual cost of living adjustment (COLA) in said amount for the term of the PILOT Agreement, to be distributed among all of the taxing jurisdictions in accordance with law; and, be it further

RESOLVED, that the Town hereby requires developers of Solar Energy Systems seeking Financial Assistance from the IDA to enter a Community Host Agreement (“CHA”) with the Town (or Towns) and that any amounts paid to the Town (Towns) under such a CHA be deducted from the minimum payment in lieu of tax recommended herein; and be it further

RESOLVED, that the CHA payment amount to the host community or communities be no less than a total of \$1,500.00 per megawatt, and that it be split between the host communities on the basis of the percentage of the project in each community where there is more than one such community.

Safety Protocol - Raymond G. Thorpe Municipal Building (Town Hall):

Supervisor Williams informed the Board he was making some slight changes to the Town Hall to allow for more people to be inside the building during the winter months while still maintaining appropriate social distancing due to COVID-19. He worked with the Safety Committee and the Town Court. He suspected the new protocol would be a positive change.

With nothing further to discuss, the Board moved forward in the agenda.

RESOLUTION #289      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
DAVID BRAGG FOR THE TOWN-WIDE HOUSING  
REHABILITATION GRANT PROGRAM CDBG #287HR323-19

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Motion by Councilman Withey

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 the Owner-Occupied Loan Agreement between the Town of Cortlandville and David Bragg, 3483 US Route 11, McGraw, New York, regarding the extension of loan funds by the Town's CDBG Program (#287HR323-19) for the total amount of \$32,664.90.

Councilman Guido made a motion, seconded by Councilman Testa, to receive and file the MWBE Report for the Town of Cortlandville for the period of October 1, 2019 through September 30, 2020 regarding the 2019 Town-wide Housing Rehabilitation Project, CDBG #287HR323-19. All voting aye, the motion was carried.

RESOLUTION #290      AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE  
TOWN-WIDE HOUSING REHABILITATION GRANT  
PROGRAM CDBG #287HR323-19

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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 authorize approval of payment for the following regarding the Town-Wide Housing Rehabilitation Grant Program-CDBG #287HR323-19:

GT Contracting – \$15,088.00 (Partial Payment - Henriques)

Town of Cortlandville - \$50.00 (Building Permit Fee – Bragg)

Councilman Guido made a motion, seconded by Councilman Testa, to receive and file correspondence from Cortlandville Town Clerk, Kristin Rocco-Petrella, dated November 1, 2020, regarding the 2021 Benefit Tax calculations. All voting aye, the motion was carried.

Councilman Cobb made a motion, seconded by Councilman Testa, to receive and file Cortland County Planning Board Resolution #20-25 dated October 21, 2020, and the Cortland County Planning Department Review and Recommendations, dated October 16, 2020, 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, for property located off of Route 222, tax map #86.13-01-58.100. All voting aye, the motion was carried.

Councilman Guido made a motion, seconded by Councilman Testa, to receive and file correspondence from Cortland County Soil & Water Conservation District, dated September 22, 2020, regarding the WellNOW Urgent Care proposed project to be located off of Route 222, tax map #86.13-01-58.100, and the need for all “standard Erosion and Sediment Control (ESC) practices” to be employed during construction. All voting aye, the motion was carried.

RESOLUTION #291      SCHEDULE PUBLIC HEARING FOR AQUIFER  
PROTECTION PERMIT APPLICATION SUBMITTED BY  
ROUTE 222 CORTLANDVILLE, LLC (WELLNOW URGENT  
CARE) FOR PROPERTY LOCATED OFF ROUTE 222

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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, a Public Hearing shall be scheduled for November 18, 2020 at 5:00 p.m. for an 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, for property located off of Route 222, tax map #86.13-01-58.100

Supervisor Williams introduced Rich Cunningham from Thoma Development Consultants and offered him privilege of the floor to discuss agenda item I-8.

Rich Cunningham addressed the Board with regard to the Tioughnioga River Local Waterfront Revitalization Program LWRP). He explained that the program was originally prepared in 2010 for the New York State Department of State (NYS DOS) with funding from the Environmental Protection Fund Act. The plan included 11 participating municipalities within Cortland County along the Tioughnioga River waterfront. Mr. Cunningham explained that the Tioughnioga River LWRP includes land and water use plans as well as proposed projects that will guide development along the River. While the plan was completed in 2010 it was not officially adopted by the participating municipalities or certified by the NYS DOS.

Mr. Cunningham explained that the state now requires an adopted LWRP for communities to be eligible for future LWRP funds. The City of Cortland applied for and received a Local Waterfront Revitalization Program grant with the goal of updating and adopting the Tioughnioga River LWRP plan document. Thoma Development Consultants was hired to develop the plan, which can include any municipalities with river waterfrontage including the Town of Cortlandville.

Mr. Cunningham apprised the Board that the completion and adoption of the LWRP by participating municipalities will allow those municipalities to apply for LWRP project funding in the future. The Town may be asked to appoint someone to an LWRP steering committee in the future, and the Town would have to adopt a "local consistency law" at the conclusion of the planning process that will require certain actions be reviewed regarding their consistency with the adopted LWRP.

The LWRP grant covered 75% of the cost for the plan, with the remaining 25% (\$16,250) provided by participating municipalities. Mr. Cunningham recalled that the Town Board committed \$2,500 toward the required 25% match of the project (Town Board Resolution #187 of 2018). He was meeting with other municipalities (Town of Homer, Village of Homer, Town of Marathon, Town of Preble, and City of Cortland) to determine the municipalities that would be involved. At this time, no action was necessary by the Board.

Councilman Cobb made a motion, seconded by Councilman Guido, to receive and file correspondence from Thoma Development Consultants, dated October 8, 2020 (received October 29, 2020), regarding participation in the Tioughnioga River Waterfront Revitalization Program (LWRP) along with other municipalities. All voting aye, the motion was carried.

Mr. Cunningham asked the Board to schedule a public hearing regarding the Town's application for a 2020 NYS Community Development Block Grant Economic Development Grant.

RESOLUTION #292      SCHEDULE PUBLIC HEARING FOR NOVEMBER 18, 2020  
REGARDING THE TOWN'S APPLICATION FOR A 2020 NYS  
CDBG ECONOMIC DEVELOPMENT GRANT

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Motion by Councilman Cobb

Seconded by Councilman Guido

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

ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for November 18, 2020 at 5:00 p.m. or as soon thereafter as the parties may be heard regarding the Town of Cortlandville's application for a 2020 NYS Community Development Block Grant (CDBG) Economic Development Grant.

Councilman Withey made a motion, seconded by Councilman Cobb, to receive and file correspondence from Samantha Clark, dated October 30, 2020, requesting relief from sewer fees for property located at 3289 Coventry Lane. All voting aye, the motion was carried.

There was discussion regarding the request made by Ms. Clark. Supervisor Williams explained that she was requesting relief from the sewer fees for the July and October water/sewer billing. He spoke at length with Water & Sewer Sup't. Alteri regarding the matter and reviewed the account information and usage graphs.

Councilman Withey stated it was an unfortunate situation for Ms. Clark, but ultimately if the water went through the meter she should pay for it. There were two leaky spigots outside in which the water did not go down the sewer, however there was a question of how do you determine how much water leaked. With regard to the dripping faucets and running toilets, Councilman Withey explained that water went down the sewer.

Supervisor Williams asked what action the Board wanted to take. Councilman Withey recalled the Town Board adopted a resolution establishing a policy that the Town Board would not waive sewer fees for pool fills. He made a motion to deny Ms. Clark's request with that policy in mind.

RESOLUTION #293                      DENY REQUEST MADE BY SAMANTHA CLARK FOR  
RELIEF FROM THE SEWER FEES FOR PROPERTY  
LOCATED AT 3289 COVENTRY LANE

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Motion by Councilman Withey

Seconded by Councilman Cobb

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby deny the request made by Samantha Clark for relief from sewer fees for the 2<sup>nd</sup> Quarter 2020 (July) and 3<sup>rd</sup> Quarter 2020 (October) billing for property located at 3289 Coventry Lane in the Town of Cortlandville.

RESOLUTION #294                      AUTHORIZATION TO RELEVY OUTSTANDING GRASS AND  
WEED CONTROL CHARGES ONTO THE 2021 TAX ROLL OF  
THE TOWN OF CORTLANDVILLE

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Motion by Councilman Withey

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, 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 2020, as submitted by the Town Highway Superintendent and Code Enforcement Office, be relevied onto the 2021 tax roll of the Town of Cortlandville:

ARCTDNY001, LLC	95.16-01-18.000	3548 Route 281	\$258.17
Beattie, James	95.16-02-31.000	816 S. Lamont	\$229.17
Barbarito, Nicholas	97.04-01-09.000	3541-3567 Kellogg Road	<u>\$258.17</u>
			Total: \$745.51

With nothing further to come before the Board, Supervisor Williams asked Budget Consultant Richard Tupper to respond to the communication received from resident Bob Martin regarding the 2021 Preliminary Budget.

Mr. Tupper responded to Mr. Martin's comments/questions as follows:

Mr. Martin's correspondence: "Overall budget of \$10,134,974 is less than last year's budget of \$10,883,674. However there is a projected tax rate increase of 1.9%. I feel that the town should do everything possible not to increase taxes in the Covid Pandemic era. Sale tax revenue is questionable as the pandemic continues and businesses may have to shut down again. Many people have reduced income or no income other than unemployment insurance at this time. Salary increases may not exist for many and an additional 1.9% in taxes will be a burden."

Response: The total budget includes the Town Water/Sewer which pays for itself and the Cortlandville Fire District has its own tax that the Town collects on their behalf. The Town's budget was \$7.9 million. The projected tax increase was less than 1.9%. The Town tax rate would increase \$0.06 per thousand of assessed value (\$3.47 projected 2021 Town tax rate). The Town would be under the 2% tax cap, which was actually only 1.5%.

**Mr. Martin's correspondence:** "What effect do the two capital projects have on the overall budget and this increased tax rate? The \$500,000 being allocated for security improvements at the town hall and \$400,000 for an additional highway garage add up to nearly \$1,000,000. Can these costs be avoided this year for at least reduced?"

Security upgrades are needed. Can they be phased in? Is a building addition required right now?

A maintenance storage building is needed at Gutchess Sports Complex and in fact was included in the master plan. It should be sited on the 104 acres and not on adjacent purchased property. As I have expressed previously a cost benefit analysis should be performed on this facility looking at alternate sites including an existing site at GLSC where utilities exist. This building can be put on hold for another year as the town has functioned operating GLSC without this facility and has successfully plowed roads etc., in this section of Cortlandville from its existing facility in Polkville."

**Response:** The 2021 Preliminary Budget includes two bond anticipation notes (BAN) for a total of \$900,000. The proposed new construction has no effect on the 2021 Budget. The size of the maintenance building and the costs are up to the Town. Mr. Tupper explained that for years it had been discussed to locate a highway building on the south side of the Town. Other than the expense for preparing the BAN the Town would not have expenses until 2022.

**Mr. Martin's correspondence:** "General fund contractual expenses A1620.4 2020 \$100,000. 2021 \$600,000. +\$500,000 for security project."

**Response:** The \$500,000 increase was for the proposed Town Hall building renovation.

**Mr. Martin's correspondence:** "Special items A1990.4 contingent account \$0 2019. \$25,000 in 2021. What is this expense?"

**Response:** The Town budget always includes contingency money. No money was spent from the budget line in 2019 but was budgeted again in 2020 and in 2021.

**Mr. Martin's correspondence:** "Total general government spending 2020 \$1,343,301 Vs \$1,881,987 in 2021."

**Response:** The increase is largely the \$500,000 BAN for the proposed Town Hall building renovation.

**Mr. Martin's correspondence:** "Garage equipment capital outlay A5132.2 \$18,600 in 2021. Seems low?"

**Response:** The budget line is for garage small equipment and tools.

**Mr. Martin's correspondence:** "Culture & recreation personal services 2020 \$24,000. 2021 \$50,000. What is causing increase?"

**Response:** The increase is for an employee who spends half time at the park and half time at the highway. The expense is being split between the two budget lines rather than solely highway.

**Mr. Martin's correspondence:** "Equipment capital outlay all parks \$45,000 for 2021. Last year \$363,000 for Gutchess only. A big change! At least money is being allocated to other parks. A7110"

**Response:** The 2020 Budget included the cost for a storage building in the amount of \$350,000 (to be paid for by a BAN). The storage building was not built in 2020. The expense has been moved to a different budget line.

**Mr. Martin's correspondence:** "Contractual expenses A7110 \$20,000 in 2020 for Gutchess. This year 2021 \$67,000 for all parks."

**Response:** The Bookkeeper and Town independent auditors suggested the Town move all park expenses from General Fund B to General Fund A. The thought is that all Town parks benefit all people of the Town.

**Mr. Martin's correspondence:** "Employee benefits A9050.8 Unemployment claims fund \$0. Will Covid 19 require furloughs or layoffs?"

**Response:** The Town has survived the worst of the pandemic. At this time no furloughs or layoffs would be made. The Town has not put money into unemployment claims because a personnel specialist who the hired years ago indicated that the Town had more than enough money in it.

**Mr. Martin's correspondence:** "Culture & recreation outside villages – parks B7110 had \$30,000 in 2020 for Lamont, Blodgett Mills, and Testa. 2021 \$0. Same for contractual expense B7110."

**Response:** The funds were moved to General Fund A.

**Mr. Martin's correspondence:** "Outside village B8020.44 contractual expense for SEQRA \$20,000 in 2021. What is this for?"

**Response:** The expense is for the South Hill Dump – a NYS DEC superfund dump that the State spent millions cleaning up. A few years ago, former Town Attorney John Folmer and former Supervisor Tupper negotiated with the State that the Town would not spend any money paying the cost back, but will pay for an engineering report and maintenance. The money to cover such costs has been included in the budget each year.

**Mr. Martin's correspondence:** "Total appropriations outside villages down. 2020 \$620,844. 2021 \$494,602" and "Revenue outside villages departmental income B2001 park and recreation changes 2019 \$40,285. 2020 \$0?"

**Response:** \$107,000 was moved from General Fund B to General Fund A; \$50,000 was also moved in recreation contracts. Supervisor Williams negotiated new contracts with the Village of Homer, Village of McGraw and City of Cortland.

**Mr. Martin's correspondence:** "Highway fund town wide transportation bridges contractual expense DA5120.4 2021 \$275,062. Revenue appropriated fund balance same amount \$275,062. Any state funding available?"

**Response:** The fund can only be used to build a bridge. The Town stopped adding money to the fund 15 years ago. Former Highway Sup't. Buh explained at that time that building a bridge would cost more than is worth budgeting for. The Town has five bridges and would likely have to go to bond to pay for the cost.

**Mr. Martin's correspondence:** "Highway fund outside village – highway garage (Storage – Lime Hollow) DB5132.4 \$400,000."

**Response:** The cost is for the proposed highway storage building near the Gutches Lumber Sports Complex. Mr. Tupper added that the Town has been trying to find a way to tie into the Lime Hollow Nature Center property for years.

**Mr. Martin's correspondence:** "Revenue for above DB5710 bond \$400,000 new financial obligation."

**Response:** The \$400,000 is the BAN to pay for the new building.

**Mr. Martin's correspondence:** Town Supervisor salary has \$24,476.01 and \$12,759 for the budget officer. Is Tom Williams handling both positions as did Dick Tupper?"

**Response:** Yes.

**Mr. Martin's correspondence:** "Did Dick Tupper get paid for assistance on the 2021 budget? Did any payment come out of the \$12,759 salary for the budget officer? Or did Dick Tupper volunteer his services as a community member?"

**Response:** Supervisor Williams explained that Mr. Tupper was paid \$1,500 per month; the expense was authorized by Town Board resolution.

Members of the Board thanked Mr. Tupper for responding to Mr. Martin's comments. Mr. Tupper thanked the Board and thanked Bookkeeper Megan Johnson and Bookkeeper Marcia Hicks for their hard work during the budget process which commenced in June this year.

With regard to the use of unexpended fund balance to lower the budget from year to year, Supervisor Williams explained that even after using over \$1.8 million in unexpended fund balance for the 2021 budget, it was projected that the Town would have \$3.5-\$4 million in unexpended fund balance at year end. He stated that the Town was in excellent condition and noted that the Town has the highest rating from Moody's that a Town of our size can have.

No further comments or discussion were heard.

Councilman Guido made a motion, seconded by Councilman Withey, to recess the Regular Meeting to an Executive Session to discuss personnel and contracts. All voting aye, the motion was carried.

The meeting was recessed at 7:31 p.m.

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

The Executive Session was adjourned at 7:54 p.m.

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

RESOLUTION #295      AUTHORIZE ADDITIONAL PAYMENT OF \$1,500 TO  
RICHARD C. TUPPER FOR SERVICES RENDERED DURING  
THE MONTH OF OCTOBER 2020 AS A CONSULTANT FOR  
THE TOWN OF CORTLANDVILLE TO ASSIST IN THE  
PREPARATION OF THE 2021 TOWN BUDGET

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Motion by Councilman Guido

Seconded by Councilman Withey

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

WHEREAS, per Town Board Resolution #151 of 2020, adopted June 17, 2020, the Town Board authorized the Supervisor to engage the services of former Town Supervisor, Richard C. Tupper as a Consultant to assist the Town with the preparation of the 2021 Town Budget, in the amount of \$1,500 per month and shall not exceed \$6,000, and

WHEREAS, Mr. Tupper's services were utilized for an additional month, therefore

BE IT RESOLVED, the Town Board does hereby authorize the additional payment of \$1,500 to Mr. Tupper for services rendered during the month of October 2020 as Consultant for the Town of Cortlandville to assist in the preparation of the 2021 Town Budget.

No further comments or discussion were heard.

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

The meeting was adjourned at 7:55 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 November 23, 2020.  
The final version of this meeting was approved as written at the Town Board meeting of \_\_\_\_\_.