

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, with Supervisor Tupper presiding.

Members present:

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

Others present were: Town Attorney, John Folmer; Highway Sup’t., Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Town Residents: Pamela Jenkins; Kimberly Peak; Stephen Flatt; Gina Sikora; and News Reporter, Jacob DeRochie from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the Cortlandville Planning Board Minutes of June 26, 2018. All voting aye, the motion was carried.

RESOLUTION #190

AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER  
#1391

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Motion by Councilman Testa  
Seconded by Councilman Proud  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1391 submitted by the Highway Sup’t. to be paid to Clinton Tractor and Implement Company for the one month rental of a New Holland Tractor with Boom Mower in the amount of \$5,000.00 per month.

RESOLUTION #191

AUTHORIZE PAYMENT OF VOUCHERS – JULY

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Motion by Councilman Testa  
Seconded by Councilman Withey  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

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

|                                       |                               |               |
|---------------------------------------|-------------------------------|---------------|
| Funds A, B, DA, DB,<br>HE, HG, SS, SW | Voucher #950-955              |               |
|                                       | General Fund A                | \$ 90,664.76  |
|                                       | General Fund B                | \$ 9,788.71   |
|                                       | Highway Fund DA               | \$ 0.00       |
|                                       | Highway Fund DB               | \$ 1,572.33   |
|                                       | Saunders Rd Sewer HE          | \$ 0.00       |
|                                       | Gutchess Lumber SC Project HG | \$ 329,673.91 |
|                                       | New Highway Garage HH         | \$ 110,207.09 |
|                                       | Sewer Fund SS                 | \$ 1,780.03   |
|                                       | Water Fund SW                 | \$ 10,663.75  |
| Funds CD1, CD3, CD4                   | Voucher #44-47                |               |
|                                       | BMills Rehab CD1              | \$ 0.00       |
|                                       | Town Wide Rehab CD3           | \$ 18,725.03  |
|                                       | Business Devl CD4             | \$ 0.00       |
| Funds SF, TA, TE                      | Voucher #36-37                |               |
|                                       | C’Ville Fire District SF      | \$ 0.00       |
|                                       | Trust & Agency TA             | \$ 481.06     |
|                                       | Expendable Trust TE           | \$ 0.00       |

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

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file the monthly report of Justice Casullo for the month of June 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file the monthly report of Justice LeFevre for the month of June 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey to receive and file correspondence from Charter Communications, dated July 13, 2018, regarding programming services. All voting aye, the motion was carried.

Supervisor Tupper shared with the Board and those in attendance a letter from Mary Kimberly thanking the Town for mowing the old Baptist Church Cemetery and commended the Town Highway Department employees. Supervisor Tupper explained that the Town Highway Department maintains the four abandoned cemeteries within the Town.

RESOLUTION #192                      BRING THE AQUIFER PROTECTION PERMIT  
APPLICATION SUBMITTED BY THE CORTLANDVILLE  
FIRE DISTRICT OFF THE TABLE FOR BOARD  
CONSIDERATION

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

BE IT RESOLVED, the Town Board does hereby bring the Aquifer Protection Permit application submitted by the Cortlandville Fire District off the table for Board consideration.

Attorney Folmer apprised the Board he received a report from The Zoghlin Group PLLC today regarding the contents of the SEQRA material sent to them in relation to the Cortlandville Fire District's Aquifer Protection Permit application. Since he had not had the opportunity to review the report he requested the Board table action until August 1, 2018, with the understanding the item may need to be tabled once more after that. Attorney Folmer communicated the same to the Fire District today. Supervisor Tupper suggested the Board not table the item to a specific date in case the permit was not ready to be discussed at the next meeting, to which the Board agreed.

RESOLUTION #193                      TABLE ACTION REGARDING THE AQUIFER PROTECTION  
PERMIT APPLICATION SUBMITTED BY THE  
CORTLANDVILLE FIRE DISTRICT

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

BE IT RESOLVED, the Town Board does hereby table action regarding the Aquifer Protection Permit submitted by the Cortlandville Fire District to allow time for Attorney Folmer and the Board to review the report from The Zoghlin Group PLLC regarding the SEQRA review.

Supervisor Tupper commended Councilman Proud for assembling the Committee for the Town's new Comprehensive Plan. The Committee would be well represented with a strong group of members. Supervisor Tupper requested the Board officially create and appoint the Committee members.

RESOLUTION #194                      CREATE AND APPOINT MEMBERS TO THE TOWN OF  
CORTLANDVILLE COMPREHENSIVE PLAN COMMITTEE

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Motion by Councilman Withey

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

WHEREAS, the Town board has engaged the services of CHA to complete a new Comprehensive Plan for the Town of Cortlandville, and

WHEREAS, the Board recognizes the importance of a Committee to assist in the completion of the Comprehensive Plan, therefore

BE IT RESOLVED, the Town Board does hereby create the Comprehensive Plan Committee for the Town of Cortlandville and appoints the following community members to such Committee: Chairperson, Nasrin Parvizi; David Yaman; Forest Earl, Pamela Jenkins; Matthew Forney; Alan Gandelman; Ann Hotchkin; and Katherine Wickwire as an Ex-Officio member with no vote.

Town Clerk Rocco-Petrella announced that there is a new friendly face in the Town Clerk's office. She thanked the Board for authorizing the salary and benefits for new Deputy Town Clerk, Amanda Rainbow. She remarked she is very pleased to have a full staff and said that Mrs. Rainbow is a wonderful addition to her office and to the Town.

Town Clerk Rocco-Petrella announced that the Water & Sewer Department's October billing would be in the form of post-office safe blue billing cards rather than the current format of a letter size paper bill. She explained that she intended to return to the billing cards for the July billing, however there was a delay with the vendor. She explained that the cardstock bills would be more cost and time effective and that her staff lobbied for the change.

Attorney Folmer reminded the Board that the permissive referendum for the Diescher Lease agreement expired July 12, 2018. He recommended the Board authorize Supervisor Tupper to sign a one-year Lease Agreement. Mr. Diescher had already submitted payment in the amount of \$5,107.00.

RESOLUTION #195                      AUTHORIZE SUPERVISOR TO SIGN THE 1-YEAR LEASE  
AGREEMENT BETWEEN THE TOWN OF CORTLANDVILLE  
AND JOHN DIESCHER FOR A PORTION OF TOWN  
PROPERTY LOCATED ON ROUTE 13

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Motion by Councilman Withey

Seconded by Councilman Proud

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

WHEREAS, per Resolution #152 of 2018 adopted June 6, 2018, the Town Board authorized the 1-year lease of approximately 80 acres of Town property located on Route 13 in the Town of Cortlandville, known as the site of the Gutches Lumber Sports Complex, a portion of tax map #105.00-04-02.000, for the total rent of \$5,107.00, to John Diescher for the purpose of crop farming, and

WHEREAS, the action was found to be a Type II action pursuant to SEQRA and was adopted subject to Permissive Referendum as required by law, and

WHEREAS, the Permissive Referendum expired on July 12, 2018 with no petitions filed, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the 1-year lease agreement between the Town and John Diescher.

Attorney Folmer recalled that at the Town Board Meeting on July 11, 2018, the Board heard from Gina Sikora regarding a proposal for an art gallery in the Town. Ms. Sikora had questions regarding the zoning and an art gallery not being an allowed use for the district she resides in. Attorney Folmer was to investigate Ms. Sikora's inquiry for opening an art gallery at her McLean Road home. Attorney Folmer studied the Code and conferred with Planning & Zoning Officer Bruce Weber and explained the steps Ms. Sikora should follow: apply for a use variance, apply for a conditional permit if necessary and apply for a building permit. Each step is subject to approval and the Planning Board may attach conditions to be followed in order to obtain a conditional permit. A building permit may be necessary as Ms. Sikora indicated she would like to alter the premises. Attorney Folmer explained that the rules of a use variance are governed by state statute and are strict. He advised Ms. Sikora it would be beneficial to seek counsel for this process, and indicated that the process should not take a year as Ms. Sikora initially thought. Ms. Sikora recited the steps she should follow and stated she would submit the variance application to PZO Weber and the ZBA, and planned to proceed without conferring with counsel.

Supervisor Tupper informed the Board he received the 2017 Town Audit as prepared by Inero & Co CPAs, LLP. Hard copies would be presented to the Board and Town Clerk Rocco-Petrella would post the Audit to the Town's website. Supervisor Tupper was pleased with the Audit noting that it was a clean audit with no negative comments. He praised Bookkeeper Marcia Hicks for her diligent efforts.

RESOLUTION #196                      ACCEPT AUDIT REPORT OF THE FISCAL AFFAIRS OF THE  
TOWN OF CORTLANDVILLE FROM INSERO & CO. CPA'S,  
LLP THE PERIOD ENDING DECEMBER 31, 2017

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Motion by Councilman Withey

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Reynolds, Withey NAY-0

ADOPTED

BE IT RESOLVED, the Audit Report of the fiscal affairs of the Town of Cortlandville from Inero & Co. CPA's, LLP for the period ending December 31, 2017 for the Town of Cortlandville is hereby accepted and shall be received and filed.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

*Kristin E. Rocco-Petrella*

Kristin E. Rocco-Petrella, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The draft version of this meeting was submitted to the Town Board for their review on July 26, 2018.

The final version of this meeting was approved as written at the Town Board meeting of August 1, 2018.