

PUBLIC HEARING NO. 1

NEW YORK STATE SMALL CITIES CDBG PROGRAM
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL

2018 CDBG APPLICATION FOR HOUSING REHABILITATION

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, for the purpose of hearing public comments on the Town's community development needs, and to discuss the possible submission of a Community Development Block Grant (CDBG) application for the 2018 program year.

Members present:

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

Absent:

Councilman, John C. Proud

Others present were: Town Attorney, John Folmer; Highway Sup't. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Cortlandville Legislator, Michael Barylski; Village of McGraw Mayor, Allan Stauber; Cortlandville Fire Department Representatives: Courtney Metcalf and Brian Pendell; Leonidas Group Representative, Al Kryger; Thoma Development Representative, Richard Cunningham; Town Residents: Pamela Jenkins; Bob Martin; Geraldine Zattosky; Teresa Daily; Elsie Wright; Jo Schaffer; William Fisk; Eugene Waldbauer; Rhen Waldbauer; Daniel Leukadier; Kevin Pristash; Judith Helmer; Barbara Wood; Ken Woodman; Martin Wirsig; Stephen Flatt; News Reporter: Jacob DeRochie from the *Cortland Standard*.

Supervisor Tupper called the Public Hearing to order.

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

Supervisor Tupper offered privilege of the floor to Richard Cunningham.

Richard Cunningham, representing the Town's grant writing consulting firm Thoma Development Consultants, outlined information regarding the 2018 NYS Community Development Block Grant (CDBG) Program. He stated this was the first of two required hearings under the Community Development Block Grant Program. The purpose is to allow public input to the Town's community development needs and to discuss cost performance under grants. If the grant is successful, a second public hearing would be held during the grant implementation. Mr. Cunningham distributed informational sheets regarding the program and indicated the information would provide a summary of his presentation.

Mr. Cunningham explained that the CDBG Program is federal money through the United States Department of Housing and Urban Development that is granted as a block grant to New York State, which then distributes the money in various ways to individual municipalities. Eligible activities include housing, economic development, public facilities, public infrastructure and technical assistance. All assistance must benefit low to moderate income people, with incomes under 51% of the area median income. Housing activities can include housing rehabilitation of properties, home ownership to assist people in buying a home as well as new construction. Micro-enterprise assistance, public facilities and small business activities are also allowed.

Councilman Withey inquired if there was a vacant home available and needed rehabilitation, if that was an option under this program, to which Mr. Cunningham replied yes. Supervisor Tupper noted that the Town was specifically making application for a \$400,000 CDBG for housing rehabilitation. Mr. Cunningham added that the housing rehabilitation would be for single-family owner-occupied homes.

Supervisor Tupper offered privilege of the floor to those in attendance.

County Legislator, Michael Barylski asked if the total dollar amount for the application the Town has applied for was represented on page two of the informational statement distributed by Mr. Cunningham. Mr. Cunningham explained that page two indicates the

maximum amount that can be applied for, but the actual amount applied for is based on a waiting list. He said they are the maximum amounts but not necessarily the amounts the Town would be applying for. In an effort to understand correctly, Mr. Barylski asked if the public were to provide meaningful input, should they be examining the categories in order to make recommendations as to what kind of funding the Town should apply for. Mr. Barylski used the hamlet of Blodgett Mills needing a public water supply as an example. Mr. Cunningham replied yes to the question and explained proper surveys need to be conducted to be sure income requirements are met.

Town resident, Stephen Flatt posed questions to Mr. Cunningham in regards to the waiting list. He asked how many people were on the current waiting list, how many are normally satisfied and if the order of the waiting list was based on priority. Mr. Cunningham responded that the list isn't used to identify who is first, but rather who is eligible. He said if the program is implemented and the Town is awarded the grant money, the next step would be to conduct interior inspections and a detailed investigation of the properties. It would then be decided who would get assistance first, but there isn't actually a position on the list. The waiting list at this point is used to demonstrate and document to the State that there is a sufficient need and interest to justify the program. Mr. Flatt stated he would contact Mr. Cunningham for more information.

No further comments or discussions were heard.

The Public Hearing was closed at 5:14 p.m.

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 P. Reynolds
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Absent:

Councilman, John C. Proud

Others present were: Town Attorney, John Folmer; Highway Sup’t. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Cortlandville Legislator, Michael Barylski; Village of McGraw Mayor, Allan Stauber; Cortlandville Fire Department Representatives: Courtney Metcalf and Brian Pendell; Leonidas Group Representative, Al Kryger; Thoma Development Representative, Richard Cunningham; Town Residents: Pamela Jenkins; Bob Martin; Geraldine Zattosky; Teresa Daily; Elsie Wright; Jo Schaffer; William Fisk; Eugene Waldbauer; Rhen Waldbauer; Daniel Leukadier; Kevin Pristash; Judith Helmer; Barbara Wood; Ken Woodman; Martin Wirsig; Stephen Flatt; News Reporter: Jacob DeRochie from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Testa made a motion, seconded by Councilman Reynolds, to approve the Town Board Minutes of August 1, 2018 and August 15, 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the Zoning Board of Appeals minutes of July 31, 2018. 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 July 31, 2018. All voting aye, the motion was carried.

RESOLUTION #212

AUTHORIZE PAYMENT OF VOUCHERS – SEPTEMBER

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

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

Funds A, B, DA, DB, HE, HH, HG, SS, SW	Voucher #1147-1228		
	General Fund A	\$	37,419.62
	General Fund B	\$	96,481.17
	Highway Fund DA	\$	0.00
	Highway Fund DB	\$	38,340.09
	Saunders Rd Sewer HE	\$	0.00
	Gutchess Lumber SC Project HG	\$	375.00
	New Highway Garage HH	\$	177,889.37
	Sewer Fund SS	\$	692.57
	Water Fund SW	\$	10,665.39
Funds CD1, CD3, CD4	Voucher #(None)		
	BMills Rehab CD1	\$	0.00
	Town Wide Rehab CD3	\$	0.00
	Business Devl CD4	\$	0.00
Funds SF, TA, TE	Voucher #42-45		
	C’Ville Fire District SF	\$	0.00
	Trust & Agency TA	\$	39,966.15
	Expendable Trust TE	\$	0.00

Supervisor Tupper offered privilege of the floor to Michael Barylski and Allan Stauber.

County Legislator, Michael Barylski recalled the history of a bridge located in the Village of McGraw on East Academy Street. After a flooding event the bridge was removed. At its expense, the Town constructed a footbridge to go in its place. The footbridge was later removed due to liability concerns. Legislator Barylski stated that a recent discussion in the Village of McGraw has shown evidence of high school students trespassing through backyards to go to and from school. The Village Board requested the Town Board reconsider installing the footbridge to accommodate Village residents. It was understood that the Town could not guarantee that the footbridge would be quickly removed when concerns of flooding arose. Legislator Barylski discussed the possibility with Highway Sup't. Bassett and the use of a custom cable and a front end loader that would allow one Town operator and a Village employee to remove the footbridge when necessary. Legislator Barylski hoped dialogue could be started with the Town to accomplish satisfying the needs of the residents. Councilman Withey expressed his support for Legislator Barylski and the Village of McGraw.

Village of McGraw Mayor Allan Stauber added to the discussion. He reiterated the need for the footbridge. He acknowledged his appreciation for the good working relationship between the Village and the Town.

Town resident, Martin Wirsig questioned if this was an issue for the NYS DEC and asked who would be accepting responsibility and liability for the footbridge. Attorney Folmer indicated the NYS DOT and NYS DEC may both be involved.

Supervisor Tupper stated that the Town would closely examine the matter along with its processes and confer with the proper entities that need to be involved such as the NYS DOT and NYS DEC. He thanked Mayor Stauber and Legislator Barylski for their time. No action was taken on the matter at this time.

Supervisor Tupper offered privilege of the floor to Pamela Jenkins.

Town resident, Pamela Jenkins requested that her comments be attached to the meeting minutes for the record. Ms. Jenkins echoed prior comments submitted at the April 4, 2018 Town Board meeting regarding the proposed Leonidas, LLC Starr Road Housing project.

Board members,

I request that my complete comments will appear in the minutes for this meeting.

In April of 2018 I informed this board that you violated NYS Environmental Conservation Laws in very significant and numerous ways when you granted a Negative Declaration to the Leonidas/Starr Rd housing project.

Without investigation or review of any of the moderate to large impacts which you identified, you granted the Negative Declaration.

You gave no reasoning for why you determined that there would be no impacts from a 50 unit high density housing project on land which is in an area which floods.

Under NYS Law ECL 617, you were required to grant a Positive Declaration. But you did not do that. After I spoke at the April meeting Mr. Folmer told the group "maybe we will rescind the Negative Declaration." But, you dropped the ball, and ignored my input.

Instead, you passed off to the Cortlandville Planning Board. The Planning Board asked Clough Harbor to investigate the stormwater management models.

Also, the Cortland County Planning Board identified 15 issues that needed to be addressed.

The housing project applicants were unable to answer many of the Planning Board's questions when they appeared at the August Planning Board meeting.

They indicated that they may sell development rights to a yet unidentified builder or developer.

So, just as the court ruled against CV in the Leach Article 78s, the Negative Declaration you granted would not survive a legal challenge. You would lose another Article 78 if neighbors file another Article 78 against you.

Therefore, I am requesting that you pass a resolution tonight to rescind the Negative Declaration which you granted to Leonidas in violation of NYS Law.

And I am requesting that you issue a Positive Declaration and require the applicant to prepare a complete Environmental Impact Statement so that the numerous issues and expected impacts can be addressed in a coherent way by the boards and by the public. This is what SEQR Law requires you to do.

The public hearing which was scheduled by the CV Planning Board for September 25 needs to be cancelled because, first, obviously, we need to see a Positive Declaration and a full Environmental Impact statement before we can hold a Public Hearing on the housing project.

Thank you,

Pam Jenkins

Town Clerk Rocco-Petrella commented that former Town Clerk Karen Q. Snyder determined and verified eligible records for disposal for the year 2017. The records were disposed of in January 2018. Town Clerk Rocco-Petrella explained she completed the annual report on Town Clerk Snyder's behalf.

RESOLUTION #213 ACCEPT ANNUAL REPORT OF TOWN RMO AND
SCHEDULE OF DISPOSED RECORDS IN 2017 IN
ACCORDANCE WITH THE RETENTION AND DISPOSITION
SCHEDULE

Motion by Councilman Testa

Seconded by Councilman Withey

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

ABSENT – Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the Annual Report of the Records Management Officer of the Town, including a list of the disposed records in 2017, in accordance with the Records Retention Disposition Schedule, MU-1.

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

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

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Town Supervisor for the month of August 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Town Clerk for the month of August 2018. All voting aye, the motion was carried.

Councilman Reynolds made a motion, seconded by Councilman Withey, to receive and file the monthly report of Code Enforcement Officer, Desiree' Campbell for the month of August 2018. All voting aye, the motion was carried.

Councilman Reynolds made a motion, seconded by Councilman Testa, to receive and file correspondence from Charter Communications, dated August 15, 2018, regarding programming services. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Withey, to receive and file correspondence from Charter Communications, dated August 31, 2018, regarding programming services. All voting aye, the motion was carried.

Under old business, Attorney Folmer acknowledged that he completed Part 3 of the SEQRA Short Environmental Assessment form regarding the Zone Change request submitted by Emmanuel Pothos. He provided it to the Town Clerk where it was available for review as he indicated he would at the August 15, 2018 Town Board meeting. The Town Board declared a Negative Declaration with the understanding that Part 3 would be completed. The Board approved the language of Part 3 as written and Supervisor Tupper signed the SEQRA document. Per Attorney Folmer, a formal resolution was not necessary as the Board previously authorized the Supervisor to sign the document.

Under old business, there was discussion regarding the Aquifer Protection Permit application submitted by the Cortlandville Fire District. The Board was prepared to move forward action on the permit as the SEQRA review was complete. The Town's SEQRA consulting firm The Zoghlin Group PLLC completed their review.

Supervisor Tupper commented on the proposed conveyance of land, which the Town agreed to approve subject to financing. Because the financing was not in place the Town was not prepared to convey a portion of the Town's property, however the Board was prepared to move forward with acting on the Aquifer Protection Permit itself, which was required by the State before the Cortlandville Fire District would receive the grant for their project.

RESOLUTION #214 DECLARE NEGATIVE IMPACT FOR AQUIFER
PROTECTION PERMIT #3 OF 2018 SUBMITTED BY THE
CORTLANDVILLE FIRE DISTRICT FOR PROPERTY
LOCATED AT 999 NYS ROUTE 13

Motion by Councilman Testa

Seconded by Councilman Withey

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

ABSENT – Proud

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by the Cortlandville Fire District to permit the construction of a 1,800 sq. ft. live fire training/educational facility, for property located on the northwest side of NYS Route 13, immediately west of the Terrace Road/NYS Route 13 intersection, tax map #96.09-02-05.000, and

WHEREAS, the Town Board as Lead Agent, duly reviewed and completed the Full Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare the proposed project of the Cortlandville Fire District, Aquifer Protection Permit #3 of 2018, shall have no significant environmental impact.

RESOLUTION #215 AUTHORIZE SUPERVISOR TO SIGN SEQRA
APPLICATION OF AQUIFER PROTECTION
PERMIT #3 OF 2018

Motion by Councilman Testa

Seconded by Councilman Withey

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

ABSENT – Proud

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #3 of 2018, submitted by the Cortlandville Fire District.

RESOLUTION #216 APPROVE AQUIFER PROTECTION PERMIT #3 OF 2018
SUBMITTED BY THE CORTLANDVILLE FIRE DISTRICT
FOR PROPERTY LOCATED AT 999 NYS ROUTE 13
SUBJECT TO CONDITIONS

Motion by Councilman Withey

Seconded by Councilman Reynolds

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

ABSENT – Proud

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 #3 of 2018, submitted by the Cortlandville Fire District, permitting the construction of a 1,800 sq. ft. live fire training/educational facility, for property located on the northwest side of NYS Route 13, immediately west of the Terrace Road/NYS Route 13 intersection, tax map #96.09-02-05.000, subject to conditions from the Town and County Planning Boards:

1. That combusted materials be limited to dry straw/hay and untreated wood pallets and that only water be used to extinguish the fires, as proposed.
2. That all burned materials are cleaned up on site, disposed of in a dumpster and picked up by a licensed waste hauler.
3. Compliance with SEQR requirements.

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

The Town Board reverted back to discussion regarding the proposed Local Law for a Zone Change. Attorney Folmer asked the Board if they would like to take action. The Board discussed the proposed Local Law and was prepared to move forward.

RESOLUTION #217 ADOPT LOCAL LAW NO. 1 OF 2018 AMENDING THE ZONING LAW AND MAP OF THE TOWN OF CORTLANDVILLE FOR A ZONE CHANGE FOR PROPERTY LOCATED OFF OF WEAVER ROAD SUBMITTED BY EMMANUEL POTHOS

Motion by Councilman Withey

Seconded by Councilman Reynolds

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

ABSENT – Proud

ADOPTED

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a Public Hearing to be held by said Board to hear all interested parties on a proposed Local Law amending the Zoning Ordinance and Map of the Town of Cortlandville to rezone one (1) parcel from its present zoning classification AG (Agricultural) to B-3 (Planned Commercial Business), and

WHEREAS, a notice of said public hearing was duly published in the Cortland Standard, the official newspaper of the said Town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, as required by law, and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the said Town Board that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by their applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Cortlandville hereby adopts said Local Law as Local Law No. 1 of 2018, a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Cortlandville, and to give due notice of the adoption of said Local Law to the Secretary of State.

Be it hereby enacted by the Town Board of the Town of Cortlandville as follows:

Section 1. The Town Board of the Town of Cortlandville having received a request from Emmanuel Pothos to consider the rezoning of one (1) parcel in the Town of Cortlandville from its present zoning classification, AG (Agricultural) district to be reclassified as B-3 (Planned Commercial Business) district, and the Town Board having considered the request and its environmental impact and having conducted a Public Hearing;

Section 2. The following tax map parcel is hereby rezoned from its present zoning classification AG (Agricultural) district to B-3 (Planned Commercial Business) district:

87.00-05-11.000 – 2.82 acres

Section 3. This Local Law shall become effective when filed with the Secretary of State of the State of New York, as required by law.

Under new business, Town Clerk Rocco-Petrella apprised the Board she received notification from the Cortland Country Club regarding the renewal of their alcoholic beverage license for the “Club” and requested that it be received and filed.

Councilman Withey made a motion, seconded by Councilman Reynolds, to receive and file the Standardized Notice Form for Providing 30-Day Advanced Notice to a Local Municipality or Community Board for the renewal of an Alcoholic Beverage License to the New York State Liquor Authority, received August 16, 2018, from the Cortland Country Club Inc. located at 4514 Route 281 in the Town of Cortlandville. All voting aye, the motion was carried.

Town Clerk Rocco-Petrella mentioned that the Water and Sewer Quarterly billing for October 2018 will be mailed on blue index cards as previously used. She also commented that she is in the process of taking steps to make online water and sewer bill pay available to customers. More information would be provided at a later date.

Attorney Folmer reported:

Discharge of Mortgage:

Attorney Folmer reported to the Board that a CDBG mortgage (CDBG #287HR62-13) for Shirley A. Fish, 4356 Miller Street Ext., has been paid in full to the Town in the amount of \$10,948.00. Attorney Folmer reviewed the necessary paperwork and Supervisor Tupper executed the required Discharge of Mortgage, which was provided to Thoma Development Consultants to be filed with the Cortland County Clerk.

Proposed Local Law for Solar Energy – Agreement with The Zoghlin Group PLLC:

Attorney Folmer indicated that the Town’s SEQRA consultants, The Zoghlin Group PLLC, was asked to assist the Town in its SEQRA review for the proposed Solar Law. Attorney Folmer was in possession of the Retainer Agreement similar to what the Town entered into with the Cortlandville Fire District. He requested the Board adopt a resolution to authorize the Supervisor to sign the agreement. As a side note, he explained that the Cortlandville Fire District would be reimbursing the Town for the attorney fees incurred for its SEQRA review, while the fees for the Solar Law would be the responsibility of the Town.

RESOLUTION #218 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH
THE ZOGHLIN GROUP PLLC TO PROVIDE LEGAL
SERVICES REGARDING THE SEQRA REVIEW PROCESS FOR
THE TOWN’S PROPOSED SOLAR LAW

Motion by Councilman Withey

Seconded by Councilman Testa

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

ABSENT – Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the agreement dated August 16, 2018 with The Zoghlin Group PLLC to render legal services to the Town of Cortlandville in connection with the SEQRA review process for the Town's proposed Solar Law, per the rate schedule listed in the agreement.

Town Parking Tickets:

Attorney Folmer explained he was asked to order parking tickets for the Town of Cortlandville to be used by the Cortland County Sheriff's Department for parking violations in the Town. He explained that \$500 was included in the Town Highway Department's budget for the purchase of parking tickets from Williamson Law Book Company, and requested authorization to do so.

RESOLUTION #219 AUTHORIZE TOWN ATTORNEY TO ORDER PARKING
TICKETS FOR THE TOWN OF CORTLANDVILLE

Motion by Councilman Testa

Seconded by Councilman Reynolds

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

ABSENT – Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Attorney to order 1,000 parking tickets from Williamson Law Book Company to be used by the County Sheriff's Department for issuing parking tickets in the Town of Cortlandville.

Leonidas Group PUD:

With regard to Leonidas Group PUD, Attorney Folmer stated that Ms. Jenkin's recitation of the facts that took place in earlier meetings was correct. The fact that no action, if any is necessary, to rescind the earlier declaration is because he has not prepared it. He assured the Board that he would have a recommendation for the next Town Board meeting on September 19, 2018, and asked that it be added to the meeting agenda.

Letter of Intent for Retirement:

After fifty-five years of practicing law, Attorney Folmer announced his intention to formally retire by December 31, 2018. He explained as a Town officer he cannot resign with an effective date more than 30 days out. He will submit a formal resignation early in December to take effect the close of business of December 31, 2018. He read aloud from his letter to the Board. Attorney Folmer read an excerpt from his letter.

I have served under Supervisors Nadolski, Pierce, Thorp and Tupper and many dedicated members of the Town, Zoning, and Planning Boards. I have come to regard each member of those Boards, past and present, as not only colleagues but as friends. Their service has always been to act in good faith to provide the environment which enhances the Town. There have been missteps, both theirs and mine, but an impartial review of those years will, I have no doubt, indicate that there has never been anything but the well-being of the citizens of the Town at the heart of actions taken and not taken.

The residents of the Town should be proud and appreciative of each and every member of the Town government team, from every highway employee, to every employee of the Water and Sewer Department and each and every one who toils in the service of the Town in the Court and offices of the Thorpe Municipal Building.

Supervisor Tupper regarded Attorney Folmer's announcement with great sentiment. He expressed deep appreciation for Attorney Folmer's competence and stressed that it would be extremely difficult to find a comparable replacement. He thanked him for his loyalty and friendship. Those in attendance applauded Attorney Folmer for his service.

Under new business, Town Clerk Rocco-Petrella briefed the Board concerning a Mobile Home Park Permit Renewal application she recently received for CNH Trailer Park located at 3610 Kingsley Avenue. She explained that the Mobile Home Park was being purchased by Bret and Eric Peek from Albany, New York. The Peeks inquired about the process to obtain a permit

for the property, which must ultimately be approved by the Town Board. Town Clerk Rocco-Petrella explained she met with Attorney Folmer, Town Code Enforcement Officer Campbell, Planning & Zoning Officer Weber and representatives from the County Health Department to discuss the requirements for such a permit and the inspection process that must take place. An inspection of the property was completed by CEO Campbell and the County Health Department, in which violations within the trailer park were discovered.

Attorney Folmer explained there were eight violations altogether, however five of the eight had to do with the location of the trailers. According to CEO Campbell a distance of ten feet between trailers is required, however because the trailers were located in this manner prior to the requirement being in place, CEO Campbell did not feel the requirement must be considered regarding the current application. Attorney Folmer pointed out there were three violations cited by CEO Campbell identified as #4, #7 and #8 in the inspection summary that the Board may want to consider before acting on the permit. After discussion, the Board agreed to approve the permit and authorize the Town Clerk and Supervisor to sign the permit, subject to the correction of violation #4 regarding a propane/fuel tank not properly protected; #7 regarding the accumulation of tires located behind a trailer and on the roof of a trailer, and #8 regarding the presence of an above ground pool that did not have a permit or proper fencing. Once approved, the permit would be valid through December 31, 2018 at which point it must be renewed annually.

Councilman Withey made a motion, seconded by Councilman Reynolds, to receive and file the Mobile Home Park Permit Renewal Application, dated August 13, 2018, as submitted by Bret Peek (pending purchaser) for CNH Mobile Home Park, located at 3610 Kingsley Avenue in the Town of Cortlandville, owned by Steven Banks, tax map #96.09-04-14.000. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Reynolds, to receive and file the Mobile Home Park Inspection Summary issued by Town Code Enforcement Officer, Desiree Campbell, received September 5, 2018, regarding CNH Mobile Home Park located at 3610 Kingsley Avenue in the Town of Cortlandville, owned by Steven Banks, tax map #96.09-04-14.000. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Reynolds, to receive and file the Mobile Home Park Inspection – Summary Report issued by the Cortland County Health Department, received September 4, 2018, regarding CNH Mobile Home Park located at 3610 Kingsley Avenue in the Town of Cortlandville, owned by Steven Banks, tax map #96.09-04-14.000. All voting aye, the motion was carried.

RESOLUTION #220 AUTHORIZE RENEWAL OF MOBILE HOME PARK PERMIT
FOR CNH TRAILER PARK FOR 2018

Motion by Councilman Withey

Seconded by Councilman Reynolds

VOTES: AYE – Tupper, Testa, Reynolds, Withey

NAY – 0

ABSENT – Proud

ADOPTED

WHEREAS, Bret Peek of Albany, New York (pending purchaser) submitted a completed application and the appropriate fee of \$75.00 for the renewal of the Mobile Home Park Permit for CNH Trailer Park located at 3610 Kingsley Avenue in the Town of Cortlandville, owned by Steven Banks, tax map #96.09-04-14.000, and

WHEREAS, CNH Trailer Park has a valid Mobile Home Park Permit for the year 2018 issued by the Cortland County Health Department under current property owner, Steven Banks, and

WHEREAS, the Cortland County Health Department and Town Code Enforcement Officer conducted an inspection of the Mobile Home Park on August 24, 2018 and submitted their inspection reports to the Town Board for review, and

WHEREAS, the Town Code Enforcement Officer noted eight violations, of which the Town Attorney noted concerns for correction of three of the violations, therefore

BE IT RESOLVED, the Town Board does hereby approve the Mobile Home Park Permit Renewal for CNH Trailer Park in the name of the pending purchaser of the property, Bret Peek of Albany, New York, subject to the correction of the following violations:

1. Trailer identified as number 15: propane/fuel tank not properly protected from potential puncture of vehicles, garbage dumpster. (NFPA 58)
2. Trailer identified as number 5: accumulation of tires located behind trailer and on the roof of trailer. Skirting insufficient in spots. (Property Maintenance Code, Section 309)
3. Trailer identified as number 10: above ground pool present. No permit on file. Noted: pool less than minimum required 48" without proper protection, gate does not meet general requirements of spacing or closing. (Property Maintenance Code, Section 303.2)

AND IT IS FURTHER, RESOLVED, the Town Clerk is hereby authorized and directed to issue the Mobile Home Park Permit after receiving confirmation of the correction of violations from the Town CEO, and it is further

RESOLVED, that such permit shall be valid through December 31, 2018, at which point the permit must be renewed.

RESOLUTION #221 AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE
TOWN-WIDE HOUSING REHABILITATION GRANT
PROGRAM CDBG #287HR326-16

Motion by Councilman Testa

Seconded by Councilman Reynolds

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

ABSENT – Proud

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 #287HR326-16:

Voucher #56: Reome Electrical & General Contracting - \$15,000.00

Attorney Folmer requested that item I-5 be withdrawn from the agenda, which was to schedule a public hearing regarding an amendment to Local Law No. 1 of 2010 regarding the Cold War Exemption. He explained that when the Cold War Exemption was originally put in place there was a ten year limitation of the exemption, which has since been changed to a lifetime exemption. The Town's local law is specific to the Real Property tax law with no reference to a ten year period in the Town's local law. Attorney Folmer will need to obtain a copy of the legislation that amended Section 458 B of Real Property tax law to eliminate the ten year requirement. He wants to be sure that it was simply taken out or if something more needs to be accomplished. Attorney Folmer will investigate further.

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 6:08 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 September 19, 2018. The final version of this meeting was approved as written at the Town Board meeting of October 3, 2018.