

TOWN BOARD MEETING

The Regular Town Board 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, Gregory K. Leach
Councilperson, Kristin E. Rocco-Petrella
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Town Residents, Barb Leach, Pam Jenkins, Steve Flatt, John Reynolds; Jeff Breed representing Gutchess Lumber; Duane Andrus for Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilperson Rocco-Petrella made a motion, seconded by Councilman Proud, to approve the Town Board Minutes of June 21, 2017, as submitted. All voting aye, the motion was carried.

Councilperson Rocco-Petrella made a motion, seconded by Councilman Proud, to approve the Town Board Minutes of July 5, 2017, as submitted, with Councilman Leach abstaining. All voting aye, the motion was carried.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER #0130
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Motion by Councilman Leach
Seconded by Councilperson Rocco-Petrella
VOTES: AYE-Tupper, Testa, Proud, Leach, Rocco-Petrella NAY-0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0130 submitted by Water/Sewer Sup't. Peter Alteri to be paid to Underwater Solutions to inspect and clean Blue Creek Road and Route 215 Water Storage Tanks, for the total cost of \$5,990.00.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER #0131
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Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: AYE-Tupper, Testa, Proud, Leach, Rocco-Petrella NAY-0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0131 submitted by Water/Sewer Sup't. Peter Alteri, to be paid to Team E. J. Prescott Inc., to purchase manhole cover hook loop handles, steel toed boots, water meters and radios, for the total cost of \$3,435.71.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER #0132
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Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: AYE-Tupper, Testa, Proud, Leach, Rocco-Petrella NAY-0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0132 submitted by Water/Sewer Sup't. Peter Alteri, to be paid to W2 Operator, to run a sewer lateral to 3660 Page Green Road, 13' excavation, cut, repair road and install a Y connection to the main, for the total cost of \$5,000.00.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS – AUGUST

Motion by Councilman Proud

Seconded by Councilman Leach

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

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

Funds A, B, DA, DB	Vouchers #719-778	
	General Fund A	\$ 183,779.29
	General Fund B	\$ 2,666.22
	General Fund DA	\$ 0.00
	General Fund DB	\$ 24,098.92
Funds CD1, CD3, CD4	Voucher #1-1	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 1,000.00
	Business Devl CD4	\$ 0.00
	Senior Home #1	\$ 0.00
Fund HA, HB, HC, HD HE, SS, SW	Voucher #275-284	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 81,410.03
	Water SW	\$ 4,983.32
Funds SF, TA, TE	Voucher # (None)	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 0.00
	Expendable Trust TE	\$ 0.00

Supervisor Tupper stated there were no requests for privilege of the floor.

Councilman Proud made a motion seconded by Councilman Leach to acknowledge the following monthly reports from the Town Clerk, Town Supervisor, and the Water and Sewer Department for the month of July 2017. All voting Aye, the motion was carried.

Councilperson Rocco-Petrella made a motion, seconded by Councilman Proud, to receive and file correspondence from Charter Communications dated August 4, 2017, regarding their channel line-up. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE SUPERVISOR TO EXECUTE DISCHARGE OF
MORTGAGE BETWEEN THE TOWN AND KATHERINE M.
KING REGARDING THE 2008 HOME GRANT- SENIOR
HOUSING REHABILITATION PROGRAM

Motion by Councilman Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute the discharge of mortgage between the Town and Katherine King, 584 McLean Road, Cortland, New York 13045, with regard to the 2008 HOME Grant - Senior Housing Rehabilitation Program.

Attorney Folmer reported:

Bell Crest Drive Water Line Easement:

Attorney Folmer discussed with the Board he had received a water line easement from Arthur C. Bell, Jr. and Bell Rentals, LLC. The Town of Cortlandville Water/Sewer Sup't. Peter Alteri has agreed to accept said easement. The documents will be filed in the Town Clerk's office.

Gutchess Lumber Park Official Name:

Attorney Folmer spoke with the Attorney for Gutchess Lumber regarding the formal approval to change the name of Gutchess Lumber Company Park to Gutchess Lumber Sports Complex. He is advised that the title is approved by the Gutchess' and a simple letter authorizing a modification to the contract will be accomplished. Mr. Folmer will prepare a letter for the Attorney for Gutchess to circulate to their client in the next few days. In the meantime he has advised the Town Bookkeeper, Marcia Hicks that she can now establish an account with the proper title and deposit the contribution to the Gutchess Lumber Sports Complex.

Cortland County Youth Bureau Funding:

The Town of Cortlandville has applied to the Cortland County Youth Bureau for funding of \$3,000.00 and we were awarded only \$1,000.00. The town will make an application to the Youth Bureau.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH
THE CORTLAND COUNTY YOUTH BUREAU

Motion by Councilman Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the contract with the Cortland County Youth Bureau acknowledging and agreeing that the town will receive \$1,000.00 and will assume the responsibilities to perform the duties in the contract, and it is further

RESOLVED, these funds will be used for maintenance of the town parks and scheduling of the fields.

RESOLUTION # SCHEDULE PUBLIC HEARING FOR A LOCAL LAW OF 2017

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, a Public Hearing is hereby scheduled for September 6, 2017 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, regarding the enactment of a Local Law for the year 2017, establishing a moratorium for the review and approval for the installations of Solar Facilities in the Town of Cortlandville.

South Hill Dump:

The Town received a Consent Order on the administrative settlement in regard to the South Hill Dump. Attorney Folmer apprised the Board that these are expenses that will be incurred in the future not from the past. The order has been signed by the Commissioner and by the town and will now be filed in the Town Clerk's Office. There are still questions regarding access and scheduling. Attorney Folmer is awaiting a response from a staff person in Albany.

Route 11 Zoning Complaint:

There has been some concern with a property located on Route 11 in Blodgett Mills (formally known as Smokey O'Shea's). The property has been sold for back taxes. The previous owner has left a mess out in front of the property, possibly within the State Highway Right-of-Way. The deed has not yet transferred to the new owner. The Town Assessor will inform us once the deed transfer takes place. Then the town can begin authorizing the clean-up of the property. If there is an emergency situation then action may be able to be taken before the transfer of the property.

Appointed Superintendent of Highways:

Attorney Folmer indicated he has drafted a Local Law, based on the request from the Board to abolish the elected Superintendent of Highways changing to an appointed position. He continued by explaining the process, which is governed by the Municipal Home Rule Law.

Councilman Leach questioned what the Local Law was referring to. Supervisor Tupper stated in order to be an elected Town Highway Superintendent, which is a two year position, one must be 18 years old, a registered voter and reside in the Town of Cortlandville. Adding the Town Board has concerns when the highway budget is 60% of the overall town budget. The town has been lucky to have a professional as our current Superintendent Carl Bush who has done a wonderful job and has for 32+ years. In the future the town may not be that fortunate. By having an appointed position it would give the Town Board the opportunity to review job applications and appoint an appropriate and qualified individual. This would give the Town Board the opportunity to hire one who knows how to build roads and bridges. Attorney Folmer added along with Supervisor Tupper the current Highway Superintendent and the candidate running for the position are both in concurrence of the proposition and have acknowledged the change may not be a bad idea.

Attorney Folmer continued by stating a Local Law would need to be drafted and submitted to the Board, which has been accomplished. Second the Board would be required to hold a Public Hearing based on such proposed Local law. Third the Board would need a 2/3 vote approving such Local Law in order for such Local Law/Proposition to be on the ballot of the General Election this November. The proposition must be filed with the Board of Elections within 45 days of this year's General Election. If approved by the electorate the appointed position would not become effective until January 1, 2020, which would be expiring date of the current elected position.

Mr. Folmer added if the Board wishes to continue moving this Local Law/Proposition to the General Election, he recommended the Board consider a Special Town Board Meeting in order to accomplish filing the proposition with the Board of Elections within the allotted time frame.

The Board will review the draft Local Law and consider a Special Town Board Meeting to be announced at a later date.

Gutchess Lumber Sports Complex Bonding:

Attorney Folmer apprised the Board Members that the three million dollar (\$3,000,000) bond documents will be completed by the end of the week by himself and the Town Clerk and will be sent to the Bond Council in New York City. The Permissive Referendum expired August 10, 2017 and no petition was filed.

RESOLUTION #	AUTHORIZE SUPERVISOR TO EXECUTE THE GRANT CLOSE OUT REGARDING THE 2013 TOWN-WIDE HOUSING REHABILITATION GRANT PROJECT (CDBG) #287HR62-13
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Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute the Grant Closeout for the Town's 2013 Town-Wide Housing Rehabilitation Grant Project (CDBG) #287HR62-13.

Councilman Leach has recused himself from the Town Board Meeting.

Councilman Proud spoke briefly on the gas station comments from the April 5, 2017 Public Hearing. Many of the residents voiced their concerns over the TCE spill from Smith-Corona back in 1986. Councilman Proud brought to the attention of the Board a report that was given to him from Mike Ryan of the Cortland County Health Department. The report was called the “Characteristics of Dissolved Petroleum Hydro Carbon Plumes”. The report characterizes the different types of spills, their distance, expanding, stable, or shrinking of plumes. He informed the Board if gasoline does spill; it does not have the same characteristics as TCE and would not have the same effects. He also said that the regulations are tighter on gas stations than they were when the spill at Smith-Corona occurred in 1986. Councilman Proud stated that the risk of a gas spill is there but it is low. Everyone is in agreement that they want to protect the aquifer and he does not think that gas stations are an undue risk to the aquifer.

Councilman Rocco-Petrella made a motion, seconded by Councilman Testa, to receive and file correspondence from Mike Ryan of the Cortland County Health Department, dated 1998, regarding the “Characteristics of Dissolved Petroleum Hydro Carbon Plumes”. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Rocco-Petrella, to receive and file a document from Councilman John Proud, regarding the “Review of Quantitative Surveys of the Length and Stability of MTBE, TBA and Benzene Plumes in Groundwater at UST Sites”. The documentation was from NGWA.org, Vol. 53, No. 2 – Groundwater – March - April 2015 (pages 195-206). All voting aye, the motion was carried.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:55 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The final version of this meeting was submitted to the Town Board for their review on September 16, 2017.

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