

## 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  
Town Clerk, Karen Q. Snyder, RMC

Absent:

Councilperson, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John B. Folmer; Highway Sup't., Carl A. Bush, Jr.; Town Residents, Barb Leach, Pam Jenkins, John Reynolds, Glen & Pam Bassett, Steve Flatt, Pat Leach, Douglas Withey, and Russ Bean; Jeff Breed representing Gutches Lumber; News Reporters: Sharon Stevans from Channel 2, Access TV, Robert Crennan from the *Cortland Standard*.

RESOLUTION #                      AUTHORIZE PAYMENT OF VOUCHERS – OCTOBER

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE-Tupper, Testa, Proud, Leach

NAY-0

ABSENT: Rocco-Petrella

ADOPTED

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

Funds A, B, DA, DB	Vouchers # 913-970	
HE, HG, SS, SW	General Fund A	\$ 21,643.94
	General Fund B	\$ 3,382.98
	General Fund DA	\$ 0.00
	General Fund DB	\$193,111.03
	Saunders Road Sewer Project HE	\$ 0.00
	Gutches Lumber Sports Complex HG	\$ 0.00
	Sewer Fund SS	\$ 1,614.13
	Water Fund SW	\$ 5,351.88
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 # 38	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 73.70
	Expendable Trust TE	\$ 0.00

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

Russ Bean spoke regarding a form which is signed by Highway Superintendent and the Town Board. He said that after reviewing the form, there was nothing in it regarding the Board not interfering with the highway's budget. Councilman Proud said the Town Board can not interfere with the CHIPS funds, but they do have oversight in the budget process. It was a misunderstanding that is now cleared up.

Councilman Leach made a motion, seconded by Councilman Testa to acknowledge the following monthly reports from the Town Clerk, Supervisor, and Code Enforcement all for the month of September 2017. All voting Aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Charter Communications dated September 29, 2017, regarding programming. All voting aye, the motion was carried.

Under new business, Town Clerk, Karen Q. Snyder presented the Board with the 2018 Tentative Budget.

RESOLUTION #                      ACKNOWLEDGE RECEIVING 2018 TENTATIVE BUDGET

Motion by Councilman Proud  
Seconded by Councilman Leach  
VOTES: AYE – Tupper, Testa, Proud, Leach                      NAY-0  
ABSENT: Rocco-Petrella  
ADOPTED

BE IT RESOLVED, the Town Clerk received the 2018 Tentative Budget on October 4, 2017 and has presented it to Town Board members, in accordance with Town Law.

Attorney Folmer reported:

Walmart Real Estate Escrow

Attorney Folmer gave a history lesson and asked if anyone remembered where they were on January 19, 2006? On that day the Town opened an escrow account with Walmart Real Estate Business Trust. The purpose of that account was to defray costs associated with traffic and other required studies that were going to be done in connection with the review and eventual approval of the new Walmart facility on Route 13. Subsequent to that date there were additional funds deposited by Walmart and there were funds expended from it. As of today, the account has the balance of \$1,425.94 and earns approximately \$.02 every once in a while. It is not really the town's money so he would like the Board to adopt a resolution authorizing the Supervisor to close the escrow account and refund the present balance and any accrued interest back to the Walmart Real Estate Business Trust forwarding that balance to their attorneys; Harter, Secrest and Emery, LLC located in Rochester, New York.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO CLOSE THE WALMART  
REAL ESTATE BUSINESS TRUST ACCOUNT AND ISSUE A  
CHECK FROM THE REMAINING BALANCE OF \$1,425.94  
AND ANY ACCRUED INTEREST TO THEIR ATTORNEYS  
HARTER, SECREST & EMERY, LLC

Motion by Councilman Leach  
Seconded by Councilman Proud  
VOTES: AYE – Tupper, Testa, Proud, Leach                      NAY – 0  
ABSENT: Rocco-Petrella  
ADOPTED

WHEREAS, On January 19, 2006, an escrow account was opened with Walmart Real Estate Business Trust in connection with the review and subsequent approval of the installation of the Walmart located on Route 13 in the Town of Cortlandville, and

WHEREAS, the purpose of the account was to provide funds, deposited by the Trust to defray expenses to traffic and other studies, necessary for the complete review of the proposed construction, and

WHEREAS, funds were thereafter expended from said fund, the last expenditure taking place in 2009, and

WHEREAS, the studies and other requirements intended to be funded from said escrow account have been completed, with the result that there remain on deposit in said account the sum of 1,425.94, now therefore

BE IT RESOLVED, the Supervisor is authorized and directed to close the above described escrow account and refund the present balance, together with any accrued interest to Walmart Real Estate Business Trust and forward payment thereof to said entity through their attorneys, Harter Secrest & Emery, LLP, 1600 Bausch & Lomb Place, Rochester, New York 14604-2711.

**Troy & Banks Lighting Audit:**

John Folmer spoke about Troy and Banks and possibly doing a lighting audit. Carl has received an estimate from National Grid and it was \$134,000 up front and the payback was only 7 or 7.5 years. The town may be able to look into grants to off-set these costs. Councilman Proud spoke of Climate Smart Communities and the different possibilities with that program. He will bring it up again at the next meeting.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the petition dated September 27, 2017, regarding a proposed Byrne Dairy retail store & fueling facility to be located at 260 Tompkins Street. All voting aye, the motion was carried.

Attorney Folmer apprised the Board that the petition had typed names on it and that it did not contain original signatures.

RESOLUTION #	AUTHORIZE APPROVAL OF PAYMENT TO THOMA DEVELOPMENT CONSULTANTS IN THE AMOUNT OF \$6,400.00 REGARDING ENERGY AUDITS AND LEAD RISK ASSESSMENTS FOR THE TOWN-WIDE HOUSING REHABILITATION GRANT PROGRAM CDBG #287HR326-16
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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT: Rocco-Petrella

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment to Thoma Development Consultants regarding the Town-Wide Housing Rehabilitation Grant Program-CDBG #287HR326-16 for energy audits and lead risk assessments.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN THE “NEW APPLICANT APPROVAL REQUEST” REGARDING THE TOWN’S 2016 COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION PROGRAM BETWEEN THE TOWN AND JEFFREY KING
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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT: Rocco-Petrella

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the New Applicant Approval Request regarding the Town’s 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Jeffrey King, 4473 Route 41, Cortland , New York regarding the loan funds by the Town’s CDBG Program for the total amount of \$22,200.00.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN THE “NEW APPLICANT APPROVAL REQUEST” REGARDING THE TOWN’S 2016 COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION PROGRAM BETWEEN THE TOWN AND LOUIS THOMPSON

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT: Rocco-Petrella

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the New Applicant Approval Request regarding the Town’s 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Louis Thompson, 1539 Saunders Road, Cortland, New York regarding the loan funds by the Town’s CDBG Program for the total amount of \$25,483.00

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN THE “NEW APPLICANT APPROVAL REQUEST” REGARDING THE TOWN’S 2016 COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION PROGRAM BETWEEN THE TOWN AND PATRICIA M. OSTRANDER

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT: Rocco-Petrella

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the New Applicant Approval Request regarding the Town’s 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Patricia M. Ostrander, 3221 S. Cortland-Virgil Road, Cortland, New York regarding the loan funds by the Town’s CDBG Program for the total amount of \$29,150.00.

RESOLUTION #                      DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION PERMIT APPLICATION OF 2017 SUBMITTED BY E&V ENERGY FOR PROPERTY LOCATED ON US ROUTE 11

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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Proud, Leach

NAY – 0

ABSENT: Rocco-Petrella

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by E&V Energy to permit the installation of (4) 25,000 gallon storage tanks within containment area along with truck loading area for containment, for a property located at 3951 Route 11, 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 E&V Energy, Aquifer Protection Permit application of 2017, shall have no significant environmental impact.

RESOLUTION #

AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION  
OF AQUIFER PROTECTION PERMIT APPLICATION OF 2017  
SUBMITTED BY E & V ENERGY

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Leach

NAY – 0

ABSENT: Rocco-Petrella

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit application of 2017, submitted by E&V Energy.

Councilman Leach questioned if there was anything back from the State D.O.T regarding the speed limit on East River Road. Leach also reported that Smokey O'Shea's located on Route 11 has been sold, but the deed is not yet recorded. The towns CEO Officer Desiree Campbell is aware of the new owner. It may be a month before we receive a copy of the conveyance. Once the deed is recorded the next steps can be taken.

Councilman Proud apprised the Board that he will be sending an email with the Climate Smart Communities information.

No further comments or discussion 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 5:30 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 November 01, 2017.

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