

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
PROP INC.
ROUTE 281
TAX MAP #86.17-01-02.111

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, concerning an application for an Aquifer Protection Permit, permitting the use of an 18,000 sq. ft. portion of an existing building as a mill work facility, for property located on the west side of NYS Route 281, approximately 675 ft. southwest of the NYS Route 281/NYS Route 222 intersection, tax map #86.17-01-02.111.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, Ronal L. Rocco
Councilman, John C. Proud
Councilman, Gregory K. Leach
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Town ZBA Member, David Alexander; Attorney Mike Shafer representing Prop, Inc.; News Reporters: Neil Benjamin from the Cortland Standard, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

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

Councilman Rocco stated he did not have any problems with the application. He was initially concerned about noise, which should not be a problem. Councilman Rocco thought the project was a good use of the property.

No further comments or discussions were heard.

The Public Hearing was closed at 5:03 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, Ronal L. Rocco
Councilman, John C. Proud
Councilman, Gregory K. Leach
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Town ZBA Member, David Alexander; Attorney Mike Shafer representing Prop, Inc.; News Reporters: Neil Benjamin from the Cortland Standard, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

RESOLUTION #01 AUTHORIZE PAYMENT OF VOUCHERS - JANUARY

Motion by Councilman Rocco
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

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

Funds A, B, DA, DB	Voucher #1-11	
	General Fund A	\$ 79,270.47
	General Fund B	\$ 34,117.86
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 40,300.00
Fund HC, SS, SW	Voucher #1-2	
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Sewer SS	\$ 2,929.72
	Water SW	\$ 10,400.00

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

The monthly reports of the Code Enforcement Officer, Fire & Safety Inspection Report, Town Clerk, and Water & Sewer Department for the month of December 2012 were on the table for review and are filed in the Town Clerk's office.

Supervisor Tupper mentioned that he received a note from Sharon Stevans thanking the Board for their gift to her. The Board thanked Mrs. Stevans for her efforts in filming the Town Board Meetings.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the report from the Cortland County Planning Department, dated December 14, 2012, and Cortland County Planning Board Resolution #12-35, dated December 19, 2012, regarding the Aquifer Protection Permit Application of Prop Inc. for property located on Route 281, tax map #86.17-01-02.111. All voting aye, the motion was carried.

Attorney Folmer and the Board reviewed the SEQR Short Environmental Assessment Form for the Aquifer Protection Permit application submitted by Prop Inc. for property located on Route 281.

Councilman Rocco questioned how many people would be employed at the facility. Attorney Mike Shafer, representing Prop Inc., indicated that there would be six employees who were currently laid off.

RESOLUTION #02 DECLARE NEGATIVE IMPACT FOR AQUIFER
PROTECTION PERMIT #1 OF 2013 SUBMITTED BY PROP
INC. FOR PROPERTY LOCATED ON ROUTE 281

Motion by Councilman Rocco
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Prop Inc. to permit the use of an 18,000 sq. ft. portion of an existing building as a mill work facility, for property located on the west side of NYS Route 281, approximately 675 ft. southwest of the NYS Route 281/NYS Route 222 intersection, tax map #86.17-01-02.111, 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 Prop Inc., Aquifer Protection Permit #1 of 2013, shall have no significant environmental impact.

RESOLUTION #03 AUTHORIZE SUPERVISOR TO SIGN SEQRA
APPLICATION OF AQUIFER PROTECTION
PERMIT #1 OF 2013

Motion by Councilman Rocco
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #1 of 2013, submitted by Prop Inc.

RESOLUTION #04 APPROVE AQUIFER PROTECTION PERMIT #1 OF 2013
SUBMITTED BY PROP INC. FOR PROPERTY LOCATED
ON ROUTE 281 SUBJECT TO CONDITIONS

Motion by Councilman Leach
Seconded by Councilman Testa
VOTES: ALL AYE 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 #1 of 2013, submitted by Prop Inc., permitting the use of an 18,000 sq. ft. portion of an existing building as a mill work facility, for property located on the west side of NYS Route 281, approximately 675 ft. southwest of the NYS Route 281/NYS Route 222 intersection, tax map #86.17-01-02.111, subject to the following conditions from the Town Board and the Town and County Planning Boards:

1. The applicant demonstrating that there are unnecessary hardships in the way of carrying out the strict letter of the "Zoning Local Law of the Town of Cortlandville" as is required before any use variance may be granted.
2. The applicant consulting with the Town Water and Sewer Department to determine if a backflow prevention device is required to be installed as part of the public water connection.
3. Compliance with SEQR requirements.

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

Under new business, Town Clerk Snyder apprised the Board she received a letter of resignation to retire from Town Highway Superintendent, Carl Bush. She asked that the Board accept the resignation with regret. Supervisor Tupper thanked Mr. Bush for his many years of service to the Town. Overall Mr. Bush had 40 years of municipal service.

RESOLUTION #05 ACCEPT RESIGNATION FOR RETIREMENT FROM CARL A.
BUSH, JR. AS THE CORTLANDVILLE HIGHWAY
SUPERINTENDENT

Motion by Councilman Testa
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

WHEREAS, after thirty years of service with the Town of Cortlandville, Highway Superintendent Carl A. Bush, Jr. has submitted a letter of resignation to retire, and

WHEREAS, Mr. Bush will be remembered as a true Public Servant through his loyalty and dedication he provided to the Town, therefore

BE IT RESOLVED, the Town Board does hereby accept the letter of resignation to retire, with deep regret, from Carl A. Bush, Jr. as the elected Highway Superintendent effective December 28, 2012, and it is further

RESOLVED, that the resignation to retire is hereby received and filed.

Supervisor Tupper questioned Town Clerk Snyder as to who would notify the County Clerk and the State regarding the vacancy. Town Clerk Snyder indicated that she is required to notify the County Board of Elections, the County Clerk, New York State Audit & Control, and the Cortland County Personnel/Civil Service with regard to the resignation.

Supervisor Tupper stated that there was now a vacancy for the Town Highway Superintendent. Councilman Testa made a motion to appoint Carl Bush as Town Highway Superintendent for the salary of \$30,000.

Councilman Rocco gave accolades to Mr. Bush and stated it was a pleasure working with him and a pleasure to have him back! He stated that the Town has been very fortunate to have Mr. Bush.

Supervisor Tupper explained that the term of office would expire December 31, 2013. Mr. Bush would have to run for election this fall if he wanted to maintain the position. Supervisor Tupper also indicated that the reason the salary was set at \$30,000 was because it was the New York State maximum one could earn after one retires.

RESOLUTION #06 APPOINT CARL A. BUSH, JR. AS TOWN OF
CORTLANDVILLE HIGHWAY SUPERINTENDENT

Motion by Councilman Testa
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby appoint Carl A. Bush, Jr., of 3693 Route 215, Cortland, New York as the Town of Cortlandville Highway Superintendent commencing January 03, 2013 and shall expire December 31, 2013, and it is further

RESOLVED, the salary for the appointed Town of Cortlandville Highway Superintendent shall not exceed \$30,000 for the 2013 year.

Town Clerk Snyder reported that the first day of tax collection went very well today and that approximately \$250,000 was collected.

Attorney Folmer had no business report.

There was a brief discussion regarding the 2013 annual contracts. Supervisor Tupper mentioned that the Town had yet to receive a 2013 contract from Cortland County for Information Technology Services, or from the Cortland Recreation Department. Supervisor Tupper recapped the contracts to be approved, which included contracts from Bruce Weber, Margaret Honour, and Modular Comfort Systems, Inc. Attorney Folmer mentioned that he reviewed the contract for Margaret Honour and found it appropriate as to form. Since it had not yet been signed, he suggested the Board approve the contracts subject to being signed.

RESOLUTION #07 APPROVE THE 2013 ANNUAL CONTRACTS

Motion by Councilman Leach
 Seconded by Councilman Proud
 VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby approve the annual contracts for 2013, and shall receive and file them as follows:

Bruce Weber	\$24,000.00
Cortland Regional Sports Council	\$12,500.00
Homer Recreation	\$24,321.47
J.M. Murray Center	\$10,530.00 (6-month contract)
Lamont Memorial Library	\$24,004.05
Lime Hollow Nature Center	\$ 4,500.00
Margaret Honour	\$ 7,600.00
McGraw Recreation	\$15,000.00
Modular Comfort Systems, Inc.	\$ 1,896.00
SPCA – Cortlandville	\$33,500.00
SPCA – McGraw	\$ 5,000.00
SPCA – Cats Spay/Neuter	\$ 3,500.00
Valley View Gardens	\$ 2,510.00
Freetown - Code Enforcement*	\$ 5,900.00
(*contract is payable to the Town)	

AND IT IS FURTHER RESOLVED, the contracts shall be approved subject to them being signed.

**RESOLUTION #08 ADOPT TOWN OF CORTLANDVILLE
 PROCUREMENT POLICY - 2013**

Motion by Councilman Proud
 Seconded by Councilman Leach
 VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the Town of Cortlandville Procurement Policy dated January 2, 2013 for the year 2013.

**RESOLUTION #09 REAPPOINT DAVID B. PLEW TO THE
 CORTLANDVILLE ZONING BOARD OF APPEALS**

Motion by Councilman Proud
 Seconded by Councilman Rocco
 VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby reappoint David B. Plew, 27 South St., McGraw, New York to the Cortlandville Zoning Board of Appeals for a five-year term commencing January 01, 2013 and shall expire December 31, 2017, and it is further

RESOLVED, Mr. Plew is hereby appointed Chairman to the Zoning Board of Appeals.

RESOLUTION #10 REAPPOINT CHRISTOPHER B. NEWELL TO THE
CORTLANDVILLE PLANNING BOARD

Motion by Councilman Rocco
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby reappoint Christopher B. Newell, 4446 Cosmos Hill Rd., Cortland, New York to the Cortlandville Planning Board for a five-year term commencing January 01, 2013 and shall expire December 31, 2017.

RESOLUTION #11 DESIGNATE THE CORTLAND STANDARD AS
THE OFFICIAL NEWSPAPER FOR THE TOWN
OF CORTLANDVILLE FOR THE YEAR 2013

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Cortland Standard is hereby designated as the official newspaper for the Town of Cortlandville for the year 2013.

RESOLUTION #12 DESIGNATION OF DEPOSITORIES FOR
TOWN ACCOUNTS FOR THE YEAR 2013

Motion by Councilman Leach
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, Alliance Bank NA, and its successor, is hereby designated as the depository for the following Town accounts:

General Fund A (Townwide)	Trust & Agency Account
General Fund B (Town outside villages)	Justice Account
Highway Account	

AND BE IT FURTHER RESOLVED, First Niagara Bank of Cortland is hereby designated as the depository for the following Town accounts:

Town Clerk Account	Water Fund Account
Tax Collector Account	Sewer Fund Account

AND BE IT FURTHER RESOLVED, the following banks may be considered if necessary: Key Bank of Central NY; Merchant & Trust Corp. Bank; Tompkins Trust Co.; and First National Bank of Dryden.

RESOLUTION #13 AUTHORIZE TOWN CLERK TO ACCEPT THE
SUPERVISOR'S ANNUAL FINANCIAL REPORT
90 DAYS AFTER THE CLOSE OF 2012

Motion by Councilman Rocco
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Town Clerk to accept the Supervisor's Annual Financial Report to the State Comptroller 90 days after the close of the fiscal year of 2012, and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause a notice to be published within ten (10) days after receipt thereof, stating that a copy of such report is on file in the Town Clerk's office and available for public inspection and copying, in accordance with Town Law, Section 29, Article 10-A, amended June 29, 1979.

RESOLUTION #14

DELEGATE TOWN BOARD MEMBERS TO AUDIT
2012 RECORDS OF TOWN OFFICIALS

Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the records of Town Officials and Town Employees, for the year 2012, shall be audited by Town Board members by January 20, 2013 as follows:

Supervisor	Ronal L. Rocco
Town Clerk/Tax Collector	Theodore V. Testa
Town Justice	John C. Proud
Highway, Water & Sewer	Gregory K. Leach

RESOLUTION #15

ACCEPT AGREEMENT OF EXPENDITURES OF
HIGHWAY MONIES FOR THE YEAR OF 2013

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

WHEREAS, the Agreement of Expenditures of Highway monies, in accordance with Section 284 of the Highway Law, was submitted by the Town Highway Sup't. as required, therefore

BE IT RESOLVED, the Agreement of Expenditures of Highway monies for 2013 is hereby accepted and shall be signed by members of the Town Board and Highway Superintendent.

RESOLUTION #16

ADOPT THE 2013 SALARY SCHEDULE
FOR THE TOWN OF CORTLANDVILLE

Motion by Councilman Leach
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the 2013 Salary Schedule for Town of Cortlandville employees and elected/appointed officials.

RESOLUTION #17

ADOPT TOWN HIGHWAY DEPARTMENT
SALARY SCHEDULE FOR 2013

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the Town Highway Department salary schedule for the year 2013 as follows:

	HIGHWAY DEPARTMENT 2013 PAYROLL SCHEDULE					
	HIRING	A	B	C	D	E
Deputy Highway Sup't.	Designated person will have \$2.00/hour added to their current titled job position hourly pay rate.					
Heavy Equipment Mechanic	20.65	22.15	22.75	23.25	23.65	23.95
Heavy Equipment Operator/ with Trailer CDL	20.22	21.72	22.32	22.83	23.22	23.52
Heavy Equipment Operator without Trailer CDL	19.82	21.32	21.92	22.43	22.82	23.12

Automotive Mechanic	19.49	20.99	21.59	22.09	22.49	22.79
Motor Equipment Operator	18.71	20.21	20.81	21.31	21.71	22.01
Laborer	14.03	15.03	16.03	17.03	18.03	19.03
Buildings & Grounds Laborer	12.99	13.99	15.44	16.83	17.33	17.83
Secretary/ Keyboard Specialist	15.09	16.09	17.09	18.09	18.49	18.89
Part-time Summer Laborer	7.50	7.75	8.25	8.50	8.75	9.25
Recreation Director	12.50	14.00	14.50	15.00	15.50	16.00
Asst. Recreation Director	9.00	10.00	10.50	11.00	11.50	12.00

NIGHT SHIFT RATE: \$1.00 per hour is added to the regular hourly base wage.
(The night shift is a regular scheduled shift from 8:00 p.m. to 5:00 a.m.)

WAGES NOTE: An H.E.O. that does not have the required CDL license that is needed to move the Town's equipment using the largest equipment trailer the Town has will receive \$.40 per hour less than the H.E.O. employees that do have the license.

Hiring rate and step rates are given on anniversary dates if work improvement and performance are shown.

RESOLUTION #18 AUTHORIZE TRANSFER OF FUNDS TO BALANCE
ACCOUNTS FOR THE 2012 BUDGET

Motion by Councilman Rocco
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Budget Officer is hereby authorized and directed to transfer funds to adjust the accounts of the 2012 Budget for the Town of Cortlandville as follows:

1) **GENERAL FUND A - TOWN WIDE:** Transfer \$8,178.42

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A1990.4	A1110.4	\$ 2,698.67
A1990.4	A1110.42	\$ 3,989.99
A1990.4	A1410.4	\$ 1,177.06
A1990.4	A1680.4	\$ 312.70
TOTAL:		\$ 8,178.42

2) **GENERAL FUND B - PART TOWN:** Transfer \$1,355.12

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
B1990.4	B8664.4	\$ 969.54
B8664.1	B8989.1	\$ 185.58
B1990.4	B8989.1	\$ 200.00
TOTAL:		\$ 1,355.12

3) **DB - HIGHWAY FUND PART TOWN:** Encumber \$69,927.40

	<u>AMOUNT</u>
PO #1167 – 2 - 2013 Chevrolet Silverado 2500 HD @ \$29,991.70 each	\$ 59,983.40
PO #1168 – 2 - 52810 J100 Wide 8'x10' Wideout Western Plow @ \$4,972.00 each	\$ 9,944.00
TOTAL:	\$ 69,927.40

4) **SW – WATER FUND:** Transfer \$55,826.97

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SW1990.4	SW8310.1	\$ 5,000.00
SW8320.2	SW8310.1	\$ 36,024.78
SW8320.4	SW8310.1	\$ 5,514.16
SW8320.4	SW8320.21	\$ 6,436.64
SW8320.4	SW9030.8	\$ 2,851.39
TOTAL:		\$ 55,826.97

5) **SS – SEWER FUND:** Transfer \$76,651.03

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SS1990.4	SS8130.4	\$ 5,000.00
SS8110.1	SS8130.4	\$ 63,815.30
SS8110.4	SS8130.4	\$ 7,835.73
TOTAL:		\$ 76,651.03

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from New York State Homes & Community Renewal, dated December 18, 2012, regarding the Annual Performance Report for the Town's NYS Community Development Block Grant, Town-wide Housing Rehabilitation Project. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from New York State Homes & Community Renewal, dated December 18, 2012, regarding the Annual Performance Report for the Town's NYS Community Development Block Grant for Pyrotek. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from New York State Homes & Community Renewal, dated December 18, 2012, regarding the Annual Performance Report for the Town's NYS Community Development Block Grant for Pall Corp. All voting aye, the motion was carried.

RESOLUTION #19 AUTHORIZE SUPERVISOR TO SIGN THE NEW YORK
STATE HOME PROGRAM RECIPIENT CERTIFICATION OF
COMPLETENESS REGARDING THE TOWN'S 2008 HOME
GRANT

Motion by Councilman Proud
Seconded by Councilman Rocco
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the New York State HOME Program Recipient Certification of Completeness SHARS ID #20083182, confirming that the Town's 2008 HOME Grant in the amount of \$384,480 has been closed out.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from New York State Homes & Community Renewal, dated December 24, 2012, regarding NYS Community Development Block Grant Economic Development Award for Precision Eforming. All voting aye, the motion was carried.

RESOLUTION #20 APPROVE EXTRA WORK AUTHORIZATION NO. 1 FROM
CLOUGH HARBOUR & ASSOCIATES FOR THE NYS ROUTE
13 SEWER REHABILITATION PROJECT

Motion by Councilman Rocco
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby approve the Extra Work Authorization No. 1 from Clough Harbour & Associates, dated December 21, 2012, for the NYS Route 13 Sewer Rehabilitation Project in the amount of \$6,220.00.

RESOLUTION #21 REAPPOINT DAVID W. BRIGGS AS TOWN ASSESSOR FOR
A SIX-YEAR TERM

Motion by Councilman Leach
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the reappointment of David W. Briggs as Town Assessor for a six-year term commencing October 01, 2013 and shall expire September 30, 2019.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Steven J. Hancox, Deputy Comptroller, NYS Division of Local Government and School Accountability, dated December 31, 2012, regarding the New York State tax levy cap of 2 percent and determination that the Town's 2013 tax levy was within the allowable limit. All voting aye, the motion was carried.

Attorney Folmer commented that there are many complexities involved with preparing the budget to make sure the Town is within the tax cap of 2 percent. He stated that the letter from Mr. Hancox did not explain how much work and thought goes into the process and thought that our Town Bookkeeper Hicks and Supervisor Tupper should be commended for their work.

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,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The draft version of this meeting was submitted to the Town Board for their review on February 15, 2013.
The draft version of this meeting was approved as written at the Town Board meeting of February 20, 2013.