

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
MATTHEW VREDENBURGH R.L.A., APPLICANT
DR. CHRIS SMITH, OR
LUKER ROAD
TAX MAP #95.08-01-18.000

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 submitted by Matthew Vredenburg, R.L.A. representing Dr. Chris Smith, to construct a 4,800 sq. ft. medical office building on the northwest side of Luker Road, approximately 3,000 feet southwest of NYS Route 281/Luker Road intersection, tax map #95.08-01-18.000.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, Gregory K. Leach
Councilman, Walter J. Kasperek
Deputy Town Clerk, Kristin Rocco-Petrella

Absent:

Councilman, John C. Proud
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Planning Board Member, Nick Renzi; Matt Vredenburg; Pam Jenkins; Bob Martin; Doug Withey; Andrea Rankin; Barb Leach; Patrick & Sarah Leach; Sabrina Clark; Barb Wood; Tom Crompton; Steve Terwilliger; Marie Kautz; Robert Ferris; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

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

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

No comments or discussions were heard.

The Public Hearing was closed at 5:02 p.m.

PUBLIC HEARING NO. 2

BONDING FOR THE INCREASE AND IMPROVEMENT
OF FACILITIES OF THE TOWNWIDE WATER DISTRICT
IN THE TOWN OF CORTLANDVILLE
(LUKER ROAD)

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, Cortland, New York, concerning the increase and improvement of facilities of the Townwide Water District, consisting of the installation of public water service along Luker Road from Route 281 to the existing water main termination located at the southern end of Luker Road, including ancillary work in connection therewith, at a maximum estimated cost of \$1,100,000.00.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, Gregory K. Leach
Councilman, Walter J. Kasperek
Deputy Town Clerk, Kristin Rocco-Petrella

Absent:

Councilman, John C. Proud
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Planning Board Member, Nick Renzi; Matt Vredenburgh; Pam Jenkins; Bob Martin; Doug Withey; Andrea Rankin; Barb Leach; Patrick & Sarah Leach; Sabrina Clark; Barb Wood; Tom Crompton; Steve Terwilliger; Marie Kautz; Robert Ferris; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

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

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

No comments or discussion were heard.

The Public Hearing was closed at 5:03 p.m.

PUBLIC HEARING NO. 3

BONDING FOR THE INCREASE AND IMPROVEMENT
OF FACILITIES OF THE TOWNWIDE WATER DISTRICT
IN THE TOWN OF CORTLANDVILLE
(OWEGO STREET (ROUTE 215))

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, Cortland, New York, concerning the increase and improvement of facilities of the Townwide Water District, consisting of the water main replacement along Owego Street (Route 215) from Starr Road to just south of Lansing Avenue, including ancillary work in connection therewith, at a maximum estimated cost of \$300,000.00.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, Gregory K. Leach
Councilman, Walter J. Kasperek
Deputy Town Clerk, Kristin Rocco-Petrella

Absent:

Councilman, John C. Proud
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Planning Board Member, Nick Renzi; Matt Vredenburgh; Pam Jenkins; Bob Martin; Doug Withey; Andrea Rankin; Barb Leach; Patrick & Sarah Leach; Sabrina Clark; Barb Wood; Tom Crompton; Steve Terwilliger; Marie Kautz; Robert Ferris; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

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

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

No comments or discussion were heard.

The Public Hearing was closed at 5:04 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, Gregory K. Leach
Councilman, Walter J. Kasperek
Deputy Town Clerk, Kristin Rocco-Petrella

Absent:

Councilman, John C. Proud
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Planning Board Member, Nick Renzi; Matt Vredenburg; Pam Jenkins; Bob Martin; Doug Withey; Andrea Rankin; Barb Leach; Patrick & Sarah Leach; Sabrina Clark; Barb Wood; Tom Crompton; Steve Terwilliger; Marie Kautz; Robert Ferris; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order and moved to the last item on the agenda, which was to schedule a public hearing for a proposed Gas Station Law. Supervisor Tupper explained that Attorney Folmer completed his work on the draft law, however the Board was not in receipt of a new draft and could therefore not schedule a public hearing at this time. He suggested the agenda item be tabled.

Councilman Testa suggested the Board table the draft law at this time, and that they invite Dan Dineen from County Planning and Pat Reidy from Cortland County Soil & Water Conservation District to come talk with the Board. After discussion, the Board agreed to have no further consideration of the law until such time as the Board has had the opportunity to hear from Mr. Dineen and Mr. Reidy.

RESOLUTION #72 SUSPEND CONSIDERATION OF PROPOSED GAS STATION
LAW

Motion by Councilman Testa

Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Leach, Kasperek NAY - 0

ABSENT - Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby suspend consideration of the proposed Gas Station Law until such time as the Board has had the opportunity to hear from Dan Dineen from Cortland County Planning and Patrick Reidy from Cortland County Soil & Water Conservation District.

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file the Cortlandville Zoning Board of Appeals Minutes of March 29, 2016. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Kasperek, to approve the Draft Town Board Minutes of March 16, 2016 as submitted. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Kasperek, to approve the Draft Town Board Minutes of March 30, 2016 as submitted. All voting aye, the motion was carried.

The Draft Special Town Board Minutes of April 15, 2016 were presented to the Board for their review.

RESOLUTION #73AUTHORIZE PAYMENT OF VOUCHERS - APRIL

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Leach, Kasperek 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	Voucher #314-374	
	General Fund A	\$ 59,732.87
	General Fund B	\$ 14,207.59
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$103,934.43
Funds CD1, CD3, CD4	Voucher #3-5	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 12,203.70
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #139-161	
	Luker Rd Water HA	\$ 36.16
	Owego St Water HB	\$ 36.16
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 4,367.16
	Water SW	\$ 16,148.25
Funds SF, TA, TE	Voucher #16-18	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 40,380.10
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Pam Jenkins.

* Councilman Leach excused himself from the Board table and sat in the audience at 5:10 p.m.

Pam Jenkins indicated that she was prepared to discuss the proposed Gas Station Law, but would wait to discuss it since it was tabled.

Ms. Jenkins stated that she also wanted to discuss the road that Mr. Leach built off of Route 13 that was not approved by the DOT, not discussed by the County Planning Board, and not on his original site plan. Ms. Jenkins provided photos of said road. She stated that no DOT, SEQRA, or drainage studies were done for this road that was already built. Ms. Jenkins stated that PZO Weber explained to her that it was not a road because Mr. Leach was using it to run trucks full of gravel. Ms. Jenkins stated that approximately 500-1000 tons of gravel was placed on the property not as part of the approved site plan. A raised gravel area was also built to the south of the road, not as part of the original site plan.

Ms. Jenkins questioned whether the Board saw problems ahead for themselves, and suggested the Board look deeply into this issue. She indicated that Legislator Linda Jones visited the DOT regarding the matter and that she did as well. She also mentioned that this information would be brought up to the Town ZBA at the public hearing to be held April 26, 2016.

Greg Leach requested privilege of the floor as a citizen to address the issues that were raised about the driveway on his property. He apprised the Board that he met with Kevin Bush, Resident Director of the local NYS DOT. According to Mr. Bush, Mr. Leach was not in the right-of-way. What Mr. Leach did was take a grass driveway and put gravel on it. Mr. Bush indicated that it looked like a temporary driveway and that he needed a permit. Therefore, Mr. Leach got such permit, which he presented to the Board. Mr. Leach indicated that he too had pictures of his property.

Mr. Leach recognized that PZO Weber asked him about bringing in more material than what he was permitted, and that there was an issue of fill versus disturbed land, which Mr. Leach was not clear on. PZO Weber would check on the terminology of fill versus disturbed land with the DEC.

Mr. Leach stated that he leveled what had been there for over forty years and cleaned out brush. Mr. Weber asked for a new map, which Mr. Leach provided. Mr. Weber indicated that it appeared that Mr. Leach disturbed more than an acre of land and suggested he contact the DEC for a SWPP permit, which Mr. Leach did.

Mr. Leach recognized that issues have been brought up, and apologized for not knowing the issues, which he has since rectified.

The monthly reports of the Supervisor, Town Clerk, Tax Collector, Town Justices, and Water & Sewer Department for the month of March were on the table for review and are filed in the Town Clerk's Office.

* Councilman Leach returned to the Board table at this time.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from Town resident Kevin Stark, dated April 6, 2016, thanking the Cortlandville Highway Department for replacing his mailbox in a timely manner after it was damaged by a snow plow. 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 Matthew Vredenburg, R.L.A. for Dr. Chris Smith for property located off of Luker Road.

RESOLUTION #74 DECLARE NEGATIVE IMPACT FOR AQUIFER
PROTECTION PERMIT #2 OF 2016 SUBMITTED BY
MATTHEW VREDENBURGH FOR PROPERTY LOCATED
OFF OF LUKER ROAD

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Leach, Kasperek NAY - 0

ABSENT - Proud

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Matthew Vredenburg, R.L.A., representing Dr. Chris Smith, to permit the construction of a 4,800 sq. ft. medical office building on the northwest side of Luker Road, approximately 3,000 feet southwest of NYS Route 281/Luker Road intersection, tax map #95.08-01-18.000, 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 Matthew Vredenburg, Aquifer Protection Permit #2 of 2016, shall have no significant environmental impact.

RESOLUTION #75 AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION
OF AQUIFER PROTECTION PERMIT #2 OF 2016

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Leach, Kasperek 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 #2 of 2016, submitted by Matthew Vredenburg, R.L.A.

Attorney Folmer apprised the Board that the Cortland County Planning Board (CCPB) had 9 conditions regarding the application. The first recommendation was to reduce the number of parking spaces on the site from 32 spaces to a maximum of 24 spaces. However, after speaking with the applicant the Town Planning Board did not agree with the reduction of parking spaces and approved the Site Plan for the proposed medical office incorporating CCPB recommendations 2 thru 9.

The Board agreed with the Town Planning Board. Supervisor Tupper reminded the Board it would take a supermajority vote to override the CCPB recommendations.

RESOLUTION #76 APPROVE AQUIFER PROTECTION PERMIT #2 OF 2016
SUBMITTED BY MATTHEW VREDENBURGH FOR
PROPERTY LOCATED OFF OF LUKER ROAD SUBJECT TO
CONDITIONS

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Leach, Kasperek 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 #2 of 2016, submitted by Matthew Vredenburg, R.L.A., representing Dr. Chris Smith, permitting the construction of a 4,800 sq. ft. medical office building on the northwest side of Luker Road, approximately 3,000 feet southwest of NYS Route 281/Luker Road intersection, tax map #95.08-01-18.000, subject to conditions from the Town Planning Board to incorporate items 2 thru 9 of the County Planning Board's Resolution No. 16-09:

1. The applicant obtaining Town Highway Superintendent approval for the driveway location, driveway entrance details and drainage (culvert) requirements/details.
2. The applicant obtaining approval of the final design of the stormwater pollution prevention plan per the Town's stormwater ordinance.
3. The applicant filing of a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan per the NYS Phase II stormwater regulations if it is determined that at least one acre of land would be disturbed in the development of this proposal.
4. The applicant obtaining approval of the landscaping plan for the site from the Town.
5. Approval of the public sewer connection from the County Health Department via application to the Town.
6. The applicant obtaining approval of the proposed well from the County Health Department which would include the requirement of a permanent disinfection system and quarterly sampling as a public water supply serving at least 25 individuals, or that the applicant connect to the public water system which is scheduled to be installed along Luker Road.
7. All site lighting being directed in a downward manner given the site's close proximity to the Cortland County Airport with no light emanating greater than 1.0 foot candles at the property line.
8. Compliance with SEQR requirements.

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

With regard to the bonding for the Luker Road water installation project, Attorney Folmer explained that once the Board adopted the bonding resolution a Notice of Summary would be published in the newspaper and a 20-day estoppel period would commence. Bonding for the Luker Road project was in the amount of \$1,100,000.

RESOLUTION #77 ADOPT RESOLUTION AND ORDER AFTER PUBLIC
HEARING FOR THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE TOWNWIDE WATER DISTRICT
(LUKER ROAD), IN THE TOWN OF CORTLANDVILLE, IN
THE COUNTY OF CORTLAND, NEW YORK, PURSUANT TO
SECTION 202-B OF THE TOWN LAW

Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: Supervisor Tupper	Aye
Councilman Testa	Aye
Councilman Proud	Absent
Councilman Leach	Aye
Councilman Kasperek	Aye
ADOPTED	

WHEREAS, the Town Board of the Town of Cortlandville (herein called the “Town”) in the County of Cortland, New York, on behalf of the Townwide Water District (herein called the “District”), in the Town, has caused an engineer duly licensed by the State of New York (the “Engineer”) to prepare a preliminary map and plan for the increase and improvement of facilities of the District, consisting of the installation of public water service along Luker Road from Route 281 to the existing water main termination located at the southern end of Luker Road, including ancillary work in connection therewith, as described in the engineering report prepared for the Town by CHA engineers dated March 3, 2015; and pursuant to the direction of the Town, the Engineer has completed and filed such preliminary map and plan for said increase and improvement of facilities of the District with the Town Board and has estimated the cost thereof to be \$801,000; and

WHEREAS, on June 17, 2015, after a public hearing duly called and held, the Town Board adopted a resolution authorizing the project pursuant to Section 202-b of the Town Law; and

WHEREAS, the maximum amount to be expended for such increase and improvement of facilities of the District, as set forth in the resolution duly adopted on June 17, 2015, was originally estimated to be \$801,000; and

WHEREAS, the maximum amount proposed to be expended for the increase and improvement of facilities of the District has now been determined to be \$1,100,000, as reflected in a revised engineer’s report; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on April 20, 2016 at 5:00 o’clock P.M. (Prevailing Time); and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of the Town Law and other applicable law; and

WHEREAS, such public hearing was duly held by the Town Board on the 20th day of April, 2016 at 5:00 o’clock P.M. (Prevailing Time) at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board of the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), constituting Article 8 of the Environmental Conservation Law and, in connection therewith, the

Town Board has determined that the proposed increase and improvement of facilities of the District is a Type II action for purposes of SEQRA and no further act or determination is required for SEQRA purposes;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$1,100,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$1,100,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same to pay the principal of and interest on said bonds; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Cortland County within ten (10) days after adoption thereof.

RESOLUTION #78

RESOLUTION OF THE TOWN OF CORTLANDVILLE, NEW YORK, ADOPTED APRIL 20, 2016, AMENDING THE BOND RESOLUTION ADOPTED ON JUNE 17, 2015

Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: Supervisor Tupper	Aye
Councilman Testa	Aye
Councilman Proud	Absent
Councilman Leach	Aye
Councilman Kasperek	Aye

ADOPTED

WHEREAS, the Town Board of the Town of Cortlandville, in the County of Cortland, New York, has heretofore duly authorized the increase and improvement of facilities of the Townwide Water District (Luker Road), at the estimated maximum cost of \$801,000, which amount was appropriated therefor pursuant to the bond resolution adopted by said Town Board on June 17, 2015; and

WHEREAS, the estimated maximum cost of said project, including preliminary costs and costs incidental thereto and the financing thereof, has now been determined to be \$1,100,000, and it is necessary and in the public interest to increase the appropriation for such project by \$299,000 and to amend said bond resolution to authorize the issuance of bonds in the principal amount of \$1,100,000;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CORTLANDVILLE, IN THE COUNTY OF CORTLAND, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Town Board) AS FOLLOWS:

Section (A) The bond resolution of the Town of Cortlandville duly adopted by the Town Board on June 17 2015 entitled:

“Bond Resolution of the Town of Cortlandville, New York, adopted June 17, 2015, appropriating \$801,000 for the increase and improvement of facilities of the Townwide Water District, and authorizing the issuance of \$801,000 bonds in the principal amount of \$801,000 to finance said appropriation,”

is hereby amended to read as follows:

**BOND RESOLUTION OF THE TOWN OF CORTLANDVILLE,
NEW YORK, ADOPTED JUNE 17, 2015 AND AMENDED
APRIL 20, 2016, APPROPRIATING \$1,100,000 FOR THE
INCREASE AND IMPROVEMENT OF FACILITIES OF THE
TOWNWIDE WATER DISTRICT, AND AUTHORIZING THE
ISSUANCE OF \$1,100,000 BONDS IN THE PRINCIPAL
AMOUNT OF \$1,100,000 TO FINANCE SAID
APPROPRIATION**

Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: Supervisor Tupper	Aye
Councilman Testa	Aye
Councilman Proud	Absent
Councilman Leach	Aye
Councilman Kasperek	Aye

ADOPTED

WHEREAS, following preparation of a map and plan and an estimate of cost for the increase and improvement of facilities of the Townwide Water District (herein called the “District”), in the Town of Cortlandville (herein called the “Town”), in the County of Cortland, New York, and after two public hearings duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CORTLANDVILLE, IN THE COUNTY OF CORTLAND, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$1,100,000 for the increase and improvement of facilities of the District, consisting of the installation of public water service along Luker Road from Route 281 to the existing water main termination located at the southern end of Luker Road, including ancillary work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,100,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,100,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same to pay the principal of and interest on said bonds.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$1,100,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in "*The Cortland Standard*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section (B) The amendment of the bond resolution set forth in Section (A) of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

With regard to the bonding for the Owego Street (Route 215) water installation project, Attorney Folmer explained that the same process would follow as the bonding for the Luker Road project. Once the Board adopted the bonding resolution a Notice of Summary would be published in the newspaper and a 20-day estoppel period would commence. Bonding for the Owego Street (Route 215) project was in the amount of \$300,000.

Supervisor Tupper indicated that the bids were already opened for the Luker Road and Owego Street (Route 215) Water Main Installation Project. The bids came in significantly lower than expected.

RESOLUTION #79

ADOPT RESOLUTION AND ORDER AFTER PUBLIC HEARING FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWNWIDE WATER DISTRICT (OWEGO STREET), IN THE TOWN OF CORTLANDVILLE, IN THE COUNTY OF CORTLAND, NEW YORK, PURSUANT TO SECTION 202-B OF THE TOWN LAW

Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: Supervisor Tupper	Aye
Councilman Testa	Aye
Councilman Proud	Absent
Councilman Leach	Aye
Councilman Kasperek	Aye

ADOPTED

WHEREAS, the Town Board of the Town of Cortlandville (herein called the “Town”) in the County of Cortland, New York, on behalf of the Townwide Water District (herein called the “District”), in the Town, has caused an engineer duly licensed by the State of New York (the “Engineer”) to prepare a preliminary map and plan for the increase and improvement of facilities of the District, consisting of the water main replacement along Owego Street (Route 215) from Starr Road to just south of Lansing Avenue, including ancillary work in connection therewith, as described in the engineering report prepared for the Town by CHA engineers dated April 23, 2015; and pursuant to the direction of the Town, the Engineer has completed and filed such preliminary map and plan for said increase and improvement of facilities of the District with the Town Board and has estimated the cost thereof to be \$300,000; and

WHEREAS, on June 17, 2015, after a public hearing duly called and held, the Town Board adopted a resolution authorizing the project pursuant to Section 202-b of the Town Law; and

WHEREAS, the maximum amount to be expended for such increase and improvement of facilities of the District, as set forth in the resolution duly adopted on June 17, 2015, was originally estimated to be \$288,000; and

WHEREAS, the maximum amount proposed to be expended for the increase and improvement of facilities of the District has now been determined to be \$300,000, as reflected in a revised engineer’s report; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on April 20, 2016 at 5:00 o’clock P.M. (Prevailing Time); and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of the Town Law and other applicable law; and

WHEREAS, such public hearing was duly held by the Town Board on the 20th day of April, 2016 at 5:00 o’clock P.M. (Prevailing Time) at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board of the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), constituting Article 8 of the Environmental Conservation Law and, in connection therewith, the Town Board has determined that the proposed increase and improvement of facilities of the District is a Type II action for purposes of SEQRA and no further act or determination is required for SEQRA purposes;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$300,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$300,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same to pay the principal of and interest on said bonds; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Cortland County within ten (10) days after adoption thereof.

RESOLUTION #80

RESOLUTION OF THE TOWN OF CORTLANDVILLE, NEW YORK, ADOPTED APRIL 20, 2016, AMENDING THE BOND RESOLUTION ADOPTED ON JUNE 17, 2015

Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: Supervisor Tupper	Aye
Councilman Testa	Aye
Councilman Proud	Absent
Councilman Leach	Aye
Councilman Kasperek	Aye
ADOPTED	

WHEREAS, the Town Board of the Town of Cortlandville, in the County of Cortland, New York, has heretofore duly authorized the increase and improvement of facilities of the Townwide Water District (Owego Street), at the estimated maximum cost of \$288,000, which amount was appropriated therefor pursuant to the bond resolution adopted by said Town Board on June 17, 2015; and

WHEREAS, the estimated maximum cost of said project, including preliminary costs and costs incidental thereto and the financing thereof, has now been determined to be \$300,000, and it is necessary and in the public interest to increase the appropriation for such project by \$12,000 and to amend said bond resolution to authorize the issuance of bonds in the principal amount of \$300,000;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CORTLANDVILLE, IN THE COUNTY OF CORTLAND, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Town Board) AS FOLLOWS:

Section (A) The bond resolution of the Town of Cortlandville duly adopted by the Town Board on June 17, 2015 entitled:

“Bond Resolution of the Town of Cortlandville, New York, adopted June 17, 2015, appropriating \$288,000 for the increase and improvement of facilities of the Townwide Water District, and authorizing the issuance of \$288,000 bonds of said Town to finance said appropriation,”

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF CORTLANDVILLE,
NEW YORK, ADOPTED JUNE 17, 2015 AND AMENDED
APRIL 20, 2016, APPROPRIATING \$300,000 FOR THE
INCREASE AND IMPROVEMENT OF FACILITIES OF THE
TOWNWIDE WATER DISTRICT, AND AUTHORIZING THE
ISSUANCE OF \$300,000 BONDS IN THE PRINCIPAL
AMOUNT OF \$300,000 TO FINANCE SAID APPROPRIATION

Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: Supervisor Tupper	Aye
Councilman Testa	Aye
Councilman Proud	Absent
Councilman Leach	Aye
Councilman Kasperek	Aye

ADOPTED

WHEREAS, following preparation of a map and plan and an estimate of cost for the increase and improvement of facilities of the Townwide Water District (herein called the "District"), in the Town of Cortlandville (herein called the "Town"), in the County of Cortland, New York, and two public hearings duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CORTLANDVILLE, IN THE COUNTY OF CORTLAND, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$300,000 for the increase and improvement of facilities of the District, consisting of the water main replacement along Owego Street (Route 215) from Starr Road to just south of Lansing Avenue, including ancillary work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$300,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same to pay the principal of and interest on said bonds.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$300,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general

obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in "*The Cortland Standard*," a newspaper having a general circulation in said Town, which is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section (B) The amendment of the bond resolution set forth in Section (A) of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Attorney Folmer reported:

Lease Agreement with Lime Hollow Nature Center:

Attorney Folmer recalled that the Board adopted a resolution regarding a Lease Agreement between the Town and Lime Hollow Nature Center subject to permissive referendum. The referendum passed with no objection. Attorney Folmer suggested the Board authorize the Supervisor to execute the Lease Agreement.

Supervisor Tupper explained that Cortland County gave the Town two parcels in the vicinity of the Town's Lime Hollow well adjacent to the linear park, which the Lime Hollow Nature Center takes care of and uses. Lime Hollow would lease the property from the Town for \$1.00 and would maintain and use the property for their programs.

RESOLUTION #81 AUTHORIZE SUPERVISOR TO EXECUTE LEASE
AGREEMENT BETWEEN THE TOWN OF CORTLANDVILLE
AND THE LIME HOLLOW NATURE CENTER

Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: AYE - Tupper, Testa, Leach, Kasperek NAY - 0

ABSENT - Proud

ADOPTED

WHEREAS, at the February 17, 2016 Town Board Meeting the Board authorized the lease of Town property located off of Lime Hollow Road subject to permissive referendum, and

WHEREAS, the period of time for the permissive referendum has expired with no person contesting the lease, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute the Lease Agreement between the Town of Cortlandville and the Lime Hollow Nature Center for the lease of town property located off of Lime Hollow Road in the Town of Cortlandville, consisting of two (2) parcels of land, a 4.7 acre parcel, tax map #105.00-03-02.000 and an 11.7 acre parcel, tax map #95.00-06-04.200, for the sum of \$1.00 for a period of ten (10) years.

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence from the New York State Department of Transportation to State Senator James Seward, dated March 31, 2016, regarding Senator Seward's letter dated March 17, 2016 regarding the length of time required to complete action on the Town's requests for speed limit reviews. All voting aye, the motion was carried.

RESOLUTION #82 DESIGNATE A "SECTION 3 COORDINATOR" FOR THE
TOWN OF CORTLANDVILLE

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Leach, Kasperek NAY - 0

ABSENT - Proud

ADOPTED

WHEREAS, the United States Congress passed the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u ("Section 3"), and

WHEREAS, the purpose of "Section 3" is to ensure that employment and other economic opportunities generated by certain federal assistance, including assistance provided by the U.S. Department of Housing and Urban Development (HUD) or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing, and

WHEREAS, the Town of Cortlandville is currently and anticipates it will continue in the future to be a recipient of certain HUD assistance covered by Section 3, and

WHEREAS, HUD and the administrative entity of HUD's Small Cities Program in the State of New York, the Housing Trust Fund Corporation, have determined that Community Development Block Grant grantees must designate a municipal employee to serve as the Section 3 Coordinator to facilitate compliance with Section 3, and

WHEREAS, it will be the job of the Section 3 Coordinator to prepare, implement and undertake certain plans and procedures to facilitate compliance with Section 3 to the greatest extent feasible, now therefore

BE IT RESOLVED, that the Town Board does hereby designate Kevin McMahon, Code Enforcement Officer, as the Section 3 Coordinator.

RESOLUTION #83 AMEND THE 2016 BUDGET AND AUTHORIZE
SUPERVISOR TO TRANSFER FUNDS

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Leach, Kasperek NAY - 0

ABSENT - Proud

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to transfer funds to adjust the accounts of the 2016 Budget for the Town of Cortlandville as follows:

- 1) **GENERAL FUND A:** Transfer \$3,424.80

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A231CS	A1930.4	\$ 3,424.80
TOTAL:		\$ 3,424.80

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence from New York State Homes and Community Renewal, dated April 13, 2016, regarding the Budget Modification Approval for the NYS CDBG Town-wide Housing Rehabilitation grant. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence from Jill Holl, dated April 3, 2016, opposing the proposed PUD submitted by Leonidas Group LLC, for property located off of Starr Road. All voting aye, the motion was carried.

RESOLUTION #84 SCHEDULE PUBLIC HEARING FOR MAY 18, 2016
REGARDING AN APPLICATION FOR A ZONING MAP
AMENDMENT FOR A RESIDENTIAL PLANNED UNIT
DEVELOPMENT (PUD) SUBMITTED BY THE LEONIDAS
GROUP OF VIRGIL, LLC

Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: AYE - Tupper, Testa, Leach, Kasperek NAY - 0

ABSENT - Proud

ADOPTED

BE IT RESOLVED, a Public Hearing is hereby scheduled for May 18, 2016 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, regarding an application for a Zoning Map Amendment for a Residential Planned Unit Development (PUD) in the Town of Cortlandville, submitted by the Leonidas Group of Virgil, LLC.

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence from Time Warner Cable, dated April 20, 2016, regarding programming services. All voting aye, the motion was carried.

Supervisor Tupper reminded the Board and the public that the next Town Board Meeting would be held in the Village of McGraw Community Building at 5:00 p.m. The Board was invited to the Lamont Memorial Library prior to the meeting for refreshments.

Councilman Leach mentioned that the Board would also be conducting a meeting in Blodgett Mills in June and at the J.M. McDonald Center in July during the Cortland County Jr. Fair. Councilman Leach would contact Dick Bush to make the necessary arrangements.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:35 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 May 12, 2016.

The draft version of this meeting was approved as written at the Town Board meeting of May 18, 2016.