

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Blodgett Mills Independent Baptist Church, Blodgett Mills, 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:

Councilman, Walter J. Kasperek

Others present were: Town Attorney, John Folmer; Barb Leach; Patrick Leach; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of May 4, 2016 as submitted. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Special Town Board Minutes of May 24, 2016 as submitted. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Cortlandville Planning Board Minutes of April 26, 2016. All voting aye, the motion was carried.

RESOLUTION #92

AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER  
#1266

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1266 submitted by Highway Sup’t. Bush to be paid to Cummins Northeast, to repair the engine on the 2006 International Dump Truck, for the total cost of \$10,509.17.

RESOLUTION #93

AUTHORIZE PAYMENT OF VOUCHERS - JUNE

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

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

Funds A, B, DA, DB	Voucher #475-512	
	General Fund A	\$ 17,741.85
	General Fund B	\$ 4,762.19
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 4,178.05
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00

Fund HA, HB, HC, HD, HE, SS, SW	Voucher #208-215		
	Luker Rd Water HA	\$	793.20
	Owego St Water HB	\$	475.00
	NYS Rt 13 Sewer Rehab HC	\$	0.00
	Oakcrest/Pendleton Sewer HD	\$	2,640.50
	Saunders Rd Sewer HE	\$	0.00
	Sewer SS	\$	682.38
	Water SW	\$	1,050.06
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 reported that there were no requests for privilege of the floor.

The monthly reports of the Supervisor, Tax Collector and Town Clerk for the month of May were on the table for review and are filed in the Town Clerk's office.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Charter Communications, dated May 26, 2016, regarding their merger with Timer Warner Cable on May 18, 2016. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from Charter Communications, dated June 1, 2016, regarding programming services. All voting aye, the motion was carried.

#### Article 78 Proceeding – Jenkins et al. vs. Town of Cortlandville et al.:

Attorney Folmer stated that the Board was aware of the determination made by the Supreme Court regarding the Article 78 Proceeding (Jenkins et al. vs. Town of Cortlandville et al.) There was no further action required to be taken by the Town Board.

Attorney Folmer and PZO Weber have undertaken discussions to devise a SEQR review process that will be based on what Judge Cerio believes is the proper method. He expected to submit the process to the Board by the end of July 2016.

#### Lease Agreement – Hiawatha Landing in Blodgett Mills:

Attorney Folmer apprised the Board that he and Attorney Armstrong, who represents Mr. Leach, have been discussing a lease agreement with regard to the Hiawatha Landing located in Blodgett Mills. Attorney Folmer was in possession of the draft lease with revisions that he made. The lease agreement would be effective June 1, 2016 through June 1, 2021. A requirement was added that no commercial activity could be permitted on the site. Also, either party, the corporation or the Town, could terminate the agreement on 6-month notice to the other party. Attorney Armstrong, and Mr. Leach acting on behalf of Hiawatha Ventures, agreed to the revisions. The insurance requirements were in the lease, and the insurance coverages that are required (\$5,000,000 umbrella policy and \$1,000,000 in other cases) were already in place.

RESOLUTION #94	AUTHORIZE SUPERVISOR TO SIGN LEASE AGREEMENT BETWEEN THE TOWN OF CORTLANDVILLE AND HIAWATHA VENTURES, LLC FOR THE HIAWATHA LANDING IN BLODGETT MILLS
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Motion by Councilman Proud  
Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud NAY – 0 RECUSED – Leach  
ABSENT – Kasperek  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Lease Agreement between the Town of Cortlandville and Hiawatha Ventures, LLC for use of the Hiawatha Landing in Blodgett Mills for public recreational purposes, effective June 1, 2016 through June 1, 2021.

Councilman Proud reverted back to discussion regarding Judge Cerio's decision on the Article 78 Proceeding and asked for further clarification.

Attorney Folmer explained that it must be clear that the environmental criteria that need to be considered by each of the three boards involved are given the hard look that SEQRA requires. The method is not spelled out in any detail. There are two alternatives. Three SEQRA reviews could be done; one by the ZBA, one by the Planning Board, and one by the Town Board. Attorney Folmer suggested that was a "clumsy scenario" as it would require a great deal of unnecessary and unneeded delay in processing an application for whatever permit is required. The other option was for the ZBA, upon receipt of its application, to ask that the Town Planning Board act as lead agency for SEQR. When the Town Board becomes aware of the existence of the application, the Town Board would also ask the Planning Board to act as lead agency under SEQR. Each board would provide the Planning Board with a detailed list that each of the three boards need to be concerned with as they make their environmental review. There would be more detailed answers as to why there is no impact, rather than just listing no impact.

Attorney Folmer and PZO Weber have been discussing what the most efficient process would be to address what the Court is looking for, without causing an applicant to suffer undue delay in the application process.

RESOLUTION #95                      AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT  
REGARDING THE TOWN'S 2013 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM BETWEEN THE TOWN AND  
GENELLE DARLING

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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach                      NAY – 0

ABSENT – Kasperek

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2013 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Genelle Darling, 7 Hicks Hill, McGraw, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$2,900.00.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Nicholas Dovi, City of Cortland Department of Public Works, received May 19, 2016, notifying the Town that the City is ready and able to accept the wastewater flows from the newly installed Sanitary Sewer line on Oakcrest St. and Pendleton St. in the Town of Cortlandville. All voting aye, the motion was carried.

Councilman Proud stated he would like confirmation from the Mayor of the City of Cortland to have on file agreeing to accept the sewer line on Oakcrest and Pendleton Street. Supervisor Tupper indicated he would write a letter to the Mayor requesting confirmation.

RESOLUTION #96                      REFER AQUIFER PROTECTION PERMIT APPLICATION  
SUBMITTED BY DR. BRIAN SIRGANY FOR PROPERTY  
LOCATED AT 992 ROUTE 13 TO THE TOWN AND COUNTY  
PLANNING BOARDS FOR REVIEW AND  
RECOMMENDATIONS

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

BE IT RESOLVED, the Aquifer Protection Permit application submitted by Dr. Brian Sirgany for property located at 992 Route 13, owned by Dante Armideo, tax map #96.13-01-02.100 (portion of), shall be forwarded to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the Aquifer Protection Permit application is hereby received and filed.

RESOLUTION #97                      SCHEDULE PUBLIC HEARING FOR AQUIFER  
PROTECTION PERMIT APPLICATION SUBMITTED BY DR.  
BRIAN SIRGANY FOR PROPERTY LOCATED AT 992  
ROUTE 13

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

BE IT RESOLVED, a Public Hearing shall be scheduled for July 13, 2016 at 5:00 p.m. at the J.M. McDonald Center, Fairgrounds Drive, Cortland, New York, for the Aquifer Protection Permit application submitted by Dr. Brian Sirgany, for property located at 992 Route 13, tax map #96.13-01-02.100 (portion of).

No further comments or discussion were heard.

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

The meeting was adjourned at 5:20 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 June 15, 2016.  
The draft version of this meeting was approved as written at the Town Board meeting of July 6, 2016.