

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, Gregory K. Leach
Councilman, John C. Proud
Councilman, Walter J. Kasperek
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup’t. Carl Bush; Cortland County District Attorney, Mark Suben; Attorney, Mike Shafer; Timothy C. Buhl, P.E.; Real Estate Agent, Robert Ferris; Leonidas Group, Al Kryger; Town Residents, Joanne Finlay, Peg and Angelo Baccaro, Maria and Bill Whitaker, Chris Tier, Ken Woodman, Jill Holl, Judy Helmer, Mike Gibbons, Michelina Gibbons, Marty Wirsig, Pamela Dass, Barb Leach; Cortland Voice, Peter Blanchard; New Reporter; Tyrone Heppard from the Cortland Standard and Sharon Stevans for Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

RESOLUTION #120

AUTHORIZE PAYMENT OF VOUCHERS – JULY

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

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

Funds A, B, DA, DB	Vouchers #666-708	
	General Fund A	\$ 97,441.90
	General Fund B	\$ 11,718.14
	General Fund DA	\$ 0.00
	General Fund DB	\$ 48,780.99
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 #258-270	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	NYS Rt 13 Sewer Rehab HC	\$ 562.50
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 1,751.35
	Water SW	\$ 6,352.44
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 offered privilege of the floor to Mark Suben, Cortland County District Attorney.

Mr. Suben apprised the Board of the activities going on in the County since the last time he visited a Town Board meeting. Between December of 2014 and December of 2015 there have been six (6) homicides in the County. Reflecting back to his earlier years in the County, there was only one (1) homicide in a decade here in Cortland County. The homicides occurring in the County within the year were a drug homicide, not even drug war related, emotional instances and vehicular texting. He and his staff have prosecuted the homicides cases very successfully.

Most of the drug crimes in the County have been Meth Labs. Cortland County was at one time number one in the State regarding Meth Lab arrests. Meth Labs at one time occupied an area of a home, eventually destroying the home. Now a lab can be contained within a backpack. One method of making meth is called "Shake & Bake" making the meth in a two (2) liter bottle, with ingredients. These cases are tried, won with some of the cases having plea bargains. Mr. Suben spoke about his plea bargaining with young adults and productive middle aged citizens making/cooking meth, prosecuting these cases successfully.

Child Advocate Center, which is supervised by Mr. Suben and operates through his office, is doing well. The Child Advocate Center is an agency, which investigates crimes against children specifically sexual crimes, which is traumatic for these children. The center was revived around four (4) years ago when Mr. Suben took it over. The grant funding has doubled, not using any Cortland County taxpayer dollars and the center has become a Tier I, nationally accredited agency.

Town resident Chris Tier thanked Mr. Suben for doing a great job with his aggressiveness of prosecuting cases as District Attorney.

Mr. Suben stated he and his staff have an eight-four percent (84%) conviction rate for felony trials, having prosecuted thirty-one (31) cases and won twenty-six (26).

The Board thanked Mr. Suben for attending and updating them of the happenings of the District Attorney's Office.

Supervisor Tupper offered privilege of the floor to Cortlandville Town Resident of Pendleton St. Ext., Peg Baccaro.

Ms. Baccaro spoke of the article in the July 19, 2016 Cortland Standard regarding a grant the city of Cortland was applying for under the Smart Climate Grant Program for the construction of a pilot food waste and vermicomposting facility. It was explained, vermicomposting is a process used to break down organic wastes and debris by using worms to digest it. The article had indicated the site would be built on a nineteen (19) acre plot of land the city of Cortland owns in the town of Cortlandville between Page Green Road and Pendleton Street Extension. If approved, other municipalities would have access to this facility.

Ms. Baccaro questioned the agenda item granting the support to the city of Cortland to apply for Local Government Efficiency Grant of \$600,000 to fund the acquisition of a wood grinder/chipper, if this item was in relation to the vermicomposting facility.

Supervisor Tupper indicated the agenda item is to replace the existing tub grinder the city, town and Village of Homer own, which is located in the city on Franklin Street. Mr. Cook is applying for separate grant for the proposed vermicomposting facility and the town has not been asked to support such grant.

Ms. Baccaro asked what process the city would need to do in order for the city to get approval for this vermicomposting facility. Would the residents in the area be notified by the town?

Supervisor Tupper deferred those questions to Town Attorney, John Folmer. Mr. Folmer had not seen the details of the grant application for the vermicomposting facility and would like the opportunity to look into further, asking a copy of the grant be provided to the town and to see if there is a section of the grant for public comment. Attorney Folmer would be inclined to believe the Town Board and Planning Board would be able to entertain public comment regarding the proposed grant and project.

Residents in the area questioned if they should be voicing their concerns with the city, looking for direction from the Town Board in order to keep on top of this grant and project.

Supervisor Tupper recommended the residents keep up with the city of Cortland's Common Council meetings as the grant applications are to be submitted by July 29, 2016.

It was unclear as a governmental entity if the city of Cortland would need to come before the Town of Cortlandville's boards or not. The Board members were in agreement the situation requires some further investigation.

Residents of the area are not opposed to the project and the revenue it could generate for the city they are opposed to the location of the vermicomposting facility.

Attorney Folmer will be contacting Ms. Baccaro once he receives a copy of the grant application from the city of Cortland for their proposed vermicomposting facility.

The monthly reports of the Town Justices for the month of June 2016 were on the table for review and are filed in the Town Clerk's office.

RESOLUTION #121 ACCEPT AUDIT REPORT OF THE FISCAL AFFAIRS OF THE
TOWN OF CORTLANDVILLE FROM CIASCHI,
DIETERSHAGEN, LITTLE, MICKELSON & COMPANY, LLP
FOR THE PERIOD ENDING DECEMBER 31, 2015

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Audit Report of the fiscal affairs of the Town of Cortlandville from Ciaschi, Dietershagen, Little, Mickelson & Company, LLP for the period ending December 31, 2015 for the Town of Cortlandville is hereby accepted and shall be received and filed.

Attorney Folmer discussed with the Board the process of reviewing the Long Environmental Assessment Form as required under SEQRA and the application before them regarding the Residential Planned Unit Development (PUD) submitted by Leonidas Group of Virgil, LLC.

RESOLUTION #122 AGREE TO REVIEW AND COMPLETE PART II OF THE
LEONIDAS GROUP OF VIRGIL, LLC SEQRA APPLICATION

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby agree to review and complete Part II of the SEQRA application submitted by the Leonidas Group of Virgil, LLC for a Residential Planned Unit Development (PUD).

RESOLUTION #123 DECLARE NEGATIVE IMPACT FOR A RESIDENTIAL
PLANNED UNIT DEVELOPMENT (PUD) #1 OF 2016
SUBMITTED BY LEONIDAS GROUP OF VIRGIL, LLC FOR
PROPERTY LOCATED ON STARR ROAD

Motion by Councilman Proud

Seconded by Councilman Kasperek

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

WHEREAS, an application was submitted by Leonidas Group of Virgil, LLC, for a Residential Planned Unit Development (PUD) and a Public Hearing was duly held by this Town Board, and

WHEREAS, the Town Board, as Lead Agent for this project has duly reviewed and completed a Long Environmental Assessment Form, as required by SEQRA, therefore

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare the proposed project of Leonidas Group of Virgil, LLC, Residential Planned Unit Development (PUD) #1 of 2016, shall have no significant environmental impact.

The comments in the SEQRA review the Board found to be moderate to large impacts in Part III will be forwarded to the Town Planning Board by Town Attorney Folmer for their review, consideration, and such action as the Planning Board deems appropriate.

RESOLUTION #124 AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION
FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT
(PUD) #1 OF 2016

Motion by Councilman Proud

Seconded by Councilman Kasperek

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA determination relating to the Residential Planned Unit Development (PUD) #1 of 2016, submitted by Leonidas Group of Virgil, LLC.

RESOLUTION #125 APPROVAL OF A RESIDENTIAL PLANNED UNIT
DEVELOPMENT (PUD) APPLICATION #1 OF 2016
SUBMITTED BY LEONIDAS GROUP OF VIRGIL, LLC

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: ROLL CALL - AYE – Tupper, Proud, Leach
NAY – Testa, Kasperek
ADOPTED

BE IT RESOLVED, that pursuant to Article XI, Section 178-54 of the Code of the Town of Cortlandville, the Town Board does hereby approve an application submitted by the Leonidas Group of Virgil, LLC for a Residential Planned Unit Development (PUD), and it is further

RESOLVED, the Town Board designates such proposed property, located on Starr Road, tax map #96.10-01-19.100 as a Residential Planned Unit Development (PUD) as defined in the Section's 178-54 and 178-55 of the Code of the Town of Cortlandville, and it is further

RESOLVED, the Town Board does hereby endorse the Cortland County Planning Board and the Town Planning Board recommendations and conditions, and it is further

RESOLVED, the approval is contingent upon a Performance Guarantee Bond supplied to the Town at an amount and term to be determined by the Town Board after construction costs are determined, as permitted by the Code of the Town of Cortlandville pursuant to Article XI, Section 178-60.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the proposed amendment to the Town of Dryden Zoning Law for the year 2016, to add density regulations for the rural residential and rural agricultural districts. All voting aye, the motion was carried.

RESOLUTION #126 ACKNOWLEDGE RECEIVING NOTICE OF PETITION FOR
REVIEW OF ASSESSMENTS

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby acknowledge, by receiving and filing, the Notice of Petitions, regarding their current assessments, from the following property owners:

Walgreen Eastern Co., Inc.	3948 Route 281	tax map #86.13-01-49.000
Cortlandville Partners , LTD	3654-3666 Route 281	tax map #96.09-01-02.200
Chemung Canal Trust Co.	1094 Route 222	tax map #86.13-01-54.000

Attorney Folmer reported:

Tax Certiorari Proceedings:

Attorney Folmer informed the Board regarding the tax certiorari proceedings filed against the Town is returnable before Judge Rumsey in September and October of 2016. He mentioned to the Board that historically the tax certiorari claims are resolved by the town.

RESOLUTION #127 AGREE TO THE SUPPORT OF THE CITY OF CORTLAND
APPLYING FOR THE 2016 CFA LOCAL GOVERNMENT
EFFICIENCY GRANT FOR PHASE TWO OF THE SMART
WATER METER PROJECT

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board of the Town of Cortlandville does hereby agree to support the City of Cortland applying for the 2016 CFA Local Government Efficiency grant for \$600,000. to fund phase two (2) of the Smart Water Meter Project, and it is further

RESOLVED, this resolution is adopted as a joint application between the City of Cortland, Town of Cortlandville and the Village of Homer.

RESOLUTION #128 AGREE TO THE SUPPORT OF THE CITY OF CORTLAND
APPLYING FOR THE 2016 CFA LOCAL GOVERNMENT
EFFICIENCY GRANT TO FUND THE ACQUISITION OF A
WOOD GRINDER/CHIPPER

Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board of the Town of Cortlandville does hereby agree to support the City of Cortland applying for the 2016 CFA Local Government Efficiency grant for \$600,000. to fund the acquisition of a wood grinder/chipper, and it is further

RESOLVED, this resolution is adopted as a joint application between the City of Cortland, Town of Cortlandville and the Village of Homer.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the correspondence dated July 6, 2016 from the New York State Department of Transportation regarding the request to reduce the speed limit on Cosmos Hill Road. All voting aye, the motion was carried. The New York State Department of Transportation determined that lowering the speed limit would not be appropriate at this time.

RESOLUTION #129 AUTHORIZE SUPERVISOR TO REFUND THE PARK
RESERVATION FEE OF \$75.00 TO JEFFERY CARR

Motion by Councilman Leach

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, the softball fields and pavilion at Citizens Park was reserved for fast pitch games on July 23, 2016, and

WHEREAS, the games were forced to be cancelled due to a lack of teams, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Supervisor to refund the park reservation fee of \$75.00 to Jeffery Carr, and it is further

RESOLVED, correspondence from Jeffery Carr shall be received and filed.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the correspondence by email, dated July 12, 2016 from Lisa Foster of 3596 Parti Drive regarding the Leonidas Group of Virgil, LLC. project. All voting aye, the motion was carried. The correspondence was in regards to the proposed project on Starr Road.

RESOLUTION #130 AUTHORIZE SUPERVISOR TO SIGN PROPOSAL FROM
THOMA DEVELOPMENT TO DEVELOP AND WRITE A
PROGRAM INCOME PLAN FOR THE TOWNS COMMUNITY
DEVELOPMENT BLOCK GRANTS

Motion by Councilman Leach

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, it has been suggested by the New York State Office of Community Renewal that the Town of Cortlandville have in place a "Program Income Plan" in order to provide guidance to the town for the use of CDBG Program Income funds, and

WHEREAS, the town had discussions with Thoma Development for their assistance, as they are familiar with such a program and the operation of such plans, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Supervisor to sign the proposal of Thoma Development to develop and write a "Program Income Plan" for the town, and it is further

RESOLVED, the fees associated with the proposal are based on hour rates as follows:

1. Senior Consultants \$100.00 per hour
2. Program Managers \$75.00 per hour
3. Clerical \$35.00 per hour
4. Any reimbursable costs associated with this project.

Town Clerk Snyder offered the following resolution:

It is with sadness in my heart that I ask of you, members of my Town Board to accept the resignation of my Deputy, Kristin Rocco-Petrella effective August 5, 2016.

RESOLUTION #131 ACCEPT RESIGNATION FROM KRISTIN ROCCO-
PETRELLA AS DEPUTY TOWN CLERK EFFECTIVE
AUGUST 5, 2016

Motioned by Councilman Testa

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek

NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby with deep regret accept the letter of resignation from Kristin Rocco-Petrella as Deputy Town Clerk, to be effective August 5, 2016, and it is further

RESOLVED, her letter of resignation is hereby received and filed.

The following is a prepared statement by Town Clerk Snyder regarding her Deputy, Kristin Rocco-Petrella.

“Kristin has accepted the position in the Village of Homer as their next Village Clerk/Treasurer, as this opportunity arose; I respect her for going after this position as it will be more challenging and less stressful for her.

Kristin has been with my office for 15 years, as she started in December of 2001, fresh out of college. She earned her NYS Registered Municipal Clerk title and her Notary Commission through the New York State Town Clerk’s Association, which I am a member of. Her training and preparation for such a position came at a cost; as it is the Village of Homers gain and the Town of Cortlandvilles loss!

I am asking that we all embrace and be proud and be honored to send her off to her new beginning, her new chapter in her life. Her move is contributed to the knowledge and experience she gained through me, you as Town Board members, our Town Attorney, John Folmer, our Town Planning and Zoning Board members, all the other Town Employees and the residents past and present!

My remaining 2 Deputies and I wish her well as we know she will do a very decent and thorough job for the Village as she did for my office and the Town of Cortlandville.”

RESOLUTION #132 AUTHORIZE CHANGE ORDER NO. 1 – 3 FROM
CUNNINGHAM EXCAVATION, INC. FOR THE
OAKCREST/PENDLETON STREET SEWER INSTALLATION
PROJECT

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek

NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Change Order No. 1-3 from Cunningham Excavation, Inc., for various design changes within the Oakcrest/Pendleton Street Sewer Installation Project:

Change Order No. 1	Two (2) Lateral Installations-Core Drill Manhole	\$ 2,000.00 increase
Change Order No. 2	Delete Pavement Milling, 1 ½” Asphalt Overlay	\$122,086.49 increase
	Manhole Frame Elevations	
Change Order No. 3	Final Contract Over Under Quantity Adjustments	\$122,147.35 decrease

RESOLUTION #133 AUTHORIZE SUPERVISOR TO ISSUE PAYMENT TO
DONALD BABCOCK FOR REIMBURSEMENT OF DAMAGE
TO HIS PROPERTY DUE TO THE OAKCREST/PENDLETON
STREET SEWER INSTALLATION PROJECT

Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Supervisor is hereby authorized and directed to issue payment to Donald Babcock for reimbursement in the amount of \$3,579.02 for water damage to his property at 2 Sunnyfield Drive, Cortland, New York due to the Oakcrest/Pendleton Street Sewer Installation Project.

RESOLUTION #134 ACCEPT CERTIFICATE OF SUBSTANTIAL COMPLETION
FOR THE OAKCREST/PENDLETON STREET SEWER
INSTALLATION PROJECT

Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby accept the Certificate of Substantial Completion for the Oakcrest/Pendleton Street Sewer Installation Project.

RESOLUTION #135 AUTHORIZE SUPERVISOR TO SIGN PAYMENT
APPLICATION #1 REGARDING THE LUKER ROAD AND
OWEGO STREET/ROUTE 215 WATER PROJECTS

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Supervisor to sign payment application #1 regarding the Luker Road and Owego Street/Route 215 Water Main Installation Project in the amount of \$190,348.37 for Syracuse Constructors, Inc.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:45 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 July 29, 2016.

The final version of this meeting was approved as written at the Town Board meeting of August 3, 2016.