

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Raymond G. Thorpe Municipal Building, Cortland, New York, with Supervisor Tupper presiding.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, Gregory K. Leach
Councilman, Walter J. Kasperek
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup’t. Carl Bush; Town Residents, Barb Leach; Pam Jenkins; Andrea Niggli; News Reporter, Tyrone Heppard from the *Cortland Standard*, Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

RESOLUTION #156

AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER
#1270

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 sign Purchase Order #1270 submitted by Town Highway Superintendent Carl A. Bush, Jr. to be paid to Genson Overhead Door, for the replacement of a town highway garage overhead door, for a total cost of \$4,680.00.

RESOLUTION #157

AUTHORIZE PAYMENT OF VOUCHERS – SEPTEMBER

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	Voucher #855-890	
	General Fund A	\$ 112,280.63
	General Fund B	\$ 21,842.50
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 22,955.14
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 #349-370	
	Luker Rd Water HA	\$ 12,809.20
	Owego St Water HB	\$ 7,475.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 25,023.56
	Water SW	\$ 23,445.17
Funds SF, TA, TE	Voucher #35-39	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 69,875.00
	Expendable Trust TE	\$ 0.00

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

Supervisor Tupper comment on a communication received from Pam Jenkins dated September 9, 2016, regarding the town's proposed gas station law and Mr. Leach, which all Board members received a copy of.

Town Clerk Karen Q. Snyder had no business to report.

Town Attorney Folmer reported:

Bond Anticipation Note:

Attorney Folmer stated a closing has been scheduled for Friday, September 23, 2016 regarding renewing a Bond Anticipation Note for the Oakcrest/Pendleton Street Sewer Installation Project.

Sale of Surplus Property – Davinci Drive:

Town Attorney Folmer recapped to the Board that they had at their Town Board Meeting of June 15, 2016 adopted a resolution for the sale of town property to Mr. and Mrs. Stephen Franco, subject to Permissive Referendum. The period of Permissive Referendum has now expired without incident. The documentation has been delivered to Mr. and Mrs. Franco's attorney. Mr. Folmer requested a resolution to authorize the Town Supervisor to execute the necessary documents, subject to the buyer's attorney approval.

RESOLUTION #158 AUTHORIZE SUPERVISOR TO SIGN THE TRANSFER
DOCUMENTS FOR THE SALE OF TOWN PROPERTY
LOCATED ON DAVINCI DRIVE

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 Town Supervisor to sign the transfer documents for the sale of town property located on Davinci Drive in the Town of Cortlandville, tax map #76.00-02-19.000, (1.01 acres) to Stephen D. and Janine L. Franco, for the sum of \$1,000.00, subject to approval of the final documents by Town Attorney Folmer, and it is further

RESOLVED, a Permissive Referendum was published on June 27, 2016 with no such petitions filed within the required time frame.

RESOLUTION #159 REAPPOINT JOHN DIESCHER TO THE CORTLANDVILLE
BOARD OF ASSESSMENT REVIEW

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 reappoint John Diescher, of 3946 Route 11, Cortland, New York to the Cortlandville Board of Assessment Review for a five-year term commencing October 01, 2016 and shall expire September 30, 2021.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from David P. Smith, P.E., Regional Director for the New York State Department of Transportation, dated September 2, 2016, regarding the Town's request to lower the speed limit on McLean Road from 55 mph to 45 mph. All voting aye, the motion was carried.

The letter was the New York State Department of Transportation response to Senator James L. Seward regarding his request and concerns on behalf of the town, again denying the reduction in the speed limit of a section of McLean Road.

The New York State Department of Transportation did make recommendations in order to slow down traffic. Town Highway Sup't., Bush will contact the Cortland County Highway Department to assist the town with these recommendations.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Building Plans and Spill Response Plan regarding the Aquifer Protection Permit application submitted of Royal Nissan Subaru for property located at 654 NYS Route 13. All voting aye, the motion was carried.

It is noted the Cortland County Planning Department recommendations and the Cortland County Planning Board, Resolution #16-19, were received and filed at the Town Board Meeting of August 3, 2016.

RESOLUTION #160 SCHEDULE PUBLIC HEARING FOR AQUIFER PROTECTION
PERMIT SUBMITTED BY ROYAL NISSAN SUBARU FOR
PROPERTY LOCATED AT 654 NYS ROUTE 13

Motion by Councilman Proud
Seconded by Councilman Leach

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

BE IT RESOLVED, a Public Hearing shall be scheduled for October 5, 2016 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York for the Aquifer Protection Permit application submitted by Royal Nissan Subaru for property located at 654 NYS Route 13, tax map #105.00-04-06.200.

RESOLUTION #161 REFER AQUIFER PROTECTION PERMIT APPLICATION
SUBMITTED BY BESTWAY OF NEW YORK, INC. FOR
PROPERTY LOCATED AT 3832 LUKER ROAD TO THE
TOWN AND COUNTY PLANNING BOARDS FOR REVIEW
AND RECOMMENDATIONS

Motion by Councilman Leach
Seconded by Councilman Testa

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

BE IT RESOLVED, the Aquifer Protection Permit application submitted by Bestway of New York, Inc., for property located at 3832 Luker Road, tax map #86.17-02-01.100, 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.

Town Attorney Folmer stated that this application was before the Board's some time ago and proved by all the Town Board's. Since construction did not commence timely, their approved building permit has since expired. Their application process must be repeated.

RESOLUTION #162 REFER AQUIFER PROTECTION PERMIT APPLICATION
SUBMITTED BY SUBURBAN PROPANE FOR PROPERTY
LOCATED AT 3833 ROUTE 11 TO THE TOWN AND
COUNTY PLANNING BOARDS FOR REVIEW AND
RECOMMENDATIONS

Motion by Councilman Proud
Seconded by Councilman Leach

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

BE IT RESOLVED, the Aquifer Protection Permit application submitted by Suburban Propane, for property located at 3833 Route 11, tax map #87.04-01-17.000 and 87.04-01-18.000, 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.

Deborah Amidon-Staley who owns a small horse farm at 3872 Route 11, submitted a request for a refund on her Town & County taxes for the town benefit tax. This charge has been applied to her taxes since 2012, as part of the Polkville Water Project. Her property qualifies and has an Agricultural Exemption under the NYS Real Property Tax Law. Under the Agriculture and Markets Law a property with such an exemption should only be charged a benefit tax based on one unit maximum and not the total length of road frontage. Her benefit tax unit charge for this property is 7.45, which is based on her road frontage.

Town Attorney Folmer recommended tabling any action on this request until further research has been completed.

RESOLUTION #163 TABLE ACTION ON THE REQUEST FROM DEBORAH
AMIDON-STALEY REGARDING HER WATER BENEFIT TAX
CHARGE ON HER PROPERTY AT 3872 ROUTE 11

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 table action on a request from Deborah Amidon-Staley regarding the Water Benefit Tax charge for her property located at 3872 Route 11, Cortland, New York until the Town Board Meeting of October 5, 2016 so further research can be completed.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The final version of this meeting was submitted to the Town Board for their review on October 17, 2016.

The final version of this meeting was approved as written at the Town Board meeting of October 19, 2016.