

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
ROYAL NISSAN SUBARU
654 ROUTE 13
TAX MAP #105.00-04-06.000

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 Royal Nissan Subaru, to construct a 28,000 sq. ft. automobile dealership with accessory parking for 419 vehicles on the southeast side of NYS Route 13, approximately ½ mile southwest of the NYS Route 13/South Cortland Virgil Road intersection, tax map #105.00-04-06.000.

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; Cortland County Legislator, Joseph Steinhoff; Chuck Feiszli, P.E.; representing Royal Nissan Subaru, Joe Reagan; representing Bestway, Attorney, Mike Shaffer and Andrew Porter; News Reporter, Tyrone Heppard from the *Cortland Standard*; Sharon Stevans and Duane Andrus from Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

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

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

Joe Reagan representing Royal Nissan Subaru presented to the Town Board and the Media the site plans of what the proposed building of the new dealership, signage, parking lot and landscaping would entail. Those in attendance commented on how appealingly the project will look and are looking forward to the breaking of ground.

No further comments or discussions were heard.

The Public Hearing was closed at 5:05 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, Cortland, New York, with Deputy Supervisor Testa 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; Cortland County Legislator, Joseph Steinhoff; Chuck Feiszli, P.E.; representing Royal Nissan Subaru, Joe Reagan; representing Bestway, Attorney, Mike Shaffer and Andrew Porter; News Reporter, Tyrone Heppard from the *Cortland Standard*; Sharon Stevans and Duane Andrus from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

RESOLUTION #164

AUTHORIZE PAYMENT OF VOUCHERS – OCTOBER

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

NAY-0

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

Funds A, B, DA, DB	Voucher #891-939		
	General Fund A	\$	20,964.21
	General Fund B	\$	3,897.38
	Highway Fund DA	\$	0.00
	Highway Fund DB		\$165,692.79
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 #371-388		
	Luker Rd Water HA	\$	0.00
	Owego St Water HB	\$	0.00
	NYS Rt 13 Sewer Rehab HC	\$	0.00
	Oakcrest/Pendleton Sewer HD	\$	0.00
	Saunders Rd Sewer HE	\$	0.00
	Sewer SS	\$	6,957.96
	Water SW	\$	8,407.69
Funds SF, TA, TE	Voucher #40		
	C'Ville Fire District SF	\$	0.00
	Trust & Agency TA	\$	78.00
	Expendable Trust TE	\$	0.00

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

The monthly reports of the Code Enforcement Office, Town Clerk, Town Supervisor for the month of September and Water & Sewer Department for the months of September and October were on the table for review and are filed in the Town Clerk’s office.

RESOLUTION #165 TABLE ACTION OF AQUIFER PROTECTION PERMIT
APPLICATION SUBMITTED BY ROYAL NISSAN SUBARU
UNTIL THE TOWN BOARD MEETING OF OCTOBER 19, 2016

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 Table any action on the Aquifer Protection Permit application submitted by Royal Nissan Subaru, for property located at 654 Route 13, Cortland, New York until the next Town Board meeting of October 19, 2016, at which time the necessary updated Spill Water Prevention Plan will be available for review.

Under new business, Town Clerk, Karen Q. Snyder presented the Board with the 2017 Tentative Budget.

RESOLUTION #166 ACKNOWLEDGE RECEIVING 2017 TENTATIVE BUDGET

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Clerk received the 2017 Tentative Budget on September 30, 2016, and has presented it to Town Board members, in accordance with Town Law.

Attorney Folmer reported:

Rural Avenue, Carroll Street and Fairground Drive:

Attorney Folmer received from Town Highway Sup't. Carl Bush a request for the acceptance of Rural Avenue, Carroll Street and Fairground Drive as forty (40) foot wide road ways. The request also was to consider closing Fairground Drive and Carroll Street during the week of the Cortland County Junior Fair. The surrounding property owners on these road ways do not wish to have formal easements recorded. Attorney Folmer is questioning this reasoning and stated that easements currently do not exist for these road ways. He will provide at the next Town Board meeting more information on this situation.

RESOLUTION #167 AUTHORIZE REDUCING THE WATER BENEFIT TAX UNIT
CHARGE FOR PROPERTY OWNED BY DEBORAH AMIDON-
STALEY AND ISSUE A REFUND

Motion by Councilman Proud

Seconded by Councilman Leach

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

WHEREAS, a request was received from Deborah Amidon-Staley for the reduction of the Water Benefit Tax unit charge on the Cortlandville Town and County tax bills for the years 2012, 2013, 2014, 2015, 2016 for property she owns at 3872 Route 11, Cortland, New York, and

WHEREAS, at the Town Board meeting of September 21, 2016 the Board discussed the situation and determine to Table any action on the matter until further investigation was accomplished by Town Attorney, John B. Folmer, and

WHEREAS, after investigating the request, it was found this charge has been applied to her taxes since 2012, as part of the Polkville Water Project and her property qualifies and has an Agricultural Exemption under the NYS Real Property Tax Law, and

WHEREAS, it is stated under the Agriculture and Markets Law a property with such an exemption should only be charged a benefit tax based of one unit regardless of the total length of road frontage, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct Town Clerk, Karen Q. Snyder to reduce the Water Benefit Tax unit charge for tax map #87.00-05-05.000, owned by Deborah Amidon-Staley commencing with the 2017 Cortlandville Town and County tax bill, from 7.45 units to 1.00 unit, and it is further

RESOLVED, a refund for the Water Benefit Tax unit charge in the amount of \$2,160.04 for the paid Cortlandville Town and County tax bills for the years 2012, 2013, 2014, 2016, shall be issued, and it is further

RESOLVED, a refund for the Water Benefit Tax unit charge for the 2015 Cortlandville Town and County tax bill will be issued when such bill is paid.

RESOLUTION #168 AUTHORIZE CHANGE ORDER NO. 1 – 4 FROM SYRACUSE
CONSTRUCTORS, INC. FOR THE LUKER ROAD/OWEGO
STREET WATER MAIN INSTALLATION PROJECT

Motion by Councilman Leach

Seconded by Councilman Proud

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. 1-4 from Syracuse Constructors, Inc. for various design changes within the Luker Road/Owego Street Water Main Installation Project:

Change Order No. 1	Install back tap on the water main on NYS route 281 (Luker Road)	\$ 3,631.19 increase
Change Order No. 2	Install hydrant extension at station L10+20 on Luker Road	\$ 609.93 increase
Change Order No. 3	Return and restock un-used 16” water main and fittings	\$ 2,928.72 increase
Change Order No. 4	Final quantity adjustment	\$162,119.45 decrease

RESOLUTION #169 ACCEPT CERTIFICATE OF SUBSTANTIAL COMPLETION
FOR THE LUKER ROAD/OWEGO STREET WATER MAIN
INSTALLATION PROJECT

Motion by Councilman Leach

Seconded by Councilman Proud

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 Luker Road/Owego Street Water Main Installation Project.

RESOLUTION #170 AUTHORIZE SALARY INCREASE FOR ALLEN MOORE,
WATER TREATMENT PLANT OPERATOR TRAINEE FOR
THE TOWN OF CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby acknowledge that Allen Moore, Cortlandville Water Treatment Plant Operator Trainee, has successfully completed and obtained his NYS Grade “D” System Operators Certification, and it is further

RESOLVED, that Mr. Moore’s salary increase of \$2,000.00 shall be authorized for his successful completion and obtaining his certification.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file Engineer’s Report for the Aquifer Protection Permit application of Bestway of New York, Inc. to construct a new building for repairs and maintenance of their large trucks. All voting aye, the motion was carried.

RESOLUTION #171 SCHEDULE PUBLIC HEARING FOR AQUIFER PROTECTION
PERMIT APPLICATION SUBMITTED BY BESTWAY OF NEW
YORK, INC. FOR PROPERTY LOCATED AT 3832 LUKER
ROAD

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 19, 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 Bestway of New York, Inc. for property located at 3832 Luker Road, tax map #86.17-02-01.100.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Maxian & Horst, Landscape Architects & Land Planners, PLLC., regarding the Aquifer Protection Permit application submitted by Suburban Propane for property located at 3833 NYS Route 11. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence from New York State Homes & Community Renewal, dated September 27, 2016, regarding the NYS Community Development Block Grant of Precision E-forming and Byrne Dairy, acknowledging receipt of correspondence from the Town and confirming that monitoring concerns were resolved with respect to the projects. All voting aye, the motion was carried.

RESOLUTION #172 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

Motion by Councilman Leach

Seconded by Councilman Proud

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

NAY - 0

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 Road, McGraw, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$2,900.00.

Supervisor Tupper discussed the third quarter water and sewer billing that just was completed and mailed out to the town's customers. The Town Clerk's office has been receiving several calls regarding questions and problems from town customers on their high water and sewer bills. Supervisor Tupper stated this past billing quarter the weather provided eighty (80) days of drought out of the ninety (90) days of this billing cycle.

Supervisor Tupper discussed the water and sewer billing program the Town Clerk's office has and the capability of checking a customer's consumption by hour, by day, by week or by month. Supervisor Tupper recommended the town customers contact the Town Clerk's office to have their accounts checked.

Supervisor Tupper reminded the town customer's if a problem still exists to please contact the Town Board.

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 5:25 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 November 11, 2016.

The final version of this meeting was approved as written at the Town Board meeting of November 16, 2016.