

## 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, John C. Proud  
Councilman, John P. Reynolds  
Councilman, Douglas E. Withey  
Town Clerk, Kristin Rocco-Petrella, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Glenn Bassett; Court Clerk, Pam Bassett; Deputy Town Clerk, Patty Romer; Town Residents: Pam Jenkins, Barb Leach, Greg Leach, Pat Leach; Attorney Mike Shafer; Al Kryger; News Reporters: Duane Andrus from Channel 2, Access TV, Brad Smith from WXHC, and Jacob DeRochie from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Zoning Board of Appeals Minutes of March 27, 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Planning Board Minutes of March 27, 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to approve the Town Board Minutes of March 21, 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to approve the Special Town Board Minutes of March 26, 2018. All voting aye, the motion was carried.

The Town Board Minutes of April 4, 2018 were presented to the Board for their review.

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**RESOLUTION #110                      AUTHORIZE PAYMENT OF VOUCHERS – APRIL**

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

ADOPTED

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

Funds A, B, DA, DB, HE, HG, SS, SW	Voucher #474-549	
	General Fund A	\$ 165,021.89
	General Fund B	\$ 1,636.71
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 31,822.08
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber SC Project HG	\$ 84.36
	Sewer Fund SS	\$ 633.44
	Water Fund SW	\$ 15,505.13
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Funds SF, TA, TE	Voucher #19-23	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 39,572.76
	Expendable Trust TE	\$ 0.00

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

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the monthly report of Code Enforcement Officer, Kevin McMahon for the month of March 2018. All voting aye, the motion was carried.

RESOLUTION #111                      ACCEPT THE GASB 45 REPORT FOR THE TOWN OF  
CORTLANDVILLE FOR THE YEAR ENDING DECEMBER 31,  
2017

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Motion by Councilman Proud

Seconded by Councilman Reynolds

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept and receive and file the GASB 45 Other Post-employment Benefits Actuarial Valuation for the Town of Cortlandville for the Fiscal Year ending December 31, 2017, as prepared by Armory Associates, LLC Actuarial Consulting Group, 120 Walton Street, Suite 601, Syracuse, NY 13202.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report from Justice Casullo for the month of March 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report from Justice LeFevre for the month of March 2018. All voting aye, the motion was carried.

There was discussion regarding the Route 13 Rocks, LLC gravel mining permit. In addition to receiving a letter from Senator Seward to the NYS DEC, Supervisor Tupper apprised the Board he received a phone call from Assemblywoman Barbara Lifton concerning the matter as well.

Councilman Proud read an excerpt from Senator Seward's letter, which drew attention to the Town's concern. "The town is concerned that the applicant seeks to mine at a significant level below the mean seasonal water table and the effect on its aquifer, from which municipal water is drawn." Councilman Proud explained that the application for the gravel mining permit was filed in April 2017 with the DEC. The Town had a meeting with the applicant and the DEC in November 2017 regarding the 3-page list of items to address; the application was not complete.

Councilman Proud expressed concern and questioned if the benefit to the region, community or state of mining a hundred feet into the aquifer was worth the risk to the water supply. He said he was not as concerned with the effect on the wells from mining above the water table, but the current permit states they need to stay eight feet above seasonal mean water level and it has never been determined what that level is. In the event of a problem, he questioned how it would be addressed and by whom. He added that the Town and the DEC each had to review the application from both perspectives and enter into discussion to determine if the application is complete and if they are in agreement, move forward from that point. Councilman Withey questioned if a workshop would be in order to better understand the technical content. Councilman Proud agreed a workshop would be beneficial.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from Senator James Seward to Basil Seggos, Commissioner, NYS Department of Environmental Conservation, dated March 23, 2018, regarding the Gravel Mining Permit for Route 13 Rocks, LLC. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from the NYS Department of Environmental Conservation, dated April 12, 2018, and the Route 13, Rocks, LLC's response to the DEC's previous "Notice of Incomplete Application" DEC #7-1122-00043, MLR #70436. All voting aye, the motion was carried.

Under old business, Councilman Withey questioned the status of the Draft Agricultural & Farmland Protection Plan and whether the Town was on schedule with meeting the deadline for adoption of the Plan.

Councilman Proud relayed that he and Supervisor Tupper had a conference call with NYS Ag. & Markets and CHA; the eight concerns have been resolved. The meeting minutes have been circulated and have not been disputed. CHA is progressing with moving the comments of the meeting into the Plan. Councilman Proud indicated that Ag. & Markets has not expressed concern regarding the schedule.

Under new business, Town Clerk Rocco-Petrella informed the Board she would be attending several trainings and seminars in the next couple of weeks and would be in and out of the office. She would be attending the NYSTCA Conference in Albany April 22- April 24, 2018.

Attorney Folmer reported:

Comprehensive Plan:

Attorney Folmer recalled that at the last meeting the Board requested he write a letter to CHA concerning the contract for the Comprehensive Plan and the review and inclusion of public comment made during the last five years in reference to land use proposals. Such letter was drafted, reviewed by Councilman Withey, and signed by Supervisor Tupper. Attorney Folmer provided the Board with copies of the letter for their review.

New Highway Garage – Contract:

Attorney Folmer drew attention to item I-13 on this meeting's agenda. He reminded the Board they adopted the bonding resolution subject to permissive referendum, which had a 30-day period of expiration. While there was no indication of opposition to the project, Attorney Folmer requested that if the Board adopts a resolution authorizing the approval of a contract for construction of the building, that they do so subject to completion of the permissive referendum. The Town cannot enter into a contract until it has expired.

RESOLUTION #112	AUTHORIZE SUPERVISOR TO SIGN THE UTILIZATION OF SECTION 3 RESIDENTS AND BUSINESSES 1 <sup>ST</sup> QUARTER REPORT 2018 REGARDING THE 2016 CDBG TOWN-WIDE HOUSING REHABILITATION PROGRAM (#287HR326-16)
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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Utilization of Section 3 Residents and Businesses 1<sup>st</sup> Quarter Report of 2018, regarding the 2016 Community Development Town-Wide Housing Rehabilitation Program (#287HR326-16).

RESOLUTION #113	AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT REGARDING THE TOWN'S 2016 COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION PROGRAM BETWEEN THE TOWN AND LOUIS THOMPSON
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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Louis Thompson, 1539 Saunders Road, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$27,040.96.

RESOLUTION #114      AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT  
REGARDING THE TOWN'S 2016 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM BETWEEN THE TOWN AND  
EARL, DONNA AND LAURA FOX

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey   NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Earl, Donna and Laura Fox, 3133 Gracie Road, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$17,550.00.

RESOLUTION #115      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
EARL, DONNA AND LAURA FOX FOR THE TOWN-WIDE  
HOUSING REHABILITATION GRANT PROGRAM  
CDBG #287HR326-16

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey   NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Earl, Donna and Laura Fox, 3133 Gracie Road, Cortland, New York, regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$17,550.00.

RESOLUTION #116      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
DAVID PIERCE FOR THE TOWN-WIDE HOUSING  
REHABILITATION GRANT PROGRAM  
CDBG #287HR326-16

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey   NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and David Pierce, 1149 Gallagher Road, Cortland, New York, regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$28,193.00.

RESOLUTION #117      AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT  
REGARDING THE TOWN'S 2016 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM BETWEEN THE TOWN AND  
DARIK AND AMBER HANBACK

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey   NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Darik and Amber Hanback, 3673 Pendleton Street, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$17,884.00.

RESOLUTION #118      AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE  
TOWN-WIDE HOUSING REHABILITATION GRANT  
PROGRAM CDBG #287HR326-16

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Reynolds, Withey   NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment for the following regarding the Town-Wide Housing Rehabilitation Grant Program-CDBG #287HR326-16:

Voucher #33: Greenman's Electric - \$1,395.00

Voucher #34: Town of Cortlandville - \$100.00

Supervisor Tupper explained the necessity for a fire alarm upgrade at the Raymond G. Thorpe Municipal Building. The Cortland County 911 Center has disconnected the Town from the system. The Town is now required to have a private alarm system in which the alarm must first go to an intermediary rather than directly to 911.

RESOLUTION #119      AUTHORIZE SUPERVISOR TO SIGN PROPOSAL FROM  
BEARD ELECTRIC, LLC FOR THE INSTALLATION OF A  
NEW FIRE ALARM SYSTEM AT THE RAYMOND G.  
THORPE MUNICIPAL BUILDING

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Reynolds, Withey   NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the proposal with Beard Electric, LLC for the installation of a new fire alarm system at the Raymond G. Thorpe Municipal Building, in an amount not to exceed \$19,560.00, and it is further

RESOLVED, the total cost for monitoring, per year, to be paid to Beard Electric, LLC shall not exceed \$460.00.

RESOLUTION #120      AUTHORIZE OCM BOCES STUDENTS TO PLANT TREES  
AT THE TOWN OF CORTLANDVILLE'S LIME HOLLOW  
WELL SITE

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Reynolds, Withey   NAY – 0

ADOPTED

WHEREAS, a request was received from OCM BOCES teacher, Bonnie Quakenbush, for her students to plant trees obtained from the Cortland County Soil & Water Conservation District as a community service project on Town property, and

WHEREAS, after speaking with Water & Sewer Sup't. Alteri it was determined that the Town's Lime Hollow well site would be an appropriate location for such trees, therefore

BE IT RESOLVED, the Town Board does hereby authorize the OCM BOCES class, under the direction of Ms. Quackenbush, to plant trees at no cost at Town's Lime Hollow well site located at 664 Lime Hollow Road.

There was discussion regarding the policy change to CDBG program income guidelines. Supervisor Tupper advised the Board that over the years a considerable amount of applicants have repaid CDBG grant money to the Town. Currently, the Town has approximately \$200,000 in program income. The State announced a change in policy for program income in which all

program income in the Town's possession that has not been committed in writing for eligible CDBG activities and approval by NYS OCR by March 31, 2019 must be returned to the Housing Trust Fund Corporation by April 30, 2019. Supervisor Tupper was working with the Cortland County IDA/BDC in hopes to loan the remainder of the Town's program income to a local business rather than returning the remaining funds to the State.

RESOLUTION #121                      AUTHORIZE SUPERVISOR TO SIGN THE CERTIFICATION  
OF CDBG PROGRAM INCOME FOR THE TOWN'S  
UNCOMMITTED NYS CDBG PROGRAM INCOME

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Reynolds, Withey    NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Certification of CDBG Program Income for the Town of Cortlandville's uncommitted NYS CDBG Program Income and to return it to the Office of Community Renewal by May 31, 2018.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the "Third Notice" from Thoma Development Consultants to Chris and Wendy Whible, requesting a current Certification of Insurance on their property located at 5 OK Street, McGraw, New York, to comply with CDBG requirements. All voting aye, the motion was carried.

RESOLUTION #122                      ACKNOWLEDGE SUCCESSFUL COMPLETION OF  
PROBATIONARY PERIOD FOR BRIAN CLUKEY, WATER  
TREATMENT PLANT OPERATOR AND AUTHORIZE  
SALARY INCREASE

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Withey, Reynolds                      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge that Brian Clukey, Cortlandville Water Treatment Plant Operator Trainee has successfully completed his probationary period, and it is further,

RESOLVED, the Town Board authorizes a salary increase of \$2,000.00 to Brian Clukey for the successful completion of his probationary period.

RESOLUTION #123                      AUTHORIZE SUPERVISOR TO SIGN THE  
ENVIRONMENTAL REVIEW FORMS PERTAINING TO  
CDBG #287SB902-18 ROYAL NISSAN OF CORTLAND, INC.

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Withey, Reynolds                      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the following Environmental Review forms pertaining to CDBG #287SB902-18 for Royal Nissan of Cortland, Inc:

Form 2-1 Designation of Certifying Officer and Environmental Responsibility Certification  
Form 2-3 Certification of NEPA Classification  
Form 2-3A Certification of SEQRA Classification  
Form 2-4 NEPA Classification Checklist – Exempt Activities & Categorically Excluded Activities  
Form 2-5 Statutory Checklist

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RESOLUTION #124      AUTHORIZE SUPERVISOR TO SIGN AGREEMENTS  
BETWEEN THE TOWN AND AMES LINEN SERVICE

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Motion by Councilman Withey  
Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Withey, Reynolds      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Textile Rental Service Agreements between the Town of Cortlandville and Ames Linen Service to provide textile rental services for mats for the Raymond G. Thorpe Municipal Building and for shop towels/laundry bags for the Cortlandville Highway Department for a period of five (5) years.

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RESOLUTION #125      AUTHORIZE CORTLAND COUNTY HEALTH  
DEPARTMENT TO USE THE TOWN'S MUNICIPAL  
WATER/SEWER GARAGE TO HOST A RABIES CLINIC ON  
JUNE 14, 2018

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Motion by Councilman Proud  
Seconded by Councilman Reynolds

VOTES: AYE – Tupper, Testa, Proud, Withey, Reynolds      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Cortland County Health Department to use the Town of Cortlandville's Municipal Water/Sewer Garage on June 14, 2018, from 7:00 pm – 9:00 pm to conduct a Rabies Clinic.

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RESOLUTION #126      AMEND BUDGET AND AUTHORIZE SUPERVISOR TO  
ESTABLISH A NEW CAPITAL PROJECT FUND FOR THE  
NEW TOWN HIGHWAY GARAGE

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Motion by Councilman Proud  
Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey, Reynolds      NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to amend the 2018 Budget to establish a Capital Project Fund – HH – New Highway Garage Building, to be used for the for the construction of a new Highway Garage.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the following responses to the Highway Superintendent's request for proposals for the construction of a new Town Highway Garage:

Upstream Construction, LLC	\$ 83,865.00
Morton Buildings, Inc.	\$231,621.00
Complete Construction Concepts, LLC	\$334,380.00
BlueScope Construction	\$577,025.00

All voting aye, the motion was carried.

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RESOLUTION #127      AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH  
COMPLETE CONSTRUCTION CONCEPTS, LLC FOR THE  
CONSTRUCTION OF A NEW TOWN HIGHWAY GARAGE

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Motion by Councilman Proud  
Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey, Reynolds      NAY – 0  
ADOPTED

WHEREAS, the Town Highway Superintendent requested proposals for the construction of a new Town Highway Garage and received the following responses:

Upstream Construction, LLC	\$ 83,865.00
4216 McCloy Road	
Cortland, New York 13045	

Morton Buildings, Inc.	\$231,621.00
252 W. Adams	
PO Box 399	
Morton, Illinois 61550	

Complete Construction Concepts, LLC	\$334,380.00
137 South Main Street	
Homer, New York 13077	

BlueScope Construction, Inc.	\$577,025.00
1540 Genessee Street	
Kansas City, MO 64141	

AND, WHEREAS, after reviewing the proposals the Highway Superintendent recommended the Town Board contract with Complete Construction Concepts, LLC for the construction of the new Highway Garage, therefore

BE IT RESOLVED, at the request of the Highway Superintendent, the Town Board does hereby authorize and direct the Supervisor to sign the contract with Complete Construction Concepts, LLC, 137 South Main Street, Homer, New York in the amount of \$334,380.00 for the construction of a new Town Highway Garage to be located at 4765 Route 41 in the Town of Cortlandville, and be it further

RESOLVED, the contract shall not be signed until after the completion of the permissive referendum period.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from Mayor Hal McCabe, Village of Homer, regarding the Notice of Intent to Establish Lead Agency for the Village of Homer's Sewer System Improvements Project. All voting aye, the motion was carried.

The Board concurred there was no interest in the Town acting as lead agency for the project. Supervisor Tupper would write a letter to Mayor McCabe indicating the same.

Supervisor Tupper announced that the Town Board meeting for May 2, 2018 would be held at the McGraw Community Building at 5:00 pm.

Supervisor Tupper informed the public that the bids were opened for Phase 1 of the Gutchess Lumber Sports Complex. The Town's consultant CHA was reviewing the bids and would submit their recommendation to the Town soon.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:40 p.m.

Respectfully submitted,

*Kristin E. Rocco-Petrella*

Kristin E. Rocco-Petrella, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The final version of this meeting was submitted to the Town Board for their review on May 2, 2018.



The final version of this meeting was approved as written at the Town Board meeting of May 16, 2018.