

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
SQUEAKY CLEAN CAR WASH, APPLICANT
WASHING TECHNOLOGIES, LLC, OR
1087 NYS ROUTE 222
TAX MAP #86.13-01-29.000

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 Squeaky Clean Car Wash (Washing Technologies, LLC) to permit the construction of a 35 ft. by 91 ft. 4 in. carwash tunnel with accessory signage, for property located on the north side of NYS Route 222, approximately 165 ft. east of the intersection of NYS Route 222 and NYS Route 281 (former KFC), tax map #86.13-01-29.000.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, C. Randolph Ross
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Deputy Town Clerk, Patricia Romer; Town Residents: Pamela Jenkins, Robert Martin; Teresa Dailey; Ray Dailey; Thomas Williams; Ken Woodman; Kevin Pristash; Michael Reagan; Tracey DelVecchio; Daniel Mieras; Leokadia Mieras; Martin Wirsig; News Reporter: Jacob DeRochie from the *Cortland Standard*.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Kristin Rocco-Petrella read aloud the published, posted and filed legal notice.

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

No further comments or discussion 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, 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, C. Randolph Ross
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Deputy Town Clerk, Patricia Romer; Town Residents: Pamela Jenkins, Robert Martin; Teresa Dailey; Ray Dailey; Thomas Williams; Ken Woodman; Kevin Pristash; Michael Reagan; Tracey DelVecchio; Daniel Mieras; Leokadia Mieras; Martin Wirsig; News Reporter: 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 Planning Board Minutes of January 8, 2019; the Cortlandville Planning Board Minutes of January 29, 2019; and the Cortlandville Zoning Board of Appeals Minutes of January 29, 2019. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Ross, to approve the Draft Town Board Minutes of February 20, 2019. All voting aye, the motion was carried.

RESOLUTION #68

AUTHORIZE PAYMENT OF VOUCHERS – FEBRUARY

Motion by Councilman Withey
Seconded by Councilman Testa
VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0
ADOPTED

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

Funds A, B, DA, DB, HG, HH, SF, SS, SW	Voucher #270-339	
	General Fund A	\$ 105,848.85
	General Fund B	\$ 3,385.25
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 58,126.22
	Gutchess Lumber SC Project HG	\$ 1,420.54
	New Highway Garage HH	\$ 0.00
	C'Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 23,785.80
	Water Fund SW	\$ 8,182.78
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Funds TA, TE	Voucher #9-12	
	Trust & Agency TA	\$ 43,172.65
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Kevin Pristash.

Town resident, Kevin Pristash explained he was in attendance to voice opposition for the Leonidas Housing Project on behalf of many residents within the surrounding neighborhood of the project. Neighbors of the area have been united against the housing project for the past four years it has been in discussion and petitions were submitted in opposition to the project. He explained that there was a litany of reasons to oppose the project, including: character of the neighborhood, slope of the hill, density of the project and flooding mitigation issues that could

arise. Mr. Pristash urged Board members to carefully examine the Cortlandville Planning Board Minutes of February 19, 2019, in which the Planning Board continued the SEQRA process for the site plan. During that process, the Planning Board discovered at least four moderate to large impacts that could occur with the housing project. Mr. Pristash stated that more consideration needs to be given before moving forward.

Mr. Pristash informed the Board that the neighbors are sharing the expense of legal representation to protect their interests. Their position is that the PUD was not done properly and that the PUD does not exist. He reminded the Board that a PUD can be denied for any reason or for no reason. A large reason for the Board to deny the PUD would be that the constituents do not want the housing project. He asked the Board to rescind the original Negative Declaration issued in 2016.

Supervisor Tupper offered privilege of the floor to Pamela Jenkins.

Town resident, Pamela Jenkins requested the Board improve the process to ensure that meeting minutes are completed and available to the public within two weeks per the Open Meetings Law. Her concern was that the February 19, 2019 Planning Board Minutes were not available to the public at this time.

Ms. Jenkins asked the Board to address the Leonidas PUD Housing Project, and was alarmed it was not on the agenda for discussion. She stated that in July of 2016, in the investigation into potential impacts of the Leonidas Housing Project, "the Town Board granted a Negative Declaration based upon absent written rationale." On February 19, 2019, the Cortlandville Planning Board submitted information in support of a Positive Declaration including that the project does not meet most of the Town's requirements for development of a PUD at that specific site and there was potential for several moderate to significant impacts.

Ms. Jenkins said that in order for the Board to be in compliance with NYS ECL 617, the Board must fully consider the information brought forward and then rescind the 2016 Negative Declaration. She asked the Board to correct the situation by passing a resolution to rescind the 2016 Negative Declaration and then issue a Positive Declaration to require the applicant to prepare a Draft Environmental Impact Statement. She also stated that because no Local Law was passed or filed with the Department of State to create the site specific PUD, there is no existing Starr Road Leonidas PUD. Ms. Jenkins offered to provide the name of her outside legal counsel in support of her statements.

Supervisor Tupper thanked the speakers for sharing their concerns with the Board.

Councilman Proud made a motion, seconded by Councilman Withey to receive and file the monthly report of the Town Clerk for the month of February 2019. All voting aye, the motion was carried.

RESOLUTION #69

ACCEPT ANNUAL UNIFORM CODE ADMINISTRATION AND ENFORCEMENT REPORT FOR 2018

Motion by Councilman Withey

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Annual Uniform Code Administration and Enforcement Report for the year 2018, as submitted by Code Enforcement Officer Kevin McMahon to the New York State Department of State, is hereby accepted, and shall be received and filed.

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 February 2019. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of Code Enforcement Officer Desiree Campbell for the month of February 2019. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Supervisor for the month of February 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file correspondence from Charter Communications, dated February 20, 2019 regarding programming services. All voting aye, the motion was carried.

Under old business and in regard to the Aquifer Protection Permit application submitted by Squeaky Clean Car Wash, Supervisor Tupper explained that the Board was not in a position to discuss the application, as they were not in receipt of the Town or County Planning Board/Department reports. The application remained pending before the Town Planning Board at this time.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Tax Collector for the month of February 2019. All voting aye, the motion was carried.

RESOLUTION #70 AUTHORIZE A TEMPORARY EXTENSION FOR PAYMENT
OF REAL PROPERTY TAXES FOR FURLOUGHED OR
DESIGNATED NON-PAY FEDERAL EMPLOYEES

Motion by Councilman Ross

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, the New York State Senate and Assembly passed Bill A881 to amend the Real Property Tax Law by adding a new section 925-e to provide a temporary extension for payment of real property taxes owed by a person who has either been furloughed or designated a non-pay federal employee due to a period of a lapse in discretionary appropriations by the federal government, or by the spouse or domestic partner of such person; and to provide for the repeal of such provisions upon the expiration thereof, and

WHEREAS, the Governor of the State of New York signed Bill A881 into law on February 1, 2019, which reads as follows:

Section 1. The real property tax law is amended by adding a new section 925-e to read as follows:

§ 925-e Furloughed or non-pay federal workers; temporary extension. Notwithstanding any other provision of law which relates to the collection of real property tax owed to a municipal corporation or to the imposition of penalties or interest therefor for a late payment owed by a person who has been either a furloughed or designated non-pay federal employee due to a period of a lapse in discretionary appropriations by the federal government, or by the spouse or domestic partner of such person, for real property of a person so furloughed or designated non-pay, any deadline with respect to the payment of such real property tax shall be extended for a period of ninety days after the end of such lapse in discretionary appropriations by the federal government if such municipal corporation has passed a local resolution authorizing such extension. A municipal corporation shall require documentation by a person requesting an extension demonstrating that they have been furloughed or designated non-pay as a result of a period of a lapse in discretionary appropriations by the federal government.

§2. This act shall take effect immediately and shall expire and be deem repealed on June 1, 2020.

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Cortlandville does hereby authorize the extension of the deadline with respect to the payment of the 2019 Cortlandville Town/County tax bill and the imposition of penalties or interest therefor for a late payment owed by a person who has been either a furloughed or designated non-pay federal employee per New York State Real Property Tax Law § 925-e, or by the spouse or domestic partner of such person, and it is further

RESOLVED, the Tax Collector shall require documentation by such person requesting an extension demonstrating that they have been furloughed or designated non-pay as a result of a period of a lapse in discretionary appropriations.

Attorney DelVecchio reported:

Van Sickle Letter:

Attorney DelVecchio apprised the Board that any municipal attorney with the obligation to enforce code violations or any municipal violation in the Town needs written authority from the District Attorney's office. He was in contact with Cortland County District Attorney Patrick Perfetti and a "Van Sickle letter" was forthcoming.

Conveyance of Land to the Cortlandville Fire District:

Attorney DelVecchio updated the Board with regard to the conveyance of a portion of Town property to the Cortlandville Fire District. While the Legal Description was prepared, he was waiting for the survey to be finalized. Fire Commissioner, Kevin Whitney was aware of the status.

Leonidas PUD Starr Road Housing Project:

Attorney DelVecchio commented on the Leonidas PUD Starr Road Housing Project. He was aware of the controversy surrounding the project and recognized the public's request for the Town Board to act on their concerns. Attorney DelVecchio said it is the Board's prerogative to do as they see appropriate, but reminded members that there is no current pending application before the Town Board pertaining to the Leonidas Project. The project is currently before the Town Planning Board. He cautioned the Board not to take any formal action at this time. He expressed appreciation for the opportunity to serve as Town Attorney and stated he would be diligent in making all decisions with integrity.

Councilman Ross added that he was in attendance of the Town Planning Board meeting on February 19, 2019. He stated that difficult objections and questions were raised that need to be addressed by the project developers. He did not want the neighbors to think that the Board is not aware of their concerns. He stated he was not prepared to take action until learning more from the Planning Board on their Positive Declaration under SEQRA.

There was a brief discussion regarding the landscaping contract for the Raymond G. Thorpe Municipal Building. Councilman Withey asked about the Town's procurement policy on maintenance and asked if the Town could go out to bid for the service. It was explained that it is a professional service and the dollar amount for the service is below the amount required in the Town's procurement policy. Councilman Withey commented that the current landscapers do a fine job.

RESOLUTION #71	AUTHORIZE SUPERVISOR TO SIGN THE 2019 CONTRACT WITH VALLEY VIEW GARDENS & LANDSCAPING, INC. FOR LANDSCAPE MAINTENANCE AT THE RAYMOND G. THORPE MUNICIPAL BUILDING
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Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the contract with Valley View Gardens & Landscaping, Inc. for landscape maintenance at the Raymond G. Thorpe Municipal Building for the year 2019, for a total amount not to exceed \$2,510.00.

RESOLUTION #72	ACCEPT RESIGNATION FROM JOHN A. DELVECCHIO AS A MEMBER OF THE TOWN PLANNING BOARD
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Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the letter of resignation from John A. DelVecchio as a Member of the Cortlandville Town Planning Board effective February 25, 2019, and it is further

RESOLVED, the letter of resignation dated February 25, 2019 is hereby received and filed.

Supervisor Tupper explained that the Board was not prepared to make an appointment to fill the vacant position on the Cortlandville Planning Board at this time. He hoped to receive confirmation of the acceptance of the position from an interested resident prior to the next meeting.

RESOLUTION #73 ACKNOWLEDGE NOTIFICATION FROM THE STATE FOR
FILING OF LOCAL LAW NO. 1 OF 2019

Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law No. 1 of 2019 – Amend Local Law No. 1 of 2010 (Veteran's Tax Exemption), to be effective February 20, 2019.

There was discussion regarding the creation of three part-time Recreation Attendant positions for the Gutches Lumber Sports Complex. The Town would need an agreement with the Cortland City Youth Bureau with regard to duties and to whom the attendants would report to. Supervisor Tupper had a meeting scheduled with John McNerny, Director of the Youth Bureau to discuss the details.

RESOLUTION #74 AUTHORIZE SUPERVISOR TO CREATE THREE (3) PART-
TIME RECREATION ATTENDANT POSITIONS FOR THE
GUTCHESS LUMBER SPORTS COMPLEX

Motion by Councilman Withey

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to create three (3) part-time civil service Recreation Attendant positions for the Town of Cortlandville for the Gutches Lumber Sports Complex, at a salary to be determined, and it is further

RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the “New Positions Duty Statement” for the three new Recreation Attendant positions pursuant to Civil Service Law, Section 22.

Supervisor Tupper apprised the Board the construction of Phase 1 of the Gutches Lumber Sports Complex was supposed to be completed by November 30, 2018. However, due to inclement weather the project was not completed on time. The turf baseball fields were scheduled for use commencing March 15, 2019. In order to use the fields at the park a “Partial Utilization” agreement was required between the Town and the contractor, ZMK Construction Inc. Supervisor Tupper explained that ZMK would provide temporary fencing around any construction or storage areas in order to keep the public away from unsafe areas. ZMK would also operate and maintain the temporary power source as needed until permanent power is provided. The Town and ZMK will need to reach a final agreement.

RESOLUTION #75 AUTHORIZE SUPERVISOR TO SIGN THE PARTIAL
UTILIZATION AGREEMENT BETWEEN THE TOWN AND
ZMK CONSTRUCTION INC. REGARDING THE GUTCHESS
LUMBER SPORTS COMPLEX

Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Partial Utilization Agreement between the Town of Cortlandville and ZMK Construction Inc. to permit the Town to use the Gutches Lumber Sports Complex although the work is not substantially complete by the contractor.

Councilman Testa made a motion, seconded by Councilman Withey, to receive and file correspondence from Code Enforcement Officer Desiree Campbell, dated February 28, 2019 regarding the re-inspection of Cortland Mobile Home Park and Landmark Mobile Home Park, in which all but one of the violations were satisfied; a building permit was being obtained for the remaining open violation. All voting aye, the motion was carried.

RESOLUTION #76 AUTHORIZE RENEWAL OF MOBILE HOME PARK PERMIT
FOR CORTLAND ESTATES TRAILER PARK FOR 2019

Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

WHEREAS, Cortland MHP Associates Inc. of Pittsford, New York, owner, submitted a completed application and the appropriate fee of \$945.00 for the renewal of the Cortland Estates Mobile Home Park Permit for property located at 1054 Route 13 in the Town of Cortlandville, tax map #96.09-04-10.000, and

WHEREAS, the Cortland County Health Department and Town Code Enforcement Officer, Desiree Campbell conducted an inspection of the Mobile Home Park on August 28, 2018 and submitted their inspection reports to the Town Board for review, and

WHEREAS, CEO Campbell noted nine violations, of which all but one have been satisfied per the re-inspection conducted on February 26, 2019, and

WHEREAS, per CEO Campbell a building permit application was pending in regard to the remaining violation for the trailer identified as number 14 Morgan, in which an exterior door was missing outside stairs, therefore

BE IT RESOLVED, the Town Board does hereby approve the Mobile Home Park Permit Renewal for Cortland MHP Associates, Inc. for Cortland Estates Mobile Home Park for the year 2019, and it is further

RESOLVED, the Town Clerk is hereby authorized and directed to issue the Mobile Home Park Permit, which shall be valid until December 31, 2019, at which point the permit must be renewed.

RESOLUTION #77 AUTHORIZE RENEWAL OF MOBILE HOME PARK PERMIT
FOR LANDMARK MOBILE HOME PARK FOR 2019

Motion by Councilman Testa

Seconded by Councilman Withey

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

ADOPTED

WHEREAS, Cortland MHP Associates, Inc., of Pittsford, New York, owner, submitted a completed application and the appropriate fee of \$35.00 for the renewal of the Landmark Mobile Home Park Permit for property located at 1030-1038 Route 13 in the Town of Cortlandville (formerly owned by Robert Bean), tax map #96.09-04-09.000, and

WHEREAS, the Cortland County Health Department and Town Code Enforcement Officer, Desiree Campbell conducted an inspection of the Mobile Home Park on August 28, 2018 and submitted their inspection reports to the Town Board for review, and

WHEREAS, the Town Code Enforcement Officer noted one violation, which was subsequently corrected, therefore

BE IT RESOLVED, the Town Board does hereby approve the Mobile Home Park Permit Renewal for Cortland MHP Associates, Inc. for the Landmark Mobile Home Park for the year 2019, and it is further

RESOLVED, the Town Clerk is hereby authorized and directed to issue the Mobile Home Park Permit, which shall be valid until December 31, 2019, at which point the permit must be renewed.

Councilman Proud made a motion, seconded by Councilman Ross, to receive and file the notice from the State Comptroller's Office, dated February 7, 2019, approving the Supervisor's request for an additional 30-day extension of time for the filing of the 2018 Annual Financial Report (AUD) for the Town of Cortlandville. All voting aye, the motion was carried.

RESOLUTION #78 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH
SPRAGUE OPERATING RESOURCES LLC TO SUPPLY
NATURAL GAS TO THE TOWN OF CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the 3-year Natural Gas Retail Sales Agreement between Sprague Operating Resources LLC and the Town of Cortlandville regarding the purchase and sale of natural gas to the Town of Cortlandville at the contract price of \$0.04200 per Therm, and it is further

RESOLVED, the agreement shall be effective April 1, 2019 until March 31, 2022.

RESOLUTION #79 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH
ENGIE RESOURCES LLC TO SUPPLY ELECTRICITY TO
THE TOWN OF CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the 3-year Master Electric Energy Sales Agreement between ENGIE Resources, LLC and the Town of Cortlandville regarding the purchase and sale of electric energy and related services to the Town of Cortlandville at the contract price of \$0.4290/KWh, and it is further

RESOLVED, the agreement shall be effective April 1, 2019 until March 31, 2022.

Councilman Proud remarked that the Town should keep track of community solar projects, such as C2 as he feels they have merit.

Councilman Withey discussed a webinar he attended regarding the Governor's initiative to promote green renewal energy through the New York Power Authority (NYPA). Towns and villages may be able to purchase power through the NYPA.

Supervisor Tupper apprised the Board and those in attendance that fundraising letters were being mailed to community members/businesses to raise funds for the Gutches Lumber Sports Complex.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:47 p.m.

Respectfully submitted,

Kristin E. Rocco-Petrella

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

*Note:

The draft version of this meeting was submitted to the Town Board for their review on March 15, 2019.

The final version of this meeting was approved as written at the Town Board meeting of March 20, 2019.