

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Blodgett Mills Independent Baptist Church, Blodgett Mills, 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 B. Folmer; Highway Sup’t. Carl A. Bush, Jr.; Town Resident, Barb Leach; County Legislator, Joe Steinhoff; News Reporters; Robert Creenan from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Kasperek approve the Town Board Minutes of April 5, 2017 as submitted. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Kasperek, to approve the Town Board Minutes of April 19, 2017 as submitted. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Kasperek, to approve the Town Board Minutes of May 3, 2017 as submitted. All voting aye, the motion was carried.

RESOLUTION #

AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER
#1373

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

NAY – 0

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1373 submitted by Highway Sup’t. Carl A. Bush, Jr. to be paid to Stadium International Trucks for a repair engine on truck #20, for the total cost of \$11,754.14.

RESOLUTION #

AUTHORIZE PAYMENT OF VOUCHERS - JUNE

Motion by Councilman Leach
Seconded by Councilman Proud
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 #465-529	
	General Fund A	\$ 31,881.62
	General Fund B	\$ 52,615.09
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 59,576.06
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 #187-210	
	Luker Rd Water HA	\$ 1,950.00
	Owego St Water HB	\$ 1,575.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 38,845.42
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 1,559.16
	Water SW	\$ 9,616.61
Funds SF, TA, TE	Voucher #21	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 535.97
	Expendable Trust TE	\$ 0.00

Supervisor Tupper reported that there were no requests for privilege of the floor.

The monthly reports of the Supervisor, Town Clerk and the office of Code Enforcement for the month of May were on the table for review and are filed in the Town Clerk's office.

Town Clerk Snyder had no new business to report.

Attorney Folmer reported:

Upcoming Bonding:

Attorney Folmer briefed the Board that he has been working on the SEQR declarations for the bond issue and the bonding issue itself. He stated he will have those prepared at the Town Board's request.

Pending Litigations:

Attorney Folmer also reminded the Board of two pending litigations that the Board is awaiting decisions from the courts and explained that one decision is from the Appellate Third Division in Albany and the other is from the Supreme Court in Madison County. He stated he hoped to have the decisions by the end of the month.

RESOLUTION #	AUTHORIZE "TEMPORARY CLOSURE" OF A SECTION OF FAIRGROUND DRIVE AND CARROL STREET FOR THE CORTLAND COUNTY FAIR SUBJECT TO APPROVAL FROM THE TOWN HIGHWAY SUP'T
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Motion by Councilman Leach

Seconded by Councilman Kasperek

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

NAY – 0

ADOPTED

WHEREAS, the Town received a request from the Cortland County Fair Manager, Richard Bush, to authorize a "Temporary Closure" of a section of Fairground Drive and Carroll Street during the 2017 Cortland County Fair, and

WHEREAS, the temporary closure will not prohibit emergency vehicles access to Fairground Drive or Carroll Street, therefore

BE IT RESOLVED, the Town Board does hereby authorize a "Temporary Closure" on a portion of Fairground Drive and Carroll Street, being the "corner" where the two roadways connect, from July 3, 2017 through July 9, 2017 for the 2017 Cortland County Fair, subject to approval from the Town Highway Sup't, and it is further

RESOLVED, signage for the temporary closure shall be provided by the Cortland County Fair Board.

Councilman Proud made a motion, seconded by Councilman Leach to receive and file the Cortland County Planning Board Resolution #17-11 regarding the Aquifer Protection Permit application of Clifton Land Company, LLC, 876 NYS Route 13, tax map # 95.16-02-78.100. All voting aye, the motion was carried.

Councilman Proud remarked that he noticed the Cortland County Planning Board's Resolution for Clifton Land Company, LLC stated that a supermajority vote was required, rather than in the past when it explained a supermajority was required if the town did not agree with the recommendations, but this was the first time it simply said it was required. He questioned Attorney Folmer as to why.

Attorney Folmer explained that the County Planning Board was reminding the Town of Cortlandville of the requirements under General Municipal Law Section 239m that a supermajority vote is required to be obtained in the event that the Board does not agree to the County Planning Department's conditions. Attorney Folmer agreed, however, that the language in the Resolution was different from previous Resolutions.

RESOLUTION # SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT SUBMITTED BY CLIFTON LAND
COMPANY, LLC FOR PROPERTY LOCATED AT 876 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 June 21, 2017 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 Clifton Land Company, LLC, for property located at 876 NYS Route 13, tax map #95.16-02-78.100.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN THE FINAL PAYMENT
APPLICATION #4 REGARDING THE
OAKCREST/PENDLETON STREET AND SEWER 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 Town Supervisor to sign application #4 regarding the Oakcrest/Pendleton Street Sewer Project in the amount of \$36,795.42 to Cunningham Excavation, Inc.

RESOLUTION # ACCEPT STATEMENT OF COMPLETION FOR THE
OAKCREST/PENDLETON STREET SEWER PROJECT

Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Statement of Completion for the Oakcrest/Pendleton Street Sewer Project is hereby accepted and shall be received and filed.

RESOLUTION # AUTHORIZE SALARY INCREASE FOR BRIAN CLUKEY,
WATER TREATMENT PLANT OPERATOR TRAINEE, FOR
THE TOWN OF CORTLANDVILLE

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 that Brian Clukey, Cortlandville Water Treatment Plant Operator Trainee has successfully completed his Grade D Systems Operators Certification, and it is further

RESOLVED, that Brian Clukey's salary increase of \$2,000.00 shall be authorized for successfully obtaining his Grade D Systems Operators Certification.

Supervisor Tupper discussed the following documents and indicated they were necessary in regards to the SEQR declarations mentioned earlier by Attorney Folmer. Attorney Folmer suggested the Board members closely examine the Part I SEQR determination application in their packets. He recommended if a Board member has a question to contact Patty O'Mara, Supervisor Tupper or Town Clerk Snyder and review the documents as they are very helpful. He also stated the documents will be considered part of the SEQR Review.

Councilman Proud made a motion, seconded by Councilman Leach to receive and file Phase IA and IB Cultural Resource Investigations, dated May 18, 2016, Wetland Delineation Report, dated August 3, 2016, and the Geotechnical Engineering Report, dated May 2017 regarding the Gutchess Park and Athletic Complex. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE APPROVAL OF PAYMENT TO THOMA
DEVELOPMENT CONSULTANTS REGARDING THE TOWN-
WIDE HOUSING REHABILITATION GRANT PROGRAM-
287HR326-16 FOR ENVIRONMENTAL REVIEW

Motion by Councilman Leach

Seconded by Councilman Kasperek

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

NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment to Thoma Development Consultants regarding the Town-Wide Housing Rehabilitation Grant Program-287HR326-16 for Administrative Services for the Environmental Review.

Councilman Walter Kasperek announced and read aloud his letter of resignation to the Town Board. The Board members stood and thanked Councilman Kasperek for his excellent service and expressed to him how dearly he will be missed.

RESOLUTION # ACCEPT RESIGNATION FOR RETIREMENT FROM
WALTER J. KASPEREK AS TOWN COUNCILMAN
EFFECTIVE JUNE 7, 2017

Motion by Councilman Proud

Seconded by Councilman Leach

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

NAY – 0

ADOPTED

WHEREAS, elected to office as Town Councilman in 2016 for the Town of Cortlandville, Councilman Walter J. Kasperek, after twelve months of Public Service has decided to resign for retirement, therefor

BE IT RESOLVED, The Town Board does hereby with deep regret accept the letter of resignation for retirement from Walter J. Kasperek as Town Councilman, to be effective immediately June 7, 2017, and it is further

RESOLVED, his letter of resignation for retirement is hereby received and filed.

Councilman Proud inquired about the Route 13 Rocks application in which the Town of Cortlandville petitioned the DEC to act as Lead Agency. Attorney Folmer reviewed with the Board the DEC wrote to the town indicating they would like to act as Lead Agency and the town responded by writing to them on May 28, 2017 to request that the Town of Cortlandville Planning Board act as Lead Agency. Attorney Folmer said he has not yet received a response, but believes the Commissioner has twenty days to respond. He expects to hear from them soon.

Councilman Proud expressed grave concern as Route 13 Rocks wants to go a hundred feet below water level, which is within two thousand feet of the Lime Hollow well. Attorney Folmer relayed that our Town Planning Board was alarmed that the Route 13 Rock representative seemed unaware of the well. Councilman Proud responded that the well head shows up on a number of technical data bases and shared his surprise at the representative not being informed.

Councilman Proud asked Attorney Folmer for the status of the town's proposal in regards to the South Hill Dump. Attorney Folmer recapped to the Board that the Town of Cortlandville was contacted by the DEC and asked to sign a Consent Order with regard to the maintenance of the South Hill Dump. The town's main concern was, as to the information contained in the submission, the DEC and the superfund have expended millions of dollars to remediate that site and among other issues, the primary concern was by consenting to the order, it could open the Town of Cortlandville up to a claim to reimburse the monies the State had expended. The town had a meeting with the DEC at the Raymond G. Thorpe Municipal building and as a result of that meeting, Attorney Folmer wrote a letter, but has not received a response. He stated his understanding is that the person to whom he wrote the letter has to submit the town's proposal to the Attorney General's Office for review. Attorney Folmer said he did not know how long that process would take.

Councilman Proud briefed the Board that the Governor's and Legislature's budget included two and a half billion dollars for water infrastructure improvement. He explained a piece of that legislation is called the Source Water Protection Program. Councilman Proud and Sup't. of Water and Sewer, Peter Alteri are conferring with Mike Ryan from the County Health Department and Pat Reidy from Soil and Water to inquire into the Source Water Protection Program. He stated there will be a second meeting tomorrow to continue the discussion. Councilman Proud voiced he felt it would be a good opportunity for the town. He remarked on the grant that would allow the town to purchase land to protect well heads or to enter into conservation type agreements to secure those areas better than they are secured now. Councilman Proud stated he believes the deadline for an application is July 28, 2017.

Councilman Proud announced a Public Meeting, in regards to the Farmhand Protection Plan, which will be held at the Raymond G. Thorpe Municipal Building on June 13, 2017 at 7:00 pm. He apprised the Town Board that the group is examining the entire Town of Cortlandville and its assets as they relate to agriculture. The next step after this meeting will be for the town's consultants, Clough Harbour & Associates to devise a series of options for the future of agriculture in the Town of Cortlandville.

Councilman Leach acknowledged the Pastor of the Independent Baptist Church of Blodgett Mills and thanked him for welcoming the Town Board of Cortlandville to his church.

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 5:35 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 June 30, 2017.
The final version of this meeting was approved as written at the Town Board meeting of _____.