

PUBLIC HEARING NO. 1

LOCAL LAW OF 2015
ZONING LAW AND MAP AMENDMENT
SUIT-KOTE CORPORATION, OWNER
3 PARCELS LOCATED ON US ROUTE 11
TAX MAP # 97.00-01-30.000, 97.02-01-12.000, 97.02-01-13.000

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, regarding the adoption of a Local Law for the year 2015 which would amend the Zoning Law and Map of the Town of Cortlandville, submitted by Suit-Kote Corporation, owner, to rezone three (3) of their properties located on the west side of US Route 11, approximately ¼ mile south of Interstate Route 81, Exit 10, from their present zoning AG (Agricultural) to I-2 (General Industrial).

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, Ronal L. Rocco
Councilman, John C. Proud
Councilman, Gregory K. Leach
Deputy Town Clerk, Kristin Rocco-Petrella

Absent:

Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Under Sheriff Herb Barnhart; Forrest Earl from the Lime Hollow Nature Center; Representatives from Suit-Kote Corporation: Ryan DuBois and Scott Harris; Attorney Kathleen Bennett from Bond Schoeneck & King; News Reporters: Sharon Stevans for Channel 2, Access TV, and Tyrone Heppard from the *Cortland Standard*.

Supervisor Tupper called the Public Hearing to order.

Deputy 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.

Ryan DuBois from Suit-Kote Corporation offered to make a presentation if there were any questions from those in attendance.

There were no further requests for privilege of the floor. Supervisor Tupper indicated that a presentation was not necessary from Mr. DuBois.

No further comments or discussion were heard.

The public hearing was closed at 5:02 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, Ronal L. Rocco
Councilman, John C. Proud
Councilman, Gregory K. Leach
Deputy Town Clerk, Kristin Rocco-Petrella

Absent:

Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup’t. Carl Bush; Under Sheriff Herb Barnhart; Forrest Earl from the Lime Hollow Nature Center; Representatives from Suit-Kote Corporation: Ryan DuBois and Scott Harris; Attorney Kathleen Bennett from Bond Schoeneck & King; News Reporters: Sharon Stevans for Channel 2, Access TV, and Tyrone Heppard from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Rocco, to accept the Draft Town Board Minutes of April 15, 2015 as written. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Rocco, to accept the Draft Special Town Board Minutes of April 23, 2015 as written. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Zoning Board of Appeals Minutes of April 28, 2015. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #0111

Motion by Councilman Leach
Seconded by Councilman Rocco
VOTES: AYE – Tupper, Testa, Rocco, Proud, Leach NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0111 submitted by Water & Sewer Sup’t. Alteri to be paid to Team EJP for the purchase of parts/materials for water service for NYS DOT in Polkville, for the total cost of \$6,588.90.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS – MAY

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
ADOPTED

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

Funds A, B, DA, DB	Voucher #449-499	
	General Fund A	\$ 86,723.62
	General Fund B	\$ 43,019.37
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 23,814.08
Funds CD1, CD3, CD4	Voucher #26-26	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 1,800.00
	Business Devl CD4	\$ 0.00

Fund HC, SS, SW	Voucher #184-202	
	NYS Rt 13 Sewer Rehab HC	\$ 1,600.00
	Sewer SS	\$ 14,242.94
	Water SW	\$ 10,440.73
Funds SF, TA, TE	Voucher #19-21	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 39,876.82
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Forrest Earle.

Forrest Earle, President of the Board for the Lime Hollow Nature Center, thanked the Town for its support throughout the years. He stated that there are very few counties in New York that do not have a state park, however Cortland County is one of them. Lime Hollow fills that void well by offering free access to the public every day from dusk to dawn.

Mr. Earle stated that the Town should have received an invitation to the grand opening of the environmental education center on Friday, June 5, 2015 at 3:00 p.m. He wanted to personally extend the invitation to the Town to tour the new center.

Councilman Rocco complimented the Lime Hollow Nature Center and thanked them for all that they do. He stated that it was a spectacular facility with wonderful trails.

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

Under communications, Supervisor Tupper apprised the Board that he received correspondence from Anthony Steiner requesting a permit to fly remote control airplanes at the Ted Testa Park on Starr Road. Mr. Steiner was part of a professional organization that had different types of insurance. Supervisor Tupper noted that he spoke with Highway Sup't. Bush and Councilman Testa regarding the matter. Because the 15-acre park is heavily used and all four fields are in use each night, Supervisor Tupper did not think the Board could consider use of the park for flying the remote control airplanes.

Councilman Rocco agreed and stated that there were a lot of other locations that could be considered and wished Mr. Steiner well.

Supervisor Tupper stated that he would send Mr. Steiner a note indicating that the Park could not be used for flying remote control airplanes.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated May 20, 2015, regarding programming services. All voting aye, the motion was carried.

With regard to the proposed Local Law for a Zone Change submitted by Suit-Kote Corporation, Attorney Folmer mentioned that he was in possession of Part 1 of the SEQR form and would provide it to the Town Clerk. Part 1 was prepared by Suit-Kote Corporation and submitted to the County Planning Board, and was referenced in the County's recommendation. The County recommended the Board approve the proposed Local Law, with the only condition being that the Town comply with SEQRA.

Attorney Folmer mentioned that he would also file with the Town Clerk a copy of the Negative Declaration that was reached by the NYS DEC in connection with the Suit-Kote project. The SEQRA had to do with the environmental impacts of a mining operation if it were to be conducted on the site. The Negative Declaration was supplemental to the Board's SEQR review which was limited to the rezone of the parcels.

Attorney Folmer and the Board reviewed the SEQR Short Environmental Assessment Form for the Zone Change request submitted by Suit-Kote Corporation for three properties located on US Route 11.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the New York State Department of Environmental Conservation "Notice of Complete Application", dated October 8, 2014, regarding Suit-Kote Corporation and the Alexander Mine, 3681 US Route 11. All voting aye, the motion was carried.

RESOLUTION # DECLARE NEGATIVE IMPACT FOR ZONE CHANGE
REQUEST SUBMITTED BY SUIT-KOTE CORPORATION
FOR PROPERTIES LOCATED ON US ROUTE 11

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0

ADOPTED

WHEREAS, a Zone Change request was submitted by Suit-Kote Corporation for three (3) of their properties located on the west side of US Route 11, approximately ¼ mile south of Interstate Route 81, Exit 10, and

WHEREAS, the Town Board as Lead Agent duly reviewed and completed Part 2 of the Short Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare that the proposed Zone Change request shall have no significant environmental impact.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION
FOR THE ZONE CHANGE REQUEST SUBMITTED BY
SUIT-KOTE CORPORATION

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to the Zone Change request submitted by Suit-Kote Corporation.

RESOLUTION # ADOPT LOCAL LAW NO. 3 OF 2015 AMENDING THE
ZONING LAW AND MAP OF THE TOWN OF
CORTLANDVILLE FOR A ZONE CHANGE ON US ROUTE
11 SUBMITTED BY SUIT-KOTE CORPORATION

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0

ADOPTED

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a Public Hearing to be held by said Board to hear all interested parties on a proposed Local Law amending the Zoning Ordinance and Map of the Town of Cortlandville to rezone three (3) parcels from their present zoning classification AG (Agricultural) to I-2 (General Industrial), and

WHEREAS, a notice of said public hearing was duly published in the Cortland Standard, the official newspaper of the said Town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, as required by law, and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the said Town Board that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by their applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Cortlandville hereby adopts said Local Law as Local Law No. 3 of 2015, a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Cortlandville, and to give due notice of the adoption of said Local Law to the Secretary of State.

Be it hereby enacted by the Town Board of the Town of Cortlandville as follows:

Section 1. The Town Board of the Town of Cortlandville having received a request from Suit-Kote Corporation, to consider the rezoning of three (3) of their parcels in the Town of Cortlandville from their present zoning classification, AG (Agricultural) district to be reclassified as I-2 (General Industrial) district, and the Town Board having considered the request and it's environmental impact and having conducted a Public Hearing;

Section 2. The following tax map parcels are hereby rezoned from their present zoning classification AG (Agricultural) district to I-2 (General Industrial):

97.00-01-30.000 – 86.10 acres

97.02-01-12.000 – 1.00 acre

97.02-01-13.000 – 3.36 acres

Section 3. This Local Law shall become effective when filed with the Secretary of State of the State of New York, as required by law.

Supervisor Tupper commented that Suit-Kote Corporation is an asset to the community and that the Town is fortunate to have them located in the Town. Councilman Testa mentioned that Suit-Kote Corporation has been working on this project for 17 years.

Councilman Rocco questioned whether it would ever be possible to reclaim any of the lakes for recreational use. Ryan DuBois from Suit-Kote Corporation stated that most of Suit-Kote's lakes are still active mines. They lakes along I-81 in Homer were sold. Suit-Kote has reclamation claims that get approved by the NYS DEC. Whether the lakes could be used for recreation was not known. He explained that the lakes are 40'-50' deep with a slope of 1'-2' per DEC regulations. He stated that Suit-Kote was in the business of mining and couldn't sacrifice the aggregate below it.

Attorney Folmer reported:

ZBA Minutes:

Attorney Folmer asked the Board to review the ZBA Minutes of April 28, 2015, which were received and filed at the beginning of the meeting.

Water/Sewer Improvement Projects - Adopt Orders Calling for Public Hearing:

Attorney Folmer asked the Board to adopt three Orders directing that there be a public hearing for capital projects. He explained that three Orders would be necessary because there would be three separate bonding proceedings. He indicated that in the end all three could be combined into a single bond, but could be easily separated out by Town personnel into the appropriate funds. He asked that all three public hearings be held June 3, 2015 at the Blodgett Mills Independent Baptist Church. Legal Notices could be published on Saturday, which would be within the appropriate time frame of not less 10 days or more than 20 days.

Councilman Rocco explained why the Board would be meeting in Blodgett Mills on June 3, 2015.

RESOLUTION # ADOPT ORDER FOR A PUBLIC HEARING FOR THE
INCREASE AND IMPROVEMENT OF FACILITIES OF THE
TOWNWIDE SEWER DISTRICT (OAKCREST STREET AND
PENDLETON STREET), IN THE TOWN OF
CORTLANDVILLE, IN THE COUNTY OF CORTLAND, NEW
YORK, PURSUANT TO SECTION 202-B OF THE TOWN LAW

Motion by Councilman Proud
Seconded by Councilman Testa

VOTES: Supervisor Tupper	Aye
Councilman Testa	Aye
Councilman Rocco	Aye
Councilman Proud	Aye
Councilman Leach	Aye
ADOPTED	

WHEREAS, the Town Board of the Town of Cortlandville (herein called the “Town”), in the County of Cortland, New York, on behalf of the Townwide Sewer District, in the Town (herein called the “District”), has caused an engineer duly licensed by the State of New York (the “Engineer”) to prepare a preliminary map and plan for the increase and improvement of facilities of the District, consisting of the installation of sanitary sewer systems along Oakcrest Street and Pendleton Street, including ancillary work in connection therewith, as described in the engineering report prepared for the Town by CHA engineers dated March 2, 2015; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such map and plan for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$876,000; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), constituting Article 8 of the Environmental Conservation Law and, in connection therewith, the Town Board has determined that the proposed increase and improvement of facilities of the District is a Type II action for purposes of SEQRA and no further act or determination is required for SEQRA purposes;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Blodgett Mills Independent Baptist Church, Blodgett Mills, New York, on the 3rd day of June, 2015 at 5:00 o’clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in “*The Cortland Standard*,” hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

RESOLUTION

ADOPT ORDER FOR A PUBLIC HEARING FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWNWIDE WATER DISTRICT (OWEGO STREET), IN THE TOWN OF CORTLANDVILLE, IN THE COUNTY OF CORTLAND, NEW YORK, PURSUANT TO SECTION 202-B OF THE TOWN LAW

Motion by Councilman Proud
Seconded by Councilman Testa

VOTES: Supervisor Tupper	Aye
Councilman Testa	Aye
Councilman Rocco	Aye
Councilman Proud	Aye
Councilman Leach	Aye

ADOPTED

WHEREAS, the Town Board of the Town of Cortlandville (herein called the “Town”), in the County of Cortland, New York, on behalf of the Townwide Water District (herein called the “District”), has caused an engineer duly licensed by the State of New York (the “Engineer”) to prepare a preliminary map and plan for the increase and improvement of facilities of the District, consisting of the water main replacement along Owego Street (Route 215) from Starr Road to just south of Lansing Avenue, including ancillary work in connection therewith, as described in the engineering report prepared for the Town by CHA engineers dated April 23, 2015, and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such map and plan for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$288,000; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), constituting Article 8 of the Environmental Conservation Law and, in connection therewith, the Town Board has determined that the proposed increase and improvement of facilities of the District is a Type II action for purposes of SEQRA and no further act or determination is required for SEQRA purposes;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Blodgett Mills Independent Baptist Church, Blodgett Mills, New York, on the 3rd day of June, 2015 at 5:00 o’clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in “*The Cortland Standard*,” hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing certified by said Town Clerk in substantially the form attached as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

RESOLUTION # ADOPT ORDER FOR A PUBLIC HEARING FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWNWIDE WATER DISTRICT (LUKER ROAD), IN THE TOWN OF CORTLANDVILLE, IN THE COUNTY OF CORTLAND, NEW YORK, PURSUANT TO SECTION 202-B OF THE TOWN LAW

Motion by Councilman Leach

Seconded by Councilman Rocco

VOTES: Supervisor Tupper Aye

 Councilman Testa Aye

 Councilman Rocco Aye

 Councilman Proud Aye

 Councilman Leach Aye

ADOPTED

WHEREAS, the Town Board of the Town of Cortlandville (herein called the “Town”), in the County of Cortland, New York, on behalf of the Townwide Water District (herein called the “District”), has caused an engineer duly licensed by the State of New York (the “Engineer”) to prepare a preliminary map and plan for the increase and improvement of facilities of the District, consisting of the installation of public water service along Luker Road from Route 281 to the existing water main termination located at the southern end of Luker Road, including ancillary work in connection therewith, as described in the engineering report prepared for the Town by CHA engineers dated March 3, 2015, and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such map and plan for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$801,000; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), constituting Article 8 of the Environmental Conservation Law and, in connection therewith, the Town Board has determined that the proposed increase and improvement of facilities of the District is a Type II action for purposes of SEQRA and no further act or determination is required for SEQRA purposes;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Blodgett Mills Independent Baptist Church, Blodgett Mills, New York, on the 3rd day of June, 2015 at 5:00 o’clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in “*The Cortland Standard*,” hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing certified by said Town Clerk in substantially the form attached as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

Proposed Junk Law:

Councilman Leach questioned the status of the proposed Junk Law and hoped the Town could keep working on it. Attorney Folmer explained that there was a difference of opinion as to the provisions of the law that can’t be resolved. CEO Williams would be out of the office until next week. Attorney Folmer hoped to have something for the Board before the June 17, 2015 Town Board Meeting and the Board could either proceed or not.

Councilman Leach questioned whether there was similar wording that could be used for enforcement of the storage of junk material.

Attorney Folmer stated the reason they looked at a junkyard ordinance was because the current provisions of the ordinance that might be construed to restrict or regulate what may be considered a junkyard aren’t as clear as they could be. The disagreement was with the permit

process in the proposed ordinance. The theory behind the permit process was that “while we cannot regulate a grandfathered-in junkyard we can regulate those junkyards by requiring a permit.” One side argues that there are no grandfathered junkyards within the Town because in order to be a grandfathered junkyard you must have been legally established prior to the existence of the existing law. Since there were no permissions granted for junkyards, there were no legally established junkyards. Therefore, they cannot be grandfathered in and you do not need a permit process to regulate them.

The other side of the theory is that the existing junkyards existed prior to the adoption of the ordinance and therefore they are grandfathered in because there was no requirement that they be either regulated or permitted. The law is not as clear on the subject as it could be. “One man’s junk is another man’s treasure.”

Councilman Leach posed a hypothetical question regarding the number of unlicensed/unregistered vehicles on a property along with lawn equipment next to it, and questioned if he would be in violation of any current ordinances. Attorney Folmer indicated he may be in violation of an outside storage ordinance. Two unlicensed/unregistered vehicles are currently allowed.

Councilman Rocco questioned whether they could eliminate the two unlicensed/unregistered vehicles in the Town and mentioned that the Town of Homer does not allow junk cars. He stated that the Town is urbanizing rapidly and this is one of the biggest complaints that he receives as a Councilman.

Councilman Leach stated that he appreciates the challenge that they are presented with. He was wondering how to address the issues and was hoping they could find some middle ground. He appreciated Attorney Folmer trying to keep the Town out of trouble.

Attorney Folmer stated he was not as concerned with keeping them out of trouble but was concerned with coming up with an ordinance that was clear enough to do two things. First, the ordinance has to tell the landowner what it is he can and cannot do, and in enough specificity so that he can be prepared. Secondly, the specificity gives the Town the vehicle it needs tell a court this is a violation of the ordinance and not have the court say the ordinance is so vague that it can’t be enforced.

Councilman Proud stated that the date of the adoption of that section of the ordinance may be the “stumbling block”. He mentioned that aerial surveys of the Town have been done in the past and suggested they explore those to see if there were any junkyards prior to the adoption of the ordinance. He was not sure how far the source goes back but that it was worth pursuing.

Attorney Folmer would have something for the Board regarding the Junk Law at the June 17, 2015 meeting.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN PROPOSAL FROM CHA TO PROVIDE ENGINEERING SERVICES FOR SANITARY SEWER IMPROVEMENTS ON PENDLETON STREET, OAKCREST STREET AND SAUNDERS ROAD AND WATERMAIN INSTALLATION ON LUKER ROAD
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Motion by Councilman Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the proposal from CHA to provide engineering services for Sanitary Sewer Improvements on Pendleton Street, Oakcrest Street and Saunders Road, and Watermain Installation on Luker Road.

Councilman Leach questioned whether the Town was progressing in a different manner with regard to the Saunders Road project. Supervisor Tupper explained that the engineering work on Saunders Road was complete and they have the draft. No more work would be done on the project until the Town knows if it receives the \$600,000 grant that they applied for. The estimated cost of the project was \$620,000. The Town would know by December 2015 if they are awarded a grant.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT
REGARDING THE TOWN'S 2013 COMMUNITY
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING
REHABILITATION PROGRAM BETWEEN THE TOWN AND
CYNTHIA J. PREMO

Motion by Councilman Proud

Seconded by Councilman Rocco

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

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 Cynthia J. Premo, 3600 Terrace Road, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$25,774.67.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN THE OWNER-
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND
CYNTHIA J. PREMO FOR THE TOWN'S 2013 COMMUNITY
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING
REHABILITATION PROGRAM

Motion by Councilman Proud

Seconded by Councilman Rocco

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

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Cynthia J. Premo, 3600 Terrace Road, Cortland, New York, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$25,774.67.

RESOLUTION # AUTHORIZE APPROVAL REQUEST OF SHIRLEY FISH FOR
THE 2013 COMMUNITY DEVELOPMENT BLOCK
GRANT TOWN-WIDE HOUSING REHABILITATION
PROGRAM

Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize the approval request of Shirley Fish for property located at 4356 Miller Street Ext. in the Town of Cortlandville, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program, and it is further

RESOLVED, the work to be completed would include siding, windows & doors, roofing, masonry, exterior carpentry, painting, septic, plumbing, for a total of \$20,505.00.

Supervisor Tupper informed the Board that pursuant to new requirements, the Town must hold a public hearing during the grant administrative period to provide details with respect to the program process and to answer questions with respect to the CDBG Program or grant activities. He requested the Board schedule a public hearing for June 3, 2015 to given an update of the Town-Wide Housing Rehabilitation Grant.

RESOLUTION # SCHEDULE PUBLIC HEARING REGARDING THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
AND FUNDS AWARDED TO THE TOWN OF
CORTLANDVILLE

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Rocco Proud, Leach NAY – 0

ADOPTED

BE IT RESOLVED, a Public Hearing is hereby scheduled for June 3, 2015 at 5:00 p.m. or as soon thereafter, at the Blodgett Mills Independent Baptist Church, Blodgett Mills, New York, regarding funds that the Town of Cortlandville was awarded under the Community Development Block Grant (CDBG) Program.

Supervisor Tupper requested authorization to amend the 2015 Budget and transfer funds for the demolition of the Budget Inn.

Councilman Rocco questioned the status of the demolition. Councilman Leach reported that the buildings in both the Town of Cortlandville and Village of Homer have been demolished. Councilman Proud mentioned that the contract called for the property to be backfilled which still had to be done.

RESOLUTION # AMEND THE 2015 BUDGET AND AUTHORIZE
SUPERVISOR TO TRANSFER FUNDS

Motion by Councilman Rocco

Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to transfer funds to adjust the accounts of the 2015 Budget for the Town of Cortlandville as follows:

1) **GENERAL FUND B:** Transfer \$33,184.00

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
B1990.4	B3650.4	\$ 5,000.00
B599	B3650.4	\$28,184.00
	TOTAL:	\$33,184.00

Supervisor Tupper and the Board reviewed the CDBG application from Pyrotek regarding their request for a \$50,000 grant from the Town's CDBG revolving funds to connect to the Town's sanitary sewer. Councilman Proud stated that he reviewed the request and questioned whether Supervisor Tupper needed their approval. Supervisor Tupper stated yes, and explained that the Town would give a \$50,000 grant from its CDBG revolving funds that have been collected over the years to Pyrotek to connect to sewer. Pyrotek would connect its building to the sewer near Shipwreck Golf. Pyrotek has a 1972 septic system and decided it would hook up to sewer even though it is expensive. This would be a grant as long as Pyrotek created a minimum number of low to moderate income (LMI) jobs.

Councilman Proud stated that Pyrotek also planned to connect the new warehouse building to sewer from the back side of the building through the park. He questioned whose responsibility it would be to maintain the new pump facility. Supervisor Tupper assumed it would not be a Cortlandville pumping station, but that it would be owned by Pyrotek who would be responsible for the lines. Councilman Proud would double check with Water & Sewer Sup't. Alteri.

RESOLUTION # APPROVE TOWN OF CORTLANDVILLE COMMUNITY
DEVELOPMENT BUSINESS ASSISTANCE PROGRAM
APPLICATION SUBMITTED BY PYROTEK, INC. FOR A
\$50,0000 GRANT TO CONNECT TO TOWN SEWER

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby approve the Town of Cortlandville Community Development Business Assistance Program Application submitted by Pyrotek, Inc. for a \$50,000 Grant to connect to the Town's Sanitary Sewer.

RESOLUTION # REFER AQUIFER PROTECTION PERMIT APPLICATION
SUBMITTED BY ALNYE, LLC. FOR PROPERTY LOCATED
AT 3819 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, Rocco, Proud, Leach NAY - 0

ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by Alnye, LLC. for property located at 3819 Route 11 owned by Cortland Bulk Milk Co-op, tax map #97.00-01-07.110, 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.

Supervisor Tupper mentioned that the Water & Sewer Department has a vacancy due to the retirement of a Water Treatment Plant Operator last month. A civil service examination was given last Friday and a civil service list was now available. Water & Sewer Sup't. Alteri requested permission to hire an individual from the civil service list.

RESOLUTION # AUTHORIZE WATER & SEWER SUP'T. ALTERI TO HIRE A
WATER TREATMENT PLANT OPERATOR FOR THE TOWN
OF CORTLANDVILLE FROM THE CORTLAND COUNTY
CIVIL SERVICE LIST

Motion by Councilman Proud

Seconded by Councilman Rocco

VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0

ADOPTED

WHEREAS, due to the retirement of Water Treatment Plant Operator, David Thomas, there is a vacancy in the Town's Water and Sewer Department, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct Water & Sewer Sup't. Alteri to hire a Water Treatment Plant Operator for the Town of Cortlandville from the Cortland County Civil Service List.

Supervisor Tupper apprised the Board that utility costs are down and the Town can get a new 3-year contract at a rate of \$0.054 per kilowatt hour from the current rate of \$0.056. Troy & Banks reviewed the Town's utility costs and received four quotes from different companies. They recommended the Town stay with Hudson Energy. Supervisor Tupper requested authorization to sign a new 3-year contract with Hudson Energy at the fixed rate of \$0.054 per kilowatt hour.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH
HUDSON ENERGY SERVICES, LLC TO SUPPLY
ELECTRICITY TO THE TOWN OF CORTLANDVILLE

Motion by Councilman Rocco

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the 3-year agreement with Hudson Energy Services, LLC to supply electricity to the Town of Cortlandville.

Supervisor Tupper questioned whether there was anything else to come before the Board.

Councilman Leach reminded the public that the June 3, 2015 Town Board Meeting would be held at the Blodgett Mills Independent Baptist Church at 5:00 p.m. The Church has a new minister, who Councilman Leach hoped would attend the meeting.

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 5:40 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The draft version of this meeting was submitted to the Town Board for their review on June 3, 2015.

The draft version of this meeting was approved as written at the Town Board meeting of _____.