

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
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup’t. Carl Bush; Chad Cotterill; Barb Leach; News Reporter: Sharon Stevans for Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Testa, to accept the Draft Town Board Minutes of March 18, 2015 as written. All voting aye, the motion was carried.

Attorney Folmer reminded the Board that when they approved the Draft Town Board Minutes of February 4, 2015, they did not approve the Resolution regarding the change in the street name from Byrne Hollow Crossing to Finger Lakes East Drive. He indicated that the Resolution was finalized and asked the Board to accept the Resolution so it could be attached to the Minutes of February 4, 2015.

Councilman Rocco made a motion, seconded by Councilman Proud, to accept the Resolution of the Draft Town Board Minutes February 4, 2015, “Authorize Change of Name of a Portion of a Town Street and Highway from Byrne Hollow Crossing to Finger Lakes East Drive”. All voting aye, the motion was carried.

RESOLUTION #

AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #1246

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 and direct the Supervisor to sign Purchase Order #1246 submitted by Highway Sup’t. Bush to be paid to Cross Country Mfg. for the purchase of a 16 ft. Utility Trailer, for the total cost of \$2,989.00.

RESOLUTION #

AUTHORIZE PAYMENT OF VOUCHERS – APRIL

Motion by Councilman Leach
Seconded by Councilman Rocco
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 #322-369	
	General Fund A	\$ 20,551.61
	General Fund B	\$ 2,660.90
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 83,969.24
Funds CD1, CD3, CD4	Voucher #18-19	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 3,015.50
	Business Devl CD4	\$ 0.00

Fund HC, SS, SW	Voucher #131-154	
	NYS Rt 13 Sewer Rehab HC	\$ 3,725.00
	Sewer SS	\$ 852.11
	Water SW	\$ 42,975.84
Funds SF, TA, TE	Voucher #15-15	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 350.00
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Chad Cotterill.

Chad Cotterill, resident of Westmore Lane, presented the Board with photographs and a copy of a letter and map regarding two parcels he owns located off of Commons Avenue (86.09-01-21.000 and 86.09-01-22.200). He was concerned with the water flow from properties to the north which affects his property. He asked the Board for guidance and who to approach regarding his concerns.

Supervisor Tupper stated that Highway Sup't. Bush deals with drainage, however the Town cannot assist with drainage on private property. The burden is on the property owner. He suggested Mr. Cotterill start by talking with Highway Sup't. Bush.

Mr. Cotterill stated he did not know what to do. The water was coming onto his land from someone else's. He stated his first reaction would be to build a dyke at the north end of the fields, but was not sure if he could and did not want to be responsible for diverting the water onto someone else's property. The water does not originate from his property, and he did not want to spend money to move the ditch when the problem started elsewhere. He also did not want to cause problems for others. Mr. Cotterill discussed moving the ditch and draining the water to the Town's drain pipe.

Councilman Proud stated that the neighboring property owner, Jim Stevens, was court ordered to address the drainage on his property. He suggested Mr. Cotterill contact the Cortland County Soil & Water Conservation District (SWCD) for their guidance. Supervisor Tupper agreed that the SWCD would be a good place to start and could offer some remedies.

After continued discussion, Attorney Folmer and members of the Board suggested Mr. Cotterill contact the SWCD first and coordinate with the cemetery, the DOT, and maybe the DEC. The Board discussed the NYS Route 281 road reconstruction project and that the DOT would be handling some of the drainage problems. Councilman Proud stated that the DOT has an elaborate stormwater management plan for the road reconstruction project to handle the water coming off of the hill and suggested Mr. Cotterill contact the DOT for their input.

Mr. Cotterill thanked the Board and would be in contact with Highway Sup't. Bush as well.

RESOLUTION # ACCEPT ANNUAL REPORT OF THE SUPERVISOR

Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Annual Report of the Supervisor for the year 2014 is hereby accepted, and shall be received and filed.

The monthly reports of the Code Enforcement Office and Tax Collector for the month of March were on the table for review and are filed in the Town Clerk's office.

Under new business, Town Clerk Snyder reported that she received notification from the State of New York Department of State regarding the filing of Local Law No. 1 of 2015 (Hertzberg Zone Change) and Local Law No. 2 of 2015 (Gutchess Zone Change). She requested the Board acknowledge the filing of both Local Laws.

RESOLUTION # ACKNOWLEDGE NOTIFICATION FROM THE STATE FOR
FILING OF LOCAL LAW NO. 1 OF 2015

Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law No. 1 of 2015 – Zoning Law and Map Amendment (Meira Hertzberg, Esq.), to be effective April 2, 2015.

RESOLUTION # ACKNOWLEDGE NOTIFICATION FROM THE STATE FOR
FILING OF LOCAL LAW NO. 2 OF 2015

Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law No. 2 of 2015 – Zoning Law and Map Amendment (Gutchess Lumber Co., Inc.), to be effective April 2, 2015.

Town Clerk Snyder apprised the Board she received notification from the Town of Dryden regarding a proposed local law amending their Local Law No. 1 of 2015. She requested the Board receive and file the notice. Attorney Folmer explained that if you are going to rezone property that adjoins another municipality you are required to give notice.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Town Clerk Bambi Avery, Town of Dryden, dated April 3, 2015, regarding a proposed Local Law amending Local Law #1-2015 for the Town of Dryden. All voting aye, the motion was carried.

Attorney Folmer reported:

Code Enforcement Office:

Attorney Folmer mentioned the new monthly report submitted by the Code Enforcement Office and asked the Board to take a closer look at it. He stated that he works with CEO Williams and CEO Campbell a lot regarding code enforcement issues. He explained that the new monthly report gives the Board a better idea of what the code office does.

Drought in California:

Attorney Folmer complimented the Water & Sewer Department and Councilman Proud in regard to the Town's radio read water meters. He mentioned that the State of California just discovered a water meter system that would read water meters by computers in a centralized location which would be helpful regarding their drought. The Town has had such a system in place for several years.

Proposed Water/Sewer Improvement Projects:

Attorney Folmer apprised the Board that in regard to the proposed water and sewer improvement projects (Oakcrest Street/Pendleton Street/Saunders Road Sewer and Luker Road Water), the Town received an engineer's report on the estimated cost, but did not yet have the engineering report that is the foundation to begin the bonding process. The report was being prepared by Laura Cassalia of Clough Harbour & Associates. Attorney Folmer stated that he may suggest the Board hold a special meeting to begin the bonding process if the Town receives the engineer's report in a timely fashion.

Concern Regarding Property on NYS Route 13:

Attorney Folmer mentioned that Councilman Leach had a concern regarding the property located across the street from his on NYS Route 13. The Code Enforcement Office mailed the property owner a letter giving him 10 days to resolve the situation.

Councilman Leach wanted to clarify that he did not own the property located across the street from his property. He thanked Attorney Folmer and the Code Enforcement Office.

Councilman Leach mentioned that there are several travel trailers (campers) in the Blodgett Mills area that are being habited. He was not sure if it was illegal, but wondered whether the Board should address it, especially with the proposed Junk Law in the works.

Attorney Folmer stated that he spoke with CEO Williams regarding the issue yesterday and looked at the current definition of dwelling and dwelling unit. He and CEO Williams may have some recommendations.

Councilman Leach questioned whether the Board could add the Junk Law to the next Board meeting agenda.

Attorney Folmer stated that there has been significant discussion by Planning & Zoning Officer Weber regarding the substance of the proposal. The discussions are ongoing. Attorney Folmer would report back to the Board at the May meeting.

Councilman Rocco mentioned that the Town of Homer does not allow junk vehicles on property. The Town allows two unregistered. Councilman Rocco was interested in reviewing Homer's law with Attorney Folmer.

Councilman Proud stated that he had some issues regarding the proposed Junk Law and was interested in PZO Weber's comments. He stated that the Board had to make sure the law was drafted properly.

As an example, Attorney Folmer explained that included in the proposal was a licensing provision, which was done on the theory that there are non-conforming uses that the Town could not control by the Junk Law ordinance itself, but could control it with a licensing provision. After doing some research, it was PZO Weber's opinion that we do not have any non-conforming uses within the Town because the definition of a non-conforming use is a use that was legally established and then became non-conforming because of a change of the law. PZO Weber's position was that "what you are looking at right now may have been there a long time" but was never legally established and therefore is not a non-conforming use.

Councilman Proud stated that the proposed Junk Law would permit junk anywhere in the Town if certain things were met such as fencing, etcetera. He stated that the Town is becoming more urban and questioned why the Board would want junkyards in residential areas or business zones. He suggested the Board look at zoning, and that junkyards would only be permitted in certain zones.

Attorney Folmer explained that one of the areas of concern on Kinney Gulf Road is zoned R-1 or R-2, however the residential development across the street is zoned Agricultural. Attorney Folmer stated he would try to have something for the Board at their May meeting.

Councilman Leach reminded the Board that the Town Board Meeting of May 6, 2015 would be held in the Village of McGraw.

There was a brief discussion regarding the 2015 Recreation Contract between the Town and the City. Supervisor Tupper noted that some changes were made to the contract. He pointed out the last bullet item under Section 5, which was to provide certified pesticide applicator to spray as needed at the Cortlandville parks.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN THE 2015 RECREATION CONTRACT BETWEEN THE TOWN OF CORTLANDVILLE AND THE CITY OF CORTLAND
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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 and direct the Supervisor to sign the 2015 Recreation Contract between the Town of Cortlandville and the City of Cortland for Town parks in the amount of \$86,700.00.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from the residents of the Cortland Mobile Home Park, owned by Cortland MHP Associates Inc., dated April 2, 2015, regarding the Water & Sewer billing and benefit tax. All voting aye, the motion was carried.

Attorney Folmer suggested the Board not discuss the matter in any great length as it was not the Town's problem. He explained that how a landlord deals with his tax obligations is not the Town's concern as long as our taxing authorities are doing it the appropriate way. He recalled that the Town already resolved how the benefit tax is computed for the mobile home park.

Supervisor Tupper questioned whether the Town should respond to the letter. Attorney Folmer indicated that there have been some informal discussions with the residents of the mobile home park.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Troy & Banks, dated April 1, 2015, regarding the contract with the Town to audit utility and telecommunication bills. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Rocco, to receive and file the signed New York State Department of Transportation Utility Work Agreement for the NYS Route 281 Reconstruction Project from Luker Road to Fisher Avenue. All voting aye, the motion was carried.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH THOMA DEVELOPMENT CONSULTANTS FOR GRANT WRITING SERVICES FOR A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR SEWER INFRASTRUCTURE
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Motion by Councilman Proud

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 agreement between the Town of Cortlandville and Thoma Development Consultants to provide grant writing services for a Community Development Block Grant (CDBG) application for Sewer Infrastructure in the Saunders Road and/or Oakcrest/Pendleton Street area, for the total cost of \$5,500.00.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH THOMA DEVELOPMENT CONSULTANTS FOR GRANT WRITING SERVICES FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR A MICROENTERPRISE ASSISTANCE PROGRAM (MAP)
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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 agreement between the Town of Cortlandville and Thoma Development Consultants to provide grant writing services for a Community Development Block Grant (CDBG) application for a Microenterprise Assistance Program (MAP) for the Town, for the total cost of \$3,750.00.

RESOLUTION # ACCEPT RESIGNATION TO RETIRE FROM DAVID
THOMAS AS WATER TREATMENT PLANT OPERATOR

Motion by Councilman Proud

Seconded by Councilman Leach

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

WHEREAS, after twenty-nine years of service with the Town of Cortlandville working for the Water & Sewer Department David Thomas has submitted a letter of resignation to retire, therefore

BE IT RESOLVED, the Town Board does hereby accept the letter of resignation to retire, with regret, from David Thomas as Water Treatment Plant Operator effective April 30, 2015, and it is further

RESOLVED, that the resignation to retire is hereby received and filed.

Supervisor Tupper informed the Board that he received a request from Assessor David Briggs requesting permission to hold Grievance Day on Wednesday, May 27, 2015 from 4:00-6:00 p.m. and 7:00-9:00 p.m. Grievance Day is generally held the fourth Tuesday in the month of May, however there is a conflict because the Town Planning Board meeting was also scheduled for that evening.

RESOLUTION # AUTHORIZE GRIEVANCE DAY FOR THE TOWN OF
CORTLANDVILLE BE HELD ON WEDNESDAY,
MAY 27, 2015

Motion by Councilman Leach

Seconded by Councilman Proud

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

WHEREAS, the Town Board received a request from Assessor Briggs to hold Grievance Day on Wednesday, May 27, 2015 due to a conflict with the Town Planning Board Meeting scheduled for the original date of Tuesday, May 26, 2015, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct that Grievance Day for the Town of Cortlandville shall be held on Wednesday, May 27, 2015 at the Raymond G. Thorpe Municipal Building from 4:00-6:00 p.m. and 7:00-9:00 p.m.

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 5:55 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 May 7, 2015.
The draft version of this meeting was approved as written at the Town Board meeting of _____.