

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; County Legislator, Joe Steinhoff; Barb Leach; News Reporters: Sharon Stevans for Channel 2, Access TV, Eric Mulvihill from WXHC, and Tyrone Heppard from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

RESOLUTION #

AUTHORIZE PAYMENT OF VOUCHERS – APRIL

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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 vouchers submitted have been audited and shall be paid as follows:

Funds A, B, DA, DB	Voucher #283-321	
	General Fund A	\$111,496.72
	General Fund B	\$ 4,992.39
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 47,568.43
Funds CD1, CD3, CD4	Voucher #15-17	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 12,806.97
	Business Devl CD4	\$ 0.00
Fund HC, SS, SW	Voucher #108-130	
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Sewer SS	\$ 2,652.43
	Water SW	\$ 10,548.28
Funds SF, TA, TE	Voucher #12-14	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 40,161.23
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to County Legislator, Joseph Steinhoff.

County Legislator, Joseph Steinhoff presented the Board with a copy of the County’s study regarding the McLean Road flooding (dated February 12, 2015 from Barton & Loguidice). He explained that the study included a mitigation program for the Bennie Road area utilizing the gravel pit as a retention area to hold the runoff water. The County was not sure how much of the work from the study it would be able to do, but would be looking for grants and other funding sources. Mr. Steinhoff stated that the county cannot afford another flood like that of August 2013 in which stores such as Wal-Mart, K-Mart, and Price Chopper were affected.

Supervisor Tupper questioned whether the County spoke with the owner of the gravel pit regarding its use. Mr. Steinhoff indicated that the County did not approach the owner of the gravel pit yet, and that it was just an option for a detention pond for flood relief.

Councilman Rocco questioned whether that location would be sufficient to hold a large amount of water. Supervisor Tupper indicated that the gravel pit was enormous and suggested Councilman Rocco visit the site.

Discussion continued regarding the study. Mr. Steinhoff indicated that Susan Briggs, Chair of the Legislature, planned to form a committee to look at flooding in the entire County

and recurring areas that could be mitigated. Mr. Steinhoff stated that it would be a big project involving the Soil and Water Conservation District and Emergency Services. The flooding issue involved the Town of Cortlandville, but also neighboring municipalities that are also affected such as the City of Cortland.

Councilman Rocco voiced his concern regarding the stream near Gutchess Lumber on McLean Road. He hoped that the County could coordinate with the DEC with regard to the stream which is clogged with sticks or a beaver dam, and hoped the stream could be cleaned out so water could flow. Mr. Steinhoff indicated that everything would be done in accordance with the DEC and hoped the situation could be improved.

The Board thanked Mr. Steinhoff for his report.

The monthly report of the Supervisor, Town Clerk, and Water & Sewer Department for the month of March, and a letter from the Code Enforcement Office regarding the monthly report, were on the table for review and are filed in the Town Clerk's office.

Councilman Leach commented on the quick receipt of the Planning Board Index of Actions as the meeting was held March 31, 2015.

Supervisor Tupper thanked Bookkeeper Hicks for submitting the Supervisor's monthly report for the month of March on April 1<sup>st</sup>. He mentioned that the Town was busy for the past week with the auditors who had all departments "running with paperwork" for an entire week. Bookkeeper Hicks commented that it was the hardest audit since she has worked for the Town.

Councilman Rocco made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated April 1, 2015, regarding programming services. All voting aye, the motion was carried.

Supervisor Tupper mentioned that Time Warner Cable was offering free HBO/Cinemax to all subscribers from April 10-13, 2015.

Attorney Folmer reported:

Mary E. Tanguay v. Town of Cortlandville:

Attorney Folmer recalled the litigation commenced by Mary E. Tanguay v. Town of Cortlandville and an individual. He received correspondence from the attorney for the Town's insurance company indicating that the litigation has been settled and the action discontinued. Attorney Folmer was in possession of the Stipulation of Discontinuance without costs and asked the Board to receive and file it.

RESOLUTION #                      ACKNOWLEDGE RECEIVING THE STIPULATION OF  
DISCONTINUANCE REGARDING MARY E. TANGUAY V.  
TOWN OF CORTLANDVILLE

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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 acknowledge, by receiving and filing, the Stipulation of Discontinuance regarding Mary E. Tanguay v. Town of Cortlandville.

Proposed Water/Sewer Improvement Projects:

In connection with the Luker Road Water Improvement Project, and the Oakcrest Street/Pendleton Street/Saunders Road Sewer Improvement Project, Attorney Folmer indicated that he prepared a Short Environmental Assessment form. Having reviewed the engineering

reports, he stated that it would be appropriate for the Board to determine that this is a Type II action under SEQR, because regulation 617.5 Subdivision 11 provides that a Type II action can be an extension of utility distribution facilities including gas, electric, telephone, cable, water and sewer connections to render service and improve subdivisions. Attorney Folmer suggested the Board adopt a resolution indicating that they have determined the project to be a Type II action, which would not require further SEQR review.

RESOLUTION #	DECLARE OAKCREST STREET/PENDLETON STREET/SAUNDERS ROAD SANITARY SEWER IMPROVEMENT PROJECT A TYPE II ACTION UNDER SEQRA
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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 declare the proposed Oakcrest Street/Pendleton Street/Saunders Road Sanitary Sewer Improvement Project a Type II action under SEQRA.

RESOLUTION #	DECLARE LUKER ROAD WATER MAIN IMPROVEMENT PROJECT A TYPE II ACTION UNDER SEQRA
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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 declare the proposed Luker Road Water Main Improvement Project a Type II action under SEQRA.

Councilman Leach questioned what the timetable would be for the proposed project. Supervisor Tupper indicated that the survey work for the project was being done right now. Attorney Folmer expected that he would be able to provide Bond Counsel with information so they could have an Order ready for the Board to adopt at the next Town Board meeting.

Supervisor Tupper mentioned that he and Councilman Testa met with one of the residents of Oakcrest Street today. She thanked them for moving forward with the project. He indicated to her that the engineering study was almost complete, that financing was almost in place, and that sewer lines should be installed before the end of the summer.

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 SEAN CONKRITE
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Motion by Councilman Rocco

Seconded by Councilman Proud

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 Sean Conkrite, 4122 McGraw North Road, McGraw, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$26,522.00.

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

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Motion by Councilman Rocco

Seconded by Councilman Proud

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 Sean Conkrite, 4122 McGraw North Road, McGraw, New York, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$26,522.00.

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

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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 the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Genelle Darling, 7 Hicks Hill Road, McGraw, New York, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$22,881.00.

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

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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 the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Marie Vogt, 4632 Route 41, McGraw, New York, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$26,862.00.

Supervisor Tupper briefly explained the Town's CDBG Town-Wide Housing Rehabilitation Program. The Town has been successful in receiving four CDBG for housing. He suggested residents contact Thoma Development Consultants to see if they qualify or if there are funds left. Town Clerk Snyder added that information was available on her bulletin board as well as at her office.

There was discussion regarding correspondence from Village of McGraw, Mayor Allan Stauber requesting financial assistance from the Town to help purchase a new sewer pump for the Polkville pump station. Supervisor Tupper explained that he recently met with Mayor Stauber who advised him of the Village's problem with the sewer pump, the cost of which would be approximately \$6,338.00.

Councilman Rocco supported the request since the Village is within the Town and could really use the assistance.

Supervisor Tupper stated that it was a very important pump to replace especially with all of the new businesses located along Route 11.

Councilman Proud questioned whether the Village would be installing a new meter as well. Supervisor Tupper did not think the Village was planning to do anything but replace one of the pumps due to the cost.

Councilman Proud requested clarification of a portion of Mayor Stauber's letter, which stated: "Since the old sewer contract, dating back to 1982 had expired in 2012 and all the new businesses that have been added during the contract years the village is still only receiving an average of .22 cents on a dollar on half of its expenses." Supervisor Tupper stated that the Town knew the contract expired. The Town entered into a new agreement with the City for 38 years because of the Town's Polkville water line. The Village's agreements with the City are automatically renewed until they are renegotiated. The agreement the Town made with the City was that once the City finishes their rehabilitation, take care of the whey from Byrne Dairy, and other efficiency, the costs should go down and the Town would renegotiate a plain-language contract that was readable. Once the City has completed its renovation, Homer, McGraw and Cortlandville would negotiate a contract with the City for the sewer treatment plant.

Councilman Leach mentioned that in addition to the replacement of the sewer pumps, the Village of McGraw also has to replace equipment on one of its tanker trucks for the McGraw Fire Department.

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RESOLUTION #                      AUTHORIZE THE EXPENDITURE FOR ONE SEWER PUMP  
TO ASSIST THE VILLAGE OF MCGRAW

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Motioned by Councilman Leach

Seconded by Councilman Rocco

VOTES: AYE – Tupper, Testa, Rocco, Leach

NAY – Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the expenditure for one sewer pump to assist the Village of McGraw in an amount not to exceed \$6,338.00, contingent on the Village of McGraw supplying the receipt of their purchase for such sewer pump.

There was a brief discussion regarding the transfer of funds to balance the 2014 Budget, and specifically the sewer account. Supervisor Tupper noted that a transfer was necessary, per the auditors, to show the monies received from other municipalities and spent for the purchase of the sewer inspection camera. Supervisor Tupper indicated that per the language in the contract the Town is the title owner of the camera and it is an asset for the Town. Attorney Folmer added that the contract itself dictates who pays for maintenance, usage, personnel and such for the sewer inspection camera.

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RESOLUTION #                      AUTHORIZE TRANSFER OF FUNDS TO BALANCE  
ACCOUNTS FOR THE 2014 BUDGET

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Motion by Councilman Leach

Seconded by Councilman Rocco

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

ADOPTED

BE IT RESOLVED, the Budget Officer is hereby authorized and directed to transfer funds to adjust the accounts of the 2014 Budget for the Town of Cortlandville as follows:

- 1) **SEWER FUND SS:** Transfer \$63,664.80

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SS2389	SS81110.2	\$ 63,664.80
		<b>TOTAL: \$ 63,664.80</b>

Boy Scouts of America - Citizen of the Year Award:

Supervisor Tupper explained that the Baden Powell Council of the Boy Scouts of America would be presenting its distinguished Citizen of the Year Award to Attorney Folmer at a dinner to be held on April 27, 2015. Supervisor Tupper requested authorization for the expenditure of \$700.00 from the Town's Publicity Fund to provide Town representation at the dinner.

RESOLUTION #                      AUTHORIZE EXPENDITURE OF \$700.00 FROM THE TOWN  
PUBLICITY FUND FOR TOWN REPRESENTATION AT THE  
BOY SCOUTS OF AMERICA DINNER

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Motion by Councilman Testa

Seconded by Councilman Rocco

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

ADOPTED

WHEREAS, the Baden Powell Council of the Boy Scouts of America is presenting its Citizen of the Year Award to Attorney John B. Folmer at a dinner to be held on April 27, 2015, and

WHEREAS, Attorney Folmer's service to the citizens of the Town of Cortlandville and the Cortland community at large, has contributed greatly to his selection as the recipient of this award and his selection brings honor and recognition to the Town of Cortlandville, and

WHEREAS, it would be appropriate for the Town of Cortlandville to provide a means of attendance at this award ceremony to visibly support and honor Attorney Folmer, now therefore

BE IT RESOLVED, that the sum of \$700.00 be appropriated from the Town Publicity Fund to provide Town representation at the April 27<sup>th</sup> Citizen of the Year award gathering.

Councilman Leach questioned the status of the Town's request to the NYS DOT for a reduced speed limit on Ahrens Road in the Town of Cortlandville, and indicated that the residents were concerned about the high speeds that vehicles were travelling.

Supervisor Tupper and Town Clerk Snyder indicated that they had not yet received a response. Town Clerk Snyder suggested the Board submit the request again with a letter from the Board.

RESOLUTION #                      AUTHORIZE RESUBMISSION OF A REQUEST TO REDUCE  
THE SPEED LIMIT ON AHRENS ROAD IN THE TOWN OF  
CORTLANDVILLE

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Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

WHEREAS, a petition was submitted by area residents requesting the speed limit be reduced on the entire length of Ahrens Road a town road, and Town Highway Superintendent, Carl A. Bush is in agreement of such request, and the Town followed proper procedure in the submission of such request, and

WHEREAS, the Town Board received from the NYS DOT Regional Traffic Engineer, Diana L. Graser a denial for reducing such speed limit, and

WHEREAS, additional information was collected and resubmitted to the NYS DOT for a second review via the Cortland County Highway Superintendant per Town Board Resolution adopted September 17, 2014 and a final response has not been received from such second request, therefore

BE IT RESOLVED, the Town Board hereby authorizes and directs the third request be resubmitted to the NYS DOT for review via the Cortland County Highway Superintendent.

No further comments or discussion were heard.

Councilman Proud made a motion, seconded by Councilman Rocco, 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 May 1, 2015.

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