

## 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; Town Code Enforcement Officers, Tom Williams and Desiree Campbell; Jeffrey Breed from Gutches Lumber; Attorney Meira Hertzberg; Steve Flatt; Steve Terwilliger; Attorney Mike Shafer; News Reporters: Tyrone Heppard from the *Cortland Standard*; Eric Mulvihill from WXHC; Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of December 17, 2014 as submitted. All voting aye, the motion was carried.

Councilman Rocco made a motion, seconded by Councilman Leach, to receive and file the Cortlandville Zoning Board of Appeals Minutes of December 30, 2014. All voting aye, the motion was carried.

Councilman Rocco made a motion, seconded by Councilman Leach, to receive and file the Cortlandville Planning Board Minutes of December 30, 2014. All voting aye, the motion was carried.

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**RESOLUTION #                      AUTHORIZE PAYMENT OF VOUCHERS - JANUARY**

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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 #37-90	
	General Fund A	\$ 97,685.55
	General Fund B	\$ 2,850.43
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 48,065.65
Funds CD1, CD3, CD4	Voucher #3-6	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 12,282.30
	Business Devl CD4	\$ 17,505.77
Fund HC, SS, SW	Voucher #12-35	
	NYS Rt 13 Sewer Rehab HC	\$ 2,685.00
	Sewer SS	\$120,836.06
	Water SW	\$211,096.47
Funds SF, TA, TE	Voucher #3-5	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 39,999.76
	Expendable Trust TE	\$ 0.00

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

The monthly reports of the Supervisor and the Town Justices for the month of December 2014 were on the table for review and are filed in the Town Clerk's office.

Councilman Proud reported that he audited the Supervisor's records for the year 2014 and found everything to be in order.

Councilman Rocco had not yet audited the Highway/Water & Sewer Department's records. He reported that he recently spent a few hours with Mr. Ecker from the Cortland County SPCA and learned about his future plans for the organization.

Councilman Testa reported that he audited the Town Justice's records for the year 2014 and found everything to be in order.

Councilman Leach reported that he audited the Town Clerk/Tax Collection records and found everything in order. He stated he was very confident with how business was being conducted.

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RESOLUTION #                      ACCEPT ANNUAL REPORT OF THE TOWN CLERK

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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 Annual Report of the Town Clerk for the year 2014 is hereby accepted, and shall be received and filed.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated January 21, 2015, regarding programming services. All voting aye, the motion was carried.

Under old business, Supervisor Tupper stated that the Town and County Planning Boards completed their review of the zone change request submitted by Meira Hertzberg for four properties located off of Route 13, tax map #105.00-01-43.111 (portion of), 105.00-01-44.000, 105.00-01-48.100 (portion of), and 105.00-01-48.200.)

Attorney Folmer stated that at the request of the applicant the Board has not taken any action on the matter since November 2014. The Board would have to establish themselves as lead agency and accomplish the SEQR. He suggested the Board add the request to the next meeting agenda. He also noted that the Town and County Planning Board recommended approval of the zone change.

Attorney Meira Hertzberg distributed a new map to the Board showing the service road cutting behind the frontage along Route 13. There was a concern early on that service road would cause too much traffic or curb cuts. She explained that there were only 2 curb cuts required by the NYS DOT which have been done already. Attorney Hertzberg also presented the Board with a letter from Roy Silvernail, owner of a parcel at the northernmost end of the corridor, indicating that he was in agreement with the requested zone change from B-1 to B-2.

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RESOLUTION #                      DECLARE TOWN BOARD AS LEAD AGENCY WITH  
REGARD TO 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 MEIRA HERTZBERG, ESQ., APPLICANT

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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 itself Lead Agency for SEQRA purposes with regard to 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 Meira Hertzberg, Esq., applicant.

Town Clerk Snyder apprised the Board that she made arrangements for a Defensive Driving Class sponsored by Cortland County and the AARP to be held at the Raymond G. Thorpe Municipal Building on Saturday, March 14, 2015 and Saturday, July 11, 2015 from 9:00 a.m. to 4:00 p.m. The AARP instructors are volunteers. Town Clerk Snyder would provide the Board with the additional dates that the course was being offered in Cortland County, and would add the information to the Town's website. The fee was \$20 for AARP members and \$25 for non-members.

Supervisor Tupper thanked Town Clerk/Tax Collector Snyder and her staff for their hard work during tax collection season. Town Clerk Snyder thanked Supervisor Tupper. She reported that the major escrows had not yet arrived, however the collection of taxes was going well. Her office was busy with customers paying their taxes as well as licensing dogs and paying water and sewer bills. The Assessor's office was also busy with customers submitting their exemption applications.

Attorney Folmer reported:

Town of Dryden – Zoning Amendment:

Attorney Folmer reported that he received notice from the Town of Dryden that they would be holding a public hearing on a zoning amendment on February 19, 2015 at 7:00 p.m. to make what he thought were several non-serious changes to their zoning ordinance. He explained that under the General Municipal Law there is a provision that requires that if a municipality planned to adopt a zoning ordinance that affects property within 500 feet of the boundary of an adjoining town, that the town must be given notice. Neither he nor Town Clerk Snyder believed that Dryden adjoins the Town at all. No action was necessary by the Town Board.

Zone Change Request - Gutches Lumber:

Attorney Folmer apprised the Board that he was in receipt of a letter dated January 9, 2015 from James Trasher at Clough Harbour & Associates, indicating information he would like Gutches Lumber to provide in connection with their zone change application. Attorney Folmer requested the Board put a copy of the letter in the record. Attorney Folmer would also provide a copy of the letter to Lydia Ferro.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from James Trasher, Clough Harbour & Associates, dated January 9, 2015, regarding the zoning map and text amendment requested by Gutches Lumber Company and information CHA recommends that Gutches Lumber Company provide for Town review as it relates to the zone change and SEQR proceedings. All voting aye, the motion was carried.

Gunzenhauser Property:

Attorney Folmer reported that he was in contact with the Assistant County Attorney concerning property the Town would acquire that was part of the Gunzenhauser property. Attorney Folmer was waiting for the appropriate paperwork, abstract, and title before being able to proceed.

Byrne Hollow Crossing/Finger Lakes East Drive – Road Name Change:

With regard to the issue regarding the name change from Finger Lakes East Drive to Byrne Hollow Crossing, Attorney Folmer apprised the Board he was waiting for some details in order to make a proposal to the Board to resolve the matter. He would present the Board with the details at their next Town Board meeting to be acted on.

Councilman Proud made a motion, seconded by Councilman Rocco, to receive and file correspondence from New York State Homes & Community Renewal, dated January 14, 2015, regarding the Grant Agreement 6-Month Completion Notice for the NYS CDBG for Byrne Dairy. All voting aye, the motion was carried.

RESOLUTION #

AUTHORIZE HIGHWAY SUP'T. TO PURCHASE TWO (2)  
NEW FERRIS MOWERS THRU CNY FARM SUPPLY FROM  
THE NYS OGS BID

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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 and direct the Town Highway Sup't. to purchase two (2) new Ferris Mowers, model #153200ZBV3672, thru CNY Farm Supply from the NYS OGS Bid, for the total cost of \$18,450.00.

Councilman Leach questioned whether Highway Sup't. Bush would be sending the equipment that he was replacing to auction. Highway Sup't. Bush indicated that after receipt of the new mowers the two 2007 Toro mowers (model #Z453) would go to auction.

RESOLUTION #

AUTHORIZE HIGHWAY SUP'T. TO PURCHASE ONE (1)  
ROADSIDE MOWER THRU CNY FARM SUPPLY FROM THE  
NJPA BID

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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 Town Highway Sup't. to purchase one (1) Roadside Mower, an Alamo 22 ft. Machette II Boom Mower with a 60" Rotary Head, Massey Ferguson Model #6615 Tractor, thru CNY Farm Supply from the NJPA Bid, at a cost of \$141,233.00, and it is further

RESOLVED, that the Highway Sup't. is further directed to trade-in the 2005 Massey Ferguson and mower for a \$35,000 allowance, for a final total cost of \$106,233.00 for the new Massey Ferguson Roadside Mower.

Supervisor Tupper requested the Board authorize a budget transfer to correct a salary error.

RESOLUTION #

AMEND THE 2015 BUDGET AND AUTHORIZE  
SUPERVISOR TO TRANSFER FUNDS

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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 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 \$5,785.00

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
B1990.4	B8664.1	\$ 5,000.00
B8664.2	B8664.1	\$ 785.00
TOTAL:		\$ 5,785.00

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

Councilman Leach thanked Highway Sup't. Bush, Deputy Highway Sup't. Humphrey and the Highway Department for their hard work keeping the roads clear. Supervisor Tupper also thanked the Water & Sewer Department employees for their hard work with freezing water lines this winter.

Supervisor Tupper mentioned that he and Councilman Testa sat in on today's court session and reported that every seat in the room was taken. He was amazed with how busy the court is and commended the Court Clerks for their work.

No further comments or discussion were heard.

Councilman Testa 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 draft version of this meeting was submitted to the Town Board for their review on February 27, 2015.  
The draft version of this meeting was approved as written at the Town Board meeting of \_\_\_\_\_.