

## 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, John C. Proud  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

## Excused:

Councilman, Ronal L. Rocco

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Jeffrey Breed and Ben Stuart from Gutchess Lumber; News Reporters: Tyrone Heppard 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 Leach, to approve the Draft Town Board Minutes of September 3, 2014 as written. All voting aye, the motion was carried.

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

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RESOLUTION #                      AUTHORIZE PAYMENT OF VOUCHERS – OCTOBER

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Motion by Councilman Leach

Seconded by Councilman Proud

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

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

Funds A, B, DA, DB	Voucher #919-954	
	General Fund A	\$ 23,588.06
	General Fund B	\$ 8,229.08
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$493,601.89
Funds CD1, CD3, CD4	Voucher #23-25	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 16,556.19
	Business Devl CD4	\$ 0.00
Fund HC, SS, SW	Voucher #391-411	
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Sewer SS	\$ 1,302.86
	Water SW	\$ 19,082.15
Funds SF, TA, TE	Voucher #(None)	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 0.00
	Expendable Trust TE	\$ 0.00

The monthly reports of the Supervisor, Town Clerk, DECALS, and Water & Sewer Department for the month of September 2014 were on the table for review and are filed in the Town Clerk's Office.

RESOLUTION #                      ACCEPT PROCEDURES AND FINDINGS REPORT FROM  
PORT, KASHDIN & MCSHERRY FOR THE PERIOD ENDING  
DECEMBER 31, 2013 FOR THE TOWN OF CORTLANDVILLE  
COURT

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Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the procedures and findings report from Port, Kashdin & McSherry for the period ending December 31, 2013 for the Town of Cortlandville Court 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 October 1, 2014, regarding programming services. All voting aye, the motion was carried.

Under old business, Supervisor Tupper requested Attorney Folmer discuss the zone change request submitted by Gutchess Lumber.

Attorney Folmer stated that the Board indicated its intent to serve as Lead Agency for the SEQRA review. On September 26, 2014 letters were sent to the following potential involved agencies: County Planning Department, County Health Department, County Soil & Water Conservation District, Department of Environmental Conservation (DEC), Natural Resources Supervisor of DEC in Cortland, and the Chairs of the Cortlandville Planning Board and Zoning Board of Appeals. If one of the agencies decides they would like to assume the responsibility and the Town is not able to determine who that would be, the DEC would make such decision. The 30-day period would expire October 26, 2014. Until such time the Town could not take any further steps because it was not yet established as the Lead Agency.

Supervisor Tupper stated that the Board could bring the matter to the public at the November meetings.

Councilman Proud noted that the NYS DOT was not on the list of involved agencies. Attorney Folmer would check with the Town's engineering firm, Clough Harbour & Associates as to whether or not the NYS DOT should have been notified.

Under new business, Town Clerk Snyder presented the Board with the 2015 Tentative Budget.

RESOLUTION #                      ACKNOWLEDGE RECEIVING 2015 TENTATIVE BUDGET

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Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Clerk received the 2015 Tentative Budget on September 30, 2014, and has presented it to Town Board members, in accordance with Town Law.

Town Clerk Snyder requested the board receive and file the Cortlandville Fire District's Proposed Budget for 2015.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Cortlandville Fire District's Proposed Budget for 2015. All voting aye, the motion was carried.

Town Clerk Snyder mentioned that the Town Clerk's office was inundated with conservation license sales over the last few days. She thanked all Town employees for their patience and for directing the public to her office to purchase conservation licenses. She noted that many customers had never been in the town hall, nor were they aware that Town Clerks in New York State issue such licenses. Town Clerk Snyder also thanked customers for their patience, who were at her counter for business other than a hunting license.

Supervisor Tupper extended his thanks to Town Clerk Snyder and her staff.

Attorney Folmer reported:

Forkey Construction & Fabrication, Inc.:

Attorney Folmer apprised the Board the Forkey Construction & Fabrication would be closing with the IDA on October 2, 2014, and would be closing with the bank on October 3, 2014. He expected the company to be moving in to the Luker Road facility shortly thereafter.

Byrne Dairy:

At the Board's request, Attorney Folmer contacted Mr. Gosher, general counsel for Byrne Dairy. Attorney Folmer left a voicemail for Mr. Gosher to return his call. Attorney Folmer would not be in the office October 2-3, 2014, but left his cell phone number with Mr. Gosher to contact him.

Planning Board:

Attorney Folmer informed the Board that attended the Town Planning Board meeting September 30, 2014 and expressed the Board's appreciation to them for conducting a special Planning Board Meeting earlier in the month regarding Forkey Construction & Fabrication.

RESOLUTION #	REFER AQUIFER PROTECTION PERMIT APPLICATION SUBMITTED BY HBDR, LLC FOR PROPERTY LOCATED AT 3893 ROUTE 11 TO THE TOWN AND COUNTY PLANNING BOARDS FOR REVIEW AND RECOMMENDATIONS
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Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Aquifer Protection Permit application submitted by HBDR, LLC for property located at 3893 Route 11, tax map #87.00-04-10.000, 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.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file Cortland County Planning Department recommendations dated September 12, 2014, and Cortland County Planning Board Resolution #14-32 dated September 16, 2014, regarding the request for a zoning map amendment submitted by Attorney Meira Hertzberg for four properties along the southeast side of NYS Route 13, from B-1 to B-2, 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. All voting aye, the motion was carried.

Attorney Folmer commented that at the September 30, 2014 Town Planning Board Meeting, the applicant requested the Planning Board resubmit the application for a zoning map amendment to the County Planning Board for further review. He explained that an access road was planned to run parallel to Route 13, but behind the parcels that are involved. The County Planning Board did not have the information when they reviewed the application, which Planning/Zoning Officer Bruce Weber confirmed with County Planning Director Dan Dineen. The County Planning Board recommended the application be denied. The Town Planning Board referred the application back to the County.

Supervisor Tupper mentioned that Mr. Dineen has been trying to incorporate the idea of auxiliary roads where multiple parcels can be accessed off of the main roads, which is very common in the southern states. Councilman Proud noted that access roads keep the speed of traffic up on the state highway while allowing access to shopping.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from NYS Homes & Community Renewal, dated September 23, 2014, regarding the Approval of Request for Release of Funds for the New York State Community Development Block Grant for Forkey Construction & Fabrication, Inc. All voting aye, the motion was carried.

RESOLUTION #                      AUTHORIZE THE CORTLAND CITY SCHOOL DISTRICT  
USE OF THE TOWN MEETING ROOM TO CONDUCT A  
CAPITAL PROJECT VOTE ON DECEMBER 16, 2014

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Motion by Councilman Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, the Town Board does hereby authorize the Cortland City School District use of the Town meeting room in the Raymond G. Thorpe Municipal Building, to conduct the Cortland Enlarged City School District Capital Project Vote on Tuesday, December 16, 2014 from 11:30 a.m. to 9:30 p.m., and it is further

RESOLVED, the letter of request from Peg Baccaro, Clerk of the Board of Education, dated September 24, 2014, is hereby received and filed.

RESOLUTION #                      AMEND THE 2014 BUDGET AND AUTHORIZE  
SUPERVISOR TO TRANSFER FUNDS

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Motion by Councilman Proud

Seconded by Councilman Leach

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

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

- 1) **SS – SEWER FUND:** Transfer \$6,000.00

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SS8120.4	SS8110.4	\$ 6,000.00
	<b>TOTAL:</b>	<b>\$ 6,000.00</b>

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

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Motion by Councilman Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, the Town Board does hereby authorize the approval request of Marie Vogt for property located at 4632 Route 41 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 windows and doors, roofing, interior carpentry, flooring, and heating, for a total of \$26,862.00.

There was a brief discussion regarding authorization for the Supervisor to sign closing papers on behalf of the Town of Cortlandville for property located on Groton Avenue and Commons Avenue. Attorney Folmer clarified that the State was taking two properties by eminent domain for a public purpose. The State offered a proposal to compensate the Town for the direct damages it has suffered. He explained that the Town did not have to accept the agreement and could bring an action in the Court of Claims to challenge it. However, the cost of challenging the agreement would be more than what the State was offering. Attorney Folmer advised the Board to authorize the Supervisor to sign the agreements regarding for property on Groton Avenue and Commons Avenue.

Supervisor Tupper explained the location of the two parcels. The Groton Avenue parcel is located behind the mall. It has been owned by the Town for many years and was previously used as a sewer pumping station. The State needed the parcel for stormwater management. The parcel on Commons Avenue would be used for widening Route 281. Supervisor Tupper explained that both parcels were being taken by eminent domain as part of the Route 281 road project.

RESOLUTION #                      RESOLUTION OF THE GOVERNING BODY OF THE TOWN  
OF CORTLANDVILLE RATIFYING AN AGREEMENT FOR  
ADVANCE PAYMENT AND AUTHORIZING RICHARD C.  
TUPPER TO EXECUTE CLOSING PAPERS ON BEHALF OF  
THE TOWN OF CORTLANDVILLE

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Motion by Councilman Testa

Seconded by Councilman Leach

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

WHEREAS, the State of New York has taken or is in the process of taking a portion of the land owned by the Town of Cortlandville through the process of eminent domain for the purposes of improving Groton Avenue;

WHEREAS, the State has offered to pay the Town of Cortlandville the sum of \$2,325.00 for a portion of Town of Cortlandville's property along Groton Avenue as depicted on Map(s) 175, as Parcel(s) 202;

WHEREAS, an agreement to accept said money (an Agreement for Advance Payment) has been signed on behalf of Town of Cortlandville by Richard C. Tupper;

WHEREAS, the Town Board of the Town of Cortlandville is the governing body of the Town of Cortlandville; and

WHEREAS, the Town Board is meeting on this 1<sup>st</sup> day of October, 2014, after proper notice to consider this matter; and

WHEREAS, the Town of Cortlandville wishes to ratify the Agreement for Advance Payment and to appoint Richard C. Tupper, as Town Supervisor, as the person to execute closing papers on behalf of the Town of Cortlandville;

IT IS, UPON MOTION DULY MADE AND SECONDED, RESOLVED THIS 1<sup>st</sup> DAY OF OCTOBER, 2014;

THAT, the Agreement for Advance Payment is hereby accepted and ratified;

THAT, Richard C. Tupper is hereby designated as the person to execute any and all closing papers with regard to this transfer to the State of New York.

RESOLUTION #                      RESOLUTION OF THE GOVERNING BODY OF THE TOWN  
OF CORTLANDVILLE RATIFYING AN AGREEMENT FOR  
ADVANCE PAYMENT AND AUTHORIZING RICHARD C.  
TUPPER TO EXECUTE CLOSING PAPERS ON BEHALF OF  
TOWN OF CORTLANDVILLE

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Motion by Councilman Testa

Seconded by Councilman Leach

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

WHEREAS, the State of New York has taken or is in the process of taking a portion of the land owned by the Town of Cortlandville through the process of eminent domain for the purposes of improving Commons Avenue;

WHEREAS, the State has offered to pay the Town of Cortlandville the sum of \$1,000.00 for a portion of Town of Cortlandville's property along Commons Avenue as depicted on Map(s) 202, as Parcel(s) 234;

WHEREAS, an agreement to accept said money (an Agreement for Advance Payment) has been signed on behalf of Town of Cortlandville by Richard C. Tupper;

WHEREAS, the Town Board of the Town of Cortlandville is the governing body of the Town of Cortlandville; and

WHEREAS, the Town Board is meeting on this 1<sup>st</sup> day of October, 2014, after proper notice to consider this matter; and

WHEREAS, the Town of Cortlandville wishes to ratify the Agreement for Advance Payment and to appoint Richard C. Tupper, as Town Supervisor, as the person to execute closing papers on behalf of the Town of Cortlandville;

IT IS, UPON MOTION DULY MADE AND SECONDED, RESOLVED THIS 1<sup>st</sup> DAY OF OCTOBER, 2014;

THAT, the Agreement for Advance Payment is hereby accepted and ratified;

THAT, Richard C. Tupper is hereby designated as the person to execute any and all closing papers with regard to this transfer to the State of New York.

RESOLUTION #                      PROCLAIM OCTOBER 19-25, 2014 AS FREEDOM FROM  
WORKPLACE BULLIES WEEK

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Motion by Councilman Proud

Seconded by Councilman Testa

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

WHEREAS, the Town of Cortlandville has an interest in promoting the social and economic well-being of its citizens, employees and employers; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free work environments; and

WHEREAS, research has documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments are costly for employers, with consequences including reduced productivity, absenteeism, turnovers, and injuries; and

WHEREAS, protection from abusive work environments should apply to every worker, and not limited to legally protected class status based only on race, color, gender, national origin, or disability;

NOW, THEREFORE, We the Town Board of the Town of Cortlandville do hereby proclaim October 19-25, 2014 as

**FREEDOM FROM WORKPLACE BULLIES WEEK**

And commend the Workplace Bullying Institute which raises awareness of the impacts of and solutions for, workplace bullying in the U.S.; and

Encourage all citizens to recognize the special observance.

Supervisor Tupper commented on the budget process and how time consuming it is. He thanked the department heads and Bookkeeper, Marcia Hicks for their efforts.

Supervisor Tupper offered privilege of the floor to Ben Stuart, Plant Engineer and Jeffrey Breed, Company Treasurer for Operations for Gutchess Lumber.

Mr. Stuart and Mr. Breed extended an invitation to the Town Planning Board, Town Board, and any other interested Town officials, to take a tour of the plant and their new building, named the “East End” which was the former Friendly’s restaurant. Mr. Breed indicated that Gutchess Lumber recently held an open house that a few Town Board members were able to attend.

Supervisor Tupper mentioned that he attended the open house and was impressed with the new building. He indicated that both Assemblywoman Lifton and Senator Seward were interested in a tour of the facility as well, and suggested the Town try to schedule a time and date for a tour that could accommodate most officials. Mr. Breed stated that individual tours would be possible as well. Mr. Breed mentioned that they had the opportunity to give a tour to the Undersecretary of Commerce who was recently in town with the White House initiative on rural America.

Mr. Breed briefly discussed the history of Gutchess Lumber, which is in its 110<sup>th</sup> year of business. The company logo, which is a circle logo with a pine tree, dates back to 1904 when the company was founded by George Gutchess. Mr. Breed explained that the logo was ironic because Gutchess Lumber does not cut pine trees. The original saw mill site (Parker Saw Mill) was located on Page Green Road and was sold within the last few years. Gutchess Lumber has been located on McLean Road since 1935.

No further comments or discussion were heard.

Councilman Proud made a motion, seconded by Councilman Testa, to adjourn the Regular Meeting. All voting aye, the motion was carried.

The meeting was adjourned at 5:30 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 October 15, 2014.  
The draft version of this meeting was approved as written at the Town Board meeting of \_\_\_\_\_.