

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
FORKEY CONSTRUCTION & FABRICATION, INC.
LUKER ROAD
TAX MAP #95.00-05-09.200

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, concerning an application for an Aquifer Protection Permit submitted by Forkey Construction & Fabrication, Inc. to relocate a manufacturing operation into the former Borg Warner Morse building, for property located on the east side of Luker Road, approximately 750 ft. north of the intersection of McLean Road and Luker Road, tax map #95.00-05-09.200.

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; Garry VanGorder, Executive Director of the Cortland County IDA/BDC; Joseph Steinhoff, County Legislator; Sheriff Lee Price; Undersheriff Herbert Barnhart; Captain Robert Derksen and K-9 "Fredy"; Charlie Forkey III; Charles Forkey, Jr.; Karen Forkey; Barbara Tupper; Barbara Leach; Steve Flatt; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2 Access TV.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

Supervisor Tupper offered privilege of the floor to those in attendance.

No comments or discussion were heard.

The Public Hearing was closed at 5:10 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.

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| Members present: | Supervisor, Richard C. Tupper |
| | Councilman, Theodore V. Testa |
| | Councilman, John C. Proud |
| | Councilman, Gregory K. Leach |
| | Town Clerk, Karen Q. Snyder, RMC |

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| Excused: | Councilman, Ronal L. Rocco |
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Others present were: Town Attorney, John Folmer; Garry VanGorder, Executive Director of the Cortland County IDA/BDC; Joseph Steinhoff, County Legislator; Sheriff Lee Price; Undersheriff Herbert Barnhart; Captain Robert Derksen and K-9 “Fredy”; Charlie Forkey III; Charles Forkey, Jr.; Karen Forkey; Barbara Tupper; Barbara Leach; Steve Flatt; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2 Access TV.

Supervisor Tupper called the meeting to order.

Undersheriff Herbert Barnhart introduced the newest member of the Sheriff’s Department, K-9 Fredy. Fredy is a sable shorthair German Shepard and would be trained as a police dog to do things such as find drugs and track missing persons. He thanked the Board once again for providing funds to help purchase and train Fredy.

Councilman Testa stated that in all of the years he has been on the Board, the funds used towards the purchase of Fredy was one of the best investments the Town has ever made.

Captain Rob Derksen, the dog’s handler, thanked the Board as well for their support.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of August 20, 2014 as written. All voting aye, the motion was carried.

The Draft Town Board Minutes of September 3, 2014 were presented to the Board for their review.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS - SEPTEMBER

Motion by Councilman Proud
 Seconded by Councilman Leach
 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:

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| Funds A, B, DA, DB | Voucher #873-918 | |
| | General Fund A | \$ 96,974.02 |
| | General Fund B | \$ 10,872.50 |
| | Highway Fund DA | \$ 0.00 |
| | Highway Fund DB | \$ 98,840.83 |
| Funds CD1, CD3, CD4 | Voucher #19-22 | |
| | BMills Rehab CD1 | \$ 0.00 |
| | Town Wide Rehab CD3 | \$ 0.00 |
| | Business Devl CD4 | \$984,125.90 |
| Fund HC, SS, SW | Voucher #365-390 | |
| | NYS Rt 13 Sewer Rehab HC | \$ 39,174 72 |
| | Sewer SS | \$146,827.89 |
| | Water SW | \$103,240.18 |
| Funds SF, TA, TE | Voucher #29-31 | |
| | C’Ville Fire District SF | \$ 0.00 |
| | Trust & Agency TA | \$ 36,298.54 |
| | Expendable Trust TE | \$ 0.00 |

Supervisor Tupper explained that he had a request from Donald Maynard for privilege of the floor however he was not in attendance.

The monthly reports of the Town Justices for the months of July and August 2014 were on the table for review and are filed in the Town Clerk's Office.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated September 17, 2014, regarding programming services. All voting aye, the motion was carried.

Attorney Folmer and the Board reviewed the SEQR Short Environmental Assessment Form for the Aquifer Protection Permit application submitted by Forkey Construction & Fabrication, Inc. for property located off of Luker Road.

RESOLUTION # DECLARE NEGATIVE IMPACT FOR AQUIFER
PROTECTION PERMIT #6 OF 2014 SUBMITTED BY
FORKEY CONSTRUCTION & FABRICATION, INC. FOR
PROPERTY LOCATED OFF OF LUKER ROAD

Motion by Councilman Testa

Seconded by Councilman Leach

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

WHEREAS, an Aquifer Protection Permit application was submitted by Forkey Construction & Fabrication, Inc. to permit the relocation of a manufacturing operation into the former Borg Warner Morse building, for property located on the east side of Luker Road, approximately 750 ft. north of the intersection of McLean Road and Luker Road, tax map #95.00-05-09.200, and

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

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare the proposed project of Forkey Construction & Fabrication, Inc., Aquifer Protection Permit #6 of 2014, shall have no significant environmental impact.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN SEQRA
APPLICATION OF AQUIFER PROTECTION
PERMIT #6 OF 2014

Motion by Councilman Testa

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 sign the SEQRA application relating to Aquifer Protection Permit #6 of 2014, submitted by Forkey Construction & Fabrication, Inc.

Attorney Folmer explained that the Town Planning Board recommended the Town Board approve the Aquifer Protection Permit with the conditions from the County Planning Board, with one minor exception. In the County Planning Board's recommendation, there was a condition that a list of chemicals be provided to the Town. The Town Planning Board wanted to ensure that the list of chemicals was provided to the Cortlandville Fire Department.

RESOLUTION # APPROVE AQUIFER PROTECTION PERMIT #6 OF 2014
SUBMITTED BY FORKEY CONSTRUCTION &
FABRICATION, INC. FOR PROPERTY LOCATED OFF OF
LUKER ROAD SUBJECT TO CONDITIONS

Motion by Councilman Proud

Seconded by Councilman Leach

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

WHEREAS, the Cortland County Planning Department and the Town Planning Board have reviewed and recommended approval of this Aquifer Protection Permit application, and

WHEREAS, a Public Hearing was duly held by this Town Board, therefore

BE IT RESOLVED, the Town Board does hereby approve Aquifer Protection Permit #6 of 2014, submitted by Forkey Construction & Fabrication, Inc. to permit the relocation of a manufacturing operation into the former Borg Warner Morse building, for property located on the east side of Luker Road, approximately 750 ft. north of the intersection of McLean Road and Luker Road, tax map #95.00-05-09.200, subject to conditions from the Town and County Planning Boards:

1. The applicant's submittal of a list and quantity of all chemicals to be stored on site to the Town and the Cortlandville Fire Department, regardless of the quantity, including a plan for primary and secondary storage for these chemicals.
2. The applicant's submittal and the Town's acceptance of the Spill Response Plan and Spill Prevention, Control & Countermeasures Plan for the site.
3. That all waste be disposed of through a licensed waste hauler.
4. That there be no floor drains within the facility.
5. Compliance with SEQRA requirements.

AND IT IS FURTHER RESOLVED, the Supervisor is hereby authorized to sign the permit.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Standardized Notice Form from Marshall Brothers Inc., dated September 4, 2014, for an alteration to the liquor license for The Pit Stop located at 3742 Route 11 in the Town of Cortlandville. All voting aye, the motion was carried.

Town Clerk Snyder informed the Board that from September 2, 2014 through September 16, 2014 her office collected \$14,831.00 for the State of New York through the sale of conservation licenses, with a commission of \$783.90 due to the Town. She thanked the Board for allowing her office to remain open on Thursdays until 7:00 p.m. through the month of September to accommodate the public. Super Wal-Mart has been accommodating as well by sending their customers to the Town Clerk's office when they are unable to issue the licenses.

Attorney Folmer reported:

Zone Change Request – Gutches Lumber Co., Inc.

With regard to the Gutches Zone Change application, Attorney Folmer recalled that Part 1 of the SEQRA document was received and filed by the Town Board. He suggested the Board adopt a resolution declaring their intent to act as Lead Agency for SEQRA purposes with regard to the application.

RESOLUTION # DECLARE TOWN BOARD AS LEAD AGENCY WITH
REGARD TO THE ADOPTION OF A LOCAL LAW FOR THE
YEAR 2014 WHICH WOULD AMEND THE ZONING LAW
AND MAP OF THE TOWN OF CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Testa

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

WHEREAS, the Town Board received and filed at their August 6, 2014 Town Board Meeting Part 1 of the Full Environmental Assessment Form for a Local Law of 2014, amending the Zoning Law and Map of the Town, therefore

BE IT RESOLVED, the Town Board does hereby declare itself Lead Agency for such Local Law for SEQRA purposes.

Attorney Folmer explained that the Town's consulting firm Clough Harbour & Associates (CHA) would notify the involved agencies. Once the Board has indicated its intent to act as lead agency the involved agencies are given 30 days to communicate if they wish to step in as lead agency. CHA would notify the involved agencies and provide a vehicle by which they could consent to the Board acting as lead agency, which would eliminate the 30 day period.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the fully executed New York State Community Development Block Grant Agreement (NYS CDBG) between the New York State Office of Community Renewal and the Town of Cortlandville for Forkey Construction & Fabrication, Inc. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN THE COMMUNITY
DEVELOPMENT BLOCK GRANT REVOLVING LOAN AND
SECURITY AGREEMENT FOR FORKEY CONSTRUCTION
& FABRICATION, INC.

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Community Development Block Grant Revolving Loan and Security Agreement between the Town and Forkey Construction & Fabrication, Inc. in the amount of \$300,000.00 subject to Town Attorney approval.

Attorney Folmer mentioned that the above resolution authorizes a \$300,000.00 loan payable over a 5 year period at 3% interest to Forkey Construction & Fabrication, Inc.

RESOLUTION # AWARD BID TO THOMA DEVELOPMENT CONSULTANTS
FOR PROGRAM DELIVERY AND ADMINISTRATIVE
SERVICES FOR THE 2014 COMMUNITY DEVELOPMENT
BLOCK GRANT FOR FORKEY CONSTRUCTION &
FABRICATION, INC.

Motion by Councilman Leach

Seconded by Councilman Proud

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

WHEREAS, a Request for Proposal was advertised for the program delivery and administrative services for the 2014 Community Development Block Grant - Economic Development for Forkey Construction & Fabrication, Inc., and

WHEREAS, sealed bids were opened by the Town Clerk on September 10, 2014 at 12:00 p.m. as follows:

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| Thoma Development Consultants | \$15,750.00 |
| 34 Tompkins Street | |
| Cortland, NY 13045 | |

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|---------------------------|-------------|
| Kenday Management Systems | \$21,300.00 |
| 105 Rann Ave. | |
| Syracuse, NY 13204 | |

BE IT RESOLVED, the bid as recommended is hereby awarded to Thoma Development Consultants of Cortland, New York, in the amount of \$15,750.00, subject to Town Attorney review.

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| RESOLUTION # | REAPPOINT GREGORY ROBINSON TO THE BOARD OF ASSESSMENT REVIEW |
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Motion by Councilman Testa
 Seconded by Councilman Leach
 VOTES: AYE - Tupper, Testa, Proud, Leach NAY – 0 ABSENT - Rocco
 ADOPTED

BE IT RESOLVED, the Town Board does hereby reappoint Gregory Robinson, 938 Blue Creek Road, Cortland, NY, to the Cortlandville Board of Assessment Review for a five-year term commencing October 1, 2014 and expiring September 30, 2019.

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| RESOLUTION # | AUTHORIZE SUPERVISOR TO TRANSFER FUNDS FROM FUND BALANCES INTO ESTABLISHED RESERVE ACCOUNTS |
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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 Town Board does hereby authorize and direct the Supervisor to transfer the following funds from fund balances into the following reserve accounts:

- \$50,000.00 from DB fund balance into Highway Equipment Capital Reserve Fund DB 231
- \$15,000.00 from Water fund balance into Water Improvement Capital Reserve Fund SW 231
- \$25,800.00 from Sewer fund balance into Sewer Improvement Capital Reserve Fund SS 231

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Susan Briggs, Chair of the Cortland County Legislature, dated September 8, 2014, thanking the Town for financial assistance to the Cortland County Sheriff's Department to purchase a new K-9 and body cameras for officers. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Sheriff Lee Price, Undersheriff Herbert Barnhart, and Captain Robert Derksen, received September 15, 2014, thanking the Town for their assistance in helping the Cortland County Sheriff Office purchase a police dog for the department. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from NYS DOT Regional Traffic Engineer, Diana L. Graser, dated September 10, 2014, denying the Town's request for a reduced speed limit on Ahrens Road in the Town of Cortlandville. All voting aye, the motion was carried.

Councilman Leach questioned the NYS DOT's decision to deny the Town's request for a reduced speed limit on Ahrens Road. He noted that accidents have occurred on the dead end road and that the residents are concerned with the 55 MPH unposted speed limit. He suggested the Board resubmit the application for a reduced speed limit.

Supervisor Tupper stated that the Board could resubmit the request as they have in the past with the Town's request to reduce the speed limit on McLean Road.

Councilman Proud stated that there should be an accident report because the Merritt's submitted an insurance claim. He would inquire with Mr. and Mrs. Merritt.

Town Clerk Snyder suggested that the accident report be provided to the Town so that it could be submitted with the Town's second request for a reduced speed limit. She also suggested that Deputy Sup't. Bob Buerkle be contacted because he did not make any comments before submitting the request to the NYS DOT.

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| 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 Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, the Town Board hereby authorizes and directs additional information be collected and be resubmitted to the NYS DOT for a second review via the Cortland County Highway Superintendent.

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 5:30 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 September 26, 2014.
The draft version of this meeting was approved as written at the Town Board meeting of _____.