

## PUBLIC HEARING NO. 1

LOCAL LAW OF 2014  
ZONE CHANGE REQUEST  
GUTCHESS LUMBER CO., INC., APPLICANT  
10 PARCELS LOCATED OFF OF MCLEAN ROAD, ROUTE 281, AND STUPKE ROAD

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 a Zone Change request submitted by Gutchess Lumber Co., Inc. to reclassify and re-designate ten (10) properties in the vicinity of Gutchess Lumber's existing operation to I-2 (General Industrial).

Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman, Ronal L. Rocco  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Excused:

Councilman, John C. Proud

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Robert and Connie Oaksford; Mary Keegan; Anna-Mae Artim; Shiow-Chen Huang; Lydia and James Ferro; Alex and Donna Fumarola; Marilee Comerford; Ann Hotchkin; Donna Atkins; Russell White; Kenneth Ettenberger; Matt McSherry; Kenneth Babrycki and Gary Gutchess from Gutchess Lumber; News Reporters: Tyrone L. Heppard from the *Cortland Standard*, and Eric Mulvihill from WXHC.

Supervisor Tupper called the Public Hearing to order.

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

Supervisor Tupper explained that the purpose of the public hearing was for the Board to listen to comments from the public. The Board would not be answering any questions.

Attorney Folmer apprised those in attendance that there was a "typographical error" in the proposed Local Law, a copy of which was available to the public. The proposed law states the zone change was for Industrial, however as the notice of the public hearing indicated the classification is to I-2 General Industrial.

Attorney Folmer noted that the public was asked to sign in to speak at the public hearing.

Privilege of the floor was offered to Connie Oaksford.

Connie Oaksford informed the Board that she has resided at 694 McLean Road for over 20 years. Her backyard adjoins one of the parcels involved in the zone change request. She was not in favor of the proposed zone change. She stated that there would be stench, noise, and a lot of activity that is unnecessary. Mrs. Oaksford was concerned that property taxes would continue to go up, but her property value would go down.

Privilege of the floor was offered to Alex and Donna Fumarola.

Alex Fumarola of 697 McLean Road, stated that he did not think anyone in attendance was against the expansion of industry, especially in Cortland. He questioned what Gutchess' intent was in reclassifying the properties to industrial. He stated that there was not a lot of documentation on the environmental impact, and traffic issues. Mr. Fumarola stated that he wants his house to appreciate rather than depreciate, as it was difficult enough paying taxes.

Mr. Fumarola stated that the Board should be cautious regarding the zone change and what Gutchess Lumber plans to do with the property make sure their plans fit in with a residential area. He was concerned with traffic and stated that he did not want to see an increase in traffic as it was difficult enough leaving his driveway.

Privilege of the floor was offered to Lydia Ferro.

Lydia Ferro of 710 McLean Road submitted letters to the Board regarding the proposed zone change request. She stated that residents were concerned regarding the Aquifer, run-off of water, traffic, and the value of properties. Mrs. Ferro stated that the zone change would not only affect residences on McLean Road, but would affect the churches in the area and the entire residential area extending to Fer-Cor Drive and properties by the airport.

Privilege of the floor was offered to Anna-Mae Artim.

Anna-Mae Artim of 714 McLean Road apprised the Board she has lived in the neighborhood for more than 12 years and was attracted to the quality and affordability of the houses. While the neighborhood was not as dense as some of the surrounding subdivisions it was still a neighborhood. Ms. Artim was against the proposed zone change and stated that it would forever change the neighborhood.

Ms. Artim stated that Gutchess Lumber already creates noise and truck traffic which affects her neighborhood. During the summertime she hears noise from trucks and their back-up signals, and from logs banging late at night and early in the morning. Planting a few trees along the property line was not what she wanted to see done to eliminate the noises. The zone change would only bring noises closer to the homes. Ms. Artim stated that she wanted the Town Board and Town Planning Board to get together and discuss how to protect the neighborhood.

Privilege of the floor was offered to Marilee Comerford.

Marilee Comerford of 730 McLean Road apprised the Board that she and her husband purchased their home 8 years ago. Prior to doing so, they spoke with Town CEO Tom Williams regarding the property owned by Gutchess Lumber located behind their home. They had the understanding that the property was zoned residential and that they didn't have to worry about it. The Comerford's proceeded with the purchase of their home, and remodeled it with the intent to live there for the rest of their lives.

Mrs. Comerford stated that not only should people be concerned with their own health and safety, but they should also be concerned for the environment including Stupke Road Pond, and the fragile species that we have, such as the bald eagles she watches from her kitchen window. She also noted the possibility of bringing in invasive species such as the emerald ash bore, which could destroy their lawns and landscape.

Mrs. Comerford was concerned that there were no plans for what or how Gutchess would use their lands. She stated that industry should not be placed in the middle of a well-established neighborhood. Her home was constructed in 1956 similar to many of the homes in the neighborhood.

Privilege of the floor was offered to Ken Babrycki.

Ken Babrycki, a Member of the Board of Directors of Gutchess Lumber Company, commented that the lumber company has been a good neighbor to the citizens in Cortlandville. It is also the employer of 150 people who live and work in the community. He stated that Gutchess listens very carefully to what people say as well.

Mr. Babrycki stated there are going to be no activities or changes at the plant that probably would not require site plan approval or conditional permits by the Town and County Planning Boards; everyone would have an opportunity to speak when that happens. Gutchess Lumber owns the property and wants to be a competitive company in a very competitive industry. Mr. Babrycki stated that there are 150 people working here, and 500 people working in 2 states. Cortlandville is Gutchess' corporate headquarters and they want to make it their flagship. By permitting the zone change it would make Gutchess Lumber Company a stronger company, a better neighbor, and a better citizen of the community.

Supervisor Tupper questioned whether there were any more requests for privilege of the floor.

An unknown resident in attendance commented that if the zone change is permitted it would open up the area for more industrial functions, not just for Gutchess Lumber. He gave the example of a commercial bakery being allowed in someone's house/basement. He questioned what the Board thought of that.

Supervisor Tupper reminded those in attendance that the purpose of the public hearing was to listen to comments, not to answer questions. He stated that if the zone change was

approved anything that was permitted in I-2 would be allowed on the property. However, nothing could be done on the property that involves anything significant without involving the Town Planning Board, County Planning Board, Stormwater Management, and the Town Board.

The resident stated that if the Board takes the first step they open up the door to a lot of things.

There were no more requests for privilege of the floor.

Attorney Folmer recommended the Board close the public hearing, and extend the period of time to the close of business on Friday, June 13, 2014 to receive any written comments. He suggested the Board take this matter up at the next Town Board Meeting on June 18, 2014, in order to consider the comments made at the public hearing as they accomplish their SEQRA review.

Supervisor Tupper stated that the Board would postpone consideration of this matter until June 18, 2014, and that comments should be received by the close of business on June 13, 2014. Comments could be mailed to or delivered to the Town Clerk or Town Supervisor at 3577 Terrace Road, Cortland, NY. Comments could also be emailed to the Town Clerk at [townclerk@cortlandville.org](mailto:townclerk@cortlandville.org).

Supervisor Tupper mentioned that the June 18<sup>th</sup> Town Board Meeting would be held at the Blodgett Mills Independent Baptist Church at 5:00 p.m.

No further comments or discussion were heard.

The Public Hearing was closed at 5:25 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.

Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman, Ronal L. Rocco  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Excused:

Councilman, John C. Proud

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Robert and Connie Oaksford; Mary Keegan; Anna-Mae Artim; Shiow-Chen Huang; Lydia and James Ferro; Alex and Donna Fumarola; Marilee Comerford; Ann Hotchkin; Donna Atkins; Russell White; Kenneth Ettenberger; Matt McSherry; Kenneth Babrycki and Gary Gutches from Gutches Lumber; News Reporters: Tyrone L. Heppard from the *Cortland Standard*, and Eric Mulvihill from WXHC.

Supervisor Tupper called the meeting to order.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of May 7, 2014 as written. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of May 21, 2014 as written. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Special Town Board Minutes of May 23, 2014 as written. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Planning Board Minutes of April 29, 2014. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Zoning Board of Appeals Minutes of May 27, 2014. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Planning Board Minutes of May 27, 2014. All voting aye, the motion was carried.

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RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER #1224
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Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1224 submitted by Highway Sup't. Bush to be paid to Beam Mack Sales & Service, Inc. for the purchase and installation of two new plows on the Highway Department's two new pickups trucks, for the total cost of \$8,156.00.

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RESOLUTION #	AUTHORIZE PAYMENT OF VOUCHERS - JUNE
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Motion by Councilman Leach

Seconded by Councilman Testa

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

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

Funds A, B, DA, DB	Voucher #553-598	
	General Fund A	\$ 86,274.27
	General Fund B	\$ 5,428.49
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 9,983.30
Funds CD1, CD3, CD4	Voucher # (none)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Fund HC, SS, SW	Voucher #218-238	
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Sewer SS	\$ 85,334.19
	Water SW	\$ 5,433.21
Funds SF, TA, TE	Voucher # (none)	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 0.00
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to those in attendance. No requests were made.

The monthly reports of the Code Enforcement Officer, Supervisor, Town Clerk, Tax Collector, and Water & Sewer Department for the month of May 2014 were on the table for review and are filed in the Town Clerk's Office.

Councilman Leach made a motion, seconded by Councilman Rocco, to receive and file correspondence from Time Warner Cable, date June 4, 2014, regarding programming services. All voting aye, the motion was carried.

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RESOLUTION #                      TABLE ACTION REGARDING THE ZONE CHANGE  
REQUEST SUBMITTED BY GUTCHESS LUMBER CO., INC.  
TO JUNE 18, 2014

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Motion by Councilman Testa

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby table action regarding the Zone Change request submitted by Gutchess Lumber Co., Inc. to change 10 parcels located in the Town of Cortlandville from their present zoning classifications to I-2 (General Industrial), until the Town Board Meeting of June 18, 2014, to be held at the Blodgett Mills Independent Baptist Church at 5:00 p.m.

Town Clerk/Tax Collector, Karen Q. Snyder informed the Board that she completed the 2014 tax collection year and would be settling with the County Treasurer next week. She explained that over \$10,470,000 was collected, or 4,343 tax bills, which equated to approximately 88% of the Town/County taxes being collected. Regarding penalties, Town Clerk/Tax Collector Snyder would be turning over \$39,000+ in penalties to the Town Supervisor; bank interest earned was approximately \$200. Overall, she stated that the tax collection season went well.

Attorney Folmer reported:

Time Warner Cable Merger with Comcast Corporation:

Attorney Folmer mentioned that the Town received documentation several weeks ago regarding the Time Warner Cable and Comcast Corporation merger, and whether or not the Town has the right to consent or object to the merger. Action had to be taken within 120 days. Attorney Folmer made a note on his calendar for June 2, 2014 to remind the Board of the matter.

He explained that the Town's consent is not required, but the Board has the ability to comment if they want to.

Supervisor Tupper stated that the Town was not a party to this, and was not sure that the Town had any bearing on the matter. If the Town does not complete the forms it would mean an automatic consent to the merger. Attorney Folmer stated that he would take a look at the paperwork again and would discuss the matter with Supervisor Tupper. He would report back to the Board at the June 18, 2014 Town Board Meeting.

Councilman Rocco stated that if the Town has the opportunity to comment on the merger it should do so. He did not feel that a merger between the two companies was going to be beneficial and commented on Comcast's services.

NYS Route 13 Sewer Rehabilitation Project:

With regard to the Route 13 Sewer Rehabilitation Project, Attorney Folmer explained that the Town originally filed a Form E, which is the financial breakdown of the costs of the project. The Town now had an amended Form E for the project that must be signed. He requested the Board authorize the Supervisor to execute the amended Form E for the project.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN AMENDED FORM E – RURAL DEVELOPMENT (RD) PROJECT BUDGET/COST CERTIFICATION FINAL AS-BID FOR THE NYS ROUTE 13 SEWER REHABILITATION PROJECT
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Motion by Councilman Testa

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Amended Form E – Rural Development (RD) Project Budget/Cost Certification Final As-Bid, dated June 2, 2014, regarding the NYS Route 13 Sewer Rehabilitation Project.

Also with regard to the Route 13 Sewer Rehabilitation Project, Attorney Folmer recalled that the Board awarded the bid to Vacri Construction Corp., at the Special Town Board Meeting of May 23, 2014. He requested the Board rescind the resolution in order to correct some language.

RESOLUTION #	RESCIND RESOLUTION #___ OF 2014 ADOPTED MAY 23, 2014 AWARDED THE BID FOR THE NYS ROUTE 13 SANITARY TRUNK SEWER REHABILITATION PROJECT TO VACRI CONSTRUCTION CORP.
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Motion by Councilman Rocco

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby rescind Resolution #\_\_\_ of 2014 adopted at the Special Town Board Meeting of May 23, 2014, awarding the bid for the NYS Route 13 Sanitary Trunk Sewer Rehabilitation Project to Vacri Construction Corp.

Attorney Folmer suggested a motion be made to award the bid to Vacri Construction Corp. as the low bidder, conditioned upon the completion of the underlying documentation and other processing requirements.

RESOLUTION #                      AWARD BID FOR THE NYS ROUTE 13 SANITARY TRUNK  
SEWER REHABILITATION PROJECT TO VACRI  
CONSTRUCTION CORP. IN THE BASE BID AMOUNT OF  
\$2,120,000.00 AND ALTERNATE #2 IN THE AMOUNT OF  
\$78,000.00 SUBJECT TO CONDITIONS

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Motion by Councilman Rocco

Seconded by Councilman Leach

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

WHEREAS, bids were advertised for the NYS Route 13 Sanitary Trunk Sewer Rehabilitation Project to provide all labor, materials, machinery, tools, equipment, and other means of construction necessary and incidental to completion of the work shown on the plans and described in the specifications including but not necessarily limited to the following:

1. Installation of approximately 300 linear feet of 8 inch, 3,275 linear feet of 15 inch, and 2,650 linear feet of 18 inch diameter Cured-In-Place Pipe (CIPP) lining, with pre-construction sewer cleaning and CCTV inspection, and post-construction CCTV inspection.
2. Installation of approximately 275 linear feet of 6 inch, 2,150 linear feet of 8 inch, 400 linear feet of 10 inch, 200 linear feet of 15 inch, and 2,350 linear feet of 18 inch diameter PVC SDR 35 sewer pipe, and post-construction CCTV inspection.
3. Cutting of any protruding laterals or tree roots prior to CIPP lining.
4. Installation of about 410 vertical linear feet of cementitious manhole lining.
5. Installation of fifteen (15) new pre-cast concrete sanitary sewer manholes.
6. Reconnecting 44 existing laterals to the proposed sewer lines.
7. Installation of 29 waterproof manhole covers along NYS Route 13, to fit under the existing manhole cover and prevent surface runoff from entering the sewer via the manhole cover.
8. Proposed Alternate #1: CIPP line all existing sewer laterals along NYS Route 13 from the main line sewer to the property line: 38 short-side laterals and 6 long-side laterals.
9. Proposed Alternate #2: replace all sewer laterals along NYS Route 13 from the main sewer line to the property line, where a cleanout will be installed. The short side laterals can be installed by open trenching replacement methods. The long side laterals shall be installed by horizontal directional drilling methods under Route 13: 38 short-side laterals and 6 long-side laterals.
10. Bypass pumping of sanitary sewage around sewer construction, as necessary.
11. Maintenance and Protection of Traffic (M&PT), per latest version of NYSDOT Standard Specification.
12. Complete site restoration.

AND, WHEREAS, sealed bids were opened on April 29, 2014 at 11:00 a.m. and provided to Richard DeGuida, P. E. of Clough Harbour & Associates, for review as follows:

	<u>Base Bid</u>	<u>Alternate #1</u>	<u>Alternate #2</u>
Vacri Construction Corp. One Brick Avenue Binghamton, NY 13901	\$2,120,000.00	\$247,000.00	\$78,000.00
Grant Street Construction 48 Grant Street Cortland, NY 13045	\$2,549,000.00	\$256,000.00	\$80,000.00
G. DeVincentis & Sons Const. Co., Inc. 7 Belden Street Binghamton, NY 13903	\$2,687,000.00	\$257,600.00	\$84,100.00
Adhan Piping Co., Inc. 1865 State Route 13 Cortland, NY 13045	\$3,261,768.00	\$360,000.00	\$360,400.00

BE IT RESOLVED, the bid is hereby awarded to the low bidder, Vacri Construction Corp. of One Brick Avenue, Binghamton, New York, for the Base Bid amount of \$2,120,000.00 and Alternate #2 in the amount of \$78,000.00, conditioned upon the completion of the underlying documentation and other processing requirements.

Councilman Rocco requested clarification regarding plans for the construction of a new 150-cell County jail to potentially be located in the Town of Cortlandville off of Route 13 on property the County owns near the gravel pit. He was concerned regarding the proposed location, and stated that it was not appropriate for what the Town was trying to accomplish in the area.

Attorney Folmer explained that there were significant negotiations going on with regard to the location of a new County jail. Because the negotiations involve the acquisition of real property for a public purpose, Attorney Folmer suggested that public discussion of those negotiations was not warranted and should be dealt with in an executive session. Supervisor Tupper added that the County was forming an ad-hoc committee to look into a new jail.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file Cortland County Planning Department recommendations, dated May 16, 2014, and Cortland County Planning Board Resolution #14-19, dated May 21, 2014, regarding the Zoning Map Amendment for Gutchess Lumber Co., Inc. All voting aye, the motion was carried.

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RESOLUTION #	SCHEDULE	PUBLIC	HEARING	FOR	AQUIFER
	PROTECTION	PERMIT	SUBMITTED	BY	WATSON
	ENGINEERING FOR PYROTEK, INC.	FOR PROPERTY			
	LOCATED OFF OF ROUTE 13				

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Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, a Public Hearing shall be scheduled for June 18, 2014 at 5:00 p.m. at the Blodgett Mills Independent Baptist Church, Blodgett Mills, New York, for the Aquifer Protection Permit application submitted by Watson Engineering for Pyrotek, Inc. for property located off of Route 13, tax map #105.00-03-14.000.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file Cortland County Planning Department recommendations, dated May 16, 2014, and Cortland County Planning Board Resolution #14-15, dated May 21, 2014, regarding the Aquifer Protection Permit application of Pyrotek, Inc. for property located off of Route 13, tax map #105.00-03-14.000. All voting aye, the motion was carried.

With regard to the Aquifer Protection Permit application of Pyrotek, Inc., Attorney Folmer mentioned that the Town Planning Board recommended the Town Board act on the Aquifer Permit. If the Board approves the permit, he suggested it be approved conditioned upon two requests of the Planning Board regarding the color of the building and the Stormwater Management Plan. Attorney Folmer thought the color issue may have been resolved, however the Stormwater Management Plan may not be approved in final form until the Planning Board's next meeting on June 24, 2014.

Supervisor Tupper reminded those in attendance that the June 18, 2014 Town Board Meeting would be held at the Blodgett Mills Independent Baptist Church in Blodgett Mills at 5:00 p.m.

Councilman Leach reported that he was in contact with the NY Susquehanna West Railroad regarding the possibility of installing a pedestrian crosswalk over the railroad bed near the Blodgett Mills Post Office. Councilman Leach was provided with an email address of the appropriate person to contact, which he would do as long as the Board did not object. He also reported that the railroad planned to replace the arms at the railroad crossing this year. The Board did not object to Councilman Leach making contact with the railroad company.



No further comments or discussion were heard.

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

The meeting was adjourned at 5:45 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 June 18, 2014.

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