

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Raymond G. Thorpe Municipal Building, Cortland, New York, with Deputy Supervisor Testa presiding.

Members present:

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

Absent:

Supervisor, Richard C. Tupper

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; News Reporters: Tyrone Heppard from the *Cortland Standard*, Sharon Stevans from Channel 2, Access TV, and Peter Blanchard from the *Cortland Voice*.

Deputy Supervisor Testa called the meeting to order.

Councilman Leach made a motion, seconded by Councilman Proud, to approve the Draft Town Board Minutes of September 2, 2015 as written. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to approve the Draft Town Board Minutes of September 16, 2015 as written. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #0117

Motion by Councilman Rocco
Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0117 submitted by Water & Sewer Sup't. Alteri to be paid to Utilitronics, Corp., for the purchase of a McLaughlin Verified G2 Pipe Locator, for the total cost of \$3,299.00.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #1252

Motion by Councilman Leach
Seconded by Councilman Rocco

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1252 submitted by Highway Sup't. Bush to be paid to Beam Mack, for the purchase of one Western Wide-Out Plow for the total cost of \$5,940.00, and one Western Pro Plus 8 ft. Series 2 Plow, for the total cost of \$4,477.00.

There was a brief discussion regarding the speed limit on McLean Road. Deputy Supervisor Testa questioned whether the Board read the recent newspaper article in which Town resident, Andrea Rankin requested a reduced speed limit on McLean Road.

Councilman Rocco did not see the article but mentioned the Board's past efforts in requesting a reduced speed limit on McLean Road in the area of the new Lime Hollow Nature Center and the "S" curves. The numerous requests were all denied by the New York State Department of Transportation.

Attorney Folmer suggested that he look at the McLean Road traffic file and write a letter to Mrs. Rankin explaining what the Town requested in the past. Town Clerk Snyder mentioned that Mrs. Rankin moved to the Town in the last few years and may not be aware of the prior requests.

The Board agreed to have Attorney Folmer write Mrs. Rankin a letter.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS – OCTOBER

Motion by Councilman Rocco

Seconded by Councilman Leach

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

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

Funds A, B, DA, DB	Voucher #877-945	
	General Fund A	\$ 47,101.40
	General Fund B	\$ 12,328.67
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$141,672.16
Funds CD1, CD3, CD4	Voucher #43-48	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 31,318.79
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #356-388	
	Luker Rd Water HA	\$ 1,667.00
	Owego St Water HB	\$ 850.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 23,072.75
	Saunders Rd Sewer HE	\$ 1,667.00
	Sewer SS	\$ 17,672.61
	Water SW	\$ 22,459.72
Funds SF, TA, TE	Voucher #32-34	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 39,650.16
	Expendable Trust TE	\$ 0.00

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

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

Deputy Supervisor Testa acknowledged receipt of a thank you note from Mary Kimberly, Village of McGraw Historian, thanking the Town for mowing the lawn at the Old Baptist Cemetery in McGraw. Deputy Supervisor Testa thanked Highway Sup't. Bush for his efforts in maintaining the abandoned cemetery.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated October 7, 2015, regarding programming services. All voting aye, the motion was carried.

Under new business, Town Clerk Snyder presented the Board with the 2016 Tentative Budget.

RESOLUTION # ACKNOWLEDGE RECEIVING 2016 TENTATIVE BUDGET

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Clerk received the 2016 Tentative Budget on September 30, 2015, and has presented it to Town Board members, in accordance with Town Law.

Attorney Folmer reported:

Gutchess Lumber Company – Exchange of Land:

Attorney Folmer apprised the Board that he was in receipt of a fully executed Option Agreement between the Town and Gutchess Lumber Company regarding the exchange of land. He requested the document be received and filed.

Councilman Rocco requested Attorney Folmer explain the exchange of lands to those in attendance. Attorney Folmer explained that it involved the exchange of land on Route 281 (former fire station and Citizens Park) for a 90 acre parcel on Route 13, which is hoped to be developed as a park. The Town received Legislative approval to accomplish the transfer when and it certain options are exercised. The same facilities at Citizens Park would have to be duplicated and available to the public before the land could be fully transferred.

Councilman Leach made a motion, seconded by Councilman Rocco, to receive and file the fully executed Option Agreement between the Town of Cortlandville and Gutchess Lumber Company to accomplish the exchange of the present Citizens Park located on Route 281 for a 90 acre parcel owned by Gutchess Lumber Company located on Route 13. All voting aye, the motion was carried.

Proposed Local Law – Retail Petroleum Sales Facility:

Attorney Folmer stated that he was asked to draft a proposed Local Law regarding the location and operation of what used to be called gas stations, which he provided to the Board for their review.

Attorney Folmer explained that the Town Code has a definition of “gasoline stations” and also has a definition of “filling stations”. The proposed Local Law would delete the two definitions from the Code and substitute the definition of a “Retail Petroleum Sales Facility”. The Local Law would prohibit the location of a Retail Petroleum Sales Facility in any zoning designation R-1, R-2, R-3 and B-1. It also provides that there shall be no permit issued for any area, irrespective of zoning, if it falls within the area 1-A under the Aquifer Protection Law. The proposed Local Law also requires that no permit for the operation of such a facility shall be granted without an approved, completed Site Plan review by the Planning Board; without the issuance of a Conditional Permit by the Planning Board; and without the issuance of an Aquifer Protection Permit by the Town Board. Attorney Folmer requested the Board forward the proposed Local Law to the Town and County Planning Boards for review.

Councilman Rocco was concerned with a Variance being issued for such a facility, and questioned why the Board would want to allow a Variance. Attorney Folmer explained that a Variance could only be issued by the Zoning Board of Appeals (ZBA). The ZBA has to consider certain criteria when they grant or deny a Variance, the first being “was this a self-imposed hardship.” Attorney Folmer explained that the Board could not have a provision in the ordinance prohibiting Variances because it would be unconstitutional.

RESOLUTION #	REFER PROPOSED LOCAL LAW OF 2015 FOR “RETAIL PETROLEUM SALES FACILITY” TO THE TOWN AND COUNTY PLANNING BOARDS FOR REVIEW AND RECOMMENDATIONS
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Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the proposed Local Law of 2015 for “Retail Petroleum Sales Facility” shall be referred to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the proposed Local Law of 2015 is hereby received and filed.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from New York State Homes & Community Renewal, dated September 8, 2015, regarding the NYS Community Development Block Grant of Pall Corp., acknowledging receipt of correspondence from the Town and confirming that monitoring concerns were resolved with respect to the project. All voting aye, the motion was carried.

RESOLUTION #	AUTHORIZE SALARY INCREASE FOR MICHAEL WHITAKER, WATER TREATMENT PLANT OPERATOR TRAINEE FOR THE TOWN OF CORTLANDVILLE
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Motion by Councilman Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, the Town Board does hereby acknowledge that Michael Whitaker, Cortlandville Water Treatment Plant Operator Trainee, has successfully obtained his Commercial Driver's License Class "B", and has successfully completed and obtained his Grade D System Operators Certification, and it is further

RESOLVED, that Mr. Whitaker's salary increase of \$4,000.00 shall be authorized for his successful completion and obtaining his certification and licenses.

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 MICHELLE TOWSLEY
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Motion by Councilman Leach

Seconded by Councilman Rocco

VOTES: AYE - Testa, Rocco, Proud, Leach NAY - 0 ABSENT - Tupper
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 Michelle Towsley, 1368 East River Road, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$5,200.00.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Diana Graser, P.E., Regional Traffic Engineer for the New York State Department of Transportation, dated September 25, 2015, to Town resident Sheryl Harris, regarding her request for a three-color signal at the intersection of Route 11 and East River Road, indicating that such signal is not needed at this time. All voting aye, the motion was carried.

RESOLUTION # REQUEST WAL-MART TO CONTINUE CONDUCTING ONCE PER YEAR GROUNDWATER MONITORING PER RECOMMENDATION FROM CORTLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT

Motion by Councilman Leach

Seconded by Councilman Proud

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

WHEREAS, the Wal-Mart Groundwater Monitoring Plan required a minimum of five years of monitoring following construction of the store, four times per year, which ends in 2015, and

WHEREAS, in 2014 the Town Board reduced such monitoring to two times per year based on the recommendation of the Cortland County Soil and Water Conservation District, now therefore

BE IT RESOLVED, the Town Board does hereby request Wal-Mart to continue conducting once per year groundwater monitoring for the next two years until 2017 for their property located at 819 Bennie Road, tax map #105.00-02-07.000 per the recommendation of the Cortland County Soil and Water Conservation District.

There was discussion regarding a request from Katherine King, 584 McLean Road, for the Town to subordinate its mortgage on her property in order to refinance. Attorney Folmer explained that Ms. King had a Community Development Block Grant through the Town, and it was the first lien against the property. Ms. King applied for a home equity loan to accomplish home renovations. The bank was willing to make the loan as long as they were listed as the first loan. Thoma Development recommended the Board agree to the Subordination Agreement.

RESOLUTION #	AUTHORIZE SUPERVISOR TO EXECUTE A SUBORDINATION AGREEMENT FOR KATHERINE KING FOR PROPERTY LOCATED AT 584 MCLEAN ROAD, CORTLAND, NEW YORK
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Motion by Councilman Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute a Subordination Agreement for Katherine King for property located at 584 McLean Road, Cortland, New York, tax map #95.14-01-27.000, when such agreement is presented to the Town by Thoma Development Consultants.

There was a brief discussion regarding the application to the New York State Unified Court System for a grant under the Justice Court Assistance Program. Deputy Supervisor Testa explained that the grant was to replace 14 cameras, purchase 2 new cameras, and purchase a 16 Channel DVR and power supply.

Councilman Leach commended the Town Justices and personnel for how well the court operates, and mentioned that he recently sat in on a double felony hearing.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN APPLICATION TO NEW YORK STATE UNIFIED COURT SYSTEM FOR A GRANT UNDER THE JUSTICE COURT ASSISTANCE PROGRAM
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Motion by Councilman Leach

Seconded by Councilman Proud

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

WHEREAS, the New York State Unified Court System has available to town and village courts a grant with a maximum award of \$30,000, available through the Justice Court Assistance Program, and

WHEREAS, the amount Town Justice Francis J. Casullo is requesting from such grant will not exceed \$9,885.00, therefore

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign such application, and it is further

RESOLVED, the Town Clerk is hereby authorized and directed to prepare a certified copy of the foregoing resolution to be forwarded to the Unified Court System along with the required documents.

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 October 21, 2015.

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