

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; David Alexander; Joe Steinhoff; Steve Flatt; News Reporters: Steven Howe 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 November 6, 2013 as submitted. All voting aye, the motion was carried.

RESOLUTION #202 AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #1201

Motion by Councilman Proud

Seconded by Councilman Rocco

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1201 submitted by Highway Sup't. Bush to be paid to STS Trailer & Truck Equipment for the purchase of a Boss YBX Spreader for the total cost of \$5,470.00.

There was a brief discussion regarding the Purchase Order to be paid to Kinsley Power Systems for an automatic transfer switch for the Walden Oaks Water Booster Station. Councilman Proud explained that the Booster Station is powered by an electric switch that is 20+ years old. If the power goes off, the switch automatically turns the generator on. However if the power goes off and the switch is not working properly the residents could be out of water before the Town is aware that the switch is off. The new automatic transfer switch would resolve the problem.

RESOLUTION #203 AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #0066

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 authorize and direct the Supervisor to sign Purchase Order #0066 submitted by Water & Sewer Sup't. Alteri to be paid to Kinsley Power Systems for an automatic transfer switch for the Walden Oaks Water Booster Station for the total cost of \$2,115.00.

RESOLUTION #204 AUTHORIZE PAYMENT OF VOUCHERS – DECEMBER

Motion by Councilman Leach

Seconded by Councilman Proud

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 #1143-1203	
	General Fund A	\$255,253.64
	General Fund B	\$ 11,369.92
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$269,268.25
Funds CD1, CD3, CD4	Voucher #51-51	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 739.14
	Business Devl CD4	\$ 0.00
Fund HC, SS, SW	Voucher #408-418	
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Sewer SS	\$ 30,256.11
	Water SW	\$ 29,279.15
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, Fire & Safety Inspection Report, Supervisor, Town Clerk, and the Water & Sewer Department for the month of November 2013, and for the Town Justice for the month of October 2013, 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 December 4, 2013, regarding programming services. All voting aye, the motion was carried.

Town Clerk Snyder apprised the Board she completed the benefit tax computations and forwarded them to the Cortland County Real Property Tax Department to be placed on the 2014 Town and County tax bills. She reported that the benefit tax slightly increased for 2014, and explained that Assessor Briggs would compute the dollar amount per unit. Town Clerk Snyder requested the Board authorize her to forward the information to the County for placement on the 2014 Town and County tax bills. The information was available to the Board for their review.

RESOLUTION #205 AUTHORIZE THE TOWN CLERK TO FORWARD THE
WATER AND SEWER BENEFIT TAX COMPUTATIONS TO
THE CORTLAND COUNTY REAL PROPERTY TAX
DEPARTMENT FOR THE 2014 TOWN AND COUNTY TAX
BILLS

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 authorize and direct the Town Clerk to forward the water and sewer benefit tax computations to the Cortland County Real Property Tax Department to be placed on the 2014 Town and County tax bills.

Town Clerk Snyder apprised the Board she attended a NYS DECALS training session today at the Ramada Inn in Cortland regarding the sale of conservation licenses. She explained that the DEC conservation software program was completely changing effective January 1, 2014.

Attorney Folmer reported:

Excess Property – Commons Avenue:

Attorney Folmer recalled that the Town was successful in acquiring three parcels from the County that had been taken by the County for taxes. One of the parcels located on the north side of Commons Ave. is 78.9 ft. by 206 ft. in depth and is not big enough to be a building lot, nor is it big enough to be of any value to the Town. Attorney Folmer requested the Board adopt a resolution declaring tax map #86.09-04-01.200 as excess property. He would then go through the process to find someone interested in acquiring it.

RESOLUTION #206 DECLARE TOWN OF CORTLANDVILLE PROPERTY
LOCATED ON COMMONS AVENUE AS EXCESS
PROPERTY

Motion by Councilman Testa

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby declare property located on Commons Avenue owned by the Town of Cortlandville, tax map #86.09-04-01.200, as excess property.

Purchase of Property:

Attorney Folmer reminded the Board they agreed to purchase three parcels of land from James and Catherine Murdock. The Town's contract with the Murdocks requires the Town to pay the purchase price of \$10,000 plus recording costs. Attorney Folmer had the documentation for the transfer. The total cost for the purchase of the three parcels, which also included survey costs, was \$12,666. Supervisor Tupper noted that the three parcels, and one in particular, were for flood control.

RESOLUTION #207 AUTHORIZE SUPERVISOR TO EXECUTE DOCUMENTS
REGARDING THE PURCHASE OF THREE PARCELS OF
LAND FROM JOHN AND CATHERINE MURDOCK

Motion by Councilman Rocco

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute documents regarding the purchase of three vacant parcels of land from John and Catherine Murdock located on Lyncort Drive, tax map #95.06-01-18.000, Katie Lane, tax map #95.06-01-23.000, and McLean Road, tax map #95.11-02-35.000, for the total cost of \$12,666.00.

RESOLUTION #208 ESTABLISH SCHEDULE OF TOWN BOARD MEETINGS
FOR THE YEAR OF 2014

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the regular meetings of the Town Board of the Town of Cortlandville shall be held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York on the first and third Wednesday of each month at 5:00 p.m., and if such day should fall on a holiday, the meeting shall be held the next business day, and it is further

RESOLVED, the May 7, 2014 meeting will be held at the Community Building in the Village of McGraw at 5:00 p.m., the June 4, 2014 meeting will be held at the Blodgett Mills Independent Baptist Church in Blodgett Mills at 5:00 p.m., and the July 9, 2014 meeting will be held at the J.M. McDonald Center in Cortlandville at 5:00 p.m., and it is further

RESOLVED, the Town Clerk shall have the meeting schedule posted in the newspaper in Legal Notice form.

RESOLUTION #209 APPROVE HOLIDAY SCHEDULE 2014

Motion by Councilman Rocco

Seconded by Councilman Proud

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

BE IT RESOLVED, the Following Holiday Schedule for the year 2014 is hereby approved as follows:

New Year's Day	Wednesday	January 01, 2014
Martin Luther King Jr. Day	Monday	January 20, 2014
President's Day	Monday	February 17, 2014
Good Friday	Friday	April 18, 2014
Memorial Day	Monday	May 26, 2014
Independence Day	Friday	July 04, 2014
Labor Day	Monday	September 01, 2014
Columbus Day	Monday	October 13, 2014
Election Day	Tuesday	November 04, 2014
Veterans Day	Tuesday	November 11, 2014
Thanksgiving Day	Thursday	November 27, 2014
	Friday	November 28, 2014
Christmas Eve	Wednesday	December 24, 2014
Christmas	Thursday	December 25, 2014
New Year's Eve	Wednesday	December 31, 2014

There was a brief discussion regarding the relevy of delinquent water and sewer accounts to the 2014 tax roll of the Town. Town Clerk Snyder indicated that the outstanding amount to be relevied was approximately \$75,000. Although the dollar amount was higher than what was relevied in 2013, she noted that one customer had a \$22,000+/- delinquent account. Town Clerk Snyder would accept payments until the County's cutoff date (December 6, 2013) in which no changes could be made to the Town's 2014 tax file.

RESOLUTION #210 AUTHORIZATION TO RELEVY DELINQUENT WATER AND
SEWER ACCOUNTS TO THE 2014 TAX ROLL OF THE TOWN

Motion by Councilman Leach

Seconded by Councilman Proud

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

WHEREAS, the list of delinquent accounts of the Water & Sewer Department of the Town was submitted, as required, therefore

BE IT RESOLVED, the Town Board does hereby receive and file and forward the list of delinquent water and sewer accounts of the Town of Cortlandville to the Cortland County Real Property Tax Office, to be relevied onto the 2014 tax roll of the Town.

RESOLUTION #211 AUTHORIZATION TO FILE AN APPLICATION FOR FUNDS
TO THE NEW YORK STATE OFFICE OF COMMUNITY
RENEWAL

Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, that the Town Supervisor of the Town of Cortlandville is hereby authorized and directed to file an application for funds from the New York State Office of Community Renewal through its Community Development Block Grant Program 2013, and be it further

RESOLVED, upon approval of said request the Supervisor is hereby authorized and directed to enter into and execute a project agreement with the State for such financial assistance to the Town of Cortlandville for the Cortlandville Town-wide Owner-Occupied Rehabilitation Program II.

There was a brief discussion regarding the Aquifer Protection Permit application submitted by Clearmedio, LLC for property located on Route 13. Attorney Folmer apprised the Board that in order to accomplish the construction, the applicant must obtain a use variance from the Cortlandville Zoning Board of Appeals. The matter was on the ZBA's December meeting agenda. He explained that the application was going to the ZBA first because if the application for a variance is denied then further action would be unnecessary. If the application is granted then the next steps would follow. Attorney Folmer directed the Board to receive and file the application at this time.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Aquifer Protection Permit application submitted by Clearmedio, LLC for property located on the east side of NYS Route 13, immediately north of the NYS Route 13/South Cortland Virgil Road intersection, tax map #105.08-01-14.000, to construct a 3,184 sq. ft. convenience store with a fast food franchise and drive thru, and a gasoline/diesel fueling station. All voting aye, the motion was carried.

With regard to the review and recommendations from the Cortland County Planning Department and the Cortland County Planning Board, Attorney Folmer explained that the County Planning Board tabled the applications for an Aquifer Protection Permit, Conditional Permit, and Variance until certain studies are accomplished by the applicant. He explained that one of the reasons the applicant would go to the ZBA first was because it would be expensive for the applicant to comply with requirements set forth by the County. Attorney Folmer and Planning and Zoning Officer Bruce Weber suggested the applicant go to the ZBA first before spending money to satisfy the requirements.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from the Cortland County Planning Department to the Cortland County Planning Board, dated November 15, 2013, regarding the review and recommendations for the Aquifer Protection Permit application submitted by Clearmedio, LLC, for property located on Route 13, tax map #105.08-01-14.000. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file Resolution 13-37 from the Cortland County Planning Board, dated November 20, 2013, regarding the review and recommendations for an Aquifer Protection Permit application submitted by Clearmedio, LLC, for property located on Route 13, tax map #105.08-01-14.000. All voting aye, the motion was carried.

RESOLUTION #212 AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT
REGARDING THE TOWN'S 2011 COMMUNITY
DEVELOPMENT BLOCK GRANT HOUSING
REHABILITATION PROGRAM BETWEEN THE TOWN AND
DIANE M. IRWIN, TRUSTEE OF REINHARDT C.
EICHENAUER AND DOROTHY L. EICHENAUER TRUST

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 the Supervisor to sign the Affidavit regarding the Town's 2011 Community Development Housing Rehabilitation Program, between the Town of Cortlandville and Diane M. Irwin, as Trustee of Reinhardt C. Eichenauer and Dorothy L. Eichenauer Trust, 3908 Route 11, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$1,130.00.

There was a brief discussion regarding the resignation from Elizabeth Classen Ambrose as a Town Planning Board Member. Supervisor Tupper noted that Mrs. Ambrose was relocating to Ithaca and therefore could no longer serve on the Board. He thanked her for her years of service to the Town.

RESOLUTION #213 ACCEPT RESIGNATION FROM ELIZABETH CLASSEN
AMBROSE AS A TOWN PLANNING BOARD MEMBER
EFFECTIVE DECEMBER 4, 2013

Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the letter of resignation from Elizabeth Classen Ambrose as a Town Planning Board member, with deep regret, to be effective December 4, 2013, and shall be received and filed.

There was discussion regarding the appointment of a new Planning Board Member to fill the vacated term of Elizabeth Classen Ambrose. Supervisor Tupper requested that John A. Delvecchio, Esq. be appointed to the Cortlandville Planning Board.

RESOLUTION #214 APPOINT JOHN A. DELVECCHIO TO THE
CORTLANDVILLE TOWN PLANNING BOARD

Motion by Councilman Rocco

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby appoint John A. Delvecchio, of 4360 Meadow Lane, Cortland, New York to the Cortlandville Town Planning Board, commencing December 4, 2013 and shall expire December 31, 2015.

There was a discussion regarding the resignation of Town Zoning Board of Appeals Member David C. Alexander, effective December 31, 2013. Supervisor Tupper explained that Mr. Alexander would be taking office as the second Town Justice on January 1, 2014 and would no longer be able to serve as a ZBA Member. Attorney Folmer suggested the Board accept the resignation with sincere regret. He explained that in Mr. Alexander's short term on the ZBA, he converted the ZBA to a board that has "clear-cut definitive idea" of what the procedural requirements are and how they should be accomplished.

RESOLUTION #215 ACCEPT RESIGNATION FROM DAVID C. ALEXANDER AS
A TOWN ZONING BOARD OF APPEALS MEMBER
EFFECTIVE DECEMBER 31, 2013

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 accept the letter of resignation from David C. Alexander as a Town Zoning Board of Appeals Member, with their sincere regret, to be effective December 31, 2013, and shall be received and filed.

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 5:20 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 December 13, 2013.

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