

## 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, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Absent: Councilman, John C. Proud

Excused: Councilman, Ronal L. Rocco

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; County Legislators: Chairman Michael Park, Kevin Whitney, Susan Briggs, and John Troy; Pamela Jenkins; News Reporters: Eric Mulvihill from WXHC, and Steven Howe from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Zoning Board of Appeals Minutes of October 29, 2013. 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 October 29, 2013. All voting aye, the motion was carried.

RESOLUTION #197                      AUTHORIZE SUPERVISOR TO SIGN  
PURCHASE ORDER #1197

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Motion by Councilman Leach  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Leach NAY - 0 ABSENT – Rocco, Proud  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1197 submitted by Highway Sup't. Bush to be paid to National Auto Fleet Group for the purchase of One New/Unused 2013 Chevrolet Silverado 3500HD 4WD Reg Cab with Dump Body (one-ton dump truck) for the total cost of \$45,075.00.

RESOLUTION #198                      AUTHORIZE SUPERVISOR TO SIGN  
PURCHASE ORDER #1198

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Motion by Councilman Leach  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Leach NAY - 0 ABSENT – Rocco, Proud  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1198 submitted by Highway Sup't. Bush to be paid to Beam Mack Sales & Service for the purchase of a Wide-Out Western Plow with all controls installed for the new one-ton dump truck, for the total cost of \$4,978.00.

RESOLUTION #199                      AUTHORIZE PAYMENT OF VOUCHERS – NOVEMBER

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Motion by Councilman Leach  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Leach NAY - 0 ABSENT – Rocco, Proud  
ADOPTED

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

Funds A, B, DA, DB	Voucher #1072-1142	
	General Fund A	\$130,450.00
	General Fund B	\$ 25,297.91
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 76,134.44
Funds CD1, CD3, CD4	Voucher #49-50	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 94,119.17
	Business Devl CD4	\$ 0.00
Fund HC, SS, SW	Voucher #386-407	
	NYS Rt 13 Sewer Rehab HC	\$ 7,477.00
	Sewer SS	\$ 22,256.22
	Water SW	\$ 25,096.37
Funds SF, TA, TE	Voucher #31-33	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 33,081.18
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to County Legislature Chairman Michael Park, and Legislator John Troy, Chair of the Solid Waste Committee.

Chairman Michael Park passed out information to the Board titled "Inter-Municipal Waste Partnership." He apprised the Board that he and Mr. Troy were meeting with all of the municipalities in the County to explain the proposed "Trash for Ash" concept.

Mr. Park stated that the County's landfill loses \$500,000 +/- per year. Five or six years ago the Legislature was presented with the Ensol report which reviewed the operations of the landfill and made suggestions to improve efficiencies and profitability. He stated that there was very little in the report that was acceptable to the Legislature and to the general public. This past year the landfill started accepting BUD material, which came from the Ensol report. The County Legislature was still searching for different ideas on how to reduce the loss.

Mr. Park apprised the Board that about a year and a half ago County Highway Sup't. Don Chambers informed him that Onondaga County disposes of their ash, and that their contract with a Rochester firm would be expiring in 2 years. Mr. Park contacted Onondaga County and set up a meeting to discuss the concept between Cortland County officials, including himself, Martin Murphy, and Don Chambers, and Onondaga County officials. The idea was kept quiet for the next 4-6 months, during which time Cortland County and Onondaga County officials had three or four meetings with each other. The idea was unveiled to the Cortland community during a special workshop on a Monday night, and Onondaga unveiled it the next morning at their workshop. On Wednesday that same week Cortland County signed a letter of intent with Onondaga County Chief Executive to work out a deal between the two counties for "Trash for Ash".

Mr. Park reiterated that Cortland County loses approximately \$500,000 per year. He stated that by going with the proposal "Trash for Ash" it would help with the loss. It was a million dollar swing for both Cortland County and Onondaga County. Cortland County could make \$500,000 per year rather than lose money. The proposal was beneficial for Onondaga County as well because the volume of trash they take in had decreased dramatically and they were looking for ways to increase their volume. Mr. Park explained that Onondaga County wanted their plant running at 95% efficiency. Cortland County generates 23,000-25,000 tons of trash per year, which would match Onondaga County's need. Onondaga County would gain \$500,000 from the increased electricity they could generate from Cortland County's trash. Onondaga County would also save on their hauling costs. Mr. Park explained that Onondaga County would haul Cortland County's trash out, and would also haul the ash in; Cortland County would not do any hauling.

Legislator John Troy explained that one the reasons the officials kept the proposal low-key was because Onondaga officials wanted to make sure the new legislature was on board with the proposal. In the past "a promise was made to the citizens that it would not take in any trash from outside." Mr. Troy stated that even with the increase in trash that would be coming from Cortland County, Onondaga County would still be taking in less trash than what they were taking in during the 1990s. The proposal went public after Onondaga County officials had an unofficial commitment from the majority of their legislators.

Mr. Troy explained what the proposal would mean for Cortland County. Trash would still be taken to the County landfill, but it would not be compacted and bulldozed into the

landfill. Instead, the trash would be located at a transfer station that Cortland County would have to build. Trucks from Onondaga County would bring the ash to the Cortland County landfill, drop the ash off, and haul trash away from the landfill to the Onondaga County facility where it would be burned for energy. Mr. Troy explained that waste material would no longer be put into the Cortland County landfill; the landfill would strictly take ash.

Mr. Troy informed the Board that the Onondaga County facility has been in operation for 19 years. When the plant first came online the ash was tested thoroughly. The DEC thoroughly tested the ash and found no mercury, and very low levels of lead and cadmium which they test for every year. Mr. Troy stated that the ash is tested twice per year and has not come close to failing a test. The ash is certified as safe and for daily cover, which was a higher standard. In addition to the DEC testing, the Onondaga County Board of Health tests the ash annually; the ash has not had failed any of the tests. Mr. Troy explained that Onondaga County currently takes its ash to a private landfill in Rochester, New York. Since the landfill is private testing results were not available, however the landfill has had no issues and there have been no complaints from people in the area. The roadways that ash is transported over were also tested; no contamination was found from the ash.

Mr. Troy stated that he was 99.9% positive that the ash was safe, but that Cortland County wanted to make its citizens feel comfortable with the proposal. An independent lab was contracted to take eight random samples of the ash over the next 3-4 months and to test the samples thoroughly. The results would be made available to the public. Mr. Troy stated that if there were any surprises that came up in the testing that he would be one of the first people to pull the plug on the project because he did not want anything harmful going into our landfill.

Mr. Troy explained that the ash would be used for daily cover. Right now, the County landfill uses shale as daily cover which is expensive and time consuming. The shale becomes part of the landfill and takes up valuable space. Besides the money the County would make from the ash, it would save about \$100,000 per year in expenses at the landfill. Mr. Troy stated that the County would have to spend money in order to get started, and was already approved to spend \$250,000 to hire an engineering firm to conduct environmental studies. The firm had already done archaeological tests and would be conducting wildlife, road, and noise tests. The County would go through the scoping process and eventually a DEIS so there would be an opportunity for public input.

Mr. Troy added that the County must get approval from the DEC to increase the permitted amount of trash and to change the landfill to an ash landfill. The County Legislature must approve taking in trash from outside the County, and Onondaga County must do the same. The target start date for the proposal was June 2015.

Mr. Park discussed new "360 regulations" that would take effect in the next few years. The federal government would require municipalities and landfills to have a composting facility. Cortland County would be able to utilize Onondaga County's new composting facility. Another regulation would be to recycle construction debris (C&D). Mr. Park stated that he was in discussion with Onondaga County to take C&D from Cortland County. The last regulation was regarding gasification. Mr. Park explained that a trash landfill generates methane gas. Right now Cortland County vents the methane gas into the atmosphere. The 360 regulations would require gasification; preferably collecting the gas and generating electricity which would be very cost prohibitive for the County. Mr. Park stated that by going to an ash landfill gasification would not be an issue because there is no methane gas in ash.

Mr. Park stated that the County landfill has a cell capacity of 23-25 years if the County makes no changes. By moving from a landfill that accepts about 23,000 tons of trash per year, the County would accept approximately 86,000 tons of ash per year, which would shorten the landfills cell capacity to 18 years. Mr. Park stated that 10 tons of ash equals the volume of 1 ton of trash.

The County projected that if no changes are made to the landfill, and with the mandates, it would cost Cortland County \$31 million over an 18 year period. If the County moves to an ash landfill it could generate \$7 million over 18 years, which would pay off the debt for the landfill and the recycling center, and would pay for covering the cells. The County would have \$7 million to develop more cells in the future. Mr. Park explained that the landfill operates with an enterprise fund; the money that is put into an enterprise fund cannot be spent in the general fund. An enterprise fund is supposed to break even or have the potential to make money. Mr. Park stated that the County was looking to stabilize its tax base by not taking money from the general fund to pay for the landfill.

Mr. Park reiterated that Onondaga County would be doing all of the hauling of ash and trash. There would be a prescribed route for transport of the ash and trash from I-81 to Route 13 to Shippey Road. There would be increased truck traffic. Mr. Park stated there would be a minimum of 12 trucks per day and a maximum of 20 trucks per day, depending on the type of

trucks being used in the fleet. Mr. Park stated that 10 wheeler trucks would be used rather than tractor trailers.

Mr. Troy informed those in attendance that Onondaga County wanted a 20-year contract, however Cortland County requested a 15-year contract. He explained that after 15 years the landfill would have 3 years of cell capacity left. At that time the Legislature could extend the contract another 5 years. County Highway Sup't. Don Chambers found two areas where two new 20-year cells could be constructed. In 15 years the Legislature should have the money to be able to construct the cells and extend the contract.

Mr. Park stated that SEQRA has to be complete before the County could enter into a contract. It would take approximately 1 year to get through the SEQRA process, with comment periods available. If the "Trash for Ash" proposal does not prove viable or is voted down, Mr. Park stated that the next viable option would be flow control and tipping fees. Part of the SEQRA process would look at flow control. With flow control, Mr. Park stated that tipping fees of \$150.00-\$200.00 would need to be charged. He stated that mandates are coming regardless of the County's decision. The County does not put enough money aside to cover its cells, which costs \$1.5 to \$2 million per cell to cover. Mr. Park asked if the Board had any questions.

Supervisor Tupper questioned whether the County would charge per ton to bring garbage in. Mr. Troy stated that the same fee would be charged.

Supervisor Tupper questioned how soon the cover would stop the leachate. Mr. Park indicated that the County landfill generates a lot of leachate, which is the product of rain and garbage break down. Approximately 17 acres are open right now for leachate. As soon as the cell is covered the leachate would decrease tremendously but would not go away for a number of years. Mr. Park stated that there would be no leachate from the ash, but rain would still go through the ash and come out. He provided a sample of the ash to those in attendance, and explained that ash would harden like concrete with rain.

Mr. Park stated that on a scale of 1-10, with 1 being the worst, the DEC rates trash landfills as a 1-2 and ash landfills as an 8-9. Ash landfills are rated better because they are environmentally safer. Mr. Troy apprised the Board that he is also the Chair of the Wastewater Treatment Plant Advisory Board. The Wastewater Treatment Plant gets loads of leachate that they can't treat, and have to go back to the landfill to try to find out what the cause is. An ash landfill would be a consistent product and would not change much from day to day. The Wastewater Treatment Plant was excited about getting ash leachate rather than what it currently gets.

Councilman Testa questioned whether the County could terminate the proposed contract with Onondaga County if it finds that in a few years there is a problem. Mr. Park stated that they would have to negotiate that into the contract, and stated that Councilman Testa's concern was valid.

No further comments were made regarding the County's "Trash for Ash" proposal. Mr. Park and Mr. Troy left at this point in the meeting.

The monthly report of the Water & Sewer Department for the month of October 2013 was on the table for review and is filed in the Town Clerk's Office.

RESOLUTION #200	ACCEPT PROCEDURES AND FINDINGS REPORT FROM PORT, KASHDIN & MCSHERRY FOR THE PERIOD ENDING DECEMBER 31, 2012 FOR THE TOWN OF CORTLANDVILLE COURT
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Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the procedures and findings report from Port, Kashdin & McSherry for the period ending December 31, 2012 for the Town of Cortlandville Court is hereby accepted and shall be received and filed.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from Time Warner Cable, dated November 20, 2013, regarding programming services. All voting aye, the motion was carried.

There was discussion regarding the 2014 Town Budget, which Town Clerk Snyder submitted to the Board for adoption. Supervisor Tupper explained that some changes were made to the .1 accounts for salaries. Instead of a percentage increase, the Board agreed on a fixed number. Changes were also made to the budget regarding health/dental/vision insurance. The Town received the figures for health/dental/vision insurance so changes were made to ensure that enough money was budgeted. Changes were also made regarding NYS Retirement because the Town received its estimate of what was to be paid in 2014 for the year 2015. Supervisor Tupper explained that the changes made were taken out of the unexpended fund reserve so the amount to be raised by taxes did not change. The tax rate for 2014 would be \$3.05 per thousand, the Village of McGraw levy was the same as in 2013 as was the Cortlandville Fire tax. The 2014 water and sewer benefit tax rates had not been computed, however the total dollar amount to be paid in 2014 decreased because several water and sewer bonds were paid off in 2013.

Councilman Testa questioned what the insurance rates were for 2014. Supervisor Tupper explained that the Health Savings Account (HSA) was reduced from \$5200/family to \$4400/family and \$2200/individual, and that certain benefits increased. The new plans were also in compliance with Obamacare. The insurance rates increased about 9-10%, however had the HSA's been funded as they had been in the past the rates would have increased 20-25%. Supervisor Tupper apprised the Board that the Town's health insurance representative started meeting with retirees today and would meet with employees at a later date to review the new plans.

RESOLUTION #201                      ADOPT THE TOWN BUDGET FOR FISCAL YEAR OF 2014

Motion by Councilman Leach

Seconded by Councilman Testa

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

WHEREAS, on the 6<sup>th</sup> day of November, 2013 the Town Board of the Town of Cortlandville, held a Public Hearing on the Preliminary Budget and proposed amounts to be raised by the benefit tax on benefited properties in the Town Sewer Improvement District, approved by the Town Board, and filed with the Town Clerk for fiscal year commencing January 01, 2014, and having heard all persons in favor of, or against any items therein contained, therefore

BE IT RESOLVED, the preliminary budget is hereby approved as filed, and the same is hereby adopted and established as the annual budget of this Town for the fiscal year beginning January 01, 2014, and such annual budget, as so adopted, is filed with the Town Clerk, and it is further

RESOLVED, that the Town Clerk of this Town shall prepare and certify, as provided by law, duplicate copies of the annual budgets, hereby adopted, together with the assessment rolls for the benefit of improvement for the Water Fund and the Sewer Fund, adopted pursuant to Section 202-a of the Town Law and within five days thereof, deliver two copies to the Supervisor of the Town and the Supervisor shall present the copies of the annual budget to the Legislature of Cortland County within ten days after his receipt thereof from the Clerk.

Attorney Folmer reported:

Signage on Motor Vehicles:

Attorney Folmer apprised the Board they were asked to consider adopting an amendment to the Zoning Ordinance to regulate signage that is displayed on motor vehicles. After reviewing the issue with CEO Williams and Planning and Zoning Officer Weber, Attorney Folmer stated there was no clear-cut definition of the term "vehicle" in the Town's Zoning Ordinance. A proposed local law was drafted which included the term vehicle as it appears in the NYS Vehicle and Traffic Law, and sets forth requirements with regard to signage that is displayed on vehicles. Attorney Folmer stated that what they were trying to do was "to regulate the use of vehicles in a parking situation for advertising purposes."

For the Board's information only, Attorney provided them with a copy of the proposed amendment, and would send a copy to the County Planning Department for comments. He anticipated that he would ask the Board to schedule a public hearing regarding the amendments at their first meeting in December.

Lot Coverage:

Attorney Folmer apprised the Board there was a section of the Town's Zoning Law regarding lot coverage and a provision that if a property owner wanted to expand an existing building, he would need to increase the green space on the parcel by 5%. Attorney Folmer stated that the provision was completely unworkable in both his and Planning and Zoning Officer Weber's opinion. As a result, he and PZO Weber would propose a local law to repeal the provision of the Zoning Law. Control over green space would follow, because there is a provision in the Zoning Law which provides that in the event that you want to expand a non-conforming and existing building that you need to go to the Planning Board and have your site plan reviewed. The Planning Board can regulate green space without the restrictive 5% reduction which does not work. Attorney Folmer suggested that when the provision was set they were looking at a particular piece of property in which the provision worked, but that it is not always the case. Attorney Folmer expected he would present the Board with a proposed local law to repeal the provision in December.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from New York State Homes & Community Renewal, dated November 4, 2013, regarding the NYS Community Development Block Grant for Innovative Manufacturing Solutions (IMS) and the federally-required environmental review process. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from New York State Homes & Community Renewal, dated November 8, 2013, regarding the NYS HOME Program – Owner Occupied Home Repair, and the 2013-14 Monitoring Compliance Satisfaction. All voting aye, the motion was carried.

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 12:45 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 December 9, 2013.  
The draft version of this meeting was approved as written at the Town Board meeting of \_\_\_\_\_.