

PUBLIC HEARING NO. 1

2014 PRELIMINARY BUDGET

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 the 2014 Preliminary Budget.

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; Highway Sup't. Carl Bush; David Alexander; Walt Kalena from Clough Harbour & Associates; County Legislator, Kevin Whitney; Jim Fellows; News Reporters: Steven Howe 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 Legal Notice as published, posted and filed.

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

No comments or discussion were heard.

The Public Hearing was closed at 5:05 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, 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; Highway Sup't. Carl Bush; David Alexander; Walt Kalena from Clough Harbour & Associates; County Legislator, Kevin Whitney; Jim Fellows; 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 October 16, 2013 as submitted. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Cortlandville Planning Board Minutes of September 24, 2013. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Cortlandville Zoning Board of Appeals Minutes of September 24, 2013. All voting aye, the motion was carried.

RESOLUTION #190 AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #0144

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 sign Purchase Order #0144 submitted by Supervisor Tupper to be paid to Hummel's Office Equipment Co. Inc. for the purchase of office chairs for the Raymond G. Thorpe Municipal Building for the total cost of \$7,200.00.

RESOLUTION #191 AUTHORIZE PAYMENT OF VOUCHERS – NOVEMBER

Motion by Councilman Leach
Seconded by Councilman Proud
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:

Funds A, B, DA, DB	Voucher #1006-1071	
	General Fund A	\$104,416.96
	General Fund B	\$ 5,499.08
	Highway Fund DA	\$ 78,093.94
	Highway Fund DB	\$ 0.00
Funds CD1, CD3, CD4	Voucher #42-48	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 25,270.28
	Business Devl CD4	\$ 0.00

Fund HC, SS, SW	Voucher #360-384	
	NYS Rt 13 Sewer Rehab HC	\$ 2,119.00
	Sewer SS	\$268,017.71
	Water SW	\$161,000.91
Funds SF, TA, TE	Voucher #28-30	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 33,081.18
	Expendable Trust TE	\$ 0.00

Supervisor Tupper added item I-6 to the agenda and asked the Board to receive and file the draft Land Use Plan as prepared by the Town's Land Use Committee.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Draft Land Use Plan 2013 as prepared by Clough Harbour & Associates and the Town's Land Use Committee, dated October 2013. All voting aye, the motion was carried.

Supervisor Tupper offered privilege of the floor to Walt Kalena from Clough Harbour & Associates to discuss the Draft Land Use Plan.

Mr. Kalena summarized some of the highlights of the plan. The Committee was charged with the responsibility of identifying areas in the Town for future residential development; there are indications that the need will develop in the near future. The Committee was also charged with identifying possible locations for industrial park development, given the recent success of the existing Finger Lakes East Park with Byrne Dairy locating there.

The Committee identified four areas in the Town that appear to be suitable for residential development. Some of the criteria that the Committee looked at were locations near sewer and water infrastructure where connections could be made. The Committee wanted to focus in on limiting the extent of residential development into some of the farther regions of the Town where sewer and water infrastructure would have to be developed, thereby increasing the cost to the community and to the taxpayers for that type of infrastructure. The Committee identified four areas that are located on a series of maps in the draft plan. Mr. Kalena referred to page 4 and the executive summary of the plan in which each of the four areas were summarized. Three of the four areas were zoned Agricultural and one area was zoned R-1. The recommendation was to change the Ag district to R-1 and the R-1 district to R-2, allowing for smaller lot development and increased density. Areas 5 and 6 were the proposed locations for further industrial development.

Mr. Kalena explained there was a total of 2,000 acres within the boundaries that are shown on a series of maps in Chapter 3. The area within the boundaries did not mean that 2,000 acres were available for residential development as existing residential development and farms were included in the acres. The next step in the process was for the plan to go before the community, to get input from the property owners. He stated that some changes would most likely be made to some of the boundaries.

The Committee found that each of the areas would be suitable for residential development and for different types of residential development. As the community ages the focus is on senior housing which would require smaller lots, smaller houses, and less maintenance, which would be provided in some of these areas. Single family houses for growing families, smaller lots where sewer and water may be available, and larger lots where private well and septic would be needed were also included.

Mr. Kalena pointed out the series of maps in the Draft Land Use Plan. Although they appeared small within the document, the maps were available electronically and could be reproduced in a larger format. He stated that the maps could be used by the Town for a variety of reasons such as a comprehensive plan for the town.

There were two key recommendations in the Draft Land Use Plan. The first was to amend the current PUD ordinance that has a minimum lot size requirement of 10 acres to allow for senior housing on minimum 5 acre areas. The second recommendation was to allow senior housing as a permitted use subject to a conditional permit in the existing Agricultural and R-3 zoning districts. In an effort to encourage the type of housing that may be more attractive to an aging population in Cortlandville, smaller homes and lots with less maintenance were proposed which is currently not allowed within the zoning districts.

Mr. Kalena stated he was available to answer any questions the Board had, and suggested a power point presentation be made during a public meeting to summarize the document.

Supervisor Tupper indicated that members of the Town Board had the opportunity to read the Draft Land Use Plan and were pleased with the detail. He stated that the Committee did very

well recognizing areas for residential development that would be needed in the future, as well as industrial development the Town hoped would continue.

Supervisor Tupper acknowledged the members of the volunteer Committee, which met numerous times over a four month period of time. Members of the Committee included: David Briggs, Chair, Town Assessor; Amy Bauer, Resident; John Proud, Town Councilman; Nick Renzi, Town Planning Board; David Alexander, Town ZBA; Bruce Weber, Town Planning and Zoning Officer; Desiree Campbell, Town Code Enforcement Officer. He also recognized Peter Alteri Jr., Town Water & Sewer Sup't. for his role in the development of the plan.

Councilman Proud requested the Board send the Draft Land Use Plan to the Town and County Planning Boards, and to the Town ZBA for review. He also requested the Board send a thank you letter to the Committee and stated that the Committee worked very well together. There was a lot of information contained in the three chapters, with the main focus on Chapter 3 which contained the findings and recommendations. Councilman Proud suggested the Board schedule a Public Hearing after they receive comments from the different boards.

Attorney Folmer explained that the Board was required to hold a public hearing to adopt changes to the zoning ordinance. He suggested the Board hold two separate meetings; a public informational meeting to obtain public input prior to conducting a public hearing.

RESOLUTION #192 REFER DRAFT LAND USE PLAN 2013 TO THE TOWN AND
COUNTY PLANNING BOARDS AND THE TOWN ZONING
BOARD OF APPEALS FOR REVIEW AND
RECOMMENDATIONS

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 refer the Draft Land Use Plan 2013 to the Town and County Planning Boards and the Town Zoning Board of Appeals for review and recommendations.

RESOLUTION #193 ACKNOWLEDGE AUDIT REPORT OF THE FISCAL
AFFAIRS OF THE TOWN OF CORTLANDVILLE FROM
CIASCHI, DIETERSHAGEN, LITTLE, MICKELSON &
COMPANY, LLP FOR THE PERIOD ENDING
DECEMBER 31, 2012

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Audit Report of the fiscal affairs of the Town of Cortlandville from Ciaschi, Dietershagen, Little, Mickelson & Company, LLP for the period ending December 31, 2012 for the Town of Cortlandville is hereby acknowledged and shall be received and filed.

There was a brief discussion regarding the 2012 Audit Report of the Town of Cortlandville. According to Supervisor Tupper the audit was positive. The Town spent less and received more revenue than what was budgeted for in 2012. The Town also received less sales tax revenue than the prior year due to the County's new sales tax distribution formula. The Town's general assets were up 10% and the Town's bonding was reduced by 12.7%. The Town's constitutional debt limit was calculated at 1.42% of what the Town is allowed to borrow. Supervisor Tupper stated that the Town is extremely conservative in its borrowing and planning.

With regard to current and prior year findings, the auditors suggested the Town adopt a cell phone policy in order to safeguard the Town and place controls over the use of Town cell phones. Supervisor Tupper discussed the issue with Attorney Folmer and they would work on drafting a simple formal policy. During the prior year audit it was noted that the management of store credit cards was not centralized. Procedures were created related to the use of store credit cards and the control over the cards was improved.

The monthly reports of the Code Enforcement Officer, Fire & Safety Inspection Report, Supervisor, and the Town Clerk for the month of October 2013, and for the Town Justice for the month of September 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 the 2014 Cortlandville Fire District Budget. All voting aye, the motion was carried.

Kevin Whitney, Fire Commissioner apprised the Board there was a 0% tax increase from the 2013 Cortlandville Fire District Budget.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from Time Warner Cable, dated October 18, 2013, regarding the reorganization of Time Warner Cable's channel lineup, and correspondence dated November 6, 2013, regarding programming services. All voting aye, the motion was carried.

Supervisor Tupper acknowledged receipt of correspondence from Pam Jenkins and Bob Martin regarding the proposal to turn the County Dump into an ash dump.

Attorney Folmer reported:

New York State Environmental Facilities Corporation:

Attorney Folmer apprised the Board the Environmental Facilities Corporation counsel forwarded to him a complete set of all of the documentation utilized for the recent bonding for the Route 13 Sewer Improvement Project. He suggested the documents be received and filed and placed in the Town Clerk's office.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file the documentation from the New York State Environmental Facilities Corporation regarding the Bond Anticipation Note in the amount of \$2,113,500.00 for the Route 13 Sewer Improvement Project, dated September 5, 2013. All voting aye, the motion was carried.

Demolition of Unsafe Building – Route 13 Partners, LLC:

Attorney Folmer recalled that the Board negotiated with the owners of the former Golden Skillet Restaurant, Route 13 Partners, LLC, to recover \$30,000 for the cost of the demolition of the building to be paid over a four month period of time. As of Monday, November 4, 2013 the Town received its final payment and was therefore paid in full. Attorney Folmer requested the Board adopt a resolution authorizing the Supervisor to sign a General Release in favor of the owners as it relates to the cost of demolition.

RESOLUTION #194	AUTHORIZE SUPERVISOR TO SIGN A GENERAL RELEASE REGARDING THE DEMOLITION OF PROPERTY OWNED BY ROUTE 13 PARTNERS, LLC AND RECEIPT OF PAYMENT IN FULL FOR THE COST OF THE DEMOLITION
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Motion by Councilman Leach

Seconded by Councilman Proud

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 a General Release regarding the demolition of property owned by Route 13 Partners, LLC, located at 840 Route 13, and receipt of payment in full from said owner in the amount of \$30,000 for the cost of such demolition.

Town Audit – Tax Certiorari Proceedings:

Attorney Folmer apprised the Board that as they look at the 2012 Town Audit they would see language regarding tax certiorari proceedings filed year after year by the same land owners requiring the Town to review their assessments. He explained that a tax certiorari proceeding is unusual in that the statute which authorizes the proceeding provides that the municipality, without any action on its part, is deemed to have denied each and every allegation in the petition. No action is taken on the tax certiorari proceeding generally until the claimant takes steps to bring the matter up. If the claimant does not do so, after a statutory required period of time the proceedings are subject to being dismissed and considered abandoned. Attorney Folmer explained that as of Friday, November 1, 2013 the Town had 22 pending tax certiorari proceedings. However, on Monday, November 4, 2013 he received a series of letters from the Supreme Court indicating that 6 of the 22 proceedings had been dismissed because they had not taken any action within a 4 year period of time and were therefore considered abandoned. Attorney Folmer explained that the Town was dealing with proceedings that commenced in 2010, 2011 and 2012.

Attorney Folmer stated that the problem with the proceedings was monetary. The big loser in any tax reduction litigation was not the Town of Cortlandville, but was the County of Cortland and the School District. The statute requires that the Town defend the proceedings. If the Town were to consent to the reductions requested it would still be ahead of the game because the appraisal cost itself could exceed the amount of taxes the Town would lose even if the Town were to concede to the demands of the claimants. In addition, the County and the School District have been reluctant in the past to participate in the cost of the defense of the proceedings. The Town is left with the obligation to defend as best it can, looking at the fact that the Town's tax loss is not sufficient enough to justify extended litigation. The Town waits to see if negotiation can take place. If there was going to be a significant reduction in assessment the Town would talk to the County and the School District before entering into final arrangements. Attorney Folmer stated that he wanted the Board to know the process by which the Town evaluates the tax certiorari proceedings because they were mentioned in the audit as pending.

Settlement Agreement for Litigation - Cortland MHP Associates, LLP:

Attorney Folmer recalled that the Board authorized the Supervisor to sign the Settlement Agreement between the Town and Cortland MHP Associates, LLP. The negotiations were complete and the Town would pay the sum of \$15,000 to Cortland MHP Associates, LLP. Attorney Folmer indicated that he had a complete Stipulation of Discontinuance and Settlement Agreement which he would have Supervisor Tupper sign.

RESOLUTION #195 AUTHORIZE SUPERVISOR TO SIGN THE FAX WIRE
AGEEMENT BETWEEN THE TOWN AND FIRST NIAGARA
BANK, N.A.

Motion by Councilman Leach

Seconded by Councilman Proud

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 Fax Wire Agreement between the Town of Cortlandville and First Niagara Bank, N.A.

RESOLUTION #196 AUTHORIZE SUPERVISOR TO TRANSFER FUNDS FROM
FUND BALANCES INTO ESTABLISHED RESERVE
ACCOUNTS

Motion by Councilman Leach

Seconded by Councilman Proud

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:

- \$3,000.00 from General Fund A fund balance into Unemployment Reserve Fund A231
- \$19,000.00 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
- \$15,000.00 from Sewer fund balance into Sewer Improvement Capital Reserve Fund SS 231

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Water Supply Assessment report for the Town of Cortlandville prepared by the Cortland County Soil & Water Conservation District, dated October 2013. All voting aye, the motion was carried.

There was discussion regarding the Water Supply Assessment Report that was prepared by the Cortland County Soil & Water Conservation District (SWCD). Councilman Proud explained the report which was an evaluation of the Town's water supply system and included the following: a general description of the water supply wells and source of water; an analysis of the capacity of the existing supply wells during an extended dry period; an evaluation of potential capacity based on natural recharge; an evaluation of potential adverse impacts resulting from aquifer withdrawals; an assessment of other possible locations for a water supply well; discussion of water conservation and aquifer level management; an assessment of opportunities for inter-municipal sharing of water; and conclusions and recommendations.

Councilman Proud referred to the Conclusions section on page 26 of the report, which indicated that the Town was well-equipped to meet the public's demand for water. Each of the Town's three wells (2 located at Lime Hollow Road and 1 at Terrace Road) could sustainably meet the entire demand even with a projected 47% increase over the next several years. The Town currently pumps from only one of its three wells on any given day. According to the report, the redundancy in service capability limits vulnerability to supply shortages in the event of an unexpected problem with any one well.

The SWCD stated that even if the Town's water demand increased beyond current expectations, the Town could easily produce 1.5 to 2 million gallons per day (MGD) by pumping from Terrace Road and Lime Hollow simultaneously. Under that scenario the system would be more vulnerable in the sense that a problem at either location might prevent the Town from meeting demand.

Councilman Leach mentioned the Town's test well located in the park in Blodgett Mills, and referred to page 17 of the report. Over the past few years the Town has conducted research as to whether or not a well in Blodgett Mills would be a possible alternative location for another supply well in the future. Blodgett Mills is located over a different aquifer. According to the SWCD further testing might be required to address outstanding questions, and review by the Health Department would be required. The Town would have to hire an engineer to conduct further studies to consider the possibility of a well in Blodgett Mills.

The Board thanked the SWCD for its work on the Town's water supply assessment.

No further comments or discussion were heard.

Councilman Proud made a motion, seconded by Councilman Leach, 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 November 21, 2013.
The draft version of this meeting was approved as written at the Town Board meeting of _____.