

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 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; Cortland County Legislators: Joseph Steinhoff and Kevin Whitney; News Reporters: Eric Mulvihill from WXHC, Tyrone Heppard from the *Cortland Standard*, Sharon Stevans from Channel 2, Access TV, and Peter Blanchard from the *Cortland Voice*.

Supervisor Tupper called the meeting to order.

There was discussion regarding the purchase of a new Vactor truck for the Water & Sewer Department through funds from the NYS Route 13 Sanitary Sewer Rehabilitation Project. Councilman Leach indicated that he was still of the opinion that the Town should purchase a Mack truck chassis if the Town intends to get 25 to 30 years out of the truck. Supervisor Tupper stated that he spoke with Water & Sewer Sup't. Alteri and there were two truck chassis choices; Freightliner and International. The Town has International trucks. Councilman Proud mentioned that Water & Sewer Sup't. Alteri spoke with the Vactor representatives who indicated that International corrected the problem they had, otherwise Vactor would not build on the chassis. Councilman Proud also mentioned that the Town would sell the Vactor truck it has now.

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RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN  
PURCHASE ORDER #0116

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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 Purchase Order #0116 submitted by Water & Sewer Sup't. Alteri to be paid to Joe Johnson Equipment, for the purchase of a new Vactor 2100 Sewer Cleaner Truck, for the total cost of \$322,137.53.

Councilman Rocco arrived at the meeting at this time.

Supervisor Tupper apprised the Board he received correspondence from Congressman Richard Hanna regarding the Congressional District's annual Academy Day to be held on September 26, 2015 at 11:00 a.m. at Binghamton University's Innovative Technologies Center. The program was for High School Sophmores, Juniors, and Seniors interested in a Congressional Nomination to a United Stated Military Service Academy.

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RESOLUTION #                      AUTHORIZE PAYMENT OF VOUCHERS – SEPTEMBER

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Motion by Councilman Proud

Seconded by Councilman Leach

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 #828-873	
	General Fund A	\$ 94,395.78
	General Fund B	\$ 5,670.90
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 13,403.57

Funds CD1, CD3, CD4	Voucher #42-42	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 5,335.00
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #338-353	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 75.16
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 2,921.87
	Water SW	\$ 12,922.04
Funds SF, TA, TE	Voucher #(None)	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 0.00
	Expendable Trust TE	\$ 0.00

The monthly reports of the Town Justices for the month of August 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 September 16, 2015, regarding programming services. All voting aye, the motion was carried.

Attorney Folmer reported:

Proposed Junk Law:

Attorney Folmer reminded the Board they planned to schedule a workshop to discuss the proposed Junk Law. After discussion, the Board decided to schedule their workshop for October 16, 2015 at 9:00 a.m. Attorney Folmer would ask CEO Williams, CEO Campbell, and PZO Weber to attend the meeting.

Councilman Rocco made a motion, seconded by Councilman Leach, to receive and file correspondence from the NYS & Local Retirement System regarding the Governmental Accounting Standards Board Reports for the Town of Cortlandville. All voting aye, the motion was carried.

RESOLUTION #                      AUTHORIZE WATER & SEWER SUP'T. AND HIGHWAY  
SUP'T. TO ACCEPT THE HIGHEST RESPONSIBLE BIDS  
FOR SURPLUS EQUIPMENT AUCTIONED WITH AUCTIONS  
INTERNATIONAL

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Motion by Councilman Proud  
Seconded by Councilman Testa

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

WHEREAS, per a Resolution adopted by the Town Board on August 5, 2015, bids were accepted for surplus equipment auctioned with Auctions International, and

WHEREAS, the bidders for the 1975 Winco Portable Gas Generator and the 2008 Ford ¾ ton Pickup 4x4 F-250 #77 did not purchase the equipment and they were therefore put back on the bidders list for Auctions International on August 19, 2015 with the bids closing on September 2, 2015, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct Water & Sewer Sup't. Alteri and Highway Sup't. Bush to accept the highest responsible bids for the following surplus equipment auctioned with Auctions International:

1975 Winco Portable Gas Generator (Water), 3 hp motor, S/N P-109-B – closed at \$77.50

2008 Ford ¾ ton Pickup 4x4 F-250 #77 (Highway), VIN# 1FTSX21598EC14185 – closed at \$10,200.00

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Diana Graser, P.E., Regional Traffic Engineer for the New York State Department of Transportation, dated September 10, 2015, regarding the Town's request to lower the speed limit on Cosmos Hill Road from 40 mph to 30 mph. All voting aye, the motion was carried.

There was discussion regarding the Town of Cortlandville Farmland Protection Plan. Supervisor Tupper explained CHA would meet with farmers and the public and determine where farming is in the Town right now and what can be done to protect it. Assessor Briggs and the committee that was formed to look into a new land use plan identified a couple of farms to be changed from Ag to R-1, however the farmers did not want the land changed to residential. The Town decided to look into the matter further and have experts determine how big of an industry farming is within the Town. Supervisor Tupper mentioned that another committee would be formed; perhaps Assessor Briggs would Chair the committee again. Private citizens would also be asked to be on the committee.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH CHA  
TO PREPARE THE TOWN OF CORTLANDVILLE FARMLAND  
PROTECTION PLAN

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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 the contract between the Town of Cortlandville and CHA to prepare the Town of Cortlandville Farmland Protection Plan, in the amount of \$25,000.

RESOLUTION #                      AUTHORIZE APPROVAL REQUEST OF MICHELLE  
TOWSLEY FOR THE 2013 COMMUNITY DEVELOPMENT  
BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION  
PROGRAM

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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 approval request of Michelle Towsley for property located at 1368 East River Road in the Town of Cortlandville, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program, and it is further

RESOLVED, the work to be completed would include the septic, for a total cost of \$5,200.00 plus any Health Department fees.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence and the report from Cortland County Soil & Water Conservation District, dated August 20, 2015, regarding the Ground Water Monitoring of Walmart through 2014. All voting aye, the motion was carried.

There was discussion regarding the Groundwater Monitoring for Walmart. Supervisor Tupper mentioned that according to the report, every single item tested for was less than it was preconstruction, which the Board was pleased with. Councilman Proud noted that the correspondence from SWCD explained that the Walmart groundwater monitoring plan required a minimum of five years of monitoring following construction of the store, to be completed in 2015. The SWCD recommended the Town consider requesting that Walmart conduct once-per-year monitoring for an additional two years. Councilman Proud questioned whether the Board should refer this to the Town Planning Board.

Attorney Folmer recalled that the Planning Board required the monitoring for 5 years. He suggested the Board refer this to the Planning Board.

Councilman Testa stated that perhaps the testing of the four wells was an overburden on Wal-Mart. Supervisor Tupper agreed and stated that the tests were expensive to conduct.

The Board agreed to ask the Planning Board for their input.

Councilman Proud made a motion, seconded by Councilman Rocco, to receive and file correspondence from Cortland County Soil & Water Conservation District, dated August 21, 2015, regarding the Town-wide Stormwater Maintenance Program Report for 2014. All voting aye, the motion was carried.

Supervisor Tupper informed the Board that the bids were opened for the Oakcrest/Pendleton Street Sewer Installation Project on September 14, 2015. CHA reviewed the 8 bids that were submitted and recommended the Board award the bid to Cunningham Excavation, Inc. Supervisor Tupper explained that the bid was in two parts. The base bid was for \$590,490.25. Alternate No. 1, which was for repaving the roads, was for the amount of \$143,479.00. Supervisor Tupper indicated that the bid was separated in the event that the Town Highway Department could pave the road for less.

There was discussion regarding Alternate #1 and whether the Board should award the bid to Cunningham Excavation Inc. or ask Highway Sup't. Bush if he could complete the paving for less than the bid amount. Supervisor Tupper indicated that the bid was for \$14.50 per square foot, which CHA thought was a good price and was a valid bid. After a significant amount of discussion, the Board agreed to award the base bid and to then award Alternate No. 1 to Cunningham Excavation, Inc.

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RESOLUTION #	AWARD BID FOR THE OAKCREST/PENDLETON STREET SEWER INSTALLATION PROJECT IN THE BASE BID AMOUNT OF \$590,490.25
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Motion by Councilman Leach

Seconded by Councilman Rocco

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

ADOPTED

WHEREAS, bids were advertised for the Oakcrest/Pendleton Street Sewer Installation 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:

- Installation of approximately 3,250 linear feet of 8 inch PVC SDR 35 sewer pipe.
- Installation of eleven (11) new pre-cast concrete sanitary sewer manholes.
- Installation of twenty-three (23) new sewer laterals.
- Maintenance and Protection of Traffic.
- Complete site restoration.

AND, WHEREAS, sealed bids were opened on September 14, 2015 at 11:00 a.m. and provided to Laura Cassalia, P. E. of CHA Consulting, Inc., for review as follows:

	<u>Base Bid</u>
Cunningham Excavation, Inc. 3592 Cobblestone Drive Cazenovia, NY 13035	\$590,490.25
R.B. Robinson Contracting, Inc. 535 Ithaca Road PO Box 121 Candor, NY 13743	\$609,700.00
G. DeVincentis & Sons Const. Co., Inc. 7 Belden Street Binghamton, NY 13903	\$675,900.00
F.P. Kane Construction 241 Front Street Vestal, NY 13850	\$694,750.00

Vacri Construction Corp. One Brick Avenue Binghamton, NY 13901	\$719,000.00
Adhan Piping Co., Inc. 1865 Route 13 Cortland, NY 13045	\$741,946.00
D. E. Tarolli, Inc. 6602 Herman Road Warners, NY 13164	\$751,475.00
Grant Street Construction 48 Grant Street Cortland, NY 13045	\$973,000.00

BE IT RESOLVED, the bid is hereby awarded to Cunningham Excavation, Inc. of 3592 Cobblestone Drive, Cazenovia, New York for the Base Bid amount of \$590,490.25.

RESOLUTION #                      AWARD BID FOR THE OAKCREST/PENDLETON STREET  
SEWER INSTALLATION PROJECT FOR ALTERNATE NO. 1  
IN THE AMOUNT OF \$143,479.00

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

WHEREAS, bids were advertised for the Oakcrest/Pendleton Street Sewer Installation Project and included Alternate No. 1 for all labor, materials, equipment, supervision and incidentals required to perform cold milling of asphalt and to furnish, install, compact, test and inspect asphalt top course, the entire width of the roadways, upon completion of the sewer work, and

WHEREAS, sealed bids were opened on September 14, 2015 at 11:00 a.m. and provided to Laura Cassalia, P. E. of CHA Consulting, Inc., for review as follows:

	<u>Alternate No. 1</u>
Cunningham Excavation, Inc. 3592 Cobblestone Drive Cazenovia, NY 13035	\$143,479.00
R.B. Robinson Contracting, Inc. 535 Ithaca Road PO Box 121 Candor, NY 13743	\$130,345.00
G. DeVincentis & Sons Const. Co., Inc. 7 Belden Street Binghamton, NY 13903	\$169,150.00
F.P. Kane Construction 241 Front Street Vestal, NY 13850	\$155,200.00
Vacri Construction Corp. One Brick Avenue Binghamton, NY 13901	\$159,200.00
Adhan Piping Co., Inc. 1865 Route 13 Cortland, NY 13045	\$149,250.00
D. E. Tarolli, Inc. 6602 Herman Road Warners, NY 13164	\$149,250.00
Grant Street Construction 48 Grant Street Cortland, NY 13045	\$109,450.00

BE IT RESOLVED, the bid for Alternate No. 1 is hereby awarded to Cunningham Excavation, Inc. of 3592 Cobblestone Drive, Cazenovia, New York in the amount of \$143,479.00.

RESOLUTION #                      APPROVE EXTRA WORK AUTHORIZATION NO. 1 FROM  
CLOUGH HARBOUR & ASSOCIATES FOR THE  
OAKCREST/PENDLETON STREET SEWER INSTALLATION  
PROJECT

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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 approve the Extra Work Authorization No. 1 from Clough Harbour & Associates, dated September 16, 2015, to perform the Construction Administration and Observation services required during construction of the Oakcrest/Pendleton Street Sewer Installation Project, in the amount of \$54,500.00.

RESOLUTION #                      AUTHORIZE SUPERVISOR OR DEPUTY SUPERVISOR TO  
SIGN CLOSING DOCUMENTS REGARDING THE  
OAKCREST/PENDLETON STREET SEWER INSTALLATION  
PROJECT

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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 and direct the Supervisor or Deputy Supervisor to sign the closing documents for the sale of the BAN for the Oakcrest/Pendleton Street Sewer Installation Project, and it is further

RESOLVED, such closing will occur on September 25, 2015 with First Niagara Bank.

RESOLUTION #                      AWARD SALE OF \$876,000 BOND ANTICIPATION NOTE TO  
FIRST NIAGARA BANK, N.A. FOR THE  
OAKCREST/PENDLETON STREET SEWER INSTALLATION  
PROJECT

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

WHEREAS, bids were submitted to Fiscal Advisors & Marketing, Inc. on behalf of the Town of Cortlandville for the Sale of a Bond Anticipation Note (BAN) in the amount of \$876,000 for the Oakcrest/Pendleton Street Sewer Installation Project as follows:

	Amount	Interest Rate	Gross Interest	Premium	Net Interest	Effective Net Interest Rate
First Niagara Bank, N.A.	\$876,000	0.990%	\$8,624.22	\$0.00	\$8,624.22	0.990000%
Roosevelt & Cross, Inc.	\$876,000	1.500%	\$13,067.00	\$2,772.00	\$10,295.00	1.181794%
Oppenheimer & Co.	\$876,000	1.500%	\$13,067.00	\$2,235.00	\$10,832.00	1.243438%
Greene County Commercial Bank	\$876,000	1.290%	\$11,237.62	\$0.00	\$11,237.62	1.290000%
NBT Bank, N.A.	\$876,000	1.340%	\$11,673.19	\$0.00	\$11,673.19	1.340000%
First National Bank of Dryden	\$876,000	1.900%	\$16,551.53	\$0.00	\$16,551.53	1.900000%

BE IT RESOLVED, the sale of the BAN for the Oakcrest/Pendleton Street Sewer Installation Project is hereby awarded to First Niagara Bank, N.A. in the amount of \$876,000 at an interest rate of 0.990%.

Supervisor Tupper acknowledged Highway Sup't. Bush and the Town Highway Department for the recent paving work completed on Bennie Road.

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 5:35 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 September 25, 2015.

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