

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 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; David Alexander; Pam Jenkins; News Reporter: Steve Howe from the *Cortland Standard*.

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 4, 2013 as submitted. All voting aye, the motion was carried.

RESOLUTION #169 AUTHORIZED PAYMENT OF VOUCHERS – SEPTEMBER

Motion by Councilman Leach
Seconded by Councilman Proud
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 #849-906	
	General Fund A	\$ 35,449.69
	General Fund B	\$ 2,402.31
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 32,488.86
Funds CD1, CD3, CD4	Voucher #34-35	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 2,980.00
	Business Devl CD4	\$ 0.00
Fund HC, SS, SW	Voucher #299-317	
	NYS Rt 13 Sewer Rehab HC	\$ 9,690.00
	Sewer SS	\$ 29,920.82
	Water SW	\$ 19,009.19
Funds SF, TA, TE	Voucher #25-27	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 33,081.18
	Expendable Trust TE	\$ 0.00

Deputy Supervisor Testa offered privilege of the floor to Pam Jenkins.

Pam Jenkins apprised the Board she was in attendance to provide them with information regarding the proposal to turn the Cortland County Landfill into an ash dump for Onondaga County. Deputy Supervisor Testa informed Ms. Jenkins that the Town Board did not have a vote on the matter, which she understood.

Ms. Jenkins passed out the following information regarding the proposal and offered her comments.

- On August 14, 2013 Chairman Mike Park, Cortland County Legislature, entered into an Agreement in Principle to work in good faith towards turning Cortland County's landfill into an ash dump for Onondaga County. Ms. Jenkins stated that the agreement was signed before the public was informed and before it was discussed by the Legislature.

- Local Law No. 9 of 1992, which was Onondaga County's existing ban on importing trash. The last time Onondaga County tried to repeal the ban it failed.
- Letter from NYS Assemblyman Samuel D. Roberts to the Onondaga County Legislature, dated August 26, 2013, stating that Onondaga County residents had been contacting him with their concerns and their opposition to accepting Cortland County's trash.
- Amy Miller, P.E., from Onondaga County Resource Recovery Agency (OCRRA) informed Ms. Jenkins that there is a landfill in VanBuren that is permitted and designed and could be turned into an ash landfill within 18 months.
- Resolution from Cortland County's Solid Waste Committee to be considered by the County Legislature on September 26, 2013, which would permit the expenditure of \$238,900.00 to be paid to Barton and Loguidice, P.C., and \$12,000.00 to be paid to Patrick Snyder, Esq., to cover the professional and legal services for the proposed project, however the tasks had not been disclosed. Ms. Jenkins provided an email from Attorney Pat Snyder in which he stated that he did not have any breakdowns yet.
- Letter from Ann Miller, P.E., OCRRA, which talks about what is done with items such as plastic furniture, which is burned.
- Information regarding greenhouse emissions from the DEC.

Overall, Ms. Jenkins stated that she was asking for accountability and was getting information from any source she could. She felt that the County Legislature was trying to get the resolution passed at its September 26, 2013 meeting to go ahead with the ash dumping. Ms. Jenkins stated that she appreciated making the information a matter of public record.

Deputy Supervisor Testa questioned how Ms. Jenkins got involved in the matter. Ms. Jenkins stated she had been studying the environment for 30 years, had an interest in science and health, and had a huge reverence for nature and for not wasting taxpayer money.

Deputy Supervisor Testa questioned whether there were any questions from the Board.

Attorney Folmer commented that as he read the Agreement in Principle there were a series of conditions preceding it such as SEQR, and approval from the Onondaga County Legislature to accept out of county waste.

Councilman Rocco agreed but referred back to the Agreement in Principle already signed by Mike Park, Chair of the Cortland County Legislature, Joanne Mahoney, Onondaga County Executive, and Ravi Raman, Chair of OCRRA. Councilman Rocco commented on the OCRRA facility and the processes used there, as well as on Cortland County's landfill and what could happen if the landfill was converted to an ash monofill. He stated that the Board does not have a vote on the matter, but could take action by talking with their County Legislators. Councilman Rocco stated that the public must be informed. He questioned Attorney Folmer whether it was wrong for the Agreement in Principle to be signed without the public being aware, or without approval from the County Legislature.

Attorney Folmer stated that all they have done, from a technical standpoint, was to sign the Agreement in Principle. Depending on how the project would be funded, they may need to have public hearings or perhaps a permissive referendum.

In closing, Pam Jenkins made additional comments regarding the proposal and OCRRA. She thanked the Board for allowing her to speak.

The monthly report of the Town Justice for the months of July and August 2013, and for the Town Clerk, Supervisor, and Water & Sewer Department for the month of August 2013 were on the table for review and are filed in the Town Clerk's Office.

Attorney Folmer reported:

Sale of Finger Lakes East Business Park to Byrne Dairy, Inc.:

Attorney Folmer apprised the Board the Cortland County Industrial Development Agency (IDA) would be closing its real estate transaction with Byrne Dairy Inc. on September 23, 2013. The Town's outstanding mortgage on the property, used to assist the IDA in developing the Finger Lakes East Business Park property, would be paid from the proceeds of the sale.

Conservation Easement – South Hill Dump Site:

Attorney Folmer apprised the Board that the NYS Department of Environmental Conservation asked the Town to sign a Conservation Easement regarding the property known as the South Hill Dump. The South Hill Dump was remediated by the superfund, has been fenced in and is no longer being used as a dump. The property still maintains its category as an active site based on what was done several years ago.

Attorney Folmer explained that the Conservation Easement, which he felt the Town should give, would restrict the use of the property that the Town owns to certain things that need to be reviewed and approved by the DEC before anybody makes use of the property. Attorney Folmer stated that the Town would probably not make any use of the dump site, and would probably not sell it.

In addition, the easement also provides for a Site Management Plan (SMP). Attorney Folmer explained that the SMP is based on the category that existed several years ago, which would allow the DEC to “consider reclassification of a site from a Class 2 significant threat to a less burdensome one.” If that happens, then the monitoring and the inspections would be easier for the Town to deal with. As it stands now, there is supposed to be an inspection and a recertification every four years; the first to take place in 2014.

Attorney Folmer asked the Board to adopt a resolution authorizing the Supervisor to sign and deliver the easement to the DEC. The resolution, which he drafted, also stated that the Town acknowledges no financial responsibility for remediation of the South Hill Dump Site.

Councilman Rocco questioned whether the Town was taking on the responsibility of other sources. Attorney Folmer stated that in the SMP the historical background of the site indicates that the users of the property were the Town of Solon, Smith Corona, Village of McGraw, Town of Cortlandville, and general public usage; the users denied all responsibility. There was no requirement in the documentation that makes any question or claim concerning usage and reimbursement of funds. Attorney Folmer stated that the only reason the Town was being asked to sign the easement was because the Town owns the property.

Councilman Leach questioned who would be responsible for paying for the inspection that would take place in 2014. Attorney Folmer explained that the DEC would hire a contractor to accomplish the inspection.

RESOLUTION #170 AUTHORIZE SUPERVISOR TO EXECUTE A
CONSERVATION EASEMENT WITH THE NEW YORK
STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION RELATING TO THE SOUTH HILL DUMP
SITE

Motion by Councilman Proud

Seconded by Councilman Leach

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

RESOLVED, that the Town Board authorizes the Supervisor, Richard C. Tupper, to execute a Conservation Easement relating to the South Hill Dump Site and deliver duplicate copies of said Easement to the New York State Department of Environmental Conservation, the Grantee named in said Easement, and it is further

RESOLVED, that by executing and delivering said Easement that the Town acknowledges no financial responsibility for the costs of remediation, monitoring or inspection of the Site which is the subject matter of the Easement.

Deputy Supervisor Testa requested the Board reappoint Louis Closson to the Cortlandville Board of Assessment Review for another five year term. He explained that the Board of Assessment Review meets for Grievance Day on the 4th Wednesday in May every year. Councilman Rocco urged members of the Board who had not yet sat in on Grievance Day to do so. He commended the Board of Assessment Review for their service to the Town.

RESOLUTION #171 REAPPOINT LOUIS CLOSSON TO THE BOARD OF
ASSESSMENT REVIEW

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby reappoint Louis Closson, 3076 West River Road, Cortland, NY, to the Cortlandville Board of Assessment Review for a five-year term commencing October 1, 2013 and expiring September 30, 2018.

There was discussion regarding the NYS Route 13 Sewer Improvement Project. Councilman Testa referenced correspondence received from the USDA announcing that a loan of \$3,495,000 and grant of \$350,000 have been approved by Rural Development for the Town's sewer improvement project. He explained that the 30-year loan would be at 2% interest.

Deputy Supervisor Testa mentioned that he spoke with Rich DeGuida from Clough Harbour & Associates earlier today. Mr. DeGuida expected that the Town could go out to bid in March/April 2014 and that the project would commence soon thereafter. The sewer improvement project would run from the former Smith Corona building on Route 13 to the city line.

Attorney Folmer thanked Rich DeGuida as well as Town Clerk Snyder and her staff for their work on the project. He stated that Town Clerk Snyder deserved a great deal of thanks from the Board for all of the work she did. Town Clerk Snyder explained that while she was not successful in obtaining a larger grant for the project, through her efforts the water and sewer software program was corrected and now lists the correct property classifications.

Councilman Rocco stated that occasionally when driving down Route 13 he remembers former Town Supervisor Melvin Pierce. During Mr. Pierce's service to the Town the federal government offered \$0.95 on the dollar to put sewers in a community. The City turned it down as did surrounding municipalities, however the Town took advantage of it. Councilman Rocco stated that due to the good sense of Mr. Pierce the Town built what today is a water and sewer system that has allowed Cortlandville to be prosperous and to grow. He recognized Mr. Pierce as one of the best supervisors the Town has ever had.

Councilman Leach requested clarification as to where the Town's sewer lines along Route 13 were new versus old. Deputy Supervisor Testa explained that the project would be for a new sewer lining on the old line which runs from the former Smith Corona to the city line. The sewer line from Smith Corona to the Finger Lakes East Business Park was a new sewer line.

Councilman Leach made a motion, seconded by Councilman Proud to receive and file correspondence from the United States Department of Agriculture (USDA), dated September 12, 2013, announcing that a loan and grant were approved by Rural Development for the NYS Route 13 Sewer Improvement Project. All voting aye, the motion was carried.

Councilman Leach mentioned that the Town Highway Department recently repaved Clute Road in Blodgett Mills, and fixed part of W. River Road that was damaged due to the recent storm. Remediation was also being done on Blodgett Mills road which was also damaged by the storm.

Deputy Supervisor Testa recognized David Alexander who was in attendance and congratulated him for winning the Republican Primary Election for the second Town Justice position. Mr. Alexander was running unopposed for the General Election.

No further comments or discussion were heard.

Councilman Rocco made a motion, seconded by Councilman Leach, to adjourn the Regular Meeting. All voting aye, the motion was carried.

The meeting was adjourned at 5:30 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 2, 2013.

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