

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the McGraw Community Building in the Village of McGraw, 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  
Deputy Town Clerk, Kristin Rocco-Petrella

Absent:

Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup’t. Carl Bush; Town Zoning Board of Appeals Member, David Alexander; Barb Leach; Mike Barylski; Rick Nauseef; and News Reporter, Sharon Stevans for Channel 2 Access TV.

Supervisor Tupper called the meeting to order.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of April 3, 2013 as written. All voting aye, the motion was carried.

RESOLUTION #103

AUTHORIZE SUPERVISOR TO SIGN  
PURCHASE ORDER #1189

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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 #1189 submitted by Highway Sup’t. Bush to be paid to Upbeat Site Furnishings for the purchase of sixteen (16) 35 gallon plastic drum receptacles with dome tops for Town parks for the estimated cost of \$4,983.82.

RESOLUTION #104

AUTHORIZE PAYMENT OF VOUCHERS – MAY

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Motion by Councilman Leach  
Seconded by Councilman Testa  
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 #391-413         |              |
|                     | General Fund A           | \$ 12,672.93 |
|                     | General Fund B           | \$ 4,332.67  |
|                     | Highway Fund DA          | \$ 0.00      |
|                     | Highway Fund DB          | \$ 12,259.44 |
| Funds CD1, CD3, CD4 | Voucher #16-19           |              |
|                     | BMills Rehab CD1         | \$ 0.00      |
|                     | Town Wide Rehab CD3      | \$ 9,720.00  |
|                     | Business Devl CD4        | \$ 0.00      |
| Fund HC, SS, SW     | Voucher #144-146         |              |
|                     | NYS Rt 13 Sewer Rehab HC | \$ 0.00      |
|                     | Sewer SS                 | \$ 819.46    |
|                     | Water SW                 | \$ 65.70     |
| 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 report of the Code Enforcement Officer for the month of April 2012 was on the table for review and is 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 May 1, 2013, regarding programming services. All voting aye, the motion was carried.

Attorney Folmer reported:

Draft Local Law – Wind Energy Facilities:

Attorney Folmer requested the Board schedule a Public Hearing regarding the Proposed Local Law for Wind Energy Facilities for May 15, 2013 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building.

RESOLUTION #105                      SCHEDULE PUBLIC HEARING FOR A LOCAL LAW FOR  
WIND ENERGY FACILITIES IN THE TOWN OF  
CORTLANDVILLE

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

BE IT RESOLVED, a Public Hearing shall be scheduled for May 15, 2013 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building concerning a Local Law for Wind Energy Facilities in the Town of Cortlandville.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from the Cortland County Planning Department dated April 12, 2013, and Cortland County Planning Board Resolution #13-11 dated April 17, 2013, regarding the Aquifer Protection Permit of Lime Hollow Nature Center Inc. for property located on Gracie Road, tax map #105.05-01-12.110 NS 105.05-01-13.110. All voting aye, the motion was carried.

RESOLUTION #106                      AUTHORIZE “TEMPORARY CLOSURE” OF A SECTION OF  
FAIRGROUND DRIVE AND CARROLL STREET FOR THE  
CORTLAND COUNTY FAIR SUBJECT TO APPROVAL  
FROM THE TOWN HIGHWAY SUP'T.

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

WHEREAS, the Town received a request from the Cortland County Fair Board to authorize a “Temporary Closure” of a section of Fairground Drive and Carroll Street during the 2013 Cortland County Fair, and

WHEREAS, the temporary closure will not prohibit emergency vehicles access to Fairground Drive or Carroll Street, therefore

BE IT RESOLVED, the Town Board does hereby authorize a “Temporary Closure” on a portion of Fairground Drive and Carroll Street, being the “corner” where the two roadways connect, from July 7, 2013 through July 14, 2013 for the 2013 Cortland County Fair, subject to approval from the Town Highway Sup’t, and it is further

RESOLVED, signage for the temporary closure shall be provided by the Cortland County Fair Board.

Supervisor Tupper mentioned that the Town Board would be conducting a Town Board Meeting on Wednesday, July 10, 2013 at 5:00 p.m. at the County Fair as they did in 2012.

Supervisor Tupper apprised the Board there was a need for a Recreation Director for the Town of Cortlandville. Councilman Testa expressed an interest in the position. There would be no additional pay for the position.

RESOLUTION #107                      APPOINT THEODORE V. TESTA AS RECREATION  
DIRECTOR FOR THE TOWN OF CORTLANDVILLE

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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 appoint Theodore V. Testa as Recreation Director for the Town of Cortlandville, and it is further

RESOLVED, there will be no additional salary for the position.

Councilman Proud addressed the Board with regard to the Town’s water and sewer rates and the need to increase the sewer rate approximately 3.74% to make up for a revenue shortage. After spending much time calculating the increase to the sewer rate, Councilman Proud suggested the Board adopt the following sewer rates:

|                   |                         |
|-------------------|-------------------------|
| 0 – 6,000 gallons | \$26.25                 |
| 6,000 gallons +   | \$ 4.80 / 1,000 gallons |
| Industrial Rate   | \$ 1.58 / 1,000 gallons |

Supervisor Tupper thanked Councilman Proud and Water & Sewer Sup’t. Alteri for their hard work. He explained that the Town’s auditors and the State Comptroller say that water and sewer should pay for itself.

Councilman Testa thanked Councilman Proud for his work with the Water & Sewer Department. He stated that since Councilman Proud has come on board he has made a big difference. Councilman Proud thanked that staff of the Water & Sewer Department.

RESOLUTION #108                      ADOPT RESOLUTION TO ESTABLISH NEW SEWER RATES  
EFFECTIVE WITH THE 2<sup>ND</sup> QUARTER BILLING 2013

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

WHEREAS, the Town Board authorized the adoption to change the water and sewer rates under Chapter 171, Article I, Section 171-7, therefore

BE IT RESOLVED, the Water District Ordinance of the Town of Cortlandville, enacted September 30, 1957, and thereafter amended, is hereby further amended to provide the establishment of new sewer rates as follows:

- a) \$4.80 per thousand (1,000) gallons of consumption per quarter, for all sewer consumed over 6,000 gallons, with a minimum fee of \$26.25 per quarter.
- b) \$1.58 per thousand (1,000) gallons of consumption per quarter, for all Industrial sewer customers.

AND IT IS FURTHER, RESOLVED, the new sewer rates shall be effective with the 2<sup>nd</sup> Quarter July Billing 2013.

Supervisor Tupper asked if there was anything further to come before the Board.

Mike Barylski requested privilege of the floor. He asked Attorney Folmer for clarification of the adoption process with regard to the Local Law for Wind Energy Facilities, as well as the difference between an ordinance and a local law.

Attorney Folmer explained that the difference between an ordinance and a local law was with the procedure used. He explained the process for adopting a local law, which is as follows. A law must first be introduced; the proposed Local Law for Wind Energy Facilities was introduced at the April 24, 2013 Town Board Meeting. The Town Board must have the local law for a period of time to review. A public hearing must be scheduled and then conducted. (If necessary the Board would hold another public hearing after the May 15, 2013 public hearing.) The Board would hear comments at the scheduled public hearing from those in attendance regarding environmental concerns and the local law itself. Once the public hearing is complete the Board would address the concerns. On June 19, 2013 the matter would be on the agenda for the Board to consider. Attorney Folmer explained that by that point the Board would already be the Lead Agency. On June 19<sup>th</sup> the Board would attempt to complete a long form EAF and then consider to adopt or not adopt the Local Law. Assuming the Board adopts the Local Law on June 19<sup>th</sup>, the law would not become effective until it is filed with the Secretary of State.

At this point in the meeting Councilman Rocco arrived.

Mr. Barylski questioned what the Town would do with regard to the Cortland County Planning Board's recommendations.

Attorney Folmer explained that the Town Board received the Cortland County Planning Board recommendations. The Board believed the Local Law it proposed dealt with all of the recommendations. However, there was one condition that Attorney Folmer would ask the Board to override and reject which was with regard to allowing the applicant to request a variance for setbacks. Attorney Folmer would ask the Board not to include that condition which would mean that there would have to be a supermajority vote by the Town Board to not include it.

Attorney Folmer mentioned again that if the Local Law is adopted on June 19<sup>th</sup> it would not be effective until filed with the Secretary of State. The filing date would be close to the June 30<sup>th</sup> expiration date of the Moratorium.

Mr. Barylski questioned when the Town Board would close its comment period and whether the Board would adopt the Local Law as is or make changes.

With regard to comments, Attorney Folmer stated that comments could be made now. Attorney Folmer indicated that at the May 15, 2013 Town Board Meeting he would suggest that a date would be established for when comments should be in, which he suggested would be the Monday before the June 19<sup>th</sup> Town Board Meeting.

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 7:22 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 May 10, 2013.  
The draft version of this meeting was approved as written at the Town Board meeting of \_\_\_\_\_.