

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, Ronal L. Rocco
Councilman, John C. Proud

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Town Zoning Board of Appeals Member, David Alexander; Cortland County Legislator, Kevin Whitney; Denise McNeal; Frank McNeal; Paul Heider; Brianna Head; Steven Moffitt; Debbie Head; John Head; Bob Beard; Michael Barylski; Roy Hurlbert; News Reporters: Catherine Wilde from the *Cortland Standard*, and 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 March 20, 2013. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Special Town Board Minutes of March 21, 2013. All voting aye, the motion was carried.

RESOLUTION #91 AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #1188

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 #1188 submitted by Highway Sup't. Bush to be paid to D&L Landscaping to plant 27 trees with stakes/wire/tags and fertilizer at the Ted Testa Park for the total amount of \$6,399.00.

RESOLUTION #92 AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #0139

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 #0139 submitted by Water & Sewer Sup't. Alteri to be paid to H.D. Supply Water Works to purchase the SoundSens "i" 2 Pod Correlator Logger, to pinpoint leaks in the Town's water distribution system, for the total amount of \$9,950.00.

RESOLUTION #93 AUTHORIZE PAYMENT OF VOUCHERS – APRIL

Motion by Councilman Testa
Seconded by Councilman Leach
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 #313-390	
	General Fund A	\$100,030.56
	General Fund B	\$100,945.91
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$143,871.54
Funds CD1, CD3, CD4	Voucher #11-15	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 39,737.59
	Business Devl CD4	\$ 0.00
Fund HC, SS, SW	Voucher #116-143	
	NYS Rt 13 Sewer Rehab HC	\$ 4,000.00
	Sewer SS	\$ 4,890.92
	Water SW	\$ 16,613.01
Funds SF, TA, TE	Voucher #10-12	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 33,065.37
	Expendable Trust TE	\$ 0.00

Supervisor Tupper stated there were no requests for privilege of the floor this evening.

The monthly report of the Town Justice for the month of March 2013, and the Quarterly Report from the Cortland County SPCA (1st Quarter 2013), were on the table for review and are filed in the Town Clerk's Office.

Under communications, Supervisor Tupper read aloud a communication received from Philip A. Cinquanti expressing his appreciation for the excellent response and outcome of a hazardous condition repair at his residence on Abdallah Avenue on April 11, 2013. The Town Highway Department repaired a storm drain on Abdallah Avenue that was in danger of collapsing.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from Time Warner Cable, dated April 11, 2013, regarding programming services. All voting aye, the motion was carried.

Under new business Town Clerk Snyder informed the Board she would be attending the New York State Town Clerk's Association Conference in Buffalo, New York from Sunday, April 28, 2013 to Wednesday, May 1, 2013. Deputy Town Clerk, Kristin Rocco-Petrella would attend the May 1, 2013 Town Board Meeting in her absence.

Attorney Folmer reported:

Proposed Local Law – Wind Energy Facilities:

Attorney Folmer distributed copies of the proposed Local Law for Wind Energy Facilities to each of the Board Members as well as two copies for Town Clerk Snyder (one for the permanent record, and one for public review). He requested a motion be made that the proposed Local Law be considered introduced as of tonight. Attorney Folmer also requested that a motion be made for the Board to act as Lead Agency for SEQRA purposes with regard to the enactment of the ordinance.

RESOLUTION #94 **INTRODUCE THE PROPOSED TOWN OF CORTLANDVILLE
LOCAL LAW OF 2013, WIND ENERGY FACILITIES**

Motion by Councilman Testa

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Leach

NAY – 0 ABSENT – Rocco, Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby introduce the proposed Town of Cortlandville Local Law of 2013, Wind Energy Facilities.

RESOLUTION #95 DECLARE TOWN BOARD AS LEAD AGENCY WITH
REGARD TO THE ENACTMENT OF THE PROPOSED TOWN
OF CORTLANDVILLE LOCAL LAW OF 2013,
WIND ENERGY FACILITIES

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 declare itself Lead Agency for SEQRA purposes with regard to the enactment of the proposed Town of Cortlandville Local Law of 2013, Wind Energy Facilities.

Attorney Folmer explained the timetable for the proposed Local Law:

- April 24, 2013 - Introduced the Local Law
- April 24, 2013 - Town Board Declared Lead Agency. This declaration of Lead Agency does not require a 30-day waiting period because no one other than the Town Board has the authority to approve or deny the Local Law.
- May 1, 2013 - Town Board to schedule a Public Hearing to be held May 15, 2013 at 5:00 p.m.
- May 15, 2013 - Public Hearing to be held, which could be extended by means of a Special Meeting.
- June 19, 2013 - Adopt or not adopt the Local Law.
- April 24 - May 15, 2013 – Period of time to review the Local Law and prepare for the Public Hearing.
- May 15, 2013 – June 19, 2013 – Period of time for the Town Board to review Local Law again and give consideration to comments made.
- June 30, 2013 – Moratorium Expires

Attorney Folmer apprised the Board he would send the proposed Local Law to the following agencies as interested parties: the Town Zoning Board of Appeals, the Town Planning Board, the Cortland County Planning Board, and the Cortland County Legislature. Under the SEQRA regulation the interested parties have the same obligation, responsibility, or opportunity to speak as members of the public at the Public Hearing.

Attorney Folmer indicated that the matter had already been reviewed once by the Cortland County Planning Board, who made some recommendations and attached some conditions. All of the conditions except one have been included and covered adequately in the new regulation. Attorney Folmer stated that the one condition not included would have to be discussed by the Town Board at a further meeting.

Supervisor Tupper thanked Attorney Folmer, Councilman Proud, and Councilman Rocco for their efforts on the proposed Local Law. Their time spent was greatly appreciated.

RESOLUTION #96 AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT
REGARDING THE TOWN'S 2011 COMMUNITY
DEVELOPMENT BLOCK GRANT HOUSING
REHABILITATION PROGRAM BETWEEN THE TOWN AND
DIANE IRWIN, TRUSTEE OF REINHARDT C. & DOROTHY
L. EICHENAUER TRUST

Motion by Councilman Testa

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Leach

NAY – 0 ABSENT – Rocco, Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2011 Community Development Housing Rehabilitation Program, between the Town of Cortlandville and Diane Irwin, Trustee of Reinhardt C. & Dorothy L. Eichenau Trust, 3908 Route 11, Cortland, New York, regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$28,791.59.

RESOLUTION #97 AUTHORIZE SUPERVISOR TO SIGN THE OWNER-
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND
DIANE IRWIN, TRUSTEE OF REINHARDT C. & DOROTHY L.
EICHENAUER TRUST, FOR THE TOWN'S 2011 COMMUNITY
DEVELOPMENT BLOCK GRANT HOUSING
REHABILITATION PROGRAM

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

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Diane Irwin, Trustee of Reinhardt C. & Dorothy L. Eichenauer Trust, 3908 Route 11, Cortland, New York, for a 100% deferred loan for the 2011 Community Development Block Grant Housing Rehabilitation Program in the amount of \$28,791.59.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from New York State Homes & Community Renewal, dated April 5, 2013, regarding the Town's HOME Program and the 2013 Monitoring Compliance Satisfaction. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file the Resolution adopted by the Cortland County Legislature regarding Amnesty Week at the Cortland County Landfill to be held May 6th-10th, 2013. All voting aye the motion was carried.

There was discussion regarding receipt of the Draft Environmental Impact Statement (DEIS) from TCI Renewables for the Crown City Wind Energy Project, which was received April 12, 2013. Supervisor Tupper indicated that the DEIS was available for public review in the Town Clerk's Office as well as on the County's website, www.cortland-co.org.

Attorney Folmer urged the Board to look at the DEIS, which consisted of four volumes. There were sections that the Board may be concerned about or interested in. He referred to the section regarding traffic and the roads that would be used to access various sites. With the exception of one area where they would have to go across Heath Road in the Town, existing Town roads would not be utilized; they are all County roads.

TCI acknowledged that when they get to the sites for the turbines access roads would have to be built, which raised the following questions for Attorney Folmer. Would the roads be built to Town specifications? Who would own the roads? Should the Town be concerned about the method that these roads are built for future decommissioning? Would the roads be suitable in the future?

Attorney Folmer indicated that if there is a particular section of the DEIS that the Board has an interest in they may come up with similar comments. Attorney Folmer suggested that if the Board had any questions or concerns that they let him know.

RESOLUTION #98 ACKNOWLEDGE RECEIPT OF THE DRAFT
ENVIRONMENTAL IMPACT STATEMENT FROM TCI
RENEWABLES FOR THE CROWN CITY WIND ENERGY
PROJECT

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 acknowledge receipt of the Draft Environmental Impact Statement (DEIS) from TCI Renewables dated April 2013, received April 12, 2013, for the Crown City Wind Energy Project as submitted to the Cortland County Legislature.

RESOLUTION #99 AUTHORIZE SUPERVISOR TO SIGN THE 2013
RECREATION CONTRACT BETWEEN THE TOWN OF
CORTLANDVILLE AND THE CITY OF CORTLAND

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 the 2013 Recreation Contract between the Town of Cortlandville and the City of Cortland for Town parks in the amount of \$85,000.

RESOLUTION #100 AUTHORIZE SUPERVISOR TO TRANSFER FUNDS FROM
THE SEWER OPERATING FUND TO THE CAPITAL
PROJECT FUND FOR THE NYS ROUTE 13 SEWER
REHABILITATION PROJECT

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

WHEREAS, the Supervisor requested the Town Board authorize him to transfer funds from the Sewer Operating Fund to the Capital Project Fund for the NYS Route 13 Sewer Rehabilitation Project, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to transfer \$4,000.00 from the Sewer Operating Fund to the Capital Project Fund for the NYS Route 13 Sewer Rehabilitation Project, and it is further

RESOLVED, the Sewer Operating Fund will be reimbursed when the Town receives bonding for the NYS Route 13 Sewer Rehabilitation Project.

Attorney Folmer commented on the agenda item for authorization to amend the 2013 Budget, which had to do with the demolition of the former Golden Skillet located on Route 13. The demolition was 99% complete. The Town received and paid an invoice for the air testing that had to be done because of the possibility of asbestos in the building. The Town had not yet received a bill for the demolition itself. When the bill is received the Town would have to certify the payroll to demonstrate, if asked, that the contractor paid prevailing wage. When the bill is received the Town would make arrangements for the property owner to pay the bill, or to pay the Town back for the bill. If the owner of the property is not willing or able to pay, the Town would apply to the Supreme Court for an order requiring the amount of the demolition cost to be added to the 2014 Town & County tax bill.

Councilman Testa questioned when the demolition would be complete. Attorney Folmer stated that the contractor agreed to have the demolition complete within 30-days of the start date. He also mentioned that the demolition was being monitored by CEO Williams.

RESOLUTION #101 AMEND 2013 BUDGET AND AUTHORIZE SUPERVISOR TO
TRANSFER \$30,000.00 FROM GENERAL FUND PART TOWN
TO EXPENSE ACCOUNT DEMOLITION OF UNSAFE
BUILDING

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to transfer \$30,000.00 from General Fund Part Town (B599) to Expense Account Demolition of Unsafe Building (B3650.4) to appropriate for the demolition of unsafe buildings, and it is further

RESOLVED, the 2013 Budget is hereby amended.

Councilman Testa made a motion, seconded by Councilman Leach, to receive and file the Certification from Cortland County Personnel Officer, dated March 14, 2013, certifying the Town of Cortlandville's Payroll. All voting aye, the motion was carried.

RESOLUTION #102 AUTHORIZE APPROVAL REQUEST OF HERBERT AND
SHERRRY HICKS FOR THE 2011 COMMUNITY
DEVELOPMENT BLOCK GRANT HOUSING
REHABILITATION PROGRAM

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 the approval request of Herbert and Sherry Hicks, for property located at 4097 Hicks Hill Road in the Town of Cortlandville, for a 100% deferred loan for the 2011 Community Development Block Grant Housing Rehabilitation Program, and it is further

RESOLVED, the work to be completed would include interior carpentry, roofing, windows and doors, exterior carpentry, painting, electric and other, for a total of \$28,464.00.

Supervisor Tupper informed the public that the next Town Board Meeting would be held May 1, 2013 at 7:00 p.m. at the McGraw Community Center.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:25 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 ____.