

PUBLIC HEARING NO. 1

SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
ECONOMIC DEVELOPMENT APPLICATION

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 submitting an application to the New York State Office of Community Renewal for funding under the federal Small Cities Community Development Block Grant Program.

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; Town Zoning Board of Appeals Member, David Alexander; Ann Hotchkin from Thoma Development; Paul Heider; Barb Leach; Jim Gosier and Nick Marselli from Byrne Dairy; Steven Moffitt; News Reporters: Catherine Wilde from the *Cortland Standard*, Eric Mulvihill from WXHC, and Sharon Stevans for Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

Supervisor Tupper offered privilege of the floor to Ann Hotchkin.

Ann Hotchkin, from Thoma Development Consultants noted that they were assisting the Town with submitting a Community Development Block Grant (CDBG). During the first public hearing the Town only has to tell what is eligible through the CDBG Program with respect to economic development. However in this case, protocol was being broken because it was known that the Town would be applying on behalf of Byrne Dairy.

Mrs. Hotchkin provided the Board with a handout explaining the breakdown of what the Town was asking for. Under the CDBG Program, the maximum amount that could be applied for was \$750,000. Typically the money would go towards purchasing furniture, fixtures, and equipment acquisition. She explained that the application was a mix of a \$734,000 CDBG grant and a \$180,000 loan. The loan would be repaid to the Town.

Councilman Rocco questioned the time frame for repayment of the \$180,000 loan. Mrs. Hotchkin explained that the \$180,000 loan was federal funds that would be repaid to the Town in the form of a low interest bearing loan. She was not sure what the amortization schedule of the equipment would be, but projected that the loan would be repaid in 7-10 years.

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

Jim Gosier, General Counsel for Byrne Dairy, Inc., thanked the Town for sponsoring the CDBG application on Byrne Dairy's behalf. He mentioned that Byrne Dairy received final approval for the project from the Town Planning Board.

No further comments or discussions were heard.

The Public Hearing was closed at 5:10 p.m.

PUBLIC HEARING NO. 2

AQUIFER PROTECTION PERMIT
BYRNE DAIRY, INC., APPLICANT
CORTLAND COUNTY IDA, OWNER OF RECORD
FINGER LAKES EAST DRIVE AND OSBECK LANE
TAX MAP #105.00-03-15.000, 105.00-03-16.000, 105.00-03-17.000,
105.00-03-18.000, 105.00-03-19.000, 105.00-03-20.000, 105.00-03-21.000
105.00-03-24.000, 105.00-03-25.000, 105.00-03-26.000, 105.00-03-27.000

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 an application for an Aquifer Protection Permit permitting the construction of a 40,000 sq. ft. yogurt manufacturing facility, a 10,000 sq. ft. cheese manufacturing facility, a 10,000 sq. ft. café/visitors center, an outdoor amphitheater, a 4,500 sq. ft. executive lodge/meeting center, and to develop ancillary agriculture/entertainment facilities using existing structures on site, for property located on both sides of Finger Lakes East Drive and Osbeck Lane, tax map #105.00-03-15.000, 105.00-03-16.000, 105.00-03-17.000, 105.00-03-18.000, 105.00-03-19.000, 105.00-03-20.000, 105.00-03-21.000, 105.00-03-24.000, 105.00-03-25.000, 105.00-03-26.000, 105.00-03-27.000.

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; Town Zoning Board of Appeals Member, David Alexander; Ann Hotchkin from Thoma Development; Paul Heider; Barb Leach; Jim Gosier and Nick Marselli from Byrne Dairy; Steven Moffitt; News Reporters: Catherine Wilde from the *Cortland Standard*, Eric Mulvihill from WXHC, and Sharon Stevans for Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

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

Councilman Rocco questioned whether everything proposed would be constructed during Phase I. Supervisor Tupper explained that everything noted would be completed in the Phase I, however there are other phases planned for the future.

Supervisor Tupper offered privilege of the floor to Jim Gosnier.

Jim Gosnier, General Counsel for Byrne Dairy, Inc., stated that they were very pleased to be at this point. Most of the development of Phase I of the project was in Zone B for aquifer purposes. The project meets the density and greenspace requirements as the project has 135 acres of land to work with. Attorney Gosnier explained that the geotechnical testing was completed on the site; they were pleased with the results which showed permeable material such as sand and gravel.

Councilman Rocco stated that he spoke with many people, including representatives from the Lime Hollow Nature Center who were pleased about working with Byrne Dairy and the protection of the Bog. He questioned whether there were any problems with the DEC and moving the project along.

Attorney Gosnier explained that up to this point they have not had many questions for the DEC. He explained that Byrne Dairy has had a great relationship working with the Lime Hollow Nature Center. The Lime Hollow Nature Center had an application pending with the DEC for the past few years to reclassify the Bog from a Class 2 Wetland to a Class 1 Wetland. Attorney Gosnier stated that Byrne Dairy asked questions about what the reclassification would mean for them. He was able to walk through the Bog with two representatives from the DEC and Glen Reisweber from Lime Hollow and had all of his questions answered. Attorney Gosnier was not overly concerned that a reclassification would have a detrimental effect on Byrne Dairy.

Ann Hotchkin from Thoma Development Consultants apprised the Board she made a mistake with regard to the CDBG public hearing. In addition to the grant that was being

requested, the Town would be providing \$180,000 of its Community Development Block Grant funds for the Byrne Dairy project, which the Town had on hand. The Town would have the ability to amortize the loan based on the developer's ability to pay and the Town's contract with them regarding the money. Supervisor Tupper thanked Mrs. Hotchkin for the clarification.

No further comments or discussions were heard.

The Public Hearing was closed at 5:15 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, 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; Town Zoning Board of Appeals Member, David Alexander; Ann Hotchkin from Thoma Development; Paul Heider; Barb Leach; Jim Gosier and Nick Marselli from Byrne Dairy; Steven Moffitt; News Reporters: Catherine Wilde from the *Cortland Standard*, Eric Mulvihill from WXHC, and Sharon Stevans for 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 February 20, 2013. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of March 6, 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 February 26, 2013. 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 February 26, 2013. All voting aye, the motion was carried.

RESOLUTION #77

AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #1186

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1186 submitted by Highway Sup't. Bush to be paid to Tracey Road Equipment for the one-month rental of a Schwarze Vacuum Sweeper to clean Town roads for the total amount of \$9,800.00.

RESOLUTION #78

AUTHORIZE PAYMENT OF VOUCHERS – APRIL

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the vouchers submitted have been audited and shall be paid as follows:

Funds A, B, DA, DB	Voucher #260-312:	
	General Fund A	\$ 19,753.40
	General Fund B	\$ 5,503.05
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 25,056.41
Funds CD1, CD3, CD4	Voucher #10	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 28.18

Fund CD2	Voucher #0		
	Senior Rehab CD2	\$	0.00
Fund HC, SS, SW	Voucher #99-115		
	NYS Rt 13 Sewer Rehab HC	\$	29.39
	Sewer SS	\$	1,765.29
	Water SW	\$	2,375.22
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 Town Justice for the month of February 2013, and for the Town Clerk, Tax Collector, Supervisor, Code Enforcement Officer, and the Water & Sewer Department for the month of March 2013, were on the table for review and are filed in the Town Clerk's Office.

Councilman Rocco apprised the Board he met with the Town's auditors last week and answered questions they had, which was a routine part of the audit.

With regard to the Aquifer Protection Permit application of Byrne Dairy, Inc., Attorney Folmer explained that the Board's SEQR process would be different than what is ordinarily done, and that the SEQR process tonight only related to Phase I of the proposed project. There would be additional items as the build-out of the facility continues over a period of years. Attorney Folmer stated that someone may consider this to be "a segmented SEQR process". However, he stated that was not accurate under the SEQR regulations because as the additional projects come forward the Town can amend the SEQR determinations that would be made this evening so there is a "consistent and building-block approach to the SEQR process". Overall, the Board would be approving several different entities of several different project build-outs. They would be one big project at the conclusion.

Attorney Folmer reminded the Board that the site was originally developed by the Cortland County IDA as an industrial park. In connection with the development the IDA conducted a SEQR review as lead agency. In December 2005 the IDA prepared a Draft and Final GEIS (Generic Environmental Impact Statement). In February 2006 the IDA filed its Findings Statements in which they completed their SEQR review. Attorney Folmer asked the Board to adopt a resolution to receive, file, and adopt the findings statement that was signed by the IDA on February 24, 2006.

RESOLUTION #79 RECEIVE AND FILE AND ADOPT THE SEQRA FINDINGS
STATEMENT AS SIGNED BY THE CORTLAND COUNTY
IDA ON FEBRUARY 24, 2006

Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby receive and file and adopt the SEQRA Findings Statement (dated February 16, 2006) as signed by the Cortland County Industrial Development Agency (IDA) on February 24, 2006 with regard to the Finger Lakes East Business Park project.

Attorney Folmer apprised the Board that according to the recommendations from the Cortland County Planning Board, they suggested the Town Board complete the SEQR review. The County Planning Board categorized the action as an unlisted action, which meant that a Full Environmental Assessment Form (EAF) should be completed by the Town Board. Attorney Folmer reviewed and completed Part 2 of the Full EAF with the Board, and reminded the Board that the impacts referred to negative impacts that affect the environment. Since the Board did not identify any potentially-large impacts it was not necessary to complete Part 3 of the Full EAF.

RESOLUTION #80 DECLARE NEGATIVE IMPACT FOR AQUIFER
PROTECTION PERMIT #2 OF 2013 SUBMITTED BY BYRNE
DAIRY, INC. FOR PHASE I OF THE PROJECT FOR
PROPERTY LOCATED ON FINGER LAKES EAST DRIVE
AND OSBECK LANE

Motion by Councilman Rocco
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Byrne Dairy, Inc. for Phase I of its project to permit the construction of a 40,000 sq. ft. yogurt manufacturing facility, a 10,000 sq. ft. cheese manufacturing facility, a 10,000 sq. ft. café/visitors center, an outdoor amphitheater, a 4,500 sq. ft. executive lodge/meeting center, and to develop ancillary agriculture/entertainment facilities using existing structures on site, for property located on both sides of Finger Lakes East Drive and Osbeck Lane, tax map #105.00-03-15.000, 105.00-03-16.000, 105.00-03-17.000, 105.00-03-18.000, 105.00-03-19.000, 105.00-03-20.000, 105.00-03-21.000, 105.00-03-24.000, 105.00-03-25.000, 105.00-03-26.000, 105.00-03-27.000, and

WHEREAS, the Town Board as Lead Agent, duly reviewed and completed Part 2 of the Full Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare the proposed project of Byrne Dairy, Inc., Phase I, Aquifer Protection Permit #2 of 2013, shall have no significant environmental impact.

RESOLUTION #81 AUTHORIZE SUPERVISOR TO SIGN SEQRA
APPLICATION OF AQUIFER PROTECTION
PERMIT #2 OF 2013

Motion by Councilman Rocco
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #2 of 2013, submitted by Byrne Dairy, Inc. for Phase I of its project.

Councilman Rocco made a motion, seconded by Councilman Testa, to receive and file correspondence from the Cortland County Planning Department to the Cortland County Planning Board, dated March 15, 2013, regarding the Aquifer Protection Permit application of Byrne Dairy, Inc. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file Cortland County Planning Board Resolution #13-08, dated March 20, 2013, regarding the Aquifer Protection Permit Application of Byrne Dairy, Inc. All voting aye, the motion was carried.

Attorney Folmer indicated that at the last Planning Board Meeting counsel for the applicant was present. The applicant had no discussion or concern over any of the conditions that were set forth in the recommendation from the County Planning Board. Attorney Folmer also noted that in addition to the conditions, there were three notes from the County Planning Board that the Town Board should undertake as they plan for the future development of the project. Councilman Proud questioned whether the Board should include the three notes in addition to the thirteen conditions. Councilman Rocco questioned what the Town Planning Board suggested the Board do.

Attorney Folmer stated that the additional notes were merely suggestions as to activities that ought to be undertaken as the Town continues the planning process in the future. The Town Planning Board discussed including the notes in their recommendation to the Town Board and decided not to. Councilman Rocco stated the Board usually follows what the Planning Board suggests, and suggested the Board leave the three notes out. Supervisor Tupper agreed.

RESOLUTION #82 APPROVE AQUIFER PROTECTION PERMIT #2 OF 2013
SUBMITTED BY BYRNE DAIRY, INC. FOR PHASE I OF THE
PROJECT FOR PROPERTY LOCATED ON FINGER LAKES
EAST DRIVE AND OSBECK LANE SUBJECT TO
CONDITIONS

Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

WHEREAS, the Cortland County Planning Department and the Town Planning Board have reviewed and recommended approval of this Aquifer Protection Permit application, and

WHEREAS, a Public Hearing was duly held by this Town Board, therefore

BE IT RESOLVED, the Town Board does hereby approve Aquifer Protection Permit #2 of 2013, submitted by Byrne Dairy, Inc. for Phase I of its project, permitting the construction of a 40,000 sq. ft. yogurt manufacturing facility, a 10,000 sq. ft. cheese manufacturing facility, a 10,000 sq. ft. café/visitors center, an outdoor amphitheater, a 4,500 sq. ft. executive lodge/meeting center, and to develop ancillary agriculture/entertainment facilities using existing structures on site, for property located on both sides of Finger Lakes East Drive and Osbeck Lane, tax map #105.00-03-15.000, 105.00-03-16.000, 105.00-03-17.000, 105.00-03-18.000, 105.00-03-19.000, 105.00-03-20.000, 105.00-03-21.000, 105.00-03-24.000, 105.00-03-25.000, 105.00-03-26.000, 105.00-03-27.000, subject to the following conditions from the Town and County Planning Boards:

1. The applicant securing driveway permits from the Town Highway Superintendent for each of the proposed new driveway entrances (nine on Finger Lakes East Drive and two on Osbeck Lane) to Town roads.
2. The regrading of the amphitheater area and its impact on stormwater runoff being addressed in the stormwater plan for the site.
3. The modified stormwater plan for the site which incorporates the proposed development into the existing stormwater facility on site being approved by the Town and the NYS Department of Environmental Conservation (DEC).
4. The applicant obtaining approval of the public water and sewer connections from the Town/County Health Department including the installation of a backflow prevention device for the public water connection.
5. The applicant obtaining a SPDES permit from the DEC for the disposal of the waste generated by the yogurt and cheese plants.
6. The applicant receiving written confirmation from the City's Wastewater Treatment Plant Operator that the wastewater treatment plant can handle the waste generated by this facility and that this proposal falls under the City's industrial treatment program.
7. The applicant obtaining a food service permit from the County Health Department for the operation of the proposed café.
8. That "lawn parking" areas be inspected after events that require lawn parking and that any stormwater impacts as a result of the lawn parking be addressed by the applicant.
9. The applicant providing a written narrative to the Town providing more detail as to the nature of events to be held at the amphitheater, which should include the following:
 - a. Traffic control measures during periods of heavy traffic volumes at the beginning and end of an event.
 - b. Anticipated number of events to be held per year with anticipated timeframe (beginning and end time) of events.
10. The applicant providing information regarding the height of the white board fence to the Town to insure compliance with Town regulations.

11. The applicant submitting a lighting plan for the amphitheater area, lodge/meeting center, farmstead area, and the building/pedestrian areas at the plant/visitors center to the Town for review and approval.
12. The applicant providing more information as to the lighting of the windmill blades (duration, lit while the blades are turning or only while stationary, etc.) to allow the Town to adequately assess any potential impacts that illumination of the windmills may have on NYS Route 13 and/or neighboring properties.
13. Compliance with SEQR requirements.

AND IT IS FURTHER RESOLVED, the Supervisor is hereby authorized to sign the permit.

Neither Town Clerk Snyder nor Attorney Folmer had anything to report.

RESOLUTION #83 REFER AQUIFER PROTECTION PERMIT APPLICATION
SUBMITTED BY LIME HOLLOW NATURE CENTER TO THE
TOWN AND COUNTY PLANNING BOARDS FOR REVIEW
AND RECOMMENDATIONS

Motion by Councilman Rocco
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby refer the Aquifer Protection Permit application submitted by Lime Hollow Nature Center for property located on Gracie Road, tax map #105.05-01-12.110 and 105.05-01-13.110, to the Town and County Planning Boards for review and recommendations.

Attorney Folmer excused himself from the meeting at this time.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from the New York State Homes & Community Renewal, dated March 18, 2013, regarding the Concurrence of Determination of Categorical Exclusion for the NYS CDBG – Precision Eforming, LLC. All voting aye, the motion was carried.

RESOLUTION #84 AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH
THOMA DEVELOPMENT CONSULTANTS FOR
ADMINISTRATIVE AND PROGRAM DELIVERY SERVICES
FOR THE 2012 COMMUNITY DEVELOPMENT BLOCK
GRANT FOR PRECISION EFORMING, LLC

Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town does hereby authorize and direct the Town Supervisor to sign the contract with Thoma Development Consultants, 34 Tompkins Street, Cortland, New York for Administrative and Program Delivery Services for the 2012 Community Development Block Grant for Precision Eforming, LLC, in an amount not to exceed \$6,750.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from the New York State Homes & Community Renewal, dated March 18, 2013, regarding the Grant Agreement Completion Notice for the NYS Community Development Block Grant for Pall Corp, and the remaining project balance of \$359.48. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Executed 2011-12 Urban & Community Forestry Grant Round 11 Contract for tree planting at Ted Testa Park. All voting aye, the motion was carried.

There was discussion regarding the tree planting grant that the Town received for the Ted Testa Park. Supervisor Tupper explained that 56 trees of different varieties would be planted in 2013 and 2014. Highway Sup't. Bush was in the process of obtaining bids for the project.

RESOLUTION #85 AUTHORIZE THE CORTLAND CITY SCHOOL DISTRICT
USE OF THE TOWN MEETING ROOM TO CONDUCT THEIR
ANNUAL SCHOOL BOARD ELECTION ON MAY 21, 2013

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Cortland City School District use of the Town meeting room in the Raymond G. Thorpe Municipal Building, to conduct their annual Budget Vote and School Board Elections on Tuesday, May 21, 2013 from 11:30 a.m. - 9:30 p.m.

RESOLUTION #86 AUTHORIZE SUPERVISOR TO SIGN THE OWNER-
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND
JONI L. GREENE AND FERN A. CRANDALL FOR THE
TOWN'S 2011 COMMUNITY DEVELOPMENT BLOCK
GRANT HOUSING REHABILITATION PROGRAM

Motion by Councilman Rocco
Seconded by Councilman Leach
VOTES: ALL AYE 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 Joni L. Greene and Fern A. Crandall, 11 North Street, McGraw, New York, for a 100% deferred loan for the 2011 Community Development Block Grant Housing Rehabilitation Program in the amount of \$23,235.00.

RESOLUTION #87 AUTHORIZE SUPERVISOR TO SIGN THE PROPERTY
REHABILITATION AGREEMENT BETWEEN THE TOWN
AND RITA ROGERS AND KARL J. ROGERS AND THE
BUYER-OCCUPIED LOAN AGREEMENT BETWEEN THE
TOWN AND ANDREW STILES FOR THE TOWN'S 2011
COMMUNITY DEVELOPMENT BLOCK GRANT
HOUSING REHABILITATION PROGRAM

Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Property Rehabilitation Agreement between the Town of Cortlandville and Rita Rogers and Karl J. Rogers, and the Buyer-Occupied Loan Agreement between the Town of Cortlandville and Andrew Stiles, with regard to property located at 4154 North Road, McGraw, New York and a 100% deferred loan for the 2011 Community Development Block Grant Housing Rehabilitation Program in the amount of \$27,490.00.

RESOLUTION #88 AUTHORIZE SUPERVISOR TO SIGN THE ANNUAL
PERFORMANCE REPORT REGARDING THE COMMUNITY
DEVELOPMENT BLOCK GRANT FOR PYROTEK

Motion by Councilman Leach
Seconded by Councilman Rocco
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Annual Performance Report for 2012 regarding the Community Development Block Grant (CDBG) for Pyrotek and the completion of the project activities as proposed.

RESOLUTION #89 REFER ZONE CHANGE REQUEST SUBMITTED BY JAMES
AND MIKE REENERS TO THE TOWN AND COUNTY
PLANNING BOARDS FOR REVIEW AND
RECOMMENDATIONS

Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby refer the Zone Change Request submitted by James and Mike Reeners for property located off of Kinney Gulf Road and Route 281 from R-1 to R-3, tax map #86.09-01-21.000 and #86.09-01-22.200, to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the correspondence from James and Mike Reeners requesting the zone change for the purpose of developing Westmoreland Heights, an Independent Senior Living Community, received March 27, 2013, is hereby received and filed.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Christina Cerio, USDA Rural Development, dated March 27, 2013, regarding acceptance of the revised Preliminary Engineering Report for the Route 13 Sewer Project. All voting aye, the motion was carried.

Supervisor Tupper indicated that the Town's application packet to the USDA was now complete with regard to the Route 13 Sewer Rehabilitation Project. He anticipated that the Town would be hearing from the EFC with regard to funding soon. The USDA would not respond until after the EFC did.

RESOLUTION #90 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 Rocco
Seconded by Councilman Leach
VOTES: ALL AYE 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 \$9,129.10 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.

Supervisor Tupper informed the public that he, Councilman Testa and Councilman Proud would not be able to attend the Town Board Meeting scheduled for April 17, 2013. Since there would not be a quorum the Regular Meeting was rescheduled to Wednesday, April 24, 2013 at 5:00 p.m. Members of the media were in attendance and were therefore notified.

RESOLUTION #91 RESCHEDULE REGULAR TOWN BOARD MEETING OF
APRIL 17, 2013 TO WEDNESDAY, APRIL 24, 2013

Motion by Councilman Testa
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby reschedule the Regular Town Board Meeting of April 17, 2013 to Wednesday, April 24, 2013 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York.

With regard to wind farms, Councilman Rocco apprised the Board he learned some new information from *Reuters* magazine that he wanted to share. British Petroleum (BP), which is one of the largest wind turbine businesses in the world is moving from wind to oil and gas, and are selling their largest U.S. wind farm operation. He stated that oil and gas projects offer BP larger returns. Councilman Rocco apprised the Board that this was a big deal and suggested they read the article from *Reuters*.

No further comments or discussion were heard.

Councilman Testa made a motion, seconded by Councilman Rocco, 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 April 26, 2013.
The draft version of this meeting was approved as written at the Town Board meeting of ____.