

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
LEACH'S CUSTOM TRASH SERVICES
1834 ROUTE 13
TAX MAP #77.00-04-10.000

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 submitted by Leach's Custom Trash Services to install a 2,000 gallon fuel storage tank at an existing trash service facility, for property located approximately 400' south of the intersection of Loring Crossing and NYS Route 13, tax map #77.00-04-10.000.

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; County Legislator, Joe Steinhoff; Joanne Aloï; Pat Leach from Leach's Custom Trash Services; Barb Leach; Sarah Leach; 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 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.

Pat Leach, Manager of Leach's Custom Trash Services asked the Board to approve the Aquifer Permit to allow for the installation of the fuel tank. He explained that having a fuel tank on site would be convenient for all of their vehicles and would save the business money because they could have a set price for fuel.

Mr. Leach mentioned that the DEC conducted a random inspection at the facility today and Leach's was in compliance with everything. He stated that their business does a nice job keeping the property in order.

No further comments or discussions were heard.

The Public Hearing was closed at 5:05 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, 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; County Legislator, Joe Steinhoff; Joanne Aloï; Pat Leach from Leach’s Custom Trash Services; Barb Leach; Sarah Leach; 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.

Councilman Proud made a motion, seconded by Councilman Rocco, to approve the Draft Town Board Minutes of August 5, 2015 as written. All voting aye, the motion was carried.

The Draft Town Board Minutes of July 8, 2015 and July 15, 2015 were presented to the Board for their review.

RESOLUTION #

AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #1251

Motion by Councilman Leach
Seconded by Councilman Rocco
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 Purchase Order #1251 submitted by Highway Sup’t. Bush to be paid to Midland Machinery Co., for the purchase of eight replacement wheels for the shoulder machine, at a cost of \$310 +/- per wheel.

RESOLUTION #

AUTHORIZE PAYMENT OF VOUCHERS – AUGUST

Motion by Councilman Leach
Seconded by Councilman Testa
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 #749-790	
	General Fund A	\$ 18,638.62
	General Fund B	\$ 1,897.28
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$120,997.34
Funds CD1, CD3, CD4	Voucher #38-40	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 12,025.00
	Business Devl CD4	\$ 129.02
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #306-324	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$212,122.25
	Water SW	\$ 93,282.46

Funds SF, TA, TE	Voucher #29-31	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 39,650.16
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Joe Steinhoff.

County Legislator, Joe Steinhoff stated that there are four different speed limits Blodgett Mills. From the hamlet travelling west it is 30 mph; travelling north it is 40 mph; travelling east it is 35 mph; and 40 mph then 35 mph travelling onto W. River Road. A few people have commented on the different speed limits. Mr. Steinhoff questioned whether the Board could ask the State to review the speed limits and request the same speed limit on all four roads.

Councilman Proud stated that a petition signed by residents that can be submitted to the State may be helpful to reduce the speed limits. Supervisor Tupper agreed and added that the petition should indicate what residents would like the speed limit to be.

Councilman Testa asked Highway Sup't. Bush for his input. Highway Sup't. Bush stated that he could write a letter suggesting the speed limit be 30 mph throughout Blodgett Mills. Supervisor Tupper commented that the speed limits may be different because Kellogg Road is a County road and W. River Road is a Town road.

Mr. Steinhoff stated that he made the observation of the different speed limits while travelling through Blodgett Mills. He stated that vehicles travel at high speeds and there is limited visibility on W. River Road.

Supervisor Tupper indicated that the petition should be submitted to Town Clerk Snyder who would submit it to the Board to proceed with.

Councilman Leach questioned the bridge work being done on Kellogg Road, and whether there were plans to dig underneath the bridge due to the flooding concerns. Mr. Steinhoff stated that the culvert was cleaned out by the County Highway Department. He explained that the Highway Department was busy with road repairs, however he would bring the issue up again with the County Highway Sup't.

The monthly reports of the Code Enforcement Office and the Town Justices for the month of July 2015 were on the table for review and are filed in the Town Clerk's office.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Nick Renzi, dated August 6, 2015, thanking the Town Highway Department for the great job they did replacing a culvert pipe at the end of his driveway. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Time Warner Cable, dated August 19, 2015, regarding programming services. All voting aye, the motion was carried.

Councilman Leach excused himself from the meeting at this time.

Attorney Folmer and the Board reviewed the SEQR Short Environmental Assessment Form for the Aquifer Protection Permit application submitted by Leach's Custom Trash Services for property located at 1834 Route 13.

RESOLUTION #	DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION PERMIT #4 OF 2015 SUBMITTED BY LEACH'S CUSTOM TRASH SERVICES FOR PROPERTY LOCATED AT 1834 ROUTE 13
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Motion by Councilman Proud

Seconded by Councilman Rocco

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

WHEREAS, an Aquifer Protection Permit application was submitted by Leach's Custom Trash Services to permit the installation of a 2,000 gallon fuel storage tank at an existing trash service facility, for property located approximately 400' south of the intersection of Loring Crossing and NYS Route 13, tax map #77.00-04-10.000, and

WHEREAS, the Town Board as Lead Agent, duly reviewed and completed the Short Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare the proposed project of Leach's Custom Trash Services, Aquifer Protection Permit #4 of 2015, shall have no significant environmental impact.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN SEQRA
APPLICATION OF AQUIFER PROTECTION
PERMIT #4 OF 2015

Motion by Councilman Rocco

Seconded by Councilman Proud

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #4 of 2015, submitted by Leach's Custom Trash Services.

RESOLUTION # APPROVE AQUIFER PROTECTION PERMIT #4 OF 2015
SUBMITTED BY LEACH'S CUSTOM TRASH SERVICES FOR
PROPERTY LOCATED AT 1834 ROUTE 13 SUBJECT TO
CONDITIONS

Motion by Councilman Rocco

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Rocco, Proud NAY - 0 ABSENT - Leach
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 #4 of 2015, submitted by Leach's Custom Trash Services, permitting the installation of a 2,000 gallon fuel storage tank at an existing trash service facility, for property located approximately 400' south of the intersection of Loring Crossing and NYS Route 13, tax map #77.00-04-10.000, subject to conditions from the Town and County Planning Boards:

1. The applicant obtaining a Petroleum Bulk Storage permit from the County Health Department including compliance with those standards described in Article XX, XXI and XXII of the Sanitary Code of the Cortland County Health Department including construction plan review with specifications for tanks, piping, and all equipment.
2. The applicant applying for and receiving a use variance for expansion of a use not permitted in the B-2 District or Area I of the Aquifer Protection District.
3. The applicant showing that applicable zoning regulations and restrictions have caused unnecessary hardship as is required before any use variance may be granted.
4. Compliance with SEQR requirements.

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

Councilman Leach returned to the meeting at this time.

Under new business, Town Clerk Snyder apprised the Board she received notification from Cort-Lanes Inc. regarding the renewal of their alcoholic beverage license. She requested the Board receive and file the notice.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Standardized Notice Form for a renewal application for an Alcoholic Beverage License to the New York State Liquor Authority, dated August 5, 2015, from John Partigianoni for Cort-Lanes Inc. located at 928 Route 13 in the Town of Cortlandville. All voting aye, the motion was carried.

Attorney Folmer reported:

Proposed Junk Law:

Attorney Folmer presented the Board with copies of the proposed Junk Storage Law prepared by PZO Weber, CEO Williams, CEO Campbell, and himself. Changes were made to the proposed Junk Law as a result of the comments made by the Board. He requested the Board review the document so that it could be discussed at a future meeting. He pointed out Article E. Junkyard Permit, which requires the issuance of, and application for a permit to operate and maintain a junkyard within the Town. There are two opinions with regard to this Article. CEO Weber was of the opinion that since there has never been a legally established junkyard in the Town there was no "non-conforming use", and that a permit may not be necessary. CEO Williams was of the opinion that if a permit is required, then you can avoid the discussion of whether or not an existing junkyard pre-existed the enactment of any zoning ordinance. Attorney Folmer requested the Board give both opinions some thought.

Councilman Rocco requested the Board conduct a work session regarding the proposed ordinance. Attorney Folmer stated that a public hearing must also be held.

Supervisor Tupper pointed out that this was the sixth draft of the proposed ordinance. He questioned whether there was a need to schedule the work session tonight. Attorney Folmer indicated that the Board could schedule the work session at a later date.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN THE OWNER-OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND HERBERT AND SHERRY HICKS FOR THE TOWN'S 2011 COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION PROGRAM
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Motion by Councilman Rocco

Seconded by Councilman Leach

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

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 Herbert and Sherry Hicks, 4097 Hicks Hill Road, McGraw, New York, for a 100% deferred loan for the 2011 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$575.00.

RESOLUTION #	AUTHORIZE CHANGE ORDER NO. 5 FROM VACRI CONSTRUCTION CORPORATION FOR THE NYS ROUTE 13 SANITARY TRUNK SEWER REHABILITATION PROJECT
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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 execute Change Order No. 5 from Vacri Construction Corporation to extend the contract time until the end of August 2015 for the Manhole Rehabilitation work, for the NYS Route 13 Sanitary Trunk Sewer Rehabilitation Project.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from NYS Homes & Community Renewal, dated August 3, 2015, regarding the NYS CDBG Comprehensive Monitoring Report for Pall Corp. All voting aye, the motion was carried.

Supervisor Tupper thanked Town Clerk Snyder and Bookkeeper Hicks for their efforts with the monitoring visit conducted by the Office of Community Renewal with regard to the Pall Corp project. Town Clerk Snyder met with OCR as they determined whether program operations were compliant with the requirements of CDBG regulations. The visit revealed no findings, 2 minor concerns, and no recommendations. Supervisor Tupper explained that one concern had to do with a regulation that did not exist when the grant was awarded. The second concern was that the Town Board did not visit the site. Town Clerk Snyder added that if the Board is invited to an open house the invitation should be added to the files, as well as any newspaper articles. The new concerns were not part of the CDBG when it was awarded 4 years ago. Supervisor Tupper added that the Town must provide a written explanation as to how the concerns will be addressed for current and future grants.

There was discussion regarding the appointment of Joanne Aloï to the Cortlandville Zoning Board of Appeals to fill the term of Tom Aloï, who recently passed away. Supervisor Tupper indicated that Mrs. Aloï expressed her desire to fill the term.

RESOLUTION # APPOINT JOANNE L. ALOI TO THE CORTLANDVILLE
ZONING BOARD OF APPEALS

Motion by Councilman Testa

Seconded by Councilman Leach

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

WHEREAS, due to the recent passing of Cortlandville Zoning Board of Appeals Member, Thomas A. Aloï, there is a vacancy, therefore

BE IT RESOLVED, the Town Board does hereby appoint Joanne L. Aloï, of 3655 Levydale Park, Cortland, New York to the Cortlandville Zoning Board of Appeals, commencing August 19, 2015 and shall expire December 31, 2016.

Supervisor Tupper introduced Joanne Aloï, and extended his condolences for the recent passing of her husband, Tom. Town Clerk Snyder gave Mrs. Aloï her official oath of office.

RESOLUTION # AMEND THE 2015 BUDGET AND AUTHORIZE
SUPERVISOR TO TRANSFER FUNDS

Motion by Councilman Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to transfer funds to adjust the accounts of the 2015 Budget for the Town of Cortlandville as follows:

1) **HD / HE – CAPITAL PROJECT FUNDS:** Transfer \$40,018.17

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SS200	HD200	\$ 29,834.09
SS391	HE200	\$ 10,184.08
	TOTAL:	\$ 40,018.17

2) **HA / HB – CAPITAL PROJECT FUNDS:** Transfer \$44,091.83

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SW200	HA200	\$ 23,369.33
SW391	HB200	\$ 20,722.50
TOTAL:		\$ 44,091.83

AND IT IS FURTHER, RESOLVED, the Sewer Operating Fund will be reimbursed when the Town receives bonding for the Capital Projects, and it is further

RESOLVED, the 2015 Budget is hereby amended.

RESOLUTION #	AMEND THE 2015 BUDGET AND AUTHORIZE SUPERVISOR TO TRANSFER FUNDS
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Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY – 0
ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to transfer funds to adjust the accounts of the 2015 Budget for the Town of Cortlandville as follows:

1) **SS – SEWER FUND:** Transfer \$6,000.00

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SS9730.7	SS9730.6	\$ 6,000.00
TOTAL:		\$ 6,000.00

AND IT IS FURTHER, RESOLVED, the 2015 Budget is hereby amended.

There was discussion regarding a request for a reduced speed limit on Cosmos Hill Road. Town Clerk Snyder explained that she received a petition signed by residents of Cosmos Hill Road to reduce the speed limit on the Town’s portion of the road.

Supervisor Tupper thanked Undersheriff Herb Barnhart for installing the electronic speed sign on the road so quickly. Councilman Proud suggested that if possible the report from the electronic speed sign be submitted with the request. Highway Sup’t. Bush would also submit his comments.

Councilman Leach suggested the Board ask the Sheriff’s Department to send a patrol car to monitor the speed limits during rush hour.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file a Petition from residents of Cosmos Hill Road to reduce the speed limit from 40 mph to 30 mph. All voting aye, the motion was carried.

RESOLUTION #	AUTHORIZE REQUEST TO REDUCE SPEED LIMIT ON COSMOS HILL ROAD IN THE TOWN OF CORTLANDVILLE
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Motion by Councilman Leach
Seconded by Councilman Rocco
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY – 0
ADOPTED

WHEREAS, a petition was submitted by area residents requesting the speed limit be reduced from 40 mph to 30 mph on Cosmos Hill Road, a town road, from the intersection of Blue Creek Road to the Town of Homer line, and

WHEREAS, Town Highway Superintendent, Carl A. Bush is in agreement of such request, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct this request be sent to the NYS DOT for approval, via the Cortland County Highway Superintendent for his input, as required.

RESOLUTION # SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT SUBMITTED BY SUIT-KOTE
CORPORATION FOR PROPERTY LOCATED OFF
OF US ROUTE 11

Motion by Councilman Leach

Seconded by Councilman Rocco

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

ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for September 2, 2015 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, for the Aquifer Protection Permit application submitted by Suit-Kote Corporation for property located off of US Route 11, tax map #97.00-01-30.000, 97.02-01-12.000, and 97.02-01-13.000.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Cortland County Sheriff, Lee Price, dated August 13, 2015, thanking the Town for the money provided to the Sheriff's Department to purchase a canine police dog, including the training and kennel. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE SUPERVISOR TO LET OUT TO BID FOR THE
OAKCREST/PENDLETON STREET SEWER
INSTALLATION PROJECT

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 to let out to bid for the Oakcrest/Pendleton Street Sewer Installation Project, and it is further

RESOLVED, the bids shall be opened at 11:00 a.m. on September 14, 2015 at the office of the Town Clerk.

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 5:45 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 August 28, 2015.

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