

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; Ryan DuBois from Suit-Kote Corporation; News Reporters: Colleen Siuzdak from the *Cortland Standard*, and Peter Blanchard from the *Cortland Voice*.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Cortlandville Zoning Board of Appeals Minutes of June 30, 2015. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Rocco, to approve the Draft Special Town Board Minutes of July 24, 2015 as written. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS – AUGUST

Motion by Councilman Leach

Seconded by Councilman Rocco

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 #689-748	
	General Fund A	\$ 99,541.05
	General Fund B	\$ 24,133.88
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 71,248.70
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #279-305	
	Luker Rd Water HA	\$ 23,369.33
	Owego St Water HB	\$ 20,722.50
	NYS Rt 13 Sewer Rehab HC	\$492,523.22
	Oakcrest/Pendleton Sewer HD	\$ 29,834.09
	Saunders Rd Sewer HE	\$ 10,184.08
	Sewer SS	\$ 3,900.61
	Water SW	\$ 15,363.51
Funds SF, TA, TE	Voucher #25-28	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 39,424.25
	Expendable Trust TE	\$ 0.00

There were no requests for privilege of the floor.

The monthly reports of the Town Justices for the month of June 2015, and for the Supervisor, Town Clerk, and Water & Sewer Department for the month of July 2015 were on the table for review and are filed in the Town Clerk's office.

RESOLUTION #	ACKNOWLEDGE RECEIVING NOTICE OF PETITIONS FOR REVIEW OF ASSESSMENTS
--------------	--

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 acknowledge, by receiving and filing, the Notice of Petition, regarding their current assessments, from the following property owners:

Gator Cortlandville Partners 3654-3666 Route 281 tax map #96.09-01-02.200

K-Mart #7134 854 Route 13 tax map #95.20-02-06.000-1

Town Clerk Snyder sadly reported to the Board that Theresa Fortin, a former Deputy Town Clerk from 1974-1977 passed away on July 13, 2015.

Attorney Folmer reported:

Expiration of Time Limits:

Attorney Folmer apprised the Board that the time limits on several of the Board's outstanding items have passed. He also mentioned that the legal notice for the Option Agreement with Gutches Lumber was published on August 5, 2015, commencing the 30-day permissive referendum.

Councilman Rocco questioned the status of the proposed gas station for property located off of Route 13 submitted by Clearmideo and if any time limits had passed. Supervisor Tupper indicated that the applications were never approved and that the applicant was not pursuing the application at this time.

RESOLUTION #	RESOLUTION TO BE PAID DIRECTLY ALL OF TOWN'S SHARE OF COUNTY SALES TAX
--------------	---

Motion by Councilman Leach

Seconded by Councilman Proud

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

RESOLVED, that the Town of Cortlandville pursuant to NY Tax Law Section 1262 elects to be paid directly all of its share of county sales taxes which would otherwise be applied to reduce the county taxes levied upon real property in the Town of Cortlandville, and be it further

RESOLVED, that pursuant to NY Tax Law Section 1262, this resolution shall be effective commencing with calendar year 2016, and it is further

RESOLVED, that the Cortlandville Town Clerk shall forward a certified copy of this Resolution to the Cortland County Treasurer and the Cortland County Director of Real Property Tax Services by registered or certified mail before September 01, 2015.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from NYS Homes & Community Renewal regarding the Approved Contract Extension Request for the project completion deadline for the NYS CDBG of Byrne Dairy, Inc. (#287ED788-13). All voting aye, the motion was carried.

At this time in the meeting Councilman Leach excused himself from the meeting room.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file Cortland County Planning Department recommendations, dated July 10, 2015, and Cortland County Planning Board Resolution #15-17, dated July 15, 2015, regarding the Aquifer Protection Permit application of Leach's Custom Trash Services for property located at 1834 Route 13, tax map #77.00-04-10.000. All voting aye (Leach absent), the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file Cortland County Planning Department recommendations, dated July 10, 2015, and Cortland County Planning Board Resolution #15-18, dated July 15, 2015, regarding the Aquifer Protection Permit application of Royal Chevrolet/Cortland, Inc. for property located at 3838 Route 281, tax map #86.17-01-10.211. All voting aye (Leach absent), the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file Cortland County Planning Department recommendations, dated July 10, 2015, and Cortland County Planning Board Resolution #15-19, dated July 15, 2015, regarding the Aquifer Protection Permit application of Suit-Kote Corporation for property located at 3681 US Route 11, tax map #97.00-01-30.000, 97.02-01-12.000, and 97.02-01-13.000. All voting aye (Leach absent), the motion was carried.

RESOLUTION # SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT SUBMITTED BY LEACH'S CUSTOM
TRASH SERVICES FOR PROPERTY LOCATED
AT 1834 ROUTE 13

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, a Public Hearing shall be scheduled for August 19, 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 Leach's Custom Trash Services, for property located at 1834 Route 13, tax map #77.00-04-10.000.

Councilman Leach returned to the meeting.

There was discussion regarding the Aquifer Protection Permit applications submitted by Royal Chevrolet/Cortland, Inc. and Suit-Kote Corporation and whether or not it was appropriate to schedule public hearings at this time. Supervisor Tupper was not sure why PZO Weber did not request the Board schedule public hearings.

Ryan DuBois from Suit-Kote Corporation interjected and apprised the Board that one of the conditions from the County Planning Board was to address the fact that Suit-Kote had stockpiled soil in the floodway. Suit-Kote decided not to stockpile soil on the site at all, however Suit-Kote did not have a map to reflect that. Mr. DuBois sent an email to Suit-Kote's consultants to redraw the map and remove the three piles of stockpiled soil.

Attorney Folmer suspected there was a miscommunication on the agenda between I-5 and a) b) and c) and suggested the Board schedule all three public hearings. Attorney Folmer recalled the discussion from the Planning Board. If the Board did not have the updated map at the time of the public hearing, the Board could defer making a decision until they receive the proper documentation.

Supervisor Tupper suggested the Board schedule public hearings for the Aquifer Protection Permit applications submitted by Royal Chevrolet/Cortland Inc. and Suit-Kote Corporation.

RESOLUTION # SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT SUBMITTED BY ROYAL
CHEVROLET/CORTLAND, INC. FOR PROPERTY
LOCATED AT 3838 ROUTE 281

Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for August 19, 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 Royal Chevrolet/Cortland, Inc. for property located at 3838 Route 281, tax map #86.17-01-10.211.

RESOLUTION # SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT SUBMITTED BY SUIT-KOTE
CORPORATION FOR PROPERTY LOCATED AT
3681 US ROUTE 11

Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for August 19, 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 at 3681 US Route 11, tax map #97.00-01-30.000, 97.02-01-12.000, and 97.02-01-13.000.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN THE OWNER-
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND
GENELLE DARLING FOR THE TOWN'S 2013 COMMUNITY
DEVELOPMENT BLOCK GRANT TOWN-WIDE
HOUSING REHABILITATION PROGRAM

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 the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Genelle Darling, 7 Hicks Hill Road, McGraw, New York, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$600.00.

RESOLUTION # AUTHORIZE WATER & SEWER SUP'T. AND HIGHWAY
SUP'T. TO ACCEPT THE HIGHEST RESPONSIBLE BIDS
FOR SURPLUS EQUIPMENT AUCTIONED WITH AUCTIONS
INTERNATIONAL

Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct Water & Sewer Sup't. Alteri and Highway Sup't. Bush to accept the highest responsible bids for the following surplus equipment auctioned with Auctions International:

2000 Chevy Pickup truck#103 (Water), VIN# 1GCGK29RXYF507289 – closed at \$7,300.00

1975 Winco Portable Gas Generator (Water), 3 hp motor, S/N P-109-B – closed at \$60.00

1990 Pequea Trailer (Highway), VIN# 1P94S1621LG200006 – closed at \$1,750.00

2007 Toro Z453 Zero Turn Mower #81 (Highway), S/N 270002048 – closed at \$2,525.00

2007 Toro Z453 Zero Turn Mower #83 (Highway), S/N 270002045 – closed at \$2,230.00

2008 Ford ¾ ton Pickup 4x4 F-250 #61 (Highway), VIN# 1FTSX21578EC14184 – closed at \$13,500.00

2008 Ford ¾ ton Pickup 4x4 F-250 #77 (Highway), VIN# 1FTSX21598EC14185 – closed at \$13,250.00

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from NYS Environmental Facilities Corp. regarding Approval of Change Order No. 4 for the NYS Route 13 Sanitary Trunk Sewer Rehabilitation Project. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Troy & Banks, dated July 28, 2015, regarding the Time Warner Cable Franchise Fee Compliance Examination for the years 2009-2014. All voting aye, the motion was carried.

Supervisor Tupper indicated that Troy & Banks reviewed Time Warner Cable's franchise fee payable to the Town from 2009-2014 and revealed an underpayment of \$44,168 to the Town. The Town would not automatically receive the amount of money that Troy & Banks determined was due to the Town. A bill would be sent to Time Warner Cable indicating the amount due and if they disagreed then Troy & Banks would begin negotiations.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Cortland County Soil & Water Conservation District, dated July 29, 2015, asking for participation in the Annual Cortland County River Cleanup to be held Saturday, September 26, 2015. All voting aye, the motion was carried.

Attorney Folmer reverted back to discussion regarding the Aquifer Protection Permit application submitted by Suit-Kote Corporation and whether or not the Board should schedule a public hearing for the matter. Attorney Folmer looked at the Town Planning Board's Index of Actions from July 28, 2015. According to Resolution #50 of 2015, the Planning Board scheduled a public hearing for the proposed sand and gravel mining operation for August 25, 2015. The Planning Board was lead agency and would be completing the SEQR.

After discussion, Attorney Folmer suggested that the Board not schedule a public hearing regarding the Aquifer Protection Permit for Suit-Kote Corporation at this time.

RESOLUTION # RESCIND RESOLUTION # OF 2015 SCHEDULING A PUBLIC
HEARING FOR AQUIFER PROTECTION PERMIT
SUBMITTED BY SUIT-KOTE CORPORATION

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 rescind Resolution # of 2015 "Schedule Public Hearing for Aquifer Protection Permit Submitted by Suit-Kote Corporation for Property Located at 3681 US Route 11" in order for the Cortlandville Planning Board, the lead agency, to conduct its scheduled public hearing on August 25, 2015.

Councilman Leach mentioned that he attended the recent Cortland County Air Fest. He shared a story about taking a flight on the “Whiskey 7” a World War II Vintage C-47, which was the lead plane in the second wave of the D-Day invasion. Also on board was Congressman Hanna who sat in the co-pilot seat and took control of the plane when it was airborne. Councilman Leach was very impressed with the Air Fest.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:35 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 13, 2015.

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