

PUBLIC HEARING NO. 1

LOCAL LAW OF 2018

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL
MUNICIPAL LAW SECTION 3-c

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building located at 3577 Terrace Road, Cortland, New York 13045, regarding a Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Cortlandville pursuant to General Municipal Law Section 3-c, to allow the Town of Cortlandville to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, John P. Reynolds
Town Clerk, Kristin E. Rocco-Petrella

Absent:

Councilman, Douglas E. Withey

Others present were: Town Attorney, John Folmer; Deputy Town Clerk, Patricia Romer; Highway Sup’t. Glenn Bassett; Town Residents: Gregory and Barbara Leach; Kathy Reynolds; and Pamela Jenkins.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Kristin Rocco-Petrella, read aloud the published, posted and filed legal notice.

Supervisor Tupper offered privilege of the floor to those in attendance. No requests were made.

No further comments or discussions were heard.

The Public Hearing was closed at 5:03 p.m.

PUBLIC HEARING NO. 2

PRELIMINARY BUDGET 2019

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 the 2019 Preliminary Budget.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, John P. Reynolds
Town Clerk, Kristin E. Rocco-Petrella

Absent:

Councilman, Douglas E. Withey

Others present were: Town Attorney, John Folmer; Deputy Town Clerk, Patricia Romer; Highway Sup't. Glenn Bassett; Town Residents: Gregory and Barbara Leach; Kathy Reynolds; and Pamela Jenkins.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Kristin Rocco-Petrella, read aloud the published, posted and filed legal notice.

Supervisor Tupper offered privilege of the floor to those in attendance. No requests were made.

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, 3577 Terrace Road, Cortland, New York, with Supervisor Tupper presiding.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, John P. Reynolds
Town Clerk, Kristin E. Rocco-Petrella

Absent:

Councilman, Douglas E. Withey

Others present were: Town Attorney, John Folmer; Deputy Town Clerk, Patricia Romer; Highway Sup’t. Glenn Bassett; Town Residents: Gregory and Barbara Leach; Kathy Reynolds; and Pamela Jenkins.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Reynolds, to approve the Draft Town Board Minutes of October 3, 2018 and the Draft Special Town Board Minutes of October 26, 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Zoning Board of Appeals minutes of August 28, 2018 and September 25, 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Planning Board minutes of September 25, 2018. All voting aye, the motion was carried.

The Draft Town Board Minutes of October 17, 2018 and the Draft Special Town Board Minutes of October 22, 2018 and October 30, 2018 were presented to the Board for their review.

RESOLUTION #259

AUTHORIZE PAYMENT OF VOUCHERS - NOVEMBER

Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: AYE – Tupper, Testa, Proud, Reynolds
ABSENT – Withey
ADOPTED

NAY – 0

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

Funds A, B, DA, DB, HE, HG, HH, SS, SW	Voucher #1482-1605	
	General Fund A	\$ 108,114.25
	General Fund B	\$ 12,895.21
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 106,222.16
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber SC Project HG	\$1,559,438.29
	New Highway Garage HH	\$ 56,706.34
	Sewer Fund SS	\$ 271,717.77
	Water Fund SW	\$ 106,891.93
Funds CD1, CD3, CD4	Voucher #57-57	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 2,000.00
	Business Devl CD4	\$ 0.00
Funds SF, TA, TE	Voucher #52-55	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 41,666.88
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Gregory Leach.

Town resident and former Councilman, Gregory Leach commended Highway Sup't. Bassett and National Grid for their quick response in the repair of a street light that was reported as being out. The street light was repaired two days after Mr. Leach reported the outage.

Councilman Reynolds made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Water and Sewer Department for the month of October 2018. All voting aye, the motion was carried.

Councilman Reynolds made a motion, seconded by Councilman Proud, to receive and file the monthly report of the Town Clerk for the month of October 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file the monthly report of the Code Enforcement/Building Department for the month of October 2018, submitted by Code Enforcement Officer Kevin McMahon. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Town Supervisor for the month of October 2018. All voting aye, the motion was carried.

Councilman Reynolds made a motion, seconded by Councilman Proud, to receive and file the monthly report of the Cortland Community SPCA for the month of October 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Charter Communications, dated October 25, 2018, regarding programming services, and correspondence dated October 30, 2018, regarding the new point of contact for Government Affairs and Franchising in the Town of Cortlandville. All voting aye, the motion was carried.

There was discussion regarding the proposed Local Law to override the tax levy limit for the 2019 budget year. Supervisor Tupper explained that the adoption of the Local Law was a precautionary measure; however the 2019 Preliminary Budget was over the 2% tax cap. There was still time to reduce the budget and stay within the tax cap if that was the Board's intent. Councilman Proud reiterated a point he has made for the past several years that it was a new era of finance. The Board could adjust the budget and stay within the tax levy limit, however he stated the Town would be in a worse situation next year if the Board continued to use fund balance and reserves. Councilman Proud was comfortable overriding the tax levy limit.

Supervisor Tupper explained that in order to stay within the 2% tax cap the Town could increase the tax levy by less than \$35,000. The Board mentioned the cost of personnel and health insurance. The Board adopted a policy in the past few years to increase salaries based on the cost of living until a study was completed on salaries which will be done in the near future.

Councilman Reynolds questioned how many years the Board has been able to stay under the tax cap. Councilman Proud stated the Town has never gone over the tax cap, which became part of New York State law in 2011. Councilman Proud stated that property assessments have not been increasing as they have in the past. Councilman Testa mentioned the increase in court costs to the Town despite the increase in fines collected and turned over to the State.

RESOLUTION #260 ADOPT LOCAL LAW NO. 3 OF 2018 TO OVERRIDE THE
TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL
LAW SECTION 3-C

Motion by Councilman Proud
Seconded by Councilman Testa

VOTES: Supervisor Tupper	AYE
Councilman Testa	AYE
Councilmen Proud	AYE
Councilman Reynolds	NAY
Councilman Withey	ABSENT
ADOPTED	

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a public hearing to be held by said Board to hear all interested parties on a proposed Local Law enacting a resolution to override the tax levy limit established in General Municipal Law Section 3-c, and

WHEREAS, a notice of said public hearing was duly published in the Cortland Standard, the official newspaper of the said Town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, as required by law, and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law, now therefore

BE IT RESOLVED, the Town Board of the Town of Cortlandville hereby adopts said Local Law as Local Law No. 3 of 2018, enacting a resolution to override the tax levy limit established in General Municipal Law Section 3-c, a copy of which is attached hereto and made part hereof, and the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Cortlandville, and to give due notice of the adoption of said Local Law to the Secretary of State.

Be it enacted by the Town Board of the Town of Cortlandville as follows:

Section 1. Legislative Intent.

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Cortlandville, County of Cortland pursuant to General Municipal Law Section 3-c, to allow the Town of Cortlandville, County of Cortland to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2. Authority.

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the town Board to override the tax levy limit by the adoption of a Local Law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override.

The Town Board of the Town of Cortlandville, County of Cortland is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess if the limit specified in General Municipal Law Section 3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Town Clerk Rocco-Petrella apprised the Board she received correspondence from the Cortlandville Fire District, dated October 30, 2018, regarding the adopted 2019 Cortlandville Fire District Operating Budget. The total tax to be collected on behalf of the Fire District was \$780,750.00. She requested the correspondence and the adopted budget be received and filed.

Councilman Proud, made a motion, seconded by Councilman Testa, to receive and file correspondence from the Cortlandville Fire District, dated October 30, 2018, as well as the 2019 Cortlandville Fire District Operating Budget. All voting aye, the motion was carried.

Town Clerk Rocco-Petrella apprised the Board that pre-relevy letters were mailed to water/sewer customers that had outstanding balances over \$50.00. Such customers had until November 26, 2018 to pay the outstanding balance or the amount would be relevied on the 2019 Cortlandville Town and County Tax Bill. The total outstanding balance was approximately \$58,000.

Attorney Folmer reported:

Lime Bike Proposal:

Attorney Folmer apprised the Board he had a Memorandum of Understanding (MOU) from Lime Bike, which has to do with public bikes that can be rented for transportation. He wanted to speak with Highway Sup't. Bassett. He spoke with PZO Weber regarding the matter and as far as zoning is concerned even though it is a business it would be operated presumably within the public right-of-way. Attorney Folmer would report back to the Board at the next meeting.

Supervisor Tupper explained he attended a meeting with the Mayor of the City of Cortland and Mayor of the Village of Homer regarding Lime Bike, who all agreed that one MOU would be preferred so the language was identical. The City and Village attorneys approved the MOU. The Mayor of the City of Cortland had the same concern Highway Sup't. Bassett has regarding parking bicycles in the street and snow plowing.

Attorney Folmer stated he hesitated to call the MOU a contract because there was no corresponding obligation on the Town's part.

Pedestrian Bridge – Village of McGraw:

Attorney Folmer apprised the Board he had a draft agreement between the Town and the Village of McGraw regarding the pedestrian bridge in the Village. There were a few minor adjustments to discuss with Supervisor Tupper before he would return it to the Village Attorney.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file correspondence from NYS Homes and Community Renewal, dated October 16, 2018, regarding the 60 Day Completion Notice for the Town's 2016 Town-Wide Housing Rehabilitation Program (CDBG #287HR326-16). All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Proud, to receive and file the Annual Report of Minority/Women Business Enterprise (MWBE) regarding the 2016 Town-Wide Housing Rehabilitation Program (CDBG #287HR326-16) as completed by Thoma Development Consultants, for the period covering October 1, 2017-September 30, 2018. All voting aye, the motion was carried.

RESOLUTION #261	AUTHORIZE SUPERVISOR TO SIGN THE CDBG PROGRAM INCOME REPORT AND TO COMMIT \$54,000.00 IN PROGRAM INCOME FUNDS TO THE CORTLANDVILLE HOUSING REHABILITATION PROGRAM
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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Reynolds

NAY – 0

ABSENT – Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the NYS Community Development Block Grant Program CDBG Program Income Report, which indicates the Town of Cortlandville has \$54,000 in uncommitted NYS CDBG Program Income, and be it further

RESOLVED, the Town Board does hereby authorize the commitment of a total \$54,000 of CDBG Program Income funds to the Cortlandville Housing Rehabilitation program as identified in the Town's 2018 CDBG application, which allocated the funds to Program Delivery, Administration, and Rehabilitation.

RESOLUTION #262 AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE
TOWN-WIDE HOUSING REHABILITATION GRANT
PROGRAM CDBG #287HR326-16

Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Reynolds

NAY – 0

ABSENT – Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment for the following regarding the Town-Wide Housing Rehabilitation Grant Program-CDBG #287HR326-16:

Voucher #58: Joseph Jenne - \$5,034.29

RESOLUTION #263 AUTHORIZE SUPERVISOR TO SUBMIT BUDGET
MODIFICATION #2 TO NYS HOMES AND COMMUNITY
RENEWAL REGARDING THE 2016 TOWN-WIDE HOUSING
REHABILITATION GRANT PROGRAM CDBG #287HR326-16

Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Reynolds

NAY – 0

ABSENT – Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to submit Budget Modification #2 to NYS Homes and Community Renewal regarding the 2016 Town-Wide Housing Rehabilitation Grant Program CDBG #287HR326-16, which is being requested in order to move the remaining funds from Administration to Rehabilitation to cover final rehabilitation costs.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from the Cortland County Planning Department, County Rural House Numbering System, dated October 24, 2018, regarding the new street address for the Gutches Lumber Sports Complex, which was assigned as 3111 Byrne Hollow Crossing. All voting aye, the motion was carried.

RESOLUTION #264 AUTHORIZE SUPERVISOR TO TRANSFER FUNDS FROM
FUND BALANCES INTO ESTABLISHED RESERVE
ACCOUNTS

Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Reynolds

NAY – 0

ABSENT – Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to transfer the following funds from fund balances into the following reserve accounts:

- \$50,000.00 from DB fund balance into Highway Equipment Capital Reserve Fund DB 231
- \$15,000.00 from Water fund balance into Water Improvement Capital Reserve Fund SW 231
- \$25,800.00 from Sewer fund balance into Sewer Improvement Capital Reserve Fund SS 231

RESOLUTION #265 AMEND THE 2018 BUDGET AND AUTHORIZE
SUPERVISOR TO TRANSFER FUNDS

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Reynolds

NAY – 0

ABSENT – Withey

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to make an interfund transfer per the 2018 Budget from the sewer fund (SS9901.9) to General Fund A in the amount of \$97,214.00, and from the water fund (SW9901.9) to General Fund A in the amount of \$85,783.00.

There was discussion regarding the request made by Kolby Avery for relief of the water/sewer bill for property located at 3618 Munson Avenue. Supervisor Tupper explained that Mr. Avery and his wife purchased the property through the Cortland County auction. At the time of the tax sale, Mr. Avery was not aware that in addition to back taxes, the property also had an outstanding water/sewer bill in the amount of \$6,659.72, which was mostly due to a broken water pipe that occurred prior to the Averys taking possession of the property. The Averys plan to demolish the dilapidated home, which is next to their residence and to add a double-wide home.

Councilman Proud added that the Town Board has adjusted the sewer portion of bills in the past. Based on where the pipe burst, it was very unlikely that the water went into the sewer. Water & Sewer Sup't. Alteri recommended the Board adjust the sewer portion of the bill and not the water. The Board discussed the matter and agreed to reduce the sewer portion of the bill, the penalties, and to adjust the water and sewer benefit tax to 1.0 unit each as charged in the past. As a result of the high consumption, the water and sewer benefit tax for 2019 would compute to over 8.0 units each if the Board did not adjust it.

Town Clerk Rocco-Petrella apprised the Board that the Averys inquired about a possible payment schedule rather than having the amount due relieved onto the 2019 Cortlandville Town and County Tax Bill. Attorney Folmer was not prepared to discuss such request. The Board would discuss the matter again at the next Town Board meeting.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Kolby W. Avery, dated October 31, 2018, regarding the relief of the water and sewer bill (Account #361) for property located at 3618 Munson Ave. All voting aye, the motion is carried.

RESOLUTION #266 AUTHORIZE TOWN CLERK TO ADJUST THE SEWER
CHARGE AND WATER AND SEWER PENALTIES FOR 1ST
QUARTER BILLING FOR PROPERTY LOCATED AT 3618
MUNSON AVENUE AND TO SET THE 2019 WATER AND
SEWER BENEFIT TAX AT 1.00 UNITS EACH

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Reynolds

NAY – 0

ABSENT – Withey

ADOPTED

WHEREAS, a request was received from Kolby Avery to reduce the water and sewer charges, and penalty for the 1st Quarter billing of Account #361, for service to 3618 Munson Avenue, tax map #96.09-02-34.000, and

WHEREAS, Mr. Avery purchased the property in July 2018 through the Cortland County auction and assumed the responsibility of the outstanding water and sewer bill totaling \$6,659.72, and

WHEREAS, in March 2018 the Town Water and Sewer Department discovered that 3618 Munson Avenue had extremely high water consumption and upon further investigation discovered that a water pipe broke in the basement of the residence, at which point the Water and Sewer Department immediately shut the water off at the curb box, and

WHEREAS, despite several attempts being made, the Water & Sewer Department was unable to contact the property owner at such time, and

WHEREAS, Water & Sewer Sup't., Peter Alteri Jr. recommends the Town adjust the sewer portion of the outstanding bill since the majority of the water did not go into the sewer, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Clerk to reduce the sewer charge in the amount of \$3,267.58; to remove the water penalty in the amount of \$248.24; and to remove the sewer penalty in the amount of \$337.76 (a total reduction of \$3,853.58, and be it further

RESOLVED, the Town Clerk is further authorized and directed to set the 2019 Water and Sewer Benefit Tax Units to 1.00 units for both water and sewer.

RESOLUTION #267 MODIFY PART 3 OF SEQRA FOR THE AGRICULTURE &
FARMLAND PROTECTION PLAN FOR THE TOWN OF
CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Reynolds

NAY – 0

ABSENT – Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby modify Part 3 of SEQRA for the Agriculture & Farmland Protection Plan for the Town of Cortlandville, the last sentence of paragraph 1, to include the word “negative” and shall read as follows: “Therefore no significant *negative* environmental impacts are expected; beneficial impacts are anticipated.”

RESOLUTION #268 ADOPTION BY THE TOWN BOARD OF THE TOWN OF
CORTLANDVILLE OF A RESOLUTION ADOPTING A
NEGATIVE DECLARATION OF ENVIRONMENTAL
SIGNIFICANCE FOR THE PROPOSED AGRICULTURE &
FARMLAND PROTECTION PLAN FOR THE TOWN OF
CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Reynolds

NAY – 0

ABSENT – Withey

ADOPTED

WHEREAS, the Town Board of the Town of Cortlandville has undertaken the task of developing an Agriculture & Farmland Protection Plan; and

WHEREAS, the Plan was written with the assistance of an advisory committee and the New York State Department of Agriculture and Markets; and

WHEREAS, the Plan has been reviewed by Cortland County Planning Board as required by GML Section 239-m and by the Cortland County Planning Department, the Agricultural & Farmland Protection Board, and the Town of Cortlandville Planning Board; and

WHEREAS, the Town Board of the Town of Cortlandville declared itself as the Lead Agency with regard to the SEQRA review; and

WHEREAS, in its capacity as Lead Agency the Town Board has reviewed the comments and suggestions submitted by the reviewing bodies, as well as the comments of the public received at a public hearing duly noticed and held on June 20, 2018; now therefore

BE IT RESOLVED, the Town Board of the Town of Cortlandville does hereby declare a Negative Declaration under SEQRA for the Agriculture & Farmland Protection Plan and authorizes the Supervisor to execute and complete the formalities of the EAF review.

RESOLUTION #269 ADOPT AGRICULTURE & FARMLAND PROTECTION
PLAN FOR THE TOWN OF CORTLANDVILLE

Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Reynolds NAY – 0

ABSENT – Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the Agriculture & Farmland Protection Plan dated September 2018 as the final adopted plan for the Town of Cortlandville.

RESOLUTION #270 AUTHORIZE HIGHWAY SUP'T. TO SELL SURPLUS
EQUIPMENT USING AUCTIONS INTERNATIONAL

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Reynolds NAY – 0

ABSENT – Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Highway Sup't. to sell the following surplus equipment using Auctions International, online website:

1 – 2008 Ford F250 Super Duty XL Pick-Up with 8'-10' Blizzard Plow, VIN 1FTSX21558ED99240

1 – 2008 Ford F250 Super Duty XL Pick-Up with 8' Western Plow, VIN: 1FTSX21578ED99241

1 – 2000 Smith Spreader, 1 ¾ cu. yards

1 – 1994 Smith Spreader, 1 ¾ cu. yards

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Fire Spill Prevention and Response Plan - Cortlandville Sand & Gravel Mine, Mining Permit Modification MLR #70436, dated October 2018, for Route 13 Rocks, LLC. All voting aye, the motion was carried.

There was discussion regarding the application for a mining permit modification for Route 13 Rocks, LLC. Councilman Proud discussed the importance of the Town's Lime Hollow wells and the public water supply for the Town, as the application for the mining permit modification was to mine 100 feet into the aquifer. There is a 90-day travel time from the mine to the Town's wells. If the Lime Hollow wells are in jeopardy there is no other plan; what would the Town do? He explained that the Town has 3 wells: 2 at Lime Hollow Road and 1 on Terrace Road. The Town cannot operate without the Lime Hollow wells. Councilman Proud was concerned that a threat to the Lime Hollow well and the public water supply would be different than the contamination from Smith Corona in the past; the Town could not bring in 800,000 gallons on water per day to supply businesses and residences. He mentioned the "what if" factor and stated there were other places for gravel to be mined that wouldn't jeopardize the wells.

Councilman Proud stated that the application was moving along faster than he expected. He mentioned that the last correspondence received from the NYS DEC to the applicant, Christopher Henry, listed eight items pertaining to the Lime Hollow wells.

Attorney Folmer advised the Board to be sure that when the consultants compare the travel time from the mine location to the Town's wells that they understand the well is the sole

source aquifer for the Town and not a private well. He added that when the applicant's consultants did their initial review they were not even aware that the wells existed. Attorney Folmer explained that when the NYS DEC completes its review and makes a declaration of negative declaration or grants the permit, the Town has 30 days to respond. The Town could consider filing an Article 78 Proceeding at such time against the State; there is no rational basis for a negative declaration under SEQRA.

Councilman Proud suggested it was time for the Board to map out their strategy regarding the mine and suggested public participation. He stated that the mine may not be a threat now, but it could be in the future.

RESOLUTION #271 AUTHORIZE CHANGE ORDER NO. 1 THROUGH NO. 5
FROM ZMK CONSTRUCTION, INC. FOR THE GUTCHESS
LUMBER SPORTS COMPLEX PROJECT PHASE 1

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Reynolds

NAY – 0

ABSENT – Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Change Order No. 1 through No. 5 from ZMK Construction, Inc. for the total cost of \$127,336.97, for the Gutches Lumber Sports Complex Project Phase 1 as follows:

Change Order No. 1: \$6,580.57	Supplementary items required to meter the irrigation system and drinking fountains.
Change Order No. 2: \$11,124.70	Supplementary items required to provide for restrained joints for the water main installation.
Change Order No. 3: \$22,260.00	Change to the scoreboard model.
Change Order No. 4: \$15,253.70	Change to the bullpens, pitcher's mound, home plate, and other sports equipment.
Change Order No. 5: <u>\$72,118.00</u>	Change to include the installation of batting cages.

Total: \$127,336.97

Supervisor Tupper reminded the Board and those in attendance that the next Town Board Meeting would be held on Monday, November 19, 2018 at 5:00 p.m.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:04 p.m.

Respectfully submitted,

Kristin E. Rocco-Petrella

Kristin E. Rocco-Petrella, RMC
Town Clerk
Town of Cortlandville

*Note: The draft version of this meeting was submitted to the Town Board for their review on November 16, 2018.
The final version of this meeting was approved as written at the Town Board meeting of December 5, 2018.