

CORTLANDVILLE TOWN BOARD
AGENDA
AUGUST 15, 2018 - 5:00 P.M.

Pledge Allegiance to the Flag

PUBLIC HEARING:

1.) 2018 Local Law - Zoning Law & Map Amendment - Emmanuel Pothos, Tax Map # 87.00-05-11.000 (2.82± acers to rezone from Agricultural to B3)

- a.) *Open the Public Hearing*
 - b.) *Town Clerk to read Legal Notice*
 - c.) *Privilege of the Floor*
 - d.) *Close the Public Hearing*
-

A. CALL THE MEETING TO ORDER

B. APPROVE MINUTES

C. PURCHASE ORDERS

D. AUTHORIZATION TO PAY THE BILLS

E. PRIVILEGE OF THE FLOOR

F. REPORTS

- F-1 Receive & file Code Enforcement/Building Department Monthly Report for July 2018 submitted by Kevin McMahan, CEO
- F-2 Receive & file the Cortland County SPCA Monthly Report for July 2018
- F-3 Receive & file the Water & Sewer Monthly Report for July 2018
- F-4 Receive & file the Supervisor's Monthly Report for July 2018
- F-5 Receive & file the Town Clerk's Monthly Report for July 2018
- F-6 Receive & file the Fire & Safety Inspections – Cash Receipts Monthly Report for July submitted by Desiree' Campbell, CEO

G. COMMUNICATIONS

H. OLD BUSINESS

H-1 2018 Local Law – Zoning Law & Map Amendment request
Emmanuel Pothos, Tax Map # 87.00-05-11.000

I. NEW BUSINESS

I-1 Town Clerk

I-2 Town Attorney

I-3 CDBG #287HR326-16 Town-wide Housing Rehabilitation Grant Program:

a.) Receive & file the correspondence dated August 9, 2018 from NYS Homes & Community Renewal regarding the modified budget of the Town-wide Housing Rehabilitation Grant Program

b.) Authorization to pay the following vouchers for the Town-wide Housing Rehabilitation Grant Program CDBG# 287HR326-16
(Originals in Supervisor's packet to be signed & initialed by Town Board)

1.) Voucher # 53, Wade Sprouce, \$2,600.00

2.) Voucher # 54, Wade Sprouce, \$3,500.00

3.) Voucher # 55, Empire Construction of CNY, \$5,700.00

I-4 Set a Public Hearing date of September 5, 2018 at 5:00 p.m. regarding the 2018 CDBG Town-wide Housing Rehabilitation grant Program

I-5 Resolution to be paid directly the Town's entire share of Sales Tax for 2019

I-6 Receive & file the correspondence dated August 7, 2018 from NYS DEC regarding Rt.13 Rocks

I-7 Receive & file the correspondence dated August 1, 2018 from NYS Agriculture & Markets regarding the Town being Lead Agency for the Town's Agriculture & Farmland Protection Plan

I-8 Agriculture & Farmland Protection Plan – discussion of SEQRA

J. ADJOURN

TOWN OF CORTLANDVILLE

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cortlandville on Wednesday, August 15, 2018 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, regarding the adoption of a Local Law for the year 2018 which would amend the Zoning Law and Map of the Town of Cortlandville. The application is by Emmanuel Pothos to re-classify and re-designate tax map #87.00-05-11.000, consisting of 2.82 +/- acres of land located north of Weaver Road and south of Interstate Route 81 in the Town of Cortlandville, from its present zoning classification of Agricultural to B-3 (Planned Commercial Business).

At the time and place of said hearing all parties in interest and citizens shall have an opportunity to be heard. The Town Board will examine the environmental impact of the application at the time of the hearing.

By order of the Town Board of the Town of Cortlandville.

Dated: August 3, 2018

Kristin Rocco-Petrella, RMC
Town Clerk/Tax Collector
Town of Cortlandville

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Homes and
Community Renewal

1-3a

ANDREW M. CUOMO
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

August 9, 2018

Honorable Richard C. Tupper
Town of Cortlandville
3577 Terrace Road
Cortland, NY 13045

Dear Supervisor Tupper:

Re: Budget Modification Approval
NYS CDBG Project # 287HR326-16

The Town of Cortlandville's request for a budget modification (Form 7-1 – Budget Modification Form) to its Program Year 2016 award has been approved. The modified budget will now be part of the town of Cortlandville's grant agreement. Please maintain proper record of this modification in the application, contract and financial management files.

Sincerely,

Charles Phillion
Program Director
Office of Community Renewal

CP:pd

Enclosure

cc: Kristin Rocco Petrella, Clerk/Treasurer/Registrar
Richard Cunningham, Senior Consultant, Thoma Development Consultants
Lynne Vandenburg, Community Developer, OCR

RECEIVED

JUL 18 2018

BUDGET MODIFICATION FORM

OFFICE OF COMMUNITY RENEWAL

326

CDBG Project Number	287HR326-16	Modification Number	1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
Recipient Name	Town of Cortlandville	Award Date	12/15/2016
		Contract End Date	12/14/2018

OFFICE USE ONLY	ACTIVITY (REFER TO SCHEDULE B)	APPROVED BUDGET (REFER TO SCHEDULE B)			PROPOSED MODIFICATION (+/-)			AFTER MODIFICATION*			
		CDBG	OTHER SOURCES	TOTAL	CDBG	OTHER SOURCES	TOTAL	CDBG	OTHER SOURCES	TOTAL	FUNDS AVAILABLE
	Housing Rehabilitation	\$314,100.00	\$0.00	\$314,100.00	\$0.00	\$0.00	\$314,100.00	\$0.00	\$0.00	\$314,100.00	\$49,185.61
	Program Delivery	\$49,900.00	\$0.00	\$49,900.00	\$0.00	\$0.00	\$49,900.00	\$0.00	\$0.00	\$49,900.00	\$600.00
	Administration	\$19,000.00	\$0.00	\$19,000.00	\$0.00	\$0.00	\$19,000.00	\$0.00	\$0.00	\$19,000.00	\$3,941.89
	HR-Local Program Income			\$0.00		\$23,110.00	\$0.00	\$23,110.00	\$23,110.00	\$23,110.00	
				\$0.00			\$0.00	\$0.00	\$0.00	\$0.00	
				\$0.00			\$0.00	\$0.00	\$0.00	\$0.00	
				\$0.00			\$0.00	\$0.00	\$0.00	\$0.00	
				\$0.00			\$0.00	\$0.00	\$0.00	\$0.00	
				\$0.00			\$0.00	\$0.00	\$0.00	\$0.00	
	Total	\$383,000.00	\$0.00	\$383,000.00	\$0.00	\$0.00	\$383,000.00	\$0.00	\$23,110.00	\$406,110.00	\$53,727.50

Certification: To the best of my knowledge and belief, the modifications indicated have been duly authorized by the governing body of the applicant.

Chief Elected Official	Name	Richard Tupper	Date	7/3/18
Chief Elected Official Signature	Title	Supervisor		
Prepared by	Name	Linda Armstrong		
OCR APPROVAL	E-mail	linda@thomadevelopment.com		
	Signature	<i>[Signature]</i>	Program Director	

* MODIFICATIONS TO BUDGET ALSO MODIFY SCHEDULE B OF THE NYS CDBG AGREEMENT. BUDGET MODIFICATIONS MUST BE REFLECTED ON ALL FUTURE REQUESTS FOR FUNDS
Office of Community Renewal 10/2018

Schedule B - REVISED

2016 Awarded Budget & Projected Accomplishments

Project Number: 287HR326-16

<i>Community</i>	<i>C/T/V</i>	<i>County</i>	<i>Type</i>	<i>Awarded Amount</i>
Cortlandville	Town	Cortland	Housing Rehabilitation	\$383,000

Award Budget:

<i>Funding Source</i>	<i>Amount</i>
CDBG	\$383,000
Projected Totaling Funding:	\$383,000

Activity Budget Detail:

<i>Activity(ies)</i>	<i>Projected Use</i>	<i>Amount</i>
T. of Cortlandville Housing Rehabilitation	Rehab & New Construction (SU)	\$314,100
T. of Cortlandville Program Delivery	Program Delivery	\$49,900
T. of Cortlandville Administration	Grant Administration	\$19,000
		<u>\$383,000</u>

Projected Accomplishments:

287HR32616-01 T. of Cortlandville Housing Rehabilitation

Persons

Owner	34
LMI Owner	34

Units

Owner	12
LMI Owner	12

Source Key:

AHC - Affordable Housing Corp, RESTORE - Residential Emergency Services to Offer Repair to Elderly, ARC - Appalachian Regional Commission Area Development Program, ANCCEP - Adirondack North Country Community Enhancement Program, DASNY - Dormitory Authority of the State of New York, EDA - US Economic Development Administration, EFC CW - Environmental Facilities Corp. ; Clean Water Act SRF, EFC DW - Environmental Facilities Corp. ; Safe Drinking Water Act SRF, FHLB - Federal Housing Loan Bank, IDA - Industrial Development Agency, LDC - Local Development Corp., NCA - Nerty Country Alliance, NYBDC - New York State Business Development Corp., NYSCA - New York State Council of the Arts, , NYSERDA - New York State Energy Research and Development Authority, NYS OCFS - NYS Office of Children and Family Services, NYS OTDA - NYS Office of temporary and Disability Assistance, NYS Strategic Invest Fund, RUS - USDA Rural Development, Rural Utilities Service, Water and Wastewater Disposal Loan and Grant Program, SBTIF - Small Business Technology Investment Fund, US HHS - Department of Health and Human Services (federal)

Proposed Resolution for Town Board Meeting August 15, 2018

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

Motion by Councilman
Seconded by Councilman
VOTES: AYE-Tupper, Testa, Proud, Reynolds, Withey NAY-0
ADOPTED

WHEREAS, New York Tax Law Section 1262 allows municipalities to apply a portion of their Sales Tax against the Property Taxes levied upon real property in that municipality, and

WHEREAS, the Town of Cortlandville requests that the Cortland County Legislature apply \$0.00 (zero dollars and zero cents) of Sales Tax to be utilized in the reduction of the County Tax levied against Real Property, with the amount requested in this resolution divided by 4 and that \$0.00 quarterly amount be deducted from the County quarterly sales tax distribution as per agreements with the County related to Sales Tax Distribution, with any remaining funds available in Sales Tax payments paid to the Town of Cortlandville, and

BE IT FURTHER RESOLVED, that pursuant to New York Tax Law Section 1262, this resolution shall be effective commencing with calendar year 2019, and be it further

RESOLVED, that the Town of Cortlandville Town Clerk shall forward a Certified Copy of this Resolution to the Cortland County Treasurer and the Cortland County Real Property Tax Office by Registered or Certified Mail before September 1st, 2018.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Regional Director, Region 7

615 Erie Boulevard West, Syracuse, NY 13204-2400

P: (315) 426-7403 | F: (315) 426-7408

www.dec.ny.gov

1-6

August 7, 2018

Supervisor Richard C. Tupper
Town of Cortlandville
3577 Terrace Road
Cortland, NY 13045

Dear Mr. Supervisor,

Thank you for your letter to Commissioner Seggos regarding your mining concerns. The Commissioner asked that I reply to you.

The mine you are referring to is owned by a limited liability corporation entitled "Rt. 13 Rocks." The mine has submitted an application to modify their sand and gravel mine permit both laterally and vertically. They propose to increase their current 66.8 acre life of mine to 78.3 acres. Vertical expansion is also proposed that includes excavating as much as 100 feet below the water table. This proposed action is subject to the State Environmental Quality Review Act (SEQR) and as you know, NYSDEC is lead agency.

There are significant natural resources in the area, which you note in your letter. The Town water supply well is located approximately 800 feet from the existing edge of the life of mine. The mine is within the wellhead protection area for the Cortlandville Lime Hollow supply well (the Lime Hollow Nature Center is a 430 acre nature preserve that includes unusual assemblage of marl ponds, a peat bog, and kame-and-kettle topography).

The Division of Environmental Permits (DEP), with technical input from Division of Mineral Resources (DMR), sent Rt. 13 Rocks a Notice of Incomplete Application in November 2017. The incomplete notice requested additional information about the sole source aquifer, potential groundwater and surface water impacts, information about the lime hollow well, noise, equipment refueling and potential spill best management practices and where these activities will take place, and other deficiencies with their initial application and mined land use plan.

Rt. 13 Rocks submitted additional information in March 2018. DMR reviewed the additional information and together with DEP, has deemed the application technically complete. The application is not officially complete until SEQR is resolved. The next step is for DEP to formulate a determination of significance, based on the information within the application. If the determination is a negative declaration, then a 30-day public comment period will be required. If the determination is a positive declaration, an



Environmental Impact Statement is required and the applicant must submit a Draft Environmental Impact Statement (DEIS) for review and comment.

Regardless of the determination, there will be ample opportunity for the Town and public to provide comments on the findings. Thank you very much for clearly outlining your position on this project.

Sincerely,



Matthew J. Marko
Regional Director

CC: Dave Bimber, R7 DEP
Chris Lucidi, R7 DMR
Dan Bishop, R7 Natural Resources Supervisor
Dan Whitehead, Director, DEP
Chris Ballantyne, Assistant Commissioner, Office of Public Protection and
Regional Affairs

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**Agriculture
and Markets**

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

August 1, 2018

Dick Tupper, Supervisor
Town of Cortlandville
3577 Terrace Road
Cortland, New York 13045

RE: Town of Cortlandville – Agriculture and Farmland Protection Plan

Dear Mr. Tupper:

The Department does not object to Town of Cortlandville's request to act as lead agency pursuant to Sections 617.6(b)(2) and (3) of 6 N.Y.C.R.R. of the Environmental Conservation Law. Based upon information provided, it appears that a portion of the proposed action may occur within a county adopted, State certified, Agricultural District (see attached image).

If you have any questions, please contact me at (518) 457-8887.

Sincerely,

A handwritten signature in blue ink that reads "Robert Somers".

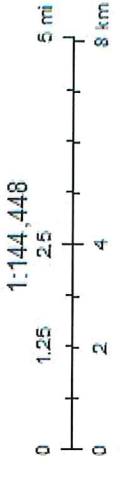
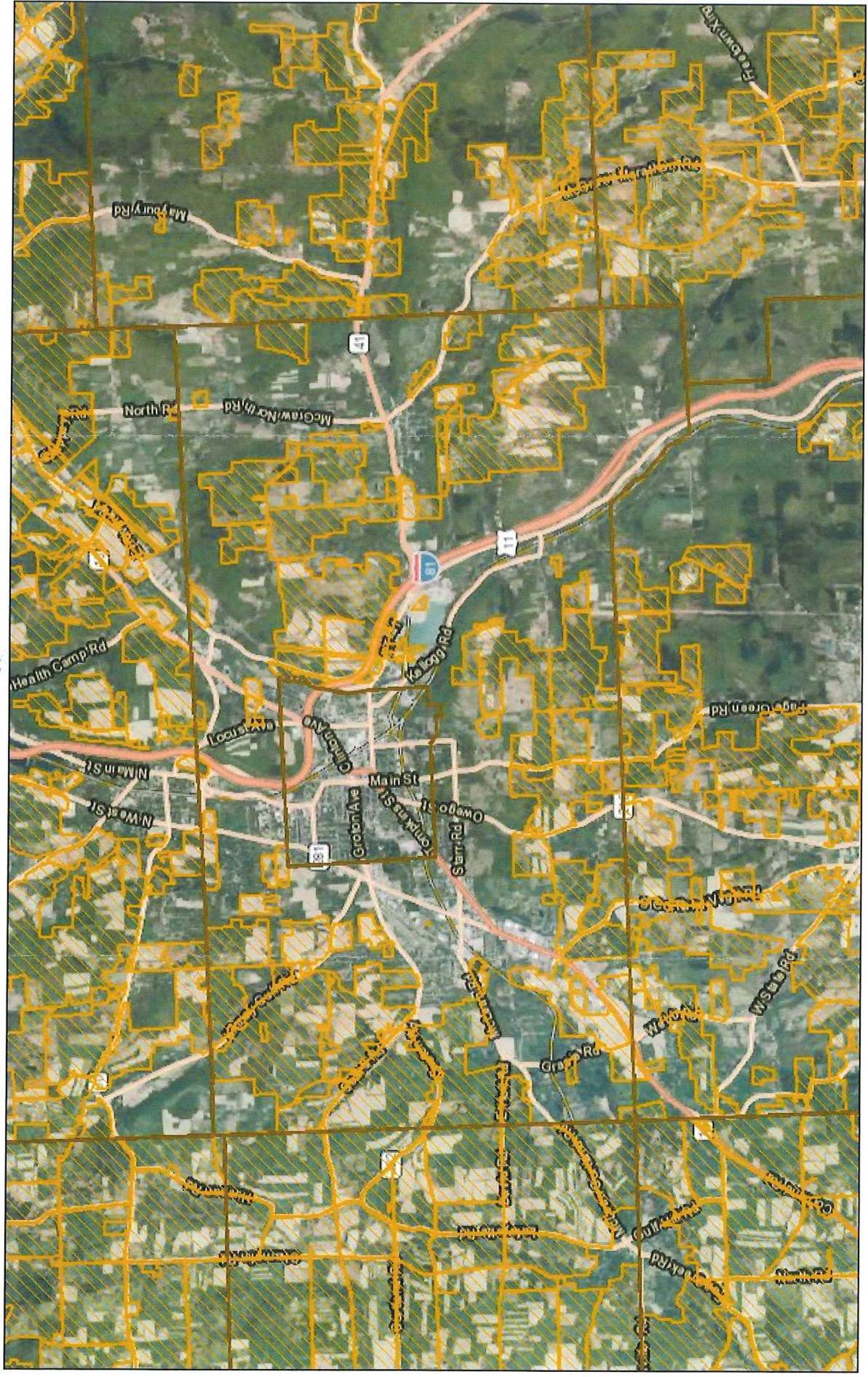
Robert Somers, Ph.D.
Manager, Agricultural Protection Unit

Enc.

cc: John Proud, Town Board and Farmland Protection Committee
Jean Loewenstein, AICP, CHA

Town of Cortlandville - Agriculture and Farmland Protection Plan

Cortland County, New York



- Town Boundaries
- Agricultural Districts