

APRIL 19, 2017

5:00 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, Gregory K. Leach  
Councilman, John C. Proud  
Councilman, Walter J. Kasperek  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John B. Folmer; Town residents; Pam Jenkins and Robert Martin; City of Cortland resident Diane Smith; Louise Gava representing MEGA; Honorable David Alexander; Reverend Janet A. Hansen; News Reporters: Todd McAdam from the *Cortland Standard*, Peter Blanchard from the *Cortland Voice* and Sharon Stevans from Channel 2, Access TV.

Councilman Proud made a motion, seconded by Councilman Kasperek, to approve the Town Board Minutes of January 18, 2017. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Kasperek, to approve the Town Board Minutes of February 1, 2017. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Kasperek, to approve the Town Board Minutes of March 1, 2017. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Kasperek, to approve the Town Board Minutes of March 17, 2017. All voting aye, the motion was carried.

The April 5, 2017 Public Hearing was handed out to the Town Board members for their review and will be approved at the May 3, 2017 Town Board meeting.

RESOLUTION #                    AUTHORIZE PAYMENT OF VOUCHERS - APRIL

Motion by Councilman Leach  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Leach, Kasperek, Proud      NAY - 0  
ADOPTED

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

Funds A, B, DA, DB	Voucher #325-363	
	General Fund A	\$ 106,593.82
	General Fund B	\$ 3,607.87
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 15,492.42
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 #140-155	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 67,953.30
	Water SW	\$ 15,141.93
Funds SF, TA, TE	Voucher #15-18	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 33,701.07
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Louise Gava to conduct a presentation.

Representing Municipal Electric & Gas Alliance (MEGA), Louise Gava introduced herself as the Community Choice Aggregation Project Leader for MEGA. She reported MEGA is an aggregator of electricity and natural gas for municipalities. She explained municipalities can join together through MEGA and County governments can facilitate inter-municipal cooperation. The only limitation would be communities must be in the same utility territory and the same New York State Independent System Operator load zone.

Ms. Gava prefaced her presentation by stating since 2014 the state has been dealing with an aging electric infrastructure and in twenty five years it would cost trillions of dollars to replace, therefore, the state is trying to be proactive with innovative solutions. MEGA is a non-profit Local Development Corporation. They serve thirty five New York counties and currently serve the City of Cortland.

The purpose of Louise Gava's presentation was not necessarily the municipalities' electric and gas needs, but to provide an opportunity for its residents to do a bulk purchase. She indicated delivery and supply as two items for a base understanding. Ms. Gava stated that approximately 20 percent of residents choose to go on the market to seek alternate providers. She briefed the Board that MEGA goes out to bid and finds entities that have the lowest price and the best terms. She mentioned as a note of importance, that this would be supply only. National Grid, in the event of power outages, would still be the entity to fix wires and return service even if they aren't being paid for supply.

Ms. Gava cited seven steps to Community Choice Aggregation (CCA): Choose MEGA as CCA administrator; Educate the public; Adopt Local Law to authorize CCA; Competitive bid for energy supply; Select low-bid supplier; Citizens can opt-out and the savings begin.

Ms. Gava stated that residents will have thirty days to opt-out and three months into the process to opt-out without penalty, resulting in minimal consumer risk. She briefed every utility supply customer in the aggregation will receive a letter on municipal letterhead, that will provide details on the CCA Program, pricing and the opt-out process.

Ms. Gava said MEGA is proud to help the state shape a program that works with municipalities and suggested if the Town would like to explore MEGA further the Town's Attorney should review the handshake document and if the Town wishes to proceed, MEGA would discover what the education would look like in our municipality. Ms. Gava submitted a pamphlet and an informative question and answer document to the Board to accompany her presentation.

Supervisor Tupper offered privilege of the floor to Pam Jenkins.

Pam Jenkins referenced the Public Hearing held ton April 5, 2017 regarding the Gas Station Law. She stated it would open approximately seven hundred acres, directly over the top of the Aquifer, to gas station development. She reminded the Board that residents pointed out many of the areas that would be open to gas stations are in the flood plains and Ms. Jenkins stated Cortlandville has already violated SEQR in numerous ways. Ms. Jenkins said the Gas Station Law would cause spot zoning which is illegal. She reiterated that the public very firmly voiced its opposition to the gas station law. She requested that the Board discuss it in public and wanted to know how the Board will manage the law. She asked if the Town is going to vote on the law or if the Town would "SCRAP" the law.

Supervisor Tupper offered privilege of the floor to Reverend Janet A. Hansen

Reverend Hansen introduced herself as the Pastor of a church located on Tompkins St. She said Earth Day is approaching and the theme for this Sunday's service is Water Holy Water. She stated she moved to Cortland seventeen years ago from out West where water is a precious resource and commodity. She was thrilled to move to a place where there was a lot of water. She learned of the TCE spill and that it was contained; only to find out we are on a sole source Aquifer. She explained she has the desire to lift up water from themes and scripture to show what it means today. She wanted to inform the Board, when they discuss different zoning applications, that she is very aware of what a precious resource water is. She expressed we are blessed to live where there is such a wonderful quality of water and she hopes that continues. She alerted that she did not want the Town of Cortlandville to be an equivalent of Flint Michigan and have our water ruined. Reverend Hansen pleaded for the Board to be conservators and protectors of our water.

Supervisor Tupper apprised Ms. Jenkins that there will be discussion at the next Town Board meeting, May 3, 2017, regarding the content of the April 5, 2017 Public Hearing. He also addressed Reverend Janet Hansen and relayed to her that the Town of Cortlandville has the strictest Aquifer laws in the State of New York, and perhaps the whole country. He stated Cortlandville has spent thousands of dollars to protect the Aquifer and affirmed that the Town of Cortlandville will continue to do so.

The monthly reports of the, Town Justices and Office of Code Enforcement for the month of March and the Cortland County SPCA 1<sup>st</sup> quarter report 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 the Village of Homer Fire Department Annual Report, dated April 1, 2016 – March 31, 2017. All voting aye, the motion was carried.

Attorney Folmer reported:

South Hill Dump:

Attorney Folmer reminded the Board that the Town was asked to enter into a Consent Order with the NYS DEC in regards to the maintenance and the overseeing of monitoring of South Hill Dump. At the time the initial remediation was undertaken, the other users of that site could not be significantly identified. The Town had a meeting with representatives of the State DEC to discuss the method by which remediation could continue. He relayed the last inspections took place in the summer of 2016 and in the spring of 2017. At present time the only recommendation is that the lawn be mowed. The property has been fenced in and closed for years. Attorney Folmer said the DEC would like the Town to enter into a Consent Order that monitors and describes monitoring in the future. Attorney Folmer has drafted a response to the DEC and suggested two things.

One is that the Town will not agree to any Consent Order whatsoever, unless the order makes it explicitly and adequately clear that the Town is not now, or will ever be called upon to reimburse for expenditures made for remediation prior to the entry of the Consent Order, as the DEC has indicated that the superfund has spent approximately three million dollars to accomplish the remediation they did many years ago. Attorney Folmer stated that he will not agree to an order that would indicate the Town was responsible for any portion of those funds.

The second suggestion is that the Town retains the right to discuss with appropriate officials in Albany, so the Town may undertake to do the necessary monitoring by our personnel rather than having to pay the State's personnel because Attorney Folmer suspects the Town could do it less expensively than the State of New York. Attorney Folmer prepared a document which expresses those two comments and stated Councilman Proud has also reviewed it and found it to be acceptable. Attorney Folmer requested permission from the Town Board to send his response to the DEC.

RESOLUTION #

AUTHORIZE TOWN ATTORNEY TO ADDRESS A LETTER  
TO NYS DEC IN REGARDS TO THE SOUTH HILL DUMP  
CONSENT ORDER

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Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Attorney to address a letter to the NYS DEC regarding the South Hill Dump Consent Order, located off South Hill in the Town of Cortlandville.

**Gutchess Lumber Park BAN:**

Supervisor Tupper led a discussion regarding the Town taking possession, on February 26, 2017, of one hundred and one acres of land from Gutchess Lumber located at the intersection of Gracie Road and Route 13. The Town has an obligation to replace Citizen's Park within two years. Cost estimates have been requested as the Town needs to get the process started.

Supervisor Tupper said it will be expensive to build this type of facility and the project will require a short term BAN that will eventually be converted to a bond.

In order to finance the new facility, the Town will need to examine all entities they currently pay for sports activities and pull back on those monies in order to offset the costs. Supervisor Tupper relayed this will be a lengthy process.

Attorney Folmer apprised the Board that he has spoken to Bond Council and they indicated to him that in order to get materials ready for a bond resolution, which sets forth dates for Public Hearings etc., they would like Attorney Folmer to send them a copy of the underlying contract with Gutchess Lumber; the lease agreement with Gutchess Lumber; a copy of the legislation from Albany that gave the Town the opportunity for this park; an engineering report. Attorney Folmer would like to add a site plan of the park. Attorney Folmer reported he will gather those documents and send them within a few days and hopefully receive a response by the next few Town Board meetings. The process will begin by adopting a resolution that will either be subject to Permissive Referendum or result in a Public Hearing.

**RESOLUTION #****AUTHORIZE SUPERVISOR TO SIGN CHA PROPOSAL FOR ADDITIONAL SERVICES FOR GUTCHESS LUMBER PARK**

Motion by Councilman Proud

Seconded by Councilman Kasperek

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the Extra Work Authorization, proposal #X50354, dated April 10, 2017 to include:

Turf field design	\$ 4,500.00
Sports lighting design	\$ 9,750.00
Geotechnical engineering services	\$17,300.00

**RESOLUTION #****ACCEPT REQUEST FOR PROPOSAL FROM THOMA DEVELOPMENT CONSULTANTS FOR GRANT ADMINISTRATION & SERVICES OF THE 2016 TOWN-WIDE HOUSING REHABILITATION GRANT PROGRAM**

Motion by Councilman Kasperek

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby accept the Request for Proposal from Thoma Development Consultants of 34 Tompkins St., Cortland, New York, to provide grant writing services for the 2016 Town-Wide Housing Rehabilitation Grant Program, in the amount of \$66,000.

**RESOLUTION #****AUTHORIZE SALARY INCREASE FOR DEPUTY TOWN CLERK, BRIDGET L. YAPLE**

Motion by Councilman Kasperek

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby acknowledge that Bridget L. Yaple, Deputy Town Clerk, has successfully completed her probationary period of six months for the Town Clerk's office and it is further

RESOLVED, that Bridget L. Yaples salary increase of \$340.00 shall be authorized.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortland County Planning Board, Resolution #17-09, and Planning Department review and recommendations regarding Storage Squad, LLC, Aquifer Protection Permit Application. All voting aye, the motion was carried.

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**RESOLUTION #****REQUEST TOWN OF CORTLANDVILLE PLANNING BOARD  
BE LEAD AGENCY UNDER SEQR FOR THE AQUIFER  
PROTECTION PERMIT APPLICATION SUBMITTED BY  
STORAGE SQUAD, LLC**

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Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, an Aquifer Protection Permit Application was submitted by Storage Squad, LLC for property located at NYS Route 13, tax map #96.06-01-15.210, and

WHEREAS, under the rules and regulations of SEQR an agency must be identified as the Lead Agency for certain applications, which an Aquifer Protection Permit qualifies, therefore

BE IT RESOLVED, the Town Board does hereby request the Town of Cortlandville Planning Board be the Lead Agency regarding the Aquifer Protection Permit Application submitted by Storage Squad, LLC.

Councilman Leach initiated discussion regarding the speed limit on East River Rd. He stated it was examined a few years ago, but has concern regarding fatalities that have occurred already. He asked the Board to put forth a resolution regarding a request for a speed limit reduction.

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**RESOLUTION #****AUTHORIZE REQUEST TO REDUCE SPEED LIMIT ON EAST  
RIVER ROAD FROM THE INTERSECTION OF LORING  
CROSSING GOING SOUTH 1.7 MILES IN THE TOWN OF  
CORTLANDVILLE**

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Motion by Councilman Leach

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, a request was received from Councilman Gregory K. Leach to reduce the speed limit to 40 mph on East River Road, from the intersection of Loring Crossing going south 1.7 miles to the posted 30 MPH speed limit sign in the Town of Cortlandville, and

WHEREAS, because of the seven bends in the roadway, the different grading of the roadway, and the residential homes that are close to the shoulder of the road, the roadway is dangerous for vehicles and pedestrians, and

WHEREAS, East River Road is a County road, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the request to reduce the speed limit on East River Road to 40 mph, from the intersection of Loring Crossing going south 1.7 miles to the posted 30 MPH speed limit sign, be submitted to the NYS DOT for approval, via the Cortland County Highway Superintendent for his input, as required.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The final version of this meeting was submitted to the Town Board for their review on June 2, 2017.

The final version of this meeting was approved as written at the Town Board meeting of \_\_\_\_\_.