

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, 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; Pam Jenkins; Charlie Forkey III; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

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 January 26, 2016. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Cortlandville Planning Board Minutes of January 26, 2016. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to approve the Draft Town Board Minutes of February 17, 2016 as written. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZED SUPERVISOR TO SIGN  
PURCHASE ORDER #0124

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0124 submitted by Water & Sewer Sup't. Alteri to be paid to National Auto Fleet Group for the purchase of 2 new Chevrolet Silverado pick-up trucks, for the total cost of \$71,576.98.

RESOLUTION # AUTHORIZED SUPERVISOR TO SIGN  
PURCHASE ORDER #1263

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1263 submitted by Highway Sup't. Bush to be paid to Clark Equipment for the purchase of a Bobcat Skid-steer Loader, for the total cost of \$67,868.03.

RESOLUTION # AUTHORIZED PAYMENT OF VOUCHERS - MARCH

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Motion by Councilman Proud  
Seconded by Councilman Leach  
VOTES: AYE - Tupper, Testa, 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 #176-229            |              |
|                                    | General Fund A              | \$ 72,078.97 |
|                                    | General Fund B              | \$ 36,028.37 |
|                                    | Highway Fund DA             | \$ 0.00      |
|                                    | Highway Fund DB             | \$ 30,717.76 |
| 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,<br>HE, SS, SW | Voucher #78-94              |              |
|                                    | 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                    | \$ 15,880.42 |
|                                    | Water SW                    | \$ 7,105.12  |
| Funds SF, TA, TE                   | Voucher #8-11               |              |
|                                    | C'Ville Fire District SF    | \$ 0.00      |
|                                    | Trust & Agency TA           | \$ 43,115.63 |
|                                    | Expendable Trust TE         | \$ 0.00      |

Supervisor Tupper offered privilege of the floor to Charlie Forkey III.

Charlie Forkey III of Forkey Construction & Fabrication, Inc. invited the Board to take a tour of his plant on Luker Road and discuss what the business has accomplished since they moved into the Town last year as well as their future growth plans. The company received a grant through the Town and with such grant was required to create 50 jobs in 2 years. Mr. Forkey indicated that when the company moved to the Luker Road facility they had 66 employees and they now have 103 employees. Mr. Forkey was now interested in obtaining a loan from the Town for \$300,000 of available CDBG funds to purchase new robotic equipment that would enhance his business and create 4 new jobs. He would explain his future project to the Board when they tour the facility on March 11, 2016 at 9:00 a.m.

Supervisor Tupper apprised the Board that Mr. Forkey inquired about available CDBG funds and was told that a \$300,000 5-year loan from CDBG funds was possible. Since Thoma Development completed all of the paperwork, it would be easy for the Town to release the funds. Town Clerk Snyder suggested a voucher with an invoice of the charges be submitted.

Supervisor Tupper thanked Mr. Forkey for bringing his business to Cortlandville, while Mr. Forkey thanked the Town for its support with the grant funds.

Supervisor Tupper offered privilege of the floor to Pam Jenkins.

Town resident, Pam Jenkins requested that the two letters she emailed to Supervisor Tupper dated March 1, 2016 and March 2, 2016 be made part of the record.

Ms. Jenkins stated that NYS Environmental Conservation Law and NYS Law is very clear that the SEQR process must be completed before decisions can be made on zoning decisions or environmental projects. Ms. Jenkins mentioned the application submitted by the Garage on Delaware which was before the Town ZBA and now the Planning Board. She stated that before the Planning Board, the lead agency, met to discuss the application, the ZBA granted the use Variance. She commented that the SEQR Short Environmental Assessment Form has errors and omissions and is not complete; she suggested the Town do things differently. Ms. Jenkins discussed the February 2016 Zoning Board of Appeals meeting and how it was conducted.

Ms. Jenkins questioned the Board about the proposed Local Law for Retail Petroleum Sales Facilities, and who asked Attorney Folmer to draft such law. Supervisor Tupper explained that he asked Attorney Folmer to draft the proposed law to correct language that was missed when the Town updated its zoning law seven or eight years ago. Gas stations were prohibited almost every place in the Town. Ms. Jenkins was concerned that the new language would allow for gas stations in the Town over the aquifer. Councilman Proud stated that protections were in place. Supervisor Tupper added that the change was not in the wellhead protection zone.

Ms. Jenkins asked the Town to provide an easy to read electronic map for the public, and suggested a map be available for public view at upcoming public hearings. Town Clerk Snyder explained that the Town's zoning map was available on the County's website, but not on the Town's. A zoning map could also be purchased in the Town Clerk's Office for \$8.00.



Article 78 Proceeding – Dave McMasters, LLC et al. vs. Town of Cortlandville et al.:

Attorney Folmer reported that an Article 78 Proceeding was filed against the Town by David McMasters regarding an interpretation of the Zoning Ordinance by PZO Weber, not on the decision of the Variance itself. The return date on the proceeding was April 22, 2016.

RESOLUTION # ACKNOWLEDGE RECEIVING NOTICE OF VERIFIED PETITION IN THE MATTER OF DAVE MCMASTERS, LLC AND DAVID MCMASTERS VS. TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS, AND TOWN OF CORTLANDVILLE

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

BE IT RESOLVED, the Town Board does hereby acknowledge, by receiving and filing, the Notice of Verified Petition in the matter of Dave McMasters, LLC and David McMasters vs. Town of Cortlandville Zoning Board of Appeals, and Town of Cortlandville.

RESOLUTION # DECLARE THE MONTH OF APRIL AS FAIR HOUSING MONTH IN THE TOWN OF CORTLANDVILLE

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

WHEREAS, in accordance with the Title VIII Fair Housing Policy of the Civil Rights Act of 1968 and the Fair Housing Amendments Act of 1988, and

WHEREAS, the month of April 2016 has been designated by the US Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity as Fair Housing Month, now therefore

BE IT RESOLVED, the Town Board of the Town of Cortlandville hereby declares and proclaims the month of April as Fair Housing Month in the Town.

RESOLUTION # REFER AQUIFER PROTECTION PERMIT APPLICATION SUBMITTED BY MATTHEW VREDENBURGH FOR PROPERTY LOCATED OFF OF LUKER ROAD TO THE TOWN AND COUNTY PLANNING BOARDS FOR REVIEW AND RECOMMENDATIONS

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

BE IT RESOLVED, the Aquifer Protection Permit application submitted by Matthew Vredenburgh, for Dr. Chris Smith, for property located off of Luker Road, owned by Lowell Properties LLC, tax map #95.08-01-18.000, shall be forwarded to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the Aquifer Protection Permit application is hereby received and filed.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from the New York State Department of Transportation, dated February 24, 2016, regarding a request from Stephen Terwilliger of Congas, LLC, 2964 Webb Road, to conduct a traffic study to lower the speed limit and install a traffic signal at the intersection of NYS Route 13 and Gracie/Webb Road. All voting aye, the motion was carried.

Supervisor Tupper requested authorization to transfer \$28,440.50 from the water operating fund to capital projects to pay for the preliminary engineering fees for the Luker Road and Owego Street/Route 215 water projects. Per Laura Cassalia, P.E., CHA, the Town's plans for both projects were at the County Health Department for review and approval. When the Town received approval the bid process could begin. CHA hoped to go out to bid in April, with a September completion date.

RESOLUTION # AMEND THE 2016 BUDGET AND AUTHORIZE SUPERVISOR TO TRANSFER FUNDS

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to transfer funds to adjust the accounts of the 2016 Budget for the Town of Cortlandville as follows:

- 1) **FROM WATER TO CAPITAL PROJECTS:** Transfer \$28,440.50

| <u>FROM</u>   | <u>TO</u> | <u>AMOUNT</u>      |
|---------------|-----------|--------------------|
| SW200         | HA200     | \$17,598.00        |
| SW200         | HB200     | \$10,842.50        |
| <b>TOTAL:</b> |           | <b>\$28,440.50</b> |

AND IT IS FURTHER, RESOLVED, the operating funds will be paid back for the Luker Road Water Project and Owego Street/Route 215 Water Project when the projects are bonded.

Councilman Leach questioned when the paving would be completed for the Oakcrest/Pendleton Street Sewer Installation Project. Highway Sup't. Bush reported that there were a few issues with the roadway, which CHA was aware of. The paving would be accomplished when the blacktop plants open.

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 5:35 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 March 16, 2016.  
The draft version of this meeting was approved as written at the Town Board meeting of \_\_\_\_\_.