

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; Walter Kasperek; Barb Leach; Andrea Niggli; Pat Leach; Larie & William Cifaratta; Kristin Proud; Steve Terwilliger; Nick Dunn; Bob Ferris; Andrea Rankin; Michelle Phelps; News Reporters: Tyrone Heppard from the *Cortland Standard*, Peter Blanchard from the *Cortland Voice*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Supervisor Tupper announced that there was a vacancy for a Town Councilman position that the Board would like to fill. Councilman Testa made a motion to appoint Walter Kasperek as Town Councilman. Councilman Leach seconded the motion and mentioned that Mr. Kasperek has had a business in the Town for over thirty years, and stated that he would be a good addition to the Town Board.

RESOLUTION # APPOINT WALTER J. KASPEREK AS TOWN COUNCILMAN

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

WHEREAS, due to the resignation for retirement of Ron L. Rocco, an elected Councilman for the Town of Cortlandville Town Board, a vacancy has occurred, therefore

BE IT RESOLVED, the Town Board of the Town of Cortlandville does hereby appoint Walter J. Kasperek, 2003 Ames Road, Cortland, New York as Councilman for the Town of Cortlandville, effective March 30, 2016, and it is further

RESOLVED, that such term shall expire December 31, 2016.

Town Clerk Snyder gave Mr. Kasperek his official oath of office and he took his seat at the Board table.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of March 2, 2016 as submitted. All voting aye, the motion was carried.

Supervisor Tupper mentioned that the Purchase Order for Vantage Equipment was tabled at the March 16, 2016 Town Board Meeting.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS - MARCH

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

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

BE IT RESOLVED, a Public Hearing shall be scheduled for April 20, 2016 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 Matthew Vredenburgh for property located off of Luker Road, owned by Lowell Properties, LLC, tax map #95.08-01-18.000.

Attorney Folmer reported:

Highway Equipment Capital Reserve:

Attorney Folmer discussed the Purchase Order submitted by Highway Sup't. Bush for a new Volvo Excavator, which the Board tabled at the March 16, 2016 Town Board Meeting. He explained that in order to expend the funds, the Board must adopt a resolution authorizing the expenditure from the Highway Equipment Reserve Fund, subject to permissive referendum. Attorney Folmer read aloud the resolution he prepared. Supervisor Tupper mentioned that the Town has about \$500,000 in the Highway Equipment Reserve Fund.

RESOLUTION #	AUTHORIZE THE EXPENDITURE OF \$240,121.00 FROM THE HIGHWAY EQUIPMENT CAPITAL RESERVE FUND SUBJECT TO PERMISSIVE REFERENDUM
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Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

WHEREAS, the Town Board has heretofore established a Capital Reserve Fund for the financing of purchases of Highway Equipment, and

WHEREAS, no expenditure from said Fund shall be made without authorization of the Town Board, and

WHEREAS, it is desired to expend the sum of \$240,121.00 from said Fund to purchase a Volvo Excavator at the request of the Superintendent of Highways,

NOW THEREFORE, BE IT RESOLVED, that there is authorized the expenditure of said sum from the Highway Equipment Capital Reserve Fund for such purchase, and

BE IT FURTHER RESOLVED, this Resolution shall be subject to Permissive Referendum as required by law.

Bonding for the Luker Road and Owego Street (Route 215) Water Installation Project:

Attorney Folmer recalled that on June 17, 2015 the Board adopted two separate Bond Resolutions for the Luker Road and Owego Street (Route 215) Water Installation Projects. The Luker Road Bond was in the amount of \$801,000, while the Owego Street (Route 215) Bond was for \$288,000. Since then, the Town received a Revised Engineering Report indicating that the Luker Road project would cost close to \$1.1 million, and the Owego Street (Route 215) project would cost \$300,000. In order to amend the Bonding Resolutions, it was necessary for the Board to adopt two orders calling for a public hearing to be held on April 20, 2016 at 5:00 p.m. in regard to each proposal.

Supervisor Tupper explained that the Board sent the plans to the Cortland County Health Department for review. The Health Department made several revisions to the plans, which increased the cost of the projects. The Town's engineering firm, CHA, agreed with the changes to the plans.

Article 78 Proceeding – Jenkins et al. vs. Town of Cortlandville et al.:

With regard to the Article 78 Proceeding filed against the Town by Jenkins et al., Attorney Folmer reported that the Court issued its decision indicating that the Petitioners have standing, and the procedural steps would be taken in order. He explained that the Orders have been filed, and the next step would be to compose a complete record of the proceedings. The Court would hear the matter at a later date.

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

Attorney Folmer reported that the Article 78 Proceeding filed against the Town by Dave McMasters regarding the interpretation of the Zoning Law by PZO Bruce Weber was assigned to Judge Campbell and returnable before her on April 22, 2016. Judge Campbell indicated that she did not intend to entertain oral arguments.

Proposed Local Law for Retail Petroleum Sales Facilities:

Attorney Folmer asked the Board for their guidance with regard to the proposed Local Law for Retail Petroleum Sales Facilities. He indicated that the Town now has a report from the Cortland County Planning Department and County Planning Board. It was his understanding that the Town Board wanted him to incorporate the suggestions from the staff report into the Draft and present the proposed Local Law in that form. The Board could then decide if they wanted to proceed and consider the proposed Local Law further. If so, the Board would have to complete Part I of the EAF because it requires a long form. He asked the Board to complete Part I in a public meeting. Attorney Folmer expected to have the Draft ready for the Board's next meeting on April 20, 2016. The Board agreed with the course of action. Councilman Proud commented that the County Planning Department's staff report was well thought out.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from New York State Senator James L. Seward to the New York State Department of Transportation, dated March 17, 2016, regarding the Town of Cortlandville's request for a reduction in speed limit on McLean Road, Cosmos Hill Road and Blue Creek Road, and the length of time required to review the requests. All voting aye, the motion was carried.

Supervisor Tupper apprised the Board there was one Engineer from NYS DOT responsible for 9 counties in Central and Western New York who takes care of all speed limit requests. Last year, the Engineer had over 100 speed limit reduction requests. The requests are taken care of according to the date they are received. He explained that the Town is #25 on the list regarding the Cosmos Hill Road request, and that it takes at least a week to write a report. Supervisor Tupper expected a 6-month wait before the Town received an answer.

Supervisor Tupper added that the Cortland County Legislature adopted a Resolution of support for a reduction in speed limit on McLean Road based on the Lime Hollow Nature Center and all of the activities held there. Supervisor Tupper suggested Town Clerk Snyder forward the County's Resolution to the NYS DOT when she received it along with the letter from Senator Seward.

There was discussion regarding the Economic Impact & Feasibility Study for the Town's proposed Multi-Sports Complex on Route 13. Supervisor Tupper explained that the Town applied for a grant in 2015 for the Town's proposed new park on Route 13, which was denied. It was explained to the Town that the State would not award such a grant without a completed feasibility study. Supervisor Tupper requested consideration to sign the contract with the Chicago based company, Market & Feasibility Advisors at the April 20, 2016 Town Board Meeting, to conduct an Economic Impact & Feasibility Study for the proposed park. The study would take about 6 weeks to complete. The company would also give the Town information on funding opportunities on a national, state, and local level.

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 5:25 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 April 12, 2016.
The draft version of this meeting was approved as written at the Town Board meeting of _____.