

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, C. Randolph Ross
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Highway Sup't. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Town Residents: Pamela Jenkins; Robert Martin; Stephen Flatt and Donna Johnson.

Supervisor Tupper called the meeting to order.

Councilman Withey made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of July 17, 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of August 7, 2019. All voting aye, the motion was carried.

The Draft Special Town Board Minutes of August 15, 2019 were presented to the Board for their review.

RESOLUTION #197 AUTHORIZE SUPERVISOR TO SIGN PURCHASE
ORDER #1409

Motion by Councilman Proud
Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1409 submitted by Highway Sup't. Glenn Bassett to be paid to Stadium International Trucks to purchase one 2019 4x4 International CV515 Truck, for the total cost of \$52,987.00.

RESOLUTION #198 AUTHORIZE SUPERVISOR TO SIGN PURCHASE
ORDER #1410

Motion by Councilman Testa
Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1410 submitted by Highway Sup't. Glenn Bassett to be paid to STS to purchase two Carbon Steel Sanders, one 11'7" sander in the amount of \$6,685.00 and one 14'6" sander in the amount of \$7,045.00, for the total cost of \$13,730.00.

RESOLUTION #199 AUTHORIZE SUPERVISOR TO SIGN PURCHASE
ORDER #0152

Motion by Councilman Withey
Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0152 to be paid to HP Inc. to purchase eight (8) new desktop computers for offices in the Raymond G. Thorpe Municipal Building in order to be compatible with the upgrade from Windows 7 to Windows 10 (NYS AGG BUY Enterprise Desktops, Reference Model #31374936) at the unit price of \$547.83, for the total cost of \$4,382.64.

RESOLUTION #200 AUTHORIZE PAYMENT OF VOUCHERS – AUGUST

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0

ADOPTED

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

Funds A, B, DA, DB, HG, SF, SS, SW	Voucher #1198-1277	
	General Fund A	\$ 83,749.39
	General Fund B	\$ 59,011.44
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 53,511.82
	Gutchess Lumber SC Project HG	\$ 0.00
	C'Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 190,134.81
	Water Fund SW	\$ 8,611.92
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Funds TA, TE	Voucher #32-32	
	Trust & Agency TA	\$ 3,969.21
	Expendable Trust TE	\$ 0.00

Supervisor Tupper noted that there were no requests for privilege of the floor.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Water & Sewer Department for the month of July 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the monthly report of Town Justice Casullo for the month of July 2019 and for Town Justice LeFevre for the month of July 2019. All voting aye, the motion was carried.

There was discussion concerning the increase in expenses and the declining revenue for the Cortlandville Court. The Town's share of the total revenue used to be 33%, but since the 2008 recession the Town's share was reduced by the State to approximately 21%. The matter will be closely examined at budget time.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from Charter Communications, dated August 15, 2019, regarding programming services. All voting aye, the motion was carried.

Town Clerk Rocco-Petrella requested the Board receive and file the Cortlandville Fire Department 2018 Independent Audit and three completed grant applications submitted to the State for funding.

Councilman Proud, made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Fire District's Independent Auditor's Report as completed by Dermody, Burke & Brown, CPAs, LLC for the year ending December 31, 2018. All voting aye, the motion was carried.

Councilman Ross made a motion, seconded by Councilman Testa, to receive and file the completed 2019 Consolidated Funding Application (CFA) for the Department of State's Local Government Efficiency Program for a Local Government Efficiency Grant to fund the management, planning, promotion, operations and maintenance of the Gutches Lumber Sports Complex (GLSC). All voting aye, the motion was carried.

Councilman Proud, made a motion, seconded by Councilman Testa, to receive and file the completed 2019 Consolidated Funding Application (CFA) for the Department of State's Local Government Efficiency Program for a Local Government Efficiency Grant to evaluate the feasibility and potential cost of interconnecting the Town and City of Cortland's water supply and distribution system. All voting aye, the motion was carried.

Councilman Ross, made a motion, seconded by Councilman Proud, to receive and file the completed 2019 Consolidated Funding Application (CFA) for the New York State Department of Environmental Conservation's Water Quality Improvement Project (WQIP) Program for a Source Water Protection Grant for the Town's Lime Hollow Wells. All voting aye, the motion was carried.

Attorney DelVecchio reported:

Enforcement of Storm Water Pollution Prevention Plans:

Attorney DelVecchio stated there has been recent discussion between the Town and the Cortland County Soil and Water Conservation District regarding the enforcement of Stormwater Pollution Prevention Plans (SWPPP). Planning and Zoning Officer, Bruce Weber and Code Enforcement Officers Desiree Campbell and Kevin McMahon requested Attorney DelVecchio's assistance in determining enforcement for those who are not operating in a consistent manner with their approved SWPPP.

Attorney DelVecchio apprised the Board he examined the Town's SWPPP ordinance. The ordinance currently states that if a person is in violation, the Town can file an enforcement proceeding in court that allows the judge to impose fines of not less than \$100.00 and up to \$1,000.00 per day for violations and up to 60 days in jail. There is also a separate provision for the Town to seek an injunction to prevent the property owner from using the property. Attorney DelVecchio asked for the Board's input on what they felt to be appropriate action.

Board members discussed past SWPPP violations and actions taken against such violations. It was agreed that the preferred method of enforcement would be to first allow the property owner in violation the opportunity to remedy the situation. If not remedied, the Town would progress as needed to enforce varying levels of violations. Councilman Withey asked who determines if a violation has taken place. It was explained that the Code Enforcement Officer does bi-annual inspections and if violations are discovered the Board would initially determine if the person is operating outside of the approved bounds of the SWPPP. If so, it would go before a court of law and the Town Attorney will present the case. Attorney DelVecchio stated that typically the Town does not have to resort to bringing cases to court.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from NYS Homes & Community Renewal, dated August 5, 2019, regarding the 6-month Completion Notice due January 24, 2020 for CDBG #287SB902-18, Royal Nissan of Cortland. All voting aye, the motion was carried.

RESOLUTION #201

AUTHORIZE APPROVAL OF PAYMENT REGARDING THE
CDBG FOR ROYAL NISSAN, INC. #287SB902-18

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey

NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment for the following regarding the New York State Community Development Block Grant #287SB902-18 for Royal Nissan, Inc.:

Thoma Development Consultants - \$571.50 (Program Delivery)

RESOLUTION #202

AUTHORIZE APPROVAL OF PAYMENT REGARDING THE
CDBG FOR ROYAL NISSAN, INC. #287SB902-18

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment for the following regarding the New York State Community Development Block Grant #287SB902-18 for Royal Nissan, Inc.:

Town of Cortlandville - \$39.40 (Reimbursement for Published Public Hearing Notice)

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the 2019 CFA Empire State Development (ESD) Grant application as completed by Thoma Development Consultants regarding the Gutches Lumber Sports Complex Phase 2 Development. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the 2019 CFA NYS Office of Parks, Recreation & Historic Preservation Environmental Protection Fund (EPF) Grant application as completed by Thoma Development Consultants regarding Gutches Lumber Sports Complex Phase 2 Development. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file correspondence and “Standardized Notice Form for Providing 30-day Advance Notice to a Local Municipality or Community Board” from John Partigiani, Cort-Lanes Inc., dated August 9, 2019 for the renewal of a two year on-premises alcoholic beverage license for Cort-Lanes Inc., located at 928 Route 13 in the Town of Cortlandville. All voting aye, the motion was carried.

With regard to the County Sales Tax and at the request of Councilman Ross, Supervisor Tupper explained that the Town has options as to how it receives its share of the County Sales Tax. The Town may receive all of the sales tax in cash or it can use the sales tax to reduce the County tax levy. The Town has always received the sales tax in cash. The Town must notify the Cortland County Treasurer and the Cortland County Real Property Tax Office by certified resolution each year as to how the Town wishes to receive the sales tax.

RESOLUTION #203

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

Motion by Councilman Withey

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Ross, 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 2020, 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, 2019.

RESOLUTION #204

ESTABLISH THE STANDARD WORK DAY FOR AN
ELECTED OFFICIAL OF THE TOWN OF
CORTLANDVILLE FOR THE YEAR 2019

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

BE IT RESOLVED, the Town Board does hereby establish the following as standard work days for the following elected official and will report the following days worked to the New York State Local Employees’ Retirement System based on the record of activities maintained and submitted by this official to the Town Clerk:

Elected Officials:	Standard Work Day:	Name:	Term of Office:	Record of Activities:
Town Justice	6 hours	Francis J. Casullo	01/01/2016-12/31/2019	15.09

There was discussion regarding the Town’s request to the NYS Department of Transportation (NYS DOT) for two speed limit reductions in the Town. One request was for a reduction in a speed limit on Pendleton Street, between Saunders Road and Ahrens Road. After an investigation the NYS DOT determined that a 45 MPH speed limit would be appropriate. The Town’s second request for reduction in a speed limit was for Clinton Street, which the NYS DOT was still reviewing. The official order to the Town authorizing the reduction in speed limit was forthcoming. Once received the Town would be allowed to install the signage necessary to implement the new speed limit.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from the New York State Department of Transportation, dated August 13, 2019, regarding the Town’s request for a speed limit reduction on Pendleton Street and Clinton Street, and notifying the Town that a reduction in speed limit from 55 MPH to 45 MPH was determined appropriate on Pendleton Street, between Saunders Road and Ahrens Road. All voting aye, the motion was carried.

Councilman Withey inquired about the status of the Town and the County’s Workers’ Compensation Policy. Supervisor Tupper reported that the Town decided to stay with the County’s plan. The County is in the process of calculating the financial data and how it would impact the remaining municipalities participating in the plan. The County would be scheduling a meeting in the near future to discuss the future of the plan and possibly amending the County’s local law regarding workers’ compensation plan and policy.

Councilman Withey asked Attorney DelVecchio if he received a consultation report with regard to solar overlay districts. Attorney DelVecchio said that materials were provided to him with suggestions on adopting new provisions. He will examine the material closely and discuss the contents with the Board at a future meeting.

Councilman Withey commented that the Board reviewed and made revisions on Chapter 3, *Cortlandville’s Vision* for the new Comprehensive Plan. Public discussion will be had and a formal public hearing would be held prior to the implementation of the Plan. Councilman Proud reported that the Comprehensive Plan Committee was on schedule to complete the Plan this fall. On behalf of the Board, Councilman Ross expressed gratitude and appreciation for the members of the Committee who have devoted a considerable amount of time and effort to drafting the new Plan.

At this time, Supervisor Tupper requested the Board convene to an Executive Session to discuss a personnel matter.

Councilman Withey made a motion, seconded by Councilman Proud, to recess the Regular Meeting to an Executive Session to discuss a personnel matter. All voting aye, the motion was carried.

The meeting was recessed at 5:43 p.m.

No action was taken in Executive Session.

Councilman Proud made a motion, seconded by Councilman Withey, to adjourn the Executive Session and reconvene to the Regular Meeting. All voting aye, the motion was carried.

The Executive Session adjourned at 5:55 p.m.

RESOLUTION #205 SCHEDULE SPECIAL TOWN BOARD MEETING FOR
AUGUST 30, 2019 AT 10:00 AM

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby schedule a Special Town Board Meeting for Friday, August 30, 2019 at 10:00 a.m. at the Raymond G. Thorpe Municipal Building, for the purpose of convening to an Executive Session to discuss a personnel matter.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:56 p.m.

Respectfully submitted,

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 September 4, 2019.

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