

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
Councilman, Walter J. Kasperek
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Town Residents, Barb Leach, Steve Flatt and Pam Jenkins; 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.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Town Board Minutes of October 19, 2016. All voting aye the motion was carried.

Councilman Proud made a motion, seconded by Councilman Kasperek, to receive and file the Cortlandville Zoning Board of Appeals Minutes of October 25, 2016. All voting aye the motion was carried.

Councilman Proud made a motion, seconded by Councilman Kasperek, to receive and file the Cortlandville Planning Board Minutes of October 25, 2016. All voting aye the motion was carried.

Councilman Proud made a motion, seconded by Councilman Kasperek, to receive and file the Cortlandville Planning Board Minutes of November 29, 2016. All voting aye the motion was carried.

Councilman Proud made a motion, seconded by Councilman Kasperek, to receive and file the Cortlandville Planning Board Minutes of December 27, 2016. All voting aye the motion was carried.

RESOLUTION #

AUTHORIZE PAYMENT OF VOUCHERS - FEBRUARY

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

NAY - 0

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

Funds A, B, DA, DB	Voucher #61-112	
	General Fund A	\$ 20,134.98
	General Fund B	\$ 3,590.42
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 43,738.88
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 #36-57	
	Luker Rd Water HA	\$ 1,600.00
	Owego St Water HB	\$ 800.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 1,600.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 1,839.20
	Water SW	\$ 6,677.27
Funds SF, TA, TE	Voucher #3-6	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 799,491.24
	Expendable Trust TE	\$ 0.00

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

RESOLUTION # ACCEPT THE GASB 45 REPORT FOR YEAR ENDING
DECEMBER 31, 2016

Motion by Councilman Leach

Seconded by Councilman Proud

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

NAY - 0

ADOPTED

BE IT RESOLVED, the GASB 45 Report for the year 2016, prepared by Armory Associates, LLC Actuarial Consulting Group, 120 Walton Street, Suite 601, Syracuse, NY 13202 is hereby accepted and shall be received and filed.

The monthly reports for the Town Clerk and Tax Collector for the month of January were on the table for review and are filed in the Town Clerk's office.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated January 20, 2017, regarding price adjustments. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated January 27, 2017, regarding channel changes. All voting aye, the motion was carried.

In response to an inquiry posed by Councilman Leach, Attorney Folmer briefed the Board as to the status of the Town's efforts to receive franchise payments from Time Warner. He relayed that he has spoken with Edgar Fostveit, a representative for Troy and Banks, who informed him that the City of Gloversville is having the same difficulty collecting back franchise payments from Time Warner. Mr. Fostveit explained that Gloversville has taken the steps to inform Time Warner that they are prepared to initiate legal action. Mr. Fostveit recommends that Cortlandville holds off in doing the same until the outcome of that situation is known. Attorney Folmer stated that part of the delay in receiving payment may be due to the recent merger and accounting difficulties. Attorney Folmer reasoned that although the Board has authorized him to bring action if necessary, the Troy and Banks auditor has developed the information Cortlandville will need to be the basis of such litigation and he will take their suggestions under advisement.

Town Clerk Snyder reported:

Town Clerk Snyder stated she received notice from the Town Clerk of Dryden regarding a Public Hearing to be held in the Town of Dryden.

Councilman Proud made a motion, seconded by Councilman Testa to receive and file correspondence from the Town of Dryden, Town Clerk dated January 31, 2017 regarding a Public Hearing to be held on their a proposed Local Law amending the Town's Subdivision Law. All voting aye, the motion was carried.

Town Clerk Snyder informed the Board that the Town Clerk/Tax Collector's office has collected sixty six (66) percent of the taxes as of January 31, 2017. She reported that the Town and the Fire District are paid in full and she will be paying the County Treasurer sooner than usual. Town Clerk Snyder also apprised the public that seniors with Senior Citizens Exemptions or Enhanced Star on their school bill will have five extra days, commencing today, to pay their 2017 Cortlandville Town & County taxes without penalty.

Attorney Folmer reported:

Building Permits:

Attorney Folmer explained that building permits stated in the Town of Cortlandville Code, expire at the end of one year and that there is a time limit within which the ordinance requires construction be commenced under an issued building permit. The town code also provides that a permit can be renewed after one year. The Code Enforcement Office has requested that the Board establish a fee of \$50.00 to defray the cost of the processing of the renewal applications.

RESOLUTION # AUTHORIZE THE TOWN TO ESTABLISH A \$50.00 FEE FOR
THE RENEWAL OF A BUILDING PERMIT

Motion by Councilman Leach

Seconded by Councilman Proud

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

NAY - 0

ADOPTED

BE IT RESOLVED, the Town of Cortlandville does hereby establish a fee of \$50.00 for a building permit renewal after one year from the original building permit date.

South Hill Dump:

Attorney Folmer apprised the Board that he attended a meeting with representatives of the DEC concerning a Consent Order that Cortlandville has been asked to sign, regarding the remediation efforts at the South Hill Dump. Attorney Folmer stated that the Town has indicated to them that, based on the Town's review, the Town is not in a position to sign the Consent Order because it opens up a variety of claims. As a result of that meeting, Attorney Folmer stated he believes it is a possibility that the Town can accomplish some negotiation with regard to its terms. One thing agreed upon at the meeting was that they provide the Town with the management plan that is in place for the dump. He reported that the Town received the management plan today and has given it to Councilman Proud for his review and stated that they will confer once he has reviewed the plan. Attorney Folmer drew Councilman Proud's attention to the remediation section as there are seven alternatives, indicating that the State chose alternative number seven for remediation. Attorney Folmer reiterated to the Board that there is a possibility of negotiation to the provisions of the consent order as well as to the cost of annual inspections etc. He indicated that the Town may be able to do an "in house" at less of an expense than what the State has to pay.

Supervisor Tupper applauded Attorney Folmer on his close attention to detail and his accurate understanding of the document. Supervisor Tupper acknowledged that Attorney Folmer saved the Town a great deal of money.

Councilman Leach reminded the Board of his concern regarding land owner's garbage collecting at curbs. Attorney Folmer assured Councilman Leach that discussion has occurred regarding the subject and they were looking into the Zombie Law to see how it could correlate to what Cortlandville could do locally. Attorney Folmer will continue to update Councilman Leach of any progress or recommendations made.

RESOLUTION # AUTHORIZE TOWN SUPERVISOR TO FILE THE TOWN'S
ANNUAL REPORT 120 DAYS AFTER THE CLOSING OF 2016

Motion by Councilman Leach

Seconded by Councilman Kasperek

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

NAY - 0

ADOPTED

BE IT RESOLVED, the Office of the NYS Comptroller has granted the Town of Cortlandville's request for an extension of time for filing the Annual Financial Report of 2016 (AUD), and it is further,

RESOVED, the correspondence dated January 25, 2017 from the Office of the NYS Comptroller is hereby received and filed.

Attorney Folmer briefed the Board regarding the Storm Water Quality Monitoring Program for Wal-Mart. The Town of Cortlandville required monitoring for a five year period to be sure the water quality program was effective. At the onset, monitoring was done every quarter, however, after two years the sampling frequency was reduced to a semi-annual basis for the three remaining years of monitoring. It has been determined that the Stormwater Management System is functioning properly and Apex will terminate the formal monitoring.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from the Apex, dated December 1, 2016, regarding completion of Storm Water Quality Monitoring Program for Wal-Mart Store #1781. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence Hudson Energy, dated January 16, 2017 regarding a Customer Disclosure Statement that has been added to the contract. All voting aye, the motion was carried.

RESOLUTION # REFER AQUIFER PROTECTION PERMIT APPLICATION FOR
879 ROUTE 13, LLC TO THE TOWN AND COUNTY
PLANNING BOARDS FOR REVIEW AND
RECOMMENDATIONS

Motion by Councilman Proud

Seconded by Councilman Leach

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

NAY - 0

ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by 879 Route 13, LLC for property located on the west side of NTS Route 13, approximately 215 feet north of the intersection of Lime Hollow Road and NYS Route 13, tax map # 95.16-02-72.000 & 73.000, 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 Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence from the NYS Homes and Community Renewal, dated January 26, 2017, regarding the Town's Home Grant Monitoring Program. All voting aye, the motion was carried.

RESOLUTION # ADOPT PROGRAM INCOME PLAN FOR THE TOWN OF
CORTLANDVILLE

Motion by Councilman Leach

Seconded by Councilman Proud

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

NAY - 0

ADOPTED

WHEREAS, the New York State Office of Community Renewal now requires that Community Development Block Grant Program grantees must apply for approval of a developed plan for the intended use and reuse of Community Development Block Grant Program Income, and,

WHEREAS, the Town developed such a Program Income Plan and submitted to the New York State Office of Community Renewal for their approval and,

WHEREAS, the New York State Office of Community Renewal agreed to the approval of the Town's plan, January 30, 2017, therefore

BE IT RESOLVED, the Town of Cortlandville does hereby adopt such Program Income Plan for use and reuse of Community Development Block Grant income.

RESOLUTION # ADOPT POLICY REGARDING THE BUSINESS LOAN
PROGRAM AS CITED IN THE ADOPTED PROGRAM
INCOME PLAN

Motion by Councilman Leach

Seconded by Councilman Proud

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

NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the Business Loan Program as a Town Policy as cited in the adopted Town's Program Income Plan for program income earned from the Town's Community Development Block Grants.

Councilman Leach apprised that he completed the Town Highway Audit. He said they have a new roof, new sanders and a new overhead door. Councilman Leach was very pleased with the state of things at the Highway Garage. Also Councilman Leach noted the department has sold equipment on Auctions International. He also completed his audit with the Town Bookkeeper.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:30 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 April 10, 2017.

The final version of this meeting was approved as written at the Town Board meeting of April 19, 2017.