

PUBLIC HEARING NO. 1

LOCAL LAW OF 2017

A LOCAL LAW TO OVERRIDE THE TAX CAP LEVY LIMIT ESTABLISHED IN  
GENERAL MUNICIPAL LAW SECTION 3-c

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building located at 3577 Terrace Road, Cortland, New York 13045, regarding a Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Cortlandville pursuant to General Municipal Law Section 3-c, to allow the Town of Cortlandville to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman, John C. Proud  
Councilman, Gregory K. Leach  
Councilperson, Kristin E. Rocco-Petrella  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John B. Folmer; Town Residents, Susan Fitts, Andrea Niggli, Barb Leach, Pat Leach, John Reynolds, Glenn Bassett, Pam Jenkins; News Reporters: Duane Andrus from Channel 2, Access TV and Robert Crennan from the *Cortland Standard*.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

Supervisor Tupper offered privilege of the floor to those in attendance.

Susan Fitts, a Pheasant Run resident questioned why the limit is being raised on the taxes.

Supervisor Tupper stated the Public Hearing is for comments and not questions. Councilman Proud offered to the public as you will have the opportunity to speak later on into the meeting.

The Public Hearing was closed at 5:05 p.m.

## TOWN BOARD MEETING

The Regular Town Board 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  
Councilperson, Kristin E. Rocco-Petrella  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John B. Folmer; Town Residents, Susan Fitts, Andrea Niggli, Barb Leach, Pat Leach, John Reynolds, Glenn Bassett, Pam Jenkins; News Reporters: Duane Andrus from Channel 2, Access TV and Robert Crennan from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilperson Proud made a motion, seconded by Councilman Testa, to approve the Town Board Minutes of September 20, 2017, as submitted. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Zoning Board of Appeals Minutes of August 29, 2017. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Planning Board Minutes of August 29, 2017. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Zoning Board of Appeals Minutes of September 26, 2017. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Planning Board Minutes of September 26, 2017. All voting aye, the motion was carried.

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RESOLUTION #                      AUTHORIZE PAYMENT OF VOUCHERS – NOVEMBER

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE-Tupper, Testa, Leach, Proud, Rocco-Petrella                      NAY-0

## ADOPTED

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

Funds A, B, DA, DB	Vouchers #1034-1109	
HE, HG, SS, SW	General Fund A	\$ 61,752.11
	General Fund B	\$ 8,260.13
	General Fund DA	\$ 0.00
	General Fund DB	\$ 78,726.64
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber Sports Complex HG	\$ 0.00
	Sewer SS	\$ 123,063.28
	Water SW	\$ 105,829.96
Funds CD1, CD3, CD4	Voucher # (None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00

Funds SF, TA, TE	Voucher #40-42	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 37079.83
	Expendable Trust TE	\$ 0.00

John Proud spoke on the voucher for an EGR valve for \$7,000.00. A valve on one of the town trucks malfunctioned and the truck had to be towed. Councilman Leach offered a comment, due to the design of equipment regarding emissions.

Supervisor Tupper asked if there were any requests for privilege of the floor.

Pat Leach from the Village of McGraw wanted to thank the Board for keeping the funding to the Village Library and McGraw Recreation Department, adding Mr. Leach is hoping the 2018 budget will pass. His father in law is on the recreation committee the funds are very important to the Recreation Department. Councilman Leach was instrumental in keeping those funds in the 2018 budget. He also thanked the Town Highway Department for helping with the black topping in the Village of McGraw. He recognized today is the 40<sup>th</sup> anniversary of Leach's Custom Trash.

Councilman Proud made a motion, seconded by Councilperson Leach, to receive and file the Municipal Shelter Inspection Report for Cortland County SPCA completed on 10/11/2017. All voting aye, the motion was carried.

Councilman Leach made a motion seconded by Councilman Proud to receive and file the October 2017 Code Enforcement Monthly Report from Desiree' Campbell. All voting Aye, the motion was carried.

Supervisor Tupper spoke on the Local Law to override the tax levy. For approximately the last 13 years the Board has been able to keep a zero tax increase. The Board has working on the 2018 budget for the last six weeks and the budget is not yet below the required tax cap and may not be. If the Board is unable to reduce budgeted figures below the tax cap a resolution needs to be adopted authorizing such Local Law to override the tax levy limit, in order to stay in compliance with State law. Once adopted the Local Law will be filed with the State. The cap is 2%. This year it is at 1%, which is approximately \$17,000.00 of the town's budget. The town has been using reserves for many years in order to comply with this new law. Supervisor Tupper stated sales tax is down, town expenses are up. The Board will make every effort to produce a 2018 budget under the cap.

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RESOLUTION #                      ADOPT LOCAL LAW NO. 2 of 2017 TO OVERRIDE THE TAX  
LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL  
LAW SECTION 3-C

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Motion by Councilman Leach  
Seconded by Councilman Testa

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

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a public hearing to be held by said Board to hear all interested parties on a proposed Local Law enacting a resolution to override the tax levy limit established in General Municipal Law Section 3-c, and

WHEREAS, a notice of said public hearing was duly published in the Cortland Standard, the official newspaper of the said Town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, as required by law, and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law, now therefore

BE IT RESOLVED, the Town Board of the Town of Cortlandville hereby adopts said Local Law as Local Law No. 2 of 2017, enacting a resolution to override the tax levy limit established in General Municipal Law Section 3-c, a copy of which is attached hereto and made part hereof, and the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Cortlandville, and to give due notice of the adoption of said Local Law to the Secretary of State.

Be it enacted by the Town Board of the Town of Cortlandville as follows:

**Section 1. Legislative Intent.**

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Cortlandville, County of Cortland pursuant to General Municipal Law Section 3-c, to allow the Town of Cortlandville, County of Cortland to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

**Section 2. Authority.**

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the town Board to override the tax levy limit by the adoption of a Local Law approved by vote of sixty percent (60%) of the Town Board.

**Section 3. Tax Levy Limit Override.**

The Town Board of the Town of Cortlandville, County of Cortland is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess if the limit specified in General Municipal Law Section 3-c.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

**Section 5. Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Town Clerk, Snyder reported the following:

The Town Board minutes from 10/04/17 and 10/18/17 were added to the Town Board packets and will be on the 11/15/17 meeting agenda for approval.

Councilman Proud, made a motion, seconded by Councilman Leach, to receive and file the 2018 Cortlandville Fire District Operating Budget. All voting aye, the motion was carried.

RESOLUTION #                      ACKNOWLEDGE RECEIVING THE NOTICE OF CLAIM  
REGARDING JAMES C. STEVENS, III VS. THE TOWN OF  
CORTLANDVILLE

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Motion by Councilman Testa

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach, Rocco-Petrella      NAY-0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge, by receiving and filing, the Notice of Claim regarding James C. Stevens, III vs. the Town of Cortlandville for property located on Ridgeview Avenue, Cortland, New York, tax map #86.00-02-01.000, referred to as the Stevens farm.

Attorney Folmer Reported:

South Hill Dump

Attorney Folmer apprised the Board that the Town had received the Annual Report regarding the South Hill Dump and nothing has changed in the last year. Supervisor Tupper is required to sign the certification so it can be returned to the Department of Environmental Conservation.

RESOLUTION #118                      AUTHORIZE SUPERVISOR TO SIGN THE ANNUAL REPORT  
FOR THE INSTITUTIONAL AND ENGINEERING CONTROLS  
FOR THE YEAR 2017 REGARDING THE SOUTH HILL DUMP

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Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the Annual Report for the institutional and engineering controls regarding the South Hill Dump.

Climate Smart Community

Attorney Folmer also spoke about the Department of Environmental Conservation has asked the Board to adopt a resolution with regard to climate control. This is a pledge of 10 promises that the Town makes to reduce pollution and assist in climate control. Attorney Folmer has modified the resolution and will distribute copies. This is to be looked over and possible action taken at the next meeting, 11/15/17.

RESOLUTION #                      PRE-AUTHORIZE SUPERVISOR TO EXECUTE DISCHARGE  
OF MORTGAGES BETWEEN THE TOWN AND KYLE  
DINARDO REGARDING THE TOWN-WIDE HOUSING  
REHABILITATION GRANT (CDBG) #287HR148-11

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Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby pre-authorize and direct the Supervisor to execute the Discharge of Mortgages between the Town and Kyle Dinardo, 840 S. Lamont, Cortland, New York 13045, with regard to the Town-Wide Housing Rehabilitation Grant CDBG #287HR148-11.

RESOLUTION #                    AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
JEFFREY KING FOR THE TOWN-WIDE HOUSING  
REHABILITATION GRANT PROGRAM CDBG #287HR326-16

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Motion by Councilman Proud

Seconded by Councilperson Rocco-Petrella

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

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement, between the Town of Cortlandville and Jeffrey King, 4473 State Route 41, McGraw, New York regarding the loan funds by the Town's CDBG Program for the total amount of \$22,200.00.

RESOLUTION #                    AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
PATRICIA M. OSTRANDER FOR THE TOWN-WIDE  
HOUSING REHABILITATION GRANT PROGRAM CDBG  
#287HR326-16

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Motion by Councilman Proud

Seconded by Councilperson Rocco-Petrella

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

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement, between the Town of Cortlandville and Patricia M. Ostrander, 3221 South Cortland-Virgil Road, Cortland, New York regarding the loan funds by the Town's CDBG Program for the total amount of \$29,150.00.

RESOLUTION #                    AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
LOUIS THOMPSON FOR THE TOWN-WIDE HOUSING  
REHABILITATION GRANT PROGRAM CDBG #287HR326-16

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Motion by Councilman Proud

Seconded by Councilperson Rocco-Petrella

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

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement, between the Town of Cortlandville and Louis Thompson, 1539 Saunders Road, Cortland, New York regarding the loan funds by the Town's CDBG Program for the total amount of \$25,490.96.

RESOLUTION #                    AUTHORIZE SUPERVISOR TO SIGN GRANT WRITING  
SERVICE AGREEMENT BETWEEN THE TOWN AND  
THOMA DEVELOPMENT CONSULTANTS TO APPLY FOR A  
2017 NYS COMMUNITY DEVELOPMENT BLOCK GRANT  
(CDBG) FOR A SMALL BUSINESS ECONOMIC  
DEVELOPMENT APPLICATION TO ASSIST ROYAL  
NISSAN/SUBARU

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Motion by Councilman Leach

Seconded by Councilman Rocco-Petrella

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Grant Writing Agreement between the Town of Cortlandville and Thoma Development Consultants to apply for a 2017 NYS Community Development Block Grant (CDBG) for a Small Business Economic Development Application to assist Royal Nissan/Subaru in an amount not to exceed \$6,000.00.

RESOLUTION #                    AUTHORIZE SUPERVISOR TO SIGN THE “NEW APPLICANT APPROVAL REQUEST” REGARDING THE TOWN’S 2016 COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION PROGRAM BETWEEN THE TOWN AND RENEE HAMMOND

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Motion by Councilman Leach

Seconded by Councilperson Rocco-Petrella

VOTES: AYE – Tupper, Testa, Proud, Leach, Rocco-Petrella NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the New Applicant Approval Request regarding the Town’s 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Renee Hammond, 40 Clinton St, McGraw, New York regarding the loan funds by the Town’s CDBG Program for the total amount of \$30,157.60.

RESOLUTION #                    AUTHORIZE SUPERVISOR TO SIGN THE “NEW APPLICANT APPROVAL REQUEST” REGARDING THE TOWN’S 2016 COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION PROGRAM BETWEEN THE TOWN AND DAVID PIERCE

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Motion by Councilman Leach

Seconded by Councilperson Rocco-Petrella

VOTES: AYE – Tupper, Testa, Proud, Leach, Rocco-Petrella NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the New Applicant Approval Request regarding the Town’s 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and David Pierce, 1159 Gallagher Rd, Cortland, New York regarding the loan funds by the Town’s CDBG Program for the total amount of \$28,243.00.

RESOLUTION #                    AUTHORIZE SUPERVISOR TO SIGN THE “NEW APPLICANT APPROVAL REQUEST” REGARDING THE TOWN’S 2016 COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION PROGRAM BETWEEN THE TOWN AND TAYRA FEDORKA AND CHRIS POWELL

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Motion by Councilman Leach

Seconded by Councilperson Rocco-Petrella

VOTES: AYE – Tupper, Testa, Proud, Leach, Rocco-Petrella NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the New Applicant Approval Request regarding the Town’s 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Tayra Fedorka and Chris Powell, 3770 Fairview Dr. Cortland, New York regarding the loan funds by the Town’s CDBG Program for the total amount of \$32,600.00.

RESOLUTION #                    AUTHORIZE SUPERVISOR TO TRANSFER FUNDS FROM FUND BALANCES TO THE ESTABLISHED RESERVE ACCOUNTS

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Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Leach, Rocco-Petrella NAY – 0  
ADOPTED

WHEREAS, the Town Supervisor requested the Town Board authorize him to transfer funds from fund balances to the established reserve accounts, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Supervisor to transfer \$50,000.00 from the DB Fund Balance to the Highway Equipment Capital Reserve Fund; transfer \$15,000.00 from the Water Fund Balance to the Water Improvement Capital Reserve Fund; and transfer \$25,800.00 from the Sewer Fund Balance to the Sewer Improvement Capital Reserve Fund.

RESOLUTION #                      AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE  
TOWN-WIDE HOUSING REHABILITATION GRANT  
PROGRAM CDBG #287HR326-16

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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach, Rocco-Petrella NAY – 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment for the following regarding the Town-Wide Housing Rehabilitation Grant Program-CDBG #287HR326-16:

Reome Electric & General Contracting - \$4,000.00

Reome Electric & General Contracting - \$15,000.00

GT Contracting- \$13,210.00

Thoma Development- \$6,783.02 (Administration & Delivery Services)

Town of Cortlandville Code Office- \$150.00 (Building Permit Fees) TABLED

Supervisor Tupper stated that the Town received payment today from Charter Communications regarding the audit conducted by Troy and Banks. Supervisor Tupper indicated in order to receive these funds he requested a resolution to amend the 2017 budget.

RESOLUTION #                      AMEND 2017 BUDGET TO ACCOUNT FOR AN INCREASE  
IN REVENUE FROM CHARTER COMMUNICATIONS  
SETTLEMENT FOR THE TOWN OF CORTLANDVILLE AND  
FOR THE FEES OWED TO TROY AND BANKS FOR  
PERFORMING THE FRANCHISE FEE AUDIT

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Motion by Councilman Proud

Seconded by Councilman Rocco-Petrella

VOTES: AYE – Tupper, Testa, Proud, Leach, Rocco-Petrella NAY – 0  
ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to amend the 2017 Budget to reflect transactions required for the funds received to the Town of Cortlandville from Charter Communications for the settlement of the cable franchise fee audit (A2690-Other compensation for loss \$64,887.00), and for the fees owed to Troy and Banks who performed the cable franchise fee audit for the Town of Cortlandville (A1320.4 -\$32,443.50, due to Troy and Banks), and it is further

RESOLVED, the 2017 Budget is hereby amended.



RESOLUTION #                      SCHEDULE    PUBLIC    HEARING    REGARDING    THE  
SUBMISSION OF AN APPLICATION TO THE NYS OFFICE OF  
COMMUNITY RENEWAL FOR FUNDING UNDER THE  
FEDERAL    NEW    YORK    STATE    COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM FOR  
NOVEMBER 15, 2017 AT 5:00 PM    FOR ROYAL NISSAN OF  
CORTLAND

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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach, Rocco-Petrella NAY – 0  
ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for November 15, 2017 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York regarding an application to the New York State Office of Community Renewal for funding under the Federal New York State Community Development Block Grant Program for Royal Nissan of Cortland.

Attorney Folmer applauded Town Bookkeeper, Marcia Hicks for hounding Charter Communications and making sure that the Town was reimbursed these funds.

Attorney Folmer apprised the Board that he agreed with Councilman Leach that the Planning and Zoning Boards needed a better recording device. Supervisor Tupper said that there are funds in each of their budgets for such equipment.

Councilman Proud received campaign material that he felt stated false information. It stated that Councilman Leach received preferential treatment from the Boards. It also stated the Town Board votes to relax standards on protection of the Aquifer. Also, the campaign material stated that the voters realize the reason that the appointed highway superintendent position was on the ballot was because the residents have a say in the decision as to whether that position is an elected or appointed position.

Councilman Leach said he was in McGraw last night and the Sheriff had a patrol car within the Village. He wanted to thank the Sheriff's Department for being in the Village of McGraw for the safety of the residents. Councilman Leach also offered information regarding the play "Grease" will be performed at the McGraw School with his son Patrick as the director.

Supervisor Tupper recognized the Cortlandville Fire Department. On Halloween night the department drove around parts of the Town stopping at residents homes and handed out candy.

No further comments or discussions were heard.

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

The meeting was adjourned at 5:45 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 November 11, 2017.  
The final version of this meeting was approved as written at the Town Board meeting of \_\_\_\_\_.