

## 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, Gregory K. Leach  
Councilman, John C. Proud  
Town Clerk, Karen Q. Snyder, RMC

Absent:

Councilperson, Kristin E. Rocco-Petrella

Others present were: Deputy Highway Sup't. Glenn Bassett; Town Residents: Pam Jenkins, Pam Bassett, Barb Leach, Andrea Niggli; Board Members representing Lamont Library: Heather Cobb, Samantha Augur, Teresa Ripley, Maryalice Griffin, Melanie Field, and Christine Buerkle; Representing the Finger Lakes Library System: Amanda Schiavulli; News Reporters: Brad Smith from WXHC, and Duane Andrus from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

RESOLUTION #209                      APPOINT RICHARD C. TUPPER, JOHN A. MASON, AND  
DAVID YAMAN TO THE TOWN OF CORTLANDVILLE  
COMMUNITY DEVELOPMENT LOAN COMMITTEE

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Motion by Councilman Testa

Seconded by Councilman Leach

VOTES: AYE-Tupper, Testa, Proud, Leach

NAY-0

ABSENT - Rocco-Petrella

ADOPTED

BE IT RESOLVED, the Town Board does hereby appoint Richard C. Tupper, Town Supervisor for the Town of Cortlandville, John A. Mason, Vice President of NBT Bank and David Yaman of David Yaman Realty Services to the Town of Cortlandville Community Development Loan Committee.

Councilman Leach made a motion, seconded by Councilman Testa to receive and file the Town of Cortlandville Community Development Loan Committee Minutes of November 15, 2017. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Town Board Minutes of November 15, 2017, as submitted. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Special Town Board Minutes of November 17, 2017, as submitted. All voting aye, the motion was carried.

RESOLUTION #210                      AUTHORIZE PAYMENT OF VOUCHERS – DECEMBER

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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE-Tupper, Testa, Proud, Leach

NAY-0

ABSENT - Rocco-Petrella

ADOPTED

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

Funds A, B, DA, DB HE, HG, SS, SW	Vouchers # 1186-1271	
	General Fund A	\$134,903.07
	General Fund B	\$ 5540.15
	General Fund DA	\$ 0.00
	General Fund DB	\$ 45,145.69
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber Sports Complex HG	\$ 0.00
	Sewer SS	\$ 1,466.65
	Water SW	\$ 6,562.39
Funds CD1, CD3, CD4	Voucher # 5-8	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 38,993.02
	Business Devl CD4	\$ 0.00
Funds SF, TA, TE	Voucher # 43-46	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 36,105.59
	Expendable Trust TE	\$ 0.00

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

Heather Cobb, the Director at the Lamont Library handed out an informational packet to the Board. She along with her Board of Directors was in attendance to say thank you for Cortlandville's support to library services. The Board has become a huge support to the library's success. They wanted to make sure that they thanked the Cortlandville Board for their 2018 funding. The money received will fund the following: the Directors and Library Assistants hours and wages will remain, employment of the Children's Coordinator, the employment of the young adult coordinator, summer reading program, pre-school story time, and outreach to the elementary school. All the materials and activities to run programs are funded by inter municipal support. The tax base in McGraw is extremely small so increasing the library tax is a difficult challenge and the reason why they contract with many different municipalities. She asked to please continue to support the McGraw Lamont Library through 2019 and to stop by the Library anytime.

Attorney Folmer said that he lived in McGraw for a long time and his late wife served as the Vice President of the Lamont Library. He thinks that of all the places he knew in the Village that they deserve all the funding that they get because of the service they provide. He attributes his kids and grandkids love of reading to the McGraw Library.

Pam Jenkins spoke regarding Byrne Dairy's proposed gas station/store on Tompkins Street (Route 13). She said that everyone knows that their use is prohibited by our codes and land use plan. She said spot zoning is illegal and is interested to listening to the discussion regarding this.

Councilman Leach made a motion seconded by Councilman Testa to acknowledge the following monthly reports from the Town Clerk for November 2017, Town Justice Reports for October 2017, and Code Officer, Kevin McMahon for the month of November 2017. All voting Aye, the motion was carried.

The Board Members discussed a subject that was tabled from two prior Town Board Meetings. It is the consensus of the Board Members that a building permit fee shall be charged for Community Development Block Grant Applicants.

RESOLUTION #211      AUTHORIZE A BUILDING PERMIT FEE OF \$50.00 FOR  
EACH APPLICANT SHALL BE CHARGED REGARDING THE  
TOWN-WIDE HOUSING REHABILITATION GRANT  
PROGRAM CDBG #287HR326-16

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE-Tupper, Testa, Proud, Leach

ABSENT - Rocco-Petrella

ADOPTED

NAY-0

BE IT RESOLVED, the Town Board does hereby authorize a building permit fee of \$50.00 shall be charged for each applicant regarding the Town-Wide Housing Rehabilitation Grant Program-CDBG #287HR326-16, and it is further

RESOLVED, the voucher tabled for a sum of \$150.00 for building permit fees for the Town-Wide Housing Rehabilitation Grant Program, CDBG #287HR326-16 is hereby approved.

It was stated the Town of Cortlandville Code Enforcement Officer will be doing the inspections and the funds to pay for the inspections will be coming from the CDBG funds.

Town Clerk Snyder reported the following:

The State of New York Department of State filed the town's Local Law No. 2 of 2017, which was to override the tax cap. The Board managed to keep the 2018 budget well under the tax cap provisions.

RESOLUTION #212                      ACKNOWLEDGE NOTIFICATION FROM THE NEW YORK  
STATE FOR FILING OF LOCAL LAW NO. 2 OF 2017

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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE-Tupper, Testa, Proud, Leach

NAY-0

ABSENT - Rocco-Petrella

ADOPTED

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law No. 2 of 2017 – to override the tax cap.

Councilman Leach made a motion, seconded by Councilman Proud to receive and file correspondence from the Town of Groton, dated December 6, 2017, regarding their Negative Declaration for their Local Law amending various sections of their Land Use and Development Code.

Attorney Folmer apprised the Board that the NYS Department of Environmental Conservation authorizes the Town Clerk to issue conservation licenses. In-coming Clerk Kristin Rocco-Petrella has prepared the application so that she can submit the documentation now so that after the first of the year there will be no lapse in ability to issue licenses. She is requesting a resolution be passed so that she can file the paperwork with the NYS Department of Conservation.

RESOLUTION #213                      AUTHORIZE IN-COMING TOWN CLERK KRISTIN ROCCO-  
PETRELLA TO EXECUTE A NEW "LICENSE ISSUING AGENT  
AGREEMENT" WITH THE NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

ADOPTED

WHEREAS, the NYS Department of Environmental Conservation is authorized by Section 11-0713 of the Environmental Conservation Law and applicable rules and regulations to appoint agents to issue licenses for the privilege of hunting and fishing in New York State, and

WHEREAS, the current issuing agent Karen Q. Snyder, RMC, Town Clerk of the Town of Cortlandville will be retiring December 31, 2017, a new "Licensing Issuing Agent Agreement" would need to be executed, and

WHEREAS, the in-coming Town Clerk has requested to apply to the NYS Department of Environmental Conservation for such appointment as an "Licensing Issuing Agent", therefore

BE IT RESOLVED, the in-coming Town Clerk is hereby authorized and directed to execute the "License Issuing Agent Agreement" with the NYS Department of Environmental Conservation.

RESOLUTION #214      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 THOMAS & JESSICA THOMPSON

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

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 Thomas and Jessica Thompson, 3686 US Route 11, Cortland, New York regarding the loan funds by the Town’s CDBG Program for the total amount of \$27,000.00.

RESOLUTION #215      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND TAYRA FEDORKA & CHRISTOPHER POWELL FOR THE TOWN’S 2016 COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION PROGRAM

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

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 Tayra Fedorka and Christopher Powell, 3770 Fairview Drive, Cortland, New York, for a 100% deferred loan for the 2016 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$32,550.00.

RESOLUTION #216      AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE TOWN-WIDE HOUSING REHABILITATION GRANT PROGRAM CDBG #287HR326-16

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

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 - \$13,100.00

GT Contracting- \$7,660.00

RH Osborne Flooring- \$2,820.96

Little Beaver Roofing- \$6,890.00

Zerodraft USA- \$600.00

Thoma Development- \$1,000.00 (Administration & Delivery Services)

Councilman Proud made a motion, seconded by Councilman Testa to receive and file correspondence from NYS Homes & Community Renewal regarding the Annual Report for our CDBG#287HR326-16 due January 12, 2018. All voting aye, the motion was carried.

**RESOLUTION #217****ESTABLISH SCHEDULE OF TOWN BOARD MEETINGS  
FOR THE YEAR OF 2018**

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

ADOPTED

BE IT RESOLVED, the regular meetings of the Town Board of the Town of Cortlandville shall be held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York on the first and third Wednesday of each month at 5:00 p.m., and if such day should fall on a holiday, the meeting shall be held the next business day, and it is further

RESOLVED, the May 2, 2018 meeting will be held at the Community Building in the Village of McGraw at 5:00 p.m., the June 6, 2018 meeting will be held at the Blodgett Mills Independent Baptist Church in Blodgett Mills at 5:00 p.m., and the July 5, 2018 meeting will be held at the J.M. McDonald Center in Cortlandville at 5:00 p.m., and it is further

RESOLVED, the Town Clerk shall have the meeting schedule posted in the newspaper in Legal Notice form.

**RESOLUTION #218****APPROVE HOLIDAY SCHEDULE 2018**

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

ADOPTED

BE IT RESOLVED, the following Holiday Schedule for the year 2018 is hereby approved as follows:

New Year's Day	Monday	January 01, 2018
Martin Luther King Jr. Day	Monday	January 15, 2018
President's Day	Monday	February 19, 2018
Memorial Day	Monday	May 28, 2018
Independence Day	Wednesday	July 04, 2018
Labor Day	Monday	September 03, 2018
Columbus Day	Monday	October 8, 2018
Election Day	Tuesday	November 06, 2018
Veterans Day	Monday	November 12, 2018
Thanksgiving Day	Thursday	November 22, 2018
	Friday	November 23, 2018
Christmas Eve Day	Monday	December 24, 2018
Christmas	Tuesday	December 25, 2018
New Year's Eve	Monday	December 31, 2018

**RESOLUTION #219****AUTHORIZATION TO RELEVY DELINQUENT WATER AND  
SEWER ACCOUNTS TO THE 2018 TAX ROLL OF THE TOWN**

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

ADOPTED

WHEREAS, the list of delinquent accounts of the Water & Sewer Department of the Town was submitted, as required, therefore

BE IT RESOLVED, the Town Board does hereby receive and file and forward the list of delinquent water and sewer accounts of the Town of Cortlandville to the Cortland County Real Property Tax Office, to be relevied onto the 2018 tax roll of the Town.

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RESOLUTION #220                      AUTHORIZE HIGHWAY SUP'T. TO SELL SURPLUS  
EQUIPMENT USING AUCTIONS INTERNATIONAL

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Water & Sewer Sup't. to sell the following surplus equipment using Auctions International, online website:

1 – 2001 International Dump Truck #2923-D3-HWY

1 – 2002 Ford 1-Ton Dump with Plow #18-D-HWY

Councilman Proud made a motion, seconded by Councilman Testa to receive, file, and discuss correspondence dated November 13, 2017 from Sonbyrne Sales, Inc. regarding a zone change request for property located at 260 Tompkins Street.

Attorney Folmer said this request cannot be granted. It would be pure and simple spot zoning which is absolutely prohibited under any zoning concept that anybody has ever dreamed up. However, it has been suggested that you consider re-zoning those parcels that are presently zoned B-2 and located in that area. He showed a map of the parcels that are affected by this. He doesn't know if there is any interest in re-zoning. But, he wants the Board to know that there are several things to consider. There are 2 parties that have expressed interest in establishing a use within that area. This is a use which is not permitted by the present zoning in place. One is a storage shed facility located further east on Tompkins St. The application required a use variance, was applied for but was denied by the Zoning Board. The second is Byrne Dairy. They would like a re-zoning of the Willcox property. If Byrne Dairy were to apply for the permits, they will have to satisfy the Planning Board due to it being a gas station that they would like to construct. Part of the SEQR review is to consider the possibility of environmental consequences. There is a lot for the Board to think about and Attorney Folmer will be on hand to answer any questions that the Board may have.

Councilman Proud asked why this area is zoned B-2 with it being such a highly travelled area. Attorney Folmer couldn't answer that question. Attorney Folmer asked if the Board wanted him to look into the re-zoning of the area. Councilman Proud said that he thinks this area should be zoned B-3 with it being a heavy traffic area.

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RESOLUTION #221                      AUTHORIZE TOWN ATTORNEY TO DRAFT A LOCAL LAW  
FOR A ZONE CHANGE EAST ALONG ROUTE 13 FROM  
B-2 (HIGHWAY COMMERCIAL BUSINESS) TO B-3  
(PLANNED COMMERCIAL BUSINESS)

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud

NAY – 0

ABSENT - Rocco-Petrella

ABSTAIN - Leach

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Attorney to draft a Local Law for a zone change east on route 13 from B-2 to B-3.

RESOLUTION #222      AUTHORIZE      IN-COMING      TOWN      HIGHWAY  
SUPERINTENDENT GLENN BASSETT TO UTILIZE HIS  
ACCURED SICK LEAVE DAYS TOWARD PENSION CREDIT  
AT THE TIME OF HIS RETIREMENT

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

ADOPTED

WHEREAS, Town Highway employee Glenn Bassett has requested his 1,320-accrued unused sick leave days be considered as pension credit at the time of his retirement, and

Whereas, Town Highway employee Glenn Bassett will be terminating his position as such employee effective December 31, 2017, as he became the elected Town Highway Superintendent taking office effective January 1, 2018, and

WHEREAS, the Town of Cortlandville's Personnel Policy allows full-time employees to use unused sick leave days as extra pension credit at the time of their retirement, and

WHEREAS, the NYS Retirement System has confirmed the Town of Cortlandville has adopted, per Resolution #57 of 1988, Section 41-j of the NYS Retirement the allowance of unused sick leave days, and

WHEREAS, it has been attested that any elected official at the town level is not entitled to the town's benefits as provided for any full-time employee such as earned vacation time, longevity pay and earned sick days, therefore

BE IT RESOLVED, the Town Board does hereby authorize in-coming Town Highway Superintendent Glenn Bassett to utilize his 1,320-accrued unused sick leave days as extra pension credit at the time of his retirement, and it is further

RESOLVED, this resolution will become effective December 31, 2017.

RESOLUTION #223      AUTHORIZE TOWN HIGHWAY SUPERINTENDENT TO FILL  
TWO FULL TIME POSITIONS WITHIN THE HIGHWAY  
DEPARTMENT AS A MOTOR EQUIPMENT OPERATOR AND  
A LABORER

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Highway Superintendent to fill two full-time positions within the Highway Department as a Motor Equipment Operator and as a laborer, due to the retirement of two highway department employees.

Councilman Proud made a motion, seconded by Councilman Leach to receive, file, and discuss correspondence dated December 1, 2017 from the USDA regarding submission of Management Reports due by March 1, 2018.

There was confusion regarding this correspondence as this document is normally submitted to the Town Clerk for preparation. Town Clerk Snyder stated she will acknowledge receipt and submit the proper documentation when available.

Councilman Leach made a motion, seconded by Councilman Testa to receive, file, and discuss the 2017 Water & Sewer Rate Analysis from Water & Sewer Superintendent Peter Alteri.

Councilman Proud discussed the raising of the current water and sewer rates as it would put the town in a position not to dip into the reserve fund when the budget process is started in August of 2018.

RESOLUTION #224                      ADOPT RESOLUTION TO ESTABLISH NEW WATER AND  
SEWER RATES EFFECTIVE JANUARY 1, 2018

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

ADOPTED

WHEREAS, the Town Board authorized the adoption to change the water and sewer rates for January 1, 2018 under Chapter 171, Article I, Section 171-7, therefore

BE IT RESOLVED, the Water District Ordinance of the Town of Cortlandville, enacted September 30, 1957, and thereafter amended, is hereby further amended to provide the establishment of new water and sewer rates as follows:

Water Rate:

\$24.05 Min 0-6,000

\$4.11/1,000

\$3.35/1,000 Industrial

Sewer Rate:

\$28.00 Min 0-6,000

\$5.60/1,000

\$2.90/1,000 Industrial

AND IT IS FURTHER RESOLVED, the new water and sewer rates shall be effective January 1, 2018.

RESOLUTION #225                      ACCEPT THE TOWN OF CORTLANDVILLE “SUMMARY  
PLAN DESCRIPTION” AS A POLICY FOR MEDICAL,  
DENTAL AND VISION INSURANCE FOR RETIRED  
ELECTED OFFICIALS, RETIRED EMPLOYEES &  
THE DEATH OF ACTIVE EMPLOYEE – ELECTED OFFICIAL  
OR EMPLOYEE

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach

NAY – 0

ABSENT - Rocco-Petrella

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the Town of Cortlandville “Summary Plan Description” regarding the Town’s Health Insurance for Retired Elected Officials, Retired Employees and the death of an Active Employee - Elected Official or Employee, revised April 5, 2017.

Supervisor Tupper apprised the Board this resolution is simply making the language easier to understand. As it reads now, the language is confusing. There will be two pages replacing two pages in the handbooks.

Supervisor Tupper spoke to the Board on the benefit tax units for water and sewer have been calculated for 2018 and it appears that the sewer rate is decreasing about \$10.00 and the water rate is going to decrease about \$4.00. This is for those properties that have water and sewer running in the front of their houses and can hook up if they wish. Supervisor Tupper thanked Town Assessor, David Briggs and Town Clerk, Karen Snyder for their work getting these numbers to him. Mr. Tupper and Town Clerk Karen Snyder also thanked Deputy Clerk Patty Romer for her help in computing the 2018 benefit tax.



Councilman Leach questioned if the town has heard anything in regard to the speed reduction on East River Road. Supervisor Tupper and Town Clerk Snyder have heard nothing back from the Cortland County Highway Department nor the NYS DOT. Councilman Leach asked if there could be an update by the next meeting, so the issue is not forgotten or dropped. Supervisor Tupper suggested in the meantime that Councilman Leach could get a hold of the County Sheriff's Department and ask if they could move their device that reads the speed traveling on East River Road to deter speeding.

With no further comments or discussion 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 6:00 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 January 3, 2018.

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