

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, Ronal L. Rocco
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; Town Zoning Board of Appeals Member, David Alexander; News Reporters: Eric Mulvihill from WXHC, and Sharon Stevans for Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of November 20, 2012. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes December 5, 2012. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Cortlandville Zoning Board of Appeals Minutes of December 18, 2012. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Cortlandville Planning Board Minutes of December 18, 2012. All voting aye, the motion was carried.

RESOLUTION #23 AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #0100

Motion by Councilman Proud
Seconded by Councilman Rocco
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0100 submitted by Water & Sewer Sup't. Alteri to be paid to Team EJP for water meter upgrades in the total amount of \$30,000.00.

RESOLUTION #24 AUTHORIZE PAYMENT OF VOUCHERS - JANUARY

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

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

Funds A, B, DA, DB	Voucher #12-53	
	General Fund A	\$ 64,679.03
	General Fund B	\$ 1,471.25
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 63,385.66
Fund HC, SS, SW	Voucher #3-26	
	NYS Rt 13 Sewer Rehab HC	\$ 1,136.00
	Sewer SS	\$192,533.99
	Water SW	\$266,196.43

Councilman Leach suggested that the Town consider getting a blanket purchase order for several vendors the Town does business with, specifically the Highway Department, that are above the Town's limit.

Supervisor Tupper addressed Highway Sup't. Bush and stated there are several vendors that he does business with over the course of the year that cumulatively are over \$2,500. He stated that it made sense for the Town to complete purchase orders for the different vendors at the beginning of each year so the Town is not in violation of its own procurement policy. The purchase order would be referenced each time purchases were made.

Supervisor Tupper offered privilege of the floor to those in attendance. No requests were made.

Councilman Testa reported that he audited the Town Clerk and Tax Collector's records for 2012 on January 11, 2013 and found everything to be in order.

Supervisor Tupper commented on the 2012 Annual Inspection Report from the County Health Department, which he stated was very complimentary of the Town's Water Department, and the operation thereof. The report commented on the way the Town handles its Aquifer Protection Permits, the way the Town works with the Cortland County Soil & Water Conservation Department, and the Town's GIS System.

Councilman Proud commended the Town Water & Sewer Department employees and the amount of work that goes into designing and maintaining the systems. He stated that the Town's water and sewer system is in good shape and that Water & Sewer Sup't. Alteri is proactive about keeping it that way.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the 2012 Report of Annual Water Supply Inspection Report for Cortlandville Town Water from the Cortland County Health Department, Division of Environmental Health, dated January 2, 2013. All voting aye, the motion was carried.

RESOLUTION #25 ACCEPT ANNUAL REPORT OF THE TOWN CLERK

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Annual Report of the Town Clerk for the year 2012 is hereby accepted, and shall be received and filed.

RESOLUTION #26 ACCEPT THE GASB 45 REPORT

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the GASB 45 Report for the year 2012, 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.

Supervisor Tupper apprised the Board the State Comptroller's Office conducted an audit to determine whether or not the Town could save money on its fuel purchases. According to the report, the Town Highway Department was paying less for fuel than the State DOT bought fuel for over the last few months of the year from the State bid. The State Comptroller recommended that to be in compliance with State law and the Town's own policy, Highway Sup't. Bush should go out to bid for fuel. Supervisor Tupper explained the Town's concern in doing so, however the Town does not have to take the lowest bidder. According to Attorney Folmer, the Town can accept the lowest responsive responsible bidder. Supervisor Tupper stated that the Town would probably not have to change vendors, but the Town would have to go out to bid for fuel.

RESOLUTION #26-A ACCEPT THE REPORT OF EXAMINATION FROM THE
OFFICE OF THE STATE COMPTROLLER REGARDING THE
TOWN OF CORTLANDVILLE'S ACQUISITION OF
UNLEADED AND DIESEL FUEL COST FOR THE PERIOD OF
JANUARY 1, 2011 TO JUNE 21, 2012

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Report of Examination from the Office of the State Comptroller regarding the Town of Cortlandville's acquisition of unleaded and diesel fuel cost for the period beginning January 1, 2011 to June 21, 2012, is hereby accepted and shall be received and filed.

The monthly report of the Supervisor for the month of December 2012 was on the table for review and is filed in the Town Clerk's office.

Attorney Folmer reported:

Route 13 Sewer Improvement Project – Bond Counsel:

Attorney Folmer reminded the Board that in May 2010 when the Town was anticipating doing the Route 13 Sewer Project, the Town entered into a legal services agreement with Hawkins Delafield & Wood in New York City to do the bond work. Hawkins Delafield & Wood agreed that their expenses would not exceed the budgetary amount. Since the Town is now moving forward with the project, the Town must add the legal services agreement to the Route 13 file. The rates that were quoted in 2010 were still valid today. Attorney Folmer would hand over the agreement which was already signed, but never made its way into the file because the Town did not follow through with the project at that time.

RESOLUTION #26-B AUTHORIZE SUPERVISOR TO SIGN THE LEGAL SERVICE
AGREEMENT BETWEEN THE TOWN OF CORTLANDVILLE
AND HAWKINS DELAFIELD & WOOD LLP FOR THE NYS
ROUTE 13 SEWER REHABILITATION PROJECT

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Legal Service Agreement, (signed May 15, 2010) between the Town of Cortlandville and Hawkins Delafield & Wood LLP for the NYS Route 13 Sewer Rehabilitation Project.

Wastewater Treatment Contract:

Attorney Folmer apprised the Board he attended the Cortland City Common Council Meeting on January 15, 2013. The Common Council agreed to a "letter agreement" that would extend the Town's wastewater contract with the City for a period of 34 years. Attorney Folmer commented on the unusual term of the contract. He explained that the Town had a contract for 30 years which expired in November 2012. In the past, the Board discussed the complicated formula in the contract that nobody seemed to understand, including the people who generate the bills. The contract had not been extended due to some pressures in the City and in the Town at the end of the year. However, with regard to the Route 13 Sewer Project, one of the requirements of the lending and granting agencies was that there be a contract that lasts as long as the term of the loan, which is 30 years. However, if the Town entered into the agreement now, there would be a 3-month gap between the expiration of the agreement and the term of the loan. In negotiations with the City, an agreement was reached for the extension of the contract for a period of 32 years, which would give the Town the coverage it needs for the Route 13 Project, and would also give the City the opportunity to make an application for loans a year from now to finance the rehabilitation of the sewage treatment plant. The contract calls for a

one-time re-negotiation of charges after 18-months on the theory that by that time the City will have completed the rehabilitation, the rates may change in the Town's favor. Attorney Folmer explained that the original contract, which will be reworked, provided for a bi-annual review of the terms and agreements. The new contract was basically the same as it had been, but would be clearer and more definitive. The letter of agreement was approved by the Common Council January 15, 2013. Supervisor Tupper requested the Board approve the Letter of Agreement and authorize him to sign the agreement for a 32 year extension of the current contract.

RESOLUTION #27 APPROVE LETTER OF AGREEMENT BETWEEN THE CITY
OF CORTLAND AND THE TOWN OF CORTLANDVILLE
FOR THE EXTENSION OF THE 1984 CONTRACT FOR THE
DISPOSAL, TREATMENT AND DISCHARGE OF SEWERAGE

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby approve the Letter of Agreement between the City of Cortland and the Town of Cortlandville for the extension of the June 11, 1984 contract for the disposal, treatment and discharge of sewerage for a period of 32 years from November 3, 2012 through November 3, 2044 with the addition of a new paragraph 20, and it is further

RESOLVED, the Supervisor is hereby authorized and directed to sign the Letter of Agreement.

Councilman Rocco recalled that at the last meeting the Board discussed the Town and City reading the meters together so both parties could agree on the consumption that was being billed/paid for. He questioned what the outcome was. Supervisor Tupper explained that there was not enough time to renegotiate a contract before the first of the month, which is why the agreement could be renegotiated after 18 months. Supervisor Tupper stated that the Common Council discussed "master metering" at its meeting last night, which is when both parties read the two master meters on Vernon Drive and Groton Avenue at the same time and agree on the number. He also stated that if there is a simpler formula the amount billed could be verified.

Attorney Folmer apprised the Board there was a question from one of the Council members concerning how often the contract could be renegotiated, and whether there would be a new formula. Everyone agreed there needs to be a new formula and a methodology by which the readings could be made. Attorney Folmer stated that although we know that's a discussion we need to have, in order to meet the February 1st deadline that the Town had, there was not enough time to get into such detail. However when the new contract is renegotiated, master metering would be discussed which is the way the City would like to go.

Attorney Folmer added that with the exception of the Letter of Agreement, all of the documentation that he was required to take care of with the lending institution was accomplished including the legal notice to the Environmental Bulletin "EMB".

Demolition of Unsafe Building – Route 13 Partners, LLC:

Attorney Folmer apprised the Board the Town was waiting for the appeal time to expire with regard to the situation regarding the unsafe building on Route 13 (formerly the Golden Skillet). The Town had to wait 35 days after service of the final order, which would expire on January 22, 2013. Attorney Folmer stated that the Town would take the steps necessary to move forward depending on whether or not there is a new owner or a new tenant with a covenant and commitment to destroy the building.

Cortland MHP Associates, Inc. - Summons:

Attorney Folmer apprised the Board that Cortland MHP Associates, Inc., owner of the trailer park on Route 13, instituted a litigation concerning the alleged overcharges of water and sewer benefit tax. An answer was due on January 28, 2013, which Attorney Folmer was in the process of preparing. Attorney Folmer apprised the Board the matter was pending in Monroe County Supreme Court, however he was considering making a motion for a change of venue. Attorney Folmer stated he would discuss the litigation with the Board as it progresses in executive session.

RESOLUTION #27-A ACKNOWLEDGE RECEIVING SUMMONS TO ANSWER A
COMPLAINT REGARDING CORTLAND MHP ASSOCIATES,
INC. VS. TOWN OF CORTLANDVILLE, TOWN OF
CORTLANDVILLE WATER & SEWER DEPARTMENT

Motion by Councilman Testa
Seconded by Councilman Rocco
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge, by receiving and filing, the Summons to answer a complaint dated December 27, 2012 regarding Cortland MHP Associates, Inc. vs. Town of Cortlandville, Town of Cortlandville Water & Sewer Department.

County Tax Sale:

Attorney Folmer apprised the Board that Highway Sup't. Bush indicated an interest in purchasing two or three parcels that were going through the County tax sale. Attorney Folmer spoke with the County Attorney regarding the process that must be followed. The County Attorney was looking into whether or not the County could convey the properties to the Town prior to the tax sale or whether they must wait until the tax sale.

Annexation of Bell Drive Properties:

With regard to the annexation proceeding for properties on Bell Drive, Attorney Folmer stated that the parties who wanted the annexation have gone to Florida for the winter. Since the Town and the Village have to hold a joint meeting regarding the matter, Attorney Folmer felt that it was important that the parties involved be present. He was in contact with the involved parties, and stated that the annexation would be delayed until spring. Attorney Folmer explained that the annexation involved two uninhabited strips of land at the easterly end of Bell Drive.

Cortlandville Fire Department:

Attorney Folmer commented that he attended the Cortlandville Fire District's annual dinner and was impressed with the number of people/volunteers who were dedicated to the fire department. He mentioned that an award is given to the top 15 responders to calls throughout the year, and was impressed that the number one responder responded to 500 calls in 2012.

There was a brief discussion regarding authorization for the extension of time for tax collection to May 31, 2013. Councilman Rocco questioned why the extension must be given. Town Clerk/Tax Collector Snyder explained that the warrant to collect Town and County taxes expires April 30th each year. The extension grants her another 31 days to collect taxes before turning the bills over to the County for collection. The penalties collected during the month of May stay at the Town, as well as any bank interest earned. She explained that the extension is also a burden off of the County Treasurer's Office as it ends up being less money that the Treasurer's office has to collect.

RESOLUTION #28 AUTHORIZE EXTENSION OF TIME FOR TAX
COLLECTION TO JUNE 1, 2013

Motion by Councilman Leach
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign and forward a request for an extension of the tax collection program until June 1, 2013 to the Cortland County Treasurer, in compliance with Section 938 of the Real Property Tax Law.

RESOLUTION #29 AUTHORIZE SUPERVISOR TO SIGN THE 2013 MUNICIPAL
CONSULTING AGREEMENT WITH CLOUGH HARBOUR &
ASSOCIATES LLP

Motion by Councilman Leach
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the 2013 Municipal Consulting Agreement between the Town of Cortlandville and Clough Harbour & Associates LLP for engineering services.

There was a brief discussion regarding the NYS CDBG for Precision E-forming. Supervisor Tupper explained that Precision E-forming was an “incubator business” located in the former Smith Corona building that was expanding rapidly. The grant would be used for the business to expand. Supervisor Tupper explained that the \$70,000 grant was in addition to the \$112,050 in equity that Precision E-forming had to put up. Three new full-time jobs would be created, with two additional full-time jobs to be created in the future.

RESOLUTION #30 AUTHORIZE SUPERVISOR TO SIGN THE NYS
COMMUNITY DEVELOPMENT BLOCK GRANT
AGREEMENT FOR PRECISION E-FORMING

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the New York State Community Development Block Grant Agreement between the Town of Cortlandville and New York State Homes & Community Renewal for Precision E-forming in the amount of \$70,000.00.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Disability Benefits Law (DBL) Insurance Policy from the First Rehabilitation Life Insurance Company of America for the Town of Cortlandville for the year 2013. All voting aye, the motion was carried.

Supervisor Tupper offered privilege of the floor to Councilman Proud at this time to discuss the installation of the new iPerl water meters as well as new water and sewer quarterly billing rates.

Councilman Proud explained that the Water & Sewer Department was in the “home stretch” of installing the new iPerl water meters. Water & Sewer Sup’t. Alteri recently mailed letters encouraging those people who did not have a new meter to schedule an appointment. If a new meter has not been installed before the next meter reading in March, a water operator would have to go to the house to get a manual read from the meter. Councilman Proud stated that one of the primary objectives of the new meters was to reduce labor costs as it used to take approximately three weeks to read the town meters. Councilman Proud made a motion for a letter to be mailed to the customers who have not contacted the Town to schedule an appointment to have the meter installed, and to advise them that if they have not contacted the Town by March 1st, it would be necessary for the Town to charge an additional fee to send a water operator out to read their meter. Councilman Proud recommended a meter read fee of \$45.00. Councilman Leach seconded the motion.

Councilman Rocco questioned how many customers had not complied. Councilman Proud indicated that 123 of approximately 1500 customers had not responded to the letters. Councilman Proud stated that the customers just had to contact the Town by March 1st with regard to scheduling an appointment.

RESOLUTION #31

ADOPT RESOLUTION TO ESTABLISH A WATER/SEWER
METER READ CHARGE OF \$45.00

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby establish a new Water/Sewer meter read charge of \$45.00 to Town water/sewer customers who have not responded to the request for a meter replacement by March 1, 2013, and it is further

RESOLVED, that such customers will be subject to a meter read charge of \$45.00 per billing quarter until such time as their old meter has been upgraded.

With regard to the establishment of new water and sewer billing rates, Councilman Proud explained that the water and sewer rates need to support the water and sewer maintenance and operation. In the past, the rates have supported it, but funds have been expended from reserves. The Town's auditors advised the Board that the rates should balance the budget on an annual basis and that reserves should not have to be used. Councilman Proud noted that water and sewer rates increased in both 2010 and 2012, and while the Board would rather not increase rates annually, the auditors indicated that rates could be adjusted every year. The Board was trying to maintain a balanced budget which would therefore require a rate increase for 2013.

Councilman Proud stated that he and Water & Sewer Sup't. Alteri worked together on the proposed rates, and complimented him for all of the time he put in to calculate different rates. Councilman Proud explained that he and Water & Sewer Sup't. Alteri recommended that the water rate increase from a minimum usage charge of \$17.30 to \$20.35 (for 0-6,000 gallons), and an increase from \$2.88 to \$3.44 / 1,000 gallons above the minimum (6,001 and up).

Supervisor Tupper commented that water and sewer is a service the Town provides that should pay for itself. The Town needs to collect enough revenue each year to pay for that budget. He stated that the Board does not like to raise rates, but that the increase was a reasonable way to do it.

With regard to the sewer rates, Councilman Proud explained that he and Water & Sewer Sup't. Alteri recommended an increase from the minimum usage charge of \$23.00 to \$26.10 (for 0-6,000 gallons), and an increase from \$3.83 to \$4.35 / 1,000 gallons above the minimum. The Industrial rate would increase from \$1.47 to \$1.53 / 1,000 gallons. Councilman Proud explained that the Town has one commercial customer, Pall Trinity. The Town transports the sewage from Pall Trinity, and Pall Trinity pays for the treatment process separately, which is why the rate is lower. All other customers pay for the transport and treatment in their sewer rate.

RESOLUTION #32

ADOPT RESOLUTION TO ESTABLISH NEW WATER AND
SEWER RATES EFFECTIVE WITH THE 1ST QUARTER
BILLING 2013

Motion by Councilman Rocco
Seconded by Councilman Leach
VOTES: ALL AYE ADOPTED

WHEREAS, the Town Board authorized the adoption to change the water and sewer rates 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:

- a) \$3.44 per thousand (1,000) gallons of consumption per quarter, for all water consumed over 6,000 gallons, with a minimum fee of \$20.35 per quarter.
- b) \$4.35 per thousand (1,000) gallons of consumption per quarter, for all sewer consumed over 6,000 gallons, with a minimum fee of \$26.10 per quarter.
- c) \$1.53 per thousand (1,000) gallons of consumption per quarter, for all Industrial sewer customers.

AND IT IS FURTHER, RESOLVED, the new water and sewer rates shall be effective with the 1st Quarter Billing 2013.

RESOLUTION #33 AUTHORIZE APPROVAL REQUEST OF DALYCE HEWES
FOR THE 2011 COMMUNITY DEVELOPMENT
BLOCK GRANT HOUSING REHABILITATION PROGRAM

Motion by Councilman Leach
Seconded by Councilman Testa
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the approval request of Dalyce Hewes, for property located at 2284 Blodgett Mills Road in the Town of Cortlandville, for a 100% deferred loan for the 2011 Community Development Block Grant Housing Rehabilitation Program, and it is further

RESOLVED, the work to be completed would include roofing, windows & doors, electric, well and other, for a total of \$28,167.00.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Empire State Development, dated January 10, 2013, regarding a Public Hearing to be held at the Raymond G. Thorpe Municipal Building on January 25, 2013 at 3:00 p.m. regarding the Pyrotek MAP Capital Project. All voting aye, the motion was carried.

RESOLUTION #34 AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH
FISCAL ADVISORS & MARKETING, INC. FOR THE NYS
ROUTE 13 SEWER REHABILITATION PROJECT

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the contract with Fiscal Advisors & Marketing, Inc. for the NYS Route 13 Sewer Rehabilitation Project.

RESOLUTION #35 AUTHORIZE SUPERVISOR TO SIGN THE EFC
APPLICATION AND ALL DOCUMENTS RELATED TO THE
NYS ROUTE 13 SEWER REHABILITATION PROJECT FOR
EFC FINANCING

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Environmental Facilities Corporation (EFC) Application and all documents related to the NYS Route 13 Sewer Rehabilitation Project for EFC financing.

RESOLUTION #36 AUTHORIZE SUPERVISOR TO SIGN THE FEDERAL
EXPENDITURE FORM FOR THE TOWN OF
CORTLANDVILLE FOR THE YEAR 2012

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Federal Expenditure Form for the Town Cortlandville for the 2012 fiscal year regarding the Town's CDBG grants for Pyrotek, Pall Corp., the Town-wide Housing Rehabilitation Grant, and the HOME grant.

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 5:45 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

Note:

Final version submitted to Town Board 12/18/13 as an over look.