

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, John P. Reynolds  
Councilman, Douglas E. Withey  
Town Clerk, Kristin Rocco-Petrella, RMC

Others present were: Town Attorney, John Folmer; Deputy Town Clerk, Kalee Updyke; Pam Jenkins; News Reporters: Robert Creenan from the *Cortland Standard*, and Brad Smith from WXHC.

Supervisor Tupper called the meeting to order. He explained that due to the winter storm the Board agreed to convene the meeting at noon instead of the regularly scheduled time at 5:00 p.m. The newspaper and the local radio station were contacted.

The Draft Town Board Minutes of December 20, 2017 and Draft Special Town Board Minutes of December 29, 2017 were presented to the Board for their review.

Councilman Proud made a motion, seconded by Councilman Testa, to approve the Town Board Minutes of January 3, 2018 as submitted. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to approve the Town Board Minutes of January 17, 2018 as submitted. All voting aye, the motion was carried.

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

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

RESOLUTION #41

AUTHORIZE PAYMENT OF VOUCHERS – FEBRUARY

Motion by Councilman Testa  
Seconded by Councilman Withey  
VOTES: AYE - Tupper, Testa, Reynolds, Withey                      NAY - 0  
              ABSTAIN - Proud  
              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	Voucher #111-210	
	General Fund A	\$ 115,327.30
	General Fund B	\$ 7,742.10
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 66,522.55
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber SC Project HG	\$ 250.00
	Sewer Fund SS	\$ 116,259.21
	Water Fund SW	\$ 7,765.52
Funds CD1, CD3, CD4	Voucher #7-12	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 43,970.91
	Business Devl CD4	\$ 0.00
Funds SF, TA, TE	Voucher #3-6	
	C'Ville Fire District SF	\$ 765,460.00
	Trust & Agency TA	\$ 807,685.70
	Expendable Trust TE	\$ 0.00

Supervisor Tupper apprised the Board there were no requests for privilege of the floor.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file the monthly report of the Town Supervisor for the month of December 2017. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Councilman Reynolds regarding his review of the Highway Department and Water & Sewer records on January 5, 2018 for the year 2017, indicating he found everything in order. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Councilman Proud regarding his review of the Town Supervisor's records on January 11, 2018 for the year 2017, indicating he found everything in order. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Councilman Withey regarding his review of the Town Justices records on January 23, 2018 for the year 2017, indicating he found everything in order. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the monthly report of the Water & Sewer Department for the month of January 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the monthly report of Code Enforcement Officer Kevin McMahon for the month of January 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of Code Enforcement Officer Desiree Campbell for the month of January 2018. All voting aye, the motion was carried.

Councilman Proud requested the Code Enforcement Office work to combine one monthly report to present to the Board in the future.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Cortland County SPCA for the month of January 2018. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Proud, to receive and file the monthly report of the Tax Collector for the month of January 2018. All voting aye, the motion was carried.

Town Clerk/Tax Collector Rocco-Petrella reported that approximately 82% of the total warrant had been collected to date, for a total of \$9,776,725.65. She explained that \$743,224.93 was collected during the last week of December 2017 as a result of the Governor's Executive Order, and \$624,173.01 was collected by the County Treasurer's office for the utilities.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file the monthly report of the Town Clerk for the month of January 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the 2017 Annual Quality Report for the Town of Cortlandville as submitted by Water & Sewer Sup't. Alteri. All voting aye, the motion was carried.

Attorney Folmer reported:

Bonding:

Attorney Folmer apprised the Board that the closing occurred for the Town's BAN for the Gutchess Lumber Sports Complex. The formal opinion letter from Bond Counsel was forthcoming and would be forward to NBT Bank once received.

RESOLUTION #42                      AUTHORIZE SUPERVISOR TO SIGN THE 2017 YEAR-END  
SECTION 3 REPORT REGARDING THE 2016 TOWN-WIDE  
HOUSING REHABILITATION GRANT (#287HR326-16)

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Motion by Councilman Proud  
Seconded by Councilman Withey  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the 2017 Year-End Section 3 Report regarding the 2016 Town-Wide Housing Rehabilitation Grant Program (#287HR326-16).

RESOLUTION #43                      AUTHORIZE SUPERVISOR TO EXECUTE DISCHARGE OF  
MORTGAGE BETWEEN THE TOWN AND DONNA REOME  
AND RICHARD B. REOME, SR. REGARDING THE 2005  
BLODGETT MILLS COMMUNITY DEVELOPMENT  
HOUSING REHABILITATION PROGRAM

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Motion by Councilman Proud  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute the discharge of mortgage between the Town and Donna Reome, 2287 Main Street, Blodgett Mills, New York, and Richard B. Reome, Sr., PO Box 764, Cortland, New York 13045, with regard to the 2005 Blodgett Mills Community Development Housing Rehabilitation Program.

RESOLUTION #44                      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
MATTHEW T. & HEATHER L. SHIMER FOR THE TOWN-  
WIDE HOUSING REHABILITATION GRANT PROGRAM  
CDBG #287HR326-16

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Motion by Councilman Withey  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Matthew T. and Heather L. Shimer, 4074 Kinney Gulf Road, Cortland, New York, regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$25,772.80.

RESOLUTION #45                    AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
ROXANNE L. SORRELLS FOR THE TOWN-WIDE HOUSING  
REHABILITATION GRANT PROGRAM  
CDBG #287HR326-16

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Motion by Councilman Proud  
Seconded by Councilman Withey  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Roxanne M. Sorrells, 734 Bowling Green Road, Cortland, New York, regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$28,090.00.

RESOLUTION #46                    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 Testa  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    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:

Voucher #13: M.A.B. Roofing & Siding - \$4,000.00  
Voucher #14: Reome Electrical & General Contracting - \$1,500.00  
Voucher #15: Reome Electrical & General Contracting - \$8,250.00  
Voucher #16: O'Donnell Construction - \$3,700.00  
Voucher #17: Town of Cortlandville Building Permits - \$100.00  
Voucher #18: Thoma Development Consultants - \$6,321.74

RESOLUTION #47                    AUTHORIZE THE CORTLAND CITY SCHOOL DISTRICT  
USE OF THE TOWN MEETING ROOM TO CONDUCT THEIR  
ANNUAL SCHOOL BOARD ELECTION ON MAY 15, 2016

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Motion by Councilman Withey  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Cortland City School District use of the Town meeting room in the Raymond G. Thorpe Municipal Building, to conduct their annual Budget Vote and School Board Elections on Tuesday, May 15, 2018 from 11:30 a.m. to 9:30 p.m.

RESOLUTION #48                    AUTHORIZE REMOVAL AND REFUND OF THE SEWER  
BENEFIT TAX FOR THE YEARS 2017 AND 2018 FOR  
PROPERTY OWNED BY CARL AND LUCILLE DORAN  
LOCATED AT 1581 SAUNDERS ROAD IN THE  
TOWN OF CORTLANDVILLE

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Motion by Councilman Proud  
Seconded by Councilman Withey  
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

WHEREAS, a verbal request was received from Carl and Lucille Doran to remove the Sewer Benefit Tax unit charge for the 2017 and 2018 Town and County tax bill for property located at 1581 Saunders Road, and

WHEREAS, such request was reviewed by Water & Sewer Superintendent Peter Alteri Jr., who reported that no lateral stub was run to the property during the 2015 design and construction phase of the project because the elevation of the sewer main in comparison to the elevation of the house septic is much higher and a gravity system would not work, and

WHEREAS, in the future if the property owner wishes to connect to Town sewer that runs along Pendleton Street they would have to pay to have a lateral installed, and it would then become necessary to have a private lift station installed in order to pump the sewage into the sewer main from the house, therefore

BE IT RESOLVED, the Town Board hereby authorizes and directs Town Clerk, Kristin E. Rocco-Petrella to remove the Sewer Benefit Tax unit charge for parcel #96.12-01-33.000, owned by Carl and Lucille Doran, commencing with the 2019 Town and County tax bill, until and unless the property owner connects to Town sewer, and it is further

RESOLVED, a refund in the amount of \$192.76 for the year 2017 and \$190.34 for the year 2018, for a total refund of \$383.10, shall be issued as both tax bills have been paid.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from County Highway Sup't. Philip Krey to Betsy Parmley, NYS DOT, dated January 23, 2018, regarding the Town's request to reduce the speed limit on Clinton Street and Pendleton Street in the Town of Cortlandville. All voting aye, the motion was carried.

RESOLUTION #49                      REFER AQUIFER PROTECTION PERMIT APPLICATION  
SUBMITTED BY PROP, INC. FOR PROPERTY LOCATED AT  
3877 LUKER ROAD TO THE TOWN AND COUNTY  
PLANNING BOARDS FOR REVIEW AND  
AND RECOMMENDATIONS

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by Prop, Inc. for property located at 3877 Luker Road, tax map #86.17-01-01.000, 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.

There was a brief discussion regarding the Aquifer Protection Permit application submitted by David Yaman for property owned by Cortland Commerce Center, LLC located off of Lime Hollow Road. Attorney Folmer apprised the Board he was in receipt of Part 1 of the EAF, however the complete documentation from Mr. Yaman was forthcoming. He suggested the Board refer the Aquifer Permit application to the Town and County Planning Boards when the complete documentation was received.

RESOLUTION #50                      REFER AQUIFER PROTECTION PERMIT APPLICATION  
SUBMITTED BY DAVID YAMAN FOR PROPERTY  
LOCATED AT 850 LIME HOLLOW ROAD TO THE TOWN  
AND COUNTY PLANNING BOARDS FOR REVIEW AND  
RECOMMENDATIONS

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by David Yaman for property located at 850 Lime Hollow Road, owned by Cortland Commerce Center, LLC, tax map #95.00-10-02.000, shall be forwarded to the Town and County Planning Boards for review and recommendations when the complete and appropriate documentation is received by PZO Weber, and it is further

RESOLVED, the Aquifer Protection Permit application is hereby received and filed.

RESOLUTION #51                      REFER PROPOSED ZONING CODE AMENDMENT FOR  
SOLAR ENERGY SYSTEMS TO THE TOWN AND COUNTY  
PLANNING BOARDS FOR REVIEW AND  
RECOMMENDATIONS

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Motion by Councilman Withey

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby refer the proposed Local Law of 2018 for a Zoning Code Amendment for Solar Energy Systems to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the proposed Local Law, as submitted by the Solar Energy Systems Committee dated January 31, 2018, is hereby received and filed.

Supervisor Tupper complimented the Solar Energy Systems Committee, and especially Town Planning Board Member, Nasrin Parvizi, for their hard work on the draft ordinance. The Committee completed the draft very quickly. Supervisor Tupper looked forward to reading the proposal.

RESOLUTION #52                      AUTHORIZE WAGE INCREASE FOR HIGHWAY  
DEPARTMENT EMPLOYEE LOGAN WILLIAMS FROM  
LABORER TO MOTOR EQUIPMENT OPERATOR

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

ADOPTED

WHEREAS, the Town Board received notification from Highway Sup't. Bassett that Town Highway Department employee Logan Williams successfully obtained his Commercial Drivers License Class B, which qualified him for an increase in title and wage, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct a wage increase for Logan Williams from Laborer (\$15.50 per hour) to Motor Equipment Operator (\$19.75 per hour), retroactive to January 23, 2018.

Supervisor Tupper requested authorization to sign the incentive proposal from NYS ESD regarding the Gutches Lumber Sports Complex Grant. He explained that the Board authorized his signature at the January 20, 2018 Town Board Meeting, however NYS ESD discovered that the first proposal lacked the project number and submitted a new proposal to be signed.

RESOLUTION #53                      AUTHORIZE SUPERVISOR TO SIGN THE INCENTIVE  
PROPOSAL FROM NEW YORK STATE AND EMPIRE STATE  
DEVELOPMENT REGARDING THE GUTCHES LUMBER  
SPORTS COMPLEX GRANT

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Motion by Councilman Withey

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Incentive Proposal from New York State and Empire State Development (NYS ESD) regarding the Gutches Lumber Sports Complex Grant, as amended by NYS ESD dated January 31, 2018, and to submit it no later than February 9, 2018 with the required application fee of \$250.00.

Discussion continued regarding the Gutches Lumber Sports Complex. Supervisor Tupper apprised the Board that he, Councilman Testa and Attorney Folmer met with Laura Cassalia from CHA earlier in the week regarding Phase 1 of the park project. It was suggested that the Town construct the first two fields to be NCAA compliant, however the cost to do so was significantly higher, and would have delayed the project several months. The fields would be constructed to High School regulations as originally planned. The Town could look into constructing NCAA fields in the next phase of the project.

Councilman Withey questioned what caused the price increase. Supervisor Tupper indicated that to make what he would consider "minor changes" would cost hundreds of thousands of dollars: the fields would have to be larger; the backstop would be moved further from home base; both dugouts would have to be bigger and further away; fences had to be higher.

Councilman Proud questioned if the Board had to wait to proceed with the project until the opinion letter was received from Bond Counsel. Attorney Folmer explained that the closing was complete and the Town was in receipt of the \$3 million. The Town could proceed with the project at this time.

Councilman Proud commented on his concern to utilize M/WBE businesses for the project and whether the Town would be able to achieve the percentage requirements. Supervisor Tupper explained that it would be the responsibility of the contractors in the bid documents.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from the New York State Comptroller's Office, dated February 1, 2018, granting Supervisor Tupper an extension of time to May 1, 2018 for filing the annual financial report of the Town of Cortlandville. All voting aye, the motion was carried.

RESOLUTION #54	AUTHORIZE SUPERVISOR TO SIGN THE 2018 NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR ECONOMIC DEVELOPMENT/SMALL BUSINESS BETWEEN THE TOWN AND NYS HOMES & COMMUNITY RENEWAL FOR ROYAL NISSAN OF CORTLAND, INC. (#287SB902-18)
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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey NAY - 0

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 for Economic Development/Small Business between the Town and New York State Homes & Community Renewal for Royal Nissan of Cortland, Inc. (#287SB902-18) in the amount of \$100,000.00.

Supervisor Tupper requested the Board pull Agenda item I-13 from discussion, regarding the authorization for bonding for the construction of a new Highway Garage at 4765 Route 41. Supervisor Tupper explained that due to the inclement weather and change in meeting time, he did not feel it appropriate to act on the bonding as it would be for a significant dollar amount. After discussion, the Board agreed to pull the item from the Agenda.

There was a brief discussion regarding the Supervisor's request to amend the 2018 Budget to reduce General Fund A Petty Cash account A210 by \$200.00. Supervisor Tupper informed the Board that the \$200.00 was the Town Attorney's petty cash fund which was used in prior years for Town expenses. The documentation for the expenses was destroyed in Attorney Folmer's house fire in February 2017.

RESOLUTION #55                      AUTHORIZE SUPERVISOR TO AMEND THE 2018 BUDGET  
BY REDUCING THE GENERAL FUND A PETTY CASH  
ACCOUNT A210 BY \$200.00

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to amend the 2018 Budget by reducing the General Fund A Petty Cash account A210 by \$200.00.

Supervisor Tupper apprised the Board that the 7 Valley Health Coalition was applying for a \$50,000.00 grant to complete a study on substandard housing in Cortland County. In order to do so the Coalition was requesting funding from different municipalities to cover the \$2,500.00 fee to complete the grant application. The Coalition requested assistance from the Town to help cover the cost. Supervisor Tupper explained that the Town had money in its grant writing fund and could contribute.

Councilman Proud stated that as he mentioned during the 2018 budget workshops, it would be nice if other municipalities did not always look to the Town for funds as they had in the past. He suggested that since multiple municipalities would benefit from the services it should be a community effort. Supervisor Tupper indicated that the Coalition was seeking funding from several municipalities to pay for the grant writing fee.

Councilman Proud informed the Board he received an email from Thoma Development Consultants regarding the consolidated funding grant applications. He questioned whether the Board would like to start a consolidated grant application to purchase the property surrounding the Lime Hollow well to protect the well as discussed in the past. His concern was that if the Town applied for the grant it could delay the purchase of the property until 2019. Councilman Proud would look into the matter further to see if the grant application was a viable option or if the Town would have to move quicker to purchase the property.

Councilman Withey requested the Board receive the materials pertaining to the Town Board Meetings sooner as there was quite a bit of information to read. Supervisor Tupper explained that his Secretary prepared and provided the draft agenda and materials the Thursday or Friday before the meeting. The final agenda is complete on Tuesday before the meeting. The agenda and documents are emailed to the Board. Councilman Withey did not have access to his new Town email address, which he would look into.

Councilman Proud requested that items not be added to the agenda after it is finalized the day prior to the meeting. Supervisor Tupper mentioned that the Board made that a policy in the past, however some items are received the day of the meeting or are requested to be added by department heads. Moving forward, the Board agreed to Councilman Proud's request.

Councilman Reynolds questioned whether the bid contracts would expire for the proposed new highway garage. Supervisor Tupper explained that the bids just came in so they would not expire. Highway Sup't. Bassett would like to move forward with some of the preparation for the project, such as removing blacktop, however Supervisor Tupper felt that moving forward was dangerous in case the bonding did not pass. He explained that Highway Department and Water & Sewer Department employees could perform much of the work along with a couple retired Town employees, which would save the Town money. Supervisor Tupper would ask Highway Sup't Bassett to give a presentation on the proposed new highway garage at the next Board Meeting.

With regard to the gravel mine application of Rocks 13, Councilman Proud was concerned that the Town was only provided with one copy of the application from the DEC, while seven copies were requested. Councilman Withey questioned whether the files could be sent digitized. Councilman Proud would talk with County Planning to see if copies could be made on their large printers.

No further comments or discussion were heard.

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

The meeting was adjourned at 12:42 p.m.

Respectfully submitted,

*Kristin E. Rocco-Petrella*

Kristin E. Rocco-Petrella, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The final version of this meeting was submitted to the Town Board for their review on February 21, 2018.

The final version of this meeting was approved as written at the Town Board meeting of March 7, 2018.