

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; Barb Leach; Andrea Rankin; Steve Terwilliger; Bob Craig; S. Clark; Eric Mulvihill, Clerk of the Cortland County Legislature; News Reporters: Tyrone Heppard from the *Cortland Standard*, Peter Blanchard from the *Cortland Voice*, Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

RESOLUTION #01

ACCEPT 2016 VENDOR LIST FOR THE TOWN HIGHWAY
DEPARTMENT/WATER-SEWER DEPARTMENT

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the 2016 Vendor List submitted by Highway Sup’t Bush listing vendors used by the Highway Department and Water-Sewer Department for the year 2016.

RESOLUTION #02

AUTHORIZE PAYMENT OF VOUCHERS - JANUARY

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
ADOPTED

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

Funds A, B, DA, DB	Voucher #1-36	
	General Fund A	\$ 92,806.29
	General Fund B	\$ 13,645.24
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$110,622.55
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #1-18	
	Luker Rd Water HA	\$ 5,550.00
	Owego St Water HB	\$ 4,550.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$432,056.42
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 13,455.11
	Water SW	\$ 23,005.83
Funds SF, TA, TE	Voucher #1-3	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 41,173.83
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Steve Terwilliger.

Steve Terwilliger deferred his request for privilege of the floor to a future meeting.

The monthly reports of the Town Justices for the month of November 2015, and for the Code Enforcement Office and Town Clerk for the month of December 2015 were on the table for review and are filed in the Town Clerk's office.

Neither Town Clerk Snyder nor Attorney Folmer had any new business to report.

Councilman Rocco made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated January 6, 2016, regarding programming services. All voting aye, the motion was carried.

There was a brief discussion regarding the 2016 Annual Contracts. Supervisor Tupper indicated that the Town did not yet receive a contract from Cortland County IT, however he did not expect the hourly rate to change from 2015.

Councilman Leach questioned whether the City of Cortland Recreation contract included spraying the Town's fields. Supervisor Tupper indicated that spraying the fields was included in the contract.

RESOLUTION #03 APPROVE THE 2016 ANNUAL CONTRACTS

Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby approve the annual contracts for 2016, and shall receive and file them as follows:

City of Cortland Recreation	\$86,700.00
Cortland Regional Sports Council	\$18,000.00
Homer Recreation	\$32,493.80
J.M. Murray Center	\$10,530.00 (6 months)
Lamont Memorial Library	\$25,962.78
Lime Hollow Nature Center	\$ 7,400.00
McGraw Recreation	\$20,000.00
SPCA – Cortlandville	\$38,984.00
SPCA – McGraw	\$ 5,000.00
SPCA – Cats Spay/Neuter	\$ 3,500.00
Valley View Gardens	\$ 2,510.00

**RESOLUTION #04 ADOPT TOWN OF CORTLANDVILLE
PROCUREMENT POLICY - 2016**

Motion by Councilman Leach

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the Town of Cortlandville Procurement Policy dated January 6, 2016 for the year 2016.

RESOLUTION #05

ADOPT POLICY REGARDING THE USE OF TOWN-ISSUED
CREDIT CARDS - 2016

Motion by Councilman Leach

Seconded by Councilman Proud

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

NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the following Policy regarding the Use of Town-Issued Credit Cards:

Policy Regarding Use of Town-Issued Credit Cards

The Town will issue Town credit cards to certain employees for use in their jobs; this policy sets out the acceptable and unacceptable uses of such credit cards. Use of Town-issued credit cards is a privilege, which the Town may withdraw in the event of serious or repeated abuse. Any credit card the Town issues to an employee must be used for business purposes only, in conjunction with the employee's job duties. Employees with such credit cards shall not use them for any non-business, non-essential purpose, i.e., for any personal purchase or any other transaction that is not authorized or needed to carry out their duties. Employees must pay for personal purchases (i.e., transactions for the benefit of anyone or anything other than the Town) with their own funds or personal credit cards. The Town will not regard expenses for one's own business-related use, such as lodging and meals while on Town-approved business trips, as personal purchases, as long as such expenses are consistent with the Town's travel and expense reimbursement policy. If any employee uses a Town credit card for personal purchases in violation of this policy, the cost of such purchase(s) will be considered an advance of future wages payable to that employee, and will be recovered in full from the employee's next paycheck; any balance remaining will be deducted in full from subsequent paychecks until the wage advance is fully repaid. Such deductions may take the employee's pay below minimum wage for the pay period(s) in question. If an employee uses a Town credit card for any other type of unauthorized transaction in violation of this policy, i.e., incurs financial liability on the Town's part that is not within the scope of the employee's duties or the employee's authorization to make business-related purchases, the cost of such purchase(s) or transaction will be the financial responsibility of that employee, and the employee will be expected to reimburse the Town via deductions from pay until the unauthorized amount is fully repaid. Such deductions will be in the amount of the unauthorized purchase(s), but if a deduction for such amount would take the employee below minimum wage for the workweek in question, the deductions will be in two or more equal increments that will not take the employee's pay below minimum wage for any workweek involved. In addition to financial responsibility and liability for wage deductions, any purchases an employee makes with a Town credit card in violation of this policy will result in disciplinary action, up to and possibly including termination of employment, depending upon the severity and repeat nature of the offense.

Agreement for Wage Deductions Associated with Improper Use of Town-Issued Credit Cards

I, _____ hereby certify that I understand and agree to abide by the Town's policy regarding use of Town-issued credit cards, a copy of which I have received, and which has been explained to me. I agree that if I make any personal purchases (i.e., transactions for the benefit of anyone or anything other than the Town) in violation of that policy, the amount of such purchases is an advance of future wages payable to me, that the Town may deduct that amount from my next paycheck, and that if there is a balance remaining after such deduction, the Town may deduct the balance of the wage advance from my future paychecks until the amount is repaid in full. I further agree that if I make any non-personal transactions in violation of the policy in question, i.e., incur financial liability on the Town's part that is not within the scope of my duties or my authorization to make business-related purchases, I am financially responsible for any such expenses and agree to reimburse the Town via wage deductions for such amounts until the unauthorized amounts are fully repaid. Such deductions will be in the amount of the unauthorized purchase(s), but if such amount would take my pay below minimum wage for the workweek in question, the deductions will be in two or more equal increments that will not take my pay below minimum wage for any workweek involved.

Signature of Employee

Date

Department Head

Date

RESOLUTION #06 REAPPOINT THEODORE V. TESTA AS
DEPUTY TOWN SUPERVISOR

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: AYE - Tupper, Rocco, Proud, Leach NAY - 0
ABSTAIN - Testa
ADOPTED

BE IT RESOLVED, the Town Board does hereby reappoint Theodore V. Testa as Deputy Town Supervisor for a two-year term commencing January 01, 2016 and shall expire December 31, 2017.

RESOLUTION #07 REAPPOINT JOHN A. DELVECCHIO TO THE
CORTLANDVILLE PLANNING BOARD

Motion by Councilman Rocco
Seconded by Councilman Leach
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby reappoint John A. Delvecchio, 4360 Meadow Lane, Cortland, New York to the Cortlandville Planning Board for a five-year term commencing January 01, 2016 and shall expire December 31, 2020.

RESOLUTION #08 REAPPOINT LENORE LEFEVRE TO THE
CORTLANDVILLE ZONING BOARD OF APPEALS

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby reappoint Lenore LeFevre, 3395 Gunzen Drive, Cortland, New York to the Cortlandville Zoning Board of Appeals for a five-year term commencing January 01, 2016 and shall expire December 31, 2020.

RESOLUTION #09 REAPPOINT JOHN B. FOLMER AS
TOWN ATTORNEY

Motion by Councilman Testa
Seconded by Councilman Leach
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby reappoint John B. Folmer as Town Attorney for a two-year term commencing January 01, 2016 and shall expire December 31, 2017.

RESOLUTION #10 DESIGNATE THE CORTLAND STANDARD AS
THE OFFICIAL NEWSPAPER FOR THE TOWN
OF CORTLANDVILLE FOR THE YEAR 2016

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
ADOPTED

BE IT RESOLVED, the Cortland Standard is hereby designated as the official newspaper for the Town of Cortlandville for the year 2016.

RESOLUTION #11 DESIGNATION OF DEPOSITORIES FOR
TOWN ACCOUNTS FOR THE YEAR 2016

Motion by Councilman Leach
Seconded by Councilman Proud

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

BE IT RESOLVED, NBT Bank is hereby designated as the depository for the following Town accounts:

General Fund A (Townwide)	Trust & Agency Account
General Fund B (Town outside villages)	Justice Account
Highway Account	

AND BE IT FURTHER RESOLVED, First Niagara Bank of Cortland is hereby designated as the depository for the following Town accounts:

Town Clerk Account	Water Fund Account
Tax Collector Account	Sewer Fund Account

AND BE IT FURTHER RESOLVED, the following banks may be considered if necessary: Key Bank of Central NY; Merchant & Trust Corp. Bank; Tompkins Trust Co.; and First National Bank of Dryden.

RESOLUTION #12 AUTHORIZE TOWN CLERK TO ACCEPT THE
SUPERVISOR'S ANNUAL FINANCIAL REPORT
90 DAYS AFTER THE CLOSE OF 2015

Motion by Councilman Leach
Seconded by Councilman Proud

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

BE IT RESOLVED, the Town Board does hereby authorize the Town Clerk to accept the Supervisor's Annual Financial Report to the State Comptroller 90 days after the close of the fiscal year of 2015, and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause a notice to be published within ten (10) days after receipt thereof, stating that a copy of such report is on file in the Town Clerk's office and available for public inspection and copying, in accordance with Town Law, Section 29, Article 10-A, amended June 29, 1979.

RESOLUTION #13 DELEGATE TOWN BOARD MEMBERS TO AUDIT
2015 RECORDS OF TOWN OFFICIALS

Motion by Councilman Leach
Seconded by Councilman Testa

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

BE IT RESOLVED, the records of Town Officials and Town Employees, for the year 2015, shall be audited by Town Board members by January 20, 2016 as follows:

Supervisor	Gregory K. Leach
Town Clerk/Tax Collector	Theodore V. Testa
Town Justices	Ron L. Rocco
Highway, Water & Sewer	John C. Proud

RESOLUTION #14

ACCEPT AGREEMENT OF EXPENDITURES OF
HIGHWAY MONIES FOR THE YEAR OF 2016

Motion by Councilman Leach
Seconded by Councilman Proud
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
ADOPTED

WHEREAS, the Agreement of Expenditures of Highway monies, in accordance with Section 284 of the Highway Law, was submitted by the Town Highway Sup't. as required, therefore

BE IT RESOLVED, the Agreement of Expenditures of Highway monies for 2016 is hereby accepted and shall be signed by members of the Town Board and Highway Superintendent.

RESOLUTION #15

ADOPT THE 2016 SALARY SCHEDULE
FOR THE TOWN OF CORTLANDVILLE

Motion by Councilman Leach
Seconded by Councilman Rocco
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the 2016 Salary Schedule for Town of Cortlandville employees and elected/appointed officials.

RESOLUTION #16

ADOPT TOWN HIGHWAY DEPARTMENT
SALARY SCHEDULE FOR 2016

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the Town Highway Department salary schedule for the year 2016 as follows:

	<u>HIGHWAY DEPARTMENT 2016 PAYROLL SCHEDULE</u>					
	HIRING	A	B	C	D	E
Deputy Highway Sup't.	Designated person will have \$2.00/hour added to their current titled job position hourly pay rate.					
Heavy Equipment Mechanic	22.68	23.18	23.68	24.18	24.68	25.18
Heavy Equipment Operator/ with Trailer CDL	22.25	22.75	23.25	23.75	24.25	24.75
Heavy Equipment Operator without Trailer CDL	21.85	22.35	22.85	23.35	23.85	24.35
Automotive Mechanic	21.02	22.02	22.52	23.02	23.52	24.02
Motor Equipment Operator	19.44	21.44	22.04	22.54	22.94	23.24
Laborer	14.99	15.99	16.99	18.26	19.26	20.26
Buildings & Grounds Laborer	15.29	16.29	17.04	18.06	18.56	19.06
Secretary/ Keyboard Specialist	15.50	16.50	17.50	18.00	18.50	19.00
Part-time Summer Laborer	9.25	9.50	9.75	10.00	10.25	10.50

Recreation Director	14.50	15.00	15.50	16.00	16.50	17.00
Asst. Recreation Director	10.50	11.00	11.50	12.00	12.50	13.00

NIGHT SHIFT RATE: \$1.00 per hour is added to the regular hourly base wage.
(The night shift is a regular scheduled shift from 8:00 p.m. to 5:00 a.m.)

WAGES NOTE: An H.E.O. that does not have the required CDL license that is needed to move the Town's equipment using the largest equipment trailer the Town has will receive \$.40 per hour less than the H.E.O. employees that do have the license.

Hiring rate and step rates are given on anniversary dates if work improvement and performance are shown.

RESOLUTION #17 REAPPOINT KAREN Q. SNYDER AS
REGISTRAR FOR THE TOWN

Motion by Councilman Testa

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby reappoint Karen Q. Snyder as Registrar for a two-year term commencing January 01, 2016 and shall expire December 31, 2017.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from New York State Office of Parks, Recreation and Historic Preservation, dated December 10, 2015, regarding the Town's grant application for Route 13 Sports Tourism Facility, which was not selected for funding. All voting aye, the motion was carried.

Supervisor Tupper indicated that the Town should conduct a feasibility study to make the grant application stronger, as suggested by James Trasher of CHA and Ann Hotchkin, formerly of Thoma Development Consultants.

Councilman Rocco thanked Mrs. Hotchkin for her hardwork and dedication over the years to obtain numerous grants for the Town. He stated that she would be missed, and wished her well.

RESOLUTION #18 AMENDMENT RESOLUTION OF THE PLAN
ADMINISTRATOR FOR THE TOWN OF CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Leach

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

WHEREAS, effective January 1, 2014, the Town of Cortlandville ("Corporation") adopted the Town of Cortlandville Flexible Benefit Plan ("Plan") for the benefit of its employees; and

WHEREAS, pursuant to Section 8.1 of the Plan, the Corporation may amend the Plan at any time by an instrument in writing.

NOW THEREFORE, BE IT RESOLVED, that the Plan is hereby amended and restated effective January 1, 2016 as an employee welfare benefit plan to be maintained by the Corporation pursuant to Section 125 of the Internal Revenue Code, and that a copy of the plan document, as amended and restated, be attached to these resolutions; and be it further

RESOLVED, that the proper officers of the corporation are authorized to execute the amended and restated Plan, to receive employee contributions and pay benefits as provided therein, and to do every other act or thing necessary or proper to meet and comply with the obligations of the Corporation as therein provided and to carry these resolutions into full force and effect, and to direct counsel to take such action as may be necessary to satisfy any applicable requirements of law.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Jill Holl to the Cortlandville Planning Board, dated December 6, 2015, correspondence from Lisa Foster to the Cortlandville Planning Board, dated December 3, 2015, and a Petition objecting to the proposed housing development on Starr Road by Leonidas Group, LLC. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Walt Kalina of CHA to the Cortlandville Planning Board, dated December 22, 2015, regarding the proposed Starr Road Residential PUD project submitted by Leonidas Group, LLC. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file Cortland County Planning Department recommendations, dated December 16, 2015, and Cortland County Planning Board Resolution #15-35, dated December 21, 2015, regarding the Aquifer Protection Permit application of Royal Chevrolet/Cortland, Inc. for property located at 3838 Route 281, tax map #86.17-01-10.211. All voting aye, the motion was carried.

RESOLUTION #19 SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT SUBMITTED BY ROYAL
CHEVROLET/CORTLAND, INC. FOR PROPERTY LOCATED
AT 3838 ROUTE 281

Motion by Councilman Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, a Public Hearing shall be scheduled for January 20, 2016 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, for the Aquifer Protection Permit application submitted by Royal Chevrolet/Cortland Inc., for property located at 3838 Route 281, tax map #86.17-01-10.211.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from the New York State Department of Transportation, dated December 18, 2015, acknowledging receipt of the Town's request for a reduced speed limit on McLean Road, between Deerfield Heights and the Cortland/Tompkins county line. All voting aye, the motion was carried.

Councilman Rocco apprised the Board he received a phone call from the NYS DOT and spoke with the engineer who is conducting the traffic study. The engineer offered several different ideas to reduce the speed of vehicles without actually reducing the speed limit in the event that it was found that 55 mph was adequate and the town's request is rejected.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from the New York State Empire State Development, dated December 23, 2015, regarding the C'Ville Yoghurt Capital Project (Byrne Hollow Farm) and a public hearing to be held on January 14, 2016 at 2:30 p.m. at Cortland City Hall, 25 Court Street, Cortland, New York. All voting aye, the motion was carried.

Councilman Leach questioned what the public hearing was for. Supervisor Tupper indicated that the State is checking up on grants to make sure the applicants are in compliance and also want to hear public input.

Councilman Rocco questioned what type of garbage/waste Byrne Dairy has coming from the plant each day. Supervisor Tupper mentioned that Byrne Dairy collects the whey from the pre-treatment process, which goes to the City. The City was going to burn the whey and generate electricity. Councilman Proud indicated that the rest of the product, after it goes through pre-treatment, goes into the sewer.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Town Planning/Zoning Officer, Bruce Weber to Dan Dineen, Cortland County Planning, dated January 4, 2016, regarding his interpretation of Town's proposed Local Law for Retail Petroleum Sales Facilities. All voting aye, the motion was carried.

Councilman Leach mentioned that he was using his tablet tonight to follow along with the meeting and the agenda items rather than having the agenda items printed on paper.

Councilman Leach also mentioned that Supervisor Tupper has been with the Board for the past 12 years in which he has lead the Town through positive audits, and 12 years without a tax increase. He thanked Supervisor Tupper for being such a good leader.

Supervisor Tupper introduced Eric Mulvihill and congratulated him for his new position as Clerk of the County Legislature. Mr. Mulvihill thanked Supervisor Tupper and the Board. On behalf of Legislator Whitney, Legislator Steinhoff and the rest of the Legislature, he stated that if the Town has any concerns to please pick up the phone or send an email.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:35 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The draft version of this meeting was submitted to the Town Board for their review on January 20, 2016.
The draft version of this meeting was approved as written at the Town Board meeting of February 3, 2016.