

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, Gregory K. Leach
 Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Barb Leach; Walt Kasperek; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Cortlandville Zoning Board of Appeals Minutes of February 23, 2016. 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 February 23, 2016. All voting aye, the motion was carried.

The Draft Town Board Minutes of March 2, 2016 were presented to the Board for their review.

There was discussion regarding Purchase Order #1264 to be paid to Vantage Equipment to purchase a new Volvo excavator in the amount of \$240,121.00. Highway Sup't. Bush explained that the new equipment would replace the Town's 2001 Volvo Excavator which would go to auction. After discussion, the Board agreed to table action on the purchase order to investigate whether a permissive referendum is necessary.

RESOLUTION #53 TABLE ACTION ON PURCHASE ORDER #1264

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

BE IT RESOLVED, the Town Board does hereby table action on Purchase Order #1264 submitted by Highway Sup't. Bush to be paid to Vantage Equipment for the purchase of a new Volvo Excavator in the amount of \$240,121.00, to allow time to investigate whether or not a permissive referendum is necessary.

RESOLUTION #54 AUTHORIZE PAYMENT OF VOUCHERS - MARCH

Motion by Councilman Leach
 Seconded by Councilman Proud
 VOTES: AYE - Tupper, Testa, 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 #230-273	
	General Fund A	\$103,006.58
	General Fund B	\$ 7,806.07
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 32,634.68

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 #95-120		
	Luker Rd Water HA	\$	1,670.00
	Owego St Water HB	\$	1,200.00
	NYS Rt 13 Sewer Rehab HC	\$	0.00
	Oakcrest/Pendleton Sewer HD	\$	0.00
	Saunders Rd Sewer HE	\$	0.00
	Sewer SS	\$	77,050.11
	Water SW	\$	42,105.42
Funds SF, TA, TE	Voucher #(None)		
	C'Ville Fire District SF	\$	0.00
	Trust & Agency TA	\$	0.00
	Expendable Trust TE	\$	0.00

Supervisor Tupper explained that there were no requests for privilege of the floor.

The monthly reports of the Town Justices for the month of February were on the table for review and are filed in the Town Clerk's office.

Supervisor Tupper noted that the month of February 2016 was a record month for the Town Court in terms of the money collected and turned over to the State. Councilman Leach requested the Board ask the State for more money to assist the Town with expenses associated with the operations of the Court, such as security expenses. Supervisor Tupper explained that the Town is not eligible to receive funding for services like the City is. The City receives funds from the State for security, rent and salaries. Attorney Folmer explained that the Town is not a "court of record" and would never be eligible to receive such funds.

Councilman Leach requested Supervisor Tupper write a letter to New York State representatives, such as Assemblywoman Lifton and Senator Seward, to ask for an increase in funding for the Town Court. Supervisor Tupper indicated that he would do so.

RESOLUTION #55 ACCEPT ANNUAL REPORT OF THE SUPERVISOR

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

BE IT RESOLVED, the Annual Report of the Supervisor for the year 2015 is hereby accepted, and shall be received and filed.

Under new business, Town Clerk Snyder apprised the Board she received notification from the Cortland Country Club regarding the renewal of their alcoholic beverage license. She requested the Board receive and file the notice.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Standardized Notice Form for a renewal application for an Alcoholic Beverage License to the New York State Liquor Authority, dated March 8, 2016, from Kenneth Morey on behalf of the Cortland Country Club for property located at 4514 Route 281 in the Town of Cortlandville. All voting aye, the motion was carried.

Attorney Folmer reported:

Communication from Town and County Planning Boards:

Attorney Folmer apprised the Board that they should expect to take some time to discuss communications from Town and County Planning Boards at their next meeting.

Article 78 Proceeding – Jenkins et al. vs. Town of Cortlandville et al.:

Attorney Folmer mentioned that the Town was still waiting for a decision regarding the Article 78 Proceeding, Jenkins et al. vs. Town of Cortlandville et al. The review of the Leach application by the Town Zoning Board of Appeals was scheduled for March 29, 2016 but may not occur unless the Town has a decision from the Court on the petition.

There was discussion regarding a request from the J.M. McDonald Sports Complex to waive the late penalties on their January 2016 quarterly bills in the amount of \$428.46. Town Clerk Snyder explained that the J.M. McDonald Sports Complex, a not-for-profit organization in the Town, was notified by her office that they had a leak this past quarter and that they would see an increase in their quarterly bills due to higher consumption. The organization was willing to pay the bills and did, however they outsourced their billing and the payment was submitted late. Water/Sewer bills were due/postmarked by February 1, 2016 however their payment was not mailed until February 5, 2016, after penalties were applied. Town Clerk Snyder stated that she stood behind the organization's request to waive the penalties on the two accounts totaling \$428.46. The Sports Complex has been timely with their bills in the past. After discussion, the Board agreed to waive the penalties. Town Clerk Snyder would inform the Executive Director of the Board's decision to forgive the late penalties.

RESOLUTION #56 AUTHORIZE SUPERVISOR TO WAIVE THE LATE
PENALTIES FOR THE J.M. MCDONALD SPORTS COMPLEX
4TH QUARTER WATER & SEWER BILLS

Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

WHEREAS, the Town Board received a request from the J.M. McDonald Sports Complex, 4292 Fairground Drive, a 501(c)(3) not-for-profit organization, to waive the late penalties on their two water & sewer accounts, and

WHEREAS, J.M. McDonald Sports Complex paid the 4th Quarter water & sewer bills in the amounts of \$3,265.44 (Account 1389) and \$917.32 (Account 1390), therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to waive the late penalties for the J.M. McDonald Sports Complex for its two accounts, for a total amount of \$428.46.

RESOLUTION #57 ACCEPT RECOMMENDATIONS FROM THE CORTLAND
COUNTY HEALTH DEPARTMENT DIVISION OF
ENVIRONMENTAL HEALTH REGARDING THE LUKER
ROAD AND OWEGO STREET (ROUTE 215) WATER MAIN
INSTALLATION PROJECT

Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the recommendations from the Cortland County Health Department Division of Environmental Health, dated March 1, 2016, regarding their review of the plans for the Town's Luker Road and Owego Street (Route 215) Water Main Installation Project.

Supervisor Tupper indicated that the recommendations from the Cortland County Health Department added about \$300,000 to the cost of the project. Laura Cassalia, P.E. from CHA made the adjustments to the project documents.

Attorney Folmer stated that it may be necessary to increase the amount of the bond. According to Bond Counsel, the Town can go out to bid but cannot award a bid until they have accomplished an amendment to the bond, which would require a resolution and a 30-day estoppel period. The Board would take action at its next meeting.

RESOLUTION #58 AUTHORIZE SUPERVISOR TO LET OUT TO BID FOR THE
LUKER ROAD AND OWEGO STREET (ROUTE 215) WATER
MAIN INSTALLATION PROJECT

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to let out to bid for the Luker Road and Owego Street (Route 215) Water Main Installation Project, and it is further

RESOLVED, the bids shall be opened on Wednesday, April 13, 2016 at 10:00 a.m. at the office of the Town Clerk.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from New York State Homes & Community Renewal, dated March 4, 2016, regarding the NYS HOME Program Owner Occupied Rehabilitation, and the Town's satisfactory completion of the 2015-16 Monitoring Requirement. All voting aye, the motion was carried.

RESOLUTION #59 ACKNOWLEDGE CERTIFICATE OF COMPLETION FROM
NEW YORK STATE HOMES & COMMUNITY RENEWAL
FOR THE PALL CORP. COMMUNITY DEVELOPMENT
BLOCK GRANT

Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge the Certificate of Completion from New York State Homes & Community Renewal for the Pall Corp. Community Development Block Grant.

There was discussion regarding the 2016 elections and a change in polling places. Supervisor Tupper explained that the Board of Elections would like to use the Raymond G. Thorpe Municipal Building and the Municipal Garage for the 2016 elections. Town Clerk Snyder explained that LD-11 would be voting in the Municipal Garage, while LD-13 would be voting in the Town Meeting Room.

Supervisor Tupper mentioned that Water & Sewer Sup't. Alteri suggested purchasing sandwich board style signs to point voters in the right direction and reduce confusion. Town Clerk Snyder also noted that she displays posters in the Town Hall listing the legislative districts and polling places. Councilman Proud suggested an election district map be published in the newspaper, while Councilman Leach suggested the election district map be added to the Town's website.

RESOLUTION #60 AUTHORIZE THE BOARD OF ELECTIONS TO USE THE
TOWN MEETING ROOM AND THE MUNICIPAL GARAGE
FOR THE 2016 ELECTIONS

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby authorize the Cortland County Board of Elections to use the Town meeting room in the Raymond G. Thorpe Municipal Building and the Municipal Garage, for the 2016 elections on the following dates:

Presidential Primary Election, Tuesday, April 19, 2016 from 11:00 a.m. to 9:30 p.m.

Federal Primary Election, Tuesday, June 28, 2016 from 11:00 a.m. to 9:30 p.m.

State/Local Primary Election, Tuesday, September 13, 2016 from 11:00 a.m. to 9:30 p.m.

General Election, Tuesday, November 8, 2016 from 5:00 a.m. to 9:30 p.m.

There was a brief discussion regarding the appointment of Kevin McMahon as a part-time Code Enforcement Officer for the Town of Cortlandville. Supervisor Tupper explained that Mr. McMahon was a Code Enforcement Officer for several other municipalities, has his NYS license, and already passed the Civil Service exam. Mr. McMahon would be working 17 hours per week, with no benefits.

RESOLUTION #61 APPOINT KEVIN MCMAHON AS PART-TIME CODE
ENFORCEMENT OFFICER FOR THE TOWN OF
CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Leach

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

WHEREAS, there is a vacancy for a Town Code Enforcement Officer position, therefore

BE IT RESOLVED, that Kevin McMahon, of 1047 Route 90, Homer, New York, is hereby appointed for the part-time position of Code Enforcement Officer for the Town of Cortlandville effective March 21, 2016, at a wage of \$30.00 per hour, 17 hours per week, with no benefits.

Supervisor Tupper questioned whether there was anything else to come before the Board.

Councilman Leach questioned how the tour of the Forkey Construction & Fabrication facility went as he was not able to attend.

Supervisor Tupper reported that the Board took a 2-hour tour of the Luker Road facility on March 11, 2016. He was impressed with the size of the building, the equipment and the computerized machines, and also explained one of the processes done in the facility. He mentioned that the noise level was less than he has ever heard in a factory.

Mr. Forkey was very complimentary of the Town and Cortland County IDA and the help they received in order to move to the new location. They are doing well with their employment although they are having trouble finding trained welders or machinists, as is Pyrotek. BOCES does not have a welding or machinist program which would be very helpful. Supervisor Tupper explained that Forkey Construction would provide training but would rather hire someone with the skills because it takes so long to complete the training. Forkey Construction is planning to expand its business with a new product line, and would utilize the space they previously leased to Marietta. The business has a long range plan; not only have they doubled in size in the last five years, they planned to do so again in the next five years.

Councilman Proud stated that he was very impressed with the business and their attention to detail. Councilman Leach recalled that Forkey Construction sends parts throughout the world.

Supervisor Tupper apprised the Board that both he and Deputy Supervisor Testa would not be able to attend the Town Board Meeting scheduled for April 6, 2016 and there would not be a quorum. After discussion the Board rescheduled the meeting for Wednesday, March 30, 2016 at 5:00 p.m.

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 5:35 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 April 12, 2016.

The draft version of this meeting was approved as written at the Town Board meeting of April 20, 2016.