

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Village of McGraw Community Building, Clinton Street, McGraw, 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

Others present were: Town Attorney, John Folmer; Highway Sup’t. Glenn Bassett; Village of McGraw Mayor, Al Stauber; Superintendant of McGraw School, Melinda McCool; Town Residents: Pam Jenkins, Barb Leach, Greg Leach, Pat and Sarah Leach, Andrea Niggli, Gary and Carole Preston, Patrizia Slone, Sierra Stauber, Maryalice Griffin; Melanie Field, James Field, Cheryl Kenyon, From Thoma Development Consultants, Annette Huskins, Mary Kimberly, L. Ripley, Samantha Augur, Michelle Stauber, Lamont Memorial Librarian, Heather Cobb; Attorney Mike Shafer; News Reporters: Sharon Stevans from Channel 2, Access TV, Brad Smith from WXHC, and Jacob DeRochie from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Withey made a motion, seconded by Councilman Testa, to approve the Town Board Minutes of April 4, 2018. All voting aye, the motion was carried.

The Town Board Minutes of April 18, 2018 were presented to the Board for their review.

RESOLUTION #128

AUTHORIZE PAYMENT OF VOUCHERS – MAY

Motion by Councilman Testa
Seconded by Councilman Withey
VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey NAY - 0
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 #553-608		
	General Fund A	\$	17,777.90
	General Fund B	\$	6,684.79
	Highway Fund DA	\$	0.00
	Highway Fund DB	\$	11,120.61
	Saunders Rd Sewer HE	\$	0.00
	Gutchess Lumber SC Project HG	\$	42,183.70
	Sewer Fund SS	\$	100,720.50
	Water Fund SW	\$	1,738.48
Funds CD1, CD3, CD4	Voucher #(None)		
	BMills Rehab CD1	\$	0.00
	Town Wide Rehab CD3	\$	0.00
	Business Devl CD4	\$	0.00
Funds SF, TA, TE	Voucher #(None)		
	C’Ville Fire District SF	\$	0.00
	Trust & Agency TA	\$	0.00
	Expendable Trust TE	\$	0.00

Councilman Proud entered the meeting at 5:03 p.m.

Supervisor Tupper offered privilege of the floor to Melinda McCool.

Melinda McCool introduced herself as the Superintendent of McGraw High School. She prefaced her discussion with her personal history in McGraw. She relayed that she was born in Cortland County and graduated from McGraw High School, taught in the Homer school district for 14 years, was a principal for 10 years in the Catskills before ultimately returning to McGraw.

Ms. McCool illustrated that McGraw school district is growing as opposed to closing or consolidating as in other areas. She stated that the usual 520 students have increased to 575 students. She added the pre-k student count will be increasing as well. This growth has provoked an examination of the school budget. Ms. McCool gave the Town Board an overview of events and programs at McGraw High School. She commended McGraw teachers and credited them with the fact that McGraw High School has the highest rate of graduation in the county, which was 95% in 2017, and 71% percent of their students attended colleges. These statistics are well above the state averages. Their goal is for students to remain in New York State and to be productive members of society. She indicated in order to accomplish this goal, McGraw, with the aid of educational commissioners, is able to provide students with many different pathways to success. These include: CTE Pathway, which compensates technology pathways designed for technology applications; an internship program, where students attend summer school to work in technology and facilities departments learning how to form resumes, cover letters and communication skills; preparing students to be job ready for the students who go directly to work rather than college. She reported that next year they will introduce Agricultural Technology. She thanked Cortlandville for its concentration on Agricultural zoning in this regard. Ms. McCool indicated that AmeriCu bank has discussed partnering with the school on education pieces by putting a branch directly within the school, thus promoting an entrepreneur program. Ms. McCool depicted many avenues of promoting their goal in providing students with the skills to be job ready. She expressed her pride and excitement in being involved and thanked the community, county and McGraw school district voters for participating in the process. Ms. McCool passed out candy bars to those in attendance as her students designed the wrapper and submitted a 2017-2018 McGraw High Profile before thanking the Board for their time.

Supervisor Tupper offered privilege of the floor to Pam Jenkins.

Town resident, Pam Jenkins voiced her concerns regarding the Code Enforcement Office and the absence of a Conditional Permit Log being completed as it was done in the past. She mentioned the Planning Board Minutes of November 27, 2017 in which the Planning Board formally requested *“that the Town Supervisor, PZO Bruce Weber, CEOs Kevin McMahon and Desiree Campbell convene a meeting to discuss who will be responsible for updating of the Planning Board’s Conditional Permit Log.”*

Ms. Jenkins urged the Town Board to investigate this matter as it impacts several legal matters.

Supervisor Tupper offered privilege of the floor to Pat Leach.

Village of McGraw resident, Pat Leach thanked the Board for conducting the Town Board meeting in the Village of McGraw. Mr. Leach spoke in regard to possible upcoming budget cuts to Lamont Library and to the Village Recreation Department and implored the Board to continue to fight for funding. Mr. Leach asserted that the programs provide a safe alternative for our youth at school and throughout the summer. He indicated his own personal benefit from such programs and as a Cortlandville taxpayer, wished to see that funding continue. He expressed the hope that these potential cuts to library funding, which assist with academics, is not aiding in the funding for Gutches Lumber Park. Mr. Leach thanked the Board for past funding and asked them to reconsider future funding for the Lamont Library and Recreation Department.

Supervisor Tupper offered privilege of the floor to Carole Preston.

Carole Preston introduced herself as a Lamont Free Library cardholder. She advised, as a taxpayer, she is very concerned that the only option presented, in regards to funding for the library, is to double the taxes for Village residents in order to compensate for the \$27,000 stipend that Cortlandville may no longer fund. She emphasized that McGraw is part of Cortlandville and the Lamont Free Library is available to everyone. She stated her understanding is that a portion of the taxes she pays goes toward funding the Cortlandville Fire Department. She suggested that perhaps that portion could be redirected to the library. She professed she is against raising taxes for any reason and that she fears an increase in taxes will promote continual increases in the future. Ms. Preston suggested alternative ways to generate revenue for the library such as reaching out to area businesses for financial support or various fund raising activities.

Supervisor Tupper responded to the comments made under privilege of the floor. He reported that the only outside contract that the Town of Cortlandville did not cut in 2018 was the Lamont Free Library. He continued that the contract was funded in exactly the amount that was requested. He explained that recreation funding was cut for Cortland, Homer and McGraw

programs in order to stay within the New York State 2 % tax cap. He said the Town has been very generous in the past, but unfortunately the Town was forced to reduce expenses. Supervisor Tupper encouraged residents to disregard rumors and reminded those in attendance that the 2019 budget process has not yet begun. He also remarked that the Cortlandville Fire Department is independent from the Town and has their own budget. The only residents that pay a fire district tax are those who live outside the Village.

Supervisor Tupper addressed Pam Jenkins in regards to her concern with a conditional permit log. He explained the Planning Board has asked the Town to reconfigure a form devised years ago, and confirmed the Board is studying it.

Attorney Folmer interjected explaining there was a difference of opinion as to what purpose the conditional permit log serves. He stated that although a Planning Board member felt the purpose of the log was to track the conditions that were attached to the granting of a permit and were being complied with over the course of time, Zoning Officer Bruce Weber indicated the log was intended to decide if a building or conditional permit has been issued. In the event that in the course of an annual or biannual fire inspection wasn't correct, then it would be reported back. There is a difference of opinion in definition and all parties concerned are working to resolve the lack of understanding.

RESOLUTION #129 ACCEPT 2017 ANNUAL FINANCIAL REPORT (AUD) OF
THE TOWN SUPERVISOR

Motion by Councilman Withey

Seconded by Councilman Testa

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

BE IT RESOLVED, the Annual Financial Report (AUD) of the Town Supervisor for the year 2017 is hereby accepted, and shall be received and filed.

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

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

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

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

Attorney Folmer reported:

Village of McGraw Recreation Contract:

Attorney Folmer advised the Board that he was in receipt of the signed agreement with the Village of McGraw Recreation Department for \$15,000 for 2018. He stated Supervisor Tupper has signed it and Attorney Folmer requested the Board approve the contract.

RESOLUTION #130 APPROVE THE 2018 ANNUAL CONTRACT WITH THE
VILLAGE OF MCGRAW FOR RECREATION

Motion by Councilman

Seconded by Councilman

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

BE IT RESOLVED, the Town Board does hereby receive and file and approve the 2018 annual contract between the Town of Cortlandville and the Village McGraw to provide the Town residents facilities and personnel for the support of recreation, youth and parks, in the amount of \$15,000.00.

RESOLUTION #131 AUTHORIZE SUPERVISOR TO SIGN THE OWNER-
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND
DARIK AND AMBER HANBACK FOR THE TOWN-WIDE
HOUSING REHABILITATION GRANT PROGRAM
CDBG #287HR326-16

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 Darik and Amber Hanback, 3673 Pendleton Street, Cortland, New York, regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$17,884.00.

RESOLUTION #132 AUTHORIZE SUPERVISOR TO SIGN THE OWNER-
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND
LOUIS THOMPSON FOR THE TOWN-WIDE HOUSING
REHABILITATION GRANT PROGRAM
CDBG #287HR326-16

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 Louis Thompson, 1549 Saunders Road, Cortland, New York, regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$27,040.96.

RESOLUTION #133 AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE
TOWN-WIDE HOUSING REHABILITATION GRANT
PROGRAM CDBG #287HR326-16

Motion by Councilman
Seconded by Councilman
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 #35: Empire Construction of CNY, LLC - \$31,500.00
Voucher #36: JMS Plumbing & Heating - \$1,857.60
Voucher #37: KK Bean Tree Service - \$2,750.00
Voucher #38: Thoma Development Consultants - \$6,434.76

RESOLUTION #134 AUTHORIZE COMMITMENT OF \$23,110.00 IN PROGRAM
INCOME FUNDS FOR CDBG RECIPIENTS EARL AND
DONNA FOX AND DARIK AND AMBER HANBACK

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

WHEREAS, the Town Board received a request from Thoma Development Consultants to consider utilizing a portion of Program Income funds for two housing rehabilitation projects that were approved under the Town's 2016 CDBG Housing Rehabilitation Program in order to complete additional work on the projects, and

WHEREAS, with the additional funding both housing projects would be brought to a standard level, therefore

BE IT RESOLVED, the Town Board does hereby authorize the commitment of a total \$23,110.00 of Program Income funds to the following recipients of the Town-Wide Housing Rehabilitation Program – CDBG #287HR326-16:

Earl and Donna Fox \$9,610.00 for flooring, windows/doors, painting, electric
3133 Gracie Road
Cortland, NY 13045

Darik and Amber Hanback \$13,500.00 for interior, exterior carpentry, painting, electric
3673 Pendleton Street
Cortland, NY 13045

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortland County Planning Board Resolution #18-14, dated April 18, 2018, and Cortland County Planning Department Recommendations, dated April 13, 2018, regarding the proposed Zoning Text Amendment for Solar Energy Systems. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the Cortland County Planning Board Resolution #18-15 dated April 18, 2018, and Cortland County Planning Department Recommendations dated April 13, 2018, regarding the Aquifer Protection Permit application submitted by the Cortlandville Fire District for property located at 999 Route 13, tax map #96.09-02-05.000. All voting aye, the motion was carried.

RESOLUTION #135 SCHEDULE PUBLIC HEARING FOR AQUIFER
 PROTECTION PERMIT SUBMITTED BY THE
 CORTLANDVILLE FIRE DISTRICT FOR PROPERTY
 LOCATED AT 999 NYS ROUTE 13

Motion by Councilman Proud

Seconded by Councilman Withey

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

BE IT RESOLVED, a Public Hearing shall be scheduled for May 16, 2018 at 5:00 p.m. for an Aquifer Protection Permit application submitted by the Cortlandville Fire District, to construct a 1,800 sq. ft. live fire training/educational facility, for property located at 999 NYS Route 13, tax map #96.09-02-05.000.

RESOLUTION #136 AWARD BID FOR THE CONSTRUCTION OF THE
 GUTCHESS LUMBER SPORTS COMPLEX PHASE I TO ZMK
 CONSTRUCTION INC., IN THE AMOUNT OF \$3,896,000.00

Motion by Councilman Withey

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Reynold Proud, Withey NAY – 0
ADOPTED

WHEREAS, bids were advertised for the construction of the Gutches Lumber Sports Complex Phase I with work to include providing all labor, materials, machinery, tools, equipment and other means of construction necessary and incidental to the completion the work shown on the Drawings and described in the Specifications including, but not necessarily limited to, the following: construction of an outdoor athletic complex including 2 full size synthetic turf baseball fields with dugouts, bullpens and fencing & gates; field irrigation; sports, parking lot and walkway lighting; scoreboards; concrete sidewalks; playground; parking area; entrance road;

water and sanitary sewer systems; electrical systems; storm water drainage; erosion and sediment control; landscaping; and complete site restoration, and

WHEREAS, bids were to include the Base Bid and the following alternates: Alternate 1: Water Main; Alternate 2: Sports Field Lighting; Alternate 3: Sanitary Sewer Main; Alternate 4: Playground; Alternate 5: Landscaping; Alternate 6: Scoreboards; Alternate 7: Alternate Field Layout Option; Alternate 8: Alternate Water Main Layout Option; and Alternate 9: Alternate Sanitary Main Layout Option, and

WHEREAS, sealed bids were opened on April 17 at 10:00 a.m. and provided to Laura Cassalia, P. E. of CHA Consulting, Inc., for review as follows:

	<u>Base Bid</u>	<u>Alternate # 2</u>	<u>Alternate #6</u>	<u>Alternate #7</u>	<u>Alternate #8</u>	<u>Alternate # 9</u>	<u>Total Bid</u>
Adhan Piping Co. Inc. 1865 State Rt. 13 Cortland, NY 13045	\$3,399,800.00	\$695,000.00	\$165,000.00	\$13,600.00	\$168,000.00	\$140,000.00	\$4,581,400.00
ZMK Construction Inc. 3430 Rt. 434 Apalachin, NY 13732	\$2,927,000.00	\$546,000.00	\$54,000.00	\$150,000.00	\$120,000.00	\$99,000.00	\$3,896,000.00
LRS Companies, LLC 24 Ross Rd. Lansing, NY 14882	\$2,997,000.00	\$580,500.00	\$76,500.00	\$204,000.00	\$110,000.00	\$98,100.00	\$4,066,100.00
Fahs Construction Group, Inc. 2224 Pierce Creek Rd. Binghamton, NY 13903	\$3,241,000.00	\$561,000.00	\$54,000.00	\$159,000.00	\$5,000.00	\$2,500.00	\$4,022,500.00
R.B. Robinson Contracting, Inc. 535 Ithaca Rd. PO Box 121 Candor, NY 13743	\$3,986,650.00	\$579,000.00	\$55,400.00	\$275,000.00	\$126,500.00	\$181,500.00	\$5,204,050.00

BE IT RESOLVED, the bid for Gutches Lumber Sports Complex, Phase I, to include the Base Bid, Alternate 2, Alternate 6, Alternate 7, Alternate 8 and Alternate 9, is hereby awarded to ZMK Construction, Inc., of 3430 Rt. 434 Apalachin, NY 13732 in the total amount of \$3,896,000.00.

RESOLUTION #137

AUTHORIZE SUPERVISOR TO ISSUE A SEWER REFUND TO STEVE WHITE IN THE AMOUNT OF \$487.28 FOR HIS PROPERTY LOCATED AT 1041 ROUTE 13

Motion by Councilman Withey
Seconded by Councilman Proud
VOTES: AYE – Tupper, Testa, Proud, Reynold, Withey NAYS - 0
ADOPTED

WHEREAS, the Supervisor received a request from Steve White, property owner of 1041 Route 13, to have his 1st Quarter (April billing) water and sewer bill reduced due to a water pipe break, and

WHEREAS, upon review of said request and investigation by the Water and Sewer Department it was recommended that a portion of the sewer bill be forgiven due to the broken water pipe, and

WHEREAS, the property owner has paid the 1st Quarter bill in full for the total amount of \$896.96, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to issue a refund to Steve White for \$487.28 in sewer charges for his property located at 1041 Route 13 in the Town of Cortlandville.

Councilman Proud made a motion, seconded by Councilman Testa, to accept the resignation from Kevin J. McMahon as Part-Time Code Enforcement Officer with regret.

Councilman Withey made a motion, seconded by Councilman Proud, to recess the Regular Meeting to an Executive Session to discuss a personnel matter pertaining to such resignation. All voting aye, the motion was carried.

The meeting recessed at 5:40 pm.

No action was taken in Executive Session.

Councilman Reynolds made a motion, seconded by Councilman Withey, to adjourn the Executive Session and reconvene to the Regular Meeting. All voting aye, the motion was carried.

The Executive Session adjourned at 6:23 pm.

RESOLUTION #138	ACCEPT RESIGNATION FROM KEVIN J. MCMAHON AS PART-TIME CODE ENFORCEMENT OFFICER EFFECTIVE MAY 12, 2018
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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 accept the letter of resignation from Kevin McMahon as Part-Time Code Enforcement Officer, with regret, to be effective May 12, 2018, and it is further

RESOLVED, the letter of resignation dated April 27, 2018 is hereby received and filed.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:25 pm

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 May 10, 2018.

The final version of this meeting was approved as written at the Town Board meeting of May 16, 2018.