

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, C. Randolph Ross
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John B. Folmer; Highway Sup't. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Courtney Metcalf, representing the Cortlandville Fire District; Town Residents: Pamela Jenkins, Robert Martin; Fred Little; and News Reporter: Jacob DeRochie from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Testa made a motion, seconded by Councilman Proud, to approve the Draft Town Board Minutes of January 16, 2019. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Proud, to approve the Draft Town Board Minutes of February 6, 2019. All voting aye, the motion was carried.

RESOLUTION #58 AUTHORIZE PAYMENT OF VOUCHERS – FEBRUARY

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0

ADOPTED

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

Funds A, B, DA, DB, HG, HH, SF, SS, SW	Voucher #205-269	
	General Fund A	\$ 13,411.36
	General Fund B	\$ 11,015.70
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 35,523.69
	Gutchess Lumber SC Project HG	\$ 3,311.25
	New Highway Garage HH	\$ 200.80
	C'Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 20,568.84
	Water Fund SW	\$ 11,121.44
Funds CD1, CD3, CD4	Voucher #3-3	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 4,901.89
	Business Devl CD4	\$ 0.00
Funds TA, TE	Voucher #(None)	
	Trust & Agency TA	\$ 0.00
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Pamela Jenkins.

Town resident, Pamela Jenkins referenced the Planning Board meeting of February 19, 2019 in which a Positive Declaration was issued for the proposed Starr Road Housing project. She stated that the project does not meet many PUD requirements and that moderate to significant impacts are expected. She requested three actions from the Town Board: to carefully examine the information submitted to the Planning Board and pass a resolution to rescind the Negative Declaration issued by the Town Board for the project in July of 2016; to terminate the contract with the Zoghlin Group for SEQR counsel; and to arrange for publicized scoping sessions in order for the public to be able to assist in a list of issues to be addressed by the Draft Environmental Impact Statement.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Cortland Community SPCA for the month of January 2019. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the monthly report of Justice Casullo for the month of January 2019, and the monthly report of Justice LeFevre for the month of January 2019. All voting aye, the motion was carried.

Supervisor Tupper recommended Board members carefully read the GASB 75 Annual Report. It indicates that the Town of Cortlandville has a liability of over nine million dollars in post-employment benefits and nine hundred thousand dollars has been added to that this year alone. He stated the Town is not required by state or federal law to fund it at this time.

RESOLUTION #59 ACCEPT THE GASB STATEMENT NO. 75 ANNUAL REPORT

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the GASB Statement No. 75 Annual Report for the year 2018 as 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.

Discussion occurred with regard to quarterly sewer charges for Operations and Maintenance and Debt Service in connection with the Village of Homer and the Village of McGraw. Supervisor Tupper explained to Board members that the Town has a contract (since the 1980s) with the Village of Homer and the Village of McGraw to pay for sewage generated by the Town that passes through Homer and McGraw pipes to the City of Cortland wastewater treatment plant. The Village of Homer recently discovered an error in the quarterly bill they generate and submit to the Town for payment. Part of the computation of the charge is based on the number of linear feet of Cortlandville pipe that merges with Homer. Due to the Town adding sewer lines throughout the years, the number of linear feet significantly increased, however the computation was never corrected in the Village of Homer's billing to the Town. The error went undetected for numerous years but has been corrected. The Town would see an increase in the future quarterly bills. Supervisor Tupper expected that enough money was included in the 2019 Budget to cover the unexpected increase, but advised the Board they would take the increase into consideration during 2020 budget discussions.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Water & Sewer Department for the month of January 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the monthly report of the Supervisor for the month of January 2019. All voting aye, the motion was carried.

Town Clerk Rocco-Petrella apprised the Board that the time period for Permissive Referendum for the McGraw pedestrian footbridge has expired; no petitions were filed. Town Clerk Rocco-Petrella provided Board members with a letter that she submitted to the Village of McGraw requesting they prepare the appropriate paperwork necessary to accomplish the conveyance of the pedestrian footbridge.

Town Clerk Rocco-Petrella drew Board members attention to item I-5 of the meeting's agenda to authorize her to proceed with online bill pay for water and sewer payments utilizing payGOV.US and NOS and to enter into the Agency Service Agreement. This agreement would allow water and sewer payments to be available on line. There would be a convenience fee of 3% charged to the customer. Water and sewer customers have requested this service numerous times and Town Clerk Rocco-Petrella would like to accommodate them. There would be no additional charge to the Town.

Attorney Folmer reported:

Extension for Payment of Real Property Taxes for Furloughed/Non-Pay Federal Workers:

Attorney Folmer reminded the Board that the Legislature in Albany has authorized a 90 day extension for Federal Furloughed employees during the recent government shutdown. In order to take advantage of the extension, the taxing jurisdiction is required to adopt a resolution indicating support for the program. The difficulty of this situation is that both the County and the taxing jurisdiction need to participate. Attorney Folmer consulted County Attorney Karen Howe. The County has not yet made a determination. Attorney Howe will present the information to the Budget and Finance Committee of the County Legislature at the upcoming meeting. They will decide if the County will support the program and then the Town will be able to decide whether or not to conform to that decision.

Highway Equipment Capital Reserve:

Attorney Folmer discussed the request and authorization to purchase a 2020 International Truck and plow package per Town Board Resolution #34 of 2019. He explained that in order to expend the funds, the Board must adopt a resolution authorizing the expenditure from the Highway Equipment Reserve Fund, subject to permissive referendum. Attorney Folmer presented the Board with a prepared resolution.

RESOLUTION #60 AUTHORIZE THE EXPENDITURE OF \$188,303.00 FROM
THE HIGHWAY EQUIPMENT CAPITAL RESERVE FUND
SUBJECT TO PERMISSIVE REFERENDUM

Motion by Councilman Proud

Seconded by Councilman Withey

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

WHEREAS, the Town Board has heretofore established a Capital Reserve Fund for the financing of purchases of Highway Equipment, and

WHEREAS, no expenditure from said Fund shall be made without authorization of the Town Board, and

WHEREAS, it is desired to expend the sum of \$188,303.00 from said Fund to purchase a 2020 International Truck and plow package at the request of the Superintendent of Highways,

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cortlandville does hereby authorize the expenditure of \$188,303.00 from the Highway Equipment Capital Reserve Fund to purchase a 2020 International Truck and plow, and

BE IT FURTHER RESOLVED, this Resolution shall be subject to Permissive Referendum as required by law.

Conveyance of Surplus Property to Cortlandville Fire District:

Attorney Folmer reminded the Board they agreed via resolution to support Cortlandville Fire District's (CVFD) Live Fire Training Center. The resolution stated a conveyance of property would occur once the appropriate administrative and financial approvals were obtained. The CVFD received the proper approvals and funding was in place. Attorney Folmer requested the Board adopt a resolution authorizing 1.013 acres of land, tax map #96.09-02-03.000 to be conveyed to the CVFD subject to permissive referendum.

RESOLUTION #61 AUTHORIZE CONVEYANCE OF A PORTION OF TOWN
PROPERTY LOCATED ON TERRACE ROAD TO THE
CORTLANDVILLE FIRE DISTRICT SUBJECT TO
PERMISSIVE REFERENDUM

Motion by Councilman Testa

Seconded by Councilman Ross

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board of the Town of Cortlandville does hereby authorize the conveyance of town property located on Terrace Road in the Town of Cortlandville, consisting of a parcel of land 1.013 acres, a portion of tax map #96.09-02-03.000, to the Cortlandville Fire District, and it is further

RESOLVED, this resolution is adopted Subject to Permissive Referendum as required by law.

Agreement for Private Water System:

There was discussion regarding Town residents Daniel and Christine Horn who reside at 920 Blue Creek Road. They have installed a private water system at their expense. The Horn's water is received from the Town, but they use their private system for distribution and pumping. Sup't. of Water and Sewer Peter Alteri has consulted with the Horns regarding the necessity for documentation of the situation. It should be clarified that the system is private and not a Town facility. Attorney Folmer presented an Agreement meant to be a restrictive covenant to be placed in the Horn's deed, abstract and title. It is to be binding upon all present and future owners or occupants of the premises, until such covenant is revoked by the owner or the Town. Once signed, copies will be provided to the Horn's attorney and the Town. On Sup't. Alteri's behalf, Attorney Folmer requested a resolution to authorize the Supervisor to sign the Agreement.

RESOLUTION #62 AUTHORIZE SUPERVISOR TO SIGN THE AGREEMENT
BETWEEN THE TOWN OF CORTLANDVILLE AND DANIEL
AND CHRISTINE HORN TO CONNECT A PRIVATE WATER
SYSTEM TO TOWN MUNICIPAL WATER

Motion by Councilman Proud

Seconded by Councilman Ross

VOTES: AYE – Tupper, Testa, Proud, Ross, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the agreement with Daniel and Christine Horn regarding the connection of a private water system to municipal water for property located at 920 Blue Creek Road, tax map #85.00-08-16.000.

There was brief discussion surrounding a question posed by Councilman Ross with regard to the scoping process for the Environmental Impact Study required by the Town Planning Board for the Leonidas PUD Starr Road Housing Project. It was explained that the scoping for this would be set by the Town Planning Board. Councilman Withey questioned if a conflict existed concerning the Negative Declaration declared for the proposed project in 2016. Attorney Folmer suggested an attorney client privileged meeting with Board members and incoming Town Attorney John A. DeVecchio to discuss pending matters before his exit from the Town. Attorney Folmer would contact Mr. DeVecchio to inquire as to his availability.

Councilman Withey questioned if a date had been set for Board members to visit the County jail. Supervisor Tupper explained that the County has not decided to build a new jail at this point. In the event the County decides to, the Board will agree to a visit.

Councilman Withey initiated discussion regarding security concerns at the Raymond G. Thorpe Municipal Building. He explained his desire to form a committee to assess the Town Hall and correlate solutions with the needs of the employees. He recalled a visit from NYS University Police Officer Rolfe, who is certified in crime prevention, in which he offered his professional opinion in the matter. Supervisor Tupper stated that finances were not feasible for the proposed suggestions made by Officer Rolfe during 2019 Budget discussions. He suggested the Board conduct a workshop to review the reports, but felt gathering a committee would be premature until finances permitted. Councilman Withey reiterated his wish to move forward with an agreed “floor plan” in order to initiate a budgetary item for the future. Councilman Ross asked that after he has a chance to review Officer Rolfe’s report, a Town Board Workshop be scheduled to begin consideration of appropriately addressing the security concerns.

Councilman Proud made a motion, seconded by Councilman Testa to receive and file correspondence from NYS Homes & Community Renewal, dated February 5, 2019, regarding the Grant Agreement 12-month Completion Notice. All voting aye, the motion was carried.

RESOLUTION #63 AUTHORIZE SUPERVISOR TO EXECUTE DISCHARGE OF
MORTGAGE BETWEEN THE TOWN AND RITA & CARL
ROGERS AND ANDREW STILES REGARDING THE 2005
BLODGETT MILLS COMMUNITY DEVELOPMENT
HOUSING REHABILITATION PROGRAM

Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Ross, 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 Rita and Carl Rogers and Andrew Stiles, 4154 North Road, McGraw, New York, regarding the 2005 Blodgett Mills Community Development Housing Rehabilitation Program, in the amount of \$27,490.00.

RESOLUTION #64 AUTHORIZE TOWN CLERK TO PROCEED WITH ONLINE
WATER & SEWER PAYMENTS UTILIZING PAYGOV.US LLC
AND NETWORK ORIENTED SOLUTIONS (NOS) AND TO
ENTER INTO THE AGENCY SERVICE AGREEMENT WITH
PAYGOV.US LLC

Motion by Councilman Proud

Seconded by Councilman Withey

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Clerk to proceed with online water & sewer billing/payments utilizing payGOV.US LLC and Network Oriented Solutions (NOS) to allow Town Water & Sewer customers to view and pay their bills online with a debit or credit card for an additional convenience fee charged to the cardholder, and it is further

RESOLVED, the Town Clerk is authorized to enter into the Agency Service Agreement with payGOV.US LLC.

Councilman Testa made a motion, seconded by Councilman Withey, to receive and file correspondence from Insero & Co. CPAs LLP regarding the 2018 Town Audit to commence April 1, 2019. All voting aye, the motion was carried.

RESOLUTION #65 AUTHORIZE SUPERVISOR TO SIGN THE AGREEMENT
WITH INSERO & CO. CPAs LLP TO CONDUCT AN AUDIT
OF THE 2018 TOWN ACCOUNTING RECORDS

Motion by Councilman Testa

Seconded by Councilman Withey

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the agreement with Insero & Co. CPAs, LLP to conduct an audit of the 2018 Town accounting records, for an amount not to exceed \$12,400.00, and an additional \$5,100.00 for single audit procedures if required.

There was discussion regarding the Aquifer Protection Permit Application submitted by Squeaky Clean Car Wash. Attorney Folmer recommended at the conclusion of the scheduled Public Hearing the Board not act until they have received comments from both the County and the Town Planning Board.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortland County Planning Board Resolution #19-02 dated February 13, 2019, and the Cortland County Planning Department Review and Recommendations, dated February 8, 2019, regarding the Aquifer Protection Permit application submitted by Squeaky Clean Car Wash to construct a 35 ft. by 91 ft. 4 in. carwash tunnel with accessory signage, for property located at 1087 Route 222, tax map #86.13-01-29.000. All voting aye, the motion was carried.

RESOLUTION #66 SCHEDULE PUBLIC HEARING FOR AQUIFER
PROTECTION PERMIT APPLICATION SUBMITTED BY
SQUEAKY CLEAN CAR WASH. FOR PROPERTY LOCATED
AT 1087 ROUTE 222

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, a Public Hearing shall be scheduled for March 6, 2019 at 5:00 p.m. for an Aquifer Protection Permit application submitted by Squeaky Clean Car Wash to construct a 35 ft. by 91 ft. 4 in. carwash tunnel with accessory signage, for property owned by Washing Technologies LLC, located at 1087 Route 222, tax map #86.13-01-29.000.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the Revised 2018 Periodic Review Report for the South Hill Dump (Revised February 2019) as submitted by CHA to the New York State Department of Environmental Conservation. All voting aye, the motion was carried.

RESOLUTION #67 AMEND 2019 BUDGET AND AUTHORIZE SUPERVISOR TO
CREATE A NEW BUDGET EXPENSE ACCOUNT B7145.4
JOINT RECREATION PROJECTS

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to amend the 2019 Budget for the Town of Cortlandville to create a new budget expense account B7145.4 for Joint Recreation Projects, and it is further

RESOLVED, the Supervisor is hereby authorized and directed to transfer funds to pay for the Town's agreement with the Central New York Regional Planning & Development Board for the Town's share of the planning and design services for the "CNY Peacemaker Trail" as follows:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
B1990.4	B7145.4	\$2,822.00

Supervisor Tupper apprised the Board that interest for reserving the Gutchess Lumber Sports Complex is very high. The Cortland "Crush" will be playing twenty-one home games at the Park. High schools and colleges are being informed of the availability and feedback has been extremely positive.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:53 p.m.

Respectfully submitted,

Kristin E. Rocco-Petrella

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

*Note:

The draft version of this meeting was submitted to the Town Board for their review on March 1, 2019.

The final version of this meeting was approved as written at the Town Board meeting of March 6, 2019.