

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; Town Residents: Barb Leach, Andrea Niggli, Sarah Leach, Pat Leach, Kevin Pristash, Daniel Mieras, Leokadia Mieras, Pamela Jenkins, Robert Martin; and News Reporter: Jacob DeRochie from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Withey made a motion, seconded by Councilman Proud, to approve the Draft Town Board Minutes of January 2, 2019. All voting aye, the motion was carried.

RESOLUTION #24

AUTHORIZE PAYMENT OF VOUCHERS - JANUARY

Motion by Councilman Testa  
Seconded by Councilman Withey  
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, SS, SW	Voucher #17-109	
	General Fund A	\$ 177,608.18
	General Fund B	\$ 8,852.08
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 14,622.57
	Gutchess Lumber SC Project HG	\$ 12,566.72
	New Highway Garage HH	\$ 1,838.71
	Sewer Fund SS	\$ 2,784.55
	Water Fund SW	\$ 12,162.54
Funds CD1, CD3, CD4	Voucher #1-1	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 48,859.46
Funds SF, TA, TE	Voucher #1-2	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 505.15
	Expendable Trust TE	\$ 0.00

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

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Cortland Community SPCA for the months of November and December 2018. 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 Town Clerk for the month of December 2018. All voting aye, the motion was carried.

There was a brief discussion regarding the loss of revenue for the Town from the Cortlandville Court. Councilman Proud suggested investigating a court reorganization to address the issue. Board members agreed on the importance of having a court.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the monthly report of Town Justice Casullo for the month of December 2018, and Town Justice LeFevre for the month of December 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file correspondence from Councilman Withey, dated January 11, 2019, regarding his review of the Town Clerk/Tax Collector records audited on January 7, 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file correspondence from Councilman Ross, dated January 11, 2019, regarding his review of the Town Justice records audited on January 11, 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file correspondence from Councilman Proud, dated January 16, 2019, regarding his review of the Town Highway and Water & Sewer Department records audited on January 14, 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file correspondence from Councilman Testa, dated January 16, 2019, regarding his review of the Town Supervisor's records audited on January 15, 2019. All voting aye, the motion was carried.

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**RESOLUTION #25                      ACCEPT ANNUAL REPORT OF THE TOWN CLERK**

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Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Annual Report of the Town Clerk, as submitted by Town Clerk Kristin E. Rocco-Petrella, RMC for the year 2018 is hereby accepted, and shall be received and filed.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the monthly report of the Supervisor for the month of December 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file correspondence from Charter Communications, dated January 11, 2019 and January 15, 2019, regarding programming services. All voting aye, the motion was carried.

Town Clerk Rocco-Petrella apprised the Board a Bill was passed by the State Assembly on January 15, 2019 regarding a temporary extension for payment of real property taxes for furloughed or non-pay federal workers as a result of the federal government shutdown. The Bill called for any deadline with respect to the payment of such real property tax to be extended for a period of ninety days after the end of such lapse in discretionary appropriations by the federal government, if such municipal corporation has passed a local resolution authorizing such extension. Town Clerk Rocco-Petrella would keep the Board informed when action needs to be taken.

Attorney Folmer reported:

Proposed Local Law of 2019 to Amend Local Law No. 1 of 2010:

Attorney Folmer reminded the Board of Local Law No. 1 of 2010, which provided a veterans tax exemption for veterans who were not previously entitled to the exemption. At the time the Local Law was adopted, the Real Property Tax Law (RPTL) had a 10-year sunset provision that would expire in 2019. Since then, RPTL Section 458-b was amended to eliminate such provision. Town Assessor, David Briggs suggested the Board amend Local Law No. 1 of 2010 to eliminate the 10-year sunset provision. Attorney Folmer requested the Board schedule a Public Hearing regarding a proposed Local Law of 2019 to amend Local Law No. 1 of 2010. Attorney Folmer provided copies of the proposed Local Law to Board members and the Town Clerk for review.

RESOLUTION #26                      SCHEDULE PUBLIC HEARING FOR A PROPOSED LOCAL LAW OF 2019 AMENDING LOCAL LAW NO. 1 OF 2010, ENTITLED "ENACT A VETERANS TAX EXEMPTION PURSUANT TO SECTION 458-B OF THE REAL PROPERTY TAX LAW FOR QUALIFIED RESIDENTS OF THE TOWN OF CORTLANDVILLE"

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Motion by Councilman Withey

Seconded by Councilman Proud

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

BE IT RESOLVED, a Public Hearing is hereby scheduled for February 6, 2019 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York concerning a proposed Local Law of 2019 amending Law No. 1 of 2010, entitled "Enact a Veterans Tax Exemption Pursuant to Section 458-b of the Real Property Tax Law for Qualified Residents of the Town of Cortlandville".

RESOLUTION #27                      AUTHORIZE SUPERVISOR TO SIGN THE ANNUAL PERFORMANCE REPORTS FOR THE YEAR 2018 FOR THE TOWN-WIDE HOUSING REHABILITATION PROGRAM CDBG #287HR236-16 AND ROYAL NISSAN, INC. CDBG #287SB902-18

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Motion by Councilman Proud

Seconded by Councilman Withey

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the Annual Performance Report for the year 2018 for the Town-wide Housing Rehabilitation Program CDBG #287HR236-16 and for Royal Nissan of Cortland CDBG #287SB902-18.

RESOLUTION #28                      AUTHORIZE APPROVAL OF PAYMENT REGARDING 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, Ross, 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 #2: Thoma Development Consultants - \$4,901.89

RESOLUTION #29                      AUTHORIZE APPROVAL OF PAYMENT OF PROGRAM INCOME REGARDING THE CDBG FOR ROYAL NISSAN, INC. #287SB902-18

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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 approval of payment for Program Income for the following regarding the Economic Development – Small Business Assistance Grant for Royal Nissan, Inc. - CDBG #287SB902-18:

Voucher #1: Royal Nissan of Cortland - \$48,859.46

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Sheriff Mark Helms, dated December 27, 2018, regarding the Cortland County Jail and an invitation for members of the board to tour the jail. All voting aye, the motion was carried.

There was a brief discussion regarding Sheriff Helms' invitation. The item would be added to the Board's February 6, 2019 meeting agenda for further discussion.

**RESOLUTION #30                      APPROVE EXTRA WORK AUTHORIZATION NO. 1 FROM  
CHA FOR THE 2019 POST-CLOSURE MONITORING FOR  
THE SOUTH HILL DUMP SITE**

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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 approve Extra Work Authorization No. 1 from CHA, dated January 4, 2019, for the 2019 Post-Closure Monitoring for the South Hill Dump Site, to provide professional engineering services in connection with post-closure monitoring in accordance with procedures and protocols included in the approved December 2015 Site Management Plan prepared by MACTEC Engineering and Consulting, P.C., and to provide two annual inspections in 2019 for the total cost of \$3,200.00, and it is further

RESOLVED, any additional services will be charged on a time and material basis in accordance with the 2019 Municipal Rate Schedule as provided by CHA and it is further.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the Town of Cortlandville's 2018 Upstate Revitalization Initiation (URI) Grant application for Phase 2 of the Gutches Lumber Sports Complex, dated October 3, 2018 (received January 11, 2019). All voting aye, the motion was carried.

**RESOLUTION #31                      REFER AQUIFER PROTECTION PERMIT APPLICATIONS  
TO THE TOWN AND COUNTY PLANNING BOARDS FOR  
REVIEW AND RECOMMENDATIONS AND REQUEST THE  
TOWN PLANNING BOARD ACT AS LEAD AGENCY**

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Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the following five (5) Aquifer Protection Permit applications shall be forwarded to the Town and County Planning Boards for review and recommendations:

Project Applicant	Owner Name	Property Location	Tax Map #
East River Road Solar LLC	Farm East, LLC	East River Road	77.00-11-08.000
Lime Hollow Solar LLC	Farm East, LLC	Lime Hollow Road	95.00-06-04.100
McLean Solar 2 LLC	Gutches Lumber Co. Inc.	693, 723 Stupke Road	95.15-01-12.000
Route 13 Solar LLC	Farm East, LLC	Route 13	105.00-04-02.120
Cortland-Virgil Road Solar LLC	Farm East, LLC	899, 904 South Cortland Virgil Road	105.00-04-18.000

AND BE IT FURTHER RESOLVED, the five (5) Aquifer Protection Permit applications are hereby received and filed, and it is further

RESOLVED, the Town Board hereby requests the Town Planning Board act as Lead Agency for each proposed project.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from the NYS Unified Court System, dated January 7, 2019, regarding the Town Court Audit of 2018. All voting aye, the motion was carried.

RESOLUTION #32

AUTHORIZE TRANSFER OF FUNDS TO BALANCE  
ACCOUNTS FOR THE 2018 BUDGET

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Motion by Councilman Proud  
Seconded by Councilman Withey  
VOTES: AYE – Tupper, Testa, Proud, Ross, Withey

NAY – 0

ADOPTED

BE IT RESOLVED, the Budget Officer is hereby authorized and directed to transfer funds to adjust the accounts of the 2018 Budget for the Town of Cortlandville as follows:

- 1) **GENERAL FUND A - TOWN WIDE:** Transfer \$12,267.77
- | <u>FROM</u> | <u>TO</u>     | <u>AMOUNT</u>       |
|-------------|---------------|---------------------|
| A1990.4     | A1110.1       | \$ 8,208.77         |
| A1990.4     | A1420.4       | \$ 353.62           |
| A1990.4     | A1460.1       | \$ 1.00             |
| A1990.4     | A1920.4       | \$ 1,567.94         |
| A1960.4     | A1620.41      | \$ 324.00           |
| A9060.8     | A9089.8       | \$ 1,025.00         |
| A511        | A9050.8       | \$ 787.44           |
|             | <b>TOTAL:</b> | <b>\$ 12,267.77</b> |
- 2) **GENERAL FUND B - PART TOWN:** Transfer \$12,057.59
- | <u>FROM</u> | <u>TO</u>     | <u>AMOUNT</u>      |
|-------------|---------------|--------------------|
| B1990.4     | B8664.4       | \$ 391.36          |
| B7110.44    | B8664.1       | \$11,666.23        |
|             | <b>TOTAL:</b> | <b>\$12,057.59</b> |
- 3) **HIGHWAY FUND – PART TOWN DB:** \$70,731.49
- CHIPS REVENUE HAS BEEN INCREASED**
- |                  |             |
|------------------|-------------|
| Debit DB 3501    | \$ 6,374.91 |
| Credit DB 5110.4 | \$ 6,374.91 |
- | <u>FROM</u> | <u>TO</u>     | <u>AMOUNT</u>       |                     |
|-------------|---------------|---------------------|---------------------|
| DB5110.4    | DB5112.2      | \$154,695.38        | TO CORRECT<br>CHIPS |
|             | <b>TOTAL:</b> | <b>\$161,070.29</b> |                     |
- 4) **SS – SEWER FUND:** Transfer \$11,851.08
- | <u>FROM</u> | <u>TO</u>     | <u>AMOUNT</u>      |                     |
|-------------|---------------|--------------------|---------------------|
| SS9950.9    | SS391         | \$11,851.08        | TO CLOSE HE<br>FUND |
|             | <b>TOTAL:</b> | <b>\$11,851.08</b> |                     |
- 5) **SW – WATER FUND:** Transfer \$7,167.49
- | <u>FROM</u> | <u>TO</u>     | <u>AMOUNT</u>      |
|-------------|---------------|--------------------|
| SW8320.4    | SW8320.41     | \$ 7,167.49        |
|             | <b>TOTAL:</b> | <b>\$ 7,167.49</b> |
- 6) **HE – SAUNDERS RD SEWER PROJECT:**
- | <u>FROM</u> | <u>TO</u>     | <u>AMOUNT</u>      |                                      |
|-------------|---------------|--------------------|--------------------------------------|
| HE630       | HE5031        | \$11,851.08        | TO CLOSE HE<br>FUND TO SS<br>OP FUND |
|             | <b>TOTAL:</b> | <b>\$11,851.08</b> |                                      |

The proposed fee schedule for the Gutches Lumber Sports Complex was discussed. The Complex is being financed by the issuance of a tax exempt bond and the Bond Anticipation note will be renewed on January 30, 2019. Attorney Folmer cautioned the Board that no preferential treatment can be given with regard to fees. He and Supervisor Tupper had discussions with Bond Counsel regarding the fee schedule and it was explained to them that the Internal Revenue Service will examine fees and uses. If the Town was to make too much non-governmental income, the IRS could declare whatever financing instruments that the Town has issued to be no longer exempt, which could result in the interest rate going up by three quarters of one percent. It is imperative to keep the fees consistent and charge everybody the same fee to avoid the possibility of an audit with regard to tax exemption status.

**RESOLUTION #33                      ESTABLISH FEE SCHEDULE FOR USE OF THE ATHLETIC  
FIELDS AT THE GUTCHES LUMBER SPORTS COMPLEX**

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Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby establish the following fee schedule for use of the athletic fields and facilities at the Gutches Lumber Sports Complex effective January 16, 2019:

**CRSC:**

\$50.00/hour/field

Cap of \$250/day/field

Energy Charge = \$50.00/hour/field

No spectator fee

Supervision - \$15.00/hour if not CRSC employee

\*Discussion on rates for multiple year bids (ie: NYSPHSAA or NYSWYSA)

**LOCAL/COUNTY ORGANIZATIONS:**

\$75.00/hour/field

Multiple day/weekend commitments - \$50.00/hour/field

Energy Charge - \$50.00/hour/field

Supervision - \$15.00/hour

**OUTSIDE ORGANIZATIONS, NOT USING CRSC:**

\$150.00/hour/field

Multiple day/weekend commitments - \$125.00/hour/field

Energy Charge - \$50.00/hour/field

Supervision - \$15.00/hour

**RESOLUTION #34                      AUTHORIZE HIGHWAY SUP'T. TO PURCHASE ONE NEW  
INTERNATIONAL TRUCK CHASSIS, DUMP BOX AND  
PLOW EQUIPMENT IN ACCORDANCE WITH THE TOWN'S  
PROCUREMENT POLICY**

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Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, the Town Board received a request from Highway Sup't. Bassett to purchase one (1) new single axle truck chassis along with the dump box and plow equipment from the Onondaga County Contract #8996, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Highway Sup't. to proceed in accordance with the Town's procurement policy to purchase a 2020 International Truck (Navistar Proposal #20642-01) and a plow package (Viking Cives quote #10652) including a 7-year engine and after treatment warranty, stainless steel oil pan and stainless steel transmission cooler lines, for the total amount of \$188,303.00.

RESOLUTION #35                      ACCEPT RESIGNATION FROM THEODORE V. TESTA  
AS DEPUTY TOWN SUPERVISOR EFFECTIVE  
JANUARY 16, 2019

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Motion by Councilman Proud

Seconded by Councilman Withey

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

ABSTAIN – Testa

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept, with deep regret, the letter of resignation from Theodore V. Testa as Deputy Town Supervisor for the Town of Cortlandville, effective January 16, 2019, and it is further

RESOLVED, the letter of resignation dated January 15, 2019 is hereby received and filed.

The Board thanked Councilman Testa for his many years of service as Deputy Supervisor. Councilman Testa said his interest is in the Gutches Lumber Sports Complex and was pleased to have adequate time to pursue that interest. He wished Councilman Proud well in his new position as Deputy Supervisor for the Town of Cortlandville.

RESOLUTION #36                      APPOINT JOHN C. PROUD AS DEPUTY TOWN  
SUPERVISOR

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Motion by Councilman Withey

Seconded by Councilman Testa

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

ABSTAIN – Proud

ADOPTED

WHEREAS due to the resignation of Theodore V. Testa as Deputy Town Supervisor a vacancy has occurred, therefore

BE IT RESOLVED, the Town Board does hereby appoint John C. Proud as Deputy Town Supervisor for the Town of Cortlandville, effective January 16, 2019 through December 31, 2019.

RESOLUTION #37                      AUTHORIZE SUPERVISOR TO LET OUT TO BID FOR THE  
TERRACE ROAD WELL WATER MAIN DESIGN PROJECT

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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 Supervisor to let out to bid for the Terrace Road Well Water Main Design Project for the installation of a 350-linear foot 24-inch water main loop to lengthen the route of the public water system to increase chlorine contact time, and it is further

RESOLVED, sealed bids will be received by the Town of Cortlandville Town Clerk's office at 3577 Terrace Road, Cortland, NY 13045 until 10:00 a.m., February 1, 2019, at which time they will be publically opened and read, and it is further

RESOLVED, the bid shall be awarded at the February 6, 2019 Town Board meeting at 5:00 p.m.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:57 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 February 6, 2019.

The final version of this meeting was approved as written at the Town Board meeting of February 20, 2019.