

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 A. DelVecchio; Highway Sup’t. Glenn Bassett; Court Clerk, Pamela Bassett; Town Residents: Thomas Williams; Jay Cobb; Pamela Jenkins; Bob Martin; Stephen Flatt; News Reporter, Colin Spencer from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

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

Councilman Testa made a motion, seconded by Councilman Proud, to receive and file the Cortlandville Planning Board Minutes of September 24, 2019 and October 8, 2019. All voting aye, the motion was carried.

The Draft Special Town Board Minutes of October 15, 2018 were presented to the Board for their review.

RESOLUTION #251

AUTHORIZE SUPERVISOR TO SIGN PURCHASE
ORDER #0155

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 authorize and direct the Supervisor to sign Purchase Order #0155 submitted by Water and Sewer Sup’t. Peter Alteri to be paid to PASCO Building Automation Systems, to upgrade the HVAC controllers at the Raymond G. Thorpe Municipal Building as the old system has failed and parts are no longer available, for the total cost of \$5,847.00.

RESOLUTION #252

AUTHORIZE PAYMENT OF VOUCHERS – NOVEMBER

Motion by Councilman Withey
Seconded by Councilman Proud
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, SF, SS, SW | Voucher #1680-1758 | | |
| | General Fund A | \$ | 212,068.12 |
| | General Fund B | \$ | 42,282.28 |
| | Highway Fund DA | \$ | 0.00 |
| | Highway Fund DB | \$ | 202,389.80 |
| | Gutchess Lumber SC Project HG | \$ | 0.00 |
| | C’Ville Fire District SF | \$ | 0.00 |
| | Sewer Fund SS | \$ | 52,785.19 |
| | Water Fund SW | \$ | 33,595.10 |
| Funds CD1, CD3, CD4 | Voucher #(None) | | |
| | BMills Rehab CD1 | \$ | 0.00 |
| | Town Wide Rehab CD3 | \$ | 0.00 |
| | Business Devl CD4 | \$ | 0.00 |

Funds TA, TE

Voucher #43-45

Trust & Agency TA

\$ 43,260.32

Expendable Trust TE

\$ 0.00

Supervisor Tupper noted that Councilman Withey requested privilege of the floor. Supervisor Tupper advised Councilman Withey that he should make his comments under new business as privilege of the floor was for the public rather than for the elected officials.

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

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

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

Councilman Proud commented that the outstanding monthly reports from CEO Campbell for the months of September and October 2019 had not been submitted.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file correspondence from Charter Communications, dated November 13, 2019 and November 15, 2019, regarding programming services. All voting aye, the motion was carried.

There was discussion regarding the adoption of the 2020 Preliminary Budget as the 2020 Adopted Budget. Supervisor Tupper explained that the 2020 Preliminary Budget reflected a tax rate of \$3.41, which was an increase of \$0.01 from 2019.

Councilman Withey proposed that the 2.8% salary increase in the 2020 Preliminary Budget for the four Town Councilmen, Town Supervisor and Deputy Supervisor be eliminated and that those budget lines remain the same as the 2019 Adopted Budget. He stated that otherwise the proposed budget fits the Town's needs. Discussion occurred with regard to the proposed salaries for the elected officials. Supervisor Tupper was not in favor of reducing the salaries for the officials and indicated that the raise was based on the cost of living increase as had been done in the past. Councilman Proud was in agreement with no salary increase.

RESOLUTION #253 ELIMINATE THE PROPOSED SALARY INCREASE FOR THE
TOWN COUNCILMEN, TOWN SUPERVISOR AND DEPUTY
SUPERVISOR AS PROVIDED FOR IN THE 2020
PRELIMINARY BUDGET

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 eliminate the proposed salary increase for the Town Councilman (4), Town Supervisor and Deputy Supervisor as provided for in the 2020 Preliminary Budget, and be it further

RESOLVED, the salaries for the Town Councilmen (4), Town Supervisor and Deputy Supervisor shall remain the same as provided for in the 2019 Adopted Budget.

Discussion continued with regard to the adoption of the 2020 Budget. Supervisor Tupper explained that he and Bookkeeper Hicks projected the year-end fund balances based on the expenditures and revenues at the close of August, September and October. He said that the changes were slight. He expected that the A fund would have a balance of \$275,000, the B fund would have a balance \$182,000, and the DB fund would have a balance of \$630,000. The figures would be subject to change once the Town receives the 4th quarter sales tax revenue. He estimated that the sales tax revenue, which is split between the B and DB funds, could be \$300,000 more than what was budgeted. Supervisor Tupper also explained that the Town would be receiving \$75,000 in unexpected revenue from a 2016 grant that would go into the B fund.

Councilman Withey asked about the grant for the acquisition of property on Lime Hollow Road to protect the Town's wells. Supervisor Tupper explained that the grants should be awarded by December 10, 2019, but that the Governor may not announce the recipients until later in the year. At that time, the Town should know what grants have been approved.

Supervisor Tupper apprised the Board that three budget accounts would need to be modified from the 2020 Preliminary Budget due to a change in budget account codes for accounting purposes. The DB9962.4 (Highway) account would be changed to DB0962.4; the SS9962.4 (Sewer) account would be changed to SS0962.4; and the SW9962.4 (Water) account would be changed to SW0962.4. The only change would be to the account codes; the dollar amounts included in the budget would not change.

Supervisor Tupper encouraged Board members to personally thank Bookkeeper Hicks and Assistant Bookkeeper Johnson for their diligence. He also thanked the Town's Department Heads for keeping spending down.

RESOLUTION #254 ADOPT THE TOWN BUDGET FOR FISCAL YEAR OF 2020

Motion by Councilman Testa

Seconded by Councilman Proud

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

ADOPTED

WHEREAS, on the 6th day of November 2019 the Town Board of the Town of Cortlandville held a Public Hearing on the Preliminary Budget and proposed amounts to be raised by the benefit tax on benefited properties in the Town Sewer and Town Water Improvement Districts, approved by the Town Board, and filed with the Town Clerk for fiscal year commencing January 01, 2020 and having heard all persons in favor of, or against any items therein contained, and

WHEREAS, the following modifications were made to the Preliminary Budget:

| FUND | FUND NAME | INCREASE/ DECREASE | AMOUNT | PRELIMINARY | ADOPTED |
|--------------------------------------|---|-----------------------|--------------|---------------|--------------|
| CHANGES IN EXPENDITURES – GFA | | | | | |
| A1010.1 | Town Board (Councilmen) | Decrease | -\$ 1,430.00 | \$ 52,486.00 | \$ 51,056.00 |
| A1220.1 | Town Supervisor/Deputy | Decrease | -\$ 963.00 | \$ 35,334.00 | \$ 34,371.00 |
| CHANGES IN EXPENDITURES – DB | | | | | |
| DB9962.4 | Budgetary Provisions for other uses | Decrease | \$ 50,000.00 | -\$ 50,000.00 | \$ 0.00 |
| DB0962.4 | Budgetary Provisions for other uses (to fund Highway Equip Capital Reserve) | Increase | \$ 50,000.00 | \$ 0.00 | \$ 50,000.00 |
| CHANGES IN EXPENDITURES – SS | | | | | |
| SS9962.4 | Budgetary Provisions for other uses | Decrease | \$ 25,800.00 | -\$ 25,800.00 | \$ 0.00 |
| SS0962.4 | Budgetary Provisions for other uses (to fund Sewer Imp. Capital Reserve) | Increase | \$ 25,800.00 | \$ 0.00 | \$ 25,800.00 |
| CHANGES IN EXPENDITURES – SW | | | | | |
| SW9962.4 | Budgetary Provisions for other uses | Decrease | \$ 15,000.00 | -\$ 15,000.00 | \$ 0.00 |
| SW0962.4 | Budgetary Provisions for other uses (to fund Water Imp. Capital Reserve) | Increase | \$ 15,000.00 | \$ 0.00 | \$ 15,000.00 |

THEREFORE, BE IT RESOLVED, the Preliminary Budget is hereby approved with modifications, and the same is hereby adopted and established as the annual budget of this Town for the fiscal year beginning January 01, 2020 and such annual budget, as so adopted, is filed with the Town Clerk, and it is further

RESOLVED, that the Town Clerk of this Town shall prepare and certify, as provided by law, duplicate copies of the annual budgets, hereby adopted, together with the assessment rolls for the benefit of improvement for the Sewer and Water Funds, adopted pursuant to Section 202-a of the Town Law and within five days thereof, deliver two copies to the Supervisor of the Town and the Supervisor shall present the copies of the annual budget to the Legislature of Cortland County within ten days after his receipt thereof from the Clerk.

Councilman Testa discussed his efforts in fundraising for the Gutchess Lumber Sports Complex. He explained that although donations have been received, it's not enough money for what is needed. Fundraising for a park of this size was extremely difficult and may require professional help. He stated that help from grants would be necessary.

Under Communications, Supervisor Tupper apprised the Board he received a card from former Town Planning Board Chairwoman, Katherine S. Wickwire, thanking the Board for her retirement celebration and for being honored on the Town Wall of Fame.

Also under communications, Supervisor Tupper apprised the Board that the Cable Commission asked for a letter of support from towns and villages to force a change in franchise agreements. Currently, the Commission still operates under Sammons Communications. The Commission would submit one letter that lists the towns and villages that have agreed to submit a letter of support to State Senators, Members of Congress and to the Public Safety Commission.

Under new business, Supervisor Tupper addressed questions posed by Town Resident Robert Martin at the November 6, 2019 Town Board Meeting with regard to the Town Budget. Mr. Martin had asked what the primary driver was for the increased 2020 budget and he provided years and numbers for Supervisor Tupper to explain. Supervisor Tupper was unable to find the numbers indicated by Mr. Martin in the budget for one of his questions. In response to the second question by Mr. Martin, Supervisor Tupper explained the Town's unexpended fund which is used to balance the budget, and explained that the Town has three main reserve accounts: Highway Equipment Reserve; Water Improvements Reserve; Sewer Improvements Reserve. He mentioned that there are also small reserve accounts for health insurance, retirement and unemployment.

Town Clerk Rocco-Petrella reported that due to the Town's server being down, her office has been at a standstill for many of the tasks performed by the Clerk's office. Her intent was to present the Board with a contract for a dog enumerator, however that would be delayed due to the difficulty with the server.

Town Clerk Rocco-Petrella commented that her office was preparing for the 2020 tax season. She announced to the Board and to those in attendance that the Town Clerk's office would no longer be open every Saturday during the month of January to receive tax payments, but would instead be open the last Saturday of January from 9:00 a.m. until 12:00 p.m. Due to a decline in the number of customers who have paid their taxes on Saturdays over the past two years, the expense of opening the building, and more so due to a growing concern for safety, Town Clerk Rocco-Petrella decided to make the change. She explained that the office is open for tax collection five days a week from 8:30 a.m. until 4:30 p.m., that there is a 24-hour drop-box available at the main entrance, and that she hoped to have a new online tax payment option available to taxpayers by January 1, 2020. She stated she would inform the Real Property Tax Office to have the proper language displayed on the tax bills, and that the hours would be posted in the legal notice and available online.

Councilman Ross asked about the current status of the Town's server. He recalled the September 4, 2019 Town Board meeting at which Deputy Director of Cortland County Information Technology, Jack Hess spoke to explain the protections in place to protect the Town's computer system against malware and ransomware. It was stated then that if Town files were attacked by malware, that a back-up was in place to recover files. Councilman Ross inquired about how the Town could likewise be protected from server issues in the future. Supervisor Tupper explained that since September, one of the servers was not sending

information to the cloud and nothing had been backed up, therefore it took IT much longer to retrieve the files. He said that the Town had purchased a new larger server with more memory that is capable of “segregating” out files and if the server were to crash again, IT could retrieve files more easily in the future.

Councilman Proud stressed the importance of the IT department reviewing its protocols and procedures for back-up in order to avoid time lapses of files not being backed up and in the event the problem occurs again.

Attorney DelVecchio reported:

Solar Farm Project – Payment In Lieu of Tax:

Attorney DelVecchio discussed a recently approved solar project by the Town Planning Board. He said if the Town would be interested in taxing the project, it would need to decide if it chose to opt out by Local Law or to inform the project manager that the Town would demand a payment in lieu of tax (PILOT) agreement be entered into. Attorney DelVecchio said the current project had not chosen the same approach as prior solar farm projects had. Attorney DelVecchio said he reached out to NYSERDA for guidance, but hasn’t received a response. He explained that Real Property Tax Law § 487-(9)-(a), dictates that once a project manager notifies the Town of its intent to construct a solar farm within the Town, the Town then has 60 days to respond with its intent to require a contract for PILOT. The project is still within the 60 day time period. Attorney DelVecchio asked the Board to make a formal decision as to how to proceed. If the Town decided to execute a PILOT, Attorney DelVecchio requested that the Town authorize him to write a letter to inform the project manager.

Supervisor Tupper asked what “opting out” would mean for the Town. Attorney DelVecchio explained that opting out would mean that the Town has the ability to tax the project, however doing so could discourage other projects from coming into the Town.

Councilman Ross made a motion, seconded by Councilman Proud, that the Town Attorney be authorized and directed, whenever the Town receives written notification of an owner’s or developer’s intent to construct a solar or wind power system within the Town, to promptly notify the owner and/or developer of the Town’s intent to require a contract for payment in lieu of taxes pursuant to Real Property Tax Law § 487, subsection 9.

Councilman Withey asked for clarification of the PILOT process and Attorney DelVecchio provided an explanation. Discussion continued regarding the advantages of executing PILOT agreements for such projects. Councilman Proud informed the Board that Assessor David Briggs had concerns that the State hasn’t set the proper framework for the PILOT, and that the trend over time for PILOT agreements would go down in monetary value to the Town. He said that the Town has the ability to adopt a PILOT provision in its ordinance.

RESOLUTION #255

AUTHORIZE AND DIRECT THE TOWN ATTORNEY TO PROMPTLY NOTIFY THE OWNER AND/OR DEVELOPER OF A SOLAR OR WIND POWER SYSTEM, WHENEVER THE TOWN RECEIVES WRITTEN NOTIFICATION OF INTENT TO CONSTRUCT SUCH A SYSTEM WITHIN THE TOWN, OF THE TOWN OF CORTLANDVILLE’S INTENT TO REQUIRE A CONTRACT FOR PAYMENT IN LIEU OF TAXES PURSUANT TO REAL PROPERTY TAX LAW § 487, SUBSECTION 9

Motion by Councilman Ross

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 that whenever the Town receives written notification of an owner’s or developer’s intent to construct a solar or wind power system within the Town, that the Town Attorney promptly notify the owner and/or developer of the Town’s intent to require a contract for payment in lieu of taxes pursuant to Real Property Tax Law § 487, subsection 9.

Economy Paving Co. Inc.:

Per discussion from the November 6, 2019 Town Board meeting regarding the decision for the Town Attorney to have talks with engineering firms with regard to the Economy Paving site plan, Attorney DelVecchio apprised the Board that he had contacted engineering firms for discussion. One of the firms had asked him to send reports from both Economy Paving Inc. and from Mr. John Barden. Attorney DelVecchio sent the reports, the Request for Proposal (RFP) and some supporting documents to the firm. After analyzing the reports, the firm indicated, that in their opinion, the report done by Economy Paving Inc. engineers did not comply with New York State Department of Environmental Conservation Stormwater guidelines. Attorney DelVecchio said that would point towards the report done by Economy Paving Inc.'s engineer not being sufficient enough to address the issue before the Planning Board. The firm suggested that the Town hire an engineer and charge Economy Paving Inc. for its services. The firm said they could do a complete hydraulic analysis if so desired by the Town. Attorney DelVecchio said he would consult with the Planning Board. He would again contact the firm to further discuss the details and the cost. Supervisor Tupper suggested that a resolution be established to authorize the expenditure of \$10,000.00 to hire an engineer.

RESOLUTION #256 AUTHORIZE THE TOWN SUPERVISOR TO HIRE AN
ENGINEERING FIRM TO EVALUATE THE SITE PLAN AND
STORMWATER MANAGEMENT PLAN OF ECONOMY
PAVING COMPANY

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 Town Supervisor to hire an engineer to evaluate the site plan and Stormwater Management Plan of Economy Paving Co., Inc. located at 1819 Route 13 in the Town of Cortlandville, tax map #77.00-12-07.000 for a cost not to exceed \$10,000.00.

Town Clerk Rocco-Petrella apprised the Board that Monday, November 25, 2019 would be the last day to collect water and sewer payments prior to being relevied onto the 2020 tax roll. Relevy letters were mailed to customers at the beginning of the month explaining the deadline and the process. Unpaid accounts of more than \$60.00 would be relevied onto their respective 2020 tax bill.

RESOLUTION #257 AUTHORIZATION TO RELEVY DELINQUENT WATER AND
SEWER ACCOUNTS TO THE 2020 TAX ROLL OF THE
TOWN OF CORTLANDVILLE

Motion by Councilman Withey

Seconded by Councilman Proud

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

ADOPTED

WHEREAS, the list of delinquent water and sewer accounts of the Town Water & Sewer Department was submitted, as required, therefore

BE IT RESOLVED, the Town Board does hereby receive and file and forward the list of delinquent water and sewer accounts of the Town of Cortlandville to the Cortland County Real Property Tax Office, to be relevied onto the 2020 tax roll of the Town of Cortlandville.

RESOLUTION #258 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT
BETWEEN THE TOWN OF CORTLANDVILLE AND THE
CITY OF CORTLAND TO PROVIDE RECREATION
SERVICES FOR THE YEAR 2019

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 sign the agreement between the Town of Cortlandville and the City of Cortland for the year 2019, for the City to provide Recreation services through the Cortland Youth Bureau, in the total amount of \$76,700.00.

With regard to the year 2020 benefit tax for water and sewer, Supervisor Tupper apprised the Board that the benefit tax unit charge for sewer decreased approximately \$6.00 and that the benefit tax unit charge for water decreased approximately \$4.00. He explained that loans have been satisfied, therefore reducing the total amounts to be paid, and that consumption had increased resulting in more usage units. Supervisor Tupper and the Board thanked the Town Clerk's office for their hard work. Town Clerk Rocco-Petrella thanked Deputy Town Clerk Patricia Romer for her time and effort in the process.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from Town Clerk Rocco-Petrella, dated November 8, 2019 regarding the 2020 Benefit Tax calculations. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the 2019 MWBE Report regarding the Town-wide Housing Rehabilitation Project, CDBG #287HR323-16 and Royal Nissan of Cortland Inc., CDBG #287SB902-18. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from the New York State Department of Environmental Conservation, dated November 12, 2019, regarding the renewal of the Suit-Kote Corp. Mining Permit for the Alexander Mine located at 3681 US Route 11 in the Town of Cortlandville. All voting aye, the motion was carried.

Supervisor Tupper introduced Thomas Garrett and Prashant Arora, representing Siemens Industry, Inc., who were present to discuss the Performance Contracting Agreement to convert the Town's street lighting to LED, as well as to upgrade building infrastructure at the municipal buildings. A presentation was given at the October 16, 2019 meeting and a breakdown was to be provided of financial figures for what the streetlight conversion to LED's would cost versus the building infrastructure being changed. The Board had reviewed the information and the Siemens representatives were present to answer questions.

Mr. Garrett began by addressing the Board's questions on guarantees. He explained that Siemens Industry has an obligation to guide the Town through negotiations with National Grid and to document that lights have been changed and that the Town is receiving the proper rate. If those components are not there, Siemens Industry must write a check to the Town and correct the problem. Siemens Industry must honor all guarantees the same way.

Mr. Garrett explained aspects of the contract and discussion continued at length regarding the financial components, types of lighting and maintenance. Board members posed questions that were clarified by the representatives.

Board members discussed the authorization for Supervisor Tupper to sign the contract subject to any modifications to address legal issues that Attorney DelVecchio and Councilman Ross determine would affect the contract itself. If there were outstanding substantive issues to be addressed, Attorney DelVecchio stated that the contract would be brought back to the Board.

Supervisor Tupper thanked the Siemens Industry representatives for their time.

RESOLUTION #259 AUTHORIZE SUPERVISOR TO SIGN THE PERFORMANCE
CONTRACTING AGREEMENT BETWEEN THE TOWN OF
CORTLANDVILLE AND SIEMENS INDUSTRY, INC

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 sign the Performance Contracting Agreement between the Town of Cortlandville and Siemens Industry, Inc., for work and services in connection with the street lighting replacement and Town of Cortlandville Buildings: Raymond G. Thorpe Municipal Building (Town Hall), Highway Department, and the Municipal Water & Sewer Garage, and it is further

RESOLVED, the authorization is subject to Town Attorney, John A. DelVecchio and Councilman C. Randolph Ross's review and modifications.

Supervisor Tupper questioned whether there was anything further to come before the Board. Councilman Withey opted to save his comments until the next meeting.

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 6:36 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 December 17, 2019.

The final version of this meeting was approved as written at the Town Board meeting of December 30, 2019.