

PUBLIC HEARING NO. 1

FEDERAL NYS COMMUNITY DEVELOPMENT BLOCK GRANT
ECONOMIC DEVELOPMENT APPLICATION

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, concerning an application to the New York State Office of Community Renewal for funding under the Federal New York State Community Development Block Grant Program in 2014 with a requested amount of \$750,000.00.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, Gregory K. Leach
Town Clerk, Karen Q. Snyder, RMC

Excused:

Councilman, Ronal L. Rocco

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Barb Leach; Rich Cunningham from Thoma Development Consultants; Garry VanGorder from the Cortland County IDA/BDC; News Reporters: Tyrone Heppard from the *Cortland Standard*, Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

Supervisor Tupper offered privilege of the floor those in attendance.

Rich Cunningham from Thoma Development Consultants offered to provide some of the basic information regarding the Community Development Block Grant Program. Supervisor Tupper indicated that it was not necessary as the Board was quite familiar with the application.

No further comments or discussions were heard.

The Public Hearing was closed at 5:05 p.m.

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

Excused: Councilman, Ronal L. Rocco

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Barb Leach; Rich Cunningham from Thoma Development Consultants; Garry VanGorder from the Cortland County IDA/BDC; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Leach made a motion, seconded by Councilman Proud, to approve the Draft Town Board Minutes of April 2, 2014 as written. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Cortlandville Zoning Board of Appeals Minutes of March 25, 2014. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Cortlandville Planning Board Minutes of March 25, 2014. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Cortlandville Zoning Board of Appeals Minutes of April 8, 2014. All voting aye, the motion was carried.

There was a brief discussion regarding Purchase Order #1221 for D & L Landscaping. Supervisor Tupper explained that the Town received a \$20,000 grant to plant trees at Ted Testa Park. The purchase order was for the second half of the grant. The Town had to pay for the trees first, and would then get reimbursed.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #1221

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1221 submitted by Highway Sup't. Bush to be paid to D & L Landscaping for the purchase and planting of 25 new trees at Ted Testa Park, for the total cost of \$9,225.00.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS - APRIL

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

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

Funds A, B, DA, DB	Voucher #375-424	
	General Fund A	\$ 19,461.45
	General Fund B	\$ 2,631.82
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 31,532.78
Funds CD1, CD3, CD4	Voucher #3-3	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 2,848.81
Fund HC, SS, SW	Voucher #142-162	
	NYS Rt 13 Sewer Rehab HC	\$ 843.75
	Sewer SS	\$ 1,902.05
	Water SW	\$ 10,200.74
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 announced that there were no requests for privilege of the floor.

The monthly reports of the Town Justices for the month of March 2014, and the 1st Quarter 2014 Report from the Cortland County SPCA, were on the table for review and are filed in the Town Clerk's office.

RESOLUTION #	ACCEPT ANNUAL REPORT OF TOWN RMO AND SCHEDULE OF DISPOSED RECORDS IN 2013 IN ACCORDANCE WITH THE RETENTION AND DISPOSITION SCHEDULE
--------------	--

Motion by Councilman Proud
Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby accept the Annual Report of the Records Management Officer of the Town, including a list of the disposed records in 2013, in accordance with the Records Retention Disposition Schedule, MU-1.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Time Warner Cable, dated April 16, 2014, regarding programming services. All voting aye, the motion was carried.

There was a brief discussion regarding an application to the New York State Office of Community Renewal for funding under the Federal New York State Community Development Block Grant Program in a requested amount of \$750,000 for Forkey Construction and Fabricating, Inc. Supervisor Tupper mentioned that the Town of Cortlandville would be making a loan in the amount of \$300,000 from CDBG revolving funds for the purchase of machinery and equipment, and the rest of the money for the project would be from bank financing and company equity. Supervisor Tupper complimented Garry VanGorder from the Cortland County IDA/BDC for filling the vacant 131,580 sq. ft. building so quickly (formerly Borg Warner).

RESOLUTION #	AUTHORIZATION TO FILE AN APPLICATION FOR FUNDS TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL
--------------	--

Motion by Councilman Proud
Seconded by Councilman Leach

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

BE IT RESOLVED, the Supervisor of the Town of Cortlandville is hereby authorized and directed to file an application for funds from the New York State Office of Community Renewal through its Federal New York State Community Development Block Grant Program, Economic Development, in a requested amount of \$750,000.00, and it is further

RESOLVED, upon approval of said request, the Supervisor of the Town of Cortlandville is hereby authorized and directed to enter into and execute a project agreement with the State for such financial assistance to the Town of Cortlandville for the Forkey Construction & Fabricating Inc. Project.

Attorney Folmer reported:

Certiorari Tax Proceeding:

Attorney Folmer apprised the Board that he and Assessor David Briggs settled a certiorari tax proceeding involving Wal-Mart with a reduction that would become effective with the 2014/2015 tax roll, with no interest and no penalties payable in regard to this. The paperwork was in the process of being submitted to the Court for final approval which was forthcoming.

Time Warner Cable Merger with Comcast Corporation:

Attorney Folmer mentioned that Time Warner Cable was merging with a subsidiary of Comcast Corporation. Under the terms of the Town's Franchise Agreement with Time Warner Cable, the Town has the right to comment and to consent to the transfer. Attorney Folmer discussed the matter with Supervisor Tupper and had the appropriate paperwork if the Town wanted to comment. He explained that the Town had 120 days from early April to act on the matter. He and Supervisor Tupper decided that the Town would wait until June to decide if they should consent to the merger or not.

Citizens Park – Exchange of Park Lands with Gutches Lumber Company:

Attorney Folmer apprised the Board that he was going to talk about something that may never come to fruition. There was a possibility that the Town could acquire a large portion of a parcel (90 acres) from Gutches Lumber Company in exchange for a parcel owned by the Town known as Citizens Park. While the transfer of land is normally simple matter, under the State Constitution park lands are said to be inalienable, which means they may not be transferred. Park lands are held in trust by a municipality and are supposed to be kept forever as park lands. Attorney Folmer explained that in order to accomplish any transfer of park property, permission from the New York State Legislature was required. The process by which that is accomplished is Home Rule legislation.

There was a set of procedures the Town would have to follow. The first step was to adopt a resolution that requests Senator James Seward to introduce appropriate legislation that would permit the Town to transfer the property if the circumstance arose. Attorney Folmer stated that in order to submit the request to the State Legislature and perhaps get approval during the current session, it was necessary for the Board to adopt a resolution and submit it prior to May 1, 2014. He drafted a resolution which asked the Senator to introduce appropriate legislation that would permit the Town to transfer the property. The resolution would not require that the Town transfer the property if the legislation was passed. Attorney Folmer requested the Board adopt the resolution, and forward a certified copy to Senator Seward.

Attorney Folmer further explained that once the Town makes the request, Senator Seward would coordinate with Assemblywoman Barbara Lifton and legislation would be prepared. Bills would have to be introduced in both the State Senate and the State Assembly. The Town, if it chose to, would have to adopt a "Home Rule Message" which specifically refers to the two Bills by number. At that point it would be up to the Legislature to decide whether or not they would pass the two bills, which could then be signed by the Governor.

Councilman Proud stated that the question he had was whether the Town would be required to proceed with the transfer if it was approved by the Legislature, however he now understood that the Town would be permitted to transfer the property but not required. Attorney Folmer indicated that "if the circumstances arise so that we can accomplish this, the only restriction in the legislation is that whatever lands you acquire to replace the lands that you are alienating be used exclusively for park purposes."

Supervisor Tupper thanked Attorney Folmer for the amount of time he spent working on the matter.

RESOLUTION # REQUESTING SPECIAL LEGISLATION TO PERMIT THE EXCHANGE OF PRESENTLY OWNED PARK LANDS WITH GUTCHESS LUMBER COMPANY TO ACQUIRE 90 ACRES OF VACANT LAND FOR PARK DEVELOPMENT IN EXCHANGE FOR 6.1 ACRES NOW UTILIZED AS TOWN PARK LANDS

Motion by Councilman Proud

Seconded by Councilman Leach

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

WHEREAS, the Gutches Lumber Company has proposed to exchange a parcel of land consisting of approximately 90 acres for a parcel of land owned by the Town and known as Citizens Park, consisting of approximately 6.1 acres;

WHEREAS, the newly acquired lands would provide a larger area for development of park facilities including ball fields, soccer fields, lacrosse facilities, parking areas, rest rooms and refreshment stands among other amenities;

WHEREAS, the Town desires to provide a larger and more utilitarian Park facility for its citizens,

NOW, THEREFORE

Be it RESOLVED,

1. The recitals above set forth are incorporated herein as if fully set forth and adopted herein.
2. The Town Board hereby requests Senator James Seward to introduce appropriate legislation which would permit the Town to complete the exchange described above and transfer the present park lands in exchange for accepting a conveyance of the 90 acres as described above and that such legislation require that the premises to be acquired be utilized exclusively for Town Park purposes.
3. The Town Clerk is directed to forward a certified copy of this Resolution to the Hon. Senator James Seward.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from Benderson & Co., dated December 14, 2011, regarding the "System Review Report" for the Town's auditing firm, Ciaschi, Dietershagen, Little, Mickelson & Company, LLP. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH CIASCHI, DIETERSHAGEN, LITTLE, MICKELSON & COMPANY, LLP TO CONDUCT A TOWN AUDIT INCLUDING SINGLE AUDIT SERVICES FOR THE YEARS 2014 AND 2015

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the contract with Ciaschi, Dietershagen, Little, Mickelson & Company, LLP to conduct a Town audit including single audit services for the years 2014 and 2015, the cost of which will not exceed \$11,500 for the audit and \$4,700 for single audit services for the year ending December 31, 2014, and \$11,600 for the audit and \$4,800 for single audit services for the year ending December 31, 2015, for a total amount not to exceed \$32,600.

Supervisor Tupper commented that it was unusual for the Board to approve the contract this early with Ciaschi, Dietershagen, Little, Mickelson & Company, LLP to conduct the 2014 and 2015 audits, including the single audits. He explained that the contract was due to the USDA and requirements involving the loan and grant for the NYS Route 13 Sewer Improvement Project. The USDA requested an actual figure for what the Town was going to be charged for the single audits.

Supervisor Tupper reminded the Board and those in attendance that the next Town Board meeting would be held Wednesday, May 7, 2014 at 5:00 p.m. at the McGraw Community Building.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:20 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 25, 2014.

The draft version of this meeting was approved as written at the Town Board meeting of _____.