

## 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, Ronal L. Rocco  
Councilman, John C. Proud  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; David Alexander; Joseph Steinhoff; Pam Jenkins; News Reporter: Steven Howe from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of November 20, 2013 as submitted. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of December 4, 2013 as submitted. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Final Town Board Minutes of January 16, 2013 as submitted. All voting aye, the motion was carried. (As an oversight the Draft Minutes were not submitted the Board earlier in the year.)

RESOLUTION #216                      AUTHORIZE SUPERVISOR TO SIGN  
PURCHASE ORDER #1204

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Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1204 submitted by Highway Sup't. Bush to be paid to STS Truck Equipment and Trailer Sales for the purchase of parts to repair the sander for the total cost of \$2,910.83.

RESOLUTION #217                      AUTHORIZE PAYMENT OF VOUCHERS – DECEMBER

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Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

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

Funds A, B, DA, DB	Voucher #1204-1275	
	General Fund A	\$ 20,670.34
	General Fund B	\$ 19,851.58
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 74,482.74
Funds CD1, CD3, CD4	Voucher #52-55	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 12,449.66
	Business Devl CD4	\$ 0.00
Fund HC, SS, SW	Voucher #419-445	
	NYS Rt 13 Sewer Rehab HC	\$ 41,513.00
	Sewer SS	\$ 1,680.21
	Water SW	\$ 11,011.38

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 offered privilege of the floor to Pam Jenkins.

Pam Jenkins apprised the Board they would be receiving a letter from the Village of McGraw regarding their adamant opposition to the Ash for Trash proposal between Cortland County and Onondaga County. Councilman Rocco interjected and read the letter aloud from the Village of McGraw, dated December 13, 2013, which the Town was in receipt of. The letter indicated that the Village Board heard their constituents concerns regarding the matter and discussed it at their meetings as well. The Village would “not agree to any such deal that has the real potential to cause our residents of the village both personal and financial hardships. ... The Village does not want this Ash for Trash deal in any way.”

Councilman Rocco stated that for the better part of his term as Councilman he has been actively involved with the aquifer, and that he knows a lot about the OCCRA situation. Councilman Rocco stated that anything that man tries to do to contain contaminants over time does not work. He was concerned that the ash would be put over the recharge area of the aquifer, and was also concerned that the landfill would be utilized for a money making operation instead of its original intent to serve the County residents.

Ms. Jenkins stated that because the dump is in Cortlandville and Solon the Town has the right to be an involved agency which would let the Town participate in the process and stay updated. She stated that the project is being called an Unlisted Action, however she thought it should be a Type 1 action and was requesting it be named as such. If the counties don't name the project a Type 1 action it would open the counties up to Article 78 proceedings. Ms. Jenkins also mentioned that the County has not responded to her FOIL requests, and turned her concerns over to the NYS Comptroller. Ms. Jenkins urged the Town to become an involved agency.

Councilman Rocco stated he would like the Town to become an involved agency to stay informed. Attorney Folmer stated that the Town would qualify as an interested agency, but was not sure the Town would qualify as an involved agency under the definition in the SEQRA regulations. He explained that an involved agency pertains to someone who has permitting authority, and was not sure the Town had such authority. Attorney Folmer stated that there were many vehicles by which the Town could ensure that it is kept apprised of what happens, whether or not the Town was considered an interested or involved agency. Councilman Rocco reiterated that as a Councilman he would like the Town to become an involved agency, as the property is located partially within the town and involves zoning. He was very concerned with the matter, and continued discussion regarding the lab testing done on the ash. Councilman Proud suggested the Board “let this play out.”

Attorney Folmer questioned whether Councilman Rocco would like him to write a letter to the Clerk of the County Legislature asking that he provide the Town Board with copies of every piece of information received by him in connection with the ash for trash program. Councilman Rocco stated that he would also like to see all information sent by the County. Attorney Folmer would write such letter.

The monthly report of the Town Justice for the month of November 2013 was on the table for review and is filed in the Town Clerk's Office.

Under communications, Supervisor Tupper acknowledged receipt of a thank you letter from Diane Irwin, dated December 5, 2013. Ms. Irwin was a recipient of a CDBG through the Town for housing rehabilitation. She expressed her deep gratitude for the grant that she received and complimented the staff at Thoma Development as well as the contractors who worked on her home.

Supervisor Tupper noted that the Town has had three \$400,000 housing rehabilitation grants which have helped to rehabilitate 18-20 houses per grant. Supervisor Tupper was hopeful that the Town would receive its fourth CDBG grant for another \$400,000. The CDBG program was going very well in the Town; the first grant the Town received was for senior citizens, the second was for residents in Blodgett Mills, and the third was a town wide grant with no age requirement.

Town Clerk Snyder indicated that she would place the letter in Ms. Irwin's CDBG file. When the state audits the CDBG file they would see the thank you letter.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from Time Warner Cable, dated December 18, 2013, regarding programming services. All voting aye, the motion was carried.

Attorney Folmer reported:

Settlement Agreement – Cortland MHP Associates, Inc.:

Attorney Folmer recalled that the Board authorized the settlement of the litigation involving Cortland MHP Associates, Inc. Attorney Folmer had a copy of the Settlement Agreement signed by Supervisor Tupper, Water & Sewer Sup't. Alteri, and himself, because they were individually named as defendants. Attorney Folmer had a second document signed by the President of Cortland MHP Associates, Inc. Attorney Folmer requested the Board adopt a resolution to receive and file the documents and to file them with Town Clerk Snyder. Attorney Folmer added that the Town would file a Stipulation of Discontinuance, which he was preparing to file.

RESOLUTION #218                      ACKNOWLEDGE RECEIPT OF THE SIGNED SETTLEMENT  
AGREEMENT BETWEEN CORTLAND MHP ASSOCIATES,  
INC. AND THE TOWN OF CORTLANDVILLE

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Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge receipt of the signed Settlement Agreement between Cortland MHP Associates, Inc. and the Town of Cortlandville, Water & Sewer Department, Peter Alteri, Jr., and John Folmer, Esq.

RESOLUTION #219                      ESTABLISH MILEAGE RATE FOR PERSONAL VEHICLES  
USED FOR TOWN BUSINESS FOR THE YEAR 2014

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Motion by Councilman Rocco

Seconded by Councilman Leach

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

ADOPTED

BE IT RESOLVED, the mileage rate to be paid by the Town, for personal vehicles used for Town business, is hereby established at the Federal IRS mileage rate for the year 2014 at \$0.56 and is subject to audit by the Town Board, effective January 1, 2014.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from New York State Homes & Community Renewal, dated December 9, 2013, regarding the Grant Completion Notice for the NYS Community Development Block Grant Town Wide Housing Rehabilitation Project. All voting aye, the motion was carried.

RESOLUTION #220                      APPOINT DELEGATE AND ALTERNATE TO VOTE AT  
THE ASSOCIATION OF TOWNS ANNUAL MEETING

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Motion by Councilman Leach

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, Supervisor Richard C. Tupper is hereby appointed as Delegate, and Town Clerk Karen Q. Snyder, RMC is hereby appointed as Alternate, to represent the Town of Cortlandville at the Association of Towns Annual Meeting, to be held in New York City February 16-19, 2014.

There was a brief discussion regarding balancing the 2013 accounts. Figures were not available at this time, therefore a resolution to authorize the Supervisor to make end of year adjustments to balance the 2013 accounts would be done at a later date.

There was a brief discussion regarding the relevy of outstanding grass and weed control charges onto the 2014 tax roll of the Town. Councilman Leach noted the charges for property located on Blodgett Mills Road owned by Richard Parker who was deceased, and questioned whether the Town had any further information on the property such as when it would go up for auction.

Attorney Folmer explained that after 3 years of unpaid taxes the property would go up for auction by the County. He mentioned that about a week ago a woman came to the Town who was interested in acquiring the property. Her family used to own the property. Attorney Folmer stated that he checked on several occasions with the Surrogates Court and there are no pending estate proceedings for Mr. Parker. He suspected the property would eventually be sold for unpaid taxes by the County.

RESOLUTION #221                      AUTHORIZATION TO RELEVY OUTSTANDING GRASS AND  
WEED CONTROL CHARGE ONTO THE 2014 TAX ROLL OF  
THE TOWN

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Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

WHEREAS, pursuant to Chapter 98 of the Code of the Town of Cortlandville the Highway Superintendent of the Town is authorized by Section 98-4 to enforce grass and weed control within the town, therefore

BE IT RESOLVED, the Town Board does hereby authorize the outstanding grass and weed control charges to be relevied onto the 2014 tax roll of the Town of Cortlandville as follows:

Property owned by Charles Sauerbier, located at 4329 Cosmos Hill, tax map #76.17-01-05.000, in the amount of \$210.00

Property owned by James H. Manley, Jr., located at 831 N. Lamont, tax map #95.16-01-33.000, in the amount of \$105.00

Property owned by Richard J. Parker, located at 2293 Blodgett Mills Rd., tax map #97.04-02-19.000, in the amount of \$1,522.50.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from NYS Homes & Community Renewal, dated December 6, 2013, regarding the Annual Performance Report for Byrne Dairy Inc. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from NYS Homes & Community Renewal, dated December 6, 2013, regarding the Annual Performance Report for the Town Wide Housing Rehabilitation Project. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from NYS Homes & Community Renewal, dated December 6, 2013, regarding the Annual Performance Report for Precision E-forming. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from NYS Homes & Community Renewal, dated December 6, 2013, regarding the Annual Performance Report for Innovative Manufacturing Solutions Inc. (IMS). All voting aye, the motion was carried.

There was a brief discussion regarding the Commercial Crime Coverage Policy for the Town of Cortlandville. Councilman Rocco questioned whether the policy was something new. Town Clerk Snyder explained that adopting a resolution to authorize the Board to sign the policy was started last year. The policy was a blanket coverage for all elected, appointed officials and all other Town employees, and was considered an undertaking. She explained that elected officials are required under Town Law to file an undertaking with their oath of office to show proof of insurance. Town Clerk Snyder would file the signed policy with the County Clerk before January 1<sup>st</sup>.

RESOLUTION #222                      AUTHORIZE TOWN BOARD TO SIGN THE COMMERCIAL  
CRIME COVERAGE POLICY FOR THE TOWN OF  
CORTLANDVILLE

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Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board is hereby authorized and directed to sign the Commercial Crime Coverage Policy for the Town of Cortlandville for the year 2014, agreeing to the coverage for the elected, appointed officials and all other Town employees.

Councilman Leach made a motion, seconded by Councilman Rocco, to receive and file correspondence from Menter, Rudin & Trivelpiece, P.C., Counselors at Law, dated December 13, 2013, regarding the Payment in Lieu of Tax Agreement (PILOT) for Essex Structural Steel Co., Inc. and an adjustment for the payment amount due in 2014. All voting aye, the motion was carried.

Councilman Rocco made a motion, seconded by Councilman Proud, to receive and file the Cortland County Planning Department recommendations, dated December 13, 2013, regarding the proposed Town of Cortlandville Land Use Plan 2013. All voting aye, the motion was carried.

Supervisor Tupper explained that the Board would conduct an informational meeting regarding the proposed Town of Cortlandville Land Use Plan prior to conducting a public hearing. The public would have an opportunity to ask questions and voice their opinions. Attorney Folmer explained that until the Board adopts a local law the zoning would not change; the plan was just a plan. Supervisor Tupper added that Walk Kalena from Clough Harbour & Associates would be available to answer questions and explain the proposed plan to the public and the Board.

Supervisor Tupper discussed the Town's new employee manual that was recently adopted which references a "summary plan description" on file. He explained that from time to time the Board makes changes regarding medical, dental, and vision insurance. The summary plan description would give more detailed information about how the Town handles health/dental/vision insurance. Supervisor Tupper requested the Board adopt the summary plan description as a Town policy.

RESOLUTION #223                      ADOPT SUMMARY PLAN DESCRIPTION AS A TOWN  
POLICY

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Motion by Councilman Testa

Seconded by Councilman Rocco

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

BE IT RESOLVED, the Town Board does hereby adopt the Summary Plan Description as a Town Policy regarding medical, dental and vision insurance for employees, elected officials, and retirees.

Attorney Folmer read a letter out loud that he drafted to be sent to Jeremy Boylan, Clerk of the Cortland County Legislature on behalf of the Town, regarding the County's ash for trash proposal. As an interested agency the Town was requesting that it be provided with copies of all documents received and issued by any County agency or department referencing the matter. Attorney Folmer questioned whether the content of the letter was okay with the Board which it was.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:45 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 January 31, 2014.

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