

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, John P. Reynolds
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John Folmer; Deputy Town Clerk, Patricia Romer; Town Resident, Pamela Jenkins; and News Reporter, Jacob DeRochie 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 17, 2018; the Draft Special Town Board Minutes of October 22, 2018; and the Draft Special Town Board Minutes of October 30, 2018. All voting aye, the motion was carried.

The Draft Town Board Minutes of November 7, 2018 were presented to the Board for their review.

RESOLUTION #272

AUTHORIZE PAYMENT OF VOUCHERS - NOVEMBER

Motion by Councilman Proud
Seconded by Councilman Testa
VOTES: AYE – Tupper, Testa, Proud, Reynolds, Withey NAY – 0
ADOPTED

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

Funds A, B, DA, DB, HE, HG, HH, SS, SW	Voucher #1606-1680	
	General Fund A	\$ 217,409.50
	General Fund B	\$ 25,397.40
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 193,870.42
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber SC Project HG	\$ 0.00
	New Highway Garage HH	\$ 2,565.77
	Sewer Fund SS	\$ 16,039.77
	Water Fund SW	\$ 35,279.31
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Funds SF, TA, TE	Voucher #56-59	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 41,496.89
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to those in attendance. No requests were made.

Councilman Reynolds made a motion, seconded by Councilman Withey, to receive and file the monthly report of Justice LeFevre for the month of October 2018. All voting aye, the motion was carried.

Councilman Reynolds made a motion, seconded by Councilman Withey, to receive and file the monthly report of Justice Casullo for the month of October 2018. All voting aye, the motion was carried.

There was discussion regarding the adoption of the 2019 Preliminary Budget as the 2019 Adopted Budget. Supervisor Tupper recalled that the Town passed a Local Law to override the 2% tax cap. If the budget is passed the Town would notify the State Comptroller's office that the Town is over the cap. The Preliminary Budget called for a \$0.21 tax increase per thousand of assessed value. To stay within the tax cap the Town could only raise taxes \$0.06 per thousand of assessed value. Among many reasons for an increase, such as employee salaries and health insurance, Supervisor Tupper pointed out the \$300,000.00 for Highway Department equipment that was removed from the 2018 budget was put back into the 2019 budget. Supervisor Tupper stated that the budget was carefully reviewed over the course of four budget workshops/meetings consisting of more than ten hours. Budget cuts were made rather than having to move more fund balance or reserves and risk eventually having no fund balance. Councilman Reynolds asked what the General fund balances are at this point in time. Supervisor Tupper answered that the Town has unexpended fund balance in all funds ranging from \$1 million to \$20,000 or \$30,000 except for the B Fund. The Water fund has the highest fund balance and the DB and A funds are the next highest. The bridge fund only increases by earned interest.

Councilman Testa remarked that taxes have not been raised for a number of years and Supervisor Tupper confirmed that in his fifteen years of the budget process this is the first time taxes have been raised. Board members agreed that the Town is in a new era. Councilman Proud commented that the assessment growth is lower this year. Councilman Withey added that there has not been a lot of new development and growth. Councilman Testa asked if the Gutches Lumber Sports Complex project factored into the tax increase and Supervisor Tupper replied yes as the Town has fronted money from the B fund and the fund balance is down. Supervisor Tupper also noted that the expenses in the B fund increased for 2019 to account for labor and equipment needed for the Park.

RESOLUTION #273 ADOPT THE TOWN BUDGET FOR FISCAL YEAR OF 2019

Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

WHEREAS, on the 7th day of November 2018 the Town Board of the Town of Cortlandville held a Public Hearing on a proposed Local Law of 2018 to Override the Tax Levy Limit on the amount of real property taxes that may be levied by the Town of Cortlandville pursuant to General Municipal Law Section 3-c, to allow the Town of Cortlandville to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c, and

WHEREAS, the Town Board adopted such local law on the 7th day of November 2018 as Local Law No. 2 of 2018 and subsequently filed it with the Department of State, to be effective November 15, 2018, and

WHEREAS, on the 7th day of November 2018 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, 2019, and having heard all persons in favor of, or against any items therein contained, therefore

BE IT RESOLVED, the Preliminary Budget is hereby approved as filed, and the same is hereby adopted and established as the annual budget of this Town for the fiscal year beginning January 01, 2019, 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.

Town Clerk Rocco-Petrella reported she received notification from the Department of State for the filing of Local Law No. 2 of 2018 for Solar Energy Systems, effective November 8, 2018. She requested the Board adopt a resolution to acknowledge the notification from the State.

RESOLUTION #274 ACKNOWLEDGE NOTIFICATION FROM THE STATE FOR
FILING OF LOCAL LAW NO. 2 OF 2018

Motion by Councilman Withey
Seconded by Councilman Proud

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

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law No. 2 of 2018 – Solar Energy Systems, to be effective November 8, 2018.

Town Clerk Rocco-Petrella mentioned that the Town Clerk's office was closed November 15, 2018 for the office staff to attend training on the laser fiche computer program. She relayed her excitement in utilizing the program for records retention.

Attorney Folmer reported:

Water/Sewer Payment Plan Request:

Attorney Folmer apprised the Board he looked into a request made by Town residents Heidi and Kolby Avery to allow a payment schedule for their outstanding water and sewer bill. Attorney Folmer advised that Town Law would not permit the Board to allow a water bill payment schedule in order to avoid water payment arrears being relieved onto their Town and County tax bill. He explained the Town is not a lending institution and is unable to give away public funds. Attorney Folmer and Board members voiced much sympathy for the Avery's situation. Town Clerk Rocco-Petrella thanked the Board for their efforts in the matter and indicated she would contact Mr. and Mrs. Avery.

Pending Litigation – Economy Paving Co. Inc. / John Barden:

Attorney Folmer reported that he appeared in Binghamton Supreme Court this morning in regards to the Economy Paving Co. Inc. / John Barden litigation. He explained it was entirely procedural regarding a motion to consolidate and strike certain provisions. Motions were both denied and granted. The Judge offered to sit down with both parties to attempt to arrive at a resolution for the underlying litigation, which was completed this morning. Attorney Folmer appeared in Cortlandville Town Court this afternoon with Mr. Compagni's attorney concerning pending litigation in the Town. The trial date was scheduled for December 6, 2018 but it was held in advance. Mr. Compagni's engineer is putting together a map and a new plan; a status report would be submitted before the Planning Board's November meeting date.

RESOLUTION #275 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH
CHA TO PROVIDE DESIGN SERVICES FOR THE TERRACE
ROAD WELL-WATER MAIN PROJECT

Motion by Councilman Proud
Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the agreement with CHA to provide design services for the Terrace Road Well-Water Main project, to design 400 linear feet of 24" water main to be installed near the existing Terrace Road well in order to provide sufficient chlorine contact time, for the total cost of \$18,940.00, and it is further

RESOLVED, correspondence from CHA, dated November 15, 2018, is hereby received and filed.

Councilman Withey requested to be able to participate in the review of the plans for the Terrace Road Well-Water Design project. He stated he is knowledgeable with such systems and wanted to ensure proper flushing of the line/sedimentation. He would confer with Water & Sewer Sup't. Alteri.

Supervisor Tupper explained that the Town Board has wanted to conduct a comprehensive analysis of employees' salaries for several years. He contacted Pinnacle Human Resources, LLC from Albany, NY and requested a quote to perform the analysis. The salary study would take 45 days or less to accomplish at a cost of \$150/hour for an estimated 80 hours of total work. Regional governmental salaries would be used for comparison wherever possible. Councilman Proud added that a total compensation to include benefits would be examined.

RESOLUTION #276 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH
PINNACLE HUMAN RESOURCES, LLC TO CONDUCT A
SALARY STUDY FOR TOWN OF CORTLANDVILLE

Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the agreement with Pinnacle Human Resources, LLC to conduct a salary study for the Town of Cortlandville employees and officials at a cost of \$150.00 per hour at an estimate of eighty (80) hours maximum, for a total cost not to exceed \$12,000.00, and it is further

RESOLVED, correspondence from Pinnacle Human Resources, LLC, dated November 6, 2018, is hereby received and filed.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Town Clerk Rocco-Petrella, dated November 14, 2018 regarding the 2019 Benefit Tax calculations. All voting aye, the motion was carried.

Town Clerk Rocco-Petrella thanked Deputy Town Clerk Patricia Romer for her efforts and expertise in the Benefit Tax process.

There was discussion regarding the Gutches Lumber Sports Complex – Phase 1. Supervisor Tupper apprised the Board that the fifth payment to ZMK Construction for the project would be paid in two stages. The water and sewer expenses were separated from the total amount due Payment Application #5. Supervisor Tupper explained that since the Town owns the park property the water and sewer expenses could be paid for using Town funds. He requested authorization to amend the 2018 Budget and to transfer water fund balance to pay for the water/sewer expenses for the Gutches Lumber Sports Complex.

RESOLUTION #277 AMEND THE 2018 BUDGET AND AUTHORIZE
SUPERVISOR TO TRANSFER FUNDS

Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to transfer funds to adjust the accounts of the 2018 Budget to record increases in appropriations to be financed from the 2018 Water Fund, as a result of the water and sanitary lines for the Gutches Lumber Sports Complex Project with the water fund paying the expense, as follows:

- 1) Water Fund: Transfer \$364,300.00

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SW 599	SW8340.42	\$364,300.00
	TOTAL:	\$364,300.00

Supervisor Tupper explained that after paying for the water and sewer expenses for the Gutches Lumber Sports Complex – Phase 1, there was a balance due to the contractor in the amount of \$682,467.16. The Town expects to receive over \$1.1 million in grant funds for the project. He explained that he and Bookkeeper Hicks spoke with the State Comptroller's Office regarding the balance due for the project. The Town could go to bond for the remainder due for the project, or if the Town has adequate fund balances the Town could take a loan from itself. Supervisor Tupper suggested the Town borrow the amount due from the Water Fund Balance. Supervisor Tupper said this was a common practice rather than going out to bond. When the grant money is received the Town will repay the loan to the Water Fund Balance. If the Town decided not to repay the loan the Board would need to adopt another resolution indicating the amount was a transfer of funds rather than a loan.

Councilman Reynolds questioned what grants would repay the loan from the Water Fund Balance. Supervisor Tupper explained that the Town would be receiving three grants: an \$862,000 grant, a \$75,000 grant and a \$250,000 grant. Supervisor Tupper was in communication with the NYS Dormitory Authority and Empire State Development regarding the grants.

Councilman Withey questioned when the loan would be repaid. Supervisor Tupper indicated that the best practice was to repay the loan within the same calendar year, however in this case the funds would be repaid in 2019 once the grant funds are received.

RESOLUTION #278 AMEND THE 2018 BUDGET AND AUTHORIZE
SUPERVISOR TO TRANSFER WATER FUND BALANCE AS
A LOAN TO THE CAPITAL PROJECT FUND FOR THE
GUTCHES LUMBER SPORTS COMPLEX PROJECT –
PHASE 1

Motion by Councilman Proud

Seconded by Councilman Withey

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

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to transfer funds to adjust the accounts of the 2018 Budget from the Water Fund Balance as a loan to the Capital Project fund for the Gutches Lumber Sports Complex Project – Phase 1 as follows:

2) Water Fund: Transfer \$682,467.16

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SW 391	SW 201	\$682,467.16
HG 201	HG 630	\$682,467.16

AND BE IT FURTHER RESOLVED, the Water Fund shall be paid back when the Town receives the expected grant funds for the Gutches Lumber Sports Complex Project.

Attorney Folmer apprised the Board in regard to the unexpended funds for the new Highway Garage. The Town received a bond in the amount of \$750,000 to cover the estimated cost of the new construction; however the estimates were significantly more than the actual cost. Attorney Folmer spoke with Bond Counsel to determine if the Town could use that overage to pay the bond to which the answer was no. The unexpended funds must go into a debt reserve and be utilized to pay the future bond payments. The Town and the bank could negotiate an agreement with regard to a pre-payment of the loan. He explained that the interest rate on the bond is 3.96%. It should be analyzed to determine what it would cost over the term of the bond as opposed to re-negotiating a figure at a higher interest rate. He said the Town should make a determination with the bank first.

Discussion continued in relation to the \$3 million BAN for the Gutches Lumber Sports Complex. The Town could not get a rate until December 19, 2018. Attorney Folmer said the Town can renew that obligation as the renewal does not have to be with the same lender. The obligation is being renewed, not the lender.

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 5:36 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 November 30, 2018.
The final version of this meeting was approved as written at the Town Board meeting of December 5, 2018.