

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, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Absent:

Councilman, John P. Reynolds

Others present were: Town Attorney, John Folmer; Town Residents: Pamela Jenkins; Barbara and Gregory Leach; and News Reporter, Jacob DeRochie from the *Cortland Standard*.

Supervisor Tupper called the meeting to order and asked for a moment of silence to honor former President George H.W. Bush who passed away on November 30, 2018.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Planning Board minutes of October 30, 2018, and the Cortlandville Zoning Board of Appeals Minutes of October 30, 2018. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Withey, to approve the Draft Town Board Minutes of November 7, 2018 and the Draft Town Board Minutes of November 19, 2018. All voting aye, the motion was carried.

The Draft Special Town Board Minutes of October 24, 2018 (Budget Workshop 2019) were presented to the Board for their review.

RESOLUTION #279

AUTHORIZE PAYMENT OF VOUCHERS - DECEMBER

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

NAY – 0

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 #1681-1767	
	General Fund A	\$ 108,699.42
	General Fund B	\$ 3,266.68
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 34,175.50
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber SC Project HG	\$ 232,668.69
	New Highway Garage HH	\$ 7,839.13
	Sewer Fund SS	\$ 1,609.91
	Water Fund SW	\$ 369,658.02
Funds CD1, CD3, CD4	Voucher #58-58	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 5,034.29
	Business Devl CD4	\$ 0.00
Funds SF, TA, TE	Voucher #60-60	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 189.00
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Pamela Jenkins.

Town resident, Pamela Jenkins informed the Board she spoke with Mitch Coombs yesterday regarding the Town's proposed street lighting improvement project. She explained that the timeframe for taking advantage of the incentives with National Grid to save \$115,000/year would be expiring soon. She urged the Town to move forward with the required steps to complete the project.

Supervisor Tupper reported that he sent an email to Mr. Coombs today regarding the project. He was aware that the Town had 90-days to complete the process in order for National Grid to guarantee the cost. Supervisor Tupper indicated that he was working on the RFQ and hoped to start the process in January 2019.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the monthly report of the Code Enforcement/Building Department for the month of November 2018, submitted by Code Enforcement Officer Kevin McMahon. All voting aye, the motion was carried.

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

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the monthly report of the Fire & Safety Inspections for the month of November 2018, submitted by Code Enforcement Officer Desiree Campbell. All voting aye, the motion was carried.

Under new business, Town Clerk Rocco-Petrella reported on the 2019 Benefit Tax calculations. After submitting her report to the Board in November, and then to the Real Property Tax Department, an error was realized which decreased the total water and sewer benefit tax units by 3.91 units each and slightly changed the projected benefit tax rates from what was previously calculated. The 2019 Benefit Tax was now complete.

With deep regret, Town Clerk Rocco-Petrella apprised the Board she received the formal letter of resignation for retirement from Town Attorney, John B. Folmer, to be effective at midnight on December 31, 2018. She requested the Board accept the resignation.

RESOLUTION #280 ACCEPT RESIGNATION FOR RETIREMENT FROM JOHN B.
FOLMER, ESQ. AS TOWN ATTORNEY

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ABSENT – Reynolds

ADOPTED

WHEREAS, after more than 29 years of dedicated service and loyalty to the Town of Cortlandville, John B. Folmer, Esq. has submitted his resignation for retirement as Town Attorney, and

WHEREAS, Attorney Folmer was appointed to the office of Town Attorney from January 1, 1979 through February 2, 1983, and again from January 1, 1994 to present, advising four Supervisors and many Town Board, Planning Board and Zoning Board of Appeals members, and

WHEREAS, Attorney Folmer's 55-years of experience practicing law, his knowledge and guidance will remain unmatched for years to come, therefore

BE IT RESOLVED, the Town Board does hereby accept, with deep regret, the letter of resignation for retirement from John B. Folmer, Esq. as Town Attorney, to be effective December 31, 2018, and it is further

RESOLVED, the letter of resignation for retirement is hereby received and filed.

Attorney Folmer reported:

Relevy of Grass and Weed Control Charges:

Attorney Folmer commented on agenda item I-7, which was the authorization to relevy unpaid 2018 code violations onto the 2019 Town and County tax bill. He explained there were four unpaid Grass and Weed control violation charges totaling less than \$400.00.

New SEQRA Regulations:

Attorney Folmer drew the Board's attention to an article in the new issue of *Talk of the Towns & Topics* magazine. As of January 1, 2019 new SEQRA regulations would be in effect on all actions for which a determination of significance has not been made. The definitions or lists of Type I and Type II actions was changing. Attorney Folmer explained that the new regulations modified scoping requirements in which the scoping process would be mandatory in every SEQRA process. According to SEQRA, scoping is the process by which a SEQRA lead agency identifies the issues and subjects that are to be included in a draft environmental impact statement (DEIS).

Code Maintenance Violations:

With regard to code violations, Attorney Folmer reminded the Board that Cortland County adopted a policy in which they will no longer collect anything other than taxes; the County will not collect the Town's code maintenance violations. The Town of Irondequoit and Town of Brighton sued Monroe County to require that they collect those fees. The Supreme Court heard the case and granted the relief and required the County to collect those obligations. The County is appealing the decision and will be heard by the Appellate Division Fourth Department in January 2019. He urged the Board to read the article in the *Talk of the Towns & Topics* magazine.

Attorney Folmer explained that the Town's grass and weed control charges to be relevied onto the 2019 Town/County tax bill amounted to less than \$400.00. His concern was that if the Town says it is going to respond in a certain way to a violation it better follow through.

Agreement Between Town and Village of McGraw for the Pedestrian Bridge:

Attorney Folmer apprised the Board the Village of McGraw submitted an agreement to the Town pertaining to the pedestrian bridge. Attorney Folmer made revisions to the contract and returned it to the Village. The Mayor has since signed the agreement and requested the Board authorize the Supervisor to sign the agreement. He reviewed the terms of the agreement with the Board, which included the following:

- The Town owns the pedestrian bridge; however the Town would convey the bridge by means of adopting a resolution subject to permissive referendum.
- The Village and the Town would cooperate to install the bridge so that it connects East Academy Street and Spring Street over Smith Brook.
- The Village would pay for the costs of the materials required for the installation, maintenance and removal of the pedestrian bridge.
- In the event that Town personnel was required to be of assistance, the Town would agree to pay for its own personnel's involvement; the Village would pay for its personnel.
- The Town will cooperate with the Village to remove the pedestrian bridge. "The Village will contact the Town when a flood event is anticipated and the Town will utilize its best efforts to assist the Village of the pedestrian bridge, recognizing that the Town's overall commitment to residents of the Town may take precedence over this obligation."
- The Village agrees to hold the Town harmless from liability or damages.
- The agreement will commence January 1, 2019 and terminates December 31, 2021, and may be terminated upon a 90-day written notice to either party.
- Notices shall be addressed to the Village Clerk or Town Clerk

Councilman Withey questioned the Workers' Compensation insurance and whether the Town or Village would be liable if there was a claim. Attorney Folmer explained that Town employees would remain Town employees and such costs would be the responsibility of the Town. Discussion continued regarding the bridge and the necessity for the agreement even though the Town would be conveying the bridge to the Village. The Board also discussed whether the bridge should be moved and installed prior to January 1, 2019; however the risk and liability would be the Town's.

Attorney Folmer explained that at the Board's meeting in January, they should adopt a resolution to convey the pedestrian bridge to the Village of McGraw subject to permissive referendum. Until such was accomplished, the Town owned the bridge.

RESOLUTION #281 AUTHORIZE SUPERVISOR TO SIGN THE AGREEMENT
BETWEEN THE TOWN OF CORTLANDVILLE AND THE
VILLAGE OF MCGRAW REGARDING THE INSTALLATION
OF A PEDESTRIAN BRIDGE IN THE VILLAGE OF
MCGRAW

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ABSENT – Reynolds

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 Village of McGraw regarding the installation, ownership and maintenance of a pedestrian bridge to be installed in the Village of McGraw to connect East Academy Street and Spring Street (over Smith Brook), and it is further

RESOLVED, the agreement will commence January 1, 2019 and terminates December 31, 2021.

RESOLUTION #282 AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE
TOWN-WIDE HOUSING REHABILITATION GRANT
PROGRAM CDBG #287HR326-16

Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ABSENT – Reynolds

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 #59: Joseph Jenne - \$640.00

RESOLUTION #283 AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE
TOWN-WIDE HOUSING REHABILITATION GRANT
PROGRAM CDBG #287HR326-16

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ABSENT – Reynolds

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 #60: Stan Bustamante - \$14,351.32

There was discussion regarding the Town Board meeting schedule for 2019. Councilman Withey suggested the Board change the meeting time to 6:00 p.m. to accommodate the public and encourage participation. As a long time member of the Board, Councilman Testa disagreed with changing the meeting time indicating that the Board has had meetings as late as 7:00 p.m. to encourage participation and accommodate the public. The later meeting schedule did not change attendance. Councilman Proud agreed with Councilman Testa and suggested that the meeting agenda drove public participation and attendance. The Board discussed options such as scheduling

public hearings at a later time, especially when the topic was of great public interest. Councilman Proud recalled the 3-days of public hearings on Wal-Mart Supercenter held in the past.

The Board also discussed holding the Board meetings off site. Supervisor Tupper explained that the Board holds one meeting in Blodgett Mills, one in the Village of McGraw, and one at the J.M. McDonald Sports Complex during the County Jr. Fair. Councilman Proud stated that attendance and public participation at the Board meeting held at the Jr. Fair has declined. The Board was trying to encourage youth participation; however the attendance was not increasing. It was suggested that the Board move the 1st Town Board meeting in the month of July back to the Town Hall and that it be held on July 3, 2019.

RESOLUTION #284 ESTABLISH SCHEDULE OF TOWN BOARD MEETINGS
FOR THE YEAR 2019

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud

NAY – Withey

ABSENT – Reynolds

ADOPTED

BE IT RESOLVED, the regular meetings of the Town Board of the Town of Cortlandville shall be held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York on the first and third Wednesday of each month at 5:00 p.m., and if such day should fall on a holiday, the meeting shall be held the next business day, and it is further

RESOLVED, the May 1, 2019 meeting will be held at the Community Building in the Village of McGraw at 5:00 p.m., the June 5, 2019 meeting will be held at the Blodgett Mills Independent Baptist Church in Blodgett Mills at 5:00 p.m., and it is further

RESOLVED, the Town Clerk shall have the meeting schedule posted in the newspaper in Legal Notice form.

RESOLUTION #285 APPROVE HOLIDAY SCHEDULE 2019

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ABSENT – Reynolds

ADOPTED

BE IT RESOLVED, the following Holiday Schedule for the year 2019 is hereby approved as follows:

New Year's Day	Tuesday	January 01, 2019
Martin Luther King Jr. Day	Monday	January 21, 2019
President's Day	Monday	February 18, 2019
Memorial Day	Monday	May 27, 2019
Independence Day	Thursday	July 04, 2019
Labor Day	Monday	September 02, 2019
Columbus Day	Monday	October 14, 2019
Election Day	Tuesday	November 05, 2019
Veterans Day	Monday	November 11, 2019
	Wednesday	November 27, 2019 (close at 1:00 p.m.)
Thanksgiving Day	Thursday	November 28, 2019
	Friday	November 29, 2019
	Monday	December 23, 2019 (close at 12:00 pm)
Christmas Eve Day	Tuesday	December 24, 2019
Christmas Day	Wednesday	December 25, 2019
New Year's Eve	Tuesday	December 31, 2019

RESOLUTION #286 AUTHORIZATION TO RELEVY DELINQUENT WATER AND
SEWER ACCOUNTS TO THE 2019 TAX ROLL OF THE
TOWN OF CORTLANDVILLE

Motion by Councilman Withey
Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Withey NAY – 0
ABSENT – Reynolds
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 2019 tax roll of the Town of Cortlandville.

RESOLUTION #287 AUTHORIZATION TO RELEVY OUTSTANDING GRASS AND
WEED CONTROL CHARGES ONTO THE 2019 TAX ROLL OF
THE TOWN OF CORTLANDVILLE

Motion by Councilman Proud
Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize the following outstanding grass and weed control charges for the year 2018, as submitted by the Town Highway Superintendent, be relevied onto the 2019 tax roll of the Town of Cortlandville:

Faruque, Mohammad O.	87.13-01-29.000	1384-1386 E. River Rd.	\$ 73.16
Fish, Jr., Samuel	86.13-01-53.000	1092 Route 222	\$117.82
Susman, Melinda	106.05-01-24.000	3266 Walden Oaks Blvd.	\$126.82
South Cortland Hotel Group LLC	95.12-01-11.000	942 McLean Rd.	<u>\$ 61.92</u>
		Total:	\$379.72

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from Kathleen McGrath, Water Quality Specialist for the Cortland County Soil & Water Conservation District (SWCD), dated December 3, 2018, regarding the Cortlandville Sand & Gravel Mine (Route 13 Rocks, LLC) and comments on the October 2018 Spill Prevention and Response Plan and the Hydrogeologic Assessment Scope of Work provided by H2H Associates. All voting aye, the motion was carried.

Councilman Proud stated that Ms. McGrath's comments were thorough regarding the Route 13 Rocks, LLC mine permit application and the potential long terms effects on the sole source aquifer. He apprised the Board he attended a meeting today with Water & Sewer Sup't. Alteri, the County Health Department and State Health Department. If the application to mine were within 300 ft. of the Town wells mining would not be allowed.

Attorney Folmer advised the Board they should gear themselves up. If the DEC makes a Negative Declaration under SEQRA the Town would have to file an Article 78 proceeding. Discussion continued on this subject matter. Councilman Withey suggested that such a lawsuit could be costly and lengthy. Attorney Folmer indicated that Article 78 proceedings generally move quickly.

Attorney Folmer commented that there are three sole source aquifers in New York State with Cortlandville being one of them. A risk of this sort to the sole source aquifer was not part of the statistics he's read. Councilman Proud explained that if the Lime Hollow wells go down, the Terrace Road well couldn't handle the water demand for the Town.

RESOLUTION #288 ACKNOWLEDGE NOTIFICATION FROM THE STATE FOR
FILING OF LOCAL LAW NO. 3 OF 2018

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ABSENT – Reynolds

ADOPTED

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law No. 3 of 2018 – Override Tax Levy Limit, to be effective November 15, 2018.

Supervisor Tupper reminded the Board the next Town Board meeting would be held on December 19, 2018. He mentioned that he might ask the Board to conduct a Special Town Board Meeting at the end of the month for the purpose of paying bills.

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 5:47 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 16, 2018.
The final version of this meeting was approved as written at the Town Board meeting of December 19, 2018.