

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

Others present were: Town Attorney, John Folmer; Highway Sup’t. Glenn Bassett; Court Clerk, Pamela Bassett; Town Residents: Russell Bean; Pamela Jenkins; Bob Martin; Mike Reagan; Barbara and Gregory Leach; Ken Woodman; Kevin Pristash; Gail Bundy; Leokadia and Daniel Mieras; Anne McLorn; Randy and JoAnne Ross; Marie Kautz; Kathleen Reagan; and News Reporter, Jacob DeRochie from the *Cortland Standard*.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the Cortlandville Planning Board Minutes of November 27, 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of December 5, 2018. All voting aye, the motion was carried.

The Draft Special Town Board Minutes of October 16, 2018 (Budget Workshop) were presented to the Board for their review.

RESOLUTION #289

AUTHORIZE PAYMENT OF VOUCHERS - DECEMBER

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Motion by Councilman Withey  
Seconded by Councilman Proud  
VOTES: AYE – Tupper, Testa, Proud, Withey  
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 #1768-1871		
	General Fund A	\$	26,639.77
	General Fund B	\$	22,093.57
	Highway Fund DA	\$	0.00
	Highway Fund DB	\$	73,251.35
	Saunders Rd Sewer HE	\$	0.00
	Gutchess Lumber SC Project HG	\$	0.00
	New Highway Garage HH	\$	20,190.10
	Sewer Fund SS	\$	2,408.57
	Water Fund SW	\$	9,439.29
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 #61-61		
	C’Ville Fire District SF	\$	0.00
	Trust & Agency TA	\$	505.15
	Expendable Trust TE	\$	0.00

Supervisor Tupper offered privilege of the floor to Russell Bean.

Town resident, Russell Bean had questions regarding the Highway Superintendent position and salary. He recalled that former Highway Sup’t. Bush retired and was hired back at a reduced salary and questioned why there was a need for a full-time Highway Superintendent. Supervisor Tupper explained that when former Highway Sup’t. Bush retired he could only be paid a salary up to \$29,999 by State law but the elected position and responsibilities did not change. The Board opted to keep the salary budget line at \$62,500 in the event Mr. Bush decided to completely retire.

Supervisor Tupper offered privilege of the floor to Pamela Jenkins.

Town resident, Pamela Jenkins apprised the Board that at the November 27, 2018 Planning Board Meeting she presented the Planning Board with correspondence regarding the proposed Leonidas PUD – Starr Road housing project. She requested her correspondence be attached to the Planning Board Minutes or to the Town Board Minutes. (Ms. Jenkins comments were added to the project file and provided to PZO Weber.)

Ms. Jenkins also requested that she be considered for the vacancy on the Town Board, due to the resignation of John Reynolds. Ms. Jenkins voiced her interest in the position and stated she was a demonstrated leader. She also asked the Board for assurance that they would not appoint former Councilman, Gregory Leach.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the monthly report of the Water & Sewer Department for the month of November 2018. 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 Supervisor 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 Town Justice Casullo for the month of November 2018, and to receive and file the monthly report of Town Justice LeFevre for the month of November 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Charter Communications, dated December 4, 2018, regarding programming services. All voting aye, the motion was carried.

Under new business, Town Clerk Rocco-Petrella reported she received a formal letter of resignation from John Reynolds as Town Councilman effective December 14, 2018.

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RESOLUTION #290                      ACCEPT RESIGNATION FROM JOHN P. REYNOLDS AS  
TOWN COUNCILMAN EFFECTIVE DECEMBER 14, 2018

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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept, with regret, the letter of resignation from John P. Reynolds as Town Councilman, effective December 14, 2018, and it is further

RESOLVED, the letter of resignation dated December 14, 2018 hereby received and filed.

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RESOLUTION #291                      AUTHORIZE THE TOWN OF CORTLANDVILLE TO  
PARTICIPATE IN A 2019 SHARED SERVICES GRANT WITH  
THE COUNTY OF CORTLAND AND THE CITY OF  
CORTLAND THROUGH THE NYS ARCHIVES LOCAL  
GOVERNMENT RECORDS IMPROVEMENT FUND

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby agree to and authorize the Town of Cortlandville to participate in a 2019 shared services grant with the County of Cortland and the City of Cortland through the NYS Archives Local Government Records Improvement Fund, for the total amount of \$150,000.00, for the purpose of the electronic storage of digital records and the professional scanning services for of Town, and it is further

BE IT RESOLVED, \$50,000.00 of the shared services grant will be designated to pay for storage of the digital records and the remaining funds will be divided amongst the County of Cortland, City of Cortland and Town of Cortlandville to utilize professional services for the scanning of records.

Town Clerk Rocco-Petrella mentioned the Microenterprise Assistance Program Grant (MAP) for Cortland County, which included the Town of Cortlandville. Small businesses were encouraged to contact Thoma Development Consultants for more information and to make application for grant funds.

Councilman Proud introduced the following Resolution for Board consideration and approval regarding the establishment of the “Town Hall of Fame” to honor individuals who have contributed to the Town of Cortlandville. Board members thanked Town Clerk Rocco-Petrella for initiating the Town Hall of Fame.

RESOLUTION #292                      ESTABLISH THE TOWN HALL OF FAME

Motion by Councilman Proud  
Seconded by Councilman Testa

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

WHEREAS, since its establishment in 1829 individuals have stepped forward to provide service to the Town of Cortlandville, and

WHEREAS, through the years, as the Town has grown, its needs for these services have increased accordingly, and

WHEREAS, a host of individuals including, but not limited to, employees, elected officials and volunteers, have provided these needed services, and

WHEREAS, the Town is appreciative of the effort, spirit and dedication of all those individuals’ efforts to provide service to the Town, and

WHEREAS, their service provides a model of community service for all of our citizens, now therefore

BE IT RESOLVED, that the Town Board hereby establishes the “Town Hall of Fame” to be located at the Raymond G. Thorpe Municipal Building to recognize, acknowledge and memorialize outstanding individuals.

RESOLUTION #293                      INDUCT JOHN B. FOLMER, ESQ. TO  
THE TOWN HALL OF FAME

Motion by Councilman Testa  
Seconded by Councilman Withey

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

WHEREAS, the Town Board of the Town of Cortlandville established the Town Hall of Fame on December 19, 2018 to recognize and honor individuals who have significantly contributed to the Town of Cortlandville and our community as a whole, and

WHEREAS, it would bring the Board great honor to induct John B. Folmer, Esq., Town Attorney, as the first member of the Town Hall of Fame, and

WHEREAS, John B. Folmer, born June 24, 1937 in Cortland, New York, graduated from Homer Central High School in 1955, graduated from Dartmouth College in 1959 and the Syracuse University College of Law in 1962 and was admitted to the practice of law the same year. After serving with the United States Army from 1962-1964, he began the practice of law on Wall Street in New York City before returning to Cortland in 1966 to join his father’s law firm, and

WHEREAS, Attorney Folmer's professional memberships include the Cortland County Bar Association and served as its President; the New York State Bar Association where he was a member of its House of Delegates and its Lawyer's Assistance Committee; former City Prosecutor for the City of Cortland; Estate Tax Attorney for Cortland County and Family Court Hearing Examiner for Cortland County and Tompkins County; Assistant District Attorney for Cortland County; Instructor for Commercial Law classes for the American Institute of Banking and Business Law and Paralegal Studies for Tompkins Cortland Community College; and Town Attorney for the Town of Cortlandville for more than 29 years from January 1, 1979 to February 2, 1983 and January 1, 1994 to December 31, 2018, and

WHEREAS, Attorney Folmer has been active in many community organizations: one of the founders of Cortland Workshop Incorporated (JM Murray Center); member and President of the Cortland Exchange Club; member of McGraw Lions Club; member of the Board of Directors of Cortland Overhead Door Company Inc.; President of Boards of Cortland Memorial Hospital, Cortland Rural Cemetery, McGraw School Board of Education; Past Exalted Ruler of Cortland Lodge BPOE 748; member of the Board of Directors of First National Bank of Cortland; President of the Board of Directors at Cortland Repertory Theater; member of the Cortland Old Timers Band and life member of the organization; Cortland County Republican Chairman and named Republican of the Year; Ordained Elder in the Presbyterian Church and a member of the Governing Board of Christ Community Church, and

WHEREAS, after 55-years of experience practicing law, Attorney Folmer will be retiring from practice and retiring as Town Attorney for the Town of Cortlandville, in which his experience, knowledge and guidance will remain unmatched for years to come, therefore

BE IT RESOLVED, it is with great honor that the Town Board does hereby induct John B. Folmer, Esq. as the first member of the Town Hall of Fame, established December 19, 2018.

Attorney Folmer thanked the Board for honoring him and stated that the opportunity to work for the Town of Cortlandville has been a pleasure. Members of the Board thanked Attorney Folmer for his outstanding service.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file correspondence from NYS Homes and Community Renewal, dated December 3, 2018, regarding the Annual Performance Report due by January 11, 2019 for the CDBG Town Wide Housing Rehabilitation Grant #287HR326-16. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Thoma Development Consultants to Renee Hammond, 40 Clinton Street, McGraw, NY dated December 4, 2018, regarding the cancellation of her homeowner's insurance (final notice) and the loan agreement with the Town of Cortlandville. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from NYS Homes and Community Renewal, dated December 6, 2018, regarding the Budget Modification Approval for the Town-wide Housing Rehabilitation Grant CDBG #281HR326-16. All voting aye, the motion was carried.

RESOLUTION #294                      APPOINT DELEGATE AND ALTERNATE TO VOTE AT  
THE ASSOCIATION OF TOWNS ANNUAL MEETING

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ADOPTED

BE IT RESOLVED, Supervisor Richard C. Tupper is hereby appointed as Delegate, and Town Clerk Kristin Rocco-Petrella, is hereby appointed as Alternate, to represent the Town of Cortlandville at the Annual Association of Towns Training School and Meetings in New York City, to be held February 17-20, 2019.

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RESOLUTION #295                      ESTABLISH MILEAGE RATE FOR PERSONAL VEHICLES  
USED FOR TOWN BUSINESS FOR THE YEAR 2019

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Motion by Councilman Withey  
Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Withey  
ADOPTED

NAY – 0

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 2019 at \$0.58 and is subject to audit by the Town Board, effective January 1, 2019.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the Renewal Application for Mobile Home Park Permit of Cortland MHP Association, Inc. (Kenneth Burnham), 1030-1038 Route 13, tax map #96.09-04-09.000, for 7 units in the total amount of \$35.00. All voting aye, the motion carried.

Councilman Withey, made a motion, seconded by Councilman Testa, to receive and file the Renewal Application for Mobile Home Park Permit of Cortland MHP Association, Inc. submitted by Kenneth Burnham, 1054 Route 13, tax map #96.09-04-10.000, for 189 units in the total amount of \$945.00. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Renewal Application for Mobile Home Park Permit of CNH Mobile Home Park, submitted by Bret and Eric Peek, 3610 Kingsley Avenue, tax map #96.09-04-14.000, for 15 units in the total amount of \$75.00. All voting aye, the motion carried.

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RESOLUTION #296                      AUTHORIZE RENEWAL OF MOBILE HOME PARK PERMIT  
FOR CNH TRAILER PARK FOR 2019

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Motion by Councilman Proud  
Seconded by Councilman Test

VOTES: AYE – Tupper, Testa, Proud, Withey  
ADOPTED

NAY – 0

WHEREAS, Bret Peek of Albany, New York, owner, submitted a completed application and the appropriate fee of \$75.00 for the renewal of the Mobile Home Park Permit for CNH Trailer Park located at 3610 Kingsley Avenue in the Town of Cortlandville, tax map #96.09-04-14.000, and

WHEREAS, CNH Trailer Park has a valid Mobile Home Park Permit for the year 2018 issued by the Cortland County Health Department under former property owner, Steven Banks, and a valid Mobile Home Park Permit for the year 2018 issued by the Town of Cortlandville per Resolution #220 of 2018, and

WHEREAS, the Cortland County Health Department and Town Code Enforcement Officer conducted an inspection of the Mobile Home Park on August 24, 2018 and submitted their inspection reports to the Town Board for review, and

WHEREAS, the Town Code Enforcement Officer noted eight violations, of which the Town Attorney noted concerns for correction of three of the violations, which were subsequently corrected, therefore

BE IT RESOLVED, the Town Board does hereby approve the Mobile Home Park Permit Renewal for CNH Trailer Park for the year 2019 in the name of Bret Peek of Albany, New York, and it is further

RESOLVED, the Town Clerk is hereby authorized and directed to issue the Mobile Home Park Permit which shall be valid from January 1, 2019 through December 31, 2019, at which point the permit must be renewed.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the Cortland County Department of Health Division of Environmental Health – Mobile Home Park Inspection of Cortland MHP, received December 13, 2018, for property owner, Kenneth C. Burnham, located at 1054 Route 13 Cortland, NY 13045. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa to receive and file correspondence from NYS Homes and Community Renewal, dated December 2, 2018, regarding the Annual Performance Report due by January 11, 2019 for NYS CDBG Project #287SB902-18, Royal Nissan of Cortland, Inc. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file correspondence from the Cortland Enlarged City School District Board of Education, dated December 4, 2018 regarding the use of the Raymond G. Thorpe Building on Tuesday, May 21, 2019 from 11:30 a.m. to 9:30 p.m. for their Annual Budget Vote and Board Elections. All voting aye, the motion was carried.

RESOLUTION #297                      AUTHORIZE THE CORTLAND CITY SCHOOL DISTRICT USE  
OF THE TOWN MEETING ROOM TO CONDUCT THEIR  
ANNUAL BUDGET VOTE AND BOARD ELECTIONS ON  
MAY 21, 2019

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Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Cortland City School District use of the town meeting room in the Raymond G. Thorpe Municipal Building, to conduct their annual Budget Vote and School Board Elections on Tuesday, May 21, 2019 from 11:30 a.m. to 9:30 p.m.

RESOLUTION #298                      AUTHORIZE TOWN BOARD TO SIGN THE COMMERCIAL  
CRIME COVERAGE POLICY FOR THE TOWN OF  
CORTLANDVILLE

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Motion by Councilman Testa

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Withey

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 2019, agreeing to the coverage for the elected, appointed officials and all other Town employees.

RESOLUTION #299                      AUTHORIZE TOWN CLERK TO ADJUST THE SEWER  
CHARGE AND WATER AND SEWER PENALTIES FOR 4<sup>th</sup>  
QUARTER BILLING 2018 FOR PROPERTY LOCATED AT  
3717 ALLEN DRIVE

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Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Proud, Withey

NAY – 0

ADOPTED

WHEREAS, a request was received from Henry Brisman to reduce the sewer charges for the 4<sup>th</sup> Quarter Billing 2018 for Account #749, for service to 3717 Allen Drive, tax map #96.05-02-05.000, and

WHEREAS, in December 2018 the Town Water and Sewer Department discovered that 3717 Allen Drive had extremely high water consumption and upon further investigation discovered that a garden hose located at the back of the house broke and was running water, and

WHEREAS, Water & Sewer Sup't. Peter Alteri Jr. recommends the Town adjust the sewer portion of the outstanding bill since the majority of the water did not go into the sewer, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Clerk to reduce the sewer charge in the amount of \$1,020.74.

Attorney Folmer apprised the Board that Fabio Santalucia intended to open a new restaurant called "Mangia" to be located at 1071 Route 13, formerly Uncle Louie's Backyard. He was applying for a liquor license and planned to be open by February 1, 2019. The ABC law requires the municipality to be given 30-day notice. The Board was being asked to waive its right to express an opinion either for or against the granting of said license in accordance with Section 110-b of the Alcohol Beverage Control Law and to further waive the 30-day time period in which to express such an opinion. The Board did not object to such and welcomed Mr. Santalucia's new restaurant to the Town.

Councilman Withey made a motion, seconded by Councilman Proud to receive and file the Standardized Notice Form for Providing a 30-day Advance Notice to the Town of Cortlandville, dated December 11, 2018, regarding Fabio Santalucia's intention to apply for a liquor license for Mangia, to be located at 1071 Route 13 in the Town of Cortlandville. All voting aye, the motion was carried.

RESOLUTION #300                      AUTHORIZE TOWN CLERK TO WRITE A LETTER TO THE  
NEW YORK STATE LIQUOR AUTHORITY ON BEHALF OF  
THE TOWN TO WAIVE THE 30-DAY TIME PERIOD FOR  
THE RESTAURANT "MANGIA" TO BE LOCATED AT 1071  
ROUTE 13

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Motion by Councilman Withey

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, Fabio Santalucia has filed with the Town Clerk the Standardized Notice form providing a 30-day advance notice to the Town of Cortlandville of his intent to apply for a liquor license for a restaurant called "Mangia" to be located at 1071 Route 13, and

WHEREAS, Mr. Santalucia has entered into a lease for the premises and wished to be open by February 1, 2019, and

WHEREAS, in order to obtain the liquor license on time he requested the Town waive its right to express an opinion either for or against the granting of said liquor license in accordance with Section 110-b of the Alcohol Beverage Control Law and to further waive the 30-day time period in which to express such an opinion, and

WHEREAS, the Town Board does not object to the granting of a liquor license and hereby waives its right to express an opinion either for or against the granting of said license in accordance with Section 110-b of the Alcohol Beverage Control Law and further waives the 30-day time period in which to express such an opinion, therefore

BE IT RESOLVED, the Town Clerk is hereby authorized and directed to write a letter on behalf of the Town expressing such opinion, and it is further

RESOLVED, the correspondence from Attorney William J. Pomeroy, dated December 11, 2018, is hereby received and filed.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Community Development Block Grant (CDBG) Application submitted by the Town of Cortlandville for the Town-wide Housing Rehabilitation Grant Program – 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from the Cortland County Health Department, dated December 12, 2018, regarding Public Water Supply, Enforcement – Order on Consent (Terrace Road Well). All voting aye, the motion was carried.

RESOLUTION #301      AUTHORIZE SUPERVISOR TO SIGN PUBLIC WATER  
SUPPLY ENFORCEMENT – ORDER ON CONSENT  
REGARDING THE TERRACE ROAD WELL AND PUBLIC  
WATER SUPPLY DOCKET #C-077-18

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Public Water Supply Enforcement Order on Consent (Public Water Supply Docket #C-077-18), dated December 12, 2018, regarding the presence of E.coli bacteria at the Terrace Road Water Source and significant actions being taken by the Public Water Supply to mitigate public health hazards.

There was discussion regarding the Memorandum of Understanding between the Town and Lime Bike. Supervisor Tupper explained the Town of Cortlandville, the City of Cortland and the Village of Homer would be participating in the project. He apprised the Board that there would be no cost to the Town and there would be no liability on the Town's part. A minimum of 100 bikes would be located around Cortlandville for public use. Supervisor Tupper has seen demonstrations of the project and Attorney Folmer has reviewed the MOU. The goal of Lime Bikes is to provide safe and affordable multi-modal transportation options to all residents, to reduce traffic congestion and maximize carbon free mobility.

RESOLUTION #302      AUTHORIZE SUPERVISOR TO SIGN THE MEMORANDUM  
OF UNDERSTANDING BETWEEN NEUTRON HOLDINGS,  
INC. DBA LIME AND THE TOWN OF CORTLANDVILLE

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Memorandum of Understanding between Neutron Holdings, Inc. DBA Lime and the Town of Cortlandville (including the Village of Homer and City of Cortland) regarding the exclusive bike share program.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:54 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 January 22, 2019.  
The final version of this meeting was approved as written at the Town Board meeting of February 6, 2019.