

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:

Deputy Supervisor, Theodore V. Testa
Councilman, John C. Proud
Councilman, John P. Reynolds
Town Clerk, Kristin E. Rocco-Petrella

Absent:

Supervisor, Richard C. Tupper
Councilman, Douglas E. Withey

Others present were: Town Attorney, John Folmer; Highway Sup’t., Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Village of McGraw Mayor, Allan Stauber; Town Resident, Pamela Jenkins; Jacob DeRochie from the *Cortland Standard* and Peter Blanchard from the *The Cortland Voice*.

Deputy Supervisor Testa called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Reynolds, to approve the Town Board Minutes of September 5, 2018 and September 19, 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file the Cortlandville Planning Board Minutes of August 28, 2018. All voting aye, the motion was carried.

RESOLUTION #228

AUTHORIZE PAYMENT OF VOUCHERS – OCTOBER

Motion by Councilman Reynolds
Seconded by Councilman Proud
VOTES: AYE - Testa, Proud, Reynolds,
 ABSENT - Tupper, 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 #1311-1408	
	General Fund A	\$ 49,582.64
	General Fund B	\$ 4,773.30
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 59,640.25
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber SC Project HG	\$ 0.00
	New Highway Garage HH	\$ 10,214.69
	Sewer Fund SS	\$ 2,953.19
	Water Fund SW	\$ 14,054.24
Funds CD1, CD3, CD4	Voucher #56-56	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 15,000.00
	Business Devl CD4	\$ 0.00
Funds SF, TA, TE	Voucher #48-50	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 42,535.54
	Expendable Trust TE	\$ 0.00

Deputy Supervisor Testa offered privilege of the floor the Village of McGraw Mayor, Allan Stauber.

Mayor Stauber updated the Board regarding the proposed installation of a footbridge in the Village of McGraw. He stated he and Legislator Michael Barylski have conferred with the NYS DEC and they have no issues permitting the footbridge to be put back into place. The NYS DOT has no regulations regarding a footbridge. At this point, it was a matter for the Town and

Village Attorneys to discuss and put into place the proper language to indicate the Village would take responsibility for anything that could happen with the footbridge in place.

Mayor Stauber indicated that Town Highway Sup't. Bassett and Village Highway Foreman Chuck Doran and Glenn Bassett would make the decision to pull out the foot bridge due to a rain event. He stated the Village of McGraw Board understands that if the foot bridge is pulled in a rain event, it could be months before it's put back into place.

Councilman Proud asked for clarification that the Village was to accept responsibility if anything were to happen with the footbridge. Mayor Stauber confirmed the Village being responsible.

Attorney Folmer stated he would contact the Village Attorney to discuss the matter further.

Councilman Testa offered privilege of the floor to Pamela Jenkins.

Town resident, Pamela Jenkins requested her comments be included in the meeting minutes. She stated in 2016 Cortlandville officials violated NYS SEQRA Law when they granted a Negative Declaration to the Leonidas Starr Road high density project and that Negative Declaration was granted in the absence of review or investigation into expected impacts of the housing project. She said on September 19, 2018, Cortlandville officials refused to rescind the Negative Declaration granted to the Leonidas Group and directed attendees of the Town Board meeting to voice concerns at the September 25, 2018 Planning Board Public Hearing. Ms. Jenkins stated the Public Hearing on September 25, 2018 was cancelled and citizens were informed by the Planning Board that the final plans would be sent to CHA to see how similar or dissimilar the final plan was to the original plan of 2016. Ms. Jenkins said SEQRA was violated by Town officials when they granted a pre-emptory Negative Declaration and refuse to correct the situation. She referenced comments made at the September 19, 2018 meeting when a Board member said rescinding the Negative Declaration would set a bad precedent. Ms. Jenkins said she believes it would be a bad precedent to let the legal actions stand in place. She said the clock is ticking and Cortlandville deserves better.

Councilman Proud recounted that it was he who said rescinding the Negative Declaration would set a bad precedent and stated he stands by his comment. He asked Ms. Jenkins to clarify what "clock is ticking", to which she replied she would not answer the question. Councilman Proud briefed the issue of the Negative Declaration stands as it was not subjected to an Article 78 proceeding.

Ms. Jenkins said that an Article 78 proceeding cannot commence without a final action taken on a project. She stated a final action was not taken because a site plan did not occur. She repeated that the clock is ticking at this moment. She stated the Board needs to do a new SEQRA or risk losing another Article 78 proceeding. She said a lawsuit cannot be initiated previous to final action being taken.

Councilman Proud remarked it would be best to let lawyers or the Courts decide on the matter. He added that although Ms. Jenkins has legitimate issues, SEQRA acknowledges on the SEQRA statement that Town Boards are not necessarily experts on environmental issues. Councilman Proud informed Ms. Jenkins that the Board has hired experts.

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

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

Councilman Proud commented that the the Board now has has a listing of all Fire and Safety inspections that have to be accomplished every year, every two years or every three years in order to track inspections being completed and to project revenue into the Town's budget.

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

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

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file correspondence dated October 1, 2018 from Charter Communications regarding price increases on equipment and programming. All voting aye the motion was carried.

Town Clerk Rocco-Petrella reported that she provided each Board member with a copy of the 2019 Tentative Budget and requested the Board adopt a resolution acknowledging its receipt.

RESOLUTION #229 ACKNOWLEDGE RECEIVING 2019 TENTATIVE BUDGET

Motion by Councilman Proud

Seconded by Councilman Reynolds

VOTES: AYE - Testa, Proud, Reynolds

NAY - 0

ABSENT - Tupper, Withey

ADOPTED

BE IT RESOLVED, the Town Clerk received the 2019 Tentative Budget on September 27, 2018 and has presented it to the Town Board members, in accordance with Town Law.

Town Clerk Rocco-Petrella apprised the Board the Proposed 2019 Fire District Budget was filed in the Town Clerk's office, where it is available for public review.

Councilman Proud made a motion, seconded by Councilman Reynolds to receive and file the 2019 Cortlandville Fire District Proposed Budget, received October 2, 2018. All voting aye, the motion was carried.

Attorney Folmer reported:

Zoghlin Group SEQRA Consultants:

Attorney Folmer explained that the Board asked the Zoghlin Group PLLC to advise the Town on the SEQRA process regarding the residential PUD on Starr Road for Leonidas Group of Virgil, LLC. He anticipated receiving a retainer agreement before the next Board meeting, and he requested a resolution authorizing Supervisor Tupper to sign the agreement once received.

**RESOLUTION #230 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH
THE ZOGHLIN GROUP, PLLC TO PROVIDE LEGAL
SERVICES REGARDING THE SITE PLAN ENVIRONMENTAL
REVIEW PROCESS FOR THE LEONIDAS GROUP OF VIRGIL,
LLC – STARR ROAD PUD**

Motion by Councilman Proud

Seconded by Councilman Reynolds

VOTES: AYE - Tupper, Testa, Reynolds, Withey

NAY - 0

ABSENT - Tupper, Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the agreement with The Zoghlin Group PLLC to render legal services to the Town of Cortlandville in connection with the Site Plan Environmental review process for the Leonidas Group of Virgil LLC, Starr Road PUD project per the rate schedule listed in the agreement.

RESOLUTION #231 AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE
TOWN-WIDE HOUSING REHABILITATION GRANT
PROGRAM CDBG #287HR326-16

Motion by Councilman Proud

Seconded by Councilman Reynolds

VOTES: AYE - Testa, Proud, Reynolds

NAY - 0

ABSENT - Tupper, Withey

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 #57: Reome Electrical & General Contracting - \$2,000.00

There was discussion regarding correspondence received from the Town of LaFayette asking for the town's support for the initiative being undertaken by Broome/Cortland/Onondaga Forrest, Farm and Home Preservation Alliance (BCO) to protect the property rights of homeowners and landowners along the proposed NYSEG powerline corridor, which was from the town of Onondaga to Johnson City, NY. The towns, cities and villages along the line were being asked to draft the appropriate local laws to protect property owners along the powerline. The specific language would be drafted and circulated free of charge to municipalities. Councilman Proud was uncertain as to what participating would commit the Town to or what the effect would be. He asked Attorney Folmer for his opinion on the matter. Attorney Folmer had not seen the language being proposed by the Environmental Legal Defense Fund, but would contact LaFayette Town Supervisor Fitzpatrick and examine the proposed language as well as obtain more background information on the matter.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file correspondence from LaFayette Town Supervisor, Danny Fitzpatrick, dated September 12, 2018, requesting support for the initiative undertaken by the BCO Alliance to protect homes and property owners along the proposed NYSEG powerline corridor. All voting aye, the motion was carried.

RESOLUTION #232 SCHEDULE PUBLIC HEARING FOR THE PROPOSED
LOCAL LAW OF 2018 FOR A ZONING CODE
AMENDMENT FOR SOLAR ENERGY SYSTEMS

Motion by Councilman Proud

Seconded by Councilman Reynolds

VOTES: AYE - Testa, Proud, Reynolds,

NAY - 0

ABSENT - Tupper, Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby schedule a Public Hearing for October 17, 2018 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, regarding the enactment of a Local Law of 2018 for a Zoning Code Amendment for Solar Energy Systems in the Town of Cortlandville.

Councilman Proud commented on correspondence received from the Town of Groton regarding their proposed Local Law #2 of 2018, entitled A Local Law to Amend Various Sections of the Town of Groton Land Use and Development Code of 2011. He pointed out Cluster Subdivisions and explained a feature of Cluster Subdivisions is that zoning can be modified to develop portions of property while the remaining area is permanent.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file correspondence from the Town of Groton, dated September 17, 2018 regarding proposed Local Law #2 of 2018 to amend various sections of the Town of Groton Land Use and Development Code of 2011. All voting aye, the motion was carried.

RESOLUTION #233 ACKNOWLEDGE NOTIFICATION FROM THE STATE FOR
FILING OF LOCAL LAW #1 OF 2018

Motion by Councilman Proud

Seconded by Councilman Reynolds

VOTES: AYE - Testa, Proud, Reynolds,

ABSENT - Tupper, Withey

NAY - 0

ADOPTED

BE IT RESOLVED, the New York State Department of State acknowledged receipt of Local Law #1 of 2018 – Zoning Law and Map Amendment (Emmanuel Pothos), to be effective September 17, 2018.

There was discussion regarding Justice Casullo's 2018-2019 Justice Court Assistance Program Grant Application. Town Clerk Rocco-Petrella apprised the Board she spoke with Justice Casullo who explained that the grant application was in the amount of \$6,711.00 for the purchase of a fire proof file cabinet and a new document shredder. If the grant is received all file cabinets in the Town Court offices would be fire proof.

RESOLUTION #234 AUTHORIZE SUPERVISOR TO SIGN APPLICATION TO
NEW YORK STATE UNIFIED COURT SYSTEM FOR A
GRANT UNDER THE JUSTICE COURT ASSISTANCE
PROGRAM

Motion by Councilman Proud

Seconded by Councilman Reynolds

VOTES: AYE - Testa, Proud, Reynolds

NAY - 0

ABSENT - Tupper, Withey

ADOPTED

WHEREAS, the New York State Unified Court System has a grant available through the Justice Court Assistance Program to town and village courts with a maximum award of \$30,000 per court, \$60,000 jointly, and

WHEREAS, Town Justice, Hon. Francis J. Casullo has completed the 2018-19 Justice Court Assistance Program Grant Application to purchase office equipment and furniture for the total cost of \$6,711.00, and

WHEREAS, the Town Board fully supports Hon. Casullo in his 2018-19 Justice Court Assistance Program Grant Application for the Cortlandville Town Court, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the 2018-19 Justice Court Assistance Grant Application, and it is further

RESOLVED, the Town Clerk is hereby authorized and directed to prepare a certified copy of the foregoing resolution to be forwarded to the New York State Unified Court System along with the required documents.

Councilman Proud made a motion, seconded by Councilman Reynolds to receive and file correspondence from Highway Superintendent Glenn Bassett, dated September 27, 2018, regarding the promotion of two Highway Department employees. All voting aye, the motion was carried.

RESOLUTION #235 AUTHORIZE WAGE INCREASE FOR HIGHWAY
DEPARTMENT EMPLOYEE JOHNATHAN GIBBS FROM
MOTOR EQUIPMENT OPERATOR TO HEAVY EQUIPMENT
OPERATOR WITH TRAILER CDL

Motion by Councilman Proud

Seconded by Councilman Reynolds

VOTES: AYE - Testa, Proud, Reynolds,

NAY - 0

ABSENT - Tupper, Withey

ADOPTED

WHEREAS, the Town Board received notification from Highway Sup't. Bassett that Town Highway Department employee Johnathan Gibbs will be promoted from the position of Motor Equipment Operator to Heavy Equipment Operator with Trailer CDL which qualifies him for an increase in title and wage, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct a wage increase for Johnathan Gibbs from Motor Equipment Operator (\$22.94) to Heavy Equipment Operator with CDL at a wage of \$24.75 per hour, effective September 30, 2018.

RESOLUTION #236 AUTHORIZE WAGE INCREASE FOR HIGHWAY
DEPARTMENT EMPLOYEE TODD BASSETT FROM MOTOR
EQUIPMENT OPERATOR TO HEAVY EQUIPMENT
OPERATOR WITH TRAILER CDL

Motion by Councilman Proud

Seconded by Councilman Reynolds

VOTES: AYE - Testa, Proud, Reynolds,

NAY - 0

ABSENT - Tupper, Withey

ADOPTED

WHEREAS, the Town Board received notification from Highway Sup't. Bassett that Town Highway Department employee Todd Bassett will be promoted from the position of Motor Equipment Operator to Heavy Equipment Operator with Trailer CDL which qualifies him for an increase in title and wage, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct a wage increase for Todd Bassett from Motor Equipment Operator (\$19.44) to Heavy Equipment Operator with CDL at a wage of \$24.25 per hour, effective September 30, 2018.

Attorney Folmer explained on November 15, 2017, the Town adopted a resolution for the Town to approve and the Supervisor to sign a Loan Agreement between the Town and Royal Nissan of Cortland, Inc. The resolution indicated an amount of \$108,000.00, but a typographical error was made during the process and it was discovered when closing out the loan that the amount should be \$108,800.00. He requested a resolution to amend resolution #198 of 2017.

RESOLUTION #237 AMEND RESOLUTION #198 OF 2017, ADOPTED
NOVEMBER 15, 2017 – "APPROVE LOAN AGREEMENT
AND AUTHORIZE SUPERVISOR TO SIGN THE
COMMITMENT LETTER BETWEEN THE TOWN AND
ROYAL NISSAN OF CORTLAND, INC."

Motion by Councilman Proud

Seconded by Councilman Reynolds

VOTES: AYE - Testa, Proud, Reynolds

NAY - 0

ABSENT - Tupper, Withey

ADOPTED

BE IT RESOLVED, the Town Board does hereby amend Resolution #198 of 2017 "Approve Loan Agreement and Authorize Supervisor to Sign the Commitment Letter Between the Town and Royal Nissan of Cortland, Inc.", adopted November 15, 2017, by amending the total loan amount from \$108,000.00 to \$108,800.00, and it is further

RESOLVED, the Town Board does hereby approve the Loan Agreement and authorize the Supervisor to sign such agreement, between the Town of Cortlandville and Royal Nissan of Cortland, Inc., for property located at 3901 State Route 281, Cortland, New York regarding the loaning of funds from the Town's CDBG Program for the total amount of 108,800.000.

RESOLUTION #238 AMEND THE 2018 BUDGET AND AUTHORIZE
SUPERVISOR TO TRANSFER FUNDS

Motion by Councilman Reynolds

Seconded by Councilman Proud

VOTES: AYE - Testa, Proud, Reynolds

ABSENT - Tupper, 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 for the Town of Cortlandville, to adjust an entry posted to the wrong fund and to correctly record the rental payment received from John Diescher for the lease of Town property located on Route 13 (site of Gutchess Lumber Sports Complex.)

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
HG2410	HG201	\$5,107.00
B201	B2410	\$5,107.00

No further comments or discussion were heard.

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

The meeting was adjourned at 5:28 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 October 17, 2018.

The final version of this meeting was approved as written at the Town Board meeting of November 7, 2018.