

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 Rocco-Petrella, RMC

Others present were: Town Attorney, John Folmer; Highway Sup’t. Glenn Bassett; Director Rob Corpora and Deputy Director Jack Hess from Cortland County IT; Pamela Bassett; Pam Jenkins; News Reporters: Robert Creenan from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

The Town Board Minutes of January 3, 2018 were presented to the Board for their review.

RESOLUTION #30

AUTHORIZE PAYMENT OF VOUCHERS - JANUARY

Motion by Councilman Proud  
Seconded by Councilman Withey  
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, SS, SW	Voucher #28-110	
	General Fund A	\$ 43,620.29
	General Fund B	\$ 4,623.20
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 20,213.26
	Saunders Rd Sewer HE	\$ 0.00
	Gutchess Lumber SC Project HG	\$ 0.00
	Sewer Fund SS	\$ 30,839.11
	Water Fund SW	\$ 110,628.92
Funds CD1, CD3, CD4	Voucher #1-6	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 32,070.96
	Business Devl CD4	\$ 0.00
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 Jack Hess.

Jack Hess, Deputy Director of the Cortland County IT Department, apprised the Board he was in attendance to explain the proposed Information Security Policy for the Town of Cortlandville, as presented by Attorney Folmer at the January 3, 2018 Town Board Meeting. Mr. Hess explained that the policy would cover how to protect the Town of Cortlandville’s data; how to keep it secure and confidential and ensure no breach. The premise was that there was a partnernship between IT and the end user to protect the Town’s data. The policy would provide guidelines to make sure data is secure, confidential, and detail the steps to take if the system went array. Mr. Hess suggested the Board adopt a resolution to establish a policy as well as to appoint a “Security Officer” within the Town who would interface with County IT or whoever the support organization was.

Superivor Tupper questioned whether the policy had anything to do with upgrades to the system. Mr. Hess explained that it did not directly take care of the security and firewall upgrades. There would also be internal training so the users knew the system was secure for a reason.

Councilman Withey questioned if the documents would be marked confidential. Mr Hess explained that for the most part everything is compartmentalized already by department and enforced as user rights. He gave the example of the Town Clerk's office in which only the Clerk and her staff can see their data. Passwords must be updated every 30 days, and employees and officials are encouraged to use only their Cortlandville email for business use.

Councilman Proud questioned Mr. Hess about the training component, and wondered if training would consist of the user being aware of the policy. Mr. Hess indicated that the County has a smaller version of the policy aimed at the end user, which is easier to understand, and recommends yearly training.

Attorney Folmer questioned how much training would be necessary for the Security Officer. Mr. Hess indicated that a computer literate person could perform the job. The Security Officer would work with County IT; make sure trainings were complete; and understand what to do if there was a security breach.

Councilman Proud questioned how a breach would be detected. Mr. Hess explained that a database is usually publicized in a breach – when a lot of personally identifiable information is in a database and it is released to the public. He offered the example of the store Target and a security breach in which creditcard information was hacked. Mr. Hess stated that almost 99% of what the Town needs to protect against can be mitigated by making sure the end users understand why the Town is protecting the data and what not to do to avoid a breach.

Attorney Folmer stated that in addition to the short version of the policy provided for the end user, he questioned whether there would be training for department heads as well. Mr. Hess explained that most likely someone would be hired to conduct the training for the department heads and staff.

Councilman Proud questioned whether Mr. Hess was familiar with the Digital Towpath Cooperative. Mr. Hess indicated that he and the Director of Cortland County IT, Rob Corpora, were members of the NYS Information Technology Directors Association and were familiar with Digital Towpath and what they do for counties and municipalities. Councilman Proud stated he would look into the company further and what they could do for the Town.

Attorney Folme suggested that if the Board was interested in creating a policy that they should do so by resolution. He reminded the Board that he presented the Town Clerk with the draft policy at the January 3, 2018 meeting and instructed the Board to review the policy in her office if interested. Town Clerk Rocco-Petrella stated she would email the lengthy policy to the Board for their review so it could be discussed at the February 7, 2018 Town Board meeting.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the December 2017 monthly report of Code Enforcement Officer Kevin McMahon. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Proud, to receive and file the December 2017 monthly reports of Justice Casullo and Justice Alexander. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from Charter Communications, dated January 11, 2018 regarding programming services. All voting aye, the motion was carried.

Supervisor Tupper apprised the Board he received correspondence from Councilman Testa regarding his audit of the Town Clerk/Tax Collection records for the year 2017 and found everything to be in order. Supervisor Tupper noted that Councilman Proud reviewed the Supervisor's records, and Councilman Reynolds reviewed the Highway Department/Water & Sewer Department records. Both found the records to be in order. Councilman Withey reported that he scheduled an appointment with Court Clerk Mary Caufield to review the Court's records on Tuesday, January 22, 2018. As a result of the State requiring documentation in writing that the Court's records were audited by the Board, Supervisor Tupper requested the Board members acknowledge that they audited their assigned department in writing. The correspondence would become part of the record and could be certified in the future to satisfy the requirements of the Court.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file correspondence from Deputy Supervisor Testa, dated January 17, 2018, regarding his review of the Town Clerk/Tax Collector records for the year 2017, indicating he found everything in order. All voting aye, the motion was carried.

Under new business Town Clerk/Tax Collector Rocco-Petrella reported on the collection of taxes for the month of January. Approximately \$3.5 million was collected in taxes to date, while approximately \$750,000 was collected the last week of December 2017 as a result of the Governor's Executive Order.

Attorney Folmer reported:

Bonding – Gutches Lumber Sports Complex:

Attorney Folmer informed the Board he was waiting for information from Bond Counsel regarding bonding for the Gutches Lumber Sports Complex. He would update Supervisor Tupper and the Board when he received more information.

South Hill Dump:

Attorney Folmer apprised the Board he received communication from the Department of Environmental Conservation looking for a periodic review of the South Hill Dump. The Town has yet to receive a key to the padlock that unlocks the gate, but received verbal communication from the DEC to "break-in" if necessary.

Councilman Withey requested Attorney Folmer give him more information about the South Hill Dump.

Attorney Folmer explained that the South Hill Dump was determined to be a hazardous site in the 1970s. The Superfund spent millions of dollars to reclaim the dump and clean it. As a result of what they did there are monitoring wells and air vents at the site. The last certifications made indicated that there was no toxic material flowing downhill into the neighboring streams. The site is inactive and is "just sitting there." The Town entered into a conservation easement with the DEC, which requires that in the event there would be a conveyance in the interest of the property, language must be included in the deed that indicates it would be subject to the conservation easement, which is on file with the Cortland County Clerk's office.

Attorney Folmer explained that when the site was in operation it was an open dump site and could be used by anyone. When the DEC tried to find the responsible party for the dump, the Town became the responsible party by default. Over the course of several years, through negotiation with the DEC, the Town has been able to ensure that the Town would never be held responsible for the millions of dollars expended by the Superfund. The Town submits an annual certification and would have to complete periodic reviews. The Town would also have to maintain the mowing and the fence line, which Attorney Folmer would discuss with Highway Sup't. Bassett.

Cortlandville Fire Inspections:

Attorney Folmer apprised the Board that he, Councilman Proud and CEO Campbell recently met to discuss Fire Inspections and the failure of property owners to comply with the required fire inspection. In doing so, they discovered some "interplay" between sections of the two codes that are not as clear as they would like them to be. The meeting prompted the review of the fees, which are set by Town Board resolution. Attorney Folmer stated there was a mechanism in place to handle the property owners who do not cooperate or agree to have the inspections done, but it was complicated and could be streamlined.

Proposed Local Law of 2018 – Zone Change from B-2 to B-3:

Attorney Folmer reminded the Board that the proposed Local Law for a Zone Change from B-2 to B-3 was referred to the Town and County Planning Boards for review. He expected the Town Planning Board to review the proposed zone change at the January meeting, and that the County Planning Board would review it at their February meeting. He did not expect the Town Board to receive recommendations from either board until the Town Board's first meeting in March.

RESOLUTION #31                    AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
THOMAS AND CATHY THOMPSON FOR THE TOWN-WIDE  
HOUSING REHABILITATION GRANT PROGRAM  
CDBG #287HR326-16

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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 Owner-Occupied Loan Agreement between the Town of Cortlandville and Thomas and Cathy Thompson, 3686 Route 11, McGraw, New York regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$27,150.00.

RESOLUTION #32                    AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT  
REGARDING THE TOWN'S 2016 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM BETWEEN THE TOWN AND  
ROXANNE M. SORRELLS

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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 the Supervisor to sign the Affidavit regarding the Town's 2016 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Roxanne M. Sorrells, 734 Bowling Green Rd., Cortland, New York regarding the extension of loan funds by the Town's CDBG Program (#287HR326-16) for the total amount of \$28,090.00.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the 2017 Annual Performance Report regarding the Town-Wide Housing Rehabilitation Program CDBG #287HR326-16 as submitted to NYS Homes & Community Renewal via email on January 12, 2018. All voting aye, the motion was carried.

RESOLUTION #33                    AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE  
TOWN-WIDE HOUSING REHABILITATION GRANT  
PROGRAM CDBG #287HR326-16

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

BE IT RESOLVED, the Town Board does hereby authorize approval of payment for the following regarding the Town-Wide Housing Rehabilitation Program CDBG #287HR326-16:

Thoma Development Consultants - \$11,199.91 (Administration & Program Delivery)  
O'Donnell Construction - \$12,500.00 (Shimer – 4074 Kinney Gulf Road)

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from County Highway Superintendent Philip Krey to Betsy Parmley, NYS DOT, dated January 4, 2018, regarding the Town's request to reduce the speed limit on Parti Drive, Collegeview Drive, Gwen Lane, Northway Drive, Meadow Lane, Clinton Street, Hart Drive, Fieldcrest Drive, Woodside Drive and Hillside Drive in the Town of Cortlandville. All voting aye, the motion was carried.

RESOLUTION #34                      AUTHORIZE EXTENSION OF TIME FOR TAX COLLECTION  
TO JUNE 1, 2018

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Motion by Councilman Testa

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 sign and forward a request to the Cortland County Treasurer for an extension of time until June 1, 2018 for the collection of taxes in the Town of Cortlandville, pursuant to Section 938 of the Real Property Tax Law.

RESOLUTION #35                      AUTHORIZE SUPERVISOR TO SIGN THE INCENTIVE  
PROPOSAL FROM NEW YORK STATE AND EMPIRE STATE  
DEVELOPMENT REGARDING THE GUTCHESS LUMBER  
SPORTS COMPLEX GRANT

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Motion by Councilman Testa

Seconded by Councilman Proud

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 Incentive Proposal from New York State and Empire State Development regarding the Gutches Lumber Sports Complex Grant, and to submit it no later than February 9, 2018 with the required application fee of \$250.00.

There was a brief discussion regarding the transfer of funds to balance accounts for the 2017 Budget. Supervisor Tupper explained the reasons for the transfers and the overages in certain accounts which included the following: CEO McMahon worked more hours than budgeted; more money was expended for parks; the sewer fund was over budget due to the vacation buyout paid to an employee who retired; and to account for the Gutches Lumber Sports Complex project.

RESOLUTION #36                      AUTHORIZE TRANSFER OF FUNDS TO BALANCE  
ACCOUNTS FOR THE 2017 BUDGET

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Motion by Councilman Testa

Seconded by Councilman Withey

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

BE IT RESOLVED, the Budget Officer is hereby authorized and directed to transfer funds to adjust the accounts of the 2017 Budget for the Town of Cortlandville as follows:

1) **GENERAL FUND A - TOWN WIDE:** Transfer \$3,679.34

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A1990.4	A1110.1	\$ 114.09
A1990.4	A1110.41	\$ 2,733.87
A1010.4	A1010.1	\$ 0.06
A1410.4	A1410.1	\$ 804.81
A511	A9050.8	\$ 26.51
	<b>TOTAL:</b>	<b>\$ 3,679.34</b>

2) **GENERAL FUND B - PART TOWN:** Transfer \$6,372.68

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
B1990.4	B8010.4	\$ 1,298.56
B8664.4	B8664.1	\$ 1,221.12
B1990.4	B8664.1	\$ 3,701.44
B8020.1	B8664.1	\$ 151.56
	<b>TOTAL:</b>	<b>\$ 6,372.68</b>

3) **HIGHWAY FUND – PART TOWN DB:** \$798.47**CHIPS REVENUE HAS BEEN INCREASED**

Debit DB 3501	\$ 798.47
Credit DB 5110.4	\$ 798.47

4) **SS – SEWER FUND:** Transfer \$281.31

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SS8110.4	SS8110.1	\$ 80.31
SS8110.4	SS9010.8	\$ 201.00
<b>TOTAL:</b>		<b>\$ 281.31</b>

5) **SW – WATER FUND:** Transfer \$2,977.90

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
SW8320.4	SW8320.41	\$ 2,977.90
<b>TOTAL:</b>		<b>\$ 2,977.90</b>

6) **HG – CAPITAL PROJECT GUTCHESS LUMBER SPORTS COMPLEX:**

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
HG9901.9	HG630	\$254,729.72
<b>TOTAL:</b>		<b>\$254,729.72</b>

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RESOLUTION #37                      AUTHORIZE SUPERVISOR TO REQUEST A 30-DAY  
EXTENSION FROM THE NYS COMPTROLLER'S OFFICE FOR  
FILING THE 2017 ANNUAL FINANCIAL REPORT (AUD)

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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 to request an additional 30-day extension of time from the NYS Comptroller's Office for filing the 2017 Annual Financial Report.

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RESOLUTION #38                      REAPPOINT KATHERINE S. WICKWIRE AS CHAIRPERSON  
TO THE CORTLANDVILLE PLANNING BOARD

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

BE IT RESOLVED, the Town Board does hereby reappoint Katherine S. Wickwire, of 4391 Cosmos Hill Road, Cortland, New York as Chairperson to the Cortlandville Planning Board for a two-year term commencing January 01, 2018 and shall expire December 31, 2019.

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RESOLUTION #39                      APPOINT JOHN F. FINN AS CHAIRMAN TO THE  
CORTLANDVILLE ZONING BOARD OF APPEALS

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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 appoint John F. Finn, of 618 Groton Road, Cortland, New York as Chairman to the Cortlandville Zoning Board of Appeals for a two-year term commencing January 01, 2018 and shall expire December 31, 2019.

## RESOLUTION #40

APPOINT BERNICE POTTER-MASLER TO THE  
CORTLANDVILLE ZONING BOARD OF APPEALS

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Motion by Councilman Proud

Seconded by Councilman Testa

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

WHEREAS, due to the resignation of Lenore M. LeFevre from the Cortlandville Zoning Board of Appeals, there is a vacancy, therefore

BE IT RESOLVED, the Town Board does hereby appoint Bernice Potter-Masler, of 560 Route 222, Cortland, New York to the Cortlandville Zoning Board of Appeals for a three-year term commencing January 17, 2018 and shall expire December 31, 2020.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:35 p.m.

Respectfully submitted,

*Kristin E. Rocco-Petrella*

Kristin E. Rocco-Petrella, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The final version of this meeting was submitted to the Town Board for their review on January 24, 2018.

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