

SPECIAL TOWN BOARD MEETING

The Special 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, Gregory K. Leach
Councilperson, Kristin E. Rocco-Petrella
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John B. Folmer; Town Residents; Sue Fitts, Russ Bean, Joseph Steinhoff, John Reynolds, Chris Newell, Douglas Withey; Robert Crennan from the *Cortland Standard*.

Supervisor Tupper called the Special Meeting to order.

Supervisor Tupper offered privilege of the floor to those in attendance.

Susan Fitts asked why the Board felt the Town Highway Superintendent should be changed from an elected position to an appointed one.

Supervisor Tupper stated that in New York State the Election Law states one must be eighteen years old, a registered voter and a resident within the municipality in which they live in, in order to be an elected Highway Superintendent. Those are the minimum requirements, with no other requirements attached. After thirty years of service the current Highway Superintendent will be formally retiring at the end of this year. The Board became very nervous that an eighteen year old could actually run for office and be elected. The highway portion of the town's budget represents 65% of the town's budget. An eighteen year old would have no experience with a budget, with the town's roads, with construction and have no knowledge what so ever with the day to day operations of a highway department or employees.

Susan Fitts questioned if that was a New York State Law. Supervisor Tupper responded yes.

Susan Fitts questioned if the present position has benefits. Supervisor Tupper answered yes and clarified elected officials receive health insurance and are in the New York State Retirement system. If the appointed individual was a full time employee the town would provide a benefit package, which would include the above plus.

Supervisor Tupper added if the Mandatory Referendum passed the position would become appointed effective January 2020. The Board would search for a qualified candidate during the 2019 year, which possibly could be the individual who is currently running for election.

Councilman Proud offered an appointed individual would allow the Town Board to set minimum requirements along with a job description.

Russ Bean questioned if the current part-time Superintendent position would return back to full-time. Supervisor Tupper responded to a yes answer. Will the Town Board be in control if someone is not doing their job? Supervisor Tupper reiterated there will be a job description to include performance requirements with disciplinary actions and possible termination. Mr. Bean asked if the position would be advertised. Supervisor Tupper responded as the town advertises all their vacant positions. Mr. Bean stated with an appointed position and a fully Republican Board the appointment could render to a republican. Board members disagreed stating that the town's Planning and Zoning Board's consists of republicans and democrats. Whoever is best fit for the position! Supervisor Tupper indicated politics does not enter into the Boards decisions. The decisions are made on the quality of the candidates. Mr. Bean questioned why the Highway Superintendent was not advertised.

Attorney Folmer stated if one is dealing with an appointed position the position is advertised. From those applicants that responded you would choose the best qualified individual. The elected position would be a political process. It becomes the responsibility of the Democratic and Republican parties to seek a qualified candidate.

Doug Withey agreed with Mr. Bean's statement regarding the Town Board appointing a Highway Superintendent as part of their party affiliation. Adding an appointment is taken away from the public and is left up to our representatives, the Town Board. If the Town Board stays all republican the democrats have no voice regarding such appointment. Supervisor Tupper reiterated the appointed position is not a political appointment.

It would be an appointment based on one's ability and qualifications to do the job. Attorney Folmer stated in the final analysis, the decision as to who would be appointed rests with the Town Board. Irrespective of what their political affiliation may be. The appointment would be the responsibility of the Town Board to select the candidate who will serve as the Highway Superintendent.

Councilman Proud stated the major portion of the town budget supports the highway. The Board desires someone with qualifications, which would be in the best interest of the town. Councilman Proud reiterated the State Election Law limits a candidate to be 18 years old, a registered voter and to reside in the municipality in which they live in. With the size of Cortlandville's population, the seventy-one (71) road miles and a highway budget of around four million, qualifications and a job description should commensurate with a Town Highway Superintendent position.

Mr. Withey commended the Board for thinking this process through. If the voters approved the appointed position it would have a two (2) year term, will the individual's appointment roll over each year or will the Board reappoint or seek other candidates, if issues exist? Supervisor Tupper indicated the individual appointed would go through a performance evaluation towards the end of their term. If that individual cannot perform their duties efficiently the process will start all over by the Town Board and the effort would commence seeking other qualified candidates.

RESOLUTION# _____ SCHEDULE PUBLIC HEARING FOR A LOCAL LAW OF 2017

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Proud, Leach, Rocco-Petrella NAY - 0
ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for September 6, 2017 at 6:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, regarding the adoption of a Local Law for the year 2017, to abolish the position of an elected Highway Superintendent to an appointed Highway Superintendent.

No further comments or discussions were heard.

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

The meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The final version of this meeting was submitted to the Town Board for their review on October 18, 2017.

The final version of this meeting was approved as written at the Town Board meeting of _____.