

CONTINUATION OF PUBLIC HEARING NO. 1
RECESSED FROM FEBRUARY 19, 2020

LOCAL LAW OF 2020

AMENDMENT TO CHAPTER 178,
ARTICLE XVIII, SECTION 178-112 A(4) AND A(5)

The continuation of a Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, concerning the enactment of a Local Law amending Chapter 178, Article XVIII, Section 178-112 A(4) and A(5) of the Zoning Code of the Town of Cortlandville, by adding a sentence to each of the subsections as follows: For purposes of this section, “election” shall mean the earliest date by which a vote total can be tabulated exclusive of absentee ballots.

Members present:

Supervisor, Thomas A. Williams
Councilman, Jeffrey D. Guido
Councilman, Theodore V. Testa
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Absent:

Councilman, Jay E. Cobb

Others present were: Town Attorney, John A. DelVecchio; Town Code Enforcement Officer, Desiree Campbell; Town residents: Pamela Jenkins; Robert Martin; Jean Williams; and News Reporter: Colin Spencer from the *Cortland Standard*.

Supervisor Williams resumed the Public Hearing recessed from February 19, 2020.

Town Clerk, Kristin Rocco-Petrella read aloud the published, posted and filed legal notice.

Supervisor Williams informed those in attendance that the reason the Public Hearing was previously recessed was to satisfy the proper notification requirements to adjoining municipalities, which had been done. To date, the Town received no response from adjoining municipalities. Supervisor Williams offered privilege of the floor to those in attendance.

Town resident, Pamela Jenkins stated she had no problem with the time and dates. She stated her issue was that the law needs to apply equally to everybody. The issue she was referring to was the temporary candidate lawn sign in her neighborhood for “Trump”, not banners covering windows or doors. She referred to Article 178-112 (3). Ms. Jenkins stated she received a letter from the Town Attorney indicating that Article 178-113 table 2 applies to the signs, which she stated was arbitrary and capricious. She asked the Board to review the law and to apply it equally.

Supervisor Williams thanked Ms. Jenkins for her comments.

Supervisor Williams offered privilege of the floor to Robert Martin.

Town resident, Robert Martin commented that he was a candidate during the last election and recalled the issue that arose regarding the placement of candidacy signs in yards and when the 45-days before election commenced due to the new early voting. He referred to the Draft Town Board Minutes of September 18, 2019 and mentioned that there was an error in the Minutes regarding the use of “Election Day” and that the Minutes should have only read election” (Page 9, Draft TBM 09/18/19)

Mr. Martin asked the Board whether the sign ordinance was town-wide and applied to properties in the Village of McGraw as well, where election signs for his opposite political party were erected prior to 45-days as well. He asked whose responsibility it was for the placement of the election signs. Was it the responsibility of the land owner, the candidate or the political party? He mentioned that he personally never received a letter indicating that there was a violation as a candidate. Finally, Mr. Martin asked Attorney DelVecchio how he is providing a way of circumventing the placement of signs. He mentioned that there are Democratic candidates that will be running as well, and would like to see how he could get a permit also.

Supervisor Williams thanked Mr. Martin for his comments.

Supervisor Williams asked if there were any further comments to be made.

No further requests were made for privilege of the floor.

The Public Hearing was closed at 5:05 p.m.

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 Williams presiding.

Members present:

Supervisor, Thomas A. Williams
Councilman, Jay E. Cobb
Councilman, Jeffrey D. Guido
Councilman, Theodore V. Testa
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Others present were: Town Attorney, John A. DelVecchio; Town Code Enforcement Officer, Desiree Campbell; Town residents: Pamela Jenkins; Robert Martin; Jean Williams; and News Reporter: Colin Spencer from the *Cortland Standard*.

Supervisor Williams called the meeting to order.

Councilman Testa made a motion, seconded by Councilman Withey, to approve the Draft Town Board Minutes of January 22, 2020 and February 5, 2020. All voting aye, the motion was carried.

Councilman Cobb entered the meeting at 5:10 p.m.

RESOLUTION #71 AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER
#0163 TO RICOH USA TO PURCHASE AN IMC 3500
CONFIGURABLE PHOTOCOPIER/SCANNER FOR THE
TOWN CLERK'S OFFICE

Motion by Councilman Guido

Seconded by Councilman Withey

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0163 submitted by Town Clerk Rocco-Petrella to be paid to RICOH USA Inc., to purchase one RICOH IMC 3500 Configurable Bridge Unit BU3090, LCIT PB3290/Finisher SR3260, to be used in the Town Clerk's Office for photocopying/scanning, for the cost of \$4,034.56; and for the installation and training costs in the amount of \$457.50, for the total cost of \$4,492.06, and it is further

RESOLVED, the purchase price, per RICOH, is from piggybacking off another contract price extended to another county, which was lower than the State contract price.

RESOLUTION #72 AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER
#0164 TO NATIONAL AUTO FLEET GROUP TO PURCHASE
ONE NEW AND UNUSED 2021 FORD E-SERIES STRIPPED
CHASSIS (E3K) E-350 138" WB WITH MORGAN OLSEN
WALK-IN VAN & EQUIPMENT FOR THE WATER & SEWER
DEPARTMENT AND TO SELL EQUIPMENT AND VEHICLE
BEING REPLACED USING AUCTIONS INTERNATIONAL

Motion by Councilman Testa

Seconded by Councilman Withey

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0164 submitted by Water & Sewer Sup't. Alteri to be paid to National Auto Fleet Group, to purchase one new and unused 2021 Ford E-Series Stripped Chassis (E3K) E-350 138" WB with Morgan Olsen Walk-In Van & Equipment to be used for the Water & Sewer Department, for the total cost of \$54,353.00 (available under the Sourcewell contract, formerly known as NJPA, 120716-NAF), and it is further

RESOLVED, the Town Board hereby authorizes and directs the Water & Sewer Sup't. to sell a 1997 14' equipment cargo trailer (Vin #1CE05814V19975117) and a 2015 ¾ ton 4x4 Chevy Pickup with approximately 74,000 miles using Auctions International (Vin #1GC1KVEG1FF116279).

RESOLUTION #73 AUTHORIZE PAYMENT OF VOUCHERS – MARCH

Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the vouchers submitted have been audited and shall be paid as follows:

Funds A, B, DA, DB, HG, SF, SS, SW	Voucher #253-333	
	General Fund A	\$ 142,020.31
	General Fund B	\$ 60,987.46
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 51,436.64
	Gutchess Lumber SC Project HG	\$ 1,350.91
	C'Ville Fire District SF	\$ 0.00
	Sewer Fund SS	\$ 4,311.91
	Water Fund SW	\$ 8,240.18
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Funds TA, TE	Voucher #9-9	
	Trust & Agency TA	\$ 7,317.83
	Expendable Trust TE	\$ 0.00

Supervisor Williams offered privilege of the floor to Robert Martin.

Robert Martin commented on the use of Auctions International for the sale of the Water & Sewer Department equipment trailer and truck as he was familiar with the auction site. He commented that the Town could refuse a bid if they felt the price offered was not what was expected.

Supervisor Williams and the Board thanked Mr. Martin for his comments. No further requests for privilege of the floor were made.

Councilman Testa made a motion, seconded by Councilman Withey, to receive and file the following monthly reports:

- 1) Water & Sewer Department – January 2020;
- 2) Code Enforcement Officer, Kevin McMahon – February 2020
- 3) Fire & Safety Inspections, Desiree Campbell – February 2020
- 4) Tax Collector – February 2020;
- 5) Town Clerk – February 2020.

All voting aye, the motion was carried.

RESOLUTION #74 ACCEPT THE ANNUAL FIXED ASSET REPORT FOR 2019

Motion by Councilman Testa

Seconded by Councilman Withey

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the Annual Fixed Asset Report for 2019 as submitted by Patricia O'Mara, Fixed Asset Manager.

Under “old business” there was discussion regarding the renewal of the Trailer Park Permit for Cortland Mobile Home Park (Cortland MHP). Code Enforcement Officer, Desiree Campbell was in attendance and presented the Board with information pertaining to the current violations of the park, as sited in her report issued and received and filed by the Board at the February 19, 2020 meeting. Cortland MHP was given an extension to the original comply-by date of February 14, 2020. CEO Campbell conducted an re-inspection on March 3, 2020 and the violations had not been rectified. She provided the Board with photos of the violations (on file with the Town Clerk). CEO Campbell explained the renewal permit application process to the Board and read from the Town Code. She suggested that at this time, the permit not be renewed. There was discussion regarding the revocation of the permit, the process of which is outlined in Section 151-9 of the Town Code as follows:

§ 151-9 Revocation of permit.

If a police officer, health officer or any authorized representative of the Town of Cortlandville finds that any trailer park is not being maintained in a clean and sanitary condition, or is not being conducted in accordance with the provisions of this chapter, such facts shall thereupon be reported to the Town Board, and the said Town Board may direct the Town Clerk to serve an order, in writing, upon the holder of the permit or the person in charge of said park, directing that the conditions therein specified be remedied within five days after the date of service of such order. If such conditions are not corrected after the expiration of said five-day period, the Town Board may cause a notice, in writing, to be served upon the holder of the said permit or the person in charge of such trailer park, requiring the holder of the permit to appear before the Town Board of the Town of Cortlandville at a time to be specified in such notice and show cause why such trailer park permit should not be revoked. The Town Board may, after a hearing at which testimony of witnesses may be taken and the holder of the permit shall be heard, revoke such permit if said Town Board shall find that said park is not being maintained in a clean and sanitary condition, or if they find that any provisions of this chapter have been violated, or for other sufficient cause. Upon the revocation of such permit, the premises shall forthwith cease to be used for the purpose of a trailer park, and all house trailers, tents and tent houses shall forthwith be removed therefrom.

Councilman Guido asked what would happen if the permit was revoked. Attorney DelVecchio explained that if the Town took the appropriate action to revoke the permit then the trailer park would not have the authority to continue to operate. If the trailer park continued to operate, he would look at the available remedies to enforce that fact, which may include a quasi-criminal court action in which he would have to prove to the judge that the permit was properly revoked. Attorney DelVecchio was not sure whether the court would have the authority to eject the trailers or whether fines would be payable to the Town.

CEO Campbell reported to the Board that after she completed her violation notices, it came to her attention that a report was made to the Cortland County Health Department that there was a sewage leak at trailer #179, which was also one of the trailers that she noted violations at as well. The County Health Department sited the sewage leak as a public health hazard, and copied CEO Campbell on the report.

Supervisor Williams suggested that at this time the Board authorize Attorney DelVecchio to write a letter to the property owner with a date specific as to when a re-inspection will occur. After that time, the Board could take the appropriate action.

RESOLUTION #75	REFER CODE VIOLATION OF CORTLAND MHP ASSOCIATES, INC. TO THE TOWN ATTORNEY FOR REVIEW AND AUTHORIZE HIM TO PROCEED WITH COMPLIANCE AS REQUIRED
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Motion by Councilman Guido

Seconded by Councilman Cobb

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby refer the Code Violation of Cortland MHP Associates, Inc. for property located at 1054 Route 13, tax map #96.09-04-10.000, known as Cortland Estates Mobile Home Park, to the Town Attorney for review and authorizes him to proceed with compliance as required.

There was discussion regarding the proposed Local Law of 2020 to amend Chapter 178, Article XVIII, Section 178-112 A(4) and A(5) of the Code of the Town of Cortlandville.

Councilman Withey asked for information about the permits issued pertaining to the sign that Ms. Jenkins spoke of during the public hearing earlier this evening.

Attorney DelVecchio explained that it was not appropriate to discuss a particular situation when discussing the consideration of the local law. He stated there are matters that have been recently taken up by the Town that may or may not be applicable. He stated the purpose of the modification has to do with timing as it pertains to a “candidacy” sign. Any issue related to who the criminal actor is, whether it is the landowner, the person who puts up the sign, or the political party, was not relative to the purpose of this modification to the local law. He hoped that if the Board adopted the local law, the ambiguity as it relates to timing will be cleared up.

Councilman Withey asked whether the Town was issuing permits for signs to remain and asked for clarification of Section 178-112 and Section 178-113. Supervisor Williams suggested Councilman Withey ask his question later in the meeting during the agenda item for “Town Board Member Reports”.

Attorney DelVecchio read the proposed amendments to the local law aloud: “For purposes of this section, ‘election’ shall mean the earliest date by which a vote total can be tabulated exclusive of absentee ballots.” The amendment defines the word “election” which would clear up ambiguities with respect to when the 45-days start.

Councilman Guido asked about the process for handling a complaint. Attorney DelVecchio explained that if a specific complaint is made to the Code Office, the Code Enforcement Officer (CEO) would send a letter demanding that the alleged violation be rectified by a specific date. If the matter is not rectified then Attorney DelVecchio would get involved and perhaps a court action is filed. He explained that all code violations are handled similarly.

Councilman Withey asked that his initial question, which was posed by Ms. Jenkins and Mr. Martin, be discussed at the next meeting. No further discussion was had with regard to the proposed local law at this time.

RESOLUTION #76 ADOPT LOCAL LAW NO. 1 OF 2020 AMENDING CHAPTER 178, ARTICLE XVIII “SIGNS”, SECTION 178-112 A(4) AND A(5) “PERMITTED SIGNS” OF THE ZONING CODE OF THE TOWN OF CORTLANDVILLE

Motion by Councilman Guido

Seconded by Councilman Withey

VOTES: Supervisor Williams	Aye
Councilman Cobb	Aye
Councilman Guido	Aye
Councilman Testa	Aye
Councilman Withey	Aye

ADOPTED

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a public hearing to be held by said Board to hear all interested parties on a proposed Local Law amending Chapter 178, Article XVIII, Section 178-112 A(4) and A(5) of the Code of the Town of Cortlandville, and

WHEREAS, notice of said public hearing was duly published in the *Cortland Standard*, the official newspaper of the said Town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, as required by law, and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Cortlandville hereby adopts said Local Law as Local Law No. 1 of 2020, amending Chapter 178, Article XVIII “Signs”, Section 178-112 “Permitted Signs”, A(4) and A(5), of the Code of the Town of Cortlandville, a copy of which is attached hereto and made a part hereof, and the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Cortlandville, and to give due notice of the adoption of said Local Law to the Secretary of State.

Be it enacted by the Town Board of the Town of Cortlandville as follows:

Section 1:

Amend Chapter 178, Article XVIII, Section 178-112 A(4) and A(5) of the Zoning Code of the Town of Cortlandville by adding a sentence to each of the subsections as follows:

For purposes of this section, “election” shall mean the earliest date by which a vote total can be tabulated exclusive of absentee ballots.

Section 2:

This Local Law shall become effective when filed with the Secretary of State of the State of New York, as required by law.

Attorney DelVecchio reported:

Contract with Siemens Industry, Inc.:

Attorney DelVecchio explained that in 2019, the Town Board entered into a contract with Siemens Industry, Inc. for LED streetlights (and building infrastructure upgrades). There were discrepancies over the location of 19 streetlights in the Town. National Grid had different information in its records than Siemens did. Clarification was necessary before moving forward with the purchase of the streetlights. Attorney DelVecchio facilitated a meeting between Siemens and Highway Sup’t. Bassett, who were in the process of clarifying the location of the streetlights in question. Attorney DelVecchio would report back to the Board at a later date as to whether or not the Town would have to amend the previously executed agreement, since the exact number of streetlights was required in order to facilitate the sale to the Town. Attorney DelVecchio hoped the increase would not have a significant effect on the contract price.

Signs:

Attorney DelVecchio stated there should be discussion in the future pertaining to some of the issues that have been mentioned about signs. He urged the Board not to get into certain specific instances where there is a possibility that there could be a legal challenge to any administrative decision made by the Town. He did not think there was a problem with having a general discussion about these issues.

Town Board Member Reports:

Councilman Withey apprised the Board that the Cortland County Airport Committee would be meeting on March 9, 2020. He would report back to the Board with any information at a later date.

Councilman Withey provided the Board with information pertaining to establishing a “Board of Ethics” for the Town of Cortlandville. He asked the Board to review the provisions, and asked that the item be added to the next agenda for Board discussion.

Councilman Withey also commented on the newly constructed conference room in the Water/Sewer garage for use by the Town and complimented the Town employees who completed the work. Councilman Testa agreed. Supervisor Williams added that a conference room table was being constructed out of local barn wood by Fred Walker. The conference room would house its first meeting tomorrow.

Supervisor Williams reported:

Proposals for Phone System and Audio/Visual/Speaker System Improvements:

Supervisor Williams apprised the Board that he received three separate proposals from Beard Electric for the following: 1. Upgrades to the audio equipment for the meeting room/court room to include new mounted, swing-arm wireless microphones, a new amp, 4 ceiling mounted speakers; 2. Update the phone system to merge the Town Court offices with rest of the Town Hall, and eventually to develop an attended system with one phone number for the Town; 3. Install a 65” monitor to be mounted on the wall in the meeting room/court room to be utilized for board presentations. The total cost for all three proposals was \$21,024.00. Supervisor Williams explained that the new sound system would cost approximately \$15,000; the phone system

would cost approximately \$2,500 (the current system may still be marketable and could be sold at auction); and the television/monitor would cost approximately \$3,600.

In order to get the item on the floor for discussion, Councilman Withey made a motion to approve the three separate proposals from Beard Electric as submitted to Supervisor Williams, seconded by Councilman Guido. Discussion occurred with regard to the proposals.

Councilman Withey asked how the projects would be funded and whether they were budgeted for. Supervisor Williams explained that according to the Bookkeeper's office contingency funds were available to cover the cost. Town Clerk Rocco-Petrella recalled that in 2019, when improvements to the sound system were initially being researched and discussed by the Board, the intent was to pay for the improvements utilizing the building fund budget line. However, at year end the heating system in the Town Hall required repair and funds were no longer available. Supervisor Williams stated that a budget modification would be necessary.

Councilman Withey stated that he was in favor of the project, however he was interested in obtaining more information on the budget and expenses. He suggested the matter be tabled to allow more time for the Board to speak to the Bookkeeper. Supervisor Williams called for a vote on the original motion.

With all members voting NAY, the motion failed.

RESOLUTION #77 TABLE DISCUSSION ON PROPOSALS TO UPDATE THE
TOWN'S PHONE SYSTEM AND AUDIO/VISUAL/SPEAKER
SYSTEM IMPROVEMENTS FOR TOWN MEETING
ROOM/COURT ROOM

Motion by Councilman Withey

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby table discussion on the proposals received to update the Town's phone system and audio/visual/speaker system improvements for the Town meeting room/court room.

Professional Services Contract:

Supervisor Williams stated that the Town employs a local company (Beard Electric) to take care of the phones and electrical in the building. He suggested that it would be appropriate to enter into a professional services contract with the company, similar to the engineering contract the Town has with CHA, to eliminate the need for competitive bidding every time the Town has work to be done of such a nature. He stated that that prevailing wage does not apply for professional service contracts as well which would reduce costs. Without objection from the Board, Supervisor Williams would bring a proposal to the Board for a professional services contract at the next meeting. Councilman Withey agreed that such entering into such a contract would be beneficial to the Town, since the company was already familiar with the intense amount of wiring already present in the building. He stated that it could be more labor intensive and cost the Town more in the long-run to hire a company from out the area.

Time Keeping Contract with Paychex:

Supervisor Williams recalled that the Board recently adopted a resolution to contract with Paychex Inc. to provide payroll services for the Town. Along with payroll services, the company offers a time recording service that would keep track of employees' time at work utilizing a computer by logging into a computer or app on a cell phone and would eliminate the current "handwritten" system. The time recording system also has the ability to monitor location which would be helpful for those who work off site. The additional cost of the time keeping system was approximately \$1,100 per year.

Councilman Withey asked whether there was money in the budget to cover the additional cost. Supervisor Williams explained that there was an approximate net increase of \$1,800 for payroll services including the additional cost for the time keeping system.

Councilman Withey asked what would happen in situations such as an employee not being able to log-in from a cell phone. Supervisor Williams explained that employees could also log-in from computers and that department heads would have the ability to override the program and correct errors.

Supervisor Williams commented that the Highway Department employees currently utilize a time clock. Highway Sup't. Bassett spends hours reviewing and reconciling the employee time sheets before they go to the Bookkeeper's office. The new time keeping system would benefit him and his department greatly. Supervisor Williams added that the new time keeping system would also resolve the Town's "rounding system" because it would clock employees to the minute rather than rounding to the nearest quarter hour. After having conversations with Paychex, Supervisor Williams was led to believe that the Town would see savings in its payroll by clocking employees to the minute rather than by the quarter hour. He added that the employees would also be able to see their accruals or personal time with the new system.

Councilman Withey added that a new time keeping system, that could monitor employees when off-site, could help keep employees more accountable for their time.

Councilman Testa was concerned as to whether department heads were aware of the new proposal and asked if Supervisor Williams was proposing that all Town employees use the time keeping system to "clock in". He asked why the department heads were not managing their employees' time.

Supervisor Williams explained that as Supervisor he signs all paychecks. The Bookkeeper's office reviews all of the paperwork and processes the payroll. The new system would eliminate much of the paperwork and would be more efficient. Supervisor Williams spoke with Highway Sup't. Bassett who was in favor of the new system, and also spoke with all department heads regarding such.

There was discussion regarding adopting a time keeping policy for all employees. Attorney DelVecchio stated that this was a policy the Board would potentially adopt. He thought the Town should make a distinction if the Fair Labor Standards Act (FLSA) was applicable. He stated that the Board should consider either making this a policy for all employees or potentially get into the distinction between "exempt" and "non-exempt" employees, which has to do with whether or not an employee is entitled to overtime. Non-exempt employees receive overtime compensation, while exempt employees do not. There are certain thresholds in the law that would qualify an employee as exempt or non-exempt. Attorney DelVecchio stated it was important to consider whether or not the Board wants to adopt the policy for all employees or get into those distinctions.

Supervisor Williams stated that he spoke to both non-exempt and exempt employees, but not all employees, and did not hear any bad comments. He explained that almost all Highway Department employees and Water/Sewer Department employees were non-exempt employees.

Discussion continued regarding exempt versus non-exempt employees; there were likely eight employees for the Town that could be classified as exempt. The question was, given their exempt status and the understanding that exempt employees are not entitled to overtime, did the Board want to make those employees subject to a time keeping policy.

Councilman Testa asked about the Town Clerk's employees or staff in the Bookkeeper's office and what would happen if the staff worked more hours than the normal workweek. Supervisor Williams explained that as he understood the law, all three deputies are not "exempt" employees as they do not meet the salary threshold in the law. Attorney DelVecchio stated that as such, the deputies could receive overtime. Supervisor Williams stated that overtime could be paid or in comp time. He mentioned that the Town's standard workweek for office staff was 35 hours, whereas the FLSA discusses 40-hour work weeks. Non-exempt employees working between 35 and 40 hours would be compensated at their straight hourly pay or in comp time, and would be compensated at time and a half for work over 40 hours. Supervisor Williams stated that the time keeping system would take care of the calculations. He explained that the employees would no longer have to fill out paperwork as it would be taken care of by the computer program.

Attorney DelVecchio suggested that if the Board chose to do so, that they act on the original motion to authorize the time keeping system that Paychex offers, and then to act on adopting a policy for all Town employees to use the time keeping system. The Board could discuss the exempt versus non-exempt status for employees in the future.

RESOLUTION #78**ACCEPT PROPOSAL FROM PAYCHEX INC. TO PROVIDE
TIME KEEPING SERVICES FOR THE TOWN OF
CORTLANDVILLE**

Motion by Councilman Withey

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept the proposal from Paychex Inc. to provide time keeping services for the Town of Cortlandville, at an additional cost of approximately \$1,100.00 to the original payroll service agreement previously approved by the Board per Town Board Resolution #67 of 2020.

RESOLUTION #79 ADOPT A “TIME KEEPING POLICY” FOR ALL EMPLOYEES
OF THE TOWN OF CORTLANDVILLE

Motion by Councilman Cobb

Seconded by Councilman Withey

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt a “Time Keeping Policy” for the Town of Cortlandville in which it is mandatory for all employees to utilize a time keeping program as provided for, at this time, by Paychex Inc.

RESOLUTION #80 AUTHORIZE SUPERVISOR TO SIGN THE ANNUAL
SERVICES AGREEMENT BETWEEN CIVICPLUS AND THE
TOWN OF CORTLANDVILLE FOR WEBSITE SERVICES

Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Annual Services Agreement between CivicPlus and the Town of Cortlandville for the Town’s website to include hosting, support and maintenance in the amount of \$2,094.75, and it is further

RESOLVED, the agreement shall be effective March 1, 2020 until February 28, 2021 with an automatic renewal clause unless the contract is terminated by either party.

RESOLUTION #81 DECLARE THE MONTH OF APRIL AS FAIR HOUSING
MONTH IN THE TOWN OF CORTLANDVILLE

Motion by Councilman Cobb

Seconded by Councilman Testa

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

WHEREAS, in accordance with the Title VIII Fair Housing Policy of the Civil Rights Act of 1968 and the Fair Housing Amendments Act of 1988, and

WHEREAS, the month of April 2020 has been designated by the US Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity as Fair Housing Month, now therefore

BE IT RESOLVED, the Town Board of the Town of Cortlandville hereby declares and proclaims the month of April as Fair Housing Month in the Town.

RESOLUTION #82 AUTHORIZE SUPERVISOR TO SIGN THE GRANT
CLOSEOUT FORMS REGARDING NYS CDBG #287SB902-18
ECONOMIC DEVELOPMENT/SMALL BUSINESS GRANT
FOR ROYAL NISSAN OF CORTLAND, INC.

Motion by Councilman Withey

Seconded by Councilman Guido

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

WHEREAS, the New York State Office of Community Renewal (OCR) has determined that the Town of Cortlandville has completed CDBG Project #287SB902-18 and can now begin the formal closeout process, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Grant Closeout Transmittal Form for New York State Community Development Block Grant #287SB902-18 Economic Development/Small Business Grant for Royal Nissan of Cortland, Inc.

RESOLUTION #83 AUTHORIZE SUPERVISOR TO SIGN THE GRANT WRITING SERVICE AGREEMENT BETWEEN THE TOWN AND THOMA DEVELOPMENT CONSULTANTS TO APPLY FOR A 2020 NYS ENVIRONMENTAL PROTECTION FUND (EPF) GRANT FOR THE GUTCHESS LUMBER SPORTS COMPLEX PHASE 2

Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Grant Writing Service Agreement between the Town of Cortlandville and Thoma Development Consultants to apply for a 2020 NYS Environmental Protection Fund (EPF) Grant for the Gutches Lumber Sports Complex Phase 2, in an amount not to exceed \$900.00.

There was discussion regarding entering into an agreement with Plan First Technologies, Inc. to provide the Town with the service, maintenance and management of all computers and servers in the Town offices at the monthly rate of \$1,520.00. Supervisor Williams explained that the Town had been contracting with Cortland County Information Technology (IT) for such services for many years, however the Town's needs were increasing at the same time that the County IT Department was in more demand. The new agreement would relieve the County from the day to day in-house computer problems, however the County would still be involved with maintaining off-site servers and backups.

Councilman Withey asked whether there was enough money in the budget to cover the new contract. Supervisor Williams explained that the cost would be more than what the Town previously paid the County, however the increase in services was necessary.

RESOLUTION #84 AUTHORIZE SUPERVISOR TO SIGN THE AGREEMENT BETWEEN THE TOWN AND PLAN FIRST TECHNOLOGIES, INC. FOR SERVICE, MAINTENANCE AND MANAGEMENT OF ALL COMPUTERS AND SERVERS IN TOWN OFFICES

Motion by Councilman Cobb

Seconded by Councilman Withey

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the agreement between the Town of Cortlandville and Plan First Technologies, Inc. for service, maintenance and management of all computers and servers in Town offices in the amount of \$40.00 per computer per month, for a total cost of approximately \$1,520.00 per month.

There was discussion regarding the construction of a public walking trail on Town property located at 3577 Terrace Road (Town Hall) and 3587 Terrace Road (Municipal Garage). Supervisor Williams suggested the public walking trail be constructed as a benefit to the public and to the Town employees. A proposed drawing of the walking trail was provided to the Board for their review. According to Supervisor Williams, Highway Sup't. Bassett indicated that he could construct the path quickly and easily with Town equipment and personnel. Members of the Board were in favor of the idea and mentioned the benefit to the community.

RESOLUTION #85 AUTHORIZE CONSTRUCTION OF A PUBLIC WALKING
TRAIL ON TOWN PROPERTY LOCATED AT 3577 TERRACE
ROAD AND 3587 TERRACE ROAD

Motion by Councilman Cobb

Seconded by Councilman Testa

VOTES: AYE – Williams, Cobb, Guido, Testa, Withey NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Highway Superintendent to construct a public walking trail (approximately ½ mile loop) on Town property located at 3577 Terrace Road and 3587 Terrace Road utilizing Town personnel and equipment.

No further comments or discussion were heard.

Councilman Testa made a motion, seconded by Councilman Withey, to recess the Regular Meeting to an Executive Session to discuss pending litigation and a potential lease agreement. All voting aye, the motion was carried.

The meeting was recessed at 6:23 p.m.

Councilman Withey made a motion, seconded by Councilman Cobb, to adjourn the Executive Session and reconvene the Regular Meeting. All voting aye the motion was carried.

The Executive Session was adjourned at 6:45 p.m.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:45 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 April 8, 2020.

The final version of this meeting was approved as written at the Town Board meeting of April 15, 2020.