

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the McGraw Community Building in the Village of McGraw, McGraw, New York, with Supervisor Tupper presiding.

Members present: Supervisor, Richard C. Tupper
 Councilman, Theodore V. Testa
 Councilman, John C. Proud
 Councilman, Gregory K. Leach
 Councilman, Walter J. Kasperek
 Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Village of McGraw Mayor, Allan Stauber; Barb Leach; Maria McGuinness; Jim Field; Matt O'Rourke; Michael Barylski; Andrea Niggli; Pat Leach; Bonnie Doughty; News Reporters: Brad Smith from WXHC, Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of April 15, 2016 as submitted. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Planning Board Minutes of March 29, 2016. All voting aye, the motion was carried.

There was discussion regarding payment of the bills. Councilman Leach questioned the bill for a repair to the sewer camera. Councilman Proud explained that the repair was for a bad seal and that the camera was no longer under warranty.

Councilman Leach also commended the Town Water & Sewer Department for their recent work on a new fire hydrant at the Cortlandville Fire Station.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS - MAY

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

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

Funds A, B, DA, DB	Voucher #375-421	
	General Fund A	\$ 97,281.17
	General Fund B	\$ 13,339.72
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 10,086.71
Funds CD1, CD3, CD4	Voucher #6-6	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 1,072.15
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #162-177	
	Luker Rd Water HA	\$ 3,620.00
	Owego St Water HB	\$ 1,050.72
	NYS Rt 13 Sewer Rehab HC	\$322,137.53
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 2,638.05
Water SW	\$ 73,304.91	
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 Maria McGuinness.

Maria McGuinness, resident of McGraw Marathon Road, introduced herself and her neighbor Bonnie Doughty to the Board. She apprised the Board that since she moved to her home 3 years ago, Smith Brook has flooded and has taken a significant amount of her property. She estimated it took about 60-70 feet of her 216.5 foot wide lot. Mrs. McGuinness stated she conducted research and found there was an easement for the Town of Cortlandville to maintain the Brook, for all seven properties along the Brook.

Ms. Doughty stated that they were looking for the Town to help the property owners correct the problem. She mentioned that she sent an email to the Town in 2015 regarding the matter but did not receive a response.

Mrs. McGuinness and Ms. Doughty indicated that one property owner in particular, Lester Bordwell, was performing some work in the creek with his bulldozer, which was rerouting the flow of the creek. The bank of the Brook was now a 12 foot drop off, which they felt was dangerous, and stated that the Brook has become the width of a river. Ms. Doughty stated that the DEC gave Mr. Bordwell a warning. She also spoke with the Army Corps of Engineers who indicated it could be a federal violation. Mrs. McGuinness questioned whether the Town of Cortlandville should get involved and fix the problem. She was quoted an estimate price of \$18,000 to build a wall, which she was not prepared to pay for.

Ms. Doughty and Mrs. McGuinness presented the Board with photographs from the last flood depicting the raised waters and their properties. They were afraid that if nothing is done the bank would continue to erode. Ms. Doughty indicated that she already moved her fence back 50 ft.

Highway Sup't Bush stated that he did not have any knowledge of the easement, and mentioned that he has worked for the Town for 32 years. The Town has never had anything to do with the properties.

Ms. Doughty indicated that she spoke with Senator Seward's office regarding the issue and that they thought the Town should be involved because of the easement.

Attorney Folmer requested both Ms. Doughty and Mrs. McGuinness' contact information. The Town would look into the matter and either he or Highway Sup't. Bush would get back to them. Supervisor Tupper added that this was the first time that the Board was made aware of the easement. The Town would also have to contact the DEC.

The monthly reports of the Supervisor, Tax Collector, Town Clerk, and Water & Sewer Department for the month of April were on the table for review and are filed in the Town Clerk's office.

There was a brief discussion regarding the Town Court and the funds taken in versus the revenue. Supervisor Tupper mentioned that he recently spoke with Justice Casullo who informed him that the Town Court moved from the 39th to the 35th largest Town Court in the State. Justice Casullo calculated the Town's revenue for 2015 just shy of 20%. The Town Court loses money.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Time Warner Cable, dated May 4, 2016, regarding programming services. All voting aye, the motion was carried.

Town Clerk Snyder had no new business to report.

Attorney Folmer reported:

Article 78 Proceedings – Jenkins et al. vs. Town / Dave McMasters, LLC et al vs. Town:

Attorney Folmer mentioned that the Town was still waiting for decisions regarding the pending Article 78 Proceedings, Jenkins et al. vs. Town of Cortlandville et al and Dave McMasters, LLC et al vs. Town of Cortlandville et al. Attorney Folmer expected decisions on both matters soon.

Lease Agreement with Lime Hollow Nature Center:

Attorney Folmer recalled that the Board authorized by resolution the execution of a lease agreement between the Town of Cortlandville and the Lime Hollow Nature Center, subject to permissive referendum. The period of time for a referendum to be conducted has passed. Attorney Folmer requested Supervisor Tupper sign the lease agreement (4 copies) and return it to him.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file the Bid Recommendation from CHA, dated April 14, 2016, regarding the Luker Road and Owego Street (Route 215) Water Installation Project. All voting aye, the motion was carried.

Attorney Folmer indicated that the Board could not yet award the bid because there was a 20-day waiting period after publication of the Bonding Resolution, which was published May 2, 2016. Attorney Folmer suggested the Board call a special meeting to award the bid on May 24, 2016 to adhere to the 45-day requirement to award a bid after a bid opening.

Supervisor Tupper apprised the Board that he spoke with Laura Cassalia from CHA regarding ongoing water and sewer projects. The NYS Route 13 Sanitary Trunk Sewer Rehabilitation Project was almost complete and would be closed out soon. The Town recently received the new Vector truck. The paving was scheduled for the Oakcrest/Pendleton Street Sewer Installation Project. Once completed the project could be closed out as well.

Councilman Leach commented on the Lamont Memorial Library in the Village of McGraw and the quality of the services offered. There was a drop in attendance, however it was increasing. He stated that the Library was an asset to the community. The Library was also very grateful for the funding the Town provides.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:25 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The draft version of this meeting was submitted to the Town Board for their review on May 18, 2016.

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