

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
APD ENGINEERING & ARCHITECTURE, PLLC - ALDI
908 NYS ROUTE 13
TAX MAP #95.16-02-45.000

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 an application for an Aquifer Protection Permit submitted by APD Engineering & Architecture, PLLC, requesting to construct a 19,054+/- sq. ft. retail food store on the site of an existing 14,860+/-sq. ft. retail food store and to reduce the size of the existing building to 11,064+/- the number of parking spaces on site from 133 to 106, for property located on the south side of NYS Route 13, immediately east of the intersection of NYS Route 281 & NYS Route 13, tax map #95.16-02-45.000.

Members present:

Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, Gregory K. Leach
Town Clerk, Karen Q. Snyder, RMC

Absent:

Supervisor, Richard C. Tupper
Councilman, Walter J. Kasperek

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Todd Markevich, from APD Engineering & Architecture, PLLC; News Reporter: Tyrone Heppard from the *Cortland Standard*, Sharon Stevans from Channel 2, Access TV; Town resident, Pam Jenkins.

Councilman Testa called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

Councilman Testa offered privilege of the floor to those in attendance.

On behalf of Aldi, Todd Markevich from APD Engineering & Architecture, PLLC, addressed the Board requesting to review for SEQR, an Aquifer Protection Permit Application and to provide a summary of the project. He explained they have changed plan configurations based on the Cortlandville Town Planning Board comments and also indicated Aldi's will be seeking signage variances with the Cortlandville ZBA. Mr. Markevich reported that they will be adding another building to the existing Aldi's site. Aldi's will maintain the existing store until the new building is built. Once in the new building, Aldi's will remove a portion of the existing building and eventually lease the remaining space to future tenants. By demolishing only part of the building, Aldi's is able to maintain green space. The parking lot will remain as is and Aldi's will utilize the existing basin, the only difference being they will be providing some pretreatment upstream with that basin, while installing a plunge pool. Mr. Markevich stated that they have made a Stormwater Management Plan submittal to Pat Reidy of the Cortland County Soil and Water and once approved by them, Aldi's will also submit their Stormwater Management Plan to the NYS DEC as they are disturbing more than one acre. Councilman Proud mentioned that this project is considered a redevelopment project and although they did not need to meet current storm water management regulations, it was suggested that they do. Mr. Markevich relayed that they will be able to provide 100 percent of the required water quality volume.

No further comments or discussions were heard.

The Public Hearing was closed at 5:15 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 Tupper presiding.

Members present:

Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, Gregory K. Leach
Town Clerk, Karen Q. Snyder, RMC

Absent:

Supervisor, Richard C. Tupper
Councilman, Walter J. Kasperek

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Todd Markevich, from APD Engineering & Architecture, PLLC; News Reporter, Tyrone Heppard from the *Cortland Standard* and Sharon Stevans from Channel 2, Access TV; Town Resident, Pam Jenkins.

Councilman Testa called the meeting to order.

Attorney Folmer and the Board reviewed the Short Environmental Assessment Form for the Aquifer Protection Permit application submitted by APD Engineering & Architecture, PLLC (Aldi), for property located at 908 NYS Route 13.

RESOLUTION #	DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION PERMIT #1 OF 2017 SUBMITTED BY APD ENGINEERING & ARCHITECTURE, PLLC (ALDI) FOR PROPERTY LOCATED 908 NYS ROUTE 13
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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Testa, Proud, Leach

ABSENT-Kasperek, Tupper

ADOPTED

NAY - 0

WHEREAS, an Aquifer Protection Permit application was submitted by APD Engineering & Architecture, PLLC (Aldi) requesting to construct a 19,054+/- sq. ft. retail food store on the site of an existing 14,860+/- sq. ft. retail food store and to reduce the size of the existing building to 11,064+/- sq. ft. and the number of parking spaces on site from 133 to 106, for property located on the south side of NYS Route 13, immediately east of the intersection of NYS Route 281 & NYS Route 13, tax map #95.16-02-45.000, and

WHEREAS, the Town Board as Lead Agent, duly reviewed and completed the Short Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent does hereby declare the proposed project of APD Engineering & Architecture, PLLC (Aldi), Aquifer Protection Permit application #1 of 2017, shall have no significant environmental impact.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION OF AQUIFER PROTECTION PERMIT #1 OF 2017
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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Testa, Proud, Leach

ABSENT-Kasperek, Tupper

ADOPTED

NAY - 0

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #1 of 2017, submitted by APD Engineering & Architecture, PLLC (Aldi).

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS – DECEMBER 2016

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Testa, Proud, Leach

NAY - 0

ABSENT: Tupper, Kasperek

ADOPTED

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

Funds A, B, DA, DB	Voucher #1278-1295	
	General Fund A	\$ 18,711.77
	General Fund B	\$ 14.57
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 9,622.39
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #504-507	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 95.86
	Water SW	\$ 3,084.44
Funds SF, TA, TE	Voucher #(None)	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 0.00
	Expendable Trust TE	\$ 0.00

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS – JANUARY

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Testa, Proud, Leach

NAY - 0

ABSENT: Tupper, Kasperek

ADOPTED

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

Funds A, B, DA, DB	Voucher #9-60	
	General Fund A	\$ 101,539.93
	General Fund B	\$ 4,115.86
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 7,180.72
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #4-35	
	Luker Rd Water HA	\$ 4,725.00
	Owego St Water HB	\$ 1,575.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 33,594.35
	Water SW	\$ 115,786.11
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 Pam Jenkins.

Pam Jenkins voiced to the Town Board that on January 26, 2017, our legislatures will vote on two laws: Local Law A and Local Law B which will replace all solid waste laws. Ms. Jenkins stated that she feels this would turn the county landfill into an ash dump. She explained her reasoning by stating Law A would create a regional dump for incinerator ash and construction and demolition waste. She said the incinerator ash could be brought in as industrial waste, commercial waste and solid waste. She inferred that no limits are shown for the number of tons of ash or CND waste or recyclables which could be imported from other counties. She expressed that the landfill permit could be increased to 100,000 or 200,000 tons per year to take all of Onondaga County's ash and CND waste. Onondaga County does not include CND waste in their flow control and it could be trucked out to our landfill. Ms. Jenkins alerted that the two Local Laws remove local law land use controls, by giving the Highway Department the power to make decisions about the numbers and the locations and activities allowed at transfer stations and other facilities that would be used for an ash dump. Ms. Jenkins stated that Law B, on page one, requires the County to follow the 2014 Solid Waste Management Plan, which was published by Barton & Loguidice, Ash for Trash and cited that the Solid Waste Management Plan is the basis for Law B. Ms. Jenkins insinuated that without actually writing Ash for Trash into the Law, different tactics have been used to turn our landfill into an ash dump. Attorney Folmer interjected and stated that he understood Ash for Trash was taken off the table and questioned if Law B was putting it back in just as it was. Ms. Jenkins responded yes, and remarked that the Executive Summary of the Solid Waste Management Plan of 2014, states all of Cortland County trash will be trucked up to OCCRA's incinerator and OCCRA's ash will be put into Cortland County's landfill. She reiterated that Law B is calling for implementation of the the Solid Waste Management Plan of 2014. Pam offered to forward documents and links to the Board, as she has been studying Ash for Trash with scientists, lawyers and engineers. Attorney Folmer indicated that he would appreciate her doing so.

The monthly reports of the Town Supervisor, Town Justices, Code Enforcement Officer and Water & Sewer Department all for the month of December 2016, were on the table for review and are filed in the Town Clerk's office.

RESOLUTION # ACCEPT ANNUAL REPORT OF THE TOWN CLERK

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Testa, Proud, Leach

NAY - 0

ABSENT: Tupper, Kasperek

ADOPTED

BE IT RESOLVED, the Annual Report of the Town Clerk for the year 2016 is hereby accepted, and shall be received and filed.

RESOLUTION # ACCEPT ANNUAL REPORT OF THE CODE ENFORCEMENT
OFFICER

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Testa, Proud, Leach

NAY - 0

ABSENT: Tupper, Kasperek

ADOPTED

BE IT RESOLVED, the Annual Report of the Code Enforcement Officer for the year 2016 is hereby accepted, and shall be received and filed.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from the Town Clerk of the Town of Dryden, dated December 28, 2016, regarding the town's proposed Local Law extending their moratorium on certain public utility installations. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE REMOVAL OF THE SEWER BENEFIT TAX
UNIT CHARGE FOR PROPERTY OWNED BY THE TOWN OF
CORTLANDVILLE AT 1416 STARR ROAD

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Testa, Proud, Leach

NAY - 0

ABSENT: Tupper, Kasperek

ADOPTED

BE IT RESOLVED, that Town Clerk/Tax Collector, Karen Q. Snyder, RMC is hereby authorized and directed to remove the Sewer Benefit Tax unit charge for parcel #96.00-01-08.100, owned by the Town of Cortlandville located at 1416 Starr Road, commencing with the 2017 Town and County tax bill.

Attorney Folmer reported:

Troy and Banks:

Attorney Folmer reported on a matter involving Time Warner Cable and/or its successor's obligation to pay a franchise fee to the Town of Cortlandville. Attorney Folmer briefed the Board that although under some contractual obligations, Time Warner can apply that fee against their Town and County taxes; this is not the case with the Town as Cortlandville's franchise agreement. He explained that the Town contracts with Troy and Banks to audit our accounts regarding Time Warner. Troy and Banks has accomplished our audit from 2009 through 2015 and have found that the Town of Cortlandville is owed \$62,810.00 in back franchise payments. Attorney Folmer stated the Town has been in negotiations through Troy and Banks as well as Time Warner to get the matter resolved. He reminded the Board that in prior discussions and at the request of Troy and Banks, the Board granted authorization to permit Troy and Banks to approach the NYS Public Service Commission with an appropriate complaint. The Town granted that authorization. Attorney Folmer referred to a January 10, 2017 email regarding this matter. Attorney Folmer asked the Town Board to authorize himself and Troy and Banks to bring an action in the event that a response is not received in a reasonable amount of time.

RESOLUTION # AUTHORIZE TOWN ATTORNEY ALONG WITH TROY AND
BANKS TO COMMENCE LEGAL PROCEEDINGS TOWARDS
TIME WARNER IN THE EVENT ADDITIONAL FRANCHISE
PAYMENTS ARE NOT SATISFIED

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Testa, Proud, Leach

NAY - 0

ABSENT: Tupper, Kasperek

ADOPTED

BE IT RESOLVED, that the Town Board does hereby authorize the Town Attorney along with Troy and Banks to proceed with legal action towards Time Warner to satisfy additional franchise payments to the Town of Cortlandville.

Councilman Leach initiated discussion for his concern regarding garbage at curbs of Cortlandville sites. He explained that he has been conferring with the Office of Code Enforcement on a few locations that have had trash at the curb for a month. Councilman Leach said that the Code Office has appropriately responded by sending the land owners letters, but asked Attorney Folmer if anything could be added to an ordinance that could require a time frame of two weeks for a landowner to respond accordingly to the complaint. He also inquired if the landowner did not respond properly, if someone could be assigned to address the issue and the landowner is billed for that time, similar to grass complaints. Attorney Folmer agreed to meet with the Code Enforcement Office on the matter.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from NYS Homes & Community Renewal, dated January 3, 2017, regarding the Request for Federal Assistance Expenditure Form. All voting aye, the motion was carried.

Councilman Leach requested, in anticipation of approving the 2017 annual contract with the City of Cortland recreation, that the Highway Department monitor the pesticide spraying of the fields, as it is in the contract, but noted the pesticide spraying has not been getting done.

RESOLUTION # APPROVE THE 2017 ANNUAL CONTRACT WITH THE CITY
OF CORTLAND RECREATION

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Testa, Proud, Leach

NAY – 0

ABSENT: Tupper, Kasperek

ADOPTED

BE IT RESOLVED, the Town Board does hereby approve the annual contract with the City of Cortland Recreation in the amount of \$86,700.00, and said contract shall be received and filed.

RESOLUTION # AUTHORIZE SUPERVISOR TO REQUEST A 30-DAY
EXTENSION FROM THE NYS COMPTROLLER'S OFFICE
FOR FILING THE 2016 ANNUAL FINANCIAL REPORT
(AUD)

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Testa, Proud, Leach

NAY - 0

ABSENT: Tupper, Kasperek

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 2016 Annual Financial Report (AUD).

Councilman Testa asked Councilman Proud to lead a discussion regarding the Privilege of the Floor Policy that the Town of Cortlandville wishes to adopt. John Proud apprised the Board that the Town of Cortlandville has never had a formal privilege of the floor policy, which has led to confusion. He informed the Board that the policy begins with a description of the meeting and how it is conducted. It would dedicate a thirty minute period of time to be divided in three minute increments allowing each person to speak while observing standards of courtesy and good taste. The Town Clerk would keep time and give notice when a speaker has thirty seconds remaining. Attorney Folmer asked if people would be restricted to speak toward items on the meeting's specific agenda or if they may they speak on any concern they may have. Councilman Proud answered that they are not restricted to speak only on items pertaining to the agenda. Attorney Folmer suggested the allowable time to speak be a minimum of five minutes rather than three. Councilman Proud recommended the Board wait to adopt the policy until all Board members were available to vote on the final draft.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN THE FINAL PAYMENT
APPLICATION #6 REGARDING THE LUKER ROAD AND
OWEGO STREET/ROUTE 215 WATER MAIN
INSTALLATION PROJECTS

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Testa, Proud, Leach

NAY - 0

ABSENT: Tupper, Kasperek

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Supervisor to sign application #6 regarding the Luker Road and Owego Street/Route 215 Water Main Installation Projects in the amount of \$6,300.00 to Syracuse Constructors, Inc.

Attorney Folmer requested a Special Town Board Meeting be scheduled in regards to the Aquifer Protection Permit application submitted by APD Engineering & Architecture, PLLC to ensure that more Town Board Members can be present and to satisfy the obligation of notifying the media.

RESOLUTION # SCHEDULE A SPECIAL TOWN BOARD MEETING

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Testa, Proud, Leach

NAY - 0

ABSENT: Tupper, Kasperek

ADOPTED

BE IT RESOLVED, a Special Town Board Meeting shall be scheduled for January 20th, 2017 at 10:00 a.m. at the Raymond G. Thorpe Municipal Building, in order to act upon an Aquifer Protection Permit Application submitted by APD Engineering & Architecture, PLLC (Aldi).

No further comments or discussion were heard.

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

The meeting was adjourned at 6:00 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 April 10, 2017.

The final version of this meeting was approved as written at the Town Board meeting of April 19, 2017.