

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, Walter J. Kasperek  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup’t. Carl Bush; Town Residents; Forrest Earl, Steve Flatt, Barbara Leach, Pam Jenkins; Director of Cortland County Planning, Dan Dineen; Director of Environmental Health, Mike Ryan; Executive Director of the Cortland County IDA/BDC, Garry VanGorder; Pat Reidy from Cortland County Soil and Water; News Reporters; Todd McAdam from the *Cortland Standard*, Peter Blanchard from the *Cortland Voice* and Duane Andrus from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file the Cortlandville Zoning Board Minutes of January 31, 2017 as written. 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 January 31, 2017 as written. All voting aye, the motion was carried.

RESOLUTION #                      AUTHORIZE PAYMENT OF VOUCHERS - FEBRUARY

Motion by Councilman Leach  
Seconded by Councilman Testa  
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 #113-173	
	General Fund A	\$ 45,698.69
	General Fund B	\$ 99,148.70
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 42,491.15
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 #58-76	
	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	\$ 129,242.86
	Water SW	\$ 7,860.91
Funds SF, TA, TE	Voucher #7	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 540.71
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Steve Flatt.

Mr. Flatt stated that he had two items to discuss. Firstly, Mr. Flatt expressed the "Privilege of the Floor Policy" was not a "good thing" in the form that it is being presented. Mr. Flatt stated although he understands long lines and rambunctious people, he did not see the necessity for a policy. Mr. Flatt stated he has spoken with Councilman Proud regarding what he feels are procedural problems with the policy. He also referenced the first amendment, indicating that he's not sure that under the model of government we have, the Board has the right to limit the type of speech he or anyone else uses. He stated that many people are not even aware of this policy and feels it will stifle, rather than encourage public input. Mr. Flatt requested that the Board take proper time in reviewing the policy before its adoption.

Secondly, Mr. Flatt spoke regarding the McLean Road speed limit and the efforts of the town to have it reduced. He explained his background, as a Civil Engineer, in traffic and safety. Mr. Flatt reminded the Board that this has been going on for three decades and warned there is a point of no return in spending tax payer's money for something that will never be approved. He indicated he would like to complete his discussion on the matter which would require another ten minutes, however, Supervisor Tupper interjected and explained to Mr. Flatt that the McLean Road speed limit was not an item on the agenda. Mr. Flatt replied that the "Privilege of the Floor Policy" was not yet in affect. Supervisor Tupper reiterated that this item was not on this meeting's agenda.

The monthly report for the Water & Sewer Department quarterly billing, for the month of January was on the table for review and is filed in the Town Clerk's office.

Supervisor Tupper reported there were no communications.

Councilman Testa exited the Town Board meeting at this time due to a commitment.

Supervisor Tupper introduced Michael Ryan, Director of Environmental Health of Cortland County who was invited to discuss Bulk Tank Storage.

(\*\*The following is verbatim\*\*)

Michael Ryan:

Thank you for the invitation. Mostly, I will just answer questions you may have. I understand you do have some legislation, we've seen it at the coordinated....for some time. Supervisor Tupper was good enough to give me a copy of, I think, the most recent version of proposed legislation allowing gas stations within certain districts within the Town of Cortlandville. I don't know if it's everything on....we've had quite a few comments on something that looked very similar. Why don't I just kind of, I'll open it up and basically the Cortland County Health Dept. is really just one member of the very dedicated team that's been working on this aquifer for I'd say 15 years, since the mid- seventies. Back in 2001, 2008 the District probably has been, I'd say probably more than a million dollars spent on the different entities in the past 30 or 40 years. Our interest, we have several programs overlapping here, one is septic systems, we kind of oversee that. The other is municipal water systems; we oversee all public water systems. And the third is, as you've mentioned, we also run the petroleum bulk storage program. We are one of five delegated counties in New York State that applied and received permission to run DEC's petroleum bulk storage program on a local basis. We wanted to do that....this goes back to 1986 when the DEC first put petroleum bulk storage program out there, five counties went in and said we have a vested interest, mostly because of the sole source aquifer in Cortland. That's been the core piece, and I don't want to get too far into the history of that, in 1974 the Safe Drinking Water Act opened it up for Aquifer Protection. It was one of the first items on the agenda. By 1988, Cortland County had a designation of sole source. That's more of recognition by the community of how important this aquifer is to the community. It doesn't have a lot of teeth, except for federal funding. Beyond that, go to 1986, amendments of the Safe Drinking Water Act was more in terms of water shed protection areas....mostly under the DEC at that time and....then beyond that, in 1999-2001 the Source Water Assessment, which really we're supposed to incorporate everything from before and put it into looking into potential sources of contamination in the aquifer and how they might impact public water supply. So, given that we've had a lot of people put in a lot of effort, and a lot of that was the Town itself over the last God knows the aquifer protection district goes back to 1988....a piece of legislation that amended the zoning by putting in a well head protection plan in 2008. This is done by Soil and Water Conservation and USGS and was probably done by more sophisticated models to kind of see where things may go and may not go. We've got two or three important pieces of legislation and I'm going to add another one to mix.

And I think mostly our concern was to making sure that everything kind of meshed so that one section wasn't stepping on each other and that you got or had what you thought you had in there. There are some concerns, I can tell you that. Why don't I open it up to questions, because that's why you invited me here?

John Proud:

You identified concerns in the proposal. What kind of concerns?

Michael Ryan:

Concerns I have, and I'm just part of the team, we've got a couple of different designations, when your original aquifer protection program had....zone one, zone two and zone three. There is a primary principle....water shed....second one comes out that has a zone one A, zone one B, zone two A based on travel time. Zone one A is a two year travel time, zone one B is a five year travel time and zone two can still be in the other zone two, which is completely independent as long as it's contributing to the well head area. The source water protection comes in with another source of criteria. They have an inner zone and an outer zone and one saving grace it that all of these zones really were enhanced and defined by the work of USGS and they culminated in 1996 model, so they are all sort of interchangeable, but there are some things that I found that are in the source water protection program, 2001, that aren't included in the well head protection area. I'll give you one example. The model is a very good model, but there are things that are beyond the scope of what the model says it's going to do. One thing that was included in the source water protection was a boundary of 500 foot around the Terrace Road well, but that's not what's shown....the model doesn't predict that, the....model just says what the model says, that's not in there. I think that should be considered. It might just be a little over cautious, but I think if you can stand on the town well and hit a gas tank with a rock, that's probably too close. Just things to consider and this is going to be your choice, the town. All of the provisions, right down to except for underground injection control, were voluntary, not mandatory and the Town has done a great job doing everything voluntary. I think I'll just urge you to take a step back and look at these things. Another thing is and this was identified in the 2002 report that Soil and Water did and that is you have certain streams, particularly Otter Creek that can flow into the aquifer zone, right down into the heart of it actually, as you know and whereas the travel time underneath the ground is very slow, you can have a spill on that stream bank if you don't have the proper upper zones it can be....So these are just some of the things that I think you just want to maybe take a step back and look at. There are some other things where I think the aquifer protection district says no gas stations whatsoever. And this one says gas stations in commercial zones. Maybe they should match. Another thing is, and this isn't meant to be nitpicking, you've got all these great pieces of legislation and I think just need some coordination. In the aquifer protection, you have basically a strict set of rules in there, then you have an exception that says if you have a special permit you don't have to do it, maybe you should consider what you do and don't want to do there and take one that restriction out. As a health department, we're really just concerned with not only that your water supply is protected but also the city of Cortland water supply. As you all know, back in the eighties, 1986, there was a spill identified as TCE, still in the aquifer, still threatening the wells of Cortland. We're picking up some very small amounts right now but weighing six or so parts per billion, but it's under the NCL (?) but still they have to prepare for spending another million dollars to rehab their stripper. That's about a half mile from the Lime Hollow well; hopefully they will never stop pumping there. I don't really know what the impact....in any event, it's not just petroleum that may impact you, obviously there's chemical bulk storage, there's manufacturing, there's a whole host of things and a lot of these things are done by category in the source water protection and I think some in the well protection too. I have copies of that one for Lime Hollow well, the other, the Terrace well. I have a report to hand out to the Board, can make some copies. Another concern is, possibly the petroleum bulk storage regulations, they do have quite a thick packet; pages are front and back with some references, fifty pages front and back. They don't specify one thing that you might want to consider, and that is what a lot of communities have used out there, did a pretty thorough search and planning, of the other districts and states that have protective aquifers, Cortlandville really stands up there, quite strong against most of them. One thing that they do is they require all storage in certain zones, when they're close to their critical zones and everybody's got all ones and twos and A's and B's, so we won't even talk about that, but they require it to be above ground storage. The above ground storage facilities are something to consider if you're going to consider having gas stations in a sensitive area which would be zone two possibly, because you can see what's happening, it's above ground. The tanks are a lot better than they've ever been....um. I think the petroleum bulk storage program is not so much been able to build the perfect, the ship, if you will, the unsinkable ship because there isn't, you all know that. But what is has done is reduced the probability, which I think more than five hundred single wall storage tanks have been dug up and left the county since we started this program.

So there's been a great deal done, but by no means is the petroleum bulk storage program going to be something that protects you against everything.

John Proud:

Can you describe what part of the basics of bulk storage, now I remember going over to Ithaca Tompkins putting in a gas station and I remember uh, the wall tanks, double walls, sensors all through reports that reported to the station remotely, is all that required? Or was some of that voluntary on their part?

Michael Ryan:

All of that is required, depending on what type of tank you have, if you have an underground tank, your required to have a double wall, that's not the container thing....And what that does is, it tells the operator through instrumentation, there's a probe in there that says the fluid has leaked into the outer vessel into that wall and it could be fluid from the inside, which could be product, it could be fluid from the outside, which could be ground water. One tank left that's got to go so that's a requirement, all piping has got to be along the ground. What you don't have is constant, you have human error, you have equipment failure and you take a look at, you wouldn't need a petroleum bulk program if things were perfect, I mean, that's why we're out there and we can't be out there all the time. Look at the state of New York goes out once every five years, it's every single tank every five years. In Cortland, we hit it once every three years, still that's one thousand days with a lot of minutes in them and it can happen. I think what we really need to look at is or what you have to look at is: Do you have the need for the gas station? And if you do then you need to minimize the risk. And we took a look at, and I hope I'm not talking too much, the gas station being proposed in zone two a couple years back. It was a multidisciplinary committee. We had somebody there from the Town, I was there from health, and Dan was there from Planning. We had Soil and Water, Dick was there....presented a good hydraulic model and what we wanted to model is what happens if you had a catastrophic release and if you had a catastrophic release and the tanks were underground, then it was determined that it definitely would impact the aquifer. You would have concentrations....well heads about .03 milligrams per liter of benzene where your limit is .008....so that's a catastrophic release. So what I think is that's what you really need to focus on because that's why I kind of recommend you at least think about the above ground because if you can see it happen and can prevent it at least you've gotten that much more minimized to the risk that you're going, pose to those wells so....

Dick Tupper:

Our regulation currently actually did include all the recommendations that came out of your committee. Is that Correct John? So all the recommendations that came out of the consolidation committee are in the new rule and we also tightened it up, originally, we were only doing one A, we decided we would ban gas stations in one A and one B, so the possibility even with a catastrophic spill, is it, it's going to be years if it flows in that direction and my understanding is gasoline does not drop into the aquifer, it stays on the surface, is that correct?

Michael Ryan:

I can't tell you exactly what the characteristics of any spill may be. Pat has opinions (?).....alot of them statistically only go three hundred feet, seventy five percent of them.

Dick Tupper:

That's correct!

Michael Ryan:

And some go up to three thousand feet, so there's variability in there and you're talking about different zones and the soils.

Dick Tupper:

Well outside of the one A and one B we would not be within five thousand feet of any well, anyplace. That's why we got so restrictive with this most recent, um; we've tightened it up to the point where we're really limiting, very limiting on where these gas stations can go. As you've noted, we actually had the first aquifer protection law in the state of New York. It's been copied by others. The Town has spent tens of thousands of dollars doing water testing and we've been extremely careful. The TCE spill was devastating, we acknowledged that. We're not dealing with TCE, we're dealing with gasoline, which is a totally different product and we just want the public to know that gasoline is not the same as what happened with the SCM spill.

Michael Ryan:

The SCM spill was more than just a spill a....

Dick Tupper:

Correct!

Michael Ryan:

And yes, there are so many things that are better and I agree with all of what you're saying but the model, that we did show that it would impact the aquifer as catastrophic was in a zone two, it was not in zone A or zone B, so, it can happen

Dick Tupper:

That's a catastrophic spill of chemicals? Or gasoline?

Michael Ryan:

Gasoline. Benzene being the one product that has the....benzene, triline and xylene are three of the most minor thing in the stream....benzene has the most restrictive....in terms of the study.

Dick Tupper:

Has there ever been a catastrophic release of gasoline?

Michael Ryan:

I don't know.

John Proud:

You mentioned that there's five hundred single wall tanks that have been pulled out of the county. Were there catastrophic failures of those particular tanks?

Michael Ryan:

Some don't look too great. What we do is typically, they'll take and uh..the steel can get very very corroded and uh, what we'll always do is uh....test the soil and they'll dig until they got it all, make sure it's all cleaned up before they take it out of there. It's really anywhere you go, you're going to see this. This is across the country, it's an American crisis. It's really what petroleum bulk storage is, it's a response to a crisis. The EPA is finally coming around..in the mid-seventies and eighties, you know, it's been picked up over the years, but there's still some concerns. I think that item number two, Supervisor Tupper, would be something you just want to look at, at least personally and that's the boundaries, take a look at those and see if you want to improve boundaries related to one, the five hundred foot limit around the well and two being the streams and we'd be happy as one of the entities to sit and coordinate with anyone who had any thoughts or bounce them off us and we could form a multijurisdictional committee again if you wanted....there's a lot of experts, and I consider the Town to be, I go over the correspondence and I see your name a lot in there, I see your name a lot in there. I just think that your heading down the right road, you've invested an immense amount over the last four or five decades as part of this county and I just think with a couple of things you could maybe tighten it up a little bit. I'm suggesting from the help point of view maybe you do so. In the end it will be your choice. Cause you can override this with the majority whatever happens. It's always been about the....so I'm just offering you our services and I'm sure the rest of the counties would offer you theirs to take a look at it one more time and make sure you've covered everything you wanted to cover and have worked so hard at to cover in the past.

Dick Tupper:

In the five hundred tanks you dug up, I've seen some of them that have been completely rusted through,

John Proud:

Is that a catastrophic failure?

Dick Tupper:

How far did the soil have to be removed? How many feet?

Michael Ryan:

I don't know, I'd have to check the uh, old records. There's a report that comes in on each and every spill that goes to the DEC.

Dick Tupper:

They were mostly shallow, the County Highway Department had a oil tank that leaked for years and they had to take some gravel out, it was not a significant amount of gravel and I know that was a catastrophic leak, so I'm just wondering. We've had all these catastrophic leaks, why are these chemicals not showing up in the city, the towns, the village's water tests?

Michael Ryan:

A little bit of luck, some of it. And you can't lose them all. I've seen many times when tractor trailers have gone off the road, relatively small spills and what not have impacted wells. I've seen where private peoples oil tanks have leaked into the ground and impacted wells, many of those wells are still on carpet systems twenty or thirty years later, so it does happen, it's just, it hits what it hits, you can't always predict where it's going to go. I feel very fortunate the TCE spill itself, not to keep going back to that one spill, the most famous one in Cortland, but that happened to miss both your wells, that was lucky Cortland is still....

Dick Tupper:

John, you had a few more questions?

Michael Ryan:

For what it's worth, I'll answer any more questions....

John Proud:

I've got a couple, but go ahead Greg.

Greg Leach:

I have two questions. One is what is the average size of a permitted gas station? What's their capacity, uh, tanks?

Michael Ryan:

Typically, I think the last one we were looking at was about twenty thousand gallons, usually have different compartments, one for your regular, one for....

Greg Leach:

Okay, would that constitute two tanks or one? The twenty thousand gallon?

Michael Ryan:

I'm not really sure; we do it by total gallonage anyway.

Greg Leach:

Okay!

Michael Ryan:

We have a complete account of what we call is a....FIR up?....so there's an information report on each and every facility in Cortland County. Most of your gas stations have six or seven individual tanks between eleven hundred being the minimum, but once you get over, once you cross that threshold, every tank on site becomes part of....even the five hundred gallon tanks....are regulated....

Greg Leach:

The other part of my questions was the difference between gasoline and diesel fuel, uh, are they both uh, I know they're problematic when they get in the soil, but does one act differently as far as travel? Because a lot of these fueling stations have at their pump diesel right along with gas, does it act the same?

Michael Ryan:

I think I will refer that possibly to one of the experts in the room. The studies that I have seen....for soil and water have shown, um, I think it was gasoline and those are showing seventy five percent of the spills were three hundred feet deep, some were over three thousand feet deep. It's all....based on taking that small percentage of tanks and studying it.

Greg Leach:

I just have one more quick question. Jet gas over at the county airport, that's a ten thousand gallon tank.

Michael Ryan:

Right, that's one of our regulated facilities.

Greg Leach: Okay, close proximity to the Water Works property right? Within quarter mile?

Michael Ryan:

It is in proximity, yep.

Greg Leach:

I didn't see any feedback on that one, that's an above ground tank; does jet gas not pose a problem?

Michael Ryan:

Above ground tank?

Greg Leach:

Yeah.

Michael Ryan:

Yeah, an above ground tank is actually safer than an underground, uh, in terms of....You also have tanks....I'm sure, you also have tanks in Suny Cortland. What they've done is dug up all the underground tanks and are going with above ground tanks. Again we live in the twenty first century now, we're not....

John Proud:

I've got two questions. One is along the line of Greg's..uh..I'm told that the eight gas tank at the airport....has to be above ground. Is that a federal regulation, state regulation?

Michael Ryan:

Not part of the....not sure....

John Proud:

I'm on the advisory committee and it was mentioned at a committee meeting, it's required at the airport, it's got to be above ground.

Michael Ryan:

....petroleum storage allows them to be there. The state was actually more restricted than the federal government. For a long time the federal government just, uh, regulated underground storage tanks, they started in 88, New York State started in 1986.

John Proud:

And the other question I had, talking about the current regulations, one thing, I'm quite sure it was mentioned when I was visiting that tank installation, station installation actually at Ithaca Tompkins. There's an automatic monitoring that went off site as well as onsite. They have 24 hour monitoring someplace like a household security system.

Michael Ryan:

Some do and some don't.

John Proud:

Some do, that's not part of the requirement?

Michael Ryan:

I don't think off site monitoring is part of the requirement, but most of your bigger stations do have....headquarters. They are at least required to have something on site in the facility. Supposed to be checking things daily, it's quite a rigorous....I can send you a copy of the regs if you want....would be really great on a sleepless night.

John Proud:

I'm not sure how far I could....but yeah; I would like to take a look at those. The last question: are you aware of pending changes in regulations? Is the state proposing a....

Michael Ryan:

Good question. We just saw the first set of big changes that have occurred over decades, there have been small changes along the way, but they just renewed the regulations in October of 2015. Those are really what are considered the new regulations. That's what we have applied for delegation, uh, permission for....One of the things they did there which was very significant was to require operator training. This has been long overdue, now everybody out there that has a gas station out there, especially underground has to have operator training and that helps you on the thousand days in the three years that we can't be there. There's a lot of changes that were really meant to put state regulations in line with federal regulations. Just didn't want one federal regulation saying something and the state saying something slightly different. I can give you, there's quite a list of documented changes between the old regulations and the new ones.

John Proud:

Well, What I was thinking, it sounds like there are no current proposals to change those regs right now.

Michael Ryan:

Some may be upcoming in the next few years. I can't remember exactly what they entail....Of course they've said that about the regulations for thirty years, but it could come as soon as two or three years. We'll find out. Again, I'm available, Pat's available all the time, there's a lot of people in this room that know a lot....just reach out....

John Proud:

Alright and I would appreciate a copy of those regulations and there's another document also....

Michael Ryan:

....?

Dick Tupper:

Mr. Folmer has a question.

John Folmer:

The model which you described that delineated and measured the aquifer that was done in 1990 something, 96?

Michael Ryan:

1996 is what was referenced in all the documentation. I think they were still running reports after that time because I know they were right up to the time....

John Folmer:

But my question is: Do those areas of the aquifer, the districts, the one a's, the one B's, do they move, do they change, do they stay the same? What movement is there with those?

Michael Ryan:

Well, we had a discussion about that I think the end all was, there hasn't been anything that's changed, so much hydraulic, hydraulically with in the zones to really get into to say revised it radically

John Folmer:

Ah, I see!

Michael Ryan:

Things haven't changed that awful much. I think mostly what we're looking at John, is the interpretation of what you think is important.

John Folmer:

Yeah, and I gather from the way your presenting the material, for which I thank you, that you would be in favor of including the restrictions, whatever they may be, above ground tanks or what have you, in the law itself, rather than in the discretionary powers above, Planning Board or Town Board to pass on to each and every individual application. Am I saying that so I'm making it clear?



Michael Ryan:

Yeah, I think that would help everyone stay a lot saner. Everything you can put into the law, I think you should. Cause you take a look at what you go through for one gas station right now. There aren't going to be some things discretionary in the interviews. There's always going to be the aquifer protection permit, there's going to be input put in there and every situation can be different. For example, somebody may be closer to the stream, closer to Otter Creek and somebody else may be in a safer zone. But yeah if anything you can put in there, that you can reasonably....after talking to the experts....you think you really want in there and I would try to correlate it to well head protection plan, which is a great plan, but really in the law it really only affects lot coverage. It's a beautiful well head protection plan, but really only covers lot coverage.

John Folmer:

But, and the fact of the matter is, no matter how we draw, whatever we draw, we can't ensure there will not be a problem. What we can do is minimize the risk of that problem as best we can.

Michael Ryan:

That's the ticket. It's absolutely true and I think in the end that's what I think the Cortland County Health Department wrote in the last....it's a very minimal risk but a very substantial consequence, so if you need the gas station, want the gas station, you really need to minimize the risk.

John Folmer:

Yep, but we also have to recognize that we can't ensure that risk will never happen.

Michael Ryan:

Nope, that's the whole thing, if you think you've got an unsinkable ship....

John Folmer:

Then go watch the movies!

Michael Ryan:

Yeah, would make a great movie!

Board members:

Thank you!

Michael Ryan:

I have a lot of material and I'd be happy to share it with you.

Dick Tupper:

Thank you Mike, appreciate it!

Councilman Leach made a motion, seconded by Councilman Proud to receive and file the correspondence dated February 6, 2017 from the Town of Dryden Town Clerk, regarding a Public Hearing to be held on February 16, 2017, on a Local Law to amend the Renewable Energy Facilities Law and to remove the applicability to Solar Energy Systems. All voting aye, the motion was carried.

Attorney Folmer reported:

Gutchess Lumber land swap:

Attorney Folmer reported to the land swap with Gutchess Lumber. He stated that it is the town's anticipation that we will be in a position to close that by transfer of title of the Gutchess parcel, located at Route 13 and Gracie Road, to the town and the town parcel, Citizens Park, located at 36 Route 281, to Gutchess Lumber Company; subject to a two year lease that the town will have with the present Citizen's Park property. This transfer will allow the town to relocate and reconstitute Citizen's Park on the Gutchess parcel. Attorney Folmer apprised that it is anticipated that we will be able to transfer one of those parcels by the end of the month and the second parcel immediately after the first of March. He also said it is possible that we may transfer both simultaneously; however the mechanics of the transfer have not yet been finalized as to date and place.

Attorney Folmer said the Town is allowed to complete this transfer which was authorized by the State Legislature and Governor Cuomo. He also stated that in order to properly proceed with this transfer, it is necessary that the town accomplish a SEQR review of the transfer of real property.

He communicated there is a master plan that is the dream of many people to construct, on the Gutches property, a very extensive and attractive large scale park with a variety of athletic facilities, but the fact of the matter is as of today, the town doesn't know when, or how this program will develop. He mentioned that it will take a long period of time and will be costly. He indicated that the town does not know what area will be developed first. Consequently Attorney Folmer asked the Board to complete a SEQR review for only the transfer of the property. Attorney Folmer stressed that the town needs to do a separate and distinct SEQR review for this transfer, until the town is in the position to look at the whole package.

Attorney Folmer reviewed with the Town Board, the Full Environmental Assessment Form in regards to the future Gutches Lumber Park.

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RESOLUTION #	DECLARE NEGATIVE IMPACT FOR FUTURE GUTCHES LUMBER PARK
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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Tupper, Kasperek, Leach, Proud

ABSENT - Testa

NAY - 0

ADOPTED

BE IT RESOLVED, that the Town Board of the Town of Cortlandville as lead agent, does hereby declare the proposed project for the future Gutches Lumber Park, a portion of tax map #105.00-04-02.000, located at the corner of Gracie Road and Route 13, shall have no significant environmental impact.

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RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION FOR FUTURE GUTCHES LUMBER PARK
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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Tupper, Kasperek, Leach, Proud

ABSENT - Testa

NAY - 0

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to the future Gutches Lumber Park, a portion of tax map #105.00-04-02.000, located at the corner of Gracie Road and Route 13.

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RESOLUTION #	AUTHORIZE TOWN ATTORNEY TO PREPARE CLOSING DOCUMENTS FOR THE TRANSFER OF PROPERTY
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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Tupper, Kasperek, Leach, Proud

ABSENT - Testa

NAY - 0

ADOPTED

BE IT RESOLVED, that the Town Board of the Town of Cortlandville does hereby authorize the Town Attorney to prepare closing documents for property owned by Farm East, LLC, a portion of tax map #105.00-04-02.000 located at the corner of Gracie Road and Route 13 for the future transfer of property between the Town of Cortlandville and Farm East, LLC.

Councilman Proud asked if the clock for the two year deadline for Citizen's Park will start with the transfer of land. Attorney Folmer and Supervisor Tupper confirmed that to be correct.

Councilman Leach remarked that the property is currently used for Ag purposes and questioned if once the Town closes on the property, if the Ag use would end. Attorney Folmer replied that we haven't crossed that bridge yet, because we don't know the exact configuration of the new Citizen's Park. Supervisor Tupper said he suspects, for revenue purposes, that they will let them go with the 90 acres of corn which is what they had before and Councilman Leach agreed it would be beneficial in maintaining the property.

Councilman Leach made a motion, seconded by Councilman Kasperek to receive and file the correspondence dated January 30, 2017 From NYS Homes & Community Renewal regarding the Townwide Housing Rehabilitation Grant Program. All voting aye, the motion was carried.

Supervisor Tupper commented that we are now in compliance with the two corrections needed by the State and it is now closed.

RESOLUTION #                      SCHEDULE      PUBLIC      HEARING      FOR      AQUIFER  
PROTECTION PERMIT SUBMITTED BY 879 ROUTE 13, LLC  
FOR PROPERTY LOCATED ON NYS ROUTE 13

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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Tupper, Kasperek, Proud, Leach

ABSENT - Testa

NAY - 0

ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for March 1, 2017 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, for the Aquifer Protection Permit application submitted by 879 Route 13, LLC for property located on the west side of NYS Route 13, approximately 215 feet north of the intersection of Lime Hollow Road and NYS Route 13.

Councilman Leach made a motion, seconded by Councilman Proud to receive and file the revised plans of 879 Route 13, LLC dated February 14, 2017 addressing the Cortlandville Planning Board's comments of their meeting of January 31, 2017. All voting aye, the motion was carried.

RESOLUTION #                      AUTHORIZE SALRY INCREASE FOR ALLEN MOORE,  
WATER TREATMENT PLANT OPERATOR TRAINEE FOR  
THE TOWN OF CORTLANDVILLE

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Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Tupper, Kasperek, Proud, Leach

ABSENT - Testa

NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge that Allen Moore, Cortlandville Water Treatment Plant Operator Trainee has successfully completed his probationary period, effective, February 22, 2017 and it is further

RESOLVED, that Allen Moore's salary increase of \$2,000.00 shall be authorized for his successful completion of his probationary period.

Councilman Proud communicated that the Privilege of the Floor is not required by state law. He cited that this is a business meeting intended for the Town to do routine business. He said that meetings are always open to the public, the Councilman are always available and this policy is not meant to discourage people, but to present order to the meetings. Councilman Leach added that the policy is not new as other municipalities have adopted variations of this policy as well.

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**RESOLUTION #                      ADOPT POLICY FOR PRIVILEGE OF THE FLOOR**

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Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Tupper, Kasperek, Proud, Leach

ABSENT - Testa

NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the following policy regarding privilege of the floor:

**Policy Regarding Privilege of the Floor**

Thank you for attending this meeting of the Cortlandville Town Board. Our policy on public participation in Board meetings is intended to invite your participation in the interest of open government. As provided in the New York State Open Meetings Law all Board meetings are open to the public, and members of the public are welcome to attend.

Meetings of the Town Board take place, in accordance with New York State law, for the purpose of Town governance. Meetings are convened by the Town Supervisor or by an appointed deputy.

Discussion takes place among the members of the Town Board with the Town professional staff. Minutes are recorded by the Town Clerk. Although not required by law, the Supervisor and Town Board offer Privilege of the Floor in order to provide individuals in the audience with the opportunity to voice their opinion on Town affairs.

In the interest of expediting the flow of Town business during its meetings, Privilege of the Floor is open for thirty (30) minutes only, ordinarily following any scheduled Public Hearings. Fifteen (15) minutes prior to the commencement of any regularly scheduled Town Board meeting, a sign in sheet will be placed on a table outside the meeting room. Upon arrival, all attendees are requested to sign in, and indicate if they wish to speak. Attendees will be called to speak in the order shown on the sign in sheet on a first come, first to speak basis.

Speakers are asked to stand unless prevented by a disability, to give their name and address, and must limit their remarks to five (5) minutes of time. Please note that a speaker's time may not be yielded to other speakers.

Speakers are expected to observe standards of courtesy and good taste and may be asked to terminate remarks at any time by the Supervisor or other presiding officer if the speaker's language is repetitive, profane, boisterous, threatening, offensive, or unruly. Audience members are expected not to interrupt or engage with the speaker, or with each other.

The Town Clerk keeps time and gives notice when a speaker has thirty (30) seconds time remaining, as well as when time has expired.

Speakers are welcome to submit their comments to the Board in writing for consideration and attachment to the meeting minutes. The minutes will include all the speaker's names, with a brief statement of their positions.

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 6:15 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 March 24, 2017.

The final version of this meeting was approved as written at the Town Board meeting of April 5, 2017.