

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT  
ROYAL CHEVROLET/CORTLAND, INC.  
3838 ROUTE 281  
TAX MAP #86.17-01-10.211

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 Royal Chevrolet/Cortland, Inc. to construct an 11,250 sq. ft. addition to an existing auto sales/repair facility for use as an auto body repair shop, for property located approximately 800 ft. south of the intersection of Luker Road and NYS Route 281, tax map #86.17-01-10.211.

Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman, Ronal L. Rocco  
Councilman, John C. Proud  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Al Pagan; Kirsten Rowe; Chuck Feiszli from Resource Associates; Joe Reagan from Royal Chevrolet; Steve Terwilliger; News Reporters: Tyrone Heppard from the *Cortland Standard*, Peter Blanchard from the *Cortland Voice*, Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

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

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

No comments or discussions were heard.

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 Tupper presiding.

Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman, Ronal L. Rocco  
Councilman, John C. Proud  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Al Pagan; Kirsten Rowe; Chuck Feiszli from Resource Associates; Joe Reagan from Royal Chevrolet; Steve Terwilliger; News Reporters: Tyrone Heppard from the *Cortland Standard*, Peter Blanchard from the *Cortland Voice*, 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 December 16, 2015 as written. All voting aye, the motion was carried.

---

RESOLUTION #20                      AUTHORIZE PAYMENT OF VOUCHERS - JANUARY

---

Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

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

Funds A, B, DA, DB	Voucher #37-93	
	General Fund A	\$134,731.43
	General Fund B	\$ 45,425.24
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 25,273.47
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 #19-37	
	Luker Rd Water HA	\$ 10,498.00
	Owego St Water HB	\$ 4,515.00
	NYS Rt 13 Sewer Rehab HC	\$ 51,289.54
	Oakcrest/Pendleton Sewer HD	\$ 6,601.25
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 847.25
	Water SW	\$ 6,319.24
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 Al Pagan.

Al Pagan informed the Board that for the last 3 ½ years he has hosted "Wake Up To Big Al" on public Access TV. He stated that it has come to his attention that there is a potential super-fund site in the Town of Cortlandville and was hoping to get some information and make people aware of the situation. He referenced the former Stupke Road Dump and stated that former companies (Smith Corona) dumped barrels of toxic waste on the site which could be an expensive cleanup. He asked the Board to investigate the issue. He was also concerned that the site was in the Aquifer District.

Supervisor Tupper explained that there used to be a dump on Stupke Road which was closed, sealed, and covered many years ago, and to his knowledge was not a problem. Councilman Proud suggested that the DEC may have addressed all of the issues at the time the dump site was closed. Supervisor Tupper stated that he would look into the issue.

Mr. Pagan mentioned that he would be releasing a video to the public with testimony from a truck driver who personally dumped barrels of the waste there, as well as from one or two businessmen with specific knowledge of the information. He suggested that such dumping could have affected the aquifer.

Supervisor Tupper stated that the Town conducts extensive testing of the wells and has found no contaminants; there is no problem with the aquifer or the water.

Councilman Rocco provided the Board with photographs of McLean Road in the area of the Lime Hollow Nature Center, where the Town has requested a reduced speed limit. The photos depicted some of the memorials that are placed along the roadway.

The monthly reports of the Town Justices for the month of December 2015, and for the Town Clerk and Supervisor for the month of January 2016 were on the table for review and are filed in the Town Clerk's office.

---

**RESOLUTION #21                      ACCEPT ANNUAL REPORT OF THE TOWN CLERK**

---

Motion by Councilman Leach

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Annual Report of the Town Clerk for the year 2015 is hereby accepted, and shall be received and filed.

Members of the Board reported that they audited the records of the various Town departments as required for the year 2015 and found everything to be in order. Councilman Testa audited the Town Clerk/Tax Collection records; Councilman Proud audited the Water/Sewer and Highway Department's records; Councilman Rocco audited the Town Justices records; and Councilman Leach audited the Supervisor's records.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Patrick Reidy, Cortland County Soil and Water Conservation District, dated January 20, 2015, regarding the proposed Stormwater Plan for the Royal Chevrolet/Cortland Inc. body shop expansion. All voting aye, the motion was carried.

Attorney Folmer and the Board reviewed the SEQR Short Environmental Assessment Form for the Aquifer Protection Permit application submitted by Royal Chevrolet/Cortland, Inc. for property located off of Route 281.

---

**RESOLUTION #22                      DECLARE NEGATIVE IMPACT FOR AQUIFER  
PROTECTION PERMIT #1 OF 2016 SUBMITTED BY ROYAL  
CHEVROLET/CORTLAND, INC. FOR PROPERTY LOCATED  
AT 3838 ROUTE 281**

---

Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Royal Chevrolet/Cortland, Inc. to permit the construction of an 11,250 sq. ft. addition to an existing auto sales/repair facility for use as an auto body repair shop, for property located approximately 800 ft. south of the intersection of Luker Road and NYS Route 281, tax map #86.17-01-10.211, 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 Royal Chevrolet/Cortland, Inc., Aquifer Protection Permit #1 of 2016, shall have no significant environmental impact.

RESOLUTION #23                      AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION  
OF AQUIFER PROTECTION PERMIT #1 OF 2016

---

Motion by Councilman Proud

Seconded by Councilman Testa

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

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #1 of 2016, submitted by Royal Chevrolet/Cortland, Inc.

RESOLUTION #24                      APPROVE AQUIFER PROTECTION PERMIT #1 OF 2016  
SUBMITTED BY ROYAL CHEVROLET/CORTLAND, INC.  
FOR PROPERTY LOCATED AT 3838 ROUTE 281 SUBJECT  
TO CONDITIONS

---

Motion by Councilman Testa

Seconded by Councilman Rocco

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

ADOPTED

WHEREAS, the Cortland County Planning Department and the Town Planning Board have reviewed and recommended approval of this Aquifer Protection Permit application, and

WHEREAS, a Public Hearing was duly held by this Town Board, therefore

BE IT RESOLVED, the Town Board does hereby approve Aquifer Protection Permit #1 of 2016, submitted by Royal Chevrolet/Cortland, Inc., permitting the construction of an 11,250 sq. ft. addition to an existing auto sales/repair facility for use as an auto body repair shop, for property located approximately 800 ft. south of the intersection of Luker Road and NYS Route 281, tax map #86.17-01-10.211, subject to conditions from the Town and County Planning Boards, and the Cortland County Soil and Water Conservation District:

1. Any proposed floor drains must be connected to a holding tank or sanitary sewer equipped with an oil and grit separating tank.
2. Any wastes collected in a holding tank must be disposed of through a licensed waste hauler.
3. Waste degreasing solvents must be stored in drums or a holding tank and disposed of through a licensed waste hauler.
4. Waste oil must be stored in tanks or drums for disposal by a licensed waste hauler.
5. Storage facilities for tanks and/or drums require coated concrete floors and dikes to retain accidental spills or leaks; a permanent roof to protect tanks or drums and to prevent precipitation from entering dikes. Drums should be sealed, and tanks and drums must be located away from floor drains.

6. Large drip pans should be kept beneath drums which have spigots and are stored in horizontal position on racks.
7. Potentially contaminated scrap, including but not limited to scrap parts, batteries and used filters shall be stored in proper containers to prevent environmental release of contaminants.
8. Submittal of a list and quantity of all chemicals to be stored on site to the Town, regardless of the quantity, including a plan for primary and secondary storage for these chemicals, as well as a plan for paint booth emissions.
9. The applicant's submittal and the Town's acceptance of the Spill Response Plan and Spill Prevention, Control & Countermeasures Plan for the site.
10. The County Health Department and Town being consulted regarding any approvals required for the connection to the existing building's public water and sewer facilities.
11. Any new lighting for the site being directed in such a manner so as to not infringe on the neighboring properties.
12. The Stormwater Pollution Prevention Plan for the site being approved by the Town upon review by the County Soil and Water Conservation District.
13. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan for the site per the NYS Phase II stormwater regulations, if it is determined that this proposal would result in the disturbance of at least one acre of land.
14. Compliance with SEQR requirements.
15. The minor changes to the Stormwater Pollution Prevention Plan as indicated in correspondence from Cortland County Soil and Water Conservation District dated January 20, 2016 be incorporated into the drawings before completing a final review.

AND IT IS FURTHER RESOLVED, the Supervisor is hereby authorized to sign the permit.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence and photographs from Andrea Rankin to Kevin C. Bush, PE, New York State Department of Transportation, dated January 14, 2016, regarding the Town's request for a reduced speed limit on McLean Road between Deerfield Heights and the Cortland/Tompkins County line. All voting aye, the motion was carried.

Town Clerk/Tax Collector Snyder reported on tax collection. She explained the partial payment program which was available as an option to pay the Town/County tax bill. Taxes were due without penalty by February 1, 2016.

Attorney Folmer did not have any new business to report.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from NYS Environmental Facilities Corp., dated December 21, 2015, regarding the NYS Route 13 Sanitary Trunk Sewer Rehabilitation Project. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from New York State Department of State, dated December 28, 2015, regarding 2015-16 Local Government Efficiency Grant for the Smart Water Meter Installation Project, indicating that the grant application was not selected for funding. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file comments from the Cortlandville Planning Board, received January 8, 2016, regarding the location and operation of Retail Petroleum Sales Facilities in the Town of Cortlandville. All voting aye, the motion was carried.

Councilman Rocco made a motion, seconded by Councilman Testa, to receive and file correspondence from Water & Sewer Sup't. Alteri, dated January 11, 2016, indicating that Michael Whitaker, Cortlandville Water Treatment Plant Operator, successfully completed the 6-month probationary period. All voting aye, the motion was carried.

RESOLUTION #25                      AUTHORIZE SUPERVISOR TO EXECUTE DISCHARGE OF  
MORTGAGES BETWEEN THE TOWN AND GRACE E.  
BARTHOLOMEW REGARDING THE 2008 HOME PROGRAM

---

Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute the Discharge of Mortgages between the Town and Grace E. Bartholomew, 521 McLean Road, Cortland, New York 13045, with regard to the 2008 HOME Program.

RESOLUTION #26                      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
MICHELLE TOWSLEY FOR THE TOWN'S 2013 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM

---

Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Michelle Towsley, 1368 East River Road, Cortland, New York, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$1,035.00.

RESOLUTION #27                      AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT  
REGARDING THE TOWN'S 2013 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM BETWEEN THE TOWN AND  
MICHELLE TOWSLEY

---

Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2013 Community Development Town-Wide Housing Rehabilitation Program, between the Town of Cortlandville and Michelle Towsley, 1368 East River Road, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$739.14.

RESOLUTION #28                      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
MICHELLE TOWSLEY FOR THE TOWN'S 2013 COMMUNITY  
DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING  
REHABILITATION PROGRAM

---

Motion by Councilman Leach

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Michelle Towsley, 1368 East River Road, Cortland, New York, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$739.14.

There was discussion regarding the termination of Tom Williams as Town Code Enforcement Officer. Supervisor Tupper clarified that Mr. Williams had a work related injury while conducting an inspection. He went to a Worker's Compensation Hearing and was determined to be partially/permanent disabled. The disability caused Mr. Williams to not be able to perform the job duties according to his job description. In the best interest of the Town, the Board decided they should not take a chance in Mr. Williams having a second claim that could end up in a permanent disability. Supervisor Tupper stated that the termination had nothing to do with Mr. Williams' job performance and that he was a good employee. The Board was sorry to see Mr. Williams go.

RESOLUTION #29                      AUTHORIZE TERMINATION OF TOM A. WILLIAMS AS A  
TOWN CODE ENFORCEMENT OFFICER

---

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, that, due to a disabling injury the Town Board does hereby authorize the termination of Tom A. Williams as a Town Code Enforcement Officer, effective January 9, 2016.

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 5:45 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 February 3, 2016.

The draft version of this meeting was approved as written at the Town Board meeting of February 17, 2016.