

PUBLIC HEARING NO. 1

SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
HOUSING REHABILITATION APPLICATION

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 submitting an application to the New York State Office of Community Renewal for funding under the Federal Small Cities Community Development Block Grant Program for a 2016 Town-Wide Housing Rehabilitation Grant.

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; Cortland county IDA Director, Garry VanGorder; Cortland County Planning Department Director, Dan Dineen; from the Cortland County Soil and Water Conservation District, Pat Reidy; from the Cortland County Sheriff Department, Chad Burhans; town residents, Pam Jenkins, Peg and Angelo Baccaro, Ann Hotchkin, Barb Leach; Village of Homer resident, Victor Siegle; News Reporter; Tyrone Heppard from the *Cortland Standard*, Sharon Stevans from Channel 2, Access TV, and Peter Blanchard from the *Cortland Voice*.

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.

Supervisor Tupper indicated to those in attendance that the town has been successful in applying and receiving several Community Development Block Grants for Housing Rehabilitation in the past. One grant was for the targeted area of Blodgett Mills, with an age requirement and two other grants were for Town Wide Housing Rehabilitation, which included the Village of McGraw.

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, Cortland, 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

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Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Final Town Board Minutes of August 17, 2016 as written. All voting aye, the motion was carried.

RESOLUTION #151 AUTHORIZE PAYMENT OF VOUCHERS – SEPTEMBER

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 #800-854	
	General Fund A	\$ 114,509.80
	General Fund B	\$ 51,204.92
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 508,650.74
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 #318-348	
	Luker Rd Water HA	\$ 41,862.65
	Owego St Water HB	\$ 129,410.99
	NYS Rt 13 Sewer Rehab HC	\$2,736,712.61
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 128,737.07
	Water SW	\$ 23,984.38
Funds SF, TA, TE	Voucher # 32-34	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 37,593.51
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Pam Jenkins.

Ms. Jenkins thanked the Board Members and began by stating that she understood this is not a Public Hearing but wanted to take a few minutes of the meeting and asked that her comments be entered into the record. Because there are speakers addressing the proposed gas station law she wished to speak on the law now.

Supervisor Tupper reminded Ms. Jenkins of his conversation with her earlier in the day. The presentation is being requested by the Town Board for educational purposes to learn about gas stations and is not a Public Hearing. The Town Board is not accepting any questions or comments from the public on this presentation. He further reminded her that if she chose to speak on other matters she could continue.

The monthly reports of the Town Supervisor, Town Clerk and Water/Sewer Department for the month of August 2016 were on the table for review and are filed in the Town Clerk's office.

RESOLUTION #152 AUTHORIZATION TO FILE AN APPLICATION FOR FUNDS
TO THE NEW YORK STATE OFFICE OF COMMUNITY
RENEWAL

Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: AYE - Tupper, Testa, Proud, Leach. Kasperek

NAY - 0

ADOPTED

BE IT RESOLVED, the Supervisor of the Town of Cortlandville is hereby authorized and directed to file an application for funds to the New York State Office of Community Renewal through its Federal Small Cities Community Development Block Grant Program for a 2016 Town-Wide Housing Rehabilitation Grant.

Councilman Leach questioned the status of the new monitoring procedure required regarding future CDBG's and why the town's consulting firm is not handling this procedure.

Supervisor Tupper explained the New York State Office of Community Renewal is now requiring municipalities to be more involved with their applicants that are approved by showing proof that monitoring and participation has occurred and the funding received is spent properly.

Our Town Clerk, Karen Snyder has been working with Linda Armstrong from the town's consulting firm, Thoma Development, developing monitoring forms, procedures and instructions for all town employees, all boards of the town and for the town's consulting firm, which should be available soon for use.

Councilman Proud mad a motion, seconded by Councilman Testa, to receive and file the Standardized Notice Form for a renewal application for an Alcoholic Beverage License to the New York State Liquor Authority, dated August 17, 2016, from Gary S. Wilcox on behalf of the Cortland Country Club for property located at 4514 Route 281 in the Town of Cortlandville. All voting aye, the motion was carried.

Town Attorney John B. Folmer had no business to report.

Supervisor Tupper introduced Pat Reidy, from the Cortland County Soil & Water and Dan Dineen, Director of the Cortland County Planning Department regarding Petroleum Storage, adding Mike Ryan from Cortland County Environmental Health was not able to join, but would be available at another time.

Dan Dineen took to the podium and spoke of the Cortland County Planning Department staff report submitted to the town dated March 16, 2016. The town's existing zoning law only permits gas stations in the B-3 District, within a shopping center. There are currently six shopping centers in the town within the B-3 Zoning District. Five of which are wholly or partially located within the 1a zone of the Wellhead Protection Area. The actual building of the Cortlandville Plaza across from Pall Trinity on Route 281 is the only shopping center outside of zones 1a and 1b of the Wellhead Protection Area. The remaining portion of this parcel is either located in zones 1a or 1b. Currently there is no area within the town that allows gas stations.

The town's proposed local law would allow gas stations in the B-1, B-2 and B-3 zoning districts in areas which are outside zone 1a and 1b of the Wellhead Protection Area. The proposed local law would open up eleven different new areas encompassing a total of 700+ acres for possible development of gas stations.

Councilman Proud asked of Mr. Dineen clarification of the Cortland County Planning Department/Boards recommendation of the town's first submittal of the local law, was an approval vs. the seconded submittal, which the CCPB recommended prohibiting gas stations over the aquifer and the CCPD staff recommended adoption subject to twelve conditions.

Mr. Dineen explained the first local law submitted was to clarify language and definitions of gas stations and his interpretation of what was proposed at that time. The first local law submitted did not propose any potential or prohibited areas for gas stations.

Mr. Dineen stated the second local law submitted did not contain the same language but identified potential areas for gas stations. The two local laws submitted were two different requests. As confusion continued, Councilman Proud, Supervisor Tupper and Town Attorney Folmer stated the second local law submitted was changed based on the recommendations of the CCPD/Board. It was stated the Coordinated Review Committee report was incorporated into the CCPD staff report.

Supervisor Tupper questioned Mr. Dineen of the qualifications of the CCPB members, if there were any hydrologists, any experts on water or any other type of experts? Mr. Dineen replied by stating there is an Engineer but was unsure of the other titles. Supervisor Tupper indicated the CCPB is made up of business people, housewives, a normal group of private citizens? Mr. Dineen responded by saying yes! Supervisor Tupper stated of which none of whom have any expertise in hydrology!

The Board thanked Dan Dineen for his comments and asked Pat Reidy to make his presentation.

Mr. Reidy indicated to the Board the Cortland County Soil & Water Conservation District provides technical assistance to the community and is not here to recommend passing the town's proposed local law on gas stations.

Wellhead Protection Area zones 1a and 1b have a two to five year travel time, commonly used though out the nation. The two year travel time is geared towards pathogens, bacteria and virus contamination, within that distance filtering out through the soils and eventually dying off. The five year travel time is geared towards chemical contamination where there is enough distance within that time the natural processes will help dissipate those contaminants. Outside the five year travel time when contaminated and discovered allows enough time to correct the issue. Gas stations should be placed outside the five year travel time and five thousand feet from the town's wells.

In 1988 the prohibition of gas stations came about by the town with the adoption of the Aquifer Protection District. This was due to because of the Smith Corona contamination spill of TCE and other contaminants into the towns aquifer area. At the same time nationwide the EPA was addressing the leakage of underground storage tanks. Since then regulations on gas stations have been adopted and has been periodically updated for years. With these regulations there is more control on gas stations, which reduces the risks to groundwater and aquifers.

Research, study and findings have been on going regarding gas stations behavior and groundwater. The findings of the contamination sites study, shows gasoline and its constituents do not travel far within groundwater relative to some other kinds of contaminants. Plumes generally on average travel hundreds of feet before reducing down to minimal levels or disappear altogether. Mr. Reidy felt this information was important to mention as to the relation to where gas stations are located compared to the water supply.

New York State updated their regulations on gas stations in October of 2015. Mr. Reidy spoke briefly on the regulations leaving any further discussion for Mike Ryan from the Cortland County Environmental Health at a later date. Some of the regulations would include corrosion protections to prevent leaks on all tanks and pipes, spill overfill prevention plans in place for cars and tanks with automatic shutoffs, systems in place for leak detention with alarms, operator training, reporting to the State and the EPA, operation, maintenance, and response requirements, financial insurance and closing requirements of a gas station. Because of these regulations and requirements in place the risks are now limited.

In 2015 the EPA report showed within New York State, twenty-three thousand, five hundred (23,500) active underground storage tanks, which included gasoline and other hazardous materials. Out of those twenty-three thousand, five hundred (23,500) underground tanks, one hundred and four (104) tanks reported spills in New York State for that year. The regulations require leak detection equipment systems to detect .1 gallons per minute. Human errors are still the biggest risks.

New York State does not provide guidance to communities on gas stations in Wellhead Protection Areas. The EPA does provide some guidance. Mr. Reidy also did some investigation regarding other communities and gas station placements. Through his research he found no community, no State or federal agency that prohibited gas stations outside the five (5) year travel time, as what the town is proposing.

What he did find was all the communities had conditions in place for gas stations. The most common conditions were placement of above ground storage tanks, secondary containment and the tanks had to be located on surfaces such as asphalt or concrete.

Mr. Reidy recommended a committee be established to help prepare guidelines and procedures for the conditions and locations of gas stations within the town as a gas station law. Some items the committee should consider would be monitoring well's; periodic testing and reporting to identified agencies and establish regulations for gas stations to be a certain distance away from streams.

Supervisor Tupper stated the town has been proactive in having a number of town wells tested periodically. He questioned Mr. Reidy if benzene, also known as gasoline, showed up in these wells that were tested? Mr. Reidy stated constituents of gasoline show up everywhere. In an urbanized area that has been tested, it will be found, tested again and then it is gone. Microorganisms are present everywhere and use the gasoline constituents as food, which allows gasoline to degrade quickly in a groundwater environment. There has been no persistent plume detected through the town's testing. Supervisor Tupper questioned if Mr. Reidy knew of any municipalities that protected the aquifer the way the Town of Cortlandville does? Mr. Reidy stated the town does a very good job, adding Saratoga Springs, Long Island and Cape Cod also do a good job.

Councilman Proud questioned what is used to determine the delineation of the wellhead protection zones? Mr. Reidy indicated the USGS mod flow model is used, which was developed by Todd Miller and others as the start. The model allows an input of different pump rates, at different locations by asking the model to determine the output of what cells the water would reach within a five year span.

Councilman Proud asked what circumstances would result in a re-delineation of a wellhead protection zone? Mr. Reidy offered three items could be considered such as a significant change in annual precipitation, which would change ground flow patterns; a significant change in pumping rates for the City of Cortland or the town; or a new large supply well, where the town is not providing water to a business, this business could install their own well and pump more than one million gallons a day near the towns Lime Hollow well. These suggestions could alter flow patterns and could move the delineation boundary for the Lime Hollow well for a minimal length. Mr. Reidy recommended evaluating if there is a need to re-delineation based on methods and reasoning, but is not recommending the town re-delineating the wellhead zone of the town as this point in time. Adding the town should track pumping rates compared to the model and track ground water levels to historical data to see if ground water flow patterns have changed instead of guessing that the patterns have changed. To re-delineate would be time consuming and expensive. Mr. Reidy noted that we should not assume the aquifer wellhead protection district areas have changed.

With the last two gas stations constructed, one in the Town of Virgil the other in the City of Cortland it was unknown if monitoring wells were installed. Town Attorney Folmer indicated monitoring facilities and monitoring report requirements, as conditions in the towns Local Law on gas stations, the Town Board could require these conditions be established by the Town's Planning Board.

Councilman Proud requested Mike Ryan from the Cortland County Environmental Health be contacted and be scheduled to speak to the Board as Councilman Proud had several questions, which could be answered by Mr. Ryan. Supervisor Tupper will contact Mr. Ryan and schedule a day and time that fits with everyone's schedule.

The Board was very appreciative to Dan Dineen and Pat Reidy for the information they provided.

Town Attorney John Folmer questioned Dan Dineen on his letter to the town dated March 17th, reading from his letter, "The board ultimately and unanimously passed a new motion recommending the town consider prohibiting gas stations over the aquifer between the City of Cortland boundaries". Attorney Folmer stated, which that would be Tompkins Street, "and then south along the area of Route 13 to the Town of Virgil boundary". Mr. Dineen stated the area would also include Route 281 and the western and southern boundaries of the City of Cortland. Mr. Folmer continued, "The board during their discussion of the application was supportive of the allowance of gas station development in the other B-2 and B-3 zones outside of that delineated area subject to the wellhead protection areas". Mr. Dineen stated that was correct.

RESOLUTION #153 ADOPT THE 2016 EMPLOYEE HANDBOOK AS THE
PERSONNEL POLICY FOR THE TOWN OF
CORTLANDVILLE

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Leach. Kasperek

NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby adopt the 2016 Employee Handbook, as the Personnel Policy for the Town of Cortlandville, superseding the Town's Employee handbook of 2013.

Supervisor Tupper discussed briefly some of the changes to the new handbook. The department heads who worked on the development of the handbook took into consideration the existing staff, looking into the future of individuals seeking employment with the town by reducing the new hired employee benefits, adding mandated language and modification of other language.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from NYS EFC regarding Clean Water State Revolving Fund (CWSRF), dated August 11, 2016, regarding NYS Route 13 Sewer Rehabilitation – Construction Certification Acceptance. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence from Syracuse Constructors, Inc., dated August 19, 2016, regarding Luker Road and Owego Street Watermain Installation competition. All voting aye, the motion was carried.

RESOLUTION #154 AUTHORIZE SUPERVISOR TO SIGN PAYMENT
APPLICATION #3 REGARDING THE LUKER ROAD AND
OWEGO STREET/ROUTE 215 WATER MAIN PROJECTS

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Proud, Leach. Kasperek

NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Town Supervisor to sign payment application #3 regarding the Luker Road and Owego Street/Route 215 Water Main Installation Projects in the amount of \$171,273.64 to Syracuse Constructors, Inc.

RESOLUTION #155 AUTHORIZE SUPERVISOR TO TRANSFER FUNDS FROM
FUND BALANCES TO ESTABLISHED RESERVE
ACCOUNTS

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Proud, Leach. Kasperek

NAY - 0

ADOPTED

WHEREAS, the Town Supervisor requested the Town Board authorize him to transfer funds from fund balances to the established reserve accounts, therefore

BE T RESOLVED, the Town Board does hereby authorize and direct the Town Supervisor to transfer \$50,000.00 from the DB Fund Balance to the Highway Equipment Capital Reserve Fund; transfer \$15,000.00 from the Water Fund Balance to the Water Improvement Capital Reserve Fund; and transfer \$25,800.00 from the Sewer Fund Balance to the Sewer Improvement Capital Reserve Fund.

Supervisor Tupper apprised the board he received correspondence from the Cortland County Soil and Water Conservation District regarding the 20th Annual Cortland County River Cleanup. The Cleanup is scheduled for September 24, 2016. Residents are encouraged to participate in the event.

Town Clerk Snyder will post the flier on the Town Clerk's sign board for the public to review.

Supervisor Tupper questioned whether there was anything further to come before the Board.

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 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 October 14, 2016.

The final version of this meeting was approved as written at the Town Board meeting of October 19, 2016.