

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT  
BESTWAY OF NEW YORK, INC.  
3832 LUKER ROAD  
TAX MAP #86.17-02-01.100

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 Bestway of New York, Inc., to construct a 10,000 sq. ft. steel building for use as an equipment/vehicle maintenance facility with a gravel access driveway and associated gravel parking area, located on the east side of Luker Road, approximately 1,450 ft. southeast of the Luker Road/NYS Route 281 intersection, tax map #86.17-02-01.100.

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; Town Highway Sup't. Carl Bush; Chuck Feiszli, P.E.; representing Bestway, Attorney, Mike Shaffer and Andrew Porter; Town Resident, Barb Leach; News Reporter, Tyrone Heppard from the *Cortland Standard*; Sharon Stevans and Duane Andrus 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.

Attorney Mike Shafer, representing Bestway of New York explained to the Town Board this application was before the Town Planning Board and Town Board some time ago. The Conditional Permit and the Aquifer Protection Permit application were approved. For various business reasons construction did not occur regarding the building being erected, which caused the building permit to expire. The applicant has been back through the Planning Board process with approval from the Town Planning Board. A completed Stormwater Management Plan has been submitted. The applicant has met with the Cortland County Health Department regarding the onsite storage of petroleum products.

No further 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

Others present were: Town Attorney, John Folmer; Town Highway Sup't. Carl Bush; Chuck Feiszli, P.E.; representing Bestway, Attorney, Mike Shaffer and Andrew Porter; Town Resident, Barb Leach; News Reporter, Tyrone Heppard from the *Cortland Standard*; Sharon Stevans 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 approve the Final Town Board Minutes of September 7, 2016 and September 21, 2016 as written. All voting aye, the motion was carried.

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**RESOLUTION #173                      AUTHORIZE PAYMENT OF VOUCHERS – OCTOBER**

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Motion by Councilman Proud

Seconded by Councilman Leach

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 #940-989	
	General Fund A	\$ 31,775.23
	General Fund B	\$ 7,045.67
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 80,043.37
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 #389-405	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	NYS Rt 13 Sewer Rehab HC	\$ 4,800.00
	Oakcrest/Pendleton Sewer HD	\$ 1,602.55
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 1,506.09
	Water SW	\$ 9,964.48
Funds SF, TA, TE	Voucher #41-43	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 39,426.43
	Expendable Trust TE	\$ 0.00

The monthly reports of the Town Justices for the month of September were on the table for review and are filed in the Town Clerk's office.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the Completed Spill Prevention Plan, received October 12, 2016 from Royal Nissan Subaru. All voting aye, the motion was carried.

RESOLUTION #174      DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION  
PERMIT APPLICATION #4 OF 2016 SUBMITTED BY ROYAL  
NISSAN SUBARU FOR PROPERTY LOCATED AT 654 ROUTE  
13

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Motion by Councilman Proud  
Seconded by Councilman Testa

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

WHEREAS, an Aquifer Protection Permit application was submitted by Royal Nissan Subaru to permit construction of an approximately 28,000 sq. ft. automobile dealership with accessory parking for 419 vehicles on the southeast side of NYS Route 13, approximately ½ mile southwest of the NYS Route 13/South Cortland Virgil Road intersection, tax map #105.00-04-06.000, 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 Royal Nissan Subaru, Aquifer Protection Permit application #4 of 2016, shall have no significant environmental impact.

RESOLUTION #175      AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION  
OF AQUIFER PROTECTION PERMIT APPLICATION #4 OF  
2016

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Motion by Councilman Proud  
Seconded by Councilman Testa

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit Application #4 of 2016, submitted by Royal Nissan Subaru.

RESOLUTION #176      APPROVE AQUIFER PROTECTION PERMIT APPLICATION  
#4 OF 2016 SUBMITTED BY ROYAL NISSAN SUBARU FOR  
PROPERTY LOCATED AT 654 ROUTE 13 SUBJECT TO  
CONDITIONS

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Motion by Councilman Proud  
Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Proud, Leach, Kasperek      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 application #4 of 2016, submitted by Royal Nissan Subaru, permitting the construction of an approximately 28,000 sq. ft. automobile dealership with accessory parking for 419 vehicles on the southeast side of NYS Route 13, approximately ½ mile southwest of the NYS Route 13/South Cortland Virgil Road intersection, tax map #105.00-04-06.000, subject to conditions from the Town and County Planning Boards, with the acceptance of the Competed Spill Prevention Plan:

1. The applicant either increasing the dimensions of the vehicle parking spaces to 10 ft. by 20 ft. or applying for and obtaining a bulk variance for the reduced parking space size.
2. The applicant obtaining a curb cut permit and from the NYS Department of Transportation (DOT) for the proposed new driveway entrance on NYS Route 13.

3. The applicant either reducing the number, square footage and height of signage on site to conform to the "Zoning Local Law of the Town of Cortlandville" or the applicant applying for and receiving a bulk variance for the increased number, square footage and height of signage.
4. Any floor drains in the facility being connected to a holding tank or sanitary sewer equipped with an oil and grit separating tank.
5. Wastes collected in a holding tank must be disposed of through a licensed waste hauler.
6. Waste degreasing solvents must be stored in drums or a holding tank and disposed of through a licensed waste hauler.
7. Waste oil must be stored in tanks or drums for disposal by a licensed waste hauler.
8. 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 and drums and to prevent precipitation from entering dikes. Drums should be sealed, and tanks and drums must be located away from floor drains.
9. Large drip pans should be kept beneath drums which have spigots and are stored in horizontal position on racks.
10. 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.
11. Submittal of a list and quantity of proposed chemicals to the Town, and a plan of primary and secondary storage facilities for these chemicals.
12. The applicant's submittal and the Town's acceptance of the Spill Response Plan and Spill Prevention, Control & Counter Measures Plan for the site.
13. The applicant obtaining approval of the public water and sewer connection, including the installation of a backflow prevention device for the public water connection, from the County Health Department and Town.
14. The Stormwater Pollution Prevention Plan being approved for the site by the Town upon review by the County Soil and Water Conservation District.
15. 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 and obtaining a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage for greater than one acre of soil disturbance. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements. The planned soil disturbance of 5 acres or greater will require additional Permit and SWPPP requirements.
16. The applicant providing and obtaining approval of a detailed landscaping plan for the site to the Town to include additional landscaping other than just lawn areas.
17. The applicant's submittal of a lighting plan for the site to the Town which indicates that there would be no lighting from this property in excess of 1.0 footcandle outside of the property boundaries.
18. The Town reviewing the proposed building design for conformance with the Town's Design and Development Guidelines.
19. Compliance with SEQR requirements.

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

RESOLUTION #177                      DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION  
PERMIT APPLICATION #5 OF 2016 SUBMITTED BY  
BESTWAY OF NEW YORK, INC. FOR PROPERTY LOCATED  
AT 3832 LUKER ROAD

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Motion by Councilman Leach

Seconded by Councilman Proud

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

NAY - 0

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Bestway of New York, Inc. to permit construction of a 10,000 sq. ft. steel building for use as an equipment/vehicle maintenance facility with a gravel access driveway and associated gravel parking area, located on the east side of Luker Road, approximately 1,450 ft. southeast of the Luker Road/NYS Route 281 intersection, tax map #86.17-02-01.100, 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 Bestway of New York, Inc., Aquifer Protection Permit application #5 of 2016, shall have no significant environmental impact.

RESOLUTION #178                      AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION  
OF AQUIFER PROTECTION PERMIT APPLICATION #5 OF  
2016

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Motion by Councilman Leach

Seconded by Councilman Proud

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

NAY - 0

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit Application #5 of 2016, submitted by Bestway of New York, Inc.

RESOLUTION #179                      APPROVE AQUIFER PROTECTION PERMIT APPLICATION  
#5 OF 2016 SUBMITTED BY BESTWAY OF NEW YORK,  
INC. FOR PROPERTY LOCATED AT 3832 LUKER ROAD

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Motion by Councilman Leach

Seconded by Councilman Testa

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

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 application #5 of 2016, submitted by Bestway of New York, Inc., permitting the construction of a 10,000 sq. ft. steel building for use as an equipment/vehicle maintenance facility with a gravel access driveway and associated gravel parking area, located on the east side of Luker Road, approximately 1,450 ft. southeast of the Luker Road/NYS Route 281 intersection, tax map #86.17-02-01.100, subject to conditions from the Town and County Planning Boards from the year 2012:

1. The applicant obtaining a petroleum bulk storage permit from the County Health Department which is subject to compliance with those standards described in Articles XX, XXI, and XXII of the Sanitary Code of the Cortland County Health Department.
2. The floor drains being connected to the sanitary sewer equipped with an oil and grit separating tank.

3. Waste degreasing solvents being stored in drums or a holding tank and disposed of through a licensed waste hauler.
4. The storage facilities for tanks and/or drums require coated concrete floors and secondary containment with a volume of at least 110% of the largest tank capacity, which is diked to prevent accidental spills or leaks from reaching the floor drains. Drums should be sealed, and tanks and drums must be located away from floor drains.
5. Large drip pans being kept beneath drums which have spigots and are stored in horizontal position on racks.
6. Potentially contaminated scrap, including but not limited to scrap parts, batteries and used filters being stored in proper containers to prevent environmental release of contaminants.
7. The applicant preparing a spill prevention and response plan for the facility and obtaining approval of the plan from the Town to insure that any spills are properly handled, particularly given the property's close proximity to the City of Cortland Water Works property.
8. Any vehicle washing on site being done in a closed loop system for collection and reuse of wastewater.
9. The proposed easement through the neighboring property being written into the deeds of both properties to insure perpetual access to this property from Luker Road.
10. The applicant obtaining approval from the Town Highway Superintendent of driveway entrance and drainage details at the proposed Luker Road driveway entrance.
11. The applicant obtaining approval of the proposed stormwater pollution prevention plan, including a maintenance plan for the stormwater system for the site, from the Town.
12. 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, per the NYS Phase II stormwater regulations, which shall include stormwater management and runoff reduction and coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities (General Permit-0-10-001).
13. The stormwater plan for the site indicating that runoff from snow storage areas would also be directed to the stormwater basin.
14. A determination being made that the proposed building is below the transitional surface elevation for obstruction for the Cortland County Airport as defined in F.A.R. Part 77.
15. The landscaping plan, including a maintenance plan for the landscaping for the site, being approved by the Town.
16. The applicant obtaining an individual private well permit from the County Health Department.
17. The applicant obtaining approval from the Town for connection to the public sewer system.
18. Compliance with SEQR requirements.

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

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RESOLUTION #180                      SCHEDULE PUBLIC HEARING REGARDING THE 2017  
PRELIMINARY BUDGET

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Motion by Councilman Leach

Seconded by Councilman Kasperek

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

NAY - 0

ADOPTED

BE IT RESOLVED, a Public Hearing is hereby scheduled to be held on November 2, 2016 at 5:00 p.m. regarding the 2017 Preliminary Budget, and it is further

RESOLVED, that copies shall be made available for distribution to the public on November 2, 2016.

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RESOLUTION #181                      SCHEDULE DATE TO ADOPT 2017 PRELIMINARY  
BUDGET AS THE 2017 ADOPTED BUDGET

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Motion by Councilman Leach

Seconded by Councilman Kasperek

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

NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board shall adopt the 2017 Preliminary Budget as the 2017 Adopted Budget at the Regular Town Board Meeting on Wednesday, November 16, 2016 at 5:00 p.m.

Supervisor Tupper mentioned that the Town's 2017 Preliminary Budget shows a town tax rate of \$3.11, an increase of 5 cents and a \$2.24 tax rate for the Villages, which would be a decrease of 1 cent from the 2016 adopted town budget.

The Benefit Tax, which has not yet been completely computed, sewer should decrease around \$19.00 per unit, this would be due to reduction in sewer bond payments and the water will increase around \$11.00 due to new water projects completed.

Town Clerk, Karen Q. Snyder had no business to report.

Attorney Folmer reported:

Time Warner Cable – Troy and Banks:

The town retains the services of Troy & Banks to audit the town's utilities from time to time. Troy & Banks after much research has determined the town is owed a significant sum of money from Time Warner Cable regarding unpaid franchise fees. In March of this year the town corresponded with Time Warner asking them to review the Troy & Banks report and to work out the details of paying the town what was owed or perhaps compromise what is owed. There has been no response from Time Warner regarding that request.

On September 29, 2016 correspondence was sent again to Time Warner reminding them of the town's earlier correspondence and if by October 15, 2016 Time Warner failed to take any steps to resolve the issue, Troy & Banks would be advised by the town to file the necessary complaint with the State Public Service Commission. Attorney Folmer requested of the Board to adopt a resolution authorizing Troy & Banks to file such complaint with the State Public Service Commission due to no response from Time Warner of the town's unpaid franchise fees.

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RESOLUTION #182                      AUTHORIZE TROY & BANKS TO FILE A COMPLAINT TO  
THE STATE PUBLIC SERVICE COMMISSION ON BEHALF OF  
THE TOWN OF CORTLANDVILLE

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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 Troy & Banks to file a complaint to the State Public Service Commission in regards to Time Warner failing to respond to the town and failing to pay any unpaid franchise fees to the Town of Cortlandville after numerous attempts.

RESOLUTION #183                      ESTABLISH THE STANDARD WORK DAY FOR ELECTED  
AND APPOINTED OFFICIALS OF THE TOWN OF  
CORTLANDVILLE FOR THE YEAR 2016

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Motion by Councilman Leach

Seconded by Councilman Proud

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

NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby establish the following as standard work days for elected and appointed officials and will report the following days worked to the New York State Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk:

Elected Officials:	Name:	Standard Work Day:	Term of Office:	Record of Activities:
Town Supervisor	Richard C. Tupper	6 hours	01/01/16-12/31/17	30.00
Town Clerk/Collector	Karen Q. Snyder	7 hours	01/01/16-12/31/17	26.64
Town Justice	Francis J. Casullo	6 hours	01/01/16-12/31/19	14.14
Appointed Officials:	Name:	Standard Work Day:	Term of Office:	Record of Activities:
ZBA Member	Lenore LeFevre	6 hours	01/01/16-12/31/20	.35

Attorney Folmer explained to the Board members the subordination agreement request on this evenings agenda. The Town has received a request from Michelle Towsley, of 1368 East River Road, asking the town to subordinate as she wishes to refinance her property. Ms. Towsley has four (4) outstanding obligations with the town under the 2013 CDBG – Town-Wide Housing Rehabilitation Program. In order for her to refinance her property for \$63,288.00± the mortgage company, which is Quicken Loans is requesting the Town of Cortlandville be listed as a secondary lien holder.

Her first obligation with the town started in 2012 for \$25,305.00. That obligation has been reduced to \$10,122.00, which will be completed in July of 2018. As long as she occupies her home for five (5) years each obligation is reduced. Her other obligations to the town are for \$4,420.00, \$739.14 and \$1,035.00. When her obligations to the town started the liens totaled \$32,279.14. Since she continues to occupy the residence her obligations are currently reduced to \$16,316.14.

Attorney Folmer did advise the Board that subordination requests have been granted in the past. He added that if Ms. Towsley should sell her property before her obligations are satisfied she would still be required to release the liens held by the Town of Cortlandville and pay to the town the balance of her obligations, reminding the Board their motion is not to forgive her obligations only to be listed as a seconded lien holder.

RESOLUTION #184                      AUTHORIZE SUPERVISOR TO SIGN THE SUBORDINATION  
AGREEMENT FOR MICHELLE TOWSLEY FOR THE TOWN'S  
2013 COMMUNITY DEVELOPMENT BLOCK GRANT  
TOWN-WIDE HOUSING REHABILITATION PROGRAM

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Motion by Councilman Leach

Seconded by Councilman Proud

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

NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby agree to the Subordination Agreement requested by Michele Towsley of 1368 East River Road, Cortland, New York, and it is further

RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign such agreement regarding her obligations for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program.



RESOLUTION #185                      AUTHORIZE SALARY AND BENEFITS FOR THE NEWLY  
APPOINTED DEPUTY TOWN CLERK, BRIDGET L. YAPLE

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Motion by Councilman Proud

Seconded by Councilman Leach

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

NAY - 0

ADOPTED

WHEREAS, as a vacancy has occurred in the office of the Town Clerk for a Deputy Town Clerk, and

WHEREAS, Town Clerk, Karen Q. Snyder has appointed Bridget L. Yaple, of 836 N. Lamont, Cortland, New York to the position of Deputy Town Clerk, therefore

BE IT RESOLVED, the Town Board does hereby authorize the salary of \$24,000.00 along with full time benefits for Deputy Town Clerk, Bridget L. Yaple.

RESOLUTION #186                      AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH  
ADVANTAGE CLEANING SERVICE

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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 authorize and direct Supervisor Tupper to sign a contract with "Advantage Cleaning Service" to clean Town Hall in the amount of \$532.00 per week, effective November 1, 2016 until December 31, 2016.

Supervisor Tupper thanked Town Bookkeeper, Marcia Hicks for her many hours and late nights working on the 2017 Town Budget. He also thanked the department heads for their hard work and understanding.

No further comments or discussion were heard.

Councilman Leach made a motion, seconded by Councilman Testa, 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 final version of this meeting was submitted to the Town Board for their review on January 27, 2017.

The final version of this meeting was approved as written at the Town Board meeting of February 1, 2017.