

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
SUBURBAN PROPANE, LLC
US ROUTE 11 AND NYS ROUTE 41
TAX MAP #87.04-01-17.000 & #87.04-01-18.000

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, concerning an application for an Aquifer Protection Permit submitted by Suburban Propane, LLC requesting to remove the existing 4,842 sq. ft. building on the site, construct a new 3,880 sq. ft. building and renovate the existing concrete pad fuel oil storage area, for property located approximately ¼ mile west of the intersection of US Route 11 and NYS Route 41, owned by Suburban Propane, LLC.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, Gregory K. Leach
Councilman, Walter J. Kasperk
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John B. Folmer; Town Resident, Barb Leach; Representation for applicant; Hutch Hamblin, Terry Horst, Joseph Carey; News Reporter, Tyrone Heppard from the *Cortland Standard* and 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 questioned whether anyone else wished to speak from the public.

Terry Horst introduced Joseph Carey to discuss copies of existing permits submitted to the Town Board. He stated Suburban Propane, LLC needed the Bulk Storage permit as required by Cortland County Health Department and as required by US EPA, the SPCC Plan. Suburban Propane, LLC has shown documentation of these two items and is in compliance. They are unable to get the equivalent permit until the work is actually done and inspected by the Cortland County Department of Health.

No further comments or discussions were heard.

The Public Hearing was closed at 5:10 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 Resident, Barb Leach; Representation for applicant; Hutch Hamblin, Terry Horst, Joe Carey; News Reporter, Tyrone Heppard from the *Cortland Standard* and 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 final Town Board Minutes of October 05, 2016 as written. All voting aye, the motion was carried.

RESOLUTION #192

AUTHORIZE PAYMENT OF VOUCHERS – NOVEMBER

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 #1045-1095	
	General Fund A	\$113,544.08
	General Fund B	\$ 21,177.04
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$173,429.65
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 #422-442	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 141,005.55
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 114,193.30
	Water SW	\$ 109,614.70
Funds SF, TA, TE	Voucher #45-46	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 606.87
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to those in attendance. There were no requests.

The monthly report from the Town Clerk’s Office regarding the Water/Sewer billing for the month of October was on the table for review and is filed in the Town Clerk’s office.

RESOLUTION #193 ACCEPT ANNUAL REPORT OF TOWN RMO AND
SCHEDULE OF DISPOSED RECORDS IN 2015 IN
ACCORDANCE WITH THE RETENTION AND DISPOSITION
SCHEDULE

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 accept the Annual Report of the Records Management Officer of the Town, including a list of the disposed records in 2015, in accordance with the Records Retention Disposition Schedule, MU-1.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Charter Communications (formally known as Time Warner Cable) dated November 10, 2016 and November 15, 2016, regarding fees and programming services. All voting aye, the motion was carried.

RESOLUTION #194 DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION
PERMIT APPLICATION #6 OF 2016 SUBMITTED BY
SUBURBAN PROPANE FOR PROPERTY LOCATED AT 3833
ROUTE 11

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 Suburban Propane requesting to remove the existing 4,842 sq. ft. building on the site, to permit construction of a 3,880 sq. ft. building and renovate the existing concrete pad fuel oil storage area, located on the approximately ¼ mile west of the intersection of US Route 11 and NYS Route 41, tax map #87.04-01-17.000 and 87.04-01-18.000, 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 Suburban Propane, Aquifer Protection Permit application #6 of 2016, shall have no significant environmental impact.

RESOLUTION #195 AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION
OF AQUIFER PROTECTION PERMIT APPLICATION #6 OF
2016

Motion by Councilman Leach

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 #6 of 2016, submitted by Suburban Propane.

RESOLUTION #196 APPROVE AQUIFER PROTECTION PERMIT APPLICATION
#6 OF 2016 SUBMITTED BY SUBURBAN PROPANE FOR
PROPERTY LOCATED AT 3833 ROUTE 11 SUBJECT TO
CONDITIONS

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 #6 of 2016, submitted by Suburban Propane, requesting to remove the existing 4,842 sq. ft. building on the site, to permit construction of a 3,880 sq. ft. building and renovate the existing concrete pad fuel oil storage area, located on the approximately ¼ mile west of the intersection of US Route 11 and NYS Route 41, tax map #87.04-01-17.000 and 87.04-01-18.000, subject to conditions from the Town and County Planning Boards:

1. The new concrete dike having a capacity of at least 110% of the volume of one of the tanks (20,000 gallons time 110% equals 22,000 gallons) to insure that the containment area can hold the entire volume of one of the tanks in the event of tank failure.
2. The applicant obtaining a Petroleum Bulk Storage permit from the County Health Department including compliance with those standards described in Articles XX, XXI and XXII of the Sanitary Code of the Cortland County Health Department including construction plan review and specifications of the concrete dike area, tanks, piping, and all equipment as well as plans for removal of existing infrastructure.
3. The applicant increasing the width of the driving lane in the proposed customer parking lot to 24 ft. to provide sufficient area for vehicles to maneuver into and out of parking spaces.
4. That the applicant prepares a spill response and prevention plan for the site and submits such plan to the town per EPA (U.S. Environmental Protection Agency) regulations.
5. The applicant preparing and obtaining approval of a stormwater pollution prevention plan for the site per the town's and New York State stormwater regulations including the filing of a Notice of Intent with the NYS Department of Environmental Conservation (DEC), if it is determined that at least one acre of land would be disturbed as a result of this proposal.
6. The applicant consulting with and obtaining written confirmation from the NYSDEC as to the necessity of the existing monitoring wells and/or if the monitoring wells should be decommissioned and the procedure for any such decommissioning.
7. The applicant obtaining approval of the proposed connection to public water and sewer from the County Health Department upon application to the town including the installation of a backflow prevention device to the public water connection.
8. The applicant providing more details as to the snow storage on site given the amount of impervious surface proposed on this site.
9. The applicant obtaining approval of the lighting and landscaping plans for the site from the town.
10. Compliance with SEQR requirements.

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

RESOLUTION #197 ADOPT THE TOWN BUDGET FOR FISCAL YEAR OF 2017

Motion by Councilman Proud

Seconded by Councilman Leach

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

NAY-0

ADOPTED

WHEREAS, on the 2nd day of November, 2016 the Town Board of the Town of Cortlandville, held a Public Hearing on the Preliminary Budget and proposed amounts to be raised by the benefit tax on benefited properties in the Town Sewer and Town Water Improvement Districts, approved by the Town Board, and filed with the Town Clerk for fiscal year commencing January 01, 2017, and having heard all persons in favor of, or against any items therein contained, therefore

BE IT RESOLVED, the Preliminary Budget is hereby approved as filed, and the same is hereby adopted and established as the annual budget of this Town for the fiscal year beginning January 01, 2017, and such annual budget, as so adopted, is filed with the Town Clerk, and it is further

RESOLVED, that the Town Clerk of this Town shall prepare and certify, as provided by law, duplicate copies of the annual budgets, hereby adopted, together with the assessment rolls for the benefit of improvement for the Sewer and Water Funds, adopted pursuant to Section 202-a of the Town Law and within five days thereof, deliver two copies to the Supervisor of the Town and the Supervisor shall present the copies of the annual budget to the Legislature of Cortland County within ten days after his receipt thereof from the Clerk.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from the Town of Dryden, Town Clerk, regarding their proposed Solar Energy Law, Zoning and Subdivision Local Law Amendments and Comprehensive Plan amendment, dated November 15, 2016. All voting aye, the motion was carried.

RESOLUTION #198 ADOPT FAIRGROUND DRIVE, CARROLL STREET AND THE
CONNECTION BETWEEN RURAL AND CONABLE AVENUES
AS TOWN HIGHWAYS

Motion by Councilman Leach

Seconded by Councilman Kasperek

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

NAY-0

ADOPTED

WHEREAS, the Town Highway Superintendent reports that the following roadways have been used by the public and maintained by the Town for a period in excess of ten (10) years, and

WHEREAS, Section 189 of the Highway Law of the State of New York provides that in the event that such use and maintenance has continued for a period of ten (10) years or more, such lands shall be deemed a highway as if they had been duly laid out, declared and recorded as a highway, and

WHEREAS, the Highway Superintendent has reported that the landowners of the premises affected by the use of the said roadways have indicated their consent to the declaration of said lands as highways, PURSUANT TO Section 189 of the Highway Law,

NOW THEREFORE BE IT RESOLVED;

Fairground Drive and Carroll Street

The connection between Rural Avenue and Conable Avenue to be known as Rural Avenue

NOW THEREFORE BE IT FURTHER RESOLVED, the stated above roadways are hereby declared Town Highways as permitted by Section 189 of the Town Highway Law.

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence from NYS Homes & Community Renewal, regarding the review of the single audit conducted ending November 1, 2016. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from Kathleen Wright, Animal Health Inspector for NYS Agriculture & Markets, dated October 31, 2016, regarding the Dog Control Officer Inspection Report and Municipal Shelter Inspection Report completed on October 27, 2016. All voting aye, the motion was carried.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:20 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 with changes at the Town Board meeting of April 5, 2017.