

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
HAMILTON BUILDING SERVICES, INC.
3877 LUKER ROAD
TAX MAP #95.08-01-17.000

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 Hamilton Building Services, Inc. to construct a 3,600 sq. ft. office building and a 3,120 sq. ft. storage warehouse for a residential/small commercial construction business, for property located on the west side of Luker Road, approximately halfway between the McLean Road/Luker Road intersection and the NYS Route 281/Luker Road intersection, tax map #95.08-01-17.000.

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; Lydia and James Ferro; Marilee Comerford; Pam Jenkins; Tim Buhl and Eric Barden for Hamilton Building Services, Inc.; News Reporter: Eric Mulvihill from WXHC, and Tyrone Heppard from the *Cortland Standard*.

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 5:03 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; Lydia and James Ferro; Marilee Comerford; Pam Jenkins; Tim Buhl and Eric Barden for Hamilton Building Services, Inc.; News Reporter: Eric Mulvihill from WXHC, and Tyrone Heppard from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #1243

Motion by Councilman Proud
Seconded by Councilman Leach
VOTES: AYE – Tupper, Testa, Rocco, Proud, Leach NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1243 submitted by Highway Sup’t. Bush to be paid to Vantage Equipment for repairs to the Town Highway Department’s 2001 Volvo Excavator, for the cost of \$7,092.88.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #1244

Motion by Councilman Leach
Seconded by Councilman Rocco
VOTES: AYE – Tupper, Testa, Rocco, Proud, Leach NAY – 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1244 submitted by Highway Sup’t. Bush to be paid to GH Berlin Winward to purchase bulk oil for the Highway Department, for the cost of \$3,140.48.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS – FEBRUARY

Motion by Councilman Proud
Seconded by Councilman Leach
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 #134-180	
	General Fund A	\$ 80,589.62
	General Fund B	\$ 244.69
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 52,939.81
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00

Fund HC, SS, SW	Voucher #51-69	
	NYS Rt 13 Sewer Rehab HC	\$ 16,718.90
	Sewer SS	\$211,586.29
	Water SW	\$ 10,086.75
Funds SF, TA, TE	Voucher #7-7	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 263.00
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Pam Jenkins.

Town resident Pam Jenkins apprised the Board that Cortland County residents should be concerned about the County's Ash for Trash proposal for three main reasons: public policy, financial and environmental. She stated that secret meetings and negotiations continue, FOIL requests have not been answered, and that the finances aren't what the proponents promised as they tried to sell towns and villages around the County. Ms. Jenkins provided the Board with literature from the EPA's website about an incinerator ash dump in Honolulu, Hawaii. The initial phase of the cleanup was \$16 million; the contaminants were dioxins and metals – exactly what would be in Onondaga County's ash. She added that if the County's landfill is filled prematurely with Onondaga County's ash, the County would have to build more cells. Ms. Jenkins also mentioned the concern with our drinking water.

Ms. Jenkins stated that because Barton & Loguidice chose not to answer environmental questions in the Environmental Impact Statement, she posed them to the EPA. Ms. Jenkins received a response from the Arlene Anderson, Chief of the Drinking Water and Groundwater Protection of the EPA, who was looking into her questions and needed time to coordinate the necessary data to address her request.

Ms. Jenkins stated that our Cortland County officials are supposed to vote at the end of the month as to whether or not to accept the EIS, however questions that have been asked have not been answered. The County spent several hundred thousand dollars on the process, which she called a sham.

Ms. Jenkins stated that the Town may not have taken a position on the landfill, however the Board members are all County residents as are their neighbors. She mentioned that the open cell at the landfill was on Cortlandville land. Ms. Jenkins directed the Board and the public to look at the website www.ashcortland.com where more information and videos were available.

Councilman Rocco stated that he recently mentioned the ash dump in Honolulu, Hawaii and the cost of the cleanup, and that the Board has discussed the proposal. He stated that every document that he has read from the County has not been completely accurate. Councilman Rocco thanked Ms. Jenkins for her work on the issue as a private, educated citizen. He informed her that the Town Boards of Jamesville and Dewitt have both come out against the proposal. The owner of the plant owns or operates about 42 of the plants in the State of New York, 2 of which have been shut down due to the emission of too many pollutants. Councilman Rocco briefly discussed the method by which the testing was done on the ash and his concerns.

RESOLUTION # ACCEPT ANNUAL REPORT OF THE LAMONT MEMORIAL
FREE LIBRARY FOR THE YEAR 2014

Motion by Councilman Leach

Seconded by Councilman Proud

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

BE IT RESOLVED, the Annual Report of the Lamont Memorial Free Library for the year 2014 is hereby accepted and shall be received and filed.

Under communications, Supervisor Tupper explained that the Board received an anonymous letter regarding Highway Sup't. Bush and use of his work truck. Councilman Proud read the letter aloud, which made mention of Highway Sup't. Bush using his Town truck to plow his driveway, as well as Town employees using Town vehicles to transport relatives to work.

Councilman Proud explained that Highway Sup't. Bush does take his truck home and is on-call 24-hours a day, 7-days a week, and therefore must be able to get in and out of his driveway at all times. The Board did not have a problem with Highway Sup't. Bush taking his work truck home and plowing his way in and out of his driveway when necessary.

Highway Sup't. looked into the concern that employees were transporting relatives in Town trucks, and that the answer was no. Councilman Proud explained that the Town does not allow employees to have non-employees in the vehicle as it is a liability. He explained that in some situations the Town transports contractors or other people working with the Town.

Councilman Proud regretted that the person who made the complaint did not provide contact information because he could have called the person to notify him/her of the Town's response. The Board made it clear that complaints do not have to be anonymous and that they were all available to answer complaints.

Attorney Folmer and the Board reviewed the SEQR Short Environmental Assessment Form for the Aquifer Protection Permit application submitted by Hamilton Building Services, Inc. for property located off of Luker Road.

RESOLUTION # DECLARE NEGATIVE IMPACT FOR AQUIFER
PROTECTION PERMIT #1 OF 2015 SUBMITTED BY
HAMILTON BUILDING SERVICES, INC. FOR
PROPERTY LOCATED AT 3877 LUKER ROAD

Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Hamilton Building Services, Inc. to permit the construction of a 3,600 sq. ft. office building and a 3,120 sq. ft. storage warehouse for a residential/small commercial construction business, for property located on the west side of Luker Road, approximately halfway between the McLean Road/Luker Road intersection and the NYS Route 281/Luker Road intersection, tax map #95.08-01-17.000, 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 Hamilton Building Services, Inc., Aquifer Protection Permit #1 of 2015, shall have no significant environmental impact.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN SEQRA
APPLICATION OF AQUIFER PROTECTION
PERMIT #1 OF 2015

Motion by Councilman Testa

Seconded by Councilman Leach

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 2015, submitted by Hamilton Building Services, Inc.

RESOLUTION # APPROVE AQUIFER PROTECTION PERMIT #1 OF 2015
SUBMITTED BY HAMILTON BUILDING SERVICES, INC.
FOR PROPERTY LOCATED AT 3877 LUKER ROAD
SUBJECT TO CONDITIONS

Motion by Councilman Testa

Seconded by Councilman Leach

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 2015, submitted by Hamilton Building Services, Inc. to permit the construction of a 3,600 sq. ft. office building and a 3,120 sq. ft. storage warehouse for a residential/small commercial construction business, for property located on the west side of Luker Road, approximately halfway between the McLean Road/Luker Road intersection and the NYS Route 281/Luker Road intersection, tax map #95.08-01-17.000, subject to conditions from the Town and County Planning Boards:

1. The applicant providing to the Town building design and architectural features of the proposed buildings to ensure that the proposed buildings conform to the Town of Cortlandville's Design and Development Guidelines.
2. The driveway area behind the parking spaces being widened from the proposed 22 feet to 24 feet to allow for adequate area for vehicles to maneuver into and out of parking spaces.
3. The applicant providing to the Town and receiving approval of a more detailed landscaping plan for the site.
4. The applicant obtaining a permit and approval from the Town Highway Superintendent for the proposed new driveway entrances on Luker Road.
5. Any proposed signage on site either conforming to the "Zoning Local Law of the Town of Cortlandville" or the applicant applying for and receiving a bulk variance.
6. The applicant obtaining approval of the private well from the County Health Department.
7. The applicant obtaining approval of the public sewer connection from the County Health Department via application with the Town.
8. No curbing being placed on the edge of any paved areas that are adjacent to grass areas to allow for runoff to flow freely onto the remaining greenspace, unless necessary to direct stormwater flow to the stormwater practices/areas.
9. The Stormwater Pollution Prevention Plan being approved for the site by the Town upon review by the County Soil and Water Conservation District.
10. 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 if it is determined that this project would result in the disturbance of at least one acre of land.
11. That the applicant submits a lighting plan 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 given the sites close proximity to the Cortland County Airport.
12. Compliance with SEQR requirements.

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

The monthly reports of the Town Justices and the Water & Sewer Department for the month of January 2015 were on the table for review and are filed in the Town Clerk's office.

Under new business, Town Clerk Snyder apprised the Board she received notification from Garcia's Restaurant regarding the renewal of their alcoholic beverage license. She requested the Board receive and file the notice.

Councilman Proud made a motion, seconded by Councilman Leach, 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 January 28, 2015, from Ramon Garcia for Garcia's Mexican Restaurant located at 879 Route 13 in the Town of Cortlandville. All voting aye, the motion was carried.

RESOLUTION # DECLARE THE MONTH OF APRIL AS FAIR HOUSING
MONTH IN THE TOWN OF CORTLANDVILLE

Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

WHEREAS, in accordance with the Title VIII Fair Housing Policy of the Civil Rights Act of 1968 and the Fair Housing Amendments Act of 1988, and

WHEREAS, the month of April 2015 has been designated by the US Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity as Fair Housing Month, now therefore

BE IT RESOLVED, the Town Board of the Town of Cortlandville hereby declares and proclaims the month of April as Fair Housing Month in the Town.

RESOLUTION # AUTHORIZE EXTENSION OF TIME FOR TAX
COLLECTION TO JUNE 1, 2015

Motion by Councilman Leach

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 and forward a request for an extension of the tax collection program until June 1, 2015 to the Cortland County Treasurer, in compliance with Section 938 of the Real Property Tax Law.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from NYS Homes & Community Renewal, dated February 3, 2015, regarding the approval of the Contract Extension Request for the Community Development Block Grant project of Precision E-forming. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE THE CORTLAND CITY SCHOOL DISTRICT
USE OF THE TOWN MEETING ROOM TO CONDUCT THEIR
ANNUAL SCHOOL BOARD ELECTION ON MAY 19, 2015

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 Cortland City School District use of the Town meeting room in the Raymond G. Thorpe Municipal Building, to conduct their annual Budget Vote and School Board Elections on Tuesday, May 19, 2015 from 11:30 a.m. to 9:30 p.m.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Stephen Servies, Vice President of Gutches Lumber, dated February 5, 2015, supporting the zone change from B-1 to B-2 for properties located on Route 13, which includes property owned by Farm East, LLC. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from NYS Office of the State Comptroller, dated February 11, 2015, granting the Town's request for a 30-day extension to file the Town's Annual Financial Report for the year 2014. All voting aye, the motion was carried.

Attorney Folmer reported:

Zone Change Request - Suit-Kote Corporation:

Attorney Folmer stated that the Board received a request from Suit-Kote Corporation to rezone 90 +/- acres of property located in the Polkville area. In order to do so, it would be necessary to accomplish the SEQR, and suggested the Board adopt a resolution naming itself lead agency with regard to the application. He also requested the application be forwarded to the Town and County Planning Board's for their review and recommendations.

RESOLUTION #	DECLARE TOWN BOARD AS LEAD AGENCY WITH REGARD TO THE ADOPTION OF A LOCAL LAW FOR THE YEAR 2015 WHICH WOULD AMEND THE ZONING LAW AND MAP OF THE TOWN OF CORTLANDVILLE
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Motion by Councilman Rocco

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby declare itself Lead Agency for SEQRA purposes with regard to the adoption of a Local Law for the year 2015, which would amend the Zoning Law and Map of the Town of Cortlandville for three parcels located off of Route 11 from AG (Agricultural) to I-2 (General Industrial), submitted by Suit-Kote Corporation, tax map #97.00-01-30.000, #97.02-01-12.000, and #97.02-01-13.000, and it is further

RESOLVED, the request for a zoning map amendment shall be forwarded to the Town and County Planning Boards for their review and recommendations.

Zone Change Request - Meira Hertzberg, Esq.:

Attorney Folmer recalled that at the January 21, 2015 Town Board Meeting the Board declared itself as Lead Agency for SEQRA purposes with regard to the zone change request submitted by Meira Hertzberg, Esq. for properties located off of Route 13. He suggested the Board schedule a public hearing on the matter.

RESOLUTION # SCHEDULE PUBLIC HEARING FOR MARCH 18, 2015
REGARDING THE ADOPTION OF A LOCAL LAW TO
AMEND THE ZONING LAW AND MAP OF THE TOWN OF
CORTLANDVILLE SUBMITTED BY MEIRA HERTZBERG,
ESQ., APPLICANT

Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, a Public Hearing is hereby scheduled for March 18, 2015 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, regarding the adoption of a Local Law for the year 2015 to amend the Zoning Law and Map of the Town of Cortlandville, submitted by Meira Hertzberg, Esq., applicant.

Zoning Change Request – Gutchess Lumber Co.:

With regard to the pending zone change request submitted by Gutchess Lumber Company, Attorney Folmer stated that James Trasher from Clough Harbour & Associates (CHA) requested the applicant provide additional information so CHA could complete Part 2 of the SEQR review. If necessary Part 3 would have to be completed.

Attorney Folmer indicated that he received an email from Kenneth Babrycki, Attorney for Gutchess Lumber on February 16, 2015, indicating that they were working on their supplemental submission and expected that the information would be submitted for Mr. Trasher's review prior to the March 4, 2015 Town Board meeting.

Proposed Junkyard Ordinance:

Attorney Folmer explained that he and the Code Enforcement Office were in the process of drafting a law that would regulate junkyards within the Town of Cortlandville. There are approximately five locations within the Town that would qualify under a generic definition as a junkyard. He planned to have a draft ready for the Board's review by the March 4, 2015 Town Board meeting.

Attorney Folmer explained that if the Board adopts an ordinance regulating junkyards, the Town would not be able to apply the ordinance to presently existing junkyards because they would become non-conforming uses under the Code. However, he explained that they were planning to include a licensing provision in the regulation which would permit the Town to request that presently existing junkyards have a license to operate. There would be certain requirements that the Planning Board would put in place. Attorney Folmer hoped that some of the concerns people have had would be alleviated.

Councilman Rocco questioned who would determine the cost of a license for a junkyard, and who would determine the existing junkyards at the time the ordinance is adopted. Attorney Folmer explained that the Board would set the license fees and that the Code Enforcement Office would determine the existing junkyards.

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

Councilman Leach apprised the Board he received a phone call from a resident whose mailbox was struck by a Town snowplow. He contacted Deputy Highway Sup't. Humphrey who had a new mailbox installed within two days. Councilman Leach thanked the Highway Department.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:35 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 March 4, 2015.

The draft version of this meeting was approved as written at the Town Board meeting of _____.