

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
SUIT-KOTE CORPORATION
US ROUTE 11

TAX MAP #97.00-01-30.000, 97.02-01-12.000, 97.02-01-13.000

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 Suit-Kote Corporation to develop and operate a 56.96 acre sand and gravel mine on a portion of the combined total area of the three properties of 90.22 acres, for property located on the west side of US Route 11, approximately ¼ mile south of Interstate Route 81 at Exit 10, tax map #97.00-01-30.000, 97.02-01-12.000, and 97.02-01-13.000.

Members present:

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

Absent:

Councilman, Ronal L. Rocco

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; County Undersheriff, Herbert Barnhart; County Legislator, Joe Steinhoff; Paul Suits and Ryan DuBois from Suit-Kote Corporation; Kathleen Bennett from Bond Schoeneck & King; News Reporters: Colleen Siuzdak 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.

Kathy Bennett, from Bond Schoeneck & King and on behalf of Suit-Kote Corporation, apprised the Board there was an issue with respect to the monitoring wells, which she spoke to PZO Weber about. She stated it was her understanding that the reason Suit-Kote Corporation needed an Aquifer Permit was because they were not intending to put monitoring wells on the property. Suit-Kote was willing to add the monitoring wells. Ms. Bennett stated that DEC made findings that there would not be any impact to the aquifer as a result of the application. There would not be storage of petroleum or hazardous chemicals that would result in spills or that would contaminate the aquifer. Ms. Bennett stated that for this specific use and for this specific site the wells would not be necessary.

Ryan DuBois from Suit-Kote Corporation discussed the petroleum storage and stated that the drag line and the motor were the only pieces of equipment on site that would have fuel in them. Pursuant to regulations, the equipment would be inspected daily, and that pre-shift inspections are required. Any leaks with respect to petroleum would be identified and fixed accordingly. The fueling of equipment occurs every 3 days and is fueled by E&V professionals who deliver the fuel. Suit-Kote would also have a SPDES Permit.

Mr. Dubois mentioned that Section J for mining activities requires some sampling of discharges or stormwater. Mr. Dubois proposed that in lieu of putting monitoring wells in, when they test for total nitrogen and ph and total suspended solids they could also test for oil and grease, which would indicate any contamination which is what he thought the monitoring wells would determine. Mr. Dubois also stated that there would be a small spill kit on site to respond to any small spills. Suit-Kote also has a trailer designed specifically to respond to spills from Suit-Kote's terminal or at the emulsion plant, which is something Suit-Kote could also use should a spill occur at the mine pond.

Mr. Dubois stated that the area where there could be a spill was the drag line area, which would be compacted soil, sand and gravel. He stated that the DEC sees compacted soil, sand and gravel as impermeable surface. Mr. Dubois stated that diesel fuel that could be released from the drag line would not percolate through the ground into the aquifer; it was more likely to run off the ground into the mine pond or slope back into the property where it could be cleaned up. Mr. Dubois stated that Suit-Kote likes to be proactive in preventing spills. A monitoring well is a reactive tool to use to see if you've had contamination on the site.

Councilman Proud questioned the capacity of the tank. Mr. Dubois indicated that it was a 700 gallon tank.

No further comments or discussions were heard.

The Public Hearing was closed at 5:15 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
Town Clerk, Karen Q. Snyder, RMC

Absent:

Councilman, Ronal L. Rocco

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; County Undersheriff, Herbert Barnhart; County Legislator, Joe Steinhoff; Paul Suits and Ryan DuBois from Suit-Kote Corporation; Kathleen Bennett from Bond Schoeneck & King; News Reporters: Colleen Siuzdak from the *Cortland Standard*, Sharon Stevans from Channel 2, Access TV, and Peter Blanchard from the *Cortland Voice*.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of July 8, 2015 as written. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of July 15, 2015 as written. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of August 19, 2015 as written. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file the Cortlandville Planning Board Minutes of June 30, 2015. All voting aye, the motion was carried.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #0114

Motion by Councilman Proud

Seconded by Councilman Leach

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0114 submitted by Water & Sewer Sup't. Alteri to be paid to Kinsley Power Systems, for repairs to the Lime Hollow Well Generator, for the total amount of \$2,751.36.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN
PURCHASE ORDER #0115

Motion by Councilman Leach

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #0115 submitted by Highway Sup't. Bush to be paid to Hybrid Building Solutions, to replace the cover-all storage building salt containment roof (installed in 2002), for the total amount of \$24,850.00.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS – SEPTEMBER

Motion by Councilman Leach

Seconded by Councilman Proud

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

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

Funds A, B, DA, DB	Voucher #791-827	
	General Fund A	\$ 81,932.40
	General Fund B	\$ 1,697.84
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$246,808.43
Funds CD1, CD3, CD4	Voucher #41-41	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 950.00
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #325-337	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 11,075.81
	Water SW	\$ 1,408.59
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 Undersheriff Herb Barnhart.

On behalf of the Cortland County Sheriff's Department, Undersheriff Herb Barnhart thanked the Town for its assistance with expanding the canine unit. He stated that canines are very valuable to law enforcement and the proactive war on drugs in the community. One police dog is said to be equal to ten deputies. A new dog was selected from Holland and is now with its handler, Kim Natoli. Both the dog and handler would be attending formal training on September 9, 2015 for four weeks. Undersheriff Barnhart offered to bring the dog in to meet the Board when the training is complete. Undersheriff Barnhart thanked the Board for their continued support.

Supervisor Tupper thanked Undersheriff Barnhart and the Sheriff's Department for their work and all the time they spend in Cortlandville.

The monthly reports of the Code Enforcement Office, Town Clerk, and Town Supervisor for the month of August 2015, and the SPCA 3rd Quarter 2015 report, 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 correspondence from Time Warner Cable, dated September 2, 2015, regarding programming services. All voting aye, the motion was carried.

There was discussion regarding the Aquifer Protection Permit application submitted by Suit-Kote Corporation. Attorney Folmer stated that the Town has on file a letter dated October 20, 2014 from the NYS DEC. The letter includes a Negative Declaration of SEQRA adopted by the DEC in their review of the proposed mining operation. Attorney Folmer requested the Board incorporate the letter into the record by receiving and filing it.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from the New York State Department of Environmental Conservation, dated October 20, 2014, regarding the Notice of Complete Application for Suit-Kote Corporation, Alexander Mine application. All voting aye, the motion was carried.

Attorney Folmer and the Board reviewed the SEQR Full Environmental Assessment Form for the Aquifer Protection Permit application submitted by Suit-Kote Corporation for property located off of US Route 11.

With regard to the monitoring wells, Attorney Folmer stated that as he read the DEC's SEQRA determinations, they were focused on the site and the area immediately surrounding the site. Not considered by the DEC, but considered in discussions amongst the Board, was the Town's well in Blodgett Mills which is south of the site. There was concern that the Town's well could be affected in some way or another by the runoff of this site. Attorney Folmer stated that while he would not argue with anything the DEC considered in its review, he stated that the DEC would not have had any reason to have included in their concerns the Town's well in Blodgett Mills. The Town has spent a significant amount of money to construct the well, and it was there to be used when necessary. Attorney Folmer stated that it would not be untoward for the Board to require in connection with an impact on land, the installation of one monitoring well on the Blodgett Mills side of the site with the monitoring and regulating of it; the scheduling and planning to be accomplished by the applicant and the appropriate Town officials. Attorney Folmer suggested that one of the conditions set forth in the Town Planning Board's recommendation was that the Town Board require monitoring wells. There was no such recommendation in the Town Planning Board's report. Attorney Folmer stated that having looked at the report and discussing it with the applicant's representatives, requiring one monitoring well on the Blodgett Mills side of the site would satisfy the protection the Town is concerned about.

Attorney Folmer and the Board continued their review of the SEQR Full Environmental Assessment Form.

RESOLUTION #	DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION PERMIT #5 OF 2015 SUBMITTED BY SUIT-KOTE CORPORATION FOR PROPERTY LOCATED OFF OF US ROUTE 11
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Motion by Councilman Leach

Seconded by Councilman Proud

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

WHEREAS, an Aquifer Protection Permit application was submitted by Suit-Kote Corporation to permit the development and operation of a 56.96 acre sand and gravel mine on a portion of the combined total area of the three properties of 90.22 acres, for property located on the west side of US Route 11, approximately ¼ mile south of Interstate Route 81 at Exit 10, tax map #97.00-01-30.000, 97.02-01-12.000, and 97.02-01-13.000, and

WHEREAS, the Town Board as Lead Agent, duly reviewed and completed the Full Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare the proposed project of Suit-Kote Corporation, Aquifer Protection Permit #5 of 2015, shall have no significant environmental impact.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION OF AQUIFER PROTECTION PERMIT #5 OF 2015
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Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #5 of 2015, submitted by Suit-Kote Corporation.

RESOLUTION # APPROVE AQUIFER PROTECTION PERMIT #5 OF 2015
SUBMITTED BY SUIT-KOTE CORPORATION FOR
PROPERTY LOCATED OFF OF US ROUTE 11 SUBJECT TO
CONDITIONS

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Proud, Leach NAY - 0 ABSENT - Rocco
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 #5 of 2015, submitted by Suit-Kote Corporation, permitting the development and operation of a 56.96 acre sand and gravel mine on a portion of the combined total area of the three properties of 90.22 acres, for property located on the west side of US Route 11, approximately ¼ mile south of Interstate Route 81 at Exit 10, tax map #97.00-01-30.000, 97.02-01-12.000, and 97.02-01-13.000, subject to conditions from the Town and County Planning Boards:

1. That the Town require an engineering analysis be conducted to ensure that there is no obstruction from berms, fill, surface water or other materials from the mining operation within the floodway and that such materials do not cause any alteration of the floodway, changes in hydrology, or exacerbate flooding issues downstream from the proposed project.
2. Compliance with the Town's flood damage prevention regulations as is required for a development permit for flood hazard areas.
3. The applicant obtaining a permit and approval from the NYS Department of Transportation (DOT) for the proposed new driveway entrance on US Route 11.
4. 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.
5. The Stormwater Pollution Prevention Plan being approved for the site by the Town upon review by the County Soil and Water Conservation District.
6. 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 and the Town's stormwater regulations since this proposal involves the disturbance of more than an acre of land.
7. This proposal conforming to the requirements of Section 178-116 of the "Zoning Local Law of the Town of Cortlandville" – Quarries, gravel mining and excavations.
8. Require the installation of one (1) monitoring well, pursuant to Section 178-45B(3) of the Town Code, to be located on the Blodgett Mills side of this site, including the maintenance and required monitoring to be scheduled by the applicant and the appropriate Town officials.

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

Councilman Leach commented on how well Suit-Kote Corporation maintains its property. He mentioned that Suit-Kote demolished two houses on the property and has made other improvements.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from Cortlandville Planning and Zoning Officer, Bruce Weber, dated August 20, 2015, regarding the County Planning Report for Suit-Kote Corporation's Aquifer Protection Permit application. All voting aye, the motion was carried.

Neither Town Clerk Snyder nor Attorney Folmer had any new business to report.

RESOLUTION # AUTHORIZE HIGHWAY SUP'T. BUSH TO HIRE A MOTOR
EQUIPMENT OPERATOR FOR THE TOWN OF
CORTLANDVILLE

Motion by Councilman Leach

Seconded by Councilman Testa

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

WHEREAS, due to the retirement of Heavy Equipment Operator William Morse, there is a vacancy in the Town's Highway Department, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct Highway Sup't. Bush to hire a Motor Equipment Operator for the Town of Cortlandville.

Supervisor Tupper explained that the NYS Route 13 Sanitary Trunk Sewer Rehabilitation Project was coming in significantly below estimates. The Town talked with both the USDA and the EFC regarding the project and what the extra funds could be used for. Both the USDA and EFC agreed that the Town could replace its current Sewer Vactor truck using the project funds. A new Sewer Vactor truck would have a 25-year life expectancy.

Councilman Leach questioned what brand the truck chassis would be and suggested they look into a Mack truck chassis. Councilman Proud indicated that there were two brands available, however Water & Sewer Sup't. Alteri preferred the International truck chassis. Councilman Proud would discuss the suggestion with Water & Sewer Sup't. Alteri.

RESOLUTION # AUTHORIZE DIRECT EXPENSE NO. 1 REQUEST FROM
WATER & SEWER SUP'T. ALTERI FOR THE NYS ROUTE 13
SANITARY TRUNK SEWER REHABILITATION PROJECT

Motion by Councilman Proud

Seconded by Councilman Leach

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Direct Expense No. 1 request from Water & Sewer Sup't. Alteri in order to purchase a Vactor 2011 Plus Combination Single Engine Sewer Cleaner with Hydrostatic Driven Vacuum System Mounted on a Heavy Duty Truck Chassis, for the NYS Route 13 Sanitary Trunk Sewer Rehabilitation Project, for the cost of \$322,137.53, subject to USDA – RD (Rural Development) and EFC approval.

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

Councilman Leach apprised the Board that two houses in Blodgett Mills were recently sold through the County tax sale and were already being cleaned up. One of the houses sold was the former Parker residence, which the Town had been mowing for a few years.

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 5:50 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 September 17, 2015.

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