

## PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT  
ALNYE, LLC, APPLICANT  
CORTLAND BULK MILK CO-OP, OR  
3819 ROUTE 11  
TAX MAP #97.00-01-07.110

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 Alnye, LLC to install a 10,000 gallon tank and fueling facility at an existing truck maintenance facility, for property located immediately west of the intersection of US Route 11 and NYS Route 41, tax map #97.00-01-07.110.

## 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; Highway Sup't. Carl Bush; Cortland County District Attorney, Mark Suben; Town Justice, David Alexander; Fred Greenfield from Alnye, LLC; News Reporters: 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 offered privilege of the floor to those in attendance.

Councilman Testa questioned the applicant as to when the project would commence if approved. Fred Greenfield from Alnye, LLC indicated that the project would start within 30-60 days. Councilman Testa questioned whether this was a new location for Alnye, LLC. Mr. Greenfield indicated that it is Cortland Bulk Milk property and that Alnye hauls the milk for the company.

Councilman Rocco questioned whether the recommendations from the Cortland County Planning Board have been satisfied. Supervisor Tupper indicated that the Board would include any recommendations from the County Planning Board in its resolution as they always do.

Councilman Rocco indicated that his only concern was that other businesses in town would request similar bulk tanks and mentioned that according to national security news such tanks were discouraged. He stated that the Board has to be selective and was not sure how it could be.

Attorney Folmer indicated that the County Planning Board's condition was that the applicant obtain a Petroleum Bulk Storage permit from the County Health Department including compliance with those standards. Therefore there is a regulatory authority looking at the tanks. He was aware that there was concern for the location of a significant number of tanks for security purposes, however Attorney Folmer did not think it was a realistic concern in Cortlandville because the tanks are spread out. If it was a concern the Planning Board would not have considered the application.

Councilman Rocco questioned whether the Town has a limit on the size of a bulk tank storage tank. Attorney Folmer indicated that there was not a limit on the size but it had to go through the permitting process. The Town Planning Board generally concerns itself with the containment systems in regard to spills.

Mr. Greenfield stated that the tanks have to meet very specific requirements by NYS DEC and the County Health Department, which they met. Mr. Greenfield also mentioned that to minimize traffic concerns the trucks would enter on the north side and exit on the south. He also mentioned that purchasing bulk storage was more reasonable than fueling the trucks at a retail gas station.

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, Ronal L. Rocco  
Councilman, John C. Proud  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Cortland County District Attorney, Mark Suben; Town Justice, David Alexander; Fred Greenfield from Alnye, LLC; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Attorney Folmer and the Board reviewed the SEQR Short Environmental Assessment Form for the Aquifer Protection Permit application submitted by Alnye, LLC for property located at 3819 Route 11.

RESOLUTION #	DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION PERMIT #3 OF 2015 SUBMITTED BY ALNYE, LLC FOR PROPERTY LOCATED AT 3819 ROUTE 11
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Motion by Councilman Proud

Seconded by Councilman Testa

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

WHEREAS, an Aquifer Protection Permit application was submitted by Alnye, LLC to permit the installation of a 10,000 gallon tank and fueling facility at an existing truck maintenance facility, for property owned by Cortland Bulk Milk Co-op, located immediately west of the intersection of US Route 11 and NYS Route 41, tax map #97.00-01-07.110, 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 Alnye, LLC, Aquifer Protection Permit #3 of 2015, shall have no significant environmental impact.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION OF AQUIFER PROTECTION PERMIT #3 OF 2015
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Motion by Councilman Proud

Seconded by Councilman Rocco

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 #3 of 2015, submitted by Alnye, LLC.

RESOLUTION #

APPROVE AQUIFER PROTECTION PERMIT #3 OF 2015  
SUBMITTED BY ALNYE, LLC FOR PROPERTY LOCATED  
AT 3819 ROUTE 11 SUBJECT TO CONDITIONS

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Motion by Councilman Proud  
Seconded by Councilman Rocco  
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 #3 of 2015, submitted by Alnye, LLC to permit the installation of a 10,000 gallon tank and fueling facility at an existing truck maintenance facility, for property owned by Cortland Bulk Milk Co-op, located immediately west of the intersection of US Route 11 and NYS Route 41, tax map #97.00-01-07.110, subject to conditions from the Town and County Planning Boards:

1. The applicant obtaining a Petroleum Bulk Storage permit from the County Health Department including compliance with those standards described in Article XX, XXI and XXII of the Sanitary Code of the Cortland County Health Department including construction plan review with specifications for tanks, piping, and all equipment.
2. Compliance with SEQR requirements.

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

RESOLUTION #

AUTHORIZE SUPERVISOR TO SIGN  
PURCHASE ORDER #0112

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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 #0112 submitted by Water & Sewer Sup’t. Alteri to be paid to Ferguson Waterworks, for the purchase of pipe and materials for the NYS Route 281 water service line to West Road Plaza, for the total cost of \$3,882.55.

RESOLUTION #

AUTHORIZE PAYMENT OF VOUCHERS – JULY

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Motion by Councilman Leach  
Seconded by Councilman Rocco  
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 #661-688	
	General Fund A	\$ 54,896.49
	General Fund B	\$ 51,997.36
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$156,386.40
Funds CD1, CD3, CD4	Voucher #35-37	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 5,500.00
	Business Devl CD4	\$ 10,948.43

Fund HC, SS, SW	Voucher #264-278	
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Sewer SS	\$ 4,981.96
	Water SW	\$ 15,305.05

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 Cortland County District Attorney, Mark Suben.

Mr. Suben apprised the Board he was in attendance to report on the state of criminal justice in Cortland County. Before doing so, he thanked the Board for creating the 2<sup>nd</sup> Town Justice position in the Town of Cortlandville which has helped the DA's office tremendously, and complimented Judge Casullo and Judge Alexander.

Mr. Suben stated that crime is down in the County, in the State, and nationwide. However, there were 5 homicides in the County this past year. Since Mr. Suben took office, he personally tried 2 murder cases and a manslaughter case. He mentioned pending cases that the DA's office is working on and how the office handles traffic ticket cases and DWI's. Mr. Suben stated that his job is to protect the community the best way he knows how, and stated that he is proud of his staff.

Mr. Suben apprised the Board of the following statistics which his office was trying to fight: in 2013 more than 270 children in NYS died from abuse; 151,400 child maltreatment cases were conducted; and 40 Child Advocacy Centers across the State provided services to more than 18,500 children. He explained that the DA's office took over the Child Advocacy Center in Cortland three years ago when it was about to lose State funding and was not functioning well. Today, funding has been almost doubled as the Center receives over \$126,000 from OCFS. The Center was Tier 1 and was on its way to being accredited. Mr. Suben explained that the Center streamlines the investigation of crimes against a child, primarily sex abuse, without subjecting the child to repeated interrogations and interviews on sensitive topics.

Mr. Suben asked whether the Board had any questions. Councilman Rocco questioned the status of building a new County Jail and questioned whether the County could rent space in the Moravia Prison. Mr. Suben discussed Councilman Rocco's suggestion, and explained that the County needs a new jail.

The Board thanked Mr. Suben for speaking to the Board. Councilman Leach thanked Mr. Suben and stated that he appreciates his work as a DA.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated July 15, 2015, regarding programming services. All voting aye, the motion was carried.

Under new business Town Clerk Snyder mentioned that the 20-day period of time expired today in regard to the Town's three proposed water and sewer improvement projects. She indicated that she would prepare an Estoppel, which meant that the Board could move forward with the projects and the financing.

RESOLUTION #	AUTHORIZE SUPERVISOR TO REFUND THE PARK RESERVATION FEE OF \$150.00 TO JEFFREY CARR, CORTLAND MEN'S FASTPITCH LEAGUE
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Motion by Councilman Leach

Seconded by Councilman Testa

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

ADOPTED

WHEREAS, the Town Board received a request from Jeffrey Carr, President of the Cortland Men's Fastpitch League, to be refunded the \$150.00 park reservation fee paid for use of the softball fields and pavilion at Citizens Park on June 27-28, 2015, and

WHEREAS, due to inclement weather the tournament was cancelled and Citizens Park was not utilized, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to refund \$150.00 to Jeffrey Carr, President of the Cortland Men's Fastpitch League.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from NYS Homes and Community Renewal, dated July 10, 2015, regarding a Grant Monitoring Visit for the NYS CDBG for Pall Corp scheduled for July 23, 2015 at the Raymond G. Thorpe Municipal Building. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to receive and file correspondence from NYS Environmental Facilities Corporation, dated July 8, 2015, regarding the NYS Route 13 Sewer Rehabilitation Grant and the Change Order Approval. All voting aye, the motion was carried.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN THE OWNER-  
OCCUPIED LOAN AGREEMENT BETWEEN THE TOWN AND  
STACY CRANDALL-JONES FOR THE TOWN'S 2013  
COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-  
WIDE HOUSING REHABILITATION PROGRAM

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Motion by Councilman Rocco

Seconded by Councilman Proud

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

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Owner-Occupied Loan Agreement between the Town of Cortlandville and Stacy Crandall-Jones, 1280 Fisher Avenue, Cortland, New York, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program in the amount of \$30,875.00.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN THE COMMUNITY  
DEVELOPMENT BLOCK GRANT PROJECT STATUS  
REPORT FOR FORKEY CONSTRUCTION & FABRICATION,  
INC.

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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 and direct the Supervisor to sign the Community Development Block Grant Project Status Report for Forkey Construction & Fabrication, Inc. (#287ED798-14) for the period of January 1, 2015 through June 30, 2015.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN THE COMMUNITY  
DEVELOPMENT BLOCK GRANT PROJECT STATUS  
REPORT FOR INNOVATIVE MANUFACTURING  
SOLUTIONS, INC. (IMS)

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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 and direct the Supervisor to sign the Community Development Block Grant Project Status Report for Innovative Manufacturing Solutions, Inc. (IMS) (#287CRF-SB37-13) for the period of January 1, 2015 through June 30, 2015.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN THE COMMUNITY  
DEVELOPMENT BLOCK GRANT PROJECT STATUS  
REPORT FOR PRECISION E-FORMING

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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 and direct the Supervisor to sign the Community Development Block Grant Project Status Report for Precision E-forming (#287SB46-12) for the period of January 1, 2015 through June 30, 2015.

RESOLUTION #                      ACCEPT RESIGNATION TO RETIRE FROM WILLIAM  
MORSE AS HEAVY EQUIPMENT OPERATOR

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Motion by Councilman Proud

Seconded by Councilman Leach

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

WHEREAS, after thirty years of service with the Town of Cortlandville working for the Highway Department, William Morse has submitted a letter of resignation to retire, therefore

BE IT RESOLVED, the Town Board does hereby accept the letter of resignation to retire, with regret, from William Morse as Heavy Equipment Operator effective July 25, 2015, and it is further

RESOLVED, that the resignation to retire is hereby received and filed.

RESOLUTION #                      AUTHORIZE SUPERVISOR TO SIGN FINANCIAL  
ADVISORY SERVICES AGREEMENT BETWEEN THE  
TOWN OF CORTLANDVILLE AND FISCAL ADVISORS &  
MARKETING, INC.

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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 the Financial Advisory Services Agreement between the Town of Cortlandville and Fiscal Advisors & Marketing, Inc. to act as financial advisor and provide services relating to the issuance of bond anticipation notes and/or serial bonds and providing advice for the proposed Capital Improvement Projects and prospective debt issuances, subject to Town Attorney approval.

Supervisor Tupper requested the Board reconvene to an Executive Session to discuss the acquisition of real property.

Councilman Leach made a motion, seconded by Councilman Proud, to recess the Regular Meeting to an Executive Session. All voting aye, the motion was carried.

The meeting was recessed at 5:45 p.m.

The following information was received from the Supervisor's office.

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

RESOLUTION #                      AUTHORIZE CORTLAND COUNTY BDC TO BID ON  
PROPERTY ON BEHALF OF THE TOWN OF  
CORTLANDVILLE AT THE COUNTY TAX SALE

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Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize and direct the Cortland County BDC to bid on behalf of the Town of Cortlandville at the County Tax Sale for property located at 4408 Route 11, tax map #76.15-01-29.000, and property located on S. Main St., tax map #76.57-01-06.000, formerly known as “The Budget Inn”, owned by Homer Avenue Inn, LLC.

RESOLUTION #                      SCHEDULE SPECIAL TOWN BOARD MEETING FOR  
FRIDAY, JULY 24, 2015 AT 9:00 A.M.

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Motion by Councilman Proud

Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby schedule a Special Town Board meeting for Friday, July 24, 2015 at 9:00 a.m., at the Raymond G. Thorpe Municipal Building, for the purpose of considering an Option Agreement with Gutchess Lumber.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:05 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 August 19, 2015

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