

**CORTLANDVILLE TOWN BOARD  
AGENDA  
DECEMBER 05, 2018 - 5:00 P.M.**

***Pledge Allegiance to the Flag***

**A. CALL THE MEETING TO ORDER**

**B. APPROVE MINUTES**

B-1 Receive & file the Cortlandville Planning Board Minutes of October 30, 2018

B-2 Receive & file Cortlandville Zoning Board of Appeals Minutes of October 30, 2018

B-3 Town Board Minutes of November 7, 2018 (passed out at the November 19, 2018 T.B.M.)

B-4 Town Board Minutes of November 19, 2018

**C. PURCHASE ORDERS**

**D. AUTHORIZATION TO PAY THE BILLS**

**E. PRIVILEGE OF THE FLOOR**

**F. REPORTS – (Town Clerk)**

F-1 Receive & file the Code Enforcement/ Building Department Monthly Report of November 2018, submitted by Kevin McMahan, CEO

F-2 Receive & file the Town Clerk's Monthly Report of November 2018

F-3 Receive & file the Fire & Safety Inspection Monthly Report of October & November 2018, submitted by Desiree' Campbell, CEO

**G. COMMUNICATIONS**

**H. OLD BUSINESS**

**I. NEW BUSINESS**

I-1 Town Clerk

I-2 Town Attorney

- I-3 CDBG #287HR326-16 Town-wide Housing Rehabilitation Grant Program:
  - a.) Authorization to pay voucher #?, Joseph Jenne, in the amount of \$640.00
  - b.) Authorization to pay voucher #?, Stan Bustamante, in the amount of \$14,351.32
  
- I-4 Establish Schedule for Town Board Meeting for the Year of 2019:  
Most regular meetings of the Town of Cortlandville Board shall be held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York on the first and the third Wednesday of each month.
  
- I-5 Authorization to approve the 2019 Holiday Schedule for Town employees
  
- I-6 Authorization to relevy delinquent water & sewer accounts to the 2019 Tax Roll of the Town of Cortlandville
  
- I-7 Authorization to relevy unpaid Code Violation charges
  
- I-8 Receive & file the correspondence from Cortland County Soil & Water Conservation District dated December 3, 2018 regarding Cortlandville Sand & Gravel Mine (Route 13 Rocks, LLC)
  
- I-9 Acknowledge receipt of Local Law #3 of 2018 dated November 27, 2018 to override the Tax Levy Limit, by NYS Department of State, effective November 15, 2018

**J. ADJOURN**

**TOWN OF CORTLANDVILLE  
RAYMOND G. THORPE MUNICIPAL BUILDING  
3577 TERRACE ROAD  
CORTLAND, N. Y. 13045**

**NOTICE OF MEETINGS**

**2019**

The Town Board of the Town of Cortlandville adopted the following meeting schedule for the year 2019.

January 02, 2019 - 5:00 p.m.  
January 16, 2019 - 5:00 p.m.

July 10, 2019 - 5:00 p.m.  
(J.M. McDonald Center)

February 06, 2019 - 5:00 p.m.  
February 20, 2019- 5:00 p.m.

July 17, 2019 - 5:00 p.m.

March 06, 2019 -5:00 p.m.  
March 20, 2019- 5:00 p.m.

August 07, 2019 - 5:00 p.m.  
August 21, 2019 - 5:00 p.m.

April 03, 2019 -5:00 p.m.  
April 17, 2019- 5:00 p.m.

September 04, 2019 - 5:00 p.m.  
September 18, 2019 - 5:00 p.m.

May 01, 2019 -5:00 p.m.(McGraw)  
May 15, 2019 -5:00 p.m.

October 02, 2019 - 5:00 p.m.  
October 16, 2019 - 5:00 p.m.

June 05, 2019 -5:00 p.m. (Blodgett Mills)  
June 19, 2019- 5:00 p.m.

November 06, 2019 - 5:00 p.m.  
November 20, 2019 - 5:00 p.m.

December 04, 2019 - 5:00 p.m.  
December 18, 2019 - 5:00 p.m.

Most meetings will be held at the Raymond G. Thorpe Municipal Building, located at 3577 Terrace Road, Cortland, New York, with the exception of the May 1<sup>st</sup> meeting which will be held at the Community Building in the Village of McGraw, New York, the June 5<sup>th</sup> meeting which will be held at the Blodgett Mills Independent Baptist Church in Blodgett Mills, New York, and July 10<sup>th</sup> meeting which will be held at the J.M. McDonald Center. All meetings will begin promptly at the designated time. All meetings will be open to the public.

TOWN OF CORTLANDVILLE  
RAYMOND G. THORPE MUNICIPAL BUILDING  
3577 TERRACE ROAD  
CORTLAND, N Y 13045

HOLIDAY SCHEDULE

2019

The offices of the Raymond G. Thorpe Municipal Building will be closed for the following holidays:

New Year's Day	Tuesday	January 1, 2019
Martin Luther King Jr.'s Birthday	Monday	January 21, 2019
President's Day	Monday	February 18, 2019
Memorial Day	Monday	May 27, 2019
Independence Day	Thursday	July 4, 2019
Labor Day	Monday	September 2, 2019
Columbus Day	Monday	October 14, 2019
Election Day	Tuesday	November 5, 2019
Veterans Day	Monday	November 11, 2019
Thanksgiving Day	Wednesday	November 27, 2019 (Closed at 1:00 p.m.)
	Thursday	November 28, 2019
	Friday	November 29, 2019
Christmas Eve Day	Monday	December 23, 2019 (Closed at 12:00 p.m.)
	Tuesday	December 24, 2019
Christmas Day	Wednesday	December 25, 2019
New Year's Eve	Tuesday	December 31, 2019





## ***Cortland County Soil and Water Conservation District***

100 Grange Place, Room 202, Cortland, NY 13045

Phone: (607) 756-5991 • Fax: (607) 756-0029

www.cortlandswcd.org

*SWCD - Celebrating 70 years of promoting the conservation and wise use of our county's natural resources*

December 3, 2018

Dick Tupper, Town Supervisor  
Town of Cortlandville  
Raymond G. Thorpe Municipal Building  
3577 Terrace Road  
Cortland, NY 13045

Re: Cortlandville Sand & Gravel Mine  
NYSDEC Permit # 7-1122-00043/00008

Dear Mr. Tupper:

We have reviewed the October, 2018 Spill Prevention and Response Plan and the Hydrogeologic Assessment Scope of Work provided to us on October 17, 2018 by H2H Associates. Also included in the materials provided was a point by point response to Cortland County SWCD's comments provided to you on September 13, 2018. We provide the following comments for your consideration.

### **Response to SWCD Comments**

Mine pond as recharge boundary – The mine pond is unlikely to be a significant recharge boundary. The cone of depression 700 or more feet from the Lime Hollow well is negligible. A Clough Harbor Associates analysis showed that drawdown is negligible at a distance of 300' from the Lime Hollow well. Thus, reduced pumping cost associated with a reduced lateral expansion of the cone of depression is speculative at best and likely to be insignificant.

Use of flocculants – Any future permit should explicitly prohibit the use of flocculants.

Inspections – Any future permit should require that the mine owner allow the Town of Cortlandville zoning officer to inspect the facility at any time.

## Spill Prevention and Response Plan

General: For the long-term (in perpetuity) protection of aquifer, the following concerns should be addressed through incorporation of requirements into the mining permit, property title, or other appropriate legally-enforceable document(s):

1. Ownership/easement and future use of property – To protect the water supply upon closure of the mine, property ownership and future use should be adequately addressed. Ownership should be required to be transferred to a willing and responsible party. Future uses should be legally restricted on the property deed.
2. Security of property – Access to the property should be fully restricted by security fencing prior to permit issuance to prevent dumping or other contamination by outside parties and for public safety.
3. Performance bond in perpetuity – The Town is dependent on the Lime Hollow well. The alternative well at Terrace Road cannot meet current or potential future demand by itself. Therefore, current and future mine owners should be required to post financial security, in perpetuity, for the cost of providing additional treatment or a fully adequate replacement water supply, as necessary, should the drinking water supply be contaminated by mine activities.

Page 2, Section 4.0 - Any future permit should explicitly prohibit the use of flocculants.

Page 3, Section 5.1 - What is capacity of the double-walled tank? Petroleum bulk storage is regulated by the Cortland County Health Department if the capacity exceeds statutorily defined limits.

Page 6, Section 6.0 - The Town of Cortlandville should be notified immediately of any reportable spill as well as any major spill incident.

Page 8, Section 7.0 - The Town should be provided with all chemical well data within 60 days of sample collection and all pressure transducer data quarterly.

Page 11, Section 11.0 – Mitigating factors:

8. Although they have low solubility in water, petroleum hydrocarbons such as gasoline and diesel have much higher solubilities, up to 1000 times, than their Groundwater Quality Standards under NYS DEC regulations. The antifreeze referred to should be identified. Ethylene glycol is highly toxic. The NYS DEC Groundwater Quality Standard for ethylene glycol is 50 µg/L. Propylene glycol is not toxic and is not regulated by the NYS DEC.

9. and 10. That the Town's well screen is located toward the bottom of the casing does not protect the water supply from dissolved contaminants, as in #8 above, and does not protect the water supply from contaminants introduced at the surface, at the levels of their solubility. In



addition, a water supply drawing water at depth can induce or increase a downward vertical gradient (Nichols et al. <https://www.api.org/oil-and-natural-gas/environment/clean-water/ground-water/~media/6176F9B748FE427D809962819E2D7124.ashx>).

12. This argument overstates the difficulty of downward movement. Significant downward migration due to infiltrating water and dispersion would likely occur (Weaver and Wilson <https://clu-in.org/download/contaminantfocus/mtbe/EPA-Plume-Dive-LL36DvPlm.pdf>; <https://www3.epa.gov/ceampubl/learn2model/part-two/onsite/diving.html>).

13. The separation distances mandated in NYS DOH Part 5 regulations are generalized minima. Whether these distances are effective in protecting water quality is site specific and for this site, the adequacy of these distances is unknown. If this permit is to be reissued as proposed, the sizeable lake that will remain will almost certainly be used by wildlife such as waterfowl. This use has a real potential to introduce pathogens from fecal material. Some fecal pathogens such as viruses can survive for up to 200 days in groundwater. This survival time is much greater than the travel time from the mine to the Lime Hollow well.

14. A pumping well draws water from all directions, both vertically and horizontally.

15. Text in the document referenced includes (underlining added, bolding is in original document):

“Nevertheless, it is important to know more about the water column in the adjacent gravel pit, including the chemical and biological character of the vertical water column and sediments in the pit. Plant nutrient levels, pH, temperature, and oxygen levels are especially important. These data will provide a basis to detect and react to any problematic changes and to be well prepared to provide guidance for the renewal of CAC's [Cranesville Aggregate Company] mining permit in 2014. We have requested permission from CAC to begin such studies, but we have been denied access to this property. We have also requested guidance on such matters from Region 4 NYSDEC but, again, our request was unsuccessful, perhaps because of post-flood complexity and a litigious atmosphere at the time of our request. **We thus urge that every effort be made to gain access to the quarry lands and waters of CAC for routine, long-term annual monitoring, as a prudent action, necessary to respond to emerging threats to water quality in a manner that assures the safe supply to nearly 16,000 residents and the many businesses and industries of the Town, and potentially many more in the future.**” (Page 10)

Additional text includes:

“An attractive alternative would be acquisition and retirement of the portion of the site as yet unexcavated, which would eliminate this sort of threat. Cooperation with CAC toward the establishment of an educational and memorial parkland



affirming the importance of both water and mineral resources would be an act of great significance.” (Page 10)

The Town of Glenville does not appear to be an example of an adequately protected water supply, at least based on this 2013 report.

Table 1. There are many toxic constituents in petroleum products that have solubilities many times greater than the NYS DEC Groundwater Quality Standards. For example, the solubility of benzene, a constituent of gasoline, is 1,780 mg/L whereas the drinking water standard is 0.001 mg/L.

### **Appendix C Hydrogeologic Assessment Scope of Work**

General: If a permit for mining below the water table were to be issued, diligent, frequent and long-term sampling of monitoring wells will be of critical importance to detect any contaminants reaching the aquifer before they reach the Lime Hollow well. Monitoring requirements after permit issuance are not addressed in the October 2018 Spill Plan and Hydrogeologic Assessment Scope of Work, and should be.

Monthly sampling of one downgradient well for mobile, toxic and volatile organic indicator parameters is strongly recommended for any month in which active mining occurs. Because the estimated travel time from the mine to the Lime Hollow well is 2 to 3 months, quarterly sampling is insufficient to detect a contaminant release, initiate remediation activities, and protect the public from a contaminated drinking water supply.

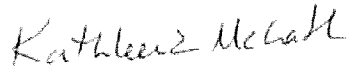
In addition, specific discharge limits should be defined as part of the permit, similar to SPDES permit requirements.

Page 4 – Based on sampling data from Cortlandville and the City of Cortland monitoring wells, we highly recommend that a minimum of two rounds of full chemical analyses be performed. Temporal variation in concentrations of all parameters can vary significantly; one round is insufficient to adequately characterize the chemical environment of a well. NYS DEC regulations for sanitary landfills requires a minimum of four rounds of sampling prior to placement of waste. Given the importance of this aquifer as a drinking water supply and the proximity of the mine to an essential water supply well, a minimum of two and preferably four rounds of sampling is not unreasonable.

Page 5 – There is an existing upgradient well available onsite. We recommend that an upgradient well be sampled for chemical parameters through four rounds in addition to sampling wells MW-3S and MW-3D. If an upgradient well is not sampled after the first round, it should be presumed that any changes in downgradient water quality are a function of mine activities.

Please call me at 345-4624 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen E. McGrath".

Kathleen E. McGrath  
Water Quality Specialist

Cc: John Proud, Cortlandville Town Board  
Pat Reidy, Amanda Barber, Cortland SWCD  
Joe Dlugolenski, Thomas Rigley, R7 DEC  
John Gansfuss, H2H

RECEIVED NOV 30 2018

STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

1-9

November 27, 2018

Kristin Rocco  
Town Clerk  
3577 Terrace Road  
Cortland NY 13045

*(Override Tax Levy limit)*

**RE: Town of Cortlandville, Local Law 3 2018, filed on November 15 2018**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



**Department  
of State**

