

Town of Enfield
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, August 8, 2012
6:30 p.m.

Present: Town Supervisor Roy Barriere, Town Councilperson Chris Hern, Town Councilperson Vera Howe-Strait, Town Councilperson Debbie Teeter, Town Councilperson Ann Rider, Town Highway Superintendent Barry Rollins, Deputy Town Clerk Sue Thompson.

Supervisor Barriere opened the meeting at 6:30 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Ed Bugliosi, USGS Presentation: Ed Bugliosi, representative from USGS gave a presentation on Aquifer Studies in Tompkins County. Joan Jurkowich, Tompkins County Planning Department, was also there to answer questions on the Aquifer Study. The reason for conducting an Aquifer Study is to better define what lies in the Aquifer area. The cost for a 3 year study would be split between the county, town and USGS at 35%, the cost to the town would be \$90,245.00.

Councilperson Rider asked about the total cost of the study and if it perhaps could be spread out for a longer period of time

Ed Bugliosi responded yes that it could be spread out to a longer period of time.

Councilperson Rider asked if the total amount would stay the same. Ed Bugliosi responded yes the total cost would stay the same. Councilperson Teeter stated she thought the Town of Caroline spread the cost of their study out for 5 years.

Beverly Rollins of Applegate Road, asked why were the studies done before, what is the benefit to the citizens for that amount of money. Ed Bugliosi answered that the study was basically done to understand the water resource, where the water comes from, where it recharges. Beverly Rollins asked if the study was done to help in the planning of more housing developments. Ed Bugliosi responded it was for however the local government officials wanted to use the information. In Dryden arsenic was found in a well. They went back to the Dryden study and discovered that the water was elevated to begin with.

Councilperson Rider stated that the Town of Dryden provides municipal water. Ed Bugliosi answered the Village provides water not the Town. Councilperson Rider stated if a municipality provides water to their constituents they want to insure the safety of the water. Public officials would want technical information such as an Aquifer Study. The Town of Caroline does not have public water but they might be thinking about it. Ed Bugliosi agreed they don't have a public water system, but each individual is using a part of the Aquifer system.

Councilperson Teeter asked if any municipalities have found any additional sources of funding. Joan Jurkowich answered that Danby has some money from the State and other sources of money for their study. The Town of Newfield did not have to come up with any

money from the town because of the State money. The State wanted to study Catatunk so they funded the study. They have not put the funding for drilling in the studies. They have a cooperative agreement with the USGS so it costs less to the town.

Councilperson Howe-Strait stated that even if the community doesn't plan on providing municipal water having an aquifer study done and understanding the water below us, does benefit every individual property owner and their water use. Ed Bugliosi answered yes. He stated that getting a study started is easy with USGS. Their matching money comes in every year. It is based on a first come first serve basis. In October USGS may not have money depending on the projects. Councilperson Teeter asked if there was anyone else in line ahead of Enfield. Ed Bugliosi answered not that he was aware of. June Jurkowich stated that they have had two other inquiries but they are not as ahead in their thinking as Enfield. Councilperson Teeter asked if the Town could do a cycle of 5 years to start with and if additional funding is found, could we speed up the payment process. The answer was yes.

Supervisor Barriere asked what would be the minimum amount of money needed to start with. Ed Bugliosi answered that there is no set amount. Although a good amount would be \$10,000. The initial process is collecting the data so they could work with smaller amounts of money. Once they get more into the study they do seismic work and they need more money to do that.

Councilperson Teeter asked if the Town commits to the actual project and they use \$10,000 out of this year's budget to start, when the actually drilling process would start. Ed Bugliosi answered the drilling process does not start until the second year after they have collected the data the first year.

Councilperson Teeter asked if they could actually commit in October to start in the new fiscal year. Ed Bugliosi answered they could sign the agreement to start in the USGS fiscal year in October. The Town's fiscal year begins in January. The overlapping fiscal years actually help with the funding of the project. So if you sign an agreement to start in October even though you don't have funding until December or January you can use the USGS's funding.

Supervisor Barriere thanked Ed Bugliosi and June Jurkowich for their presentation.

Privilege of the Floor:

Beth McGee of 173 Tucker Road stated she has really enjoyed getting to know the people here in the last 2 years. She really appreciates the Town Board and the respect they pay to the community. She has attended a couple of Planning Board meetings and is completely stumped that standard is not met at those meetings. She is concerned about the content of the Planning Board. The State provides training on how to create a Comprehensive Plan to educate the Board on how to put one together. There have been several comments at Planning Board meetings that they don't think they should be doing that. There have been some comments about community members, it is very disturbing. The State does provide that a Special Board could be created to create a Comprehensive Plan. If the Planning Board is not going to make the effort into making it a quality document that can be used for applying for grants and funding, perhaps that Board could be created. If there are lots of community members and some Planning Board members that want to be a part of that process then the state does allow for a special board to be created. They would report to

the Planning Board regularly. Maybe they can work on not such a limited time table like the Planning Board does. It feels like the whole process is incomplete, and she would like to ask the Board to consider doing this.

Marcie Finlay of 277 Enfield Main Road thanked the Town Board in moving forward and scheduling the presentation tonight. She encourages the Board to take advantage of the study while there is federal and county money available. She reiterated that there are several members of the community that would like to help the Town Board to search for that extra funding.

Mary Jo Lovelace of 2504 Mecklenburg Road stated she is very pleased with the presentation today and encourages the Board to go ahead with the funding for the Aquifer Study as soon as they can. This study is needed if the town gets involved in the fracking. She was pleased to see the e-mail out to the community to come to the meeting August 14 to help with the Comprehensive Plan. She stated in the past the Planning Board has been a good Board. She said she had not heard about a Comprehensive Plan Board, it sounds like a good idea. She also would like to see postcards sent out to individual community members regarding the August 14 meeting. This is so community members can't say they didn't know anything about the meeting and Comprehensive Plan. Perhaps articles in Tompkins Weekly and Ithaca Journal to invite people to help with the Comprehensive Plan would be good.

Nancy Spero of 68 North VanDorn Road would like to thank Virginia Bryant for setting up the USGS presentation on the Aquifer Study. She would like to voice support to go ahead with the Aquifer Study. She thinks it is great information for many future projects and for protecting our water. There are funding opportunities available for this and there are community members who like to donate to this. She wondered if there was a community organization to give money to that is specifically ear marked for an Aquifer Study for Enfield. This could involve tax deductible contributions and she would be happy to help with this.

Approval of Minutes: Councilperson Teeter moved, with a second by Councilperson Hern to approve the minutes of the July 11, 2012 regular board meeting.

Vote: Councilperson Hern aye, Councilperson Howe-Strait aye, Councilperson Rider aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Correspondence: The August 21, 2012 meeting of the ITCTC Policy Committee has been canceled. The next committee meetings are Planning Committee, 10 am September 4 and the Policy Committee, 2 pm October 16.

Budget Amendments:

Supervisor Barriere moved, with a second by Councilperson Rider to approve Resolution #2012-36.

Resolution #2012-36

Resolution Amending Warrant #7 – 2012

WHEREAS, Voucher #113 from Warrant #7 for the General Fund, was not included with the packet to be approved by the Board, and

WHEREAS, that voucher number (#113) was duplicated, now therefore be it

RESOLVED, that the approved voucher #'s 113 through 125 be renumbered to #'s 114 through 126, and further it be

RESOLVED that the total amount of Warrant #7 for the General Fund be increased from \$66,116.84 to \$66,328.82, to include voucher #113.

Discussion: Supervisor Barriere stated that on last month's warrant there was one prepaid voucher that did not get submitted with the bills. It was voucher 113 so no one saw it. It is with the bills this time, so everyone has seen it. This changes all the voucher numbers to increase by one number and increases the voucher amount by \$211.98. This was the extra amount that was received from Workman's Compensation for the death benefit and this was paid over to the beneficiary. This resolution earlier in the year was approved.

Vote: Councilperson Hern aye, Councilperson Howe-Strait aye, Councilperson Rider aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Budget Amendment #2012-13

Supervisor Barriere moved, with a second by Councilperson Hern to approve Budget Amendment #2012-13.

WHEREAS, expenses have exceeded the budget in the Highway Fund Account, line item DA5130.4, titled "Machinery - Contractual", now therefore be it

RESOLVED, that the Highway Fund Account, line item DA5142.1, titled "Snow Removal – Personnel Services", be decreased by \$6,000.00 and Highway Fund Account, line item DA5130.4, titled "Machinery - Contractual", be increased by \$6,000.00.

Vote: Councilperson Hern aye, Councilperson Howe-Strait aye, Councilperson Rider aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Audit Claims:

Councilperson Howe-Strait moved, with a second by Councilperson Rider to authorize the Supervisor to pay General Fund vouchers #224 to #245 dated August 8, 2012 in the amount of \$10,246.92, Highway Fund vouchers #127 to #144 dated August 8, 2012 in the amount of \$29,696.07. There were no Fire Department Fund Vouchers:

Discussion: Councilperson Rider questioned if there was a duplicate billing, with the amount being the same and delivery the same. There were two vouchers on one bill but they were the same with no duplicate charges.

Vote: Councilperson Hern aye, Councilperson Howe-Strait aye, Councilperson Rider aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

County Legislator's Report: Dave McKenna, County Legislator, said that the Mayor of Ithaca reported to the Tompkins County Legislators of improvements to the City of Ithaca including the new apartments going in where the Women's Community building was located. They will be scheduling a public hearing regarding the redistricting. The city did back off of the redistricting problems. There was discussion on contracts and grants involving the airport. They will start holding meetings in September regarding the budget. They are disappointed in the fact that a Criminal Justice Unit cannot be placed in Center Ithaca; the location was rented to another group.

Highway Superintendent's Report: No Report. Supervisor Barriere asked if there was any word regarding the Enfield Creek Project. Superintendent Rollins reported no and the hydro seeder is not available. Councilperson Teeter asked if the hydro seeder was available from the County. Superintendent Rollins answered that the only problem with using the County's or Newfield's is the town would have to buy the material. Soils and Water would normally give everything to the Town. He thinks they do not have the staff to run the new machine.

Code Enforcement Officer's Report: Code Enforcement Officer Alan Teeter reported in July there were 8 building permits issued, 1 for a new house, which brings the year to date total to 42, with 5 being new homes. 7 Certificates of Completion issued. There were 29 inspections and progress checks, 1 valid complaint received, 1 fire and safety inspection, 1 property number issued, and 1 house number installed.

Committee Reports:

Planning Board: Virginia Bryant, Chairperson of the Planning Board, said she came to hear the presentation on the Aquifer Study. She reported that there will be a Special Planning Board meeting regarding the Comprehensive Plan on August 14. Notice has been placed on the web site. She has already received e-mails regarding input for the Plan from community members. She is looking forward to the process of the Plan. If the decision is made to have a separate committee for working on the Plan she would like to be included on that committee. She feels the majority of the committee is committed to working on the Plan. She remembers the process from 1998 and she would like to see that same process repeated for the envisioning with as many people as possible involved. They will have Planning Board members attend various meetings within the Town to collect community input for the Plan. Supervisor Barriere asked if the notice had been submitted to the Ithaca Journal and other local papers. Sue Thompson, Secretary to the Planning Board answered yes.

Health Insurance Consortium: No report. Councilperson Teeter reported she had been following along with the Consortium and it looks like Herb Masser has been attending the meetings according to the minutes.

Enfield Community Council: Councilperson Rider reported summer camp was being run for about 100 campers and a staff of 20. Total payroll is under \$30,000 and all their employees except for 2 reside in the Town of Enfield. The Harvest Festival is being planned and they are looking for volunteers. There is no report for Youth Board because they meet quarterly.

Enfield Volunteer Fire Company: Supervisor Barriere gave the Fire Company report in the absence of Art Howser. April calls 76, May calls 32, June calls 37, and July calls 31, Year to Date 308 calls. Supervisor Barriere stated the calls were more than average. There was a motor vehicle accident at Valley Corners which caused power outage for people for about 9 hours. Traffic was diverted around the 4 corners during that time. Pet Masks have been purchased and are on the rescue vehicles. They are looking into expanding Enfield School education this fall for students. There were many calls for open burning investigations. Democratic and Republican primaries went very well. Possibly another primary is coming up on September 13. Thanks to all who supported the Blood Drive on July 17. There will be another Blood Drive on September 18.

Facilities Manager: No Report. Supervisor Barriere asked Councilperson Hern if he would like to be on the Broad Band Committee. Councilperson Hern answered if they meet during the day, during the week, it is very difficult for him to make the meetings. Supervisor Barriere thought they could be flexible on meetings.

Personnel Committee: Councilperson Teeter reported the Committee met this month. They finished looking through the Personnel Handbook and she will work with Alice Linton to compile a list of topics they discussed and any recommendations.

Tompkins County Council of Governments: Supervisor Barriere could not attend the meeting so Councilperson Rider went in his place. Councilperson Rider reported the Chair of the Tompkins County Board of Reps, Martha Robertson went to Albany. She had a meeting with Mr. Cuomo's Budget Director and they specially talked about the regulations for hydro-fracking in NYS. The Budget Director did not really have a plan on how to assess fees for permits. They had not yet decided on how they were going to measure the gas. In Pennsylvania the drilling companies measured the gas. There is some feeling in New York State that might not be the most prudent person to be in charge of measuring. New York State has no severance tax. This means the state isn't going to share any of the fees collected from removal of nonrenewable resources, oil, gas, etc. We only have ad-valorem taxes, which mean there is a big time lag on assessment under this process. Tompkins County is the only small county that has 100% assessment and professional tax assessors. The Time Warner contract has been expired for years so they are going to negotiate a new contract. Supervisor Barriere stated that most of the municipalities have contracts. There was a presentation on Broad Band. If you went to the meeting on Broad Band here in town there was not much added to that. They still haven't decided if they are going to write a request to do a preliminary study which they have to do by September. Councilperson Rider said she urged them to include Enfield and Mr. Haefele.

Old Business:

Update on Road Preservation Plan: Supervisor Barriere reported that was no update. Dan Walker, Enfield Planning Board member, did go to the last meeting that was held in the Town of Caroline. It was a very productive meeting but they still don't have anything concentrate to move forward with on a town road preservation law. He is hoping to get together with Dan Walker, and work on the law. The Town still has to keep in mind to stay in line with the other municipals on the road preservation law.

Park-and-Ride Update: Supervisor Barriere reported he did not hear anything from Nancy Oltz, except they are just now sending out information for a survey. Councilperson Teeter

wants to clarify that there is still no Park-and-Ride at the Enfield Town Hall. Supervisor Barriere answered no there was not. Councilperson Rider reported she did a very unscientific study on the Park-and-Ride. She was there one night when the bus came and asked the riders if they would like the Park-and-Ride at the Town Hall. They said no because they come from Mecklenburg.

Aquifer Study Discussion: Supervisor Barriere stated the Board does not need to act on the Study tonight. By the September meeting the Board will know where they stand financially for the year. Then they will know if they can go ahead and commit to a plan for 3 or 5 years. He thought maybe they could put some funds aside just to get things started. Councilperson Howe-Strait asked if the Community Foundations only deadline is September. Councilperson Rider answered they have different deadlines but the category the Town falls under is September. They only want a one page letter and they technically give on the low side perhaps \$4,000.00. Councilperson Teeter suggested writing a letter to Barbara Lifton. Councilperson Rider talked about the Park Foundation. It was thought the Town of Caroline received some of their funding from there. Councilperson Rider suggested that Supervisor Barriere ask TCOG about outside source funding.

Councilperson Teeter stated the Town needs to make a commitment to seek funding. The state cap is 2%, maybe we can get a figure from assessment on what the increase of the assessed value is going to be. Supervisor Barriere stated he will not hear anything regarding the assessments for another couple of months. There was discussion on the assessment and the fact that it probably would not grow that much from last year. Councilperson Teeter said she did a quick calculation on a small 2% salary increase for the permanent employees and that it would be in the neighborhood of \$10,000 which does not take in account for the any kind of benefit increase. The costs of a lot of things have gone up so are we going to need to increase the budget to stay even so we don't have to cut services? Supervisor Barriere recommended the town pass the 2% cap like last year just in case they make a mistake on the form. He said the one big item he will not have is the retirement benefit. This is the one that has been hitting the Town hard that and compensation insurance. Councilperson Teeter asked what the law time limit is on passing a budget. Supervisor Barriere answered the final is November 20 and the budget is presented in early October. The public hearing will be early November for the budget and could be held as a separate meeting. The Board needs to make a decision on the Study in September. Councilperson Rider will contact Barbara Lifton regarding the funding of the Aquifer Study. The Aquifer Study will be on the agenda for next month.

Site Plan Review

Supervisor Barriere stated everything looks good for the most part from all of the interested and involved agencies as stated in the Resolution 2012-#32 in the June 13, 2012 Town Board Minutes. He did receive two notices, one from NYS Department of Transportation (DOT) and they had 3 recommendations which he incorporated into the Site Plan Review Law that he sent out.

NYS DOT Recommendations:

Section 2.3.G. To clarify intent and to insure that the State and County Highway Departments, the Planning Board and DOT work together on locating driveway. The wording of the first sentence is suggested to read as follows: For parcels within 200' of any intersection or situated upon any highway or grade or curve the location of the driveway ...

comments thereupon by the Town Highway Superintendent, Fire Department Chief, and if applicable, the County Highway Department and NYSDOT.

Section 2.3.H. Suggestion is made to include the County Highway Department when applicable. Which is also Section 2.2.A.3 suggestion is made to include similarly wording as follows, at the end of section of 2.3.H, which is to include the pedestrian facilities for both sites and public right-of-ways shall be provided to assure foundations. That was also included in that section.

Section 3.B.2. Strike A and replace with The, which is dealing with the scale of the drawings.

The only other comments were community and county wide impacts of the suggestion of adding County Highway Planning to that one section that was stated by NYS DOT Section 2.2.2.

Supervisor Barriere stated there were two resolutions concerning the Site Plan Law. Councilperson Teeter stated that was a small type-o in Resolution 12-37 – Environmental Impact. Page 3 “Whereas, the only foreseeable impacts upon the environmental related” should be environment related.

Supervisor Barriere asked if everyone had reviewed the Environmental Assessment form. All Board members answered yes.

Supervisor Barriere moved, with a second by Councilperson Teeter to approve Resolution #2012-37 with the change as noted by Councilperson Teeter on page 3, the first Whereas, changed environmental to environment.

RESOLUTION 2012-37

RESOLUTION DECLARING ENVIRONMENTAL SIGNIFICANCE AND MAKING NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS IN RELATION TO TOWN OF ENFIELD SITE PLAN REVIEW LOCAL LAW - LOCAL LAW #2 OF 2012

At a Regular Meeting of the Town Board of the Town of Enfield, held in and for the Town of Enfield at the Enfield Community Building, 182 Enfield Main Rd., upon the 8th day of August, 2012, the following Town Board members were present:

Chris Hern, Councilperson;
Vera Howe-Strait, Councilperson;
Ann Rider, Councilperson;
Debbie Teeter, Councilperson; and
Roy Barriere, Supervisor;

Upon discussion and deliberation thereupon, the following resolutions were duly made by motion of Supervisor Barriere, and duly seconded by Councilperson Teeter; and the vote was as follows:

Chris Hern, Councilperson;	<u>Aye</u>
Vera Howe-Strait, Councilperson;	<u>Aye</u>
Ann Rider, Councilperson;	<u>Aye</u>
Debbie Teeter, Councilperson; and	<u>Aye</u>
Roy Barriere, Supervisor;	<u>Aye</u>

And, accordingly, the following resolutions were therefore duly approved and so adopted:

WHEREAS, since 2008 the Planning Board and the Town Board have been working cooperatively to develop a site plan review local law for the Town of Enfield to review certain land uses and applications so as to preserve and protect the Town, its environment, and residents from the potential negative impacts that certain developments can present or cause; and

WHEREAS, a proposed final draft of such law has been duly presented to the Town Board by the Town Supervisor, as drafted, reviewed, and revised by the Planning Board; and public input thereupon was duly sought; and

WHEREAS, the New York State Environmental Quality Review Act ("SEQRA") expresses a desire that projects, including laws and rules that impact land use planning, be subject to review as soon as is practicable. Accordingly, the SEQRA Long-Form Environmental Assessment Form ("LEAF"), together with supporting information, was submitted for review in relation to the proposed Site Plan Review Local Law, and such LEAF was deemed complete and the Town Board, as lead agency, duly issued a notice of intent in relation to the environmental review thereof, and also issued a General Municipal Law § 239-l, -m, and -n referral to the Tompkins County Planning Department; and

WHEREAS, the Town Board classified the action of adopting this Local Law as a Type I SEQRA action pursuant to, *inter alia*, 6 NYCRR Part 617.4(b)(1), had identified Involved or Interested Agencies, and had declared its intent to act as Lead Agency for SEQRA review; and

WHEREAS, the following potential impacts were duly identified in the LEAF:

- i. Site Planning will likely require an examination of development within sensitive environmental areas such as steep slopes, gorge areas, wetlands, stream areas and existing parks and parklands. However, without site planning such natural features could not otherwise be effectively protected from the impacts of development, such that, in context, any future impacts are deemed mitigated by the parameters of review and the requirements of the site plan review law such that this impact is deemed non-significant;
- ii. Site Planning will potentially affect the quantity or quality of existing or future open spaces and recreational opportunities. While land development necessarily opts for one land use over another, without site planning there would be no review of the potential impacts upon recreational opportunities and open spaces. Thus, site planning provides the Town of Enfield with the ability to protect, preserve, and promote the use and creation of open spaces and recreation opportunities within the Town of Enfield, such that this impact is deemed mitigated and non-significant;

iii. Site Planning will also potentially affect community growth and character, including by setting precedents on how to develop land within the Town. Again, however, without site plan review unregulated development could occur in a manner that could potentially be detrimental to the character and orderly growth of the community. Such growth could also negatively impact important Town resources, such as natural areas, parks, open spaces, and agriculture. Thus, site planning seeks to preserve important community features and characteristics in the face of growth, and thus mitigates this impact and makes it non-significant; and

WHEREAS, two replies were received in relation to this review, including one from County Planning and one from NYSDOT; and in relation to these comments the Town Board, after duly considering these letters of input, has determined as follows:

i. County Planning has determined that this proposed local law has no negative inter-community or county-wide impacts. Accordingly, the Town of Enfield has made no changes to the proposed local law as a result of this § 239 review response from County Planning; and

ii. NYSDOT issued comments about certain site planning aspects of roadway, intersection, and traffic controls when addressing properties upon or near County or State highways. Changes to the local law have been made in response thereto that incorporate all the suggestions of NYSDOT. However, in respect of these changes, the Town Board finds that the suggestions made by NYSDOT were, when viewed in context, mere clarifications of existing standards and rules within the site plan review local law. Thus, the Town Board finds that the changes did not present the Town Board with any need to effect any material or significant change in the local law or the site plan approval or review processes as already under consideration therein; and

WHEREAS, the only foreseeable impacts upon the environmental related to the adoption of site plan review standards are positive impacts as site planning will require a review of uses and proposals that are deemed likely to have negative impacts, and will thus provide an opportunity to mitigate such future impacts. Without site planning, such impacts could not be effectively reviewed, reviewed in a single integrated process, and/or mitigated by review recommendations as to land development. Thus, this local law will enhance and protect natural and community environments such that the Town Board of the Town of Enfield has determined that it will issue a negative declaration of environmental impacts; and

WHEREAS, and after weighing: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequences of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan and/or Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Town Board found that these factors did not cause any potential impact to be or be likely to become significant; and

WHEREAS, after due deliberation upon this matter and a review and analysis of each and all potential environmental impacts, and the input from each and all Involved and Interested Agencies, if any, the Town Board of the Town of Enfield, as Lead Agency, has hereby

RESOLVED, that the Town Board of the Town of Enfield be and hereby is again declared to be the Lead Agency; and it is further

RESOLVED AND DETERMINED, that this declaration is made in accord with Article 8 of the Environmental Conservation Law of the State of New York and the New York SEQRA Act, and the Regulations promulgated there under, and accordingly, the Town Board of the Town of Enfield, based upon (i) its thorough review of the LEAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and all testimony and evidence presented in relation hereto, and the comments of Involved and Interested Agencies, if any, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including, but not limited to, the criteria identified in 6 NYCRR §617.7(c), and (iii) its completion of the LEAF, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQRA for the above referenced proposed action, and determines that an Environmental Impact Statement is therefore not required; and it is further

RESOLVED, that a Responsible Officer of the Town Board of the Town of Enfield is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed EAF and determination of significance shall be incorporated by reference in this Resolution; and it is further

RESOLVED that the Town Clerk submit the Environmental Notice Bulletin publication notice and deliver and/or file a copy of this Resolution with the following persons and agencies:

1. The Town Clerk of the Town of Enfield.
2. The Town Supervisor of the Town of Enfield.
3. All Involved and Interested Agencies.
4. Any person requesting a copy.

Discussion: Councilperson Rider referred to the Site Plan Law, Page 12, Section 5.2 there is an asterisk. The asterisk does not refer as anything. The asterisk was taken out of the Section.

Vote: Councilperson Hern aye, Councilperson Howe-Strait aye, Councilperson Rider aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Supervisor Barriere stated the second resolution is adopting the law.

Supervisor Barriere moved, with a second by Councilperson Howe-Strait to approve Resolution #2012-38.

RESOLUTION 2012-38

RESOLUTION ADOPTING AND APPROVING TOWN OF ENFIELD SITE PLAN REVIEW LOCAL LAW - LOCAL LAW #2 OF 2012

At a Regular Meeting of the Town Board of the Town of Enfield, held in and for the Town of Enfield at the Enfield Community Building, 182 Enfield Main Rd, upon the 8th day of August, 2012, the following Town Board members were present:

Chris Hern, Councilperson;
Vera Howe-Strait, Councilperson;
Ann Rider, Councilperson;
Debbie Teeter, Councilperson; and
Roy Barriere, Supervisor;

Upon discussion and deliberation thereupon, the following resolutions were duly made by motion of Supervisor Barriere, and duly seconded by Councilperson Howe-Strait; and the vote was as follows:

Chris Hern, Councilperson;	<u>Aye</u>
Vera Howe-Strait, Councilperson;	<u>Aye</u>
Ann Rider, Councilperson;	<u>Aye</u>
Debbie Teeter, Councilperson; and	<u>Aye</u>
Roy Barriere, Supervisor;	<u>Aye</u>

And, accordingly, the following resolutions were therefore duly approved and so adopted:

WHEREAS, since 2008 the Planning Board and the Town Board have been working cooperatively to develop a site plan review local law for the Town of Enfield to review certain land uses and applications so as to preserve and protect the Town, its environment, and residents from the potential negative impacts that certain developments can present or cause; and

WHEREAS, a proposed final draft of such law has been duly presented to the Town Board by the Town Supervisor, as drafted, reviewed, and revised by the Planning Board; and

WHEREAS, the Town Board, as lead agency, conducted an environmental review of this action under and pursuant to SEQRA and its implementing regulations and issued a negative declaration of environmental impacts; and

WHEREAS, referral to the Tompkins County Planning Department was timely made in accord with General Municipal Law §§ 239-l, -m, and -n, and County Planning identified no negative inter-community or county-wide impacts related to the proposed site plan review local law; and

WHEREAS, notice of a public hearing was published and posted in accord with law and a public hearing was duly held upon August 8, 2012, whereat the public was invited to comment upon the proposed local law and speak in favor of or against such local law, or any part thereof, and whereat all persons interested in the subject were duly heard and all evidence taken; and upon and in consideration of comments received during the SEQRA process, the public hearing, and otherwise, and upon due consideration thereupon, the Town Board of the Town of Enfield has hereby found that adoption of this local law is in the public interests of the Town of Enfield and, accordingly, the Town Board of the Town of Enfield has duly RESOLVED, that Local Law Number 2 of 2012, entitled "Site Plan Review Law," be and

hereby is approved and adopted in the form as presented to this meeting, and in such form "be it so enacted"; and it is further

RESOLVED, that in accord with Town Law and §21 of the Municipal Home Rule Law the final adopted version of this Local Law shall be spread upon or attached to the Minutes of this Meeting and presented to the Supervisor for approval; and it is further

RESOLVED, that upon such approval by the Supervisor (or other approval occurring pursuant to said §21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required certifications, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law §27 (said filing may be made by delivery to the State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231).

Discussion: Councilperson Hern noted that on Page 2, the public hearing was not held on August 8, but on May 9. Councilperson Rider noted that the next word whereat is not a word, it should be whereas and part thereof, and whereat should as read whereas.

Supervisor Barriere moved, with a second by Councilperson Howe-Strait to approve Resolution #2012-38 with the corrections as noted on page 2 the date of the public hearing should be changed from August 8, 2012 to May 9, 2012 and the word immediately after changed as whereas.

Vote: Councilperson Hern aye, Councilperson Howe-Strait aye, Councilperson Rider aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

New Business:

Supervisor Barriere reported the town received the franchise agreement from Haefele and forwarded it on to the Town Attorney. He had a few recommendations and then he forwarded the agreement on to Jeff Golden, and they were going to review the changes. He has not heard back from them. What the Board could do is set a date for the public hearing at the September meeting. If the Board does not get the agreement back before the 10 day deadline we won't have the public hearing.

Supervisor Barrier moved that a public hearing be held at the September 12, 2012 Board meeting for the Franchise Agreement with Haefele at 6:30 pm. Councilperson Teeter seconded the motion.

Vote: Councilperson Hern aye, Councilperson Howe-Strait aye, Councilperson Rider aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried

Announcements: Councilperson Rider reported they have 10 or 15 Cornell volunteers coming out Tuesday to do volunteer work at the Fire Company. They are going to build games for the Harvest Festival/ ECC and wash doors at the Fire Hall. There is going to be a Safe Medical Disposal event in Enfield on September 29 at the old highway facility. There is a signup sheet, they need 6 volunteers. It is from 9:00 am to 2:00 pm. The Town of Caroline got 100 customers when then did it in April.

Councilperson Teeter thanked Councilperson Rider for arranging the Cinema in the Center event. August 31 is the next one, a double feature, a child's movie and the old Foot Loose movie will be shown.

Supervisor Barriere reported that the Town's budget process has started and letters have gone out to all department heads.

Volunteer of the Month: Two volunteers were submitted in one nomination letter. The letter came from Vera Howe-Strait nominating Nancy Spero and Judy Hyman as Community Volunteers of the Month. Nancy has been a resident of Enfield since 2000 and Judy since 1996. They have donated their time to a Square Dance Fund raiser for the Enfield School Age Program. Please know that Nancy and Judy do not have children or family members in the school. The fund raiser was successful.

Adjournment: Supervisor Barriere moved, with a second by Councilperson Teeter to adjourn at 8:15 p.m.

Respectfully submitted,

Sue Thompson
Enfield Deputy Town Clerk