

November 8, 2012
Town of Afton
County of Chenango

Present at the regular meeting were Supervisor J Lawrence, C Tallmadge, R Tallmadge, J Baciуска, M Long, Superintendent L Shultis, ACO A Cross.

Visitors: W Colley, K Colley, W Leidecker, A Gaydorus, A Leggett, E Woodruff, J Lawrence, F Warren, w Caldiero, N Caldiero, G Haynes, B Heller, A Steinberg, S Macintyre.

Bills were audited and ordered paid as follows:

General Fund Claims No 179-191 totaling \$3132.24 as listed on General Fund Abstract No 11 dated November 8, 2012 and

Highway Fund Claims No 152-166 totaling \$22787.69 as listed on Highway Fund Abstract No 11 dated November 8, 2012

Meeting was called to order at 7:07pm with the salute to the flag. Regular meeting minutes of October 11, 2012 were reviewed M Long made motion to approve seconded by C Tallmadge approved.

Communications

- 1) Association of Towns Membership for 2013 was discussed M Long made motion to remain members Seconded by C Tallmadge. Approved.

Recognition of Visitors

W Caldiero thanks the board for continued support of Library and Historical Society.

B Heller announced publication and distribution of local Newspaper, The New Afton Enterprise.

Committee Reports

- 1) Financial reports for November were distributed
- 2) Justice 1 report distributed for November
- 3) Code enforcement no reports available for November
- 4) Assessor reports none available for November
- 5) Highway Report Need to transfer \$5000.00 from DA5130.2 to DA5130.4 Motion to transfer \$5000.00 from DA5130.2 to DA5120.4 made by M Long Seconded by R Tallmadge Approved. Radio Quote distributed L Shultis explained that Bainbridge had approved the quote from United Radio at their recent Board Meeting and suggested that we do same. Motion to approve made by M Long and seconded by J Baciуска approved
Trucks are ready for winter plowing; crews are currently cutting brush in preparation for winter months.
- 6) Building Committee Supervisor to check with Ms Kipper on Rental Agreement specifics.
- 7) ACO A Cross receiving more complaints on dog conditions. Also raised concern of incorrect phone numbers published in The New Afton Enterprise.
- 8) Medical Center repairs to begin after January 1, 2013 Prices to remain the same.

OLD BUSINESS

- 1) Motion to accept the Town of Afton Budget for 2013 made by J Baciuska Seconded by R Tallmadge Approved.
- 2) Chimney Repair Project Motion to approve American Heating Bid made by C Tallmadge Seconded by M Long Approved J Baciuska recued himself. Also authorized Town Clerk to purchase a carbon monoxide detector for Town Hall.
- 3) Village request for Army Corp of Engineers help on riverbank project. Letter has been signed and forwarded to Village.

NEW BUSINESS

- 1) Resolution to pay bills for the new Highway Garage Building.

WHEREAS, the town of Afton needs to pay bills generated from the building of the new Town of Afton Highway garage located at 1418 State Rt. 7, in Afton, NY; and

WHEREAS, code A1620.2 will be designated as the line used to pay any highway building expense; and

NOW, THEREFORE BE IT RESOLVED, that monies needed to pay these bills are to be transferred from the Building Reserve Account, Line A230 on an as needed basis shall not exceed \$235,000 in total from that account as per the Resolution adopted on March 19, 2012 by the Town Board.

BE IT FURTHER RESOLVED, that when FEMA money comes back it will be charged to revenue code A4960 and deposited in the Building Reserve Account.

Motion to approve resolution made by R Tallmadge and seconded by M Long Approved

- 2) Resolution to allow DEC to be lead agency for Warren's Excavation and Stone Products mining permits is as follows:

WHEREAS, Warren's Excavation and Stone Products, LLC, has applied for a modification to an existing mining permit in the Town of Afton; and

WHEREAS, this project is subject to State Environmental Quality Review Act (SEQR) and is a Type 1 action requiring lead agency coordination; and

WHEREAS, DEC has requested to be the lead agency; and

NOW, THEREFORE BE IT RESOLVED, that the Town of Afton Board has no objection to this matter.

Motion to accept the above resolution made by J Baciuska and Seconded by R Tallmadge Approved

- 3) Resolution from James Downey to make Afton Town Board lead agency for the new Town Highway Department Garage Building Project.

**RESOLUTION
NEGATIVE ENVIRONMENTAL IMPACT DECLARATION
NEW CONSTRUCTION OF TOWN HIGHWAY DEPARTMENT
GARAGE BUILDING**

At a regular meeting of the town board of the Town of Afton held on the 8th day of November, 2012 at 7:00 PM at the offices of the town located at 169 Main Street, Afton, New York, and due and proper prior notice of said meeting having been given and said meeting having been publicly held at which a quorum as present in attendance and participating thereat throughout, there were:

Present: Supervisor J Lawrence
J Baciуска
M Long
C Tallmadge
R Tallmadge

Absent: None

M R Tallmadge moved the following resolution for adoption:

WHEREAS, the town board has heretofore caused to be prepared plans and specifications for the new construction of a highway department garage building upon lands owned by the town located at 1418 State Route 7, Town of Afton, New York and has publicly solicited bids therefore and opened bids on September 6, 2012; and

WHEREAS, final bid award is contingent upon the town board conducting an environmental review of the proposed project pursuant to the State Environmental Quality Review Act ("SEQRA") for purposes of determining whether the proposed project will result in any significant, adverse environmental impacts; and

WHEREAS, the town's project architect has determined that the proposed construction project is an "unlisted" type activity within the meaning and definition of the rules and regulations of SEQRA and has completed a Short Environmental Assessment form for Unlisted Actions, Appendix C ("SEAF"); and

WHEREAS, the town board on September 13th, 2012 did adopt a resolution declaring its intent to act as the "lead agency" for purposes of conducting the required environmental review of the proposed project without coordinated review with any other "involved" or "interested" agencies; and

WHEREAS, the town's attorney on September 20th, 2012 did cause to be mailed to other identified potential "involved" or "interested" agencies a notice of the town's declaration of intent to act as lead agency without coordinated review for the purposes of conducting the required environmental review of the proposed project: and

WHEREAS, in reply to the town's mailing of said notice of declaration of intent to act as lead agency without coordinated review the following other agencies did tender its written consent to the town acting as lead agency without coordinated review, to wit:

Chenango County Department of Planning and Development
The New York State Department of Environmental Conservation,
Division of Environmental Permits
The New York State Department of Transportation, Region Nine
The Town of Afton Planning Board
And;

WHEREAS, more than thirty (30) days has elapsed since the town gave written notice to other potential involved or interested agencies of the town's intent to act as lead agency without coordinated review for the purpose of conducting the required environmental review of the proposed project; and

WHEREAS. No other notified agency has tendered its written objection to the town acting as lead agency without coordinated review for purposes of conducting the required environmental review of the proposed project; and

WHEREAS, the town board has reviewed the SEAF prepared by the town's project architect for the purpose of determining if there are any potentially significant adverse environmental impacts presented by the proposed project and if any such impacts were identified, whether any measures could be implemented so as to address and minimize any such impacts; and

WHEREAS, based upon the SEAF and the underlying information on which it is based there does not appear to be any significant adverse environmental impact on any resources, plants, and animals, aesthetic resources, open space and recreation, critical environmental areas, energy, noise and odor, public health or transportation:

- A. **AIR.** No adverse impacts to air quality is anticipated from operation of the new highway department building. Vehicular traffic to and from the new building is not anticipated to generate any greater volume of emissions than such emissions generated from the use of the town's current highway department garage building. Emissions associated with the construction phase of the project is anticipated to be within normal parameters.
- B. **PLANTS AND ANIMALS.** There are no known occurrences of rare, threatened or endangered species of plants or animals on the project site or within its immediate vicinity.
- C. **AESTHETIC RESOURCES.** The project is sandwiched between NYS Route 7 on the north and the Delaware & Hudson Railway line on the south, utilizing .91 acres of a 3.47 acre site owned by the town. The surrounding area is of a commercial nature and the proposed use of the site as the location of the town's highway department garage building is not inconsistent with surrounding land usage and aesthetics.
- D. **OPEN SPACE AND RECREATION.** The site is town owned realty which the town purchased for the purpose of re-locating its highway department garage facilities to. Although the site is municipal owned land it is not open to the public for recreational purposes.
- E. **CRITICAL ENVIRONMENTAL AREAS.** The project site is not located within a critical environmental area.
- F. **ENERGY.** The proposed building is designed to be energy efficient for its intended use. The estimated electrical needs for light, heat, cooling, operation of machinery, equipment and administrative office equipment is well within the existing capabilities of the local public utility to supply same.
- G. **NOISE AND ODOR.** During the construction phase of the project there will be a temporary increase in the level of noise generated at and emanating from the site due to construction activity. However, such construction generated noise shall not be atypical of the normal construction generated noise. No blasting shall occur. Upon completion and use of the site as the town's highway department garage building there shall be truck and vehicle generated noise but not of a level anticipated to be of a nuisance level or quality of life impacting level.
- H. **PUBLIC HEALTH.** Neither the construction phase of the project nor its operation upon completion is anticipated to result in any identifiable threats to the public health, safety or welfare.

- I. **LAND.** The project consisting of the construction of a 7820 +/- sq. ft. building shall encompass .91 +/- acres of the 3.47 +/- acre total site owned by the town. The site is elevated above the 100 year flood plain contour and is not located in a flood hazard zone. No extensive site filling or grading that would result in adverse water runoff onto adjacent properties or increase the potential of flooding of adjacent properties shall occur. The town's project architect shall obtain any required permits/approvals from NYSDEC regarding storm water collection and water runoff control.
- J. **WATER.** Wastewater flowing from the operational building is estimated to be of a quantity and quality so as not to require a New York State Pollutant Discharge Elimination System Permit ("SPDES") from NYSDEC. Potable water for drinking, washing and toilet facilities are to be supplied by an existing driven well with daily and annual water draw rates and overall volume not of a sufficient volume to adversely impact the source aquifer or wells located upon adjoining properties or in the surrounding area. Wastewater from sinks and/or toilets is to be discharged through piping containing a water, gas separator allowing for the separate disposal of same.
- K. **AGRICULTURAL AND LAND RESOURCES AND ARCHEOLOGICAL AND HISTORIC RESOURCES.** The project site is not located within an existing agricultural district. The project site is commercial in nature and is located between NYS Route 7, a heavily traveled paved two lane highway and an active railroad line the construction of both which mitigates against the possibility that the project site holds any recognizable artifacts or findings or a cultural, archeological or historic significance. In the event excavation at the site during construction shall disclose any such artifacts or finding of such significance construction in the affected areas shall be halted and cordoned off to allow full investigation of same by qualified researchers.
- L. **TRANSPORTATION.** Per letter from the NYSDOT dated September 25, 2012 DOT is coordinating with the town's project architect regarding the site plan, traffic impacts, permits for work within the right-of-way of NYS Route 7, project site ingress and egress from NYS Route 7 (curb cuts). No project work is to be initiated and prosecuted until the issuance by NYSDOT of all required consents, approvals and permits.
- M. **COMMUNITY/NEIGHBORHOOD CHARACTER.** The undertaking of a project to re-locate the town's existing highway department garage building to a newly constructed facility is necessitated by the fact that the town's current highway department garage building is located in a flood hazard area and in the recent past has suffered extensive flood damage. The town's existing highway department building is located on NYS route 7 in a rural/commercial use neighborhood and its relocation to a commercial use neighborhood will not change or adversely affect the existing neighborhood character.
- N. **CONSIDERATION OF CUMULATIVE EFFECTS.** The town board has considered each of the aforesaid criteria, A through M, not only in isolation but has also considered whether two or more of said criteria considered in conjunction with the other(s) shall have a cumulative effect resulting in a significant adverse environmental impact and has not found or identified any such cumulative effect.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- A. The town board has considered the proposed project of constructing a 7,820 +/- sq. ft. new highway department garage building upon lands owned by it located at 1418 State Route 7, town of Afton, Chenango County, New York pursuant to the parameters and criteria as set forth in applicable sections of 6NYCCR Part 617 and based upon the foregoing the town board finds that the proposed project will not have a significant adverse impact on the environment and

hereby adopts a Negative Declaration for the proposed project and the requirements of SEQRA have been satisfied.

- B. A copy of this negative declaration, the notice of negative declaration and all other documents and correspondence regarding the town board's environmental review of the project shall be filed by the town clerk to be permanently kept and maintained as official town records open and available to the general public and any interested party, entity or agency for public viewing, inspection and copying.
- C. The town clerk is hereby directed to file, Notice and mail a copy of the Negative Declaration, Notice of Determination of Non-Significance as follows:
 1. Mailed to:
 - A. NYS Department of Environmental Conservation
Office of the Commissioner
Division of Environmental Permits
Attn: K. Kormak, Environmental Analyst
625 Broadway, 4th Floor
Albany, NY 12233-1750
 - B. NYS Department of Environmental Conservation
Attn: Kenneth Lynch, Regional Director
Region 7
615 Erie Boulevard West
Syracuse, NY 13204-2400
 - C. NYS Department of Environmental Conservation
Division of Environmental Permits
Attn: Joseph Dlugolenski, Dep. Admin.
1285 Fisker Ave.
Cortland, NY 13045
 2. Filed in Miscellaneous Records in the Office of the Clerk of Chenango County, NY
 3. Filed in the Office of the Town Clerk of the Town of Afton, NY
 4. By posting a copy of the Negative Declaration upon the Town of Afton's official bulletin board located at 169 Main Street, Afton, New York; the public bulletin board located on the exterior of the Chenango County Courthouse located at West Park Place, Norwich New York and upon the public bulletin board kept and maintained in the interior of the Chenango County Clerk's Office located at 5 Court Street, Norwich, New York. Said copy of the Negative Declaration Shall have affixed thereto a notice stating its date of posting and filing and that the Town of Afton will review all comments on such negative declaration determination received in writing by the town clerk within ten (10) days of the posting and filing of the notice at the principal office of the town, i.e. 169 Main Street, Afton, NY.
 5. Mailing a copy of the negative declaration to the other potential involved or interested agencies to which the town attorney gave written notice of the town's intent to declare itself a lead agency, to wit:
 - a. Chenango County Department of Planning and Development
 - b. NYS DOT, Region 9
 - c. Town of Afton Planning Board
 - d. NYS Office of Parks, Recreation and Historic Preservation
 - e. NYS Department of Agriculture and Markets
 - f. U. S. Corp of Engineers.

D. This resolution shall take effect immediately.

Seconded by M C Tallmadge and following discussion was put to a vote with the following results:

AYES: J Lawrence, Supervisor
R Tallmadge
M Long
J Baciuska
C Tallmadge

Noes: None

Abstentions: None

The forgoing resolution have received at least a majority approving vote was declared by the Chairperson to be adopted.

Certification

I, Rosemarie A. Klatz, town clerk of the Town of Afton, do hereby CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the town board of the Town of Afton, New York at a regular meeting thereof duly called, publically noticed and publically held on the 8th day of November, 2012, and at which a quorum was present and participated thereat throughout, and of the whole of such resolution; and that said resolution has not been rescinded or amended in any manner and is full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as clerk on this 8th day of November, 2012.

Rosemarie A Klatz
Town Clerk
Town of Afton

Motion to enter into Executive Session to discuss hiring of Town Assessor at 8:00 pm made by M Long and seconded by J Baciuska. Approved. Motion to go out of Executive Session at 8:45 pm by M Long seconded by R Tallmadge Approved.

Motion to Hire Sue McIntyre as Assessor to fill remaining contract upon the retirement of Jack Stafford made by M Long and seconded by R Tallmadge. Approved.

Motion to adjourn at 8:47 pm by C Tallmadge and Seconded by M Long. Approved

Supervisor _____ Town Clerk _____

Town Council _____
