

TOWN OF BIG FLATS AGENDA  
WEDNESDAY, FEBRUARY 10, 2016 AT 4:30P.M.

**WATER BOARD**

CALL TO ORDER

NEW BUSINESS

Advertisement for BIDS for Booster Pump Station

**TOWN BOARD**

CALL TO ORDER

PRESENTATION – Mike Kruzen– Southern Tier Economic Growth (STEG)

PUBLIC HEARING           TIMBER HARVESTING           4:30 P.M.

PUBLIC HEARING           ZONING AMENDMENT           4:32 P.M.

CONCERNS OF THE PEOPLE

REPORTS

UNFINISHED BUSINESS

Timber Harvesting

Local Law #1 Zoning Amendment

NEW BUSINESS

Abstract of Audited Vouchers

2016/2017 Swale & Drainage Mowing Contract

Intermunicipal Agreement for Animal Control

Blitz Revolving Loan Fund

Purchase of 52” Exmark Mower for the Parks Department

Workers’ Compensation – Self Insurance

2016 Southern Tier Economic Growth Inc. Agreement

Communication Log

RESOLUTION NO. 01-021016  
ADVERTISEMENT FOR BIDS FOR BOOSTER PUMP STATION

Resolution by:  
Seconded by:

WHEREAS It was determined that Town of Big Flats Water Department would benefit from an alternative water supply(s) to comply with our ERP (Emergency Response Plan) so our Water Districts are provided with an uninterrupted water supply should an emergency occur. And

WHEREAS Hunt Engineering was authorized in June 2015 to engineer said project, Resolution No. 154-15, and

WHEREAS Hunt Engineering's report recommended these items be designed, purchased, and installed and

WHEREAS Hunt Engineering has prepared bid specifications for purchase, construction and installation of a booster pump station to connect with the Elmira Water Board, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Water Board authorizes the Town Clerk to advertise the aforementioned bid specifications contingent on the review and approval of the bid specifications by the Attorney for the Town.

CARRIED:   AYES:  
              NAYS:

RESOLUTION NO. 02-021016  
SUTTON TIMBER HARVEST PERMIT #56.00-1-36.1, PROPERTY OWNED BY CLIFF  
SUTTON OF 1 SUTTON PLACE, HORSEHEADS, NY 14845

Resolution by:  
Seconded by:

WHEREAS a Timber Harvesting Application has been received CF Cutting LLC (Justin Clark) at 106 Eacher Hollow Rd. Horseheads, NY 14845 to harvest a total of 130 acres to include a selective cut of timbers on 90 acres with diameters no less than 16” excluding Ash to be cut at a minimum diameter of 14”.

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will begin between February 11, 2016 to April 30, 2016;
2. All roads will be graded and water bars installed at completion
3. The landing areas and all skid roads will be smoothed and free of debris, also the landing and skid roads will be seeded with a conservation mix after the harvest is complete; now

**BE IT THERE FOR RESOLVED**, this board held a public hearing today January 27, 2016 to hear comments regarding this Gutchess Lumber Company Inc. application; and

**FURTHER RESOLVED**, the application for a timber harvesting permit submitted by Gutchess Lumber Company Inc. is approved as follows:

1. The logging operation, as proposed, will involve trucks using Eacher Hollow Road to Hibbard Rd to Daniel Zenker Drive to I86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield;
2. The transport of logs may only occur between the hours of 9:00am to 7:00pm daily with the exception that on days public schools are in session the transport of logs may not occur between the hours of 1:30 and 4:30PM.
3. All roads shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and must be cleaned when required by the Code Enforcement Officer as a result of any inspections.

**Prior to Obtaining Permit**

4. A performance guarantee in the form of a certified check for \$2500 must be posted with the Code Enforcement Office before any timber harvesting may begin. The performance guarantee will be returned upon the satisfactory completion of all logging operations, compliance with conditions of this resolution, and a final inspection of the timber harvesting site by the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.
5. An approved Driveway/Curb-Cut and/or Road Permit must be obtained from the Town of Big Flats Department of Public Works **prior** to any transferring of heavy equipment or harvest lumber/materials.

**Prior to any Logging Operations**

6. Proof of Vehicle, General Liability, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and for property damage of \$250,000 for logging operations, unless authorized by the Town Board and the Town Attorney. The Town of Big Flats must be listed as an additional insured and said proof must be filed with the Code Enforcement Office at least 48 hours before commencing any logging operations. Said proof of insurance must be approved by the Town Attorney prior to commencement of work.
7. Notification, in the form of a letter and a copy of the map showing the approved logging area must be provided to all abutters.

**During Harvesting Activity**

1. The logger shall notify the Code Enforcement Officer within five days of completion to Coordinate onsite inspections.
2. The logging site shall be subject to periodic inspections by the Code Enforcement Officer, and Chemung County Soil & Water Conservation Service Representatives at any time during the course of the operation. These inspections will be done between 10:00am and 4:00pm.

CARRIED: AYES:  
NAYS:

ABSENT:

RESOLUTION NO.03-021016  
LOCAL LAW #1 OF 2016, ZONING AMENDMENT

Resolution by:  
Seconded by:

**WHEREAS**, the Town of Big Flats Department of Planning Staff have reviewed the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan and found reasonable facts to support the proposed local law#1, 2016 as submitted, and as follows:

**17.04.060 Definitions**

- Add the definition “Hobby Farm” to the 17.04.
  - Proposed Definition
    - **Hobby Farm** means any use accessory to the principal use involving the raising or gathering of *farm animals* for any purpose. (a) As used in this definition, *farm animals* consist of Horses, Cows, Llamas, Donkeys, Mules, Goats, Sheep, Chickens, Ducks, Geese, Turkeys, Poultry, Bee Keeping, Livestock of any kind, etc. (b) Any animal other than those commonly considered to be domestic pets such as dogs, cats, parakeets, house rabbits, aquatic and similar animals whose primary residence is inside the house located on such property which is utilized by the occupants of said property as a residence shall be considered noxious and offensive uses of property, and as such constitute a nuisance. (c) The term *farm animals* does not include agri-business, agricultural animal, agricultural plant, commercial stable, private stable, factory farm, feedlot, kennel, and slaughterhouse.

**17.12.010 Use Table**

- Add the accessory use “Hobby Farm” to the accessory use table and permit such use as of right only in the rural RU and conservation C zones.

**WHEREAS**, the Town of Big Flats Department of Planning staff provided a memorandum on January 20, 2016 supporting the need for said amendment, and

**WHEREAS**, the Town of Big Flats Planning Board has reviewed local law #1, 2016 and found the zoning amendment to be consistent with the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan, and

**WHEREAS**, the proposed action is a Type I action pursuant to SEQR 6 NYCRR Part 617, and

**WHEREAS**, the Town of Big Flats Town Board hereby declares themselves as lead agency for environmental review, and

**WHEREAS**, the Town of Big Flats Town Board has considered the Full Environmental Assessment Form and other materials prepared by Town Staff and Town in support of the proposed action, has considered the comments of the Town of Big Flats Planning Board, and

verbal commentary during the Town Board's meetings pertaining to the review and evaluation of the proposed action, and

**WHEREAS**, the Town of Big Flats Town Board scheduled a public hearing on local law #1 of 2016 and said hearing was held on February 10, 2016, and

**NOW, BE IT THEREFORE RESOLVED**, this Board hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Type I action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration, and

**FURTHER RESOLVED**, the Town of Big Flats Town Board shall forward proposed Local Law #1 of 2016 to the Chemung County Planning Board for review and comment, as per NYS General Municipal Law,

CARRIED:   AYES:  
                  NAYS:

RESOLUTION NO. 04-021016  
ABSTRACT OF AUDITED VOUCHERS FOR FEBRUARY 10, 2016

Resolution by:  
Seconded by:

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for February 10, 2016, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 33,204.65
HIGHWAY FUND	\$ 68,546.46
H12-WD 4&5 Capital Project 12	\$ 7,050.00
WATER DISTRICT #4	\$ 2,784.88
WATER DISTRICT #5	\$ 13,239.65
TRUST FUND	\$ 2,106.14

CARRIED:   AYES:  
              NAYS:

RESOLUTION NO. 05-021016  
2016/2017 SWALE AND DRAINAGE MOWING CONTRACT WITH SOIL AND  
WATER CONSERVATION DISTRICT

Resolution by:  
Seconded by:

WHEREAS as there is a need to maintain the Stormwater Facilities in the Town of Big Flats,  
and

WHEREAS as the Town is in need of contracting this service out, and

WHEREAS per resolution 155-14, the Town and Chemung County Soil & Water Conservation  
District entered into an Inter-Municipal Agreement, and

WHEREAS the Town and District would like to renew the contract for another 2 years for  
2016 and 2017, and

WHEREAS for environmental review purposes, administration is a Type II action in  
accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is  
necessary regarding the same, now

BE IT THEREFORE RESOLVED, that the District, by this resolution, will mow the Town of  
Big Flats Stormwater Facilities for the next two (2) years at a cost of \$25,000.00 per year for  
the total contract price of \$50,000.00.

For the purpose of this resolution, the following terms shall be defined as follows:

The Town will:

- Provide location of the sites
- Acquire all permission from landowners for which their facilities are located
- Allow use of articulating mower if needed
- Pay a yearly fee of \$25,000.00 for the facilities to be mowed

twice The District will:

- Provide labor, equipment, and fuel to mow Stormwater Facilities
- Provide all insurances needed to insure District personnel
- Communicate with Town when mowing will occur
- Provide mowing logs tracking hours and locations

CARRIED: AYES:  
NAYS:

RESOLUTION NO. 06-021016  
INTERMUNICIPAL AGREEMENT FOR ANIMAL CONTROL UNDER ARTICLE 26 OF  
THE AGRICULTURE AND MARKET LAW OF THE STATE OF NEW YORK

Resolution by:  
Seconded by:

WHEREAS Article 26 of the Agriculture and Markets Law of the State of New York (“Article 26”) provides for the care and protection of “animals” as that term is defined in said article, and

WHEREAS the City currently employs animal control officers to perform Article 26 services for the City, and

WHEREAS the Town and City desire to enter into an Agreement in which the Town utilizes the services of the City to perform certain animal control services pursuant to Article 26 and this Agreement, and

WHEREAS the County has agreed to pay the City for the services it will render to the Town during the term of this Agreement, and

WHEREAS this Agreement is in the best interest of the Town, the City and the County because it promotes shared services in an effort to reduce costs to the Town and the City, and

THEREFORE BE IT RESOLVED the Town Board authorizes the Town Supervisor to enter into the attached Intermunicipal Agreement for Animal Control Services for the term agreement from January 1, 2016 to December 31, 2016, with the City of Elmira

CARRIED: AYES:  
          NAYS:                           ABSENT:

RESOLUTION NO. 07-021016  
JASON AND HEATHER BLITZ REVOLVING LOAN FUND

Resolution by  
Seconded by:

WHEREAS the Town Board has a CDBG loan program for small businesses in the Town of Big Flats for low interest Revolving Loan Fund, and

WHEREAS an application was received by Jason and Heather Blitz of Blitz Pharmacy L.L.C, 485 Maple Street, Big Flats 14814 as a business consolidation loan, and

WHEREAS the Supervisor and the Town Accountant and Attorney have reviewed said application and provided a recommendation that the Town Board approve a loan, and

WHEREAS this loan will be used to refinance all existing debts for the Blitz Pharmacy (owed by Jason and Heather Blitz) located at 485 Maple Street which will significantly lower the monthly debt payment and lead to future job expansions, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board approves a loan from the Revolving Loan Fund to Jason and Heather for a consolidation loan in the amount of \$75,000 for the period of ten (10) years at an interest rate of one and one-half percent (1.5%), and

FURTHER RESOLVED that this approval is conditioned upon the securing of a first mortgage interest on real properties located at 485 Maple Street, Big Flats, NY and their residence located at 251 Hibbard Road, Horseheads, NY, and with a UCC filing against all medications held at 485 Maple Street and

FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to execute any and all documents with Jason and Heather Blitz to complete such loan transaction, contingent upon the review and approval of the Attorney for the Town and Attorney John P. Mustico all fees attributed to Attorney John P. Mustico to be paid by the applicant.

CARRIED: AYES:  
NAYS:

ABSENT:

RESOLUTION NO. 08-021016  
PURCHASE OF 52" EXMARK MOWER FOR THE PARKS DEPARTMENT

Resolution by:  
Seconded by:

WHEREAS the Commissioner and the Deputy Commissioner of Public Works recognize the need to purchase a 52" Exmark Mower with O.C.D (Operator Control Discharge) option 1 for the Parks Department, and

WHEREAS the purchase of a 52" Exmark Mower with O.C.D option 1 was planned and \$10,000 was budgeted for purchase for the year 2016, and

WHEREAS the 52" Exmark Mower with O.C.D option is on the HGAC Buy Purchasing Solution contract #671 GR01-15 for \$9,462.00, and

WHEREAS the new Exmark Mower would be replacing two JD 1435 Mowers years 2000 and 2002 in the Parks Department, and

WHEREAS one of the JD 1435 Mowers will be sold for \$900.00 to the Water Department to be able to use for their mowing needs. The other will be surplusd to help cover the cost of the Exmark Mower, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner and the Deputy Commissioner of Public Works to purchase 52" Exmark Mower from HGAC Buy as outlined on contract number 671 GR01-15 for the sum no to exceed \$9,462.00.

CARRIED:   AYES:  
              NAYS:

RESOLUTION NO. 09-021016  
WORKERS' COMPENSATION – SELF INSURANCE

Resolution by:  
Seconded by:

WHEREAS the Town of Big Flats elects, pursuant to Subdivision 3-a of Section 50 of the Workers' Compensation Law, to become a self-insurer as to Workers' Compensation claims against this Municipality, and

WHEREAS that pursuant to Section 50 Subdivision 3-a of said Workers' Compensation Law, notice of such election shall be filed forthwith with the Chairman of the Workers' Compensation Board, Self-Insurance Section, and

WHEREAS this election shall become effective on January 1, 2016, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board elects Self Insurance for Workers' Compensation effective January 1, 2016 to be filed with the Chairman of the Workers' Compensation Board, Self-Insurance Section.

CARRIED:   AYES:  
              NAYS:

RESOLUTION NO. 10-021016  
2016 SOUTHERN TIER ECONOMIC GROWTH INC. AGREEMENT

Resolution by:  
Seconded by

WHEREAS the Town Board has determined that an agreement with Southern Tier Economic Growth Inc. (STEG) for the purposes of providing continued economic growth and development services would be a benefit to the Town, and

WHEREAS the Town Supervisor has been appointed for a two year term to the executive board of STEG, and

WHEREAS STEG is working with the Town of Big Flats on major developments in many areas of the commercial and retail districts, along with the I86 project, and

WHEREAS the direct relationship between STEG and the Town of Big Flats has improved the economic and infrastructure of major utilities, directly benefiting the citizens of the Town of Big Flats, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Southern Tier Economic Growth Inc. for the purpose of providing continued economic growth and development services for calendar year 2016 at a cost not to exceed \$15,000.00.

CARRIED: AYES:  
          NAYS:

RESOLUTION NO. 11-021016  
COMMUNICATION LOG, FEBRUARY 10, 2016

Resolution by:  
Seconded by:

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

January 15, 2016

Time Warner Cable RE: 2016 Price Adjustment Correction *Referred to: Town Board, and filed with Town Clerk.*

January 27, 2016

Chemung County Health Department RE: Annual Monitoring Requirements for 2016, Big Flats WD #1, PWS ID # NY0710145 *Referred to: Town Board, Water department, Department of Public Works, and filed with Town Clerk.*

February 3, 2016

Time Warner Cable – RE: February 3, 2016 Programming Notice Changes *Referred to: Town Board, and filed with Town Clerk.*

February 3, 2016

Chemung County Industrial Development Agency RE: Business who has expressed an interest in locating its operation at 326 Daniel Zenker Drive in the Town of Big Flats. *Referred to: Town Board, Code and Planning, Assessor, Water Department, DPW and filed with Town Clerk.*

February 4, 2016

Big Flats Business Association RE: Minutes for February 3, 2016 *Referred to: Town Board, and filed with Town Clerk.*

CARRIED: AYES:

NAYS: