

**TOWN OF BIG FLATS AGENDA
WEDNESDAY, OCTOBER 14, 2015 AT 4:30 P.M.**

WATER BOARD

CALL TO ORDER

PUBLIC HEARING 4:30 PM 2016 Special Assessment for WD #3

PUBLIC HEARING 4:32 pm 2016 Special Assessment for WD #4

UNFINISHED BUSINESS

2016 Special Assessment for WD #3

2016 Special Assessment for WD #4

TOWN BOARD

CALL TO ORDER

CONCERNS OF PEOPLE

REPORTS

UNFINISHED BUSINESS

Clerk Position Amendment

Completion of Probationary Period and Pay Increase Amendment

NEW BUSINESS

Budget Transfers & Amendment

Abstract of Audited Vouchers

Stormwater Control Facility Maintenance Agreement

Setting Local Law #3 of 2015 – override the Tax Levy Limit

Purchase HVAC system

Communication Log

PROPOSED RESOLUTION NO. 01-101415
A RESOLUTION TO APPROVE THE 2016 SPECIAL ASSESSMENT FOR WATER
DISTRICT #3

Resolution by:
Seconded by:

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #3 and filed the same with the Town Clerk of the Town of Big Flats on September 18, 2015, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #3 consists of 502 units with a unit charge for 2016 Water District #3 Special Assessment of approximately \$80.88 for Town of Horseheads residents and the Town of Big Flats residents, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 14, 2015, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES:
 NAYS:

PROPOSED RESOLUTION NO. 02-101415
A RESOLUTION TO APPROVE THE 2016 SPECIAL ASSESSMENT FOR WATER
DISTRICT #4

Resolution by:
Seconded by:

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #4 and filed the same with the Town Clerk of the Town of Big Flats on September 18, 2015, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #4 consists of 77 units with a unit charge for 2016 Water District #4 Special Assessment of approximately \$99.84, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 14, 2015, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

CARRIED: AYES:
NAYS:

PROPOSED RESOLUTION NO. 03-101415
A RESOLUTION TO AMEND THE DPW Senior Clerk Position Amendment

Resolution by:
Seconded by:

WHEREAS per Resolution No. 183-15, a Clerk position was created in DPW, and

WHEREAS the civil service position and title are Senior Clerk, and

WHEREAS the Resolution should be amended to correctly state DPW Senior Clerk, 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 amendment of Resolution No. 183-15 to correctly state the title and position of DPW Senior Clerk.

PROPOSED RESOLUTION NO. 04-101415
Completion of Probationary Period and Pay Increase Amendment

WHEREAS per Resolution No. 188A-15, a the civil service probationary requirement and the Town probationary requirement were met, and

WHEREAS per Resolution No. _____, the civil service position and title are Senior Clerk, and

WHEREAS Resolution No. 188A-15 should be amended to correctly state DPW Senior Clerk, 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 amendment of Resolution No.188A-15 to correctly state the title and position of DPW Senior Clerk.

PROPOSED RESOLUTION NO. 05-101415
A RESOLUTION TO APPROVE THE BUDGET TRANSFERS AND AMENDMENTS

WHEREAS a memorandum was received from the Bookkeeper, dated October 6, 2015 requesting authorization budget transfers for the following overspent budgets, and for a budget amendment due to money donated for the Capital Parks from Community Days Inc., 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 further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following transfers and Budget Amendment

Budget Transfers-General Fund

Please authorize a budget transfer for the following overspent budgets:

To	Assessor—CE-A.1355.0400	6,800	
	Recreation Center –CE A.7140.0400	1,100	
	From Contingency—CE-A.1990.0400		7,900

Capital Parks Budget Amendment

Please authorize a budget amendment to the 2015 Parks Capital Project budget due to an upcoming donation pledged by Community Days:

Increase Estimated Revenues—H8.0510	12,000	
Increase Gifts & Donations--H8.2705		12,000
Increase Appropriations-H8.0960		12,000
Increase Parks Capital Project -CO-H8.7110.0200		12,000

Budget Transfers-Water District #4

Please authorize a budget transfer for the following overspent budgets:

To	Administration --CE-S4.8310.0400	700
From	Hospital & Dental Ins-S4.9060.0800	700

PROPOSED RESOLUTION NO. 06-101415
A RESOLUTION TO APPROVE THE ABSTRACT OF AUDITED VOUCHERS
OCTOBER 14, 2015

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for October 14, 2015, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 40,643.66
HIGHWAY FUND	\$ 18,597.27
WD 4 & 5 CAPITAL PROJECT #12	\$ 200.37
PARKS CAPITAL PROJECT #8	\$ 1,793.75
WATER DISTRICT #4	\$ 52.91
WATER DISTRICT #5	\$ 4,018.53

PROPOSED RESOLUTION NO. 07-101415
A RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO A
STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT WITH SONWIL
DEVELOPMENT GROUP, L.L.C.

Resolution by:
Seconded by:

WHEREAS The Town of Big Flats shall enter into a Stormwater Control Facility Maintenance Agreement pertaining to the IST Center in regards to the Stormwater Management Pond Modification, located at 315 Daniel Zenker Drive., and

WHEREAS such agreement shall be binding on all subsequent landowners and recorded in the office of the county clerk as a deed restriction on the property prior to final plan approval, now

BE IT THEREFORE RESOLVED the Town Board accepts and shall enter into such Stormwater Control Facility Maintenance Agreement dated August 10, 2015

CARRIED: AYES:
 NAYS:

PROPOSED RESOLUTION NO. 08-101415
A RESOLUTION SETTING A PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO.
3 FOR THE YEAR OF 2015 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW SECTION 3-C

Resolution by:
Seconded by:

WHEREAS the governor and legislature of the State of New York have enacted a tax levy limit of .73% increase over the preceding year levy, and

WHEREAS the budget of the Town of Big Flats is subject to audit by the Comptroller of the State of New York for compliance with the tax levy limit, and

WHEREAS definitive guidelines and rules as to how to calculate the 0.73% tax limit calculation are not in place and are subject to interpretation, and

WHEREAS under the above circumstances there could be inadvertent and unintentional non-compliance subjecting the Town to adverse consequences, and

WHEREAS to avoid the aforementioned adverse consequences it is prudent to adopt the within local law, now

BE IT THEREFORE RESOLVED there is hereby presented the Local Law tentatively No. 3 of the year 2015 for the Town of Big Flats as follows:

TOWN OF BIG FLATS
Local Law to override the tax levy limit established in General Municipal Law 3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Big Flats, County of Chemung pursuant to General Municipal Law § 3-c, and to allow the Town of Big Flats, County of Chemung to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Big Flats, County of Chemung is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

FURTHER RESOLVED before said Local Law is adopted by the Town Board, a Public Hearing shall be held at the Town Board Meeting on November 18, 2015, at 4:30 P.M. or such other date and time that may be adjourned, at Town of Big Flats Town Hall, 476 Maple Street, Big Flats, New York 14814, and

FURTHER RESOLVED the Town Clerk shall cause a notice of said Public Hearing notice published in the official newspaper of the Town and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing.

CARRIED: AYES:
 NAYS:
 ABSTAIN:
 ABSENT:

PROPOSED RESOLUTION NO. 09-101415
A RESOLUTION TO APPROVE THE PURCHASE OF A NEW HVAC SYSTEM FOR THE
CODE / PLANNING OFFICE FROM DRAKE HEATING AND AIR CONDITIONING AT A
COST NOT TO EXCEED \$11,895.00

WHEREAS the Town Code and Planning office has had a significant moisture and cooling problem, and

WHEREAS the Town Supervisor has had several consultants from three different HVAC companies to review the problem and confirm that a moisture problem does exist, and

WHEREAS these quotes and solutions have been reviewed by the town's staff and the town board, with all recommending not to retrofit the current system at a cost exceeding ten thousand dollars but to replace the system, and

WHEREAS the price to replace the system at a cost of \$11,895.00 with a two year warranty and service contracts of 90% less than the current system, and

WHEREAS for environmental purposes the administration of the Town personnel is a Type II action in accordance with SEQRA 6, NYCCR Part 617.5(c) (25) and as such no further action is required regarding the same, now

THEREFORE BE IT RESOLVED to award the contract for the replacement of the HVAC system for the Town's Code and Planning office to Drake Heating and Air Conditioning for a cost not to exceed \$11,895.00 and to surplus the current compressor system.

PROPOSED RESOLUTION NO.10-101415
A RESOLUTION TO APPROVE THE COMMUNICATION LOG FOR OCTOBER 14, 2015
AS PRESENTED BY THE TOWN CLERK

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:

September 15, 2015

Chemung County Industrial Development Agency (CCIDA) – RE: Proposed Emhart Glass Manufacturing, Inc. Project. Referred to: *Town Board, Code and Planning Department, Assessor and filed with Town Clerk.*

September 22, 2015

Orrick – RE: Town of Big Flats, Chemung County, New York \$995,000 Bond Anticipation Note, 2015. . Referred to: *Town Board, Code and Planning Department, Assessor, Bookkeeper and filed with Town Clerk.*

September 25, 2015

Orrick – RE: Acknowledgement of receipt, from Town of Big Flats, Chemung County, New York \$995,000 Bond Anticipation Note, 2015. Referred to: *Town Board, Code and Planning Department, Assessor, Bookkeeper and filed with Town Clerk.*

October 5, 2015

Susquehanna River Basin Commission RE: Conditional Approval of Aquifer Test Plan – Town of Big Flats; Water District 1, Well 1 (Well 1-1); Town of big Flats, Chemung County, New York; Commission Preliminary No. p-2015-005. Referred to: *Water Supervisor, Town Board, Code and Planning Department, Commissioner of Public Works, and filed with Town Clerk.*

October 7, 2015

Time Warner Cable - RE: October 7, 2015 Programming Notices Changes Referred to: *Town Board, and filed with Town Clerk.*

October 8, 2015

Linda Pierce from Retirement Estates – RE: Thank you Ed Referred to: *Town Board, and filed with Town Clerk.*

CARRIED: AYES:
NAYS: