

MINUTES OF THE TOWN BOARD MEETING OF APRIL 11, 2012

PRESENT:	Supervisor Council	Teresa Dean Edward Fairbrother Mike Smith Andy Gillette
	Town Clerk	Linda Cross
ABSENT:	Attorney Council	Frederick Ahrens Mike Saglibene

Supervisor Dean called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

REPORTS

Supervisor Dean stated the following reports for February 2012 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Youth Department Monthly Report, SPCA Monthly Report, Justice Court Monthly Report, Supervisor's Fund Balance Report, Assessor's Monthly Report, Department of Public Works Monthly Report, Code and Planning Department Monthly Report.

CONCERNS OF THE PEOPLE

Judith Zimmerman, 29 Churchill Place, asked why is there is a communication log, and why is it being included into the minutes? Also, how it is determined where the incoming correspondence gets copied to departments, and is it available to the public, or does it have to be foiled. Supervisor Dean replied, it is documentation that comes to the Town Supervisor, is presented at our staff meetings, and those departments that are involved with the correspondence receive a copy. Also, some Board Members request a copy and they receive all the correspondence in their Board packets. Instead of listing all the correspondence pieces individually we started the communication log listing all this information.

Judith Kadlec, 26 Landau Drive, asked when Zoning Board Meetings would be set. Supervisor Dean replied, leave an email address and we will make sure you get this information. Judy inquired about the re-zoning for Daniel Zenker Road. Supervisor Dean replied they are looking at the comprehensive plan along with other issues and concerns. Residents are welcome to attend the meeting to listen. There will not be a meeting until it gets to the Planning Board or Town Board Meeting.

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PUBLIC HEARING 4:35 p.m. Special Use Permit – Camping World

Supervisor Dean called the public hearing to order at 4:35 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on April 2, 2012, which allowed and considered public comments on the special use permit for Camping World to permit RV sales at Tax Parcel # 57.04-1-7.17, located at Consumer Square.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:41 p.m.

CONCERNS OF THE PEOPLE CONTINUED

Phyllis Ryder, 2875 County Line Drive asked how you would know if specific board member received his email. Supervisor Dean replied you can ask him. If you sent it to townboard@bigflatsny.gov it goes to the town board mail box.

Jane King, 15 Kelly Drive, stated she is quite concerned that two planter boxes are filled with artificial flowers. Supervisor Dean stated they were put in by the gardener because of the weather and wanted to change to spring coloring instead of Christmas. Jane mentioned planting chrysanthemum or pansies' in there for the time being.

UNFINISHED BUSINESS

RESOLUTION NO. 110-12
SPECIAL USE PERMIT APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Planning Board has received an application from Camping World for site plan approval to permit an RV sales event located off CR 64, Tax Parcel 57.04-1-7.17, and

WHEREAS the property is located in the Business Regional (BR) district near the intersection of I-86 and CR 64, and

WHEREAS the proposed action is to be located in the Consumer Square Plaza in the parking lot of the former Wal-Mart on County Route 64, and

WHEREAS vehicle sales is a use permitted under site plan approval and upon grant of a special permit by the Town Board, and

WHEREAS a public hearing was duly held on April 11, 2012 whereas all interested parties were duly heard, and

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RESOLUTION NO. 110-12, SPECIAL USE PERMIT APPROVED continued

WHEREAS the Planning Board of the Town of Big Flats granted site plan approval by Resolution P-2008-29, on August 5, 2008, and

WHEREAS the Planning Board of the Town of Big Flats has determine, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted 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 in Resolution P2008-28, now

BE IT THEREFORE RESOLVED the Town Board approves the special use permit for Camping World with the following conditions:

- The applicant shall comply with all Town of Big Flats Zoning Laws and Regulations.
- Permit shall remain valid until such time that the vacant Wal-Mart Structure is utilized, demolished, or sold, but shall not exceed 3 times per annum during the months of April, June, and August.
- Operational lighting shall follow the schedule of the existing plaza.
- Any signage shall comply with Big Flats Municipal Code Chapter 17.52
- Permit shall terminate in the event that the Property owner notifies the Town of Big Flats that their approval no longer exists.
- The Town of Big Flats shall have written approval from the property owner, DDR.
- Applicant shall comply with all State and County (Health Dept.) regulations.
- All vehicles shall be removed and the site shall be returned to its original condition immediately following each event.

CARRIED: AYES: Smith, Fairbrother, Dean
NAYS: Gillette
ABSENT: Saglibene

NEW BUSINESS

RESOLUTION NO. 111-12
TAX CERTIORARI PROCEEDINGS APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS the Assessor for the Town of Big Flats anticipates that the Town will receive Tax Certiorari's for assessment and feels that John J. Ryan, Jr. of Buck, Danaher, Ryan and McGlenn has the experience to assist with potential Tax Certiorari's, and

WHEREAS representation of said petitions is outside the agreement for the Town Attorney, 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

RESOLUTION NO. 111-12, TAX CERTIORARI PROCEEDINGS APPROVED continued

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BE IT THEREFORE RESOLVED the Town Board, as recommended by the Assessor for the Town, authorizes the Town Supervisor to enter into an agreement with John J. Ryan, Jr. to represent the Town of Big Flats in defense for the Tax Certiorari's for assessment at the rate of \$150.00 per hour.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None
ABSENT: Saglibene

RESOLUTION NO. 112-12
BIG FLATS COMMUNITY DAY, INC. AGREEMENT APPROVED

Resolution by: Gillette
Seconded by: Fairbrother

WHEREAS Big Flats Community Day, Inc. is a not-for-profit corporation that organizes, operates and runs an annual Community Days festival which is held at the Big Flats Community Park, 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 sign the agreement with Big Flats Community Day, Inc. for the purpose of holding the Big Flats Community Days festival at Community Park on June 14-16, 2012 subject to the review and approval by the Attorney for the Town.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None
ABSENT: Saglibene

RESOLUTION NO. 113-12
PERMIT FEE WAIVER FOR BIG FLATS COMMUNITY DAY, INC. APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS Big Flats Community Day, Inc. is a not-for profit corporation that organizes, operates and runs an annual Community Days festival which is held at the Big Flats Community Park, and

WHEREAS the festival requires the use of the Community Park and pavilions for a period running from June 14-16, 2012, and

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RESOLUTION NO. 113-12, PERMIT FEE WAIVER FOR BIG FLATS COMMUNITY DAY, INC. APPROVED continued

WHEREAS the proceeds from Big Flats Community Days Inc. as indicated in the Big Flats Community Days Inc. Bi-Laws goes towards the beautification of the Town and its parks, 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 waives the fees pertaining to the use of Big Flats Community Park, due to the fact that said proceeds are used for the beautification of the Town and its parks, for the purposes of holding the Big Flats Community Days Festival.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None
ABSENT: Saglibene

RESOLUTION NO. 114-12
BIG FLATS COMMUNITY DAY, INC. GAMES OF CHANCE LICENSE APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS an application for Games of Chance was received from Big Flats Community Day, Inc. dated February 10, 2012, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, 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 if a findings and determination for Games of Chance License finds the designated members conducting Games of Chance are of good moral character, the

Town Board approves the Application for Games of Chance License, dated April 11, 2012, from Big Flats Community Day, Inc. to perform Games of Chance events as outlined in the application.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None
ABSENT: Saglibene

MINUTES OF THE TOWN BOARD MEETING OF APRIL 11, 2012

RESOLUTION NO. 114-12
RESIGNATION OF BOARD OF ASSESSMENT REVIEW MEMBER APPROVED

Resolution by: Gillette
Seconded by: Fairbrother

WHEREAS a letter, dated March 30, 2012, has been received from Leonard Kaner resigning as a member of the Town of Big Flats Board of Assessment Review, and

WHEREAS for environmental review purposes the Town Board finds this to be Type II administration action pursuant to 6NYCRR 617.5(c)(20) and as such, no environmental review is required for a Type II action, now

BE IT THEREFORE RESOLVED the Town Board acknowledges the resignation of Leonard Kaner as a member of the Board of Assessment Review effective March 30, 2012 and thanks Mr. Kaner for his participation with the Town of Big Flats.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None
ABSENT: Saglibene

RESOLUTION NO. 115-12
SPEED LIMIT INVESTIGATION APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town of Big Flats has received a request for the Town Board to consider having a speed limit investigation conducted on Belaire, Bell Lane, Anncox Drive, Pine Circle and Pine Circle Extension to establish a speed limit, and

WHEREAS the Town Board does not have the authority to designate a speed zone for this area, and

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

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Clerk to request NYSDOT conduct a speed limit investigation of Belaire, Bell Lane, Anncox Drive, Pine Circle and Pine Circle Extension to establish a speed limit.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None
ABSENT: Saglibene

MINUTES OF THE TOWN BOARD MEETING OF APRIL 11, 2012

RESOLUTION NO. 116-12
LOAN APPLICATION FOR INFRASTRUCTURE FUNDS APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS, the Town of Big Flats is the home of the very successful Airport Corporate Park in which are located numerous businesses that employ over 1,500 employees, and have invested over \$50 million in real property over the past 10 years, and

WHEREAS, the Chemung County Industrial Development Agency the developer of the Airport Corporate Park has less than 6 acres of land remaining for development from the original 200+/- acres; and

WHEREAS, the Chemung County Industrial Development Agency, in partnership with Southern Tier Economic Growth, and the County of Chemung, has acquired and assembled a 200+ acre tract of land surrounding "Lowe Pond", on Lowe Road and Kahler Road South in the Town of Big Flats, that it plans to develop into a business park, and

WHEREAS, the Town of Big Flats has rezoned the property, and provided the necessary approvals under the State Environmental Review Laws, to enable the development of up to one million square feet of new commercial buildings, and

WHEREAS, the Chemung County Industrial Development Agency is making application to the Southern Tier Regional Economic Development Corporation for a loan to help install commercial infrastructure (water, sewer, electric, natural gas) to further develop the site into "Shovel Ready Status", now

BE IT THEREFORE RESOLVED that the Town of Big Flats acknowledges its support of the Chemung County Industrial Development Agency's application and the development of the site into Airport Corporate Park South in order to create employment opportunities and new taxable assessments to the citizens of the Town, County of Chemung and the region.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None
ABSENT: Saglibene

RESOLUTION NO. 117-12
APRIL 11, 2012 COMMUNICATIONS LOG APPROVED

Resolution by: Gillette
Seconded by: Fairbrother

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:

MINUTES OF THE TOWN BOARD MEETING OF APRIL 11, 2012

RESOLUTION NO. 117-12, APRIL 11, 2012 COMMUNICATIONS LOG continued

February 8, 2012

David B. Pawlak, Attorney At Law – RE: Daniel Zenker Drive, 30 MPH Zone. *Referred to: Commissioner of Public Works and filed with the Town Clerk.*

March 21, 2012

Association of Towns – RE: Hurricane Irene and Tropical Storm Lee Assessment Relief Act. *Referred to: Town Clerk for filing.*

March 23, 2012

Big Flats Fire Department – RE: Awards Dinner. *Referred to: Town Board and Town Clerk for filing.*

United States Senator Honorable Charles E. Schumer – RE: National Endowment for the Humanities – Bridging Cultures at Community Colleges Grant Program. *Referred to: Town Clerk for filing.*

FingerLakes Community College – RE: “Urban Wood Utilization and Marketing” Workshop. *Referred to: filed with the Town Clerk.*

Honorable Arthur Kremer, New York State Empire Energy Forum – RE: Freeing Up Energy. *Referred to: filed with the Town Clerk.*

March 26, 2012

Christy Forester – RE: Big Flats Community Center. *Referred to: Town Board and filed with the Town Clerk.*

Time Warner Cable – RE: Time Warner Cable Internal Restructuring. *Referred to: filed with the Town Clerk.*

Community Environmental Legal Defense Fund – RE: Stopping Marcellus Shale Gas Drilling at the Municipal Level. *Referred to: Town Board and filed with the Town Clerk.*

March 29, 2012

Lisa Comer, Maren Schiefen and Danielle Aepelbacher – RE: Big Flats Community Center. *Referred to: Town Board and filed with the Town Clerk.*

April 2, 2012

Time Warner Cable – RE: Programmers Service Expiration Notification. *Referred to: Town Clerk for filing.*

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None
ABSENT: Saglibene

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Councilperson Fairbrother made a motion, seconded by Councilperson Smith regarding a Special Session dated April 22, 2012 starting at 4:00 p.m. for a Highway Road Tour, and asked that the Commissioner of Public Works Larry Wagner and Highway Supervisor Chris Austin be present. All in favor except Councilperson Saglibene was absent, motion carried.

Supervisor Dean made a motion, seconded by Councilperson Fairbrother to enter into Executive Session to discuss one particular personnel matter regarding job performance. All in favor except Councilperson Gillette who voted nay and Councilperson Saglibene was absent, motion carried.

The Town Supervisor reconvened the Town Board Meeting at 4:58 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 4:59 p.m. All in favor except Councilperson Saglibene who was absent, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk