

MINUTES OF THE TOWN BOARD MEETING OF APRIL 10, 2013

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

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

Supervisor Dean stated that Councilperson Gillette was unable to attend the Town Board meeting and sends his apology.

WATER BOARD

UNFINISHED BUSINESS

RESOLUTION NO. 89-13
INSPECTION AND MAINTENANCE FOR WATER DISTRICT #2, WELL #2 PUMP
APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS Water District #2, Well #2 pump has a Layne Pump that is operated daily, and

WHEREAS pumps require periodic inspection and maintenance, and

WHEREAS Water District #2, Well #2 pump maintenance was planned and budgeted for 2013, and

WHEREAS proposals were solicited from the two major municipal well pump maintenance companies to pull and inspect Well #2 pump, and

WHEREAS the extent of pump repair is not known until the pump is disassembled and inspected, and

WHEREAS Layne Christensen Company provided a proposal to perform an inspection and, if required, well cleaning for an estimated total of \$16,790.00 plus pump repair, and

WHEREAS for environmental review, purchasing 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 Town Board authorizes Layne Christensen Company to perform the inspection and maintenance not to exceed \$16,790.00 plus pump repair.

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

MINUTES OF THE TOWN BOARD MEETING OF APRIL 10, 2013

Supervisor Dean closed the Water Board Meeting at 4:32 p.m.

TOWN BOARD

Supervisor Dean opened the Town Board meeting at 4:33 p.m.

CONCERNS OF THE PEOPLE - None

REPORTS

Supervisor Dean stated the following reports for March 2013 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Supervisor's Fund Balance Report, Annual Block Grant Fund Report, Youth Department Monthly Report, Department of Public Works Monthly Report, Assessor's Monthly Report, Justice Court Monthly Report, Code and Planning Department Monthly Report, SPCA Monthly Report, Community Center Monthly Report, STEG updates.

Supervisor Dean also reported:

- Big Flats After School Program for the 3rd and 4th graders has been nominated for the Chemung County Youth Bureau's Program Excellence Award for 2013. They will find out if they received the award April 23rd at the Donahoe Awards Reception.
- Reminder brush pick up will begin Monday April 15th.

UNFINISHED BUSINESS

RESOLUTION NO. 90-13
PUBLIC SECTOR HR CONSULTANTS LLC AGREEMENT APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the Town Board adopted the Town Employee Handbook on July 29, 1999 with various amendments throughout the past, and

WHEREAS the Town Board approved Resolution No. 168-12 authorizing Public Sector HR Consultants LLC to complete the Town Employee Handbook, and

WHEREAS during the course of the review of the new employee handbook, Public Sector HR Consultants LLC recommends the Town Board consider the development and implementation of a Controlled Substance and Alcohol Testing Policy, and

MINUTES OF THE TOWN BOARD MEETING OF APRIL 10, 2013

RESOLUTION NO.90-13, PUBLIC SECTOR HR CONSULTANTS LLC AGREEMENT
APPROVED continued

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 Public Sector HR Consultants LLC, for the purpose of developing and implementing a Controlled Substance and Alcohol Testing Policy for the Town of Big Flats at a cost of One Thousand One Hundred Dollars (\$1,100.00) plus travel expenses.

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

NEW BUSINESS

RESOLUTION NO. 91-13
BIG FLATS COMMUNITY DAY, INC. AGREEMENT APPROVED

Resolution by: Saglibene
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 13-15, 2013 subject to the review and approval by the Attorney for the Town.

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

RESOLUTION NO. 92-13
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

MINUTES OF THE TOWN BOARD MEETING OF APRIL 10, 2013

RESOLUTION NO. 92-13, PERMIT FEE WAIVER FOR BIG FLATS COMMUNITY DAY, INC. APPROVED, continued

WHEREAS the festival requires the use of the Community Park and pavilions for a period running from June 13-15, 2013, and

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

RESOLUTION NO. 93-13
FIREWORKS PERMIT FOR BIG FLATS COMMUNITY DAYS INC. APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS Big Flats Community Day Inc. has contracted with American Fireworks Mfg. Co. Inc. to conduct a fireworks display on June 14, 2013, 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 Fireworks Commissioner to sign the Fireworks Permit, contingent upon the review and approval by the Attorney for the Town, permitting the fireworks display sponsored by Big Flats Community Day, Inc. to be held on June 14, 2013.

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

MINUTES OF THE TOWN BOARD MEETING OF APRIL 10, 2013

RESOLUTION NO. 94-13
TIMBER HARVESTING PERMIT WITH ALBERT ROE, PROPERTY OWNED BY MIKE
SMITH TAX PARCEL 47.00-1-1, APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS a Timber Harvesting Application has been received from Albert Roe to harvest 100,000 board feet of timber from approximately 245 acres of land

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 consist of only those trees specified in the application.
2. The timber harvesting will begin April 24, 2013 and end on August 1, 2013, or prior;
3. Disturbed areas including skid trails, existing haul roads and the landing area will be smoothed on completion of the logging operation and seeded with perennial rye grass or an approved conservation blend;
4. Diversion ditches and water bars will be installed as needed and requested by the Town of Big Flats Code Enforcement officer and a representative from DEC.
5. Applicant will install soil and erosion measures as required by the Code Enforcement Officer.

BE IT THEREFORE RESOLVED the application for a timber harvesting permit submitted by Albert Roe is approved as follows:

1. The logging operation, as proposed will involve trucks using two separate routes:
 - a. Route 1 will include Upson Rd. to Chambers to Sing Sing, left to Kahler, to I-86.
 - b. Route 2 will include Hibbard Rd., right onto Daniel Zenker Drive, to I-86.
2. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield;
3. 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.
4. All haul 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

5. A performance guarantee in the form of a certified check for \$2500 must be posted with the Planning & Code 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 logger involved, Town of Big Flats Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.

MINUTES OF THE TOWN BOARD MEETING OF APRIL 10, 2013

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 Planning & Code 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

8. As work progresses or as required by the Town's Code Enforcement Officer, the logger shall install diversion ditches and/or water bars as necessary to prevent soil erosion on haul roads, skid trails, and at the landing area.
9. Upon completion of the logging operation, all skid trails, roads and landing areas shall be graded and seeded with perennial rye grass or an approved conservation blend.
10. Upon completion of the harvesting activity, reclamation of the site shall be performed by the logger. Haul roads shall have water bars placed at the following intervals:

Road Grade	Spacing in Feet
a. 2-5I%	300-500 Ft
b. 6-10%	200-300 Ft
c. 11-15%	100-200 Ft
d. 16% & Greater	100 Ft
11. The logger shall notify the Code Enforcement Officer within five days of completion to Coordinate onsite inspections.
12. The logging site shall be subject to periodic inspections by the Code Enforcement Officer, the 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.
13. Finally, a timber harvest permit requires a driveway access permit. The approved timber Harvest is hereby subject to any conditions the Commissioner of Public Works places on the temporary access permit for the intersection of the logging road/landing area and Hibbard Road, and the intersection of the logging road/landing area and Upson Rd.

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

Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to enter into Executive Session regarding litigation and interest in property at 4:43 p.m. All in favor except Councilperson Gillette was absent, motion carried.

Supervisor Dean reconvened the Town Board meeting at 5:13 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 5:14 p.m. All in favor, motion carried.

MINUTES OF THE TOWN BOARD MEETING OF APRIL 10, 2013

Date approved: _____

Linda J. Cross
Town Clerk