

MINUTES OF THE TOWN BOARD MEETING OF APRIL 14, 2010

PRESENT: Supervisor Teresa Dean
 Council Edward Fairbrother
 David Manchester
 Mike Smith
 Attorney Thomas Bowes
 Town Clerk Linda Cross
ABSENT: Council Marcia Hudock

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.

CONCERNS OF THE PEOPLE

Mark Fleisher, 3 Lloyd Drive, asked the Town Board to consider not excluding the residents and their families from the parks during the six weeks of the Taffy program.

REPORTS

Supervisor Dean stated the following reports for March 2010 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Justice Court Monthly Report, Assessor Monthly Report, Department of Public Works Monthly Report, Agriculture & Market Monthly Report, SPCA Monthly Report, Supervisor's Fund Balance Report, Tax Collector Annual Report, Parks Commission Meeting Minutes, Department of Planning Monthly Report.

Supervisor Dean thanked the Highway and Water Department crews who worked hard repairing the water leak near the Arnot Mall.

Councilperson Fairbrother commended the Highway Department on a great job with the brush pick up.

Mr. Allen Unger from Park Terrace contacted Councilperson Manchester and expressed his appreciation on the excellent drainage work that was done on Yawger Creek last year, by the Department of Public Works Crew.

Councilperson Fairbrother recommended checking into the new Health Bill Funds for walking trails and playground equipment along with sidewalks for the parks.

Councilperson Fairbrother discussed short and long-term disability options instead of accrued sick leave.

Supervisor Dean reported the following:

- A large pothole on the corner of Daniel Zenker and Kahler Road has been fixed by Chemung County because of the 5-year warranty on the water line.
- Deferred Compensation –Put to bid this summer.

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- The Town Board needs to develop a policy regulating when Certificate of Insurance (COI) is required.
- The Auditor for the Town recommended some new procedures for cash handling and reporting at the Community Center.
- The Personnel Committee needs to review the Paychex agreement for increases and decide if the Town wants to continue this program.

NEW BUSINESS

RESOLUTION NO. 133-10
ANNUAL MAINTENANCE SOFTWARE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Environmental Systems Research Institute, Inc., 380 New York Street, Redlands, CA 92373-8100, has provided the Town with a quote for the annual maintenance of ArcView GIS Software for use by the Planning Department, and

WHEREAS the maintenance period runs May 1, 2010 through April 20, 2011, and

WHEREAS the annual maintenance fee provides software updates and support, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration 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 Supervisor to proceed with purchasing an annual maintenance agreement of ArcView GIS Software, listed on a quotation #25405174 ESRI Inc., 380 New York St., Redlands, CA 92373, on NYS Contract for \$1,313.00.

CARRIED: AYES: Manchester, Fairbrother, Dean, Smith
NAYS: None ABSENT: Hudock

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RESOLUTION NO.134-10
COPIER LEASE APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS the Town Clerk, Deputy Town Clerk and Town Supervisor have been in the process of evaluating and securing a copier for the Town Hall, and

WHEREAS meetings were held with various agencies to determine the requirement and needs by Town staff for said copier, and

WHEREAS cost estimates were received from Ikon, Electronic Business Products and Eastern, and

WHEREAS after reviewing the pricing options for a new copier or keeping the current unit at a lower price, it has been determined that the current unit, Konica 600 offered by Eastern is the best option for the Town, 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 Town Board approves the Equipment Lease Agreement with Eastern for the Konica 600 copier for a lease payment of \$172.50 per month plus maintenance and supplies at a cost of \$600.00 per year to include 100,000 impressions a year and overages billed at 0.006 per copy for a term of 24 months with a fair market value purchase option at the end of the term.

CARRIED: AYES: Manchester, Fairbrother, Dean, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO.135-10
EMPLOYEE HANDBOOK AMENDMENT APPROVED

Resolution by: Dean
Seconded by: Fairbrother

WHEREAS the Town Board approved Resolution No. 320-08, dated December 30, 2008, amending the Employee Handbook to remove Martin Luther King day as an assigned holiday and allow the non-union employees to vote annually prior to the last Town Board meeting in the month of January and make a recommendation to the Town Board to set the floating holiday for the current year, and

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RESOLUTION NO.135-10, Employee Handbook Amendment continued

WHEREAS it has been determined that this amendment is not consistent with the Civil Service Employees Association, Inc. contract approved for January 1, 2009 through December 31, 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 rescinds Resolution No. 320-08 and approves Martin Luther King Day as an assigned holiday.

CARRIED: AYES: Manchester, Fairbrother, Dean, Smith
NAYS: None ABSENT: Hudock

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RESOLUTION NO.136-10
REPORTING STANDARD WORK DAY APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS in accordance with Regulation 315.4, New York State Comptroller requires a standard work day for elected or appointed officials be established for the purpose of reporting work days to the New York State and Local Employees' Retirement System, 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 of Big Flats Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins / Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Supervisor	Teresa M. Dean	6.0	01/01/2010-12/31/2013	Y	20
Town Clerk	Linda J. Cross	7.5	01/01/2010-12/31/2013	Y	20
Tax Collector	Robert Newlun	6.0	01/01/2010-12/31/2013	Y	7.33

FURTHER RESOLVED the Town Board authorizes the Town Clerk to certify the original resolution passed by the Town Board and file the necessary documentation.

CARRIED: AYES: Manchester, Fairbrother, Dean, Smith
NAYS: None ABSENT: Hudock

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RESOLUTION NO.137-10

JOHN J. RYAN, JR. OF BUCK, DANAHER, RYAN AND MC GLENN FOR THE
PURPOSE OF DEFENDING THE TOWN IN TAX CERTIORARI PROCEEDINGS
APPROVED

Resolution by: Fairbrother
Seconded by: Smith

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

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: Manchester, Fairbrother, Dean, Smith
NAYS: None ABSENT: Hudock

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RESOLUTION NO.138-10
CONFERENCE ATTENDANCE APPROVED

Resolution by: Smith
Seconded by: Dean

WHEREAS the Assessor for the Town of Big Flats is required to complete continuing education for re-certification, 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, as recommended by the Assessor for the Town, authorizes the attendance to the following training sessions:

Appraisal Standards Refresher May 14, 2010	Canadaigua, NY	\$245.00
Cornell Seminar July 12 – 16, 2010, and	Ithaca, NY	\$380.00

FURTHER RESOLVED the Town Board agrees to reimburse the Assessor for the Town, half the cost for registration and mileage to both conferences.

CARRIED: AYES: Manchester, Fairbrother, Dean, Smith
NAYS: None ABSENT: Hudock

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RESOLUTION NO. 139-10
PART TIME CUSTODIAN RESIGNATION APPROVED

Resolution by: Fairbrother
Seconded by: Manchester

WHEREAS a verbal notice has been received from Becki Messner, Part-time Custodian for the Town Hall, informing the Town Supervisor of her resignation, 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 Town Board accepts the verbal resignation of Becki Messner, effective April 9, 2010 and request the Town Supervisor send a letter of appreciation to Mrs. Messner.

CARRIED: AYES: Manchester, Fairbrother, Dean, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO.140-10
PART TIME STAFF WRITER FOR NEW BIG FLATS TIMES APPROVED

Resolution by: Manchester
Seconded by: Fairbrother

WHEREAS a Part Time Staff Writer for the New Big Flats Times has resigned, and

WHEREAS the Director of Recreation has determined that such a part time person is needed to produce the newspaper, 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 Town Board, as recommended by the Director of Recreation, hereby appoints Linda Redner as a Part Time Staff Writer for the New Big Flats Times at the rate of \$8.25 per hour not to exceed \$1500 for the year 2010, effective appointment day February 11, 2010.

CARRIED: AYES: Manchester, Fairbrother, Dean, Smith
NAYS: None ABSENT: Hudock

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RESOLUTION NO. 141-10
DRAINAGE EQUIPMENT OPERATOR SALARY APPROVED

Resolution by: Dean
Seconded by: Manchester

WHEREAS Leon Stiles, Drainage Equipment Operator, will be returning to work on April 12, 2010, and

WHEREAS the Drainage Equipment Operator rate of pay was not established for 2010, 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 sets the salary for Leon Stiles, Drainage Equipment Operator, at the rate of \$21.70 per hour effective April 12, 2010.

CARRIED: AYES: Manchester, Fairbrother, Dean, Smith
NAYS: None ABSENT: Hudock

RESOLUTION NO.142-10
PREPAY APPROVED

Resolution by: Smith
Seconded by: Manchester

WHEREAS the Director of Recreation requests the Town Board approve a prepayment to Debbie Blauvelt for a basket weaving class that was inadvertently not included with her March payment, and

WHEREAS for environmental review, 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 Bookkeeper to prepay Debbie Blauvelt, for basket weaving class held on February 23, 2010 for the amount of \$180.00.

CARRIED: AYES: Manchester, Fairbrother, Dean, Smith
NAYS: None ABSENT: Hudock

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Councilperson Fairbrother, requested Supervisor Dean contact the DEC, and inquire on how they are inspecting the gas wells and ask for assurance on the proper drinking water from nearby residents with wells.

CORRESPONDENCE

China's Currency Manipulation/ Hon. Charles E. Schumer. A letter was received from U.S. Senator, Charles E. Schumer, dated April 5, 2010 regarding the discussion of China's Currency Manipulation.

Program Updates/Time Warner Cable. A letter was received from Time Warner Cable, dated April 6, 2010 regarding their renewals.

New ImageCast Voting System Demonstrations/Chemung County Board of Elections. A letter was received from Chemung County Board of Elections, dated on March 25, 2010 regarding Demonstrations of the new voting machines, and asking for dates that the Town Hall would be available.

Contract Stormwater Technician Services/Chemung County Stormwater Coalition. A letter was received from Andrew P. Avery, Stormwater Board Chair from Chemung County Stormwater Coalition, dated March 18, 2010 terminating their contract with us on April 18, 2010.

Franchise Fees/Computel Consultants. A letter was received from Michael T. Caton Partner of the Computel Consultants, dated on March 15, 2010 regarding the franchise fees we received.

Liquor License Renewal / Hilton Garden Inn. A Liquor License Renewal application was received from David Lubin Manager of Hilton Garden Inn, dated March 25, 2010.

Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board meeting at 5:04 p.m. All in favor, motion carried.

Date approved: _____
Town Clerk

Linda J. Cross