

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

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

HIGHWAY TOUR

RECONVENE MEETING AT 7:00 p.m.

Supervisor Dean reconvened the Town Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE

Dave Manchester, 26 Beacon Lane, stated Chairman Cornelius J. Milliken had passed away. He represented the Southeast section of Big Flats, Golden Glow area. Anyone in the district who is interested in being a legislator, get the name to the republican committee. If anyone has concerns and needs assistance, please have them contact Dave.

Chris Thorborg, 135 Hillview Drive, requested for a public information meeting dealing with the purpose of the Big Flats Community Center and who it serves, insurance coverage, and stated she would like to speak with a Town Board Member.

Cody Wenzel 2307 State Route 352, passed out his request in a sealed envelop to each of the four Councilmember's and stated he will be back for the next Town Board meeting with questions.

Judith Zimmerman, 29 Churchill Place, concerned with the sunshine law and request for all the supporting materials to be made available before the meeting for the public to see.

Nancy Swartz 10 Heritage Lane, stated she submitted a letter in March regarding bullying of youth and request for three items to be investigated. She would like to know when they started and what the results are.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to approve the minutes of March 28, 2012 as presented. All in favor, motion carried.

Minutes of April 11, 2012 – tabled until May

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

NEW BUSINESS

RESOLUTION NO. 118-12
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Fairbrother
Seconded by: Smith

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for April 2012, vouchers 4000792-4000880 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 81,224.37
HIGHWAY FUND	\$ 25,026.05
SEWER DISTRICT	\$ 122.66
WATER DISTRICT #1	\$ 4,581.59
WATER DISTRICT #2	\$ 5,513.57
WATER DISTRICT #3	\$ 1,650.09
WATER DISTRICT #4	\$ 785.21
LIGHTING DISTRICT	\$ 581.30
TRUST & AGENCY	\$ 499.23

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

RESOLUTION NO. 119-12
SECTION 284 OF THE HIGHWAY LAW AGREEMENT APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS in accordance with Highway Law, Section 284, the Town Supervisor, Town Board, and Commissioner of Public Works are required to enter into an agreement regarding moneys levied and collected in the Town for repair and improvement of highways, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED, in accordance with Highway Law, Section 284, the Town Supervisor, Town Board and Commissioner of Public Works are authorized to enter into the Agreement for the Expenditure of Highway Moneys.

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

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

RESOLUTION NO. 120-12
BOARD OF ASSESSMENT REVIEW MEMBER APPOINTED

Resolution by: Gillette
Seconded by: Saglibene

WHEREAS the Town of Big Flats Board of Assessment Review has a vacancy of said Board,
and

WHEREAS Mr. Ronald Schultz had expressed interest in the vacancy, 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 appoints Ron Schultz of 60 Park Terrace, Big
Flats as a member of the Board of Assessment Review effective immediately with a term ending
September 30, 2013.

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

RESOLUTION NO. 121-12
CONTRACT WITH VIRGIL CAIN FOR A SUMMER CONCERT APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS it has been determined that performances in Community Park are an asset to the
residents of Big Flats, 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 hereby authorizes the Town Supervisor to
execute an agreement with Virgil Cain for the purpose of performing in Community Park on
August 28, 2011 at the cost of \$400.00.

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

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

RESOLUTION NO. 122-12
CORNER STONE TELEPHONE COMPANY CONTRACT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS CornerStone Telephone Company offered a proposal to the Town for the purpose of providing all telephone services for the Town Hall, Community Center, Department of Public Works and associated buildings, and

WHEREAS after review of the current provider and the proposed CornerStone Telephone Company, it was determined to be an adequate savings to the Town, 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 RESOLVES the Town Board authorizes the Town Supervisor to sign the necessary documentation to switch to CornerStone Telephone Company for the purpose of providing all telephone service for the Town Hall, Community Center, Department of Public Works and associated buildings, contingent upon the review and approval by the Attorney for the Town.

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

RESOLUTION NO.123-12
AGREEMENT WITH DIRTSEED WEB DESIGN APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the Town Board has expressed concerns with the current Town website and would like to have it redesigned and more user friendly, and

WHEREAS quotes were received and it is recommended by the Town Supervisor and Marc Chevalier (computer contractor for the Town) to enter into an agreement with Dirtseed for the purpose of a web design, site build, modules, CMS/Users, Google Apps setup and sharing, and training, 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

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

RESOLUTION NO.123-12, AGREEMENT WITH DIRTSEED WEB DESIGN APPROVED
continued

BE IT THEREFORE RESOLVES the Town Board authorizes the Town Supervisor to sign the necessary documentation with Dirtseed for the purpose of providing a web design, site build, modules, CMS/Users, Google Apps setup and sharing, and training at a cost not-to-exceed Three Thousand Dollars (\$3,000.00), contingent upon the review and approval by the Attorney for the Town.

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

RESOLUTION NO. 124-12
LOCAL LAW TENTATIVELY NO. 1 FOR THE YEAR 2012, ESTABLISHING A WEIGHT
LIMIT DESIGNATION FOR BEERS HILL ROAD APPROVED

Resolution by: Gillette
Seconded by: Saglibene

WHEREAS pursuant to New York State Vehicle and Traffic Law, Section 1625, the Town can adopt of Local Law designating weight limits on Town roads, and

WHEREAS Chemung County Department of Public Works will be replacing the bridge on Sing Sing Road (CR 17) over Sing Sing Creek and as a result of this work, will be closing a portion of Sing Sing Road to all traffic, and

WHEREAS due to this work, the Commissioner of Public Works recommends the Town Board designate a 4 ton weight limit on Beers Hill Road in the Town of Big Flats, and

WHEREAS a Local Law Tentatively No. 1 for the Year 2012, establishing a 4 ton weight limit on Beers Hill Road, excluding emergency vehicles, municipal vehicles, local deliveries with destination on Beers Hill Road, and school buses, now

THEREFORE, BE IT RESOLVED there is hereby presented to each member of the Town Board Local Law Tentatively No. 1 for the Year 2012, establishing a 4 ton weight limit on Beers Hill Road, excluding emergency vehicles, municipal vehicles, local deliveries with destination on Beers Hill Road, and school buses, as follows:

**TOWN OF BIG FLATS
LOCAL LAW TENTATIVELY NO. 1 FOR THE YEAR 2012**

A LOCAL LAW establishing a 4 ton weight limit on Beers Hill Road, excluding emergency vehicles, local deliveries designing Beers Hill Road, and school buses.

Be it enacted by the Town Board of the Town of Big Flats as follows:

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

RESOLUTION NO. 124-12, LOCAL LAW TENTATIVELY NO. 1 FOR THE YEAR 2012,
ESTABLISHING A WEIGHT LIMIT DESIGNATION FOR BEERS HILL ROAD
APPROVED continued

SECTION 1: The Town Board of the Town of Big Flats does hereby designate a 4 ton weight limit on Beers Hill Road, excluding emergency vehicles, municipal vehicles, local deliveries with destination on Beers Hill Road, and school buses. Once said Local Law is filed in accordance with Section 2 of said Law, the Department of Public Works is hereby directed to post the required weight limit notifications.

SECTION 2: This Local Law shall become effective after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

FURTHER RESOLVED before said Local Law is adopted by the Town Board, a Public Hearing shall be held at the Town Board Meeting on May 9, 2012, 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: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 125-12
BOARD MEMBER COMMITTEE ASSIGNMENTS APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the Town Board determined that Boards, Commissions, Committees, and/or departments be assigned a Liaison for the purpose of said staff being able to contact the Liaison for assistance when determined necessary, now

BE IT THEREFORE RESOLVED the Town Board Councilpersons assigned, as amended, as Liaisons to the following Boards, Commissions, Committees, and/or departments:

Community Center	Smith
Emergency Preparedness	Dean & Fairbrother
Community Service Award	Smith & Gillette
Parks Commission	Fairbrother & Gillette
Court Department	Gillette
Department of Public Works	Saglibene & Fairbrother
Assessment Department	Gillette & Smith
Code Enforcement Office	Saglibene
Personnel Committee	Fairbrother & Smith

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

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

RESOLUTION NO. 126-12
LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012, AMENDING TOWN OF BIG
FLATS MUNICIPAL CODE, TITLE 17 – ZONING AND REFERRING SAID PROPOSED
LOCAL LAW TO THE PLANNING BOARD FOR THEIR REVIEW AND COMMENTS
APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town of Big Flats Board has initiated a series of amendments to the Zoning Law, and

WHEREAS the sub-committee comprising of the Chairpersons from the Planning Board and Zoning Board of Appeals, the Attorney for the Town, the Town Supervisor, and the Code/Zoning Officer have reviewed the comprehensive plan and found reasonable facts to support said Zoning Amendment, and

WHEREAS the first amendment includes replacing the transition yard chart in Chapter 17.16.080 **Transition yard requirements**, with the more restrictive chart 17.36.300 **Transition yard, buffer yard, landscaping and barrier requirements** to be consistent, and

WHEREAS the second amendment includes changing Chapter 17.52.020 **General Requirements sect.5** from “twenty-four(24)feet” to” thirty-six(36) feet”, to be consistent with the tables in Chapter **17.52.050 Sign Requirements by principal use and district**, and

WHEREAS the third amendment includes removing the use “**Vehicle sales and/or repair, heavy equipment**” in Chapter 17.12.010 from the “Conservation(C)” district, adding it to the “Commercial(CL)” and “Business Neighborhood 2(BN2)” district in Chapter 17.12.010 **Use requirement table**, and

WHEREAS the fourth amendment includes removing “bakery”, “Convenience mart”, “Parking lot, Commercial”, and “Restaurant, standard”, from the “Business Neighborhood 2(BN2)” district in Chapter 17.12.010 **Use requirement table**, now

THEREFORE, BE IT RESOLVED, the Town Board of Big Flats, pursuant to the provisions of SEQR 6 NYCRR Part 617, hereby determines the proposed amendment to be Type 1 Action and declares itself as lead agency, and

FURTHER RESOLVED, there is hereby presented to each member of the Town Board Local Law Tentatively No. 2 for the Year 2012, as follows:

**TOWN OF BIG FLATS
LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012**

A LOCAL LAW amending the Municipal Code, Title 17 – Zoning of the Town of Big Flats.

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

RESOLUTION NO. 126-12, LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012, AMENDING TOWN OF BIG FLATS MUNICIPAL CODE, TITLE 17 – ZONING AND REFERRING SAID PROPOSED LOCAL LAW TO THE PLANNING BOARD FOR THEIR REVIEW AND COMMENTS APPROVED

Be it enacted by the Town Board of the Town of Big Flats as follows:

SECTION 1 Amend Chapter **17.16.080** *Transition yard* requirements to read:

A. Where a R1, R2, or TCR *district* abuts any other *district* without an intervening *road*, a minimum side or *rear yard setback* in the other *district* that is measured from a *lot line* coincident with the boundary of the abutting *district* shall be increased more than the minimum *yard setback* specified in Section 17.16.020 for the other *district* by the number of feet as follows: (except where the TCR abuts the TC and TC2)

Other <i>District</i>:	Abuts a R1, R2, or TCR <i>District</i>, increase added to Required <i>setback</i>:
RU, TC, C, and RCD	Ten (10) Feet
BN and BN2	Fifteen (15) Feet
BNR and TC2	Twenty (20) Feet
BR	Thirty (30) Feet
ABD and I	Forty (40) Feet

Other <i>District</i>	Residential <i>Districts</i>	<i>Transition Yard</i> Depth in Feet
RU	R1 & R2	25
TC	TCR	25
C	R1 & R2	25
RCD	R1 & R2	25
BN	R1 & R2	25
BN2	R1 & R2	25
TC2	R1, R2, & TCR	25
BNR	R1 & R2	50
BR	R1 & R2	50
ABD	R1 & R2	75
CL	R1 & R2	75
I	R1 & R2,	75

SECTION 2 Amend Chapter 17.52.030 **General requirements** to read:

- A. All signs shall comply with the following requirements:
1. The installation of a sign, except for a residential, occupation, agricultural, temporary, window sign, memorial, Tourist-Oriented-Directional, real estate, sandwich board, construction, civic, roadside stand, banner, private owner merchandise sale, and as provided in Section 17.52.040, shall require a building permit.
 2. A sign shall be constructed and installed in compliance with applicable provisions of the NYS Uniform Fire Prevention and Building Code.

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RESOLUTION NO. 126-12, LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012, AMENDING TOWN OF BIG FLATS MUNICIPAL CODE, TITLE 17 – ZONING AND REFERRING SAID PROPOSED LOCAL LAW TO THE PLANNING BOARD FOR THEIR REVIEW AND COMMENTS APPROVED

3. No sign shall be located at or near an intersection in violation of Section 17.36.070, clear vision zone, or in any manner which may cause a traffic hazard at the intersection. A sign shall not be located where, by reason of the position, shape or color of the sign, it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device, nor shall any sign make use of the word “Stop,” “Look,” “Drive-In,” “Left” or “Right,” or any other word, phrase, symbol or character in such a manner as to distract, mislead or confuse traffic.
4. No sign shall be placed on a roof or on a cupola or similar roof mounted structure or on top of a parapet or similar architectural element of a building.
5. No sign shall be more than ~~twenty-four (24)~~ **thirty six (36)** feet in height above the finished grade or the grade shown on a grading plan of a site plan approved by the planning board, unless otherwise stated. Grading of a site for the purpose of raising the elevation of a sign contrary to this section is prohibited, except as shown in an approved site plan.
6. Each sign on a lot shall be set back a minimum of five (5) feet from the edge of any road, unless otherwise stated.
7. Any off-lot sign is prohibited.
8. No Sign shall be permitted in any road right-of-way
9. Any flashing sign is prohibited.
10. No sign is permitted for a wind energy conversion system, except as required in 17.36.150.
11. A sign for any residential use, either as listed in Section 17.12.010 or as nonconforming pursuant to Chapter 17.56, occurring in a BR, ABD, CL or I district shall comply with the provisions of Section 17.52.050.
12. All signs, sign finishes, supports and electric work shall be maintained, kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring, loose supports, braces, guys and anchors.
13. No utility pole or tree, or the like, located in any public right-of-way or public easement shall be used for the posting of signs.
14. No trailer or vehicle shall be intentionally parked on the premises in a manner to serve as a sign.
15. Refer to 17.12.010 for the list of residential, general, business, industrial, and accessory uses.

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

RESOLUTION NO. 126-12, LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012, AMENDING TOWN OF BIG FLATS MUNICIPAL CODE, TITLE 17 – ZONING AND REFERRING SAID PROPOSED LOCAL LAW TO THE PLANNING BOARD FOR THEIR REVIEW AND COMMENTS APPROVED

SECTION 3 Amend Chapter 17.12.010 **District Use Requirements** relative to the identified uses listed below:

USE	DISTRICT															
	RU	R1	R2	TC	TC2	TCR	BN	BN2	BNR	BR	ABD	CL	I	C	RCD	
Bakery				S	S		S	§	S	S	S					
Convenience mart				X			S	§		S						
Parking lot, commercial				S				§			S	S				
Restaurant, standard				S	S		S	§		S	S					
Vehicle sales and/or repair, heavy equipment								X				X	X	X		

SECTION 4: This Local Law shall become effective forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York..

FURTHER RESOLVED that the Town Board of the Town of Big Flats is in favor of the proposed zoning amendment and hereby makes a referral to the Town of Big Flats Planning Board for their mandatory 45 day review period, and

FURTHER RESOLVED before said Local Law is adopted by the Town Board, a Public Hearing shall be held at the Special Town Board Meeting on May 23, 2012, at 7:00 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 Board request the Planning Board attend said Public Hearing, 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: Fairbrother, Smith, Saglibene, Dean
 NAYS: Gillette

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

RESOLUTION NO. 127-12
APRIL 25, 2012 COMMUNICATIONS LOG APPROVED

Resolution by: Smith
Seconded by: Gillette

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:

April 2012

Big Flats Business Association – RE: Meeting Minutes. *Referred to: Town Clerk for filing.*

NYSEG – RE: News Release – Get Started on Spring Cleaning – with a helping hand from NYSEG and RG&E. *Referred to: Town Clerk for filing.*

Department of Public Service, State of New York – RE: Public Statement Hearings. *Referred to: Town Clerk for filing.*

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

Supervisor Dean made a motion, seconded by Councilperson Smith, to enter into Executive Session to discuss the job performance of a particular person. All in favor except Councilperson Gillette and Councilperson Fairbrother, voted nay Motion carried. Entered into Executive Session at 7:25 p.m.

The Town Supervisor reconvened the Town Board Meeting at 7:32 p.m.

RESOLUTION NO. 128-12
DISCLAIMER OF RECENT STATEMENTS MADE BY A TOWN BOARD MEMBER AS
NOT REFLECTIVE OF TOWN BOARD POLICY OR POSITION APPROVED

Resolution by: Dean
Seconded by: Smith

WHEREAS recently a Town Board member, Andrew Gillette did on or about March 14, 2012 at a Town Board meeting and later in contracts with the media issue scathing negative remarks relative to the performance of Town employees and in particular those employed at the Community Center, and

WHEREAS said remarks were made at the “Concerns of the People” portion of the agenda and were made in Mr. Gillette’s private capacity and in no respect were a pronouncement of Town Board policy and were random and unauthorized and inconsistent with recent surveys being conducted by the Town of people using a facility, now

MINUTES OF THE TOWN BOARD MEETING OF APRIL 25, 2012

RESOLUTION NO. 128-12, DISCLAIMER OF RECENT STATEMENTS MADE BY A TOWN BOARD MEMBER AS NOT REFLECTIVE OF TOWN BOARD POLICY OR POSITION APPROVED

BE IT THEREFORE RESOLVED the Town Board does hereby issue a disclaimer of the remarks made by Mr. Gillette as random, unauthorized and not reflective of the Town Board policy or position, and

FURTHER RESOLVED the Town Clerk provided a certified copy of this resolution to the people at the Community Center, Mr. Gillette, and the media.

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

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 7:34 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk