

MINUTES OF THE WATER / TOWN BOARD MEETING OF AUGUST 14, 2013

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

ABSENT: Council Mike Smith

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.

PUBLIC HEARING 4:30 PM Water District No. 1 Extension Request

Supervisor Dean called the public hearing to order at 4:30 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on August 5, 2013 which allowed and considered public comments from any interested parties herein, at the time specified, concerning, the proposal to extend Water District No. 1.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

PUBLIC HEARING 4:30 PM Water District No. 3 Extension Request

Supervisor Dean called the public hearing to order at 4:30 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on August 5, 2013, which allowed and considered public comments from any interested parties herein, at the time specified, concerning, the proposal to extend Water District No. 3.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

UNFINISHED BUSINESS

MINUTES OF THE WATER / TOWN BOARD MEETING OF AUGUST 14, 2013

RESOLUTION NO. 143-13
WATER DISTRICT NO. 1 EXTENSION APPROVED

Resolution by: Fairbrother
Seconded by: Gillette

WHEREAS, the necessary map, plan and report was duly presented to the Water Board with the attached thereto according to law, requesting that an extension to Water District No. 1, as hereinafter described, be established, and

WHEREAS, the Town Board duly adopted Resolution No. 134-13 at its regularly scheduled meeting on July 24, 2013, that recited in general terms the filing of said petition; set forth the boundaries of the proposed district extension, the improvements proposed and the estimated expenses associated therewith and that further specified August 14, 2013 at 4:30 o'clock p.m. as the time, and the Town Hall in the Town of Big Flats as the place, where the Water Board would meet to consider a Resolution to approve the extension of Water District No. 1 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS, a hearing in the matter was duly held by the Water Board on this August 14, 2013, commencing at 4:30 o'clock p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

WHEREAS, the Water Board hereby determines upon review of the Short EAF, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Water Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA, and

BE IT THEREFORE RESOLVED AND DETERMINED, that (a) the aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient (b) the Notice of Hearing was published and posted as required by law, and is otherwise sufficient; (c) all the property and property owners within the proposed district extension are benefited thereby; (d) all the property and property owners benefited are included within the limits of the proposed district extension; and (e) it is in the public interest to grant in whole the relief sought, and

FURTHER RESOLVED the establishment of the proposed extension to Water District No. 1, as proposed, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be bounded and described as more fully set forth in the map, plan and report entitled, "Map Plan and Report for Town of Big Flats Water District 1 & 3 Boundary Extension", prepared by Larsen Design Group dated April 22, 2013, having Project No. 6632-006, a copy of which is on file with the Town Clerk, and

MINUTES OF THE WATER / TOWN BOARD MEETING OF AUGUST 14, 2013

RESOLUTION NO. 143-13, WATER DISTRICT NO. 1 EXTENSION APPROVED continued

FURTHER RESOLVED the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed as follows: No financing required as there is no costs to the Water District associated with this extension, and

FURTHER RESOLVED the Town Clerk of this Town shall within ten days after the adoption of this Resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and the Office of the Chemung County Clerk in Elmira, NY pursuant to Town Law §194.

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

RESOLUTION NO. 144-13
WATER DISTRICT NO. 3 EXTENSION APPROVED

Resolution by: Gillette
Seconded by: Saglibene

WHEREAS, the necessary map, plan and report was duly presented to the Water Board with the attached thereto according to law, requesting that an extension to Water District No. 3, as hereinafter described, be established, and

WHEREAS, the Town Board duly adopted Resolution No. 135-13 at its regularly scheduled meeting on July 24, 2013, that recited in general terms the filing of said petition; set forth the boundaries of the proposed district extension, the improvements proposed and the estimated expenses associated therewith and that further specified August 14, 2013 at 4:30 o'clock p.m. as the time, and the Town Hall in the Town of Big Flats as the place, where the Water Board would meet to consider a Resolution to approve the extension of Water District No. 3 and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, such Order and Notice of Hearing was duly posted and published as required by law, and is otherwise sufficient, and

WHEREAS, a hearing in the matter was duly held by the Water Board on this August 14, 2013, commencing at 4:30 o'clock p.m. at the Town Hall in the town and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

WHEREAS, the Water Board hereby determines upon review of the Short EAF, accompanying said map, plan and report that this is an unlisted action for purposes of SEQRA; that the Water Board declares itself lead agency herein; that coordinated review is unnecessary and that the proposed action herein does not have a significant adverse impact upon the environment for purposes of SEQRA, and

MINUTES OF THE WATER / TOWN BOARD MEETING OF AUGUST 14, 2013

RESOLUTION NO. 144-13, WATER DISTRICT NO. 3 EXTENSION APPROVED continued

BE IT THEREFORE RESOLVED AND DETERMINED, that (a) the aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient (b) the Notice of Hearing was published and posted as required by law, and is otherwise sufficient; (c) all the property and property owners within the proposed district extension are benefited thereby; (d) all the property and property owners benefited are included within the limits of the proposed district extension; and (e) it is in the public interest to grant in whole the relief sought, and

FURTHER RESOLVED the establishment of the proposed extension to Water District No. 3, as proposed, be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for, and shall be bounded and described as more fully set forth in the map, plan and report entitled, "Map Plan and Report for Town of Big Flats Water District 1 & 3 Boundary Extension", prepared by Larsen Design Group dated April 22, 2013, having Project No. 6632-006, a copy of which is on file with the Town Clerk, and

FURTHER RESOLVED the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be financed as follows: No financing required as there is no costs to the Water District associated with this extension, and

FURTHER RESOLVED the Town Clerk of this Town shall within ten days after the adoption of this Resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and the Office of the Chemung County Clerk in Elmira, NY pursuant to Town Law §194.

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

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 – Barbara Swartz, 498 Sing Sing Road, asked what is going to be done with all the debris in and along Sing Sing Creek. Supervisor Dean stated that she had the same concerns and will discuss these issues with the County.

Andy Gillette read a letter he received from David York of 101 Hillview Drive, dated August 6, 2013:

- Asked that a camera that reads license plates be installed at the inter section of Main and Canal Street, numerous vehicles not coming to a complete stop.
- 110 Hillview Drive is a constant eye sore, high grass needs to be cut, along with other properties around the area that need attention also.
- 10:30 p.m. closing time for the park on Hillview Drive is too late.

MINUTES OF THE WATER / TOWN BOARD MEETING OF AUGUST 14, 2013

- Supports the Big Flats Volunteer Fire Company and those volunteer, but is sick of the fire siren going off in the wee hours of the morning, and stated that the Heights Fire Department has a courtesy to the Community, which does not sound the siren after 9pm.

Supervisor Dean reported that Mr. York stopped in a couple of weeks before and spoke on three of these same concerns to her and the Town Attorney New York State Trooper's are aware of the concerns with the intersection and the park.

Supervisor Dean stated she will speak with the Code Enforcement however, before they get involved the grass has to be at a certain height. Councilperson Gillette agreed and stated he told Mr. York that also.

Supervisor Dean reported the storm Thursday into Friday affected nine residents in the Town. She stated there have been comments made that if Jackson Farm Basin was constructed these properties would not have been flooded. Therefore, Jimmie Joe Carl, Stormwater Coalition Director, was asked to provide the Town Board with a review of the Jackson Farm Basin project. Jimmie Joe reported that the storm we experienced was more than a 2 years storm. Jackson Farm Basin is designed to take 1-2 inches off the crest of a 2 year storm. There is no way the Jackson Farm Basin would have helped with this particular storm. We received 6 inches of rain in approximately 2 hours. The basin is designed for small frequent storm; in this situation the basin would be flooded.

REPORTS

Supervisor Dean stated the following reports for July 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, Youth Department Monthly Report, Department of Public Works Monthly Report, Assessor's Monthly Report, Justice Court Monthly Report, Code and Planning Department Monthly Report, Community Center Monthly Report, SPCA Monthly Report.

NEW BUSINESS

RESOLUTION NO. 145-13
CONTRACT WITH REDEC OFFERING CLASSES FOR SMALL BUSINESS OWNERS
APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS REDEC is a private non-profit organization that supports Chemung, Schuyler and Steuben counties and they are interested in offering a class dealing with small businesses, and

WHEREAS the class will offer support and information on owning a small business and assistance in finding local financial support, and

MINUTES OF THE WATER / TOWN BOARD MEETING OF AUGUST 14, 2013

RESOLUTION NO. 145-13, CONTRACT WITH REDEC OFFERING CLASSES FOR SMALL BUSINESS OWNERS APPROVED continued

WHEREAS the Town Board determines that this class would be a benefit to our local and potential small business owners, and

WHEREAS said classes will be held in the evening beginning September 23, 2013, 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 a service contract with REDEC for the purpose of offering a class dealing with small businesses and assistance in finding local financial support at a cost not-to-exceed \$50.00 per attendee with 20% of fees collected or \$250 what ever is greater to be returned to the Town, and

FURTHER RESOLVED a certified copy of said resolution to provide to REDEC.

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

RESOLUTION NO. 146-13
GST BOCES LABOR RELATIONS SERVICES AGREEMENT APPROVED

Resolution by: Fairbrother
Seconded by: Gillette

WHEREAS the CSEA Contract with town employees will expire on December 31, 2013, and

WHEREAS the town needs to participate in collective bargaining, and

WHEREAS the town is in need of hiring the services of a professional consultant, 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 Commissioner of Public Works to sign and execute the proposed Labor Relations Services Agreement with GST BOCES for a fee of \$2200.00 plus \$50 per hour.

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

MINUTES OF THE WATER / TOWN BOARD MEETING OF AUGUST 14, 2013

RESOLUTION NO. 147-13
CHEMUNG COUTNY SOIL AND WATER DISTRICT FUNDING APPROVED

Resolution by: Gillette
Seconded by: Saglibene

WHEREAS Chemung County Soil and Water District acquired a grant for removing gravel from Seeley Creek, and

WHEREAS Chemung County townships assisted the Chemung County Soil and Water District in the removal of gravel from Seeley Creek, and

WHEREAS FEMA will reimburse the Town of Big Flats for their assistance a total of \$26,836.51, and

WHEREAS Prior to FEMA disbursing said funds, Chemung County Soil and Water District is required to provide payment to the townships, and

WHEREAS Chemung County Soil and Water District has requested that the towns donate half of the FEMA payout to Chemung County Soil and Water District to fund purchase of a new Excavator, 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 authorizes payment to Chemung County Soil and Water District of \$13,418.26.

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

RESOLUTION NO. 148-13
GENTLE YOGA INSTRUCTOR APPOINTED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the Community Center Director has determined and recommended that a Yoga Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, 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 WATER / TOWN BOARD MEETING OF AUGUST 14, 2013

RESOLUTION NO. 148-13, GENTLE YOGA INSTRUCTOR APPOINTED continued

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute a service contract with Karen Clark Romans for the purpose of teaching Yoga classes at the cost of 80% of the fee charged in accordance with the terms and conditions of the agreement.

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

RESOLUTION NO. 149-13
RESIGNATION OF JUSTINE MAXSON AS CUSTODIAN OF THE COMMUNITY CENTER
APPROVED

Resolution by: Fairbrother
Seconded by: Gillette

WHEREAS a letter, dated August 2, 2013, has been received from Justine Maxson resigning as a custodian of the Community Center 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 Justine Maxson as an employee of the Town of Big Flats effective August 16, 2013, and request the Town Supervisor send a letter of appreciation to Justine for her time and dedication.

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

RESOLUTION NO. 150-13
PART-TIME CUSTODIAN APPOINTMENT DENIED

Resolution by: Dean
Seconded by: Saglibene

WHEREAS a custodian vacancy exist in the maintenance of the Town Hall and Court facilities, and

WHEREAS the Town recently advertised and interviewed for said position, and

WHEREAS said position requires an individual to be the sole responsible person for the cleaning and maintenance of said facility, now

BE IT THEREFORE RESOLVED the Town Board hire a part-time custodian for the Town Hall and Town Court at the rate of \$9.85 per hour

MINUTES OF THE WATER / TOWN BOARD MEETING OF AUGUST 14, 2013

RESOLUTION NO. 150-13, PART-TIME CUSTODIAN APPOINTMENT DENIED continued

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

RESOLUTION NO. 151-13
AUGUST 14, 2013 COMMUNICATIONS LOG APPROVED

Resolution by: Gillette
Seconded by: Saglibene

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:

July 22, 2013

Public Service Commission – RE: Application of Talisman Energy USA, Inc. for Amendments of Certificates of Environmental Compatibility and Public Need. *Referred to: filed with Town Clerk.*

TIAA-CREF – RE: New York State Voluntary Defined Contribution Program. *Referred to: Bookkeeper, filed with Town Clerk.*

July 25, 2013

Southern Tier Economic Growth – RE: Support Request. *Referred to: Bookkeeper, filed with Town Clerk.*

Environmental Emergency Services, Inc. – RE: Formal Request and Annual Report. *Referred to: Bookkeeper, filed with Town Clerk.*

August 5, 2013

U.S. DOT – Federal Aviation Administration – RE: Aeronautical Study 13-AEA-115-NR. *Referred to: filed with Town Clerk.*

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

Councilperson Fairbrother ask for the Assessor to meet with the Town Board. Supervisor Dean explained she spoke with the Assessor and he said it is too early for us to discuss the status of the residential assessment ratio and what affect it is currently having on the Town. Councilperson Fairbrother stated he will stop in and speak with the Assessor.

Councilperson Fairbrother made a motion, seconded by Councilperson Gillette to adjourn the Town Board meeting at 5:13 p.m. All in favor except Councilperson Smith who was absent, motion carried.

MINUTES OF THE WATER / TOWN BOARD MEETING OF AUGUST 14, 2013

Date approved: _____

Linda J. Cross
Town Clerk