

MINUTES OF THE TOWN BOARD MEETING OF AUGUST 10, 2011

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

TOWN BOARD

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 – None

The Town Board welcomed Bill Lathrop who is here to watch a Town Board Meeting for citizen ship and part of his Eagle Scout.

REPORTS

Supervisor Dean stated the following reports for July 2011 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, Community Center Monthly Report, Supervisor's Fund Balance Report, Assessor's Monthly Report, Department of Public Works Monthly Report, Parks Commission Minutes, Justice Court Monthly Report.

Supervisor Dean also reported that flooring representatives continue to come and look at the great room floor. A summary was provided to the Town Board that outlines the facts, advise/options obtained and potential solutions for the floor.

PUBLIC HEARING 4:32 p.m. Special Use Permit – Camping World

Supervisor Dean called the public hearing to order at 4:36 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on August 1, 2011, which allowed and considered public comments from any interested parties here in, at the time specified concerning a Special Use Permit application from Camping World to permit vehicle sales in a BR District, Tax Parcel 57.04-1-7.17 located at Consumer Square.

IN FAVOR: None

OPPOSITION: None

COMMENTS: Councilperson Gillette expressed concerns with the number of times Camping World requested a special use permit.

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:38 p.m.

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Supervisor Dean added the following two items to the agenda under Old Business:

1. Tabled Item
2. Amendment to Resolution No. 169-11

OLD BUSINESS

RESOLUTION NO. 180-11
CAMPING WORLD SALES EVENT SPECIAL USE PERMIT
FOR RV SALE 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 July 27th, 2011` whereat all interested parties were duly heard, and

WHEREAS the Planning Board of the Town of Big Flats granted site plan approval, 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:

- Hours of Operation shall be limited to hours within the times of 6:00 am EST and 11:00 pm EST
- The dates of the sales event shall be August 17, 2011 through August 22, 2011
- The applicant may begin moving vehicles onto the site three days prior to the sale, August 14, 2011
- All vehicles shall be removed and the site shall be returned to original condition no later than August 27, 2011
- Operational lighting shall follow the schedule of the plaza

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RESOLUTION NO. 180-11, CAMPING WORLD SALES EVENT SPECIAL USE PERMIT FOR RV SALE APPROVED continued

- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52
- Applicant shall adhere to the site layout as depicted on the approved Site Plan

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

Supervisor Dean made a motion, seconded by Councilperson Fairbrother to remove the table truck mounted hydraulic broom purchase. All in favor motioned carried.

Supervisor Dean made a motion seconded by Councilperson Fairbrother to adjourn the truck hydraulic mounted broom purchase to a specific date certain of September 14, 2011. All in favor motioned carried.

RESOLUTION NO. 181-11

RESOLUTION NO. 169-11 REPORTING STANDARD WORK DAYS TO NYS AND LOCAL EMPLOYEES RETIREMENT SYSTEM AMENDED

Resolution by: Smith
 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	Social Security Number (Last 4 Digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins / Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
Board Member	Andy Gillette	XXXX	XXXXXXX	6.0	01/01/2011-12/31/2011	N	2.22

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: Smith, Fairbrother, Gillette, Dean
 NAYS: None

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NEW BUSINESS

RESOLUTION NO. 182-11
RIGHT-OF-WAY AGREEMENT

Resolution by: Gillette
Seconded by: Fairbrother

WHEREAS the Town board authorizes the Town Supervisor to execute the requisite documents to enter into a Right-of-Way agreement for a right-of-way north of Daniel Zenker Drive, and

WHEREAS ambiguity exists as to the ownership of that right-of-way running north of Daniel Zenker Drive referred to as Palmer Road and as appears on survey of lands to be conveyed by Gerald M. and Carolyn S. Welliver to Glenn R. Farr prepared by Dennis J. Wieland, L.S., dated November 18, 1998, and

WHEREAS ownership may be with adjoining landowners or the Town of Big Flats, and

WHEREAS to resolve the legal ambiguities to the right-of-way a Right-of-Way Agreement is necessary and desirable, now

BE IT THEREFORE RESOLVED the Town Supervisor is authorized and directed to execute the requisite documents to enter into a Right-of-Way Agreement for the right-of-way designated as Palmer Road on the aforementioned map of lands, and

FURTHER RESOLVED certified copies of said Right-of-Way agreement be provided to said landowners.

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

Jerry Welliver expressed concerns with the proposed R-O-W agreement.

RESOLUTION NO. 183-11
NYS ASSOCIATION OF MAGISTRATES COURT CLERK SEMINAR APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the New York State Magistrate Court Clerks are hosting a seminar September 25, 2011 – September 28, 2011 for Court Clerks, and

WHEREAS a Certificate of Authorization request has been made by the Court Office to have a representative attend said meeting, and

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RESOLUTION NO. 183-11, NYS ASSOCIATION OF MAGISTRATES COURT CLERK SEMINAR APPROVED continued

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 the Town Board authorizes Yvonna Kelly, Justice Court Clerk to attend the seminar hosted by the New York State Magistrate Court Clerks, with all appropriate expenses to be paid from the appropriate budgets.

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

CORRESPONDENCE

Program Updates/Time Warner Cable. A notice was received from Time Warner Cable, dated August 1, 2011, regarding their updated programming changes.

Watershed Implementation Section/NYS DEC. A letter was received from Robert Capowski, P.E. of NYS DEC, Watershed Implementation Section regarding the 2010 NYS Dishwasher Detergent and Nutrient Runoff Law.

2011 Museums for America Grant Program/United States Senate Charles E. Schumer. A letter, dated June 30, 2011 was received from Charles E. Schumer, United States Senate regarding the 2011 Museum for American Grant Program.

America's Historical and Cultural Organizations /United States Senate Charles E. Schumer. A letter, dated June 30, 2011, was received from Charles E. Schumer, United States Senate, regarding America's Historical and Cultural Organizations, Planning and Implementation Grants Program.

2011 America's Media Makers Grant/United States Senate Charles E. Schumer. A letter received July 29, 2011, was received from Charles E. Schumer, United States Senate regarding the National Endowment for the Humanities is accepting application for the 2011 America's Media Makers Grant.

BG Big Flats I LLC/Stavitsky & Associates LLC. A notice of petition was received July 26, 2011 from Stavitsky & Associates LLC regarding BG Big Flats I, LLC and Lowe's Home Center, Inc.

Minutes/ Big Flats Association Meeting. A copy of the meeting minutes, dated August 3, 2011 were received from the Big Flats Business Association Meeting.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 4:58 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk