

MINUTES OF THE DECEMBER 28, 2011 MEETING MINUTES

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

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 – Judith Kadlec 26 Landau Drive, stated that Councilperson Gillette’s statement was missing from the December 14, 2011 minutes and wanted to know why.

- The Attorney for the Town replied that Councilperson Gillette’s statement was added after the comments and vote. The time to have his opinion in the minutes was before the vote is taken, not after the fact unless you make an application to reconsider the motion itself that’s covered by another whole set of rules.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to approve the minutes of October 26, 2011 as presented. All in favor except Councilperson Saglibene who was absent, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Gillette to approve the minutes of November 9, 2011 as presented. All in favor except Councilperson Saglibene who was absent, motion carried.

Councilperson Gillette made a motion, seconded by Councilperson Fairbrother to approve the minutes of November 16, 2011 as presented. All in favor except Councilperson Saglibene who was absent, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to approve the minutes of November 23, 2011 as presented. All in favor except Councilperson Saglibene who was absent, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Fairbrother to approve the minutes of December 14, 2011 as presented.

Councilperson Smith made a motion, seconded by Councilperson Fairbrother to approve the minutes of December 14, 2011 as presented.

- Councilperson Gillette made a motion to amend the minutes of December 14, 2011 as submitted by the town clerk to include Councilperson Gillette’s statement, seconded by Councilperson Fairbrother for discussion;
- Town Board Vote on the amendment to the minutes of December 14, 2011 to include Councilperson Gillette’s statement.

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

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Councilperson Smith made a motion, seconded by Councilperson Fairbrother to approve the minutes of December 14, 2011 as amended. All in favor, except Supervisor Dean Nay, and Councilperson Saglibene who was absent, motion carried.

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

Councilperson Smith made a motion, seconded by Councilperson Fairbrother, to approve the minutes of December 14, 2011 with the correction of the addition of Councilperson Gillette's letter stating his concerns regarding personal contact with employees as affects their past or present employment status, which is on file in the Town Clerks office. All in favor except Supervisor Dean who voted Nay and Councilperson Saglibene who was absent, motion carried.

NEW BUSINESS

RESOLUTION NO. 254-11
VOID CHECK REQUEST APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS a memorandum was received from the Bookkeeper, dated December 16, 2011 requesting authorization to void a specific check, 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 Bookkeeper to void check number 9586 payable to Barbara Comer for \$30.00 due to being past the 6 months required cashing period, and authorize the deletion of Voucher #10962.

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

RESOLUTION NO. 255-11
BUDGET TRANSFERS APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS a memorandum was received from the Bookkeeper, dated December 16, 2011, requesting authorization to complete a budget transfer and amendment, and

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RESOLUTION NO. 255-11, BUDGET TRANSFERS APPROVED

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 following budget transfer:

BUDGET AMENDMENT

To Central Data Processing	A1680.0200	\$5,000	
From Central Print & Mail	A1670.0400		\$5,000
For purchasing of replacement vehicles for BI/CEO dept.			
To Building Inspection	A8021.0400	\$16,849	
From Hospital & Med Ins.	A9060.0800		\$16,849
Overdrawn budgets; Please authorize			
To Public Works DPW	A1490.0400	\$ 500	
From Buildings	A1620.0400		\$500
To Gen Repairs & Maint	D5112.0400	\$600	
From Miscellaneous	D5140.0400		\$600
To S of S Pwr & Pump	S18320.0200	\$ 900	
To S of S Pwr & Pump	S18320.0400	\$ 900	
From Engineering	S11440.0400		\$1,800

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

RESOLUTION NO. 256-11
 ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Gillette
 Seconded by: Smith

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for December 2011, vouchers 4000338 – 4000462 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 82,269.73
HIGHWAY FUND	\$ 57,369.59
SEWER DISTRICT	\$ 116.05
WATER DISTRICT #1	\$ 47,978.22
WATER DISTRICT #2	\$ 209,875.67
WATER DISTRICT #3	\$ 1,396.54

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RESOLUTION NO. 256-11, ABSTRACT OF AUDITED VOUCHERS APPROVED continued

WATER DISTRICT #4	\$ 666.68
LIGHTING DISTRICT	\$ 615.21
TRUST & AGENCY	\$ 555.41
DEBT SERVICE FUND	\$ 301,537.50

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

RESOLUTION NO. 257-11
ORGANIZATIONAL MEETING DATE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

RESOLVE the Town Board sets the Organization Meeting for January 4, 2011 at 10:00 a.m.

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

Councilperson Gillette made a motion to amend the proposed resolution of date and time for the organizational meeting, seconded by Councilperson Fairbrother, to January 5, 2011 at 12:00 noon. All in favor, except Councilperson Saglibene who was absent. Motion carried.

Councilperson Fairbrother made a motion to accept the Organizational Meeting Date as amended, seconded by Councilperson Smith. All in favor, except Councilperson Saglibene who was absent. Motion carried

RESOLUTION NO. 258-11
MUNICIPAL CODE, TITLE 17 – ZONING, CHAPTERS 17.04 and 17.12 TO
INCORPORATE DOMESTIC ANIMAL DAYCARE DEFINITION AND DISTRICT USE
REQUIREMENT AMENDMENT APPROVE

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town of Big Flats Department of Planning Staff had reviewed the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan and found reasonable facts to support a Comprehensive Zoning Amendment, and

WHEREAS Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to amend the Town of Big Flats Zoning Law, now

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RESOLUTION NO. 258-11, MUNICIPAL CODE, TITLE 17 – ZONING, CHAPTERS 17.04 and 17.12 TO INCORPORATE DOMESTIC ANIMAL DAYCARE DEFINITION AND DISTRICT USE REQUIREMENT AMENDMENT APPROVE continued

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for January 11, 2012 at 4:30 p.m. regarding a Local Law Tentatively No. 1 for the Year 2012, establishing a definition and amending the District Use Requirements for domestic animal daycare, 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 definition and amending the District Use Requirements for domestic animal daycare, as follows:

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

A LOCAL LAW amending the Town of Big Flats Municipal Code, Title 17 – Zoning, Chapters 17.04 and 17.12 to incorporate Domestic Animal Daycare.

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

SECTION 17.04.060: *Kenel* means any *lot* or *structure* used or maintained for the boarding, breeding, sale, letting for hire, or the commercial training of dogs, cats and/or other domestic animals kept as pets is changed to read the following:

Kenel and Domestic Animal Daycare means any *lot* or *structure* used or maintained for the **caring for**, boarding, breeding, sale, letting for hire, or the commercial training of dogs, cats and/or other domestic animals kept as pets, **which may include on-site outdoor exercise space.**

SECTION 17.12.010: The *use* requirement table for uses permitted in each district is amended to include *Kenel and Domestic Animal Daycare* in the *Industrial Zone (I)* as an “S” permitted under *site plan* approval.

EFFECTIVE DATE: This Local Law shall become effective upon filing with Office of the Secretary of State 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 January 11, 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: Fairbrother, Smith, Gillette, Dean
NAYS: None
ABSENT: Saglibene

CORRESPONDENCE

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NYSEG Certificate of Environmental Compatibility /State of NY Dept of Public Service. A letter dated December 14, 2011 was received from Jaclyn A. Brillling Secretary of State of NY Dept. of Public Services regarding Application of NYSEG Corp. for a Certificate of Environmental Compatibility and the need for extending the Natural gas pipeline, and the associated facilities.

CSEA Employee Benefit Fund/CSEA Employee Benefit Fund Annual Report. A copy of the CSEA Employee Benefit Fund Annual Report dated December 14, 2011 was received from Gill Howard, Director of CSEA Employee Benefit Fund, and is on file with the Town Clerk. Pipeline Safety and You/Sunoco Logistics. A letter dated December 7, 2011 was received from Sunoco Pipeline L.P. regarding their operation of high pressure petroleum in our area.

Councilperson Fairbrother made a motion to enter into executive session to discuss a personal employment history of a particular person, seconded by Councilperson Smith at 4:49p.m. All in favor, motion carried.

Supervisor Dean reconvened the town board meeting at 5:26 p.m.

Councilperson Fairbrother made a motion to close the Town Board Meeting, seconded by Councilperson Smith to adjourn the Town Board meeting at 1:45 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk