

MINUTES OF THE TOWN BOARD OF DECEMBER 12, 2012

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

ABSENT: Council Andy Gillette

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, expressed concerns regarding round tables for events at the Community Center.

Bob Gush, Town Justice for the Town of Big Flats, Expressed concerns regarding the Court Clerk's salary. Supervisor Dean stated the Board will evaluate the salary during the 1st quarter of 2013.

REPORTS

Supervisor Dean stated the following reports for November 2012 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, Code and Planning Monthly Report, SPCA Monthly Reports, Senior Trip Annual Report.

NEW BUSINESS

RESOLUTION NO. 236-12
BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE FOR 2013

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Big Flats American Legion submitted an application for a Games of Chance License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

MINUTES OF THE TOWN BOARD OF DECEMBER 12, 2012

RESOLUTION NO. 236-12, BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE FOR 2013 continued

WHEREAS for environmental review, ministerial acts 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 a Findings and Determination for Games of Chance License, along with the guidance and interpretation of the New York State Racing and Wagering Board, found the designated members conducting Games of Chance games are of good moral character, and

FURTHER RESOLVE the Town Board approves the Application for a Games of Chance License, dated November 9, 2012 from the Big Flats American Legion Post 1612 to perform games of chance events as outlined in the application.

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

RESOLUTION NO. 237-12
BIG FLATS AMERICAN LEGION BINGO LICENSE FOR 2013

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the Big Flats American Legion submitted an application for a Bingo License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Bingo License, and

WHEREAS for environmental review, ministerial acts 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 with the Findings and Determination for Bingo License, along with the guidance and interpretation of the New York State Racing and Wagering Board, it is found the designated members conducting bingo games are of good moral character, and

FURTHER RESOLVE the Town Board approves the Application for a Bingo License, dated November 29, 2012, from the Big Flats American Legion Post 1612 to perform bingo events as outlined in the application.

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

MINUTES OF THE TOWN BOARD OF DECEMBER 12, 2012

RESOLUTION NO. 238-12
TRANSFER AND BUDGET AMENDMENT APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS a memorandum was received from the Bookkeeper, dated December 3, 2012, requesting authorization for a budget amendment and transfer from General Fund to Debt Service Fund to pay for future Municipal Complex bond debt payments, 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 fulfill the following budget transfers:

To:	Transfers Other Funds	A9901.0900	\$500,000	
	Increase Appropriations	A0960.	\$500,000	
	Increase Appropriated Fund Balance	A0599	\$500,000	
From:	Fund Balance	A0909		\$500,000
Debt Service Fund				
	Increase Estimated Revenues	V0510	\$500,000	
	Increase Interfund Transfers	V5031	\$500,000	

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

RESOLUTION NO. 239-12
PURCHASE OF A HIGHWAY PLOW APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the purchase of a Plow for the Highway Department was planned and budgeted for the year 2012, and

WHEREAS the Flink FSP 11 PA 48 Plow Quote has been received from Bradco Supply Co., and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

MINUTES OF THE TOWN BOARD OF DECEMBER 12, 2012

RESOLUTION NO. 239-12, PURCHASE OF A HIGHWAY PLOW APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase the plow from Bradco Supply Co. for the sum not to exceed \$5900.00.

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

RESOLUTION NO. 240-12
THE NYS ASSOCIATION OF TOWNS 2013 TRAINING APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the New York State Association of Towns offers training and annual meeting that is to assist in the training of town officials and is the most comprehensive effort in this area, and

WHEREAS it is in the Town's best interest to allow representations to attend said training, 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 the Town Board authorizes Fred Ahrens and Mike Saglibene and Larry Wagner to attend the New York State Association of Towns 2013 Training and Annual Meeting to be held February 17-20, 2013 with all applicable expenses to be paid from the appropriate budget.

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

RESOLUTION NO. 241-12
RESIGNATION OF ROBERT NEWLUN, TOWN TAX COLLECTOR

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS a notice was received from Robert R. Newlun, dated December 4, 2012, informing the Town Supervisor that he no longer works for the Town, 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

MINUTES OF THE TOWN BOARD OF DECEMBER 12, 2012

RESOLUTION NO. 241-12, RESIGNATION OF ROBERT NEWLUN, TOWN TAX COLLECTOR continued

BE IT THEREFORE RESOLVED the Town Board accepts the resignation of Robert R. Newlun effective January 4, 2013 and request the Town Supervisor send a letter of appreciation to Mr. Newlun for his time and dedication.

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

RESOLUTION NO. 242-12
LEASE AGREEMENT WITH THE ASSEMBLY STATE OF NEW YORK ALBANY FOR
NYS ASSEMBLY DISTRICT CHRISTOPHER S. FRIEND APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the current lease Agreement with the Assembly of State of New York Albany for 476 Main Street, 1st floor will expire on February 28, 2013, and

WHEREAS the Town Board desires to continue said lease, 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, and

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into a Lease Agreement with the Assembly of State of New York Albany for property located at 476 Maple Street 1st Floor, known as the Big Flats Town Hall, with a two-year term commencing March 1st 2013 through February 28, 2015 for an annual rental of \$7,200.00 on the Terms and Conditions subject to final review and approval by the Attorney for the Town.

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

RESOLUTION NO. 243-12
DECEMBER 12, 2012 COMMUNICATIONS LOG APPROVED

Resolution by: Fairbrother
Seconded by: Smith

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:

MINUTES OF THE TOWN BOARD OF DECEMBER 12, 2012

RESOLUTION NO. 243-12, DECEMBER 12, 2012 COMMUNICATIONS LOG APPROVED
continued

November 9, 2012

Big Flats Business Association – RE: Meeting Minutes of November 7, 2012. *Referred to: filed with the Town Clerk.*

November 15, 2012

Chemung County Sewer – RE: East Corning Hospital Project. *Referred to: Town Supervisor, Commissioner of Public Work and filed with the Town Clerk.*

November 27, 2012

Chemung County Industrial Development Agency – RE: Public Hearing Notice for Proposed Southern Tier Lodging Associates, LLC Project. *Referred to: filed with the Town Clerk.*

November 28, 2012

TVGA Consultants – RE: Services Available. *Referred to: filed with the Town Clerk.*

December 4, 2012

Time Warner Cable – RE: Agreements with Programmers Update. *Referred to: filed with the Town Clerk.*

NYSEG – RE: Proposed Seneca West Pipeline Interconnection Project Update. *Referred to: filed with the Town Clerk.*

December 7, 2012

Big Flats Business Association – RE: Meeting Minutes of December 5, 2012. *Referred to: filed with the Town Clerk.*

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

EXECUTIVE SESSION: Supervisor Dean made a motion, seconded by Councilperson Fairbrother, to enter into Executive Session at 4:52 p.m. to obtain advice from the town attorney, regarding the sale of real estate. All in favor except Councilperson Gillette was absent, motion carried.

Supervisor Dean asked the Town Clerk to enter into the executive session at 5:22 p.m.

Supervisor Dean reconvened the Town Board meeting at 5:29 p.m.

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RESOLUTION NO. 244-12
TAX COLLECTOR APPOINTED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board accepted the resignation, effective January 4, 2013, of Robert R. Newlun as Tax Collector, and

WHEREAS said vacancy exist in the office of Tax Collector and a person must be appointed to fill out the unexpired term ending 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 appoints Linda Cross, Town Clerk, effective January 1, 2013, as the Tax Collector with a term ending December 31, 2013 at the rate of \$3,000.00, and

FURTHER RESOLVED the Town Board sets the salary of the Deputy Tax Collector beginning January 1, 2013 through December 31, 2013 at the rate of \$2,800.00.

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

Councilperson Saglibene made a motion, seconded by Councilperson Fairbrother to adjourn the Town Board meeting at 5:32 p.m. All in favor except Councilperson Gillette was absent, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk