

WATER BOARD /TOWN BOARD MEETING MINUTES OF FEBRUARY 12, 2014

PRESENT:           Supervisor   Edward Fairbrother  
                  Council       Andy Gillette  
                                  Lee Giammichele  
                                  Mike Saglibene  
                                  Bob Adams  
                  Attorney     Thomas Reilly  
                  Clerk        Linda Cross

Supervisor Fairbrother called the Water Board meeting to order at 3:30 p.m. and requested those present to participate in the Pledge of Allegiance.

PRESENTATION:    Combining Water District 1-3, John Dufresne, Pam Kowulich,  
                                  and Tim Steed

PUBLIC HEARING:   4:30 p.m.   Water District No. 1, Vision Center, Willow Tree Holdings,  
                                  LLC Extension.

Supervisor Fairbrother called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on February 3, 2014, which allowed and considered public comments regarding the proposed Water District No. 1, The Vision Center, Willow Tree Holdings, LLC Extension.

IN FAVOR:       None

OPPOSITION:   None

COMMENTS:     None

Since there were no further comments, Supervisor Fairbrother closed the Water District No. 1, Vision Center, Willow Tree Holdings, LLC Extension public hearing at 4:36 p.m.

PUBLIC HEARING:  4:33 p.m.     Water District No. 1, Dandy MiniMart, Just Dandy, LLC  
                                  Extension

Supervisor Fairbrother called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on February 3, 2014 which allowed and considered public comments regarding the Water District No. 1, Dandy MiniMart, Just Dandy, LLC Extension.

IN FAVOR:       None

OPPOSITION:   None

COMMENTS:     None

Since there were no further comments, Supervisor Fairbrother closed the Water District No. 1, Dandy Mini Mart Just Dandy, LLC Extension public hearing at 4:37 p.m.

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UNFINISHED BUSINESS

RESOLUTION NO. 59-14  
WATER DISTRICT NO. 1, THE VISION CENTER, WILLOW TREE HOLDINGS, LLC  
EXTENSION APPROVED

Resolution by: Gillette  
Seconded by: Giammichele

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. 45-14 at its regularly scheduled meeting on January 22, 2014, 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 February 12, 2014 at 4:30 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 February 12, 2014, commencing at 4:30 p.m. at the Town Hall in the town of the Big Flats 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,

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, "District Extension Report for The Vision Center", prepared by Fagan Engineers dated

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RESOLUTION NO. 59-14, WATER DISTRICT NO. 1, THE VISION CENTER, WILLOW TREE HOLDINGS, LLC EXTENSION APPROVED continued

November 12, 2013, having Project No. 2013.033, 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: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 60-14  
WATER DISTRICT NO. 1, DANDY MINIMART,  
JUST DANDY, LLC EXTENSION APPROVED

Resolution by: Giammichele  
Seconded by: Adams

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. 46-14 at its regularly scheduled meeting on January 22, 2014, 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 February 12, 2014 at 4:32 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 February 12, 2014, commencing at 4:32 p.m. at the Town Hall in the town of Big Flats and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, and

RESOLUTION NO. 60-14, WATER DISTRICT NO. 1, DANDY MINIMART, JUST DANDY, LLC EXTENSION APPROVED continued

WATER BOARD /TOWN BOARD MEETING MINUTES OF FEBRUARY 12, 2014

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,

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 CR 64 Dandy MiniMart, Town of Big Flats Water District 1 Extension", prepared by Hunt Engineers, Architects & Land Surveyors, PC dated September 16, 2013, having Project No. 2885.001, 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: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

NEW BUSINESS

RESOLUTION NO. 61-14  
GAS CHLORINATORS & CHLORINE SCALES APPROVED

Resolution by: Saglibene

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Seconded by: Gillette

WHEREAS the Town Supervisor and the Water Systems Supervisor recognize the need to purchase 2 new gas chlorinators with automatic switchover and 2 new chlorine cylinder scales with digital readout for the Water District 2 pump houses, and

WHEREAS the purchase of chlorinators and scales was planned and budgeted by the Water Board for the year 2014, and

WHEREAS this equipment is specific to the application of water treatment which is subject to NYSDOH Subpart 5 regulations for potable water, and

WHEREAS a quote from Chlorinators Incorporated has been received for both as follows:

2- Regal Model 216 gas chlorinators with automatic switchover at \$2,975.00 each for a total of \$5,950.00, and

2- ECS-402 Dual electronic cylinder scales at \$1,776.00 each for a total of \$3,552

For a grand total of \$9,502.00, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor and Water Systems Supervisor to purchase the proposed Regal gas chlorinators and electronic scales for an amount not to exceed \$9,502.00.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 62-14

ENCUMBRANCE FUNDS FOR TELEMETRY PROJECT COMPLETION APPROVED

Resolution by: Adams

Seconded by: Giammichele

RESOLVE the Water Board authorizes the following encumbrance:

WHEREAS the Big Flats Water Board wishes to encumber funds from the 2012 & 2013 budget to pay future bills in 2014 from AquaLogics to complete Phase 2 of the Telemetry Project, and  
RESOLUTION NO. 62-14, ENCUMBRANCE FUNDS FOR TELEMETRY PROJECT  
COMPLETION APPROVED continued

WATER BOARD /TOWN BOARD MEETING MINUTES OF FEBRUARY 12, 2014

WHEREAS the Water Board had \$50,000 budgeted in 2012 and \$20,000 budgeted in 2013 for the completion of the Telemetry Project installation by AquaLogics, and that we have been informed that due to the back-up in their work load that installation will not be complete until 2014, the Big Flats Water Board wishes to encumber funds of the Telemetry project as follows:

Source & Supply, Contractual Expenses, Line S1 8320.0400, \$25,000 in 2012,  
Source & Supply, Contractual Expenses, Line S1 8320.0400, \$10,000 in 2013 and in,  
Source & Supply, Contractual Expenses, Line S2 8320.0400, \$25,000 in 2012,  
Source & Supply, Contractual Expenses, Line S2 8320.0400, \$10,000 in 2013, for a total encumbrance of \$70,000. These funds will be used to pay future bills in 2014, now

BE IT THEREFORE RESOLVED by the Big Flats Water Board, to encumber funds of the 2012 & 2013 budget, as shown above, in order to pay AquaLogics for the 2014 installation and completion of the Telemetry Project.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 63-14  
ADD A FULL TIME WATER OPERATOR POSITION APPROVED

Resolution by: Gillette  
Seconded by: Adams

WHEREAS the Water Board recognizes the need to add a third position of full time Water Operator in the Water Department for the Town of Big Flats, and

WHEREAS the Town duly created the position of Water Operator I in the CSEA Union Contract of 2000, and

WHEREAS there is no valid competitive list for this position, and

WHEREAS the administration of Town personnel is a Type 2 action for purposes of SEQRA and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Water Board authorizes the Town Supervisor to advertise for this position in the official papers of the Town, and all other venues deemed appropriate for this candidate search by the Town Supervisor and Water System Supervisor, and

WHEREAS the salary range for this position shall be \$13.94/hr to \$17.31/hr, plus full time benefits as provided by the current CSEA contract. The candidate will be hired on a provisional basis, subject to the Regional Civil Service Commission's review and requirements, a passing  
RESOLUTION NO. 63-14, ADD A FULL TIME WATER OPERATOR POSITION  
APPROVED continued

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score on the Civil Service test for Water Plant Operator Type B Plant to be held at a later date, and subject to a satisfactory completion of a duly authorized background security and history check.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

Since there was no further business to come before the Water Board, Supervisor Fairbrother closed the Water Board meeting at 4:44 p.m.

### **TOWN BOARD**

Supervisor Fairbrother opened the Town Board meeting at 4:45

#### CONCERNS OF THE PEOPLE

Judith Kadlec, 26 Landau Drive, thanked the Big Flats Highway Department on the great job of keeping our roads clear this winter.

Mary Ann Balland, 24 Cayuga Drive, congratulations on hiring Tim Steed, and stated his report sounds most interesting regarding the combining Water District 1-3. Mary Ann also stated that interconnecting of water lines with Elmira is worth looking at. Mary Ann has concern's of not continuing to explore the possibility of a well in the area of District 5, and other surrounding areas that need water, and hoping the town can expand the water supply to accommodate these areas.

#### REPORTS

Supervisor Fairbrother commented about signing of the shared services Agreement with the County, he thanked Andy Avery, Chris Austin and Laura Sullivan.

Supervisor Fairbrother stated the following reports for January 2014 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Supervisor's Fund Balance ,  
Youth Department Monthly Report, Department of Public Works  
Monthly Report, Assessor's Monthly Report, Community  
Center's Monthly Report, SPCA Monthly Reports

Supervisor Fairbrother also reported on:

- 78 Hammond Street
- Beverly Gedvillas Restores Cemetery and Monuments
- Reminder Special Town Board Meeting set for February 20, 2014 at 7:00 p.m.
- Golden Glow meeting set for March 6 needs to be rescheduled for another date and time.
- Spoke on Insurance Wavers
- Community Center Board
- Comprehensive Plan

**UNFINISHED BUSINESS**

RESOLUTION NO. 64-14  
DAMAGED PAYMENT FOR DAMAGES ON A 1997 F450 FORD SUPER DUTY BUCKET  
TRUCK APPROVED

Resolution by: Saglibene  
Seconded by: Adams

WHEREAS the Deputy Commissioner of Public Works in concurrence with the Town Supervisor recognizes the need to pay for damages on a bucket truck, and

WHEREAS the Town of Elmira loan to the Town of Big Flats their 1997 F450 Ford Super Duty Bucket Truck 37ft boom generator and 87,482 miles which was damage by a town employee leaving a uninsured balance of \$4,208.00, 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

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to pay the Town of Elmira for the loss of \$4,208.00.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

**NEW BUSINESS**

RESOLUTION NO. 65-14  
2012/2013 ENCUMBRANCE & GENERAL FUND 2014 BUDGET AMENDMENTS  
APPROVED

Resolution by: Saglibene  
Seconded by: Giammichele

WHEREAS a memorandum was received from the Bookkeeper, dated February 5, 2014, requesting the following 2012/2013 Water Funds Encumbrance & General Fund 2014 Budget Amendments, 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, 2012/13 Encumbrance amounts for Water Districts # 1 & 2, and budget amendments:

2012/13 Encumbrance amounts for Water Districts # 1 & 2 Well Tank Painting Project and SCADA Equipment purchase:

WATER BOARD /TOWN BOARD MEETING MINUTES OF FEBRUARY 12, 2014

RESOLUTION NO. 65-14, 2012/2013 Encumbrance & General Fund 2014 Budget  
Amendments APPROVED continued

<u>2012</u>	
S1.8320.0400-CE- S of S Pwr & Pump	25,000.00
S2.8320.0400-CE- S of S Pwr & Pump	25,000.00
S2.8320.0200-CO- S of S Pwr & Pump	<u>16,410.00</u>
Total	66,410.00

<u>2013</u>	
S1.8320.0400-CE- S of S Pwr & Pump	10,000.00
S2.8320.0400-CE- S of S Pwr & Pump	<u>10,000.00</u>
Total	20,000.00

Budget amendments for ongoing staff training, personnel related expenses and central Town Hall computer equipment upgrades and associated costs:

To:	A.1430.0400- CE- Personnel (New A/c)	6,000.00	
	A.1680.0200-CO- Central Data Proc	50,000.00	
From:	A.0909 -Unrestricted Fund Balance		56,000.00
Increase A. 0960-Appropriations		56,000.00	
Increase A. 0599-Appropriated Fund Balance			56,000.00

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 66-14  
WAIVER OF INSURANCE TO CARMELLA COPPOLA FOR “GOOD CAUSE SHOWN”  
FOR THE QUILT 2 MEETINGS APPROVED

Resolution by: Adams  
Seconded by: Gillette

WHEREAS an application for waiver of the insurance for use of the Big Flats Community Center has been received from Carmella Coppola , member of the Quilt 2 group, and

WHEREAS The Quilt 2 group have tried to obtain insurance; however, has determined it to be cost prohibited for the Quilt 2 meetings, and

WHEREAS for environmental review purposes the Town Board finds this to be Type II administrative 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 finds that the Quilt 2 members have made an effort to obtain the appropriate documentation without success, and

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RESOLUTION NO. 66-14, WAIVER OF INSURANCE TO CARMELLA COPPOLA FOR  
“GOOD CAUSE SHOWN” FOR THE QUILT 2 MEETINGS APPROVED continued

FURTHER RESOLVED the Town Board determines for good cause shown that a waiver be granted to the QUILT 2 for the purpose of their meetings, and

FURTHER RESOLVED the QUILT 2 must complete the appropriate documentation, excluding the insurance, for the use of the Big Flats Community Center.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 67-14  
HVAC MAINTENANCE AGREEMENT APPROVED

Resolution by: Gillette  
Seconded by: Giammichele

WHEREAS the Town has utilized the services of Air Temp to provide maintenance for the HVAC systems, and

WHEREAS the Maintenance Agreement has a clause allowing annual price adjustment on each commencement anniversary to reflect increases in labor, material and other costs, and

WHEREAS Air Temp Heating and Air Conditioning, Inc. has initiated a \$19.00 per month increase in the agreement G0473 1/1/2014 – 12/31/2014, and

WHEREAS for environmental review, purchasing 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 \$19.00 monthly increase with Air Temp Heating and Air Conditioning, Inc. for the purpose of providing full service maintenance on the HVAC systems for the DPW buildings and Community Center at a cost of \$10,116.00 annually for 2014.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 68-14  
TOWN OFFICIALS AND EMPLOYEES ATTENDANCE AT EDUCATIONAL PROGRAMS  
APPROVED

Resolution by: Giammichele  
Seconded by: Adams

RESOLVE the Town Board authorizes Town Officials and employees to attend educational programs concerning Town business, as approved by the Town Supervisor, with all legal

RESOLUTION NO. 68-14, TOWN OFFICIALS AND EMPLOYEES ATTENDANCE AT EDUCATIONAL PROGRAMS APPROVED continued

expenses charged to the Town, except for those Town Officials and employees supervised by and including the Commissioner of Public Works.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 69-14  
UPDATE COURT CLERK WAGE APPROVED

Resolution by: Fairbrother  
Seconded by: Adams

WHEREAS it has been determined that there is a need to update the wage for court clerks employed by the Town, and

WHEREAS the current part time Court Clerk with one year or more service be set at \$15.00 per hour, 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

BE IT THEREFORE RESOLVED Terri O'Rourke shall have a wage of \$15.00 per hour effective 1/1/2014.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 70-14  
TOWN SUPERVISOR and COMMISSIONER OF PUBLIC WORKS (ANDY AVERY)  
AUTHORIZED AUTHORITY APPROVED

Resolution by: Saglibene  
Seconded by: Adams

RESOLVE the Town Board authorizes the Town Supervisor and Commission of Public Works (Andy Avery) to perform the following:

- Make purchases in accordance with State Law for services and equipment for IT purposes, and
- To advertise for bids on tires, salt, cinders, sand, parts and tolls, as needed, and
- To accept State and County bids for any and all items under State and County Bid system provided they are covered in the Highway budget; with the

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RESOLUTION NO. 70-14, TOWN SUPERVISOR AND COMMISSIONER OF PUBLIC WORKS (ANDY AVERY) AUTHORIZED AUTHORITY APPROVED continued

- exception that any bid for vehicles and equipment shall be subject to prior Town Board approval.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 71-14  
FEBRUARY 12, 2014 COMMUNICATIONS LOG APPROVED

Resolution by: Adams  
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:

February 5, 2014

Time Warner Cable – RE: February Programming Notice *Referred to: filed with Town Clerk.*

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

Supervisor Fairbrother made a motion, seconded by Councilperson Gillette at 5:56 p.m. to enter into executive session to discuss union Contract, and a personnel issue and asked for Andy Avery and Chris Austin to enter also. All in favor, motion carried.

Andy Avery and Chris Austin were excused from the executive session at 6:12.

Supervisor Fairbrother reconvened the Town Board meeting at 6:39

Councilperson Giammichele made a motion, seconded by Councilperson Gillette to adjourn the Town Board meeting at 6:41 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_ Linda J. Cross  
Town Clerk