

MINUTES OF THE WATER / TOWN BOARD MEETING OF FEBRUARY 24, 2016

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

Supervisor Fairbrother opened the Water Board meeting at 7:00 p.m., and requested those present to participate in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 89-16
AGREEMENT REGARDING SHARING WATER WITH THE TOWN AND
THE ELMIRA WATER BOARD

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS the Town of Big Flats has a need for an additional source of water, and

WHEREAS the Town of Big Flats and the Elmira Water Board have negotiated the agreement which follows and the Town of Big Flats are in the process of constructing a new water pump which will facilitate the transfer of water from the Elmira Water Board 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

THEREFORE BE IT RESOLVED the Town Board authorizes the Town Supervisor to sign the inter-municipal agreement with the Elmira Water Board which follows:

INTERMUNICIPAL AGREEMENT

This Intermunicipal Agreement made this ____ day of _____, 2016 by and between

THE ELMIRA WATER BOARD, a body corporate, organized and existing under Article X-A of the City Charter of the City of Elmira, New York, with its principal office at 261 West Water Street, Elmira, NY 14901

and

THE TOWN OF BIG FLATS, NEW YORK, a municipal corporation organized under the laws of the State of New York, with its principal office at 476 Maple Street, Big Flats, NY 14814-0449

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WITNESSETH:

WHEREAS, the Elmira Water Board (hereinafter “Board”) is authorized and empowered for and in the name of the City of Elmira to maintain, control and operate a system of water works to furnish the City of Elmira, its inhabitants, organizations and businesses with potable water; and

WHEREAS, pursuant to section 166-q of the Charter of the City of Elmira, New York, the Board is authorized to sell water to any corporation or individual outside of the city, to make connections with water main(s) outside the Board’s system for the purpose of furnishing water and to fix the price therefor; and

WHEREAS, the Town of Big Flats (hereinafter “Town”) operates a water system for its inhabitants and other users within the Town; and

WHEREAS, the Town has requested and the Board has agreed to provide potable water to the Town upon request by the Town and the Town has agreed to provide potable water to the Board upon request by the Board; and

WHEREAS, the Board’s and the Town’s systems are presently connected by an interconnection enabling the Board to provide water to the Town’s system;

NOW, THEREFORE, for and in consideration of the covenants set forth herein, the parties agree as follows:

1. *TERM/SUPPLY.* The term of this Agreement shall be for three (3) years from the date first above written unless sooner terminated pursuant to section 9 herein below. The Board will provide Big Flats free of charge between June 15 and September 15 of each year during the term of this Agreement an amount of potable water necessary to maintain an acceptable chlorine residual at the service entrance to Southern Tier Crossing as measured either at the service entrance or the booster station at the Board/Big Flats interconnection.

2. *WATER RATE.* In addition to the free supply set forth in paragraph “1” above, during the term of this Agreement and subject to the limitations set forth in paragraph “5” below, the Board shall sell potable water to the Town in the event the Town experiences a water supply emergency at the rate of One and No/100 Dollar (\$1.00) per “unit” of water (a unit being 748 gallons). The parties shall mutually agree that a water supply emergency exists. In the event the Town sells potable water to the Board, the Board shall pay to the Town One and

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No/100 Dollar (\$1.00) per “unit”. Each party will invoice the other on a monthly basis for potable water furnished to the other party during the immediately preceding month.

3. *EQUIPMENT* . In order for the Board to provide the Town with water at adequate pressure, a booster pump station must be installed. The Town shall be solely liable for the cost of the planning, construction, installation and maintenance of such a station, including the purchase and installation of all required equipment and a water meter of a type and size approved by the Board’s Engineering Department.

4. *PUBLIC NOTIFICATION*. In the event of a maximum contaminate level, treatment technique or reporting violation occurring within the Board’s treatment or distribution systems, the Board will notify the Town in accordance with the provisions of the Public Notification Rules of the Safe Drinking Water Act (SDWA). Upon receiving notification from the Board, the Town will be responsible for communicating this public notification to its customers in accordance with the Public Notification Rules of the SDWA.

5. *LIMITATION*. This Agreement is subject to the provisions of Elmira City Charter section 166-q which states that the Board shall not permit use of water to persons outside the city if the supply of water for the city of Elmira or its inhabitants will be insufficient. The Board specifically reserves the right to limit the sale of water under this Agreement or terminate this Agreement on reasonable notice to the Town if the supply of water for the city or its inhabitants will be insufficient.

6. *ANNUAL WATER QUALITY REPORT*. The Board will provide the Town with water system information and water monitoring data that will enable the Town to produce its annual water quality report as required by the New York State Department of Health. The Board will not be responsible for creating this report for the Town or for providing data on contaminants that are monitored by the Town. The Town is solely responsible for ensuring that its customers receive their annual water quality report in accordance with the requirements of the New York State Department of Health.

7. *INDEMNIFICATION*. Each of the parties indemnifies and holds harmless the other from any and all claims, causes of actions, judgments, costs, expenses (including reasonable attorneys’ fees) arising as a result of the willful conduct or negligence of the indemnifying party, its contractors and representatives.

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8. *ASSIGNMENT.* The Town will not assign this Agreement without the prior written consent of the Board.

9. *TERMINATION.* Either party may terminate this Agreement upon ninety (90) days prior written notice.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

ELMIRA WATER BOARD

By _____

Martin D. Chalk, Its President

TOWN OF BIG FLATS

By _____

Edward Fairbrother, Supervisor

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother

NAYS: None

There being no further business, the Water Board meeting was closed by Supervisor Fairbrother at 7:01 p.m.

Supervisor Fairbrother opened the Town Board Meeting at 7:02 p.m.

CONCERNS OF THE PEOPLE – Susan Potrzebowski, 591 Sing Sing Road, Horseheads, asked the Board, if the Zoning Amendment could be re-opened and potentially researched for residents to have chickens, and that they are looked at differently, not like having mules and goats in your residential yard. Susan stated how she hopes that possibly this Zoning Amendment can be reopen at a later time after further research.

MINUTES

Councilperson Giammichele made a motion, seconded by Councilperson Adams to approve the Town Board minutes of January 13, 2016, as presented. All in favor, motion carried.

Councilperson Giammichele made a motion, seconded by Councilperson Adams to approve the Town Board minutes of January 27, 2016, as presented. All in favor, motion carried.

Councilperson Giammichele made a motion, seconded by Councilperson Adams to approve the Town Board minutes of February 10, 2016, as presented. All in favor, motion carried.

UNFINISHED BUSINESS

RESOLUTION NO. 90-16
LOCAL LAW #1 OF 2016, ZONING AMENDMENT APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS, the Town of Big Flats Department of Planning Staff have reviewed the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan and found reasonable facts to support the proposed local law #1, 2016 as submitted, and as follows:

17.04.060 Definitions

- Add the definition “Hobby Farm” to the 17.04.
 - Proposed Definition
 - **Hobby Farm** means any use accessory to the principal use involving the raising or gathering of *farm animals* for any purpose.
 - (a) As used in this definition, *farm animals* consist of Horses, Cows, Llamas, Donkeys, Mules, Goats, Sheep, Chickens, Ducks, Geese, Turkeys, Poultry, Bee Keeping, Livestock of any kind, etc.
 - (b) Any animal other than those commonly considered to be domestic pets such as dogs, cats, parakeets, house rabbits, aquatic and similar animals whose primary residence is inside the house located on such property which is utilized by the owners of said property as a residence shall be considered noxious and offensive uses of property, and as such constitute a nuisance. (c) The term *farm animals* does not include agri-business, agricultural animal, agricultural plant, commercial stable, private stable, factory farm, feedlot, kennel, and slaughterhouse.

17.12.010 Use Table

- Add the accessory use “Hobby Farm” to the accessory use table and permit such use as of right only in the rural RU and conservation C zones.

WHEREAS, the Town of Big Flats Department of Planning staff provided a memorandum on January 20, 2016 supporting the need for said amendment, and

WHEREAS, the Town of Big Flats Planning Board has reviewed local law #1, 2016 and found the zoning amendment to be consistent with the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan, and

WHEREAS, the proposed action is a Type I action pursuant to SEQR 6 NYCRR Part 617, and

WHEREAS, the Town of Big Flats Town Board hereby declares themselves as lead agency for environmental review, and

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WHEREAS, the Town of Big Flats Town Board has considered the Full Environmental Assessment Form and other materials prepared by Town Staff in support of the proposed action, has considered the comments of the Town of Big Flats Planning Board, and verbal commentary during the Town Board meetings pertaining to the review and evaluation of the proposed action, and

WHEREAS, the Town of Big Flats Town Board forward local law #1, 2016 to the Chemung County Planning Board for their review and comment, and

WHEREAS, the Chemung County Planning Board discussed the proposed local law #1, 2016 on February 18, 2016 making a motion to recommend local determination, and

WHEREAS, the Town of Big Flats Town Board scheduled a public hearing on local law #1 of 2016 and said hearing was held on February 10, 2016, and

NOW, BE IT THEREFORE RESOLVED, this Board hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Type I 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, and

FURTHER RESOLVED, the Town of Big Flats Town Board approves proposed Local Law #1, 2016 and said Local Law shall be referred to as Local Law #1, 2016 to be effective immediately.

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

RESOLUTION NO 91-16

AUTHORIZING THE EXPENDITURE FROM FUNDS SET ASIDE FOR FIBER CABLE
EXPANSION IN BIG FLATS APPROVED

Resolution by: Saglibene

Seconded by: Gillette

WHEREAS at a meeting on April 22, 2015 this Board approved, in Resolution 120-15, that all sums received from all three cable franchisees from that date would be segregated into a separate budgetary item and be utilized to help fund, with the approval of the Board for each sum expended, the extension of fiber optic cable only services within the Town of Big Flats, and

WHEREAS Empire Long Distance Corporation (ELDC), which is part of the recent franchise agreement for fiber optic cable is seeking aid in constructing fiber facilities from their existing plant located near the intersection of Breed Hollow with Eacher Hollow Rd. to be built up Eacher Hollow Rd. for approximately 1.4 miles, and

WHEREAS the estimated cost of this expansion is \$34,670.38 and includes all engineering, permitting, make ready, fiber cable, splicing, and labor per correspondence from Empire's Vice President Brian Ketchum, and

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RESOLUTION NO 91-16, AUTHORIZING THE EXPENDITURE FROM FUNDS SET ASIDE FOR FIBER CABLE EXPANSION IN BIG FLATS APPROVED continued

WHEREAS in that same correspondence Mr. Ketchum requested that the Town contribute 1/2 of that cost, or \$17,335.19, from our reserve fund wherein the franchise fees have been placed, and

WHEREAS this reserve fund has of this date a bit over \$50,000, and

WHEREAS this expansion request would benefit and add possibly 16 additional residents to obtain access to fiber optic cable services, and

WHEREAS Empire or ELDC would own, maintain and be responsible for this extension, now

THEREFORE BE IT RESOLVED that the Town Board authorizes the expenditure of \$17,335.19 (Seventeen thousand, three hundred thirty five dollars and nineteen cents) from cable franchise fees for this extension.

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

NEW BUSINESS

RESOLUTION NO. 92-16
BUDGET TRANSFERS APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS a memorandum was received from the Bookkeeper, dated February 18, 2016 requesting authorization for a General Fund Budget & Highway Fund Budget , 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 further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the following Transfers:

Budget Transfers-General Fund

Please authorize a budget transfer to establish the following budget:

To	Central Print & Mail -PS-1670.0100	1,800
From	Contingency CE -A.1990.0400	1,800

After transfer, Contingency balance will be \$23,150

Budget Transfers-Highway Fund

Please authorize a budget transfer for the following overspent budget:

To	Workers Compensation -D.9040.0800	1,490
From	Hosp. & Medical Ins-D.9060.0800	112
	NYS Unemployment -D.9040.0800	1,378

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

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RESOLUTION NO. 93-16
ABSTRACT OF AUDITED VOUCHERS FOR FEBRUARY 24, 2016 APPROVED

Resolution by: Giammichele

Seconded by: Adams

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for February 24, 2016, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 22,237.20
HIGHWAY FUND	\$ 12,693.17
WATER DISTRICT #4	\$ 91.18
WATER DISTRICT #5	\$ 4,566.62
LIGHTING DISTRICT	\$ 622.81

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

RESOLUTION NO. 94-16
APPROVAL TO SEEK AND ACCEPT NON-MATCHING GRANTS AND
FOUNDATION FUNDS APPROVED

Resolution by: Adams

Seconded by: Saglibene

WHEREAS the Town has contracted with eCivis per resolution #118-15 and entered into an agreement with Elisabeth Corveleyn per resolution # 260-15 for finding grants and foundation funds for the Town, and

WHEREAS the Town Board approves Elisabeth Corveleyn and Laura Sullivan to research and apply to all grants and foundation funds that will benefit the Town of Big Flats on the Town of Big Flats behalf, and

WHEREAS the Town Supervisor or Department of Public Works have the authority to accept any non-matching grant or foundation fund that are awarded to the Town of Big Flats, and

WHEREAS for environmental review purposes, 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 Town Supervisor or the Department of Public Works to apply and if awarded a non-matching grant or foundation funds to accept.

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

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RESOLUTION NO. 95-16
BIG FLATS PLANNING BOARD MEMBER RESIGNATION ACCEPTED,
AND NEW MEMBER APPOINTMENT APPROVED

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS a letter has been received from Robert Byland, dated January 5, 2016, informing the Town Board of his resignation from the planning board effective February 1, 2016, 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 accepts the resignation of Bob Byland from the Big Flats Planning Board effective February 24, 2016 and request the Town Supervisor send a letter to Mr. Byland thanking him for his assistance and dedication, and

FURTHER RESOLVED the Town Board approves and hereby appoints John Hunter as a Planning Board member, as per the recommendation of the Town of Big Flats planning board, for a term ending December 31, 2020.

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

RESOLUTION NO. 96-16
GAME OF CHANCE LICENSE FOR THE BIG FLATS AMERICAN LEGION AMENDED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS the Big Flats American Legion submitted a GC-6 application to Amend their “Members in charge of Games”, 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

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 if a Findings and Determination for Games of Chance License finds the designated members conducting games of chance are of good moral character, the Town Board approves the Application to Amend their Games of Chance License, from the Big Flats American Legion Post 1612 to perform a games of chance event as outlined in the Application.

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

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RESOLUTION NO. 97-16
COMMUNICATION LOG, FEBRUARY 24, 2016 APPROVED

Resolution by: Giammichele
Seconded by: Adams

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 11, 2016

Town of Veteran Stormwater Committee and the Veteran Town Board RE: Express our gratitude. *Referred to: Town Board, and filed with Town Clerk.*

February 12, 2016

State of New York Department of Taxation and Finance Office of Real Property Tax Services RE: Notice of Tentative Railroad Ceiling *Referred to: Town Board, Bookkeeper, DPW and filed with Town Clerk.*

February 12, 2016

Comp Alliance RE: Notice of Election of Employer's Participation in Group Self Insurance Plan *Referred to: Town Board, Bookkeeper and filed with Town Clerk.*

February 17, 2016

Time Warner Cable RE: Learn How to Become a TWC Vendor or Supplier *Referred to: Town Board, and filed with Town Clerk.*

February 17, 2016

Time Warner Cable – RE: February 17, 2016 Programming Notice Changes *Referred to: Town Board, and filed with Town Clerk.*

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

RESOLUTION NO. 98-16
PROCLAMATION BY THE BIG FLATS TOWN BOARD MAKING MARCH 1ST OF EVERY YEAR AS A DAY OF MEMORIAL FOR TROOPER ANDREW SPERR APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS Trooper Andrew Sperr was shot and killed in the Town of Big Flats in the line of duty on March 1, 2006, and

RESOLUTION NO. 98-16, PROCLAMATION BY THE BIG FLATS TOWN BOARD
MAKING MARCH 1ST OF EVERY YEAR AS A DAY OF MEMORIAL FOR TROOPER
ANDREW SPERR APPROVED continued

WHEREAS Trooper Sperr faced every day the threat of violence and danger, putting his life on the line to protect the citizens of the Town of Big Flats, and

WHEREAS the steadfast dedication of one of our law enforcement officers warrants more than praise for their service to our community, and

WHEREAS Trooper Sperr and his fellow officers work with vigilance and dedication to identify and arrest those who seek to do us harm, and

WHEREAS Trooper Andrew Sperr had served with the New York State Police for ten years with honor, and

THEREFORE BE IT RESOLVED the Big Flats Town Board and Town Supervisor Edward Fairbrother proclaim that March 1 of every year be known as a Day of Memorial for Trooper Andrew Sperr in honor of his service to the Town of Big Flats, New York

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

Supervisor Fairbrother commented on General Items:

- Assessing update / cert and pilots Corning Financial Building
- Security for the Court and Town Hall - working on State Grants
- (MRF) Municipal Restructuring Fund, Grants for shared services available
- Sheriff meeting 2/25/16 at 7:00 p.m. in the Community Center, regarding neighborhood crime and safety meetings, the 2nd meeting is on 3/30/16 at 7:00 p.m. in Southport at 1139 Pennsylvania Ave, Elmira, and the 3rd is on 4/20/16 at 7:00 p.m. in Horseheads at 150 Wygant Road, Horseheads all are welcome, no charge for attendance.
- HVAC in Town Hall IT room, wiring will be completed this week
- IT with the County, is working out great.
- New World program update – we will be up and running July 1st for payroll.
- LED update – signed off with the completion of the exterior lighting.
- Memorial for Trooper Andy Sperr, March 1st at Sperr Park followed by a reception at the War Plane Museum. Councilman Bob Adams will present to the family a Proclamation approved by the Big Flats Town Board making March 1st of every year as a day of Memorial for Trooper Andrew Sperr, Linda Cross also attending.
- Water to hospital / Kim Feehan, Supervisor for the Town of Corning, has agreed that we will be the backup system for the Corning Hospital supplying water to the Corning Hospital., and also looking at some other residents to be including in getting water.

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- Maricle Lane is a private primary access road for River Rescues, which gives the Fire Department access to launch their boat in the river. The Owner at the end of Maricle Lane agreed to give the Fire Department access to launch their boats. Unfortunately, the road is very torn up and needs repairs to get the Fire Equipment down to the river. DPW agreed to help with the grinding of the road, and stone and oil it. It's a onetime occurrence, to help the Fire Department get some funding to better serve the community.
- Update on new businesses – New businesses coming to Big Flats and at the Arnot Mall in the near future.
- I86 / STEG progress URI/CFA money.
- Program with school moving forward.
- Strategy work shop, on a five year forecast and planning, TBA.
- NYC AOT trip, came back with a lot of information to share.
- Town Board will be meeting April with the Golden Glow residents, and Oakfield/ Davenport residents coming up in May.
- Sales tax down 2.72 percent for January.
- Big Flats is the 2nd Largest Court in Chemung County, and we ranked 165 out of 1800 Courts in New York State. The County is looking into doing a study regarding possibly consolidating Chemung County Courts. Court do not make money, so looking into saving money for the tax payers.
- Little League, DPW looking at cost for little league fields.
- Supervisor Fairbrother will be on vacation from February 29th – March 30th.

Andy Avery Commissioner of Public Works spoke in regards to the Major 6 Municipality meeting. Main topics were Operations, Purchases, Maintenance, Snow Plow routes, making things more efficient and safer.

- Regarding our Fleet we want to down size some of it and right size others.
- Centralize a fleet maintenance shop, house everybody in one location.
- Parts Management- possibly using a 3rd party to maintain parts, and only pay for what we need, instead of paying for parts ahead of time to have extras that just sits on the shelf.

Councilperson Gillette made a motion, seconded by Councilperson Giammichele to adjourn the Town Board meeting at 8:19 p.m. All in favor, motion carried.

Date approved: _____ Linda Cross
Town Clerk