

MINUTES OF THE TOWN BOARD MEETING OF FEBRUARY 27, 2013

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

Supervisor Dean called the Town Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

PUBLIC HEARING: 7:00 p.m. Special Use Permit Comax Enterprise

Supervisor Dean called the public hearing to order at 7:01 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on February 18, 2013, which allowed and considered public comments from any interested parties herein, at the time specified, concerning a Special Use Permit application from Comax Enterprise to re-establish preexisting non-conforming uses on tax parcel #66.04-2-21 located in the Town Center 2 (TC2) District

IN FAVOR: Pam Farr, corner of Main and Hammond Street, is in favor of Comax Enterprise and states the improvements they have made already has been wonderful and hopes the town board doesn't put too many restrictions on them.

Theresa Goldthwait, 532 Maple Street, asked the Board to go out of their way to accommodate them, they have done a wonderful job and the improvements are wonderful.

OPPOSITION: Theresa Goldthwait, 532 Maple Street, spoke on the traffic pattern and asked if the trucks come from Kahler Road to Daniel Zenker Drive, to Maple Street to Hammond.

COMMENTS: None

Supervisor Dean closed the Public Hearing at 7:04 p.m.

CONCERNS OF THE PEOPLE – Judith Kadlec, 26 Landau Drive, thanked Councilmen Saglibene for making sure the monthly Community Center flyer was put on the town's website. Judy also stated the Towns website needs corrections and changes and hopes the board will look into this. Personnel committee was not on the Organizational meeting minutes. Supervisor Dean mentioned she would talk to Judy later.

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MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to approve the minutes of January 18, 2013 as presented. All in favor, except Councilperson Gillette abstained, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Gillette to approve the minutes of January 23, 2013 as presented. All in favor, except Councilperson Gillette and Councilperson Fairbrother abstained, motion carried.

Councilperson Saglibene made a motion, seconded by Councilperson Fairbrother to approve the minutes of February 6, 2013 as presented. All in favor, except Councilperson Gillette abstained, motion carried.

Councilperson Gillette made a motion, seconded by Councilperson Fairbrother to approve the minutes of February 13, 2013 as presented. All in favor, motion carried.

UNFINISHED BUSINESS

RESOLUTION NO. 66-13  
SPECIAL USE PERMIT COMAX ENTERPRISES APPROVED

Resolution by: Fairbrother  
Seconded by: Smith

WHEREAS the Planning Board has received an application from Comax Enterprises to re-establish pre-existing non-conforming uses on tax parcel #66.04-2-21 located in the Town Center 2 (TC2) District, and

WHEREAS the pre-existing non-conforming use regarding the above mentioned parcel has recently ceased for a period longer than one calendar year, and therefore requires a Special Use Permit to continue within the TC2 District, and

WHEREAS a public hearing was duly held on February 27, 2013 and all interested parties were duly heard, and

WHEREAS the Town Board of the Town of Big Flats has determined 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 issue a Negative Declaration, now

BE IT THEREFORE RESOLVED the Town Board approves the special use permit for Comax Enterprises with the following conditions:

- Hours of Operation shall be limited to hours within the times of 6:00 am EST and 9:00 pm EST, Monday through Saturday;
- Operational lighting shall comply with the Town of Big Flats Municipal Code;
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52;

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- Applicant shall confine to the site layout as depicted on the site plan submitted by Comax Enterprises engineer;
- Applicant shall utilize I-86, Bridge Street, Maple Street and the northern end of Hammond Street as the main egress/ingress for said property;

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

John Reed, from Comax Enterprises, asked the Town Board if they would limit the traffic pattern to larger vehicles for the applicant to utilize I-86 off Kahler Road, and not smaller trucks and for the employees. Councilperson Fairbrother stated the traffic pattern would be addressed at the planning board meeting.

NEW BUSINESS

RESOLUTION NO. 67-13  
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Smith  
Seconded by: Gillette

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for February 2013, vouchers 4001780 – 4001894 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 69,163.88
HIGHWAY FUND	\$ 64,753.83
SEWER DISTRICT	\$ 112.64
WATER DISTRICT #1	\$ 5,041.67
WATER DISTRICT #2	\$ 5,525.22
WATER DISTRICT #3	\$ 4,797.98
WATER DISTRICT #4	\$ 9,813.90
LIGHTING DISTRICT	\$ 714.96
TRUST & AGENCY	\$ 1,537.57

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

RESOLUTION NO. 68-13  
VOID CHECK APPROVED

Resolution by: Gillette  
Seconded by: Saglibene

WHEREAS a memorandum was received from the Bookkeeper, dated February 12, 2012 requesting authorization to delete voucher and reissue check, and

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RESOLUTION NO. 68-13, VOID CHECK APPROVED continued

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 #11442 for \$42.95, dated October 26, 2012 and deleting voucher # 4001443 made payable to Nu-Way Auto Parts Company has changed address and therefore the check was sent to incorrect address. Voucher for repayment is currently in February 2013 abstract.

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

RESOLUTION NO. 69-13  
VOID CHECK APPROVED

Resolution by: Saglibene  
Seconded by: Dean

WHEREAS a memorandum was received from the Bookkeeper, dated February 12, 2013 requesting authorization to delete voucher for non cashing of check in required time, 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#11286 deleting Voucher #4001228 for \$123.58, dated August 24, 2012 made payable to Sansolutions for non cashing of check in required time.

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

RESOLUTION NO. 70-13  
LOCAL LAW TENTATIVELY NO. 1 OF THE YEAR 2013, AUTHORIZING THE  
SALE OF A PORTION OF TAX PARCEL APPROVED

Resolution by: Fairbrother  
Seconded by: Smith

WHEREAS the Town is now the owner of parcel 67.01-1-12, located south of County Route 64, adjacent to Harris Hill Road, which no longer serves any public purpose or provides any public benefit as identified in Resolution No.248-03, and

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RESOLUTION NO. 70-13, LOCAL LAW TENTATIVELY NO. 1 OF THE YEAR 2013, AUTHORIZING THE SALE OF A PORTION OF TAX PARCEL APPROVED continued

WHEREAS the Town Board is desirous of conveying said property to Sharon Hockeborn and Ernest J. Stine, now

THEREFORE, BE IT RESOLVED there is hereby presented to each member of the Town Board, Local Law Tentatively No. 1 for the Year 2013, authorizing the sale of a portion of tax parcel 67.01-1-12 of Town-owned property to Sharon Hockeborn and Ernest J. Stine.

**TOWN OF BIG FLATS  
LOCAL LAW TENTATIVELY NO. 1 FOR THE YEAR 2013**

**A LOCAL LAW** authorizing the sale of a portion of tax parcel 67.01-1-12 of Town-owned property to Sharon Hockeborn and Ernest J. Stine.

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

**SECTION 1:** The Town Supervisor for the Town of Big Flats be and the same hereby is authorized and directed for and in consideration of the sum of \$5,000.00; plus advertising costs and transaction costs, to convey to Sharon Hockeborn and Ernest J. Stine, a portion of tax parcel 67.01-1-12.2 as identified in a Quit Claim Deed, the following tract of land:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Big Flats, County of Chemung and State of New York, bounded and described as follows: BEGINNING at an iron pin in the northerly line of County Road 64, at the southwest corner of Lot 26, as shown on case map #1702, "Somerset, Sect. 2", and being at the southeast corner of lands owned by Donna J. Wren, liber 768, page 93, Thence N 53° 10' 09" E, along the northerly line of County Road 64, a distance of 100.00 feet to an iron pin, at the southeast of said Lot 26, Thence N 36° 49' 51" W, along the easterly line of Lot 26 and along the westerly line of lands owned by Kenneth S. Mattison, liber 741, page 122, a distance of 150.00 feet to an iron pin, at the northeast corner of said Lot 26, Thence N 53° 10' 09" E, along the northerly line of Lot 25, as shown on said case map #1702 and along the northerly line of said Mattison lands, liber 741, page 122, a distance of 50.00 feet to an iron pin, Thence N 36° 49' 51" W, along a line of lands owned by Kenneth S. Mattison, control #200210230064, a distance of 180.50 feet to an iron pin, at the southerly line of lands of the Pennsylvania Line LLC railroad, Thence S 61° 54' 27" W, along the southerly line of the railroad lands, a distance of 151.76 feet to a Decker survey pin, Thence S 36° 49' 51" E, along a line of lands owned now or formerly by Anderson and continuing along the westerly line of said Lot 26, and the easterly line of said Wren lands, a distance of 353.56 feet to the point of beginning, Comprising an area of 1.006 acres. Subject to any easement or rights-of-way of record which may effect the above described premises.

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RESOLUTION NO. 70-13, LOCAL LAW TENTATIVELY NO. 1 OF THE YEAR 2013, AUTHORIZING THE SALE OF A PORTION OF TAX PARCEL APPROVED continued

EXCEPTING AND RESERVING to the Grantor herein, its successors and assigns, a 20 foot wide easement for use by the Grantor to access its property adjacent to said parcel more fully described as follows:

20 FOOT WIDTH EASEMENT

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Big Flats, County of Chemung and State of New York, bounded and described as follows: BEGINNING at an iron pin in the northerly line of County Road 64, at the southwest corner of Lot 26, as shown on case map #1702, "Somerset, Sect. 2", Thence N 36° 49' 51" W, along the easterly line of Lot 26 and along the westerly line of lands owned by Kenneth S. Mattison, liber 741, page 122, a distance of 150.00 feet to an iron pin, at the northeast corner of said Lot 26, Thence on a continuation of the last described course, N 36° 49' 51" W, and along the westerly line of lands owned by the Town of Big Flats, liber 699, page 316, "Parcel A", as distance of 188.19 feet to the southerly line of lands of the Pennsylvania Line LLC railroad, Thence S 61° 54' 27" W, along the southerly line of the railroad lands, a distance of 20.23 feet, Thence S 36° 49' 51" E, through lands owned by the Town of Big Flats, liber 691, page 187, parallel to the first described course herein and 20 feet distant westerly, a distance of 341.26 feet to the northerly line of said County Road 64, Thence N 53° 10' 09" E, along the northerly line of County Road 64, a distance of 20.00 feet to the point-of-beginning, Comprising an area of 0.156 acres.

ALSO EXCEPTING AND RESERVING to the Grantor herein, its successors and assigns, a thirty (30) foot wide drainage easement, the center line of which is located over an existing drainage ditch and more fully described as follows: BEGINNING in the easterly line of lands owned by the Town of Big Flats, liver 699, page 316, "Parcel A", N 36° 49' 51" W, along the said easterly line, a distance of 13.89 feet from an iron pin located at the southeast corner of said "Parcel A", 699, page 316, Thence N 36° 49' 51" W, along the easterly line of "Parcel A", liber 699, page 316, a distance of 73.63 feet to the northeasterly line of said 30 foot wide easement, Thence N 57° 27' 42" W, along the said northeasterly line of said easement, a distance of 70.16 feet to an angle point, Thence N 65° 56' 33" W, along the said easement, a distance of 38.95 feet to the southerly line of the Pennsylvania Line LLC railroad lands, Thence S 61° 54' 27" W, along the said southerly line of the railroad lands, a distance of 38.00 feet to the southwesterly line of the 30 foot wide easement, Thence S 65° 56' 33" E, along the southwesterly line of said easement, a distance of 60.04 feet to an angle point, Thence S 57° 27' 42" E, along the southwesterly line of said easement, a distance of 76.27 feet to an angle point, Thence S 61° 17' 37" E, along the southwesterly line of said easement, a distance of 60.71 feet to the point-of-beginning, Comprising an area of 0.106 acres.

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RESOLUTION NO. 70-13, LOCAL LAW TENTATIVELY NO. 1 OF THE YEAR 2013, AUTHORIZING THE SALE OF A PORTION OF TAX PARCEL APPROVED continued

All as more fully shown by map of survey of "LANDS OWNED BY THE TOWN OF BIG FLATS AND PROPOSED 30 FOOT WIDTH DRAINAGE EASEMENT", prepared by Kenneth R. Decker, Professional Land Surveyor, dated Feb. 13, 2003.

**SECTION 2:** The within statue shall be construed as an offer to convey to, and an option to purchase the subject premises by Sharon Hockeborn and Ernest J. Stine. Failure and refusal to furnish considered on or before, 2013, shall terminate the within offer.

**SECTION 3:** This Local Law shall become effective, subject to a permissive referendum, forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law 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 March 13, 2013, 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 the Local Law is subject to a permissive referendum of the qualified electors of the Town of Big Flats by filing of a legal petition within forty-five (45) days after its final adoption, with the Clerk of the Town of Big Flats protesting such Local Law, and

FURTHER RESOLVED the Town Clerk shall cause a notice of said Public Hearing to be posted at the Town Hall and have said 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: Smith, Fairbrother, Gillette, Sagliene Dean  
NAYS: None

RESOLUTION NO. 71-13  
AMENDING THE COMMUNITY CENTER USE POLICY APPROVED

Resolution by: Smith  
Seconded by: Gillette

WHEREAS the Town Board approved and adopted Resolution No. 148-04 regarding a Community Center Use Policy on June 9, 2004, and

WHEREAS the Director of the Community Center and Town Board determined that clarification was necessary for said policy, and

MINUTES OF THE TOWN BOARD MEETING OF FEBRUARY 27, 2013

RESOLUTION NO. 71-13, AMENDING THE COMMUNITY CENTER USE POLICY APPROVED continued

WHEREAS for environmental review purposes, this 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, effective immediately, approves and adopts the Community Center Use Policy updated February 27, 2013 as presented to the Town Clerk.

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

RESOLUTION NO. 72-13  
 COMMUNITY CENTER FEE SCHEDULE AMENDED AND ADOPTED

Resolution by: Gillette  
 Seconded by: Saglibene

WHEREAS to alleviate any undo burden to the tax payers in the Town of Big Flats and to adequately reimburse the Town for services provided to private citizens and developers by employees of the Town, and

WHEREAS for environmental review purposes the adoption of a Fee Schedule is a Type II action under SEQRA, 6NYCRR part 617.5(c)(19) and (26), now

BE IT THEREFORE RESOLVED the Director of the Community Center recommends that Town Board amend and adopt the following fee schedule:

<b>COMMUNITY CENTER RENTAL FEES</b>				
<b>GROUP</b>	<b>ROOM</b>	<b>SECURITY DEPOSIT</b>	<b>8:00 am - 9:00 pm M-F</b>	<b>Saturdays</b>
<b>1. Town Sponsored Groups</b>	A, B, C, D, Kitchen-catering, Kitchen-classroom, Great Room, Conf Rm			
<b>2. Government</b>	A	\$30		\$15.00/hour
<b>3. Private Big Flats</b>	B	\$30		\$15.00/hour
	C	\$30		\$15.00/hour
	D	\$30		\$15.00/hour

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<b>Resident &amp; 4. Local Non-profit (Chemung County) or Social Big Flats Group</b>	Conference Room	\$30		\$15.00/hour
	Kitchen- classroom	\$50		\$15.00/hour
	Great Room	\$100		\$50.00/hour 1-75 people \$75.00/hour 76+ people
	Kitchen- catering	\$50		\$50.00 flat fee*
	Patio / Tent			\$50.00 flat fee*
<b>5. Private Non-resident &amp; 6. Non local - Non Profit or Non Big Flats Social Group</b>	A	\$50	\$15.00/hour	\$20.00/hour
	B	\$50	\$15.00/hour	\$20.00/hour
	C	\$50	\$15.00/hour	\$20.00/hour
	D	\$50	\$15.00/hour	\$20.00/hour
	Conference Room	\$50	\$15.00/hour	\$20.00/hour
	Kitchen- classroom	\$75	\$25.00/hour	\$50.00/hour
	Great Room	\$150	\$75.00/hour	\$100.00/hour 1-75 people \$150.00/hour 76+ people
	Kitchen- catering	\$75	\$100 flat fee	\$200 flat fee*
Patio / Tent		\$100.00 flat fee	\$200 flat fee*	
<b>COMMUNITY CENTER RENTAL FEES</b>				
<b>GROUP</b>	<b>ROOM</b>	<b>SECURITY DEPOSIT</b>	<b>8:00 am - 9:00 pm M-F</b>	<b>Saturdays</b>
<b>7. Business Resident</b>	A	\$50	\$20.00/hour	\$30.00/hour
	B	\$50	\$20.00/hour	\$30.00/hour
	C	\$50	\$20.00/hour	\$30.00/hour
	D	\$50	\$20.00/hour	\$30.00/hour
	Conference Room	\$50	\$20.00/hour	\$30.00/hour
	Kitchen- classroom	\$75	\$25.00/hour	\$50.00/hour

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	Great Room	\$150	\$75.00/hour	\$100.00/hour 1-75 people \$150.00/hour 76+ people
	Kitchen- catering	\$75	\$100 flat fee	\$200 flat fee*
	Patio / Tent		\$100 flat fee	\$200 flat fee*
<b>8. Business Non- resident</b>	A	\$75	\$25.00/hour	\$50.00/hour
	B	\$75	\$25.00/hour	\$50.00/hour
	C	\$75	\$25.00/hour	\$50.00/hour
	D	\$75	\$25.00/hour	\$50.00/hour
	Conference Room	\$75	\$25.00/hour	\$50.00/hour
	Kitchen- classroom	\$100	\$50.00/hour	\$75.00/hour
	Great Room	\$200	\$200.00/hour	\$200.00/hour 1-75 people \$300.00/hour 76+ people
	Kitchen- catering	\$100	\$150 flat fee	\$250 flat fee*
	Patio / Tent		\$150 flat fee	\$250 flat fee*
<b>Round Tables</b>	Great Room		\$5.00/table	All Days *
* For use with Great Room Only				

FURTHER RESOLVED the rental fee schedule is hereby adopted and in effect for the listed activities or actions.

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

NAYS: None

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RESOLUTION NO. 73-13  
CHARLES WOOD TOWN OF BIG FLATS JUDGE APPOINTED

Resolution by: Fairbrother  
Seconded by: Smith

WHEREAS Town of Big Flats Judge Robert Gush submitted his resignation effective February 28, 2013, and

WHEREAS the Town Supervisor, Town Board and Judge Hess recommends the appointment of Charles Wood to fulfill the term of Judge Gush which will expire 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 Charles Wood effective March 1, 2013 as a Town of Big Flats Judge with a term expiring December 31, 2013 contingent upon the approval of the Office of Court Administration.

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

Councilperson Fairbrother stated his thoughts regarding the Towns website, and how the Town Board needs to take a look at it. He also mentioned he sent information to Councilperson Gillette and asked the Board to concur to have Councilperson Gillette look at our website and give us some kind of recommendation.

Supervisor Dean made a motion, seconded by Councilperson Smith to enter into executive session to receive clarification from the Towns Attorney at 7:24 p.m. All in favor, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Saglibene to adjourn the Town Board meeting at 8:07 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Linda J. Cross  
Town Clerk