

MINUTES OF THE TOWN BOARD MEETING OF FEBRUARY 10, 2010

PRESENT:	Supervisor	Teresa Dean
	Council	Edward Fairbrother
		Mike Smith
		David Manchester
		Marcia Hudock
	Town Clerk	Linda Cross
	Attorney	Thomas Bowes

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

Don Gaylord, 316 Reasor Hollow, inquired about the status of the Swarhout property. Supervisor Dean replied that the Town Board approved resolutions for a Purchase Offer along with a Phase II Environmental Site Assessment.

REPORTS

Supervisor Dean stated the following reports have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Justice Court Monthly Report, Assessor's Monthly Report, Department of Public Works Monthly Report, Community Center Monthly Report, Ag & Market Monthly Report, SPCA Monthly Report.

Supervisor Dean provided the following reports:

- The Town Board needs to address concerns regarding the Kahler Road brush site and debris being dumped at the site.
- The Planning Department submitted a report for January.
- There will be a presentation on Wednesday 2/24/10 regarding a County-wide Fire Service Study.
- Elected officials are invited to a presentation from Mayor Kelvin of Tilman, Dish, Texas on Saturday February 20th at the Elmira Heights Theater.
- Town Board was asked to write a letter of support for local artist open house.
- A request has been made to consider putting a Town owned County Route 64 property up for bid.
- The Town Board needs to address concerns with parking problems along Olcott Rd. North.
- Applications and Nominations forms were received for the Senior Citizen of the Year, Mildred Parfitt Award, Daniel J. Donahue Award and Program Excellence Award.

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RESOLUTION NO. 103-10
MEETING TIME CHANGE APPROVED

Resolution by: Fairbrother
Seconded by: Hudock

WHEREAS the Town Board has determined the meeting time for February 24, 2010 needs to be changed to allow the members of Town Board to attend the County-wide Fire Service Meeting, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets the time of the February 24, 2010 meeting to 4:30 p.m.

CARRIED: AYES: Manchester, Fairbrother, Dean, Smith, Hudock
NAYS: None

OLD BUSINESS

RESOLUTION NO. 104-10
RESOLUTION NO. 63-10 AMENDMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board approved Resolution No. 63-10, Petty Cash Funds Established, that stated Building Inspector has \$25.00, and

WHEREAS the Town Supervisor was informed that a petty cash fund does not exist for that department, 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 omit the reference of Building Inspector petty cash fund established for \$25.00.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

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RESOLUTION NO. 105-10
LAW OFFICE OF THOMAS W. REED II, PLLC AGREEMENT
AMENDMENT APPROVED

Resolution by: Dean
Seconded by: Hudock

WHEREAS the previous Town Board had approved the 2010 Budget that permitted the Attorney for the Town to attend the New York State Association of Towns on behalf of the Town at a cost not-to-exceed \$1,400.00, and

WHEREAS the Town Board authorized the Town Supervisor to sign a retainer agreement and said attendance was omitted from the agreement, and

WHEREAS the Town Board strongly feels that it is a benefit to the Town that a representative from the Law Office of Thomas W. Reed II, PLLC attend the Association of Towns on behalf of the Town, 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 Town Supervisor to sign an amended agreement with the Law Office of Thomas W Reed II, PLLC for the purpose of Thomas Bowes to attend the Association of Towns on behalf of the Town.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

NEW BUSINESS

EXECUTIVE SESSION. Councilperson Fairbrother made a motion, seconded by Councilperson Manchester, to enter into Executive Session to discuss a particular personnel matter. All in favor, motion carried.

RESOLUTION NO.106-10
SOUTHERN TIER ECONOMIC GROWTH INC. AGREEMENT APPROVED

Resolution by: Manchester
Seconded by Hudock

WHEREAS the Town Board has determined that an agreement with Southern Tier Economic Growth Inc. (STEG) for the purposes of providing continued economic growth and development services would be a benefit to the Town, and

MINUTES OF THE TOWN BOARD MEETING OF FEBRUARY 10, 2010

RESOLUTION NO.106-10 SOUTHERN TIER ECONOMIC GROWTH INC., 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 Town Supervisor to enter into an agreement with Southern Tier Economic Growth Inc. for the purpose of providing continued economic growth and development services for calendar year 2010 at a cost not to exceed \$1,000.00.

CARRIED: AYES: Hudock, Manchester, Dean, Fairbrother, Smith
NAYS: None

RESOLUTION NO. 107-10
JUSTICE COURT BENCH REMODEL DENIED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Justice Court Office has determined that the Court bench needs remodeling for the witness stand, and

WHEREAS the Justice Court Office received a grant for the remodeling of said work, 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 authorize the Town Justice Office to enter into a contract with Arthur Reed Wood Artisans for the purpose of remodeling the Justice bench at a cost not-to-exceed \$4,500.00 with all applicable cost to be funded from the Justice Court grant.

DENIED: AYES: None
NAYS: Hudock, Manchester, Dean, Fairbrother, Smith

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CORRESPONDENCE

Broadband Technologies Opportunity Program/ Eric J.J. Massa. A letter was received from Congressman Eric J.J. Massa, dated January 27, 2010, regarding Broadband Technologies Opportunity Program to the rural districts.

PILOT Agreement Amendment/Davidson & O'Mara, P.C. A letter was received from Attorney O'Mara, dated January 19, 2010, informing the Town Board of an amendment to PILOT agreement for Arnot Realty Corporation.

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated February 1, 2010, informing the Town Board of the potential of service agreements expiring.

Celebrate New York/Christopher St. Lawrence. A letter was received from Christopher St. Lawrence, dated January 2010, regarding his vision for New York State.

Training for Local Government Officials/ Chemung County Stormwater Team. A notice on training for Elected Officials set for February 8, 2010 was received from Chemung County Stormwater Team and Planning Board.

Environmental Compliance Training/ A letter was received, from United States Environmental Protection Agency, dated January 12, 2010 regarding Environmental Compliance Training and Money Saving Opportunities.

2009 Water Usage Report/ NYS Department of Environmental Conservation. A letter was received from Michael Holt, P.E. Chief, Water Quantity Management Section, regarding reporting water withdrawal.

Websites Services Termination/City of Elmira. A letter was received, from John J. Burin, City Manager, dated January 20, 2010, terminating the website services agreement with the Town.

Grant Program/Southern Tier Central Regional Planning & Development Board. A letter was received from Victoria Ehlen, Planner of the Southern Tier Central Regional Planning & Development Board, regarding a grant program for "Small Municipal Governments".

Community Park Ext. Re-Naming/Leonard Kaner. A letter was received, from Leonard Kaner, dated January 22, 2010, asking the Town Board to rename Community Park Ext. and affix American Flags to each light pole in the park.

Justice Court /Town Clerk. This item was tabled.

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The Town Board entered into Executive Session at 5:20 p.m.

Supervisor Dean reconvened the Town Board meeting at 6:00 p.m.

RESOLUTION NO. 108-10
SPECIAL TOWN BOARD WORKSHOP APPROVED

Resolution by: Fairbrother

Seconded by: Hudock

WHEREAS the Town Board has determined a special workshop to discuss personnel issues is needed, 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 sets a special workshop for February 24, 2010, at 2:00 p.m.

CARRIED: AYES: Manchester, Fairbrother, Smith, Hudock, Dean

NAYS: None

Councilperson Manchester made a motion, seconded by Councilperson Smith, to adjourn the Town Board meeting at 6:02 p.m. All in favor, motion carried.

Date approved: _____

Linda Cross
Town Clerk