

MINUTES OF THE TOWN BOARD MEETING OF JULY 13, 2011

PRESENT: Supervisor Teresa Dean
 Council Mike Smith
 Andy Gillette
 Edward Fairbrother
 Attorney Frederick Ahrens Jr.
 Town Clerk Linda Cross

TOWN BOARD

Supervisor Dean called the Town Board meeting to order at 4:32 p.m. and requested those present to participate in the Pledge of Allegiance.

PUBLIC HEARING 4:32 p.m. Local Law No.5 of 2011 –
 Amend of Chapter 8.06, Property Maintenance

Supervisor Dean called the public hearing to order at 4:33 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on June 29, 2011, which allowed and considered public comments from any interested parties here in, at the time specified concerning a proposed local law regarding property maintenance, Local Law No. 5 of 2011.

IN FAVOR: Tom Clark, 610 County Route 64, was in favor of the proposed local law.

OPPOSITION: None

COMMENTS: Christine Thorborg, 135 Hillview Drive, asked how do I get a copy of the Local Law? Supervisor Dean replied stop by the office and it will be on our website, under the Municipal Code.

Paula Ksionzyk, 825 Harris Hill Road, asked, define brush pile size. Supervisor Dean replied anything beyond a greater height of 10 inches on the average, written notice it has to be removed from such parcel or lot within five days after written notice any accumulation of grass, weeds, brush or other rank vegetation beyond a greater height of 10 inches on the average.

Jerry Welliver 107 Lyons Drive Ext., asked if the proposed local law applied to all parcels. Supervisor Dean replied yes.

Robert June 2267 State Route 352, asked if commercial property was included. Supervisor Dean replied yes.

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:39 p.m.

Chemung County Humane Society – Barbara McLain Executive Director and Susan Wenzel-Bertelsen, Chief Humane Officer, from the Chemung County SPCA gave a presentation regarding our contract and services they provide for the Town of Big Flats.

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REPORTS

Supervisor Dean stated the following reports for June 2011 have been received and are on file in the office of the Town Clerk::

Town Clerk’s Monthly Report, Youth Department Monthly Report, SPCA Monthly Report, Community Center Monthly Report, Supervisor’s Fund Balance Report, Assessor’s Monthly Report, Assessor’s Annual Report, Department of Public Works Monthly Report, Parks Commission Minutes.

Supervisor Dean reported the following:

- Sales tax for 2011 is up for the year
- Verizon and the American Legion regarding the American Flag project of displaying the flags in the Hamlet area.
- Finger Lakes Islamic Association has purchased and will maintain planters on the corners of Maple and Canal and Canal and Main Street.
- New flowers were replaced by our Municipal Town sign by Skip Smith, one of your residents. If you see him, thank him.

CONCERNS OF THE PEOPLE

Donald Gaylord, 316 Reasor Hollow, noted the Planning Board minutes and agenda were not updated on our website. Also, mentioned he heard of problems with another town that purchased a Hydraulic Broom and felt that Big Flats Town Board should consider looking into this more.

Susan Multer, Watkins Road, Horseheads, expressed concerns with, drilling and fracking. She asked if the Town of Big Flats had formed a committee to look into the fore seen problems it brings. Susan also handed out an article from Towanda. Supervisor Dean replied that we did have a committee with surrounding Village, City and Towns and have attended meetings regarding drilling and hydrofracking.

TOWN BOARD

OLD BUSINESS

RESOLUTION NO. 174-11
LOCAL LAW 5, 2011 AMENDING, CHAPTER 8.06 OF THE MUNICIPAL CODE
APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS by Resolution No. 172-11 the Town Board set a public hearing to be held on July 13, 2011 at 4:32 p.m. relative to Chapter 8.06 of the Municipal Code Property Maintenance, and

WHEREAS the Town Board finds the Local Law tentatively No. 5 for the year 2011 necessary and desirable, now

BE IT THEREFORE RESOLVED Local Law No. 5 of the year 2011 be and the same hereby is adopted as Chapter 8.06 of the Municipal Code, and is to read as follows;

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RESOLUTION NO. 174-11, LOCAL LAW 5, 2011 AMENDING, CHAPTER 8.06 OF THE MUNICIPAL CODE continued

Chapter 8.06

PROPERTY MAINTENANCE

Sections:

- 8.06.010 Short title.**
- 8.06.020 Purpose.**
- 8.06.030 Definitions.**
- 8.06.040 Purpose.**
- 8.06.050 Notice of Violation.**
- 8.06.060 Failure of owner or occupant to comply.**
- 8.06.070 Penalties for offenses. .**

8.06.010 Short title.

This title shall be known as the "Property Maintenance law of the town of Big Flats, N.Y."

8.06.020 Purpose.

The purpose of this chapter is to promote the health, safety and general welfare of the inhabitants of the Town of Big Flats and others by eliminating environmental pollution.

8.06.030 Definitions.

As used in this chapter unless the context or subject matter otherwise requires:

WEEDS – shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers, decorative shrubs, decorative grasses, or gardens.

RUBBISH – Includes waste, metal, tin cans, paper, cardboard, cardboard boxes, rags, ashes, cinders, glass, automobile bodies, automobile parts, cement, macadam, excavated highway surfaces, bricks, boards, buildings, materials from demolished buildings, trees, limbs, bark, sawdust.

8.06.040 Removal of fire and health hazards, grass, weeds and brush.

No owner, lessee or occupant of any parcel or lot contained within the boundaries of Town of Big Flats shall fail to cut, trim, and remove from such parcel or lot within five days after written notice any accumulation of grass, weeds, brush or other rank vegetation beyond a greater height of 10 inches on the average.

8.06.050 Notice of violation.

Service of the aforesaid notice to remove such fire and health hazards and weeds may be served personally or by certified mail upon the owner or occupant, or by leaving such notice with a person of suitable age or discretion in any building upon any such lot or parcel of land, or, where the address of the owner addressed to his last known address, which shall be sufficient service thereof. Such notice shall include a summary of Chapter 8.06 of this code.

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RESOLUTION NO. 174-11, LOCAL LAW 5, 2011 AMENDING, CHAPTER 8.06 OF THE MUNICIPAL CODE continued

8.06.060 Failure of owner or occupant to comply.

- A. Upon default by the owner, lessee or occupant of fire notice received pursuant to 8.06.040 , the Town of Big Flats may cause such grass, brush, rubbish and weeds to be cut, trimmed and removed and such poisonous shrubs or weeds to be sprayed by the Town of Big Flats, or the Town may enter into a contract with an independent contractor to perform such work; and the total expense of said work so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner.

- B. If, after service of notice to the owner; lessee, or occupant of such parcel or lot pursuant to 8.06.050, and after the weeds, grass, brush or other vegetation on such parcel or lot is cut, trimmed, or removed by such person or the Town of Big Flats pursuant to such notice, the owner, lessee or occupant within the same calendar year allows any accumulation of grass, weeds, brush or other rank vegetation beyond a greater height of 10 inches on the average, such owner, lessee or occupant shall without further notice be in violation of 8.06.040, and

FURTHER RESOLVED the Town Board hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, the proposed Unlisted Action will not have significant adverse environmental effect and preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration, and

RESOLVED the Town Board has relied upon the facts and information contained in its record file regarding the proposal, in making the above SEQR determination of non-significant adverse environmental effect (Negative Declaration), and

RESOLVED the Town Clerk shall file the same with the Department of State.

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

NEW BUSINESS

TRUCK MOUNTED HYDRAULIC BROOM Tabled.

RESOLUTION NO. 175-11
SHARED SERVICE AGREEMENT WITH THE TOWN OF CATLIN

Resolution by: Gillette
Seconded by: Smith

WHEREAS the Town Clerk's office purchased an engraving system for the purpose of engraving replacement dog license tags to comply with NYS Agriculture and Market Article 7, and

WHEREAS the Town Board desires to make available to other towns the shared service of engraving replacement tags and shipping to residents of other towns at a rate of \$3.00 dollars per tag, and

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RESOLUTION NO. 175-11, SHARED SERVICE AGREEMENT WITH THE TOWN OF CATLIN continued

WHEREAS the Town of Catlin has expressed an interest in a shared service agreement for the purpose of providing replacement tags to their residents, 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 the Town Board authorizes the Town Supervisor to execute a shared service agreement with the Town of Catlin for the purpose of providing engraved replacement tags at a cost of \$3.00 per tag.

CARRIED: AYERS: Gillette, Smith, Dean NAYS: None
ABSENT: Fairbrother

CORRESPONDENCE

Mobil Testing Requirements/State of NY Public Services Commission. A letter was received on June 27, 2011 from Jaclyn A. Brillong Secretary, of State of NY Pubic Services Commission, regarding an order requiring additional mobile stray voltage testing.

Notice of Tentative State Equalization Rate/State Office of Real Property Tax Services. Notice of Tentative State Equalization Rate for the 2011 Assessment Roll was received on June 27, 2011, from the State of NY State Office of Real Property Tax Services, and the Tentative Equalization Rate for Big Flats is 100%.

Program Updates/Time Warner Cable. A letter was received from Time Warner Cable, dated July 1, 2011, regarding their updated programming changes.

Councilperson Gillette reported the following:

- NYSEG – The pipeline in the Town of Big Flats and Horseheads residents are having problems with NYSEG regarding them speaking on taking property by eminent domain.
- Fawn Acres – Kids approached the town workers wanting to help with the painting swing set and other things in the park. Councilperson Gillette spoke with the Town Board and Marge Termaine the Director of the Youth Program about having teens and family getting together to help the community.

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

Date approved: _____

Linda J. Cross
Town Clerk