

MINUTES OF THE WATER / TOWN BOARD MEETING OF JULY 22, 2015

PRESENT: Supervisor Ed Fairbrother
 Council Andy Gillette
 Bob Adams
 Lee Giammichele
 Mike Saglibene
 Attorney Tom Reilly
 Junior Council Nicole Cross
 Town Clerk Linda Cross

Supervisor Fairbrother called the Water 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. Banning for Water District 4 & 5

Supervisor Fairbrother called the public hearing to order at 7:01 p.m., and read the legal notice duly advertised in the Elmira Star Gazette on, July 9, 2015, Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of Water Districts No. 4 and 5 in said Town, consisting of (i) the purchase of water meters with radio read heads and software (\$550,000), the cost of which will be allocated between Water Districts No. 4 and No. 5, and (ii) the installation of a water booster pump station and generator to allow for an interconnection with the City of Elmira (\$450,000), the cost of which will be allocated entirely to Water District No. 5, including costs incidental thereto, at an aggregate maximum estimated cost of \$1,000,000.

IN FAVOR: James Ellison, 28 Larchmont Ave. stated, in this fine Town of Big Flats, he mentioned he does not live in the water district, but he definitely thinks that this will help bring industry in this area and this is a good thing, and as far as the meter's go it's a no brainer it's going to increase the revenue.

Harold Smith, 750 Sing Sing Road, stated he has well water, and not connected to Town's Water, but has the option to be connected. Mr. Smith asked if he sells his property if the new owners have to be connected to Town Water. Mr. Smith also asked if Town water was hard water. Supervisor Fairbrother replied, it is hard water, anything that contains minerals is considered hard water.

Bill Wittman, 41 Barnes Hill Road, is in Favor.

Carol Clune, 12 Alpine Place, asked if she sells her property does she have to hook up to the water line. Supervisor Fairbrother replied, if water is available, the new owners can hook up and receive a benefit on their home owner's policy, on their fire insurance. If they choose not to hook up there is a yearly minimum fee, because of the water line out front of your home. Also, if you are hooked up to the Town's Water this will help with the resale of your home.

OPPOSITION: None

COMMENTS: None

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Since there were no further comments, Supervisor Fairbrother closed the public hearing at 7:34 p.m.

Supervisor Fairbrother, congratulated Junior Councilperson Nicole Cross who sits on the Town Board for graduating from Horseheads High School, and will be attending Corning Community College in the Nursing Program. Supervisor Fairbrother mentioned when Nicole is done sitting on the Board we will try to find another young person to sit on the board as a Junior Councilperson, we are trying to instill young people to get involved. Nicole also works for our Summer TAFFY Program as a Counselor, which is a great kids program, and mentioned next year will be the TAFFY programs 60th year. Supervisor Fairbrother also added, the Town does not charged our residents here in Big Flats for this kids program.

UNFINISHED BUSINESS

RESOLUTION NO. 170-15
BANNING FOR WATER DISTRICT 4 & 5 APPROVED

Resolution by: Gillette
Seconded by: Adams

WHEREAS, the Town Board of the Town of Big Flats, Chemung County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Water Districts No. 4 and No. 5 in the Town of Big Flats, Chemung County, New York, consisting of (i) the purchase of water meters with radio read heads and software (\$550,000), the cost of which will be allocated between Water Districts No. 4 and No. 5, and (ii) the installation of a water booster pump station and generator to allow for an interconnection with the City of Elmira (\$450,000), the cost of which will be allocated entirely to Water District No. 5, including costs incidental thereto; and

WHEREAS, at a meeting of said Town Board duly called and held on July 8, 2015, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of Water District No. 4 and No. 5 in said Town at a maximum estimated cost of \$1,000,000 and to hear all persons interested in the

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RESOLUTION NO. 170-15, BANNING FOR WATER DISTRICT 4 & 5 APPROVED
continued

subject thereof concerning the same at the Town Hall, 476 Maple Street, in Big Flats, New York, in said Town, on July 22, 2015, at 7:00 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW,

THEREFORE, BE IT ORDERED, by the Town Board of the Town of Big Flats, Chemung County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Water District No. 4 and No.5 in the Town of Big Flats, Chemung County, New York, consisting of (i) the purchase of water meters with radio read heads and software (\$550,000), the cost of which will be allocated between Water Districts No. 4 and No. 5, and (ii) the installation of a water booster pump station and generator to allow for an interconnection with the City of Elmira (\$450,000), the cost of which will be allocated entirely to Water District No. 5, including costs incidental thereto, at a maximum estimated cost of \$1,000,000.

Section 2. This order shall take effect immediately.

CARRIED: AYES: Gillette, Adams, Saglibene, Fairbrother
NAYES: None ABSENT: Giammichele

Councilperson Gillette thanked Water Supervisor Shawn Crater for all he had done for the Water Districts, and stated he does a great job.

Since there was no further business for the Water Board, Supervisor Fairbrother closed the Water Board meeting at 7:40 p.m.

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TOWN BOARD

Supervisor Fairbrother called the Town Board Meeting to order at 7:41p.m.

CONCERNS OF THE PEOPLE – Donna Sour, 464 Sing Sing Road, stated when new companies come in the Town of Big Flats, and they do not have to pay taxes for 10 years, but what happens when the 10 years are up?

Supervisor Fairbrother mentioned there is a couple of different things.

- Empire Program - we would get reimbursed for the taxes
- The Governor's new program - related to colleges or educational area's and surroundings, we would receive nothing.
- Pilot Program - We will receive some of the taxes but not all of them. If they came back for another 10 year and ask for another Pilot, without some kind of increase of personnel employment, they would not get it.

MINUTES

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Town Board minutes of June 24, 2015 as presented. All in favor except for Councilperson Giammichele who was absent, motion carried.

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Town Board minutes of July 8, 2015 as presented. All in favor except for Councilperson Giammichele who was absent, motion carried.

NEW BUSINESS

RESOLUTION NO. 171-15

COMMUNITY BROADCASTERS, LLC, FIREWORKS DISPLAY DATE AMENDED

Resolution by: Adams

Seconded by: Saglibene

WHEREAS Community Broadcasters, LLC has contracted with Young Explosives to conduct a fireworks display at the Elmira Corning Regional Airport on Saturday, June 27, 2015 at 9:45 P.M., and

WHEREAS bad weather occurred and the fireworks display has been postponed, and

WHEREAS Community Broadcasters, LLC has rescheduled the fireworks display for Saturday, September 5, 2015, with no rain date, 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

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RESOLUTION NO. 171-15, COMMUNITY BROADCASTERS, LLC, FIREWORKS
DISPLAY DATE AMENDED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Amended Fireworks Permit, contingent upon the review and approval by the Attorney of the Town, permitting the fireworks display sponsored by Community Broadcasters LLC, at the Elmira Corning Regional Airport to be held on September 5, 2015 at 9:30 P.M. with no rain date.

CARRIED: AYES: Gillette, Adams, Saglibene, Fairbrother
NAYES: None ABSENT: Giammichele

RESOLUTION NO. 172-15
BUDGET TRANSFERS AND A VOID CHECK APPROVED

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS a memorandum was received from the Bookkeeper, dated July 16, 2015 requesting authorization for budget transfer to accommodate the following overspent budgets, and a void check, 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

To	Board of Assessment Review-PE- A.1356.0100	950
	Central Data Processing-CE-A1680.0400	10,000
From	Contingency—CE-1990.0400	10,950, and

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check # 13727 made payable to Kelly Ormsby dated 12/30/14 amount \$30.00 and deleting voucher #4004249 due to exceeding its 6 months required cashing period.

CARRIED: AYES: Gillette, Adams, Saglibene, Fairbrother
NAYES: None ABSENT: Giammichele

RESOLUTION NO. 173-15
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Gillette
Seconded by: Adams

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for July 2015, and order the bills paid, when in funds, for the following:

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RESOLUTION NO. 173-15, ABSTRACT OF AUDITED VOUCHERS APPROVED continued

GENERAL FUND	\$ 53,970.16
HIGHWAY FUND	\$ 849,935.54
WATER DISTRICT #4	\$ 1,611.51
WATER DISTRICT #5	\$ 49,889.84
LIGHTING DISTRICT	\$ 496.75
TRUST FUND	\$ 1,782.57

CARRIED: AYES: Gillette, Adams, Saglibene, Fairbrother
NAYES: None ABSENT: Giammichele

RESOLUTION NO. 174-15
SUPPORT OF CONGRESSMAN THOMAS REED'S BILL HR 510, APPROVED

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS the right to own and use property is essential to a free society, and

WHEREAS property rights are clearly outlined in the Fifth Amendment of the United States Constitution, and

WHEREAS the Fifth Amendment states that "no person... be deprived of life, liberty, or property, without due process of law: nor shall private property be taken for public use, without just compensation.", and

WHEREAS taking of private land for public use by government may occur in the form of physical takings or regulatory takings, and

WHEREAS regulatory takings occurs when the use of private property is limited by government regulation, and

WHEREAS federal, state and local government regulations have significantly affected the value and use of private land, and

WHEREAS private property owners deserve just compensation when regulations significantly affect the value and use of their land, and

WHEREAS the decision by New York State to ban high-volume hydraulic fracturing significantly affects the value and use of private land, and

WHEREAS government regulations and decisions regarding the definition of Waters of the United States and wetlands determinations may significantly affect the value and use of private land, and

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RESOLUTION NO. 174-15, SUPPORT OF CONGRESSMAN THOMAS REED'S BILL HR 510, APPROVED continued

WHEREAS government at all levels should protect the right for people to own and use their property, and

WHEREAS establishing a legal framework for Americans to seek compensation when government significantly impairs the use and value of their land is fair, and

WHEREAS HR 510, the Defense of Property Rights Act, introduced in the United States House of Representatives allows landowners the opportunity to seek compensation in federal or state court if government action impairs the value of their land by \$20,000 or by twenty percent, now

THEREFORE, BE IT RESOLVED the Town of Big Flats Town Board is in full support of House Bill HR 510 and fully supports Congressman Thomas Reed efforts to compensate property owners when significantly affects the value of their property.

CARRIED: AYES: Gillette, Adams, Saglibene, Fairbrother
NAYES: None ABSENT: Giammichele

RESOLUTION NO. 175-15
COMMUNICATION LOG FOR JULY 22, 2015 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:

July 7, 2015

Girl Scouts of NYPENN Pathways, Inc. - RE: Big Flats, NY Troop 40183, recipients of the Girl Scout Bronze Award, receive a certificate or letter of congratulations, from the Town of Big Flats Town Supervisor Ed Fairbrother. Referred to: *Town Board and Town Clerk for filing.*

July 8, 2015

Big Flats Business Association - RE: Meeting Minutes. Referred to: *Town Board and Town Clerk for filing.*

July 14, 2015

The Senate State of New York, Thomas F. O'Mara Senator 58th District. - RE: Support for the passage of S4466, to join a county self-funded or self-insured health plan. Referred to: Town Board, and filed with Town Clerk.

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RESOLUTION NO. 175-15, COMMUNICATION LOG FOR JULY 22, 2015 APPROVED
continued

July 14, 2015

Simmons-Rockwell - RE: Progressive stance Big Flats is taking on securing more business as well as retaining future growth by investing in our youth. Referred to: Town Board, and filed with Town Clerk.

July 15, 2015

Time Warner Cable - RE: Learn how to become a TWC Vendor or Supplier. Referred to: Town Board, and filed with Town Clerk.

July 15, 2015

Time Warner Cable – RE: July 15, 2015 Programming Notice Changes. *Referred to: Town Board, and filed with Town Clerk.*

July 22, 2015

Big Flats Volunteer Fire Co., Inc. – RE: Zoning variance pertaining to permitted signs. *Referred to: Town Board, Code and Planning Dept., Assessors, and filed with Town Clerk.*

CARRIED: AYES: Gillette, Adams, Saglibene, Fairbrother
NAYES: None ABSENT: Giammichele

PROPOSED RESOLUTION NO. 175-15
VOID CHECK APPROVED

Resolution by: Gillette
Seconded by: Adams

WHEREAS a memorandum was received from the Bookkeeper, dated July 22, 2015, requesting authorization to void a specific check, and reissuing a new check, 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 #14258 for \$8,024.94, dated May 29, 2015, and reissuing new check #14407 same amount to NYSEG due to original check lost in mail delivery system since May 29, 2015.

CARRIED: AYES: Gillette, Adams, Saglibene, Fairbrother
NAYES: None ABSENT: Giammichele

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Supervisor Fairbrother also reported on General Items:

- River signage – working with Big Flats and Golden Glow fire departments to get the location signs up shortly.
- State Comptroller passed a new Tax Cap of 0.73%.
- Supervisor Fairbrother will be attending the GFOA meeting August 6 & 7, 2015.
- Concerts at Tags – Two coming up in August
 - Bookkeepers report regarding money raised:
 - distributed a total of \$3,282.50 for the nonprofit organizations
 - The amount retained for the Town of Big Flats Parks was \$4,923.70
- Novus training in August
- Parks - new playground to be delivered July 24, 2015.
- Hammond Street sale Tom is trying to get an appraisal.
- Supervisor Fairbrother ordered the LED lighting for the Towns Meeting Room.
- Paving update – the hot mix has been completed, also completed grinding on Eachers Hollow today, we will have some final ditching preparations to do before that gets chip sealed, also working with shared service for Crack sealing with the City of Elmira, the County and the Town of Big Flats.
- Assessing – working on, has a meeting next week with the State and local officials
- I86 – meeting for the final report July 29, 2015 at 10:00 a.m.
- HVAC - working on
- Community Center Carpeting, looking over bids.
- Sales Tax was up last month-17.3%, and for the year we are up 3.92.
- Met with the department heads regarding, Planning session for 2016, Fees, projects and budgets.

Councilperson Gillette made a motion, seconded by Councilperson Adams to adjourn the Town Board meeting at 8:17 p.m. All in favor, motion carried.

Date approved: _____ Linda Cross
Town Clerk