

MINUTES OF THE TOWN BOARD MEETING OF JULY 25, 2012

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

ABSENT: Council Andy Gillette

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.

Supervisor Dean made an announcement indicating Councilperson Gillette was not in attendance due to medical issues, and our thoughts and prayers go out to him and his family.

CONCERNS OF THE PEOPLE

Cody Wenzel, 2307 State Route 352, asked the Town Board, “What’s going on with the DA and when are they going to contact me”? Supervisor Dean replied, she will attempt to contact the District Attorney and call Cody with what they have to say.

Carolyn Welliver, 107 Lyons Drive Ext also spoke for Amber Thompson new Director and owner of Country Kids LLC. Carolyn stated their concerns and wanted to clarify a newspaper article stating “Big Flats Zoning choice Business or Truck Center”. I feel CAT or a similar business will be favorable for the area. Reference to a truck center is not accurate.

Judy Zimmerman, 29 Churchill Place, reiterated as yet there is no applicant and asked the Board to keep an open mind as to whether CAT will be coming.

Margie Flynn, 106 Hillview Drive, questioned if the temporary appointment of Mary Lee Fairbrother as Director of Community Center will take care of the issues at the Community Center or is the youth group moving out of the office? Supervisor Dean advised Margie to come in and talk with her as she wouldn’t discuss personnel issues at the public meeting.

UNFINISHED BUSINESS

RESOLUTION NO. 164-12
LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012, AMENDED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS there has been duly presented to the members of the Town Board on April 25, 2012, Town of Big Flats Local Law Tentatively No. 2 for the Year 2012, first amendment includes replacing the transition yard chart in Chapter 17.16.080 *Transition yard* requirements, with the more restrictive chart 17.36.300 *Transition yard, buffer yard, landscaping and barrier* requirements to be consistent, and

MINUTES OF THE TOWN BOARD MEETING OF JULY 25, 2012

RESOLUTION NO. 164-12, LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012, AMENDED continued

WHEREAS the second amendment includes changing Chapter 17.52.020 General Requirements *sect.5* from “twenty-four(24)feet” to” thirty-six(36) feet”, to be consistent with the tables in Chapter 17.52.050 Sign Requirements by *principal use* and district, and

WHEREAS the third amendment includes removing the use “*Vehicle sales and/or repair, heavy equipment* in Chapter 17.12.010 from the “Conservation(C)” district, adding it to the “Commercial(CL)” and “Business Neighborhood 2(BN2)” district in Chapter 17.12.010 Use requirement table, and

WHEREAS the fourth amendment includes removing “bakery”, “Convenience mart”, “Parking lot, Commercial”, and “Restaurant, standard”, from the “Business Neighborhood 2(BN2)” district in Chapter 17.12.010 Use requirement table, and this Town Board by resolution, preliminarily adopted said Local Law on April 25, 2012, making the final adoption of said Local Law subject to a Public Hearing to be held on July 11, 2012; and

WHEREAS in accordance with said resolution and Notice of Public Hearing, this Town Board of the Town of Big Flats did conduct a Public Hearing on July 11, 2012 at 4:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Town Board having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum,

WHEREAS the Town Planning Board duly reviewed said proposed Local Law at their regular meeting of June 5, 2012 and provided recommendation of approval with the exception of removing “Bakery”, “Convenience Mart”, and “Restaurant, standard” from the “Business Neighborhood 2(BN2)” zone, and

WHEREAS the Chemung County Planning Board recommended the Town Board enact the proposed zoning amendment subject to any additional modifications made by the Town Planning Board, and

WHEREAS the Town Board has completed the Full Environmental Assessment Form, and

WHEREAS the Town Board concurs with the Town Planning Board and accepts the exception of removing “Bakery”, “Convenience Mart”, and “Restaurant, standard” from the “Business Neighborhood 2(BN2)” zone, and

THEREFORE, BE IT RESOLVED the Town Board presents amended proposed Local Law Tentatively No. 2 for the Year 2012 as hereinafter set forth be reviewed:

MINUTES OF THE TOWN BOARD MEETING OF JULY 25, 2012

RESOLUTION NO. 164-12, LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012, AMENDED continued

**TOWN OF BIG FLATS
LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012**

A **LOCAL LAW** amending the Municipal Code, Title 17 – Zoning of the Town of Big Flats.

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

SECTION 1 Amend Chapter **17.16.080** *Transition yard* requirements to read:

A. Where a R1, R2, or TCR *district* abuts any other *district* without an intervening road, a minimum side or rear yard setback in the other *district* that is measured from a lot line coincident with the boundary of the abutting *district* shall be increased more than the minimum yard setback specified in Section 17.16.020 for the other *district* by the number of feet as follows: (except where the TCR abuts the TC and TC2)

Other <i>District</i>	Residential <i>Districts</i>	<i>Transition Yard</i> Depth in Feet
RU	R1 & R2	25
TC	TCR	25
C	R1 & R2	25
RCD	R1 & R2	25
BN	R1 & R2	25
BN2	R1 & R2	25
TC2	R1, R2, & TCR	25
BNR	R1 & R2	50
BR	R1 & R2	50
ABD	R1 & R2	75
CL	R1 & R2	75
I	R1 & R2,	75

SECTION 2 Amend Chapter 17.52.030 **General requirements** to read:

- A. All signs shall comply with the following requirements:
1. The installation of a sign, except for a residential, occupation, agricultural, temporary, window sign, memorial, Tourist-Oriented-Directional, real estate, sandwich board, construction, civic, roadside stand, banner, private owner merchandise sale, and as provided in Section 17.52.040, shall require a building permit.
 2. A sign shall be constructed and installed in compliance with applicable provisions of the NYS Uniform Fire Prevention and Building Code.
 3. No sign shall be located at or near an intersection in violation of Section 17.36.070, clear vision zone, or in any manner which may cause a traffic hazard at the intersection. A sign shall not be located where, by reason of the position, shape or color of the sign, it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device, nor shall any sign make use of the word “Stop,” “Look,” “Drive-In,” “Left” or “Right,” or any other word, phrase, symbol or character in such a manner as to distract, mislead or confuse traffic.

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RESOLUTION NO. 164-12, LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012, AMENDED continued

4. No sign shall be placed on a roof or on a cupola or similar roof mounted structure or on top of a parapet or similar architectural element of a building.
5. No sign shall be more than thirty six (36) feet in height above the finished grade or the grade shown on a grading plan of a site plan approved by the planning board, unless otherwise stated. Grading of a site for the purpose of raising the elevation of a sign contrary to this section is prohibited, except as shown in an approved site plan.
6. Each sign on a lot shall be set back a minimum of five (5) feet from the edge of any road, unless otherwise stated.
7. Any off-lot sign is prohibited.
8. No Sign shall be permitted in any road right-of-way
9. Any flashing sign is prohibited.
10. No sign is permitted for a wind energy conversion system, except as required in 17.36.150.
11. A sign for any residential use, either as listed in Section 17.12.010 or as nonconforming pursuant to Chapter 17.56, occurring in a BR, ABD, CL or I district shall comply with the provisions of Section 17.52.050.
12. All signs, sign finishes, supports and electric work shall be maintained, kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring, loose supports, braces, guys and anchors.
13. No utility pole or tree, or the like, located in any public right-of-way or public easement shall be used for the posting of signs.
14. No trailer or vehicle shall be intentionally parked on the premises in a manner to serve as a sign.
15. Refer to 17.12.010 for the list of residential, general, business, industrial, and accessory uses.

SECTION 3 Amend Chapter 17.12.010 **District Use Requirements** relative to the identified uses listed below:

USE	DISTRICT														
	RU	R1	R2	TC	TC2	TCR	BN	BN2	BNR	BR	ABD	CL	I	C	RCD
Bakery				S	S		S	S	S	S	S				
<i>Convenience mart</i>				X			S	S		S					
<i>Parking lot, commercial</i>				S				S			S	S			
Restaurant, standard				S	S		S	S		S	S				
Vehicle sales and/or repair, heavy equipment								X				X	X		

MINUTES OF THE TOWN BOARD MEETING OF JULY 25, 2012

RESOLUTION NO. 164-12, LOCAL LAW TENTATIVELY NO. 2 FOR THE YEAR 2012,
AMENDED continued

SECTION 4: This Local Law shall become effective 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.

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

RESOLUTION NO.165-12
BOARD OF ETHICS AMENDED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the Town of Big Flats adopted a Code of Ethics under Local Law 9 of 2001, and

WHEREAS the current Board of Ethics includes some members that are no longer able to continue said appointment, and

WHEREAS the Town Board feels it necessary to amend and adopt new members to the Board of Ethics, and

WHEREAS for environmental review purposes the Town Board finds this to be Type II administrative action pursuant to 6NYCRR 617.5(c)(20) and as such, no environmental review is required for a Type II action, now

BE IT THEREFORE RESOLVED in accordance with Chapter 2.08, Code of Ethics, Section 2.08.050(A) the Town Board appoints the following individuals as members of the Town of Big Flats Board of Ethics:

Bern Lytle; Carol Gough; Kay Roof; Hank Schurr

FURTHER RESOLVED in accordance with Chapter 2.08, Code of Ethics, Section 2.08.050(B) the Town Board appoints William Torp as the Town of Big Flats elected or appointed town employee.

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

MINUTES OF THE TOWN BOARD MEETING OF JULY 25, 2012

RESOLUTION NO. 166-12
EXTENSION OF SPECIAL USE PERMIT APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the Town Board has received an application from Gerald and Carolyn Welliver for Special Use Permit approval to permit temporary parking of trucks located off Daniel Zenker Drive / Lyons Drive Extension, Tax Parcel 66.02-2-31.171 and approved said request on June 8, 2011 by adopting Resolution No. 156-11, and

WHEREAS a request has been made for the purpose of extending said permit until March 2013, now

BE IT THEREFORE RESOLVED the Town Board approves the Special Use Permit extension to Gerald and Carolyn Welliver for parking of trucks located off Daniel Zenker Drive / Lyons Drive Extension, Tax Parcel 66.02-2-31.171 with a termination date expiring March 30, 2013.

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

NEW BUSINESS

RESOLUTION NO. 167-12
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Fairbrother
Seconded by: Smith

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for July 2012, vouchers 4001094-4001185 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 244,956.82
HIGHWAY FUND	\$ 295,901.25
WATER DISTRICT #1	\$ 4,872.02
WATER DISTRICT #2	\$ 22,862.02
WATER DISTRICT #3	\$ 9,300.25
WATER DISTRICT #4	\$ 230.97
LIGHTING DISTRICT	\$ 499.51
TRUST & AGENCY	\$ 602.23

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

MINUTES OF THE TOWN BOARD MEETING OF JULY 25, 2012

RESOLUTION NO. 168-12
NEW EMPLOYEE HANDBOOK APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the Town Board adopted the Town Employee Handbook on July 29, 1999 with various amendments throughout the past, and

WHEREAS the Town Board has determined the Town Employee Handbook needs to be reviewed and possibly implement changes, and

WHEREAS Public Sector HR Consultants LLC have provided a proposal for the review of current employee benefits, personnel policies, procedures and established practices and collective bargaining agreements, along with interviews to review these tasks, 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 enter into an agreement with Public Sector HR Consultants LLC, for the purpose of the providing a review, developing and implementing a new Employee Handbook for the Town of Big Flats at a cost of Five Thousand Dollars (\$5,000.00) plus travel expenses, and

FURTHER RESOLVED the following budget transfer is approved to cover the cost of said agreement:

FROM:	Contingency	A1990.0400	\$6,000.00
TO:	Town Board	A1010.0400	\$6,000.00

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

RESOLUTION NO. 169-12
PORTRAIT WORKSHOPS APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the Community Center allows various classes, including Portrait Workshop that have been held at the Community Center with Chris Thorborg as the contact person for said workshops, and

WHEREAS the Town Board is in favor of continuing the Portrait Workshop as a sponsored activity, and

MINUTES OF THE TOWN BOARD MEETING OF JULY 25, 2012

RESOLUTION NO. 169-12, PORTRAIT WORKSHOPS APPROVED continued

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

BE IT THEREFORE RESOLVED the Town Board approves the Portrait Workshop as a deemed Town sponsored Community Center activity.

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

RESOLUTION NO. 170-12
CHEMUNG COUNTY LEAD AGENCY FOR CR 64 WIDENING PROJECT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS Chemung County proposes to widen County route 64 from 4 lanes of travel to 8 lanes of travel between the Lowes driveway, Town of Big Flats, and Electric Parkway in the Town of Horseheads, and

WHEREAS the purpose of this project is to increase vehicle capacity through this area and improve traffic congestion, and

WHEREAS Chemung County seeks lead agency status for this action and has prepared Full Environmental Assessment for the proposed, now

BE IT THEREFORE RESOLVED the Town Board of the Town of Big Flats concurs that Chemung County be lead agency.

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

RESOLUTION NO. 171-12
JULY 25, 2012 COMMUNICATIONS LOG APPROVED

Resolution by: Smith
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:

MINUTES OF THE TOWN BOARD MEETING OF JULY 25, 2012

RESOLUTION NO. 171-12, JULY 25, 2012 COMMUNICATIONS LOG APPROVED
continued

July 11, 2012

Friends of the Chemung River Watershed – RE: Thanks for Support and Project Update.
Referred to: Commissioner of Public Works, Town Board, and filed with the Town Clerk.

July 13, 2012

Big Flats Business Association – RE: Meeting Minutes of July 11, 2012. *Referred to: filed with the Town Clerk.*

July 16, 2012

Congressman Tom Reed – RE: Flood Mapping Update. *Referred to: Code Enforcement Officer, Commissioner of Public Works, Town Board, and filed with the Town Clerk.*

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

Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to enter into Executive Session to discuss a settlement of pending litigations and asked The Commissioner of Public Works to attend the executive session at 7:30 p.m. All in favor, motion carried.

Supervisor Dean reconvened the Town Board Meeting at 7:58 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 7:59 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk