

MINUTES OF TOWN BOARD MEETING OF MARCH 24, 2010

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

ABSENT: Council Edward Fairbrother

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

SEWER BOARD

OLD BUSINESS

RESOLUTION NO. 123-10
OWNERSHIP OF SEWER DISTRICT #1
SERVICE AREA SANITARY SEWER PROJECT APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS B. Beardsley Management & Ent. Inc. has completed the Town of Big Flats Sewer District #1 Service Area Sanitary Sewer Project (“Project”), and

WHEREAS the Project Engineer, Ron Sherman, has submitted a letter dated 3/17/10, advising that the Project has been completed in accordance with the design plans and as shown on the submitted record drawings, and

WHEREAS all required contractor closeout submittals have been made to wit and approved:

- Consent of Surety to Final Payment
- Contractor’s Affidavit of Payment of Debts and Claims,
- Contractor’s Affidavit of Release of Liens,
- Contractor’s Affidavit of Release of Liens from all subcontractors and material suppliers, and

WHEREAS a “Final Pay Requisition” has been submitted by the contractor and approved by MRB Engineers in the amount of \$41,172,34, and

WHEREAS it is now recommended by the Commissioner of Public Works that the District accept the project as complete and approve the final payment to B. Beardsley management & Ent. Inc. Contractors, and

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RESOLUTION NO. 123-10 Sanitary Sewer Project continued

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 Sewer Board accepts the Sewer District #1 Service Area Sanitary Sewer Project as complete and hereafter accepts ownership and maintenance of the same, and

FURTHER RESOLVED that final payment of \$41,172.34 to B. Beardsley Management & Ent. Inc. Contractors is hereby approved.

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

Councilperson Smith made a motion, seconded by Councilperson Hudock, to adjourn the Sewer Board meeting at 7:02 p.m. All in favor except Councilperson Fairbrother was absent, motion carried.

WATER BOARD

Supervisor Dean called the Water Board meeting to order at 7:03 p.m.

NEW BUSINESS

RESOLUTION NO. 124-10
BUDGET TRANSFER APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS a memorandum was received from the Bookkeeper, dated March 17, 2010, requesting authorization to complete a budget transfer for Water District #4, 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 Water Board authorizes the Bookkeeper to fulfill the following budget transfers:

FROM:	Workers Comp.	\$49040.0400	\$120.00
TO:	Trans & Distrib CE-S48340.0400	\$120.00	

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

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Councilperson Hudock made a motion, seconded by Councilperson Manchester, to adjourn the Water Board meeting at 7:03 p.m. All in favor except Councilperson Fairbrother was absent, motion carried.

TOWN BOARD

Supervisor Dean called the Town Board meeting to order at 7:04 p.m.

MINUTES

Councilperson Manchester made a motion, seconded by Councilperson Smith, to approve the minutes of February 10, 2010 as presented. All in favor except Councilperson Fairbrother was absent, motion carried.

Councilperson Hudock made a motion, seconded by Councilperson Smith, to approve the special meeting minutes of February 24, 2010 as presented. All in favor except Councilperson Fairbrother was absent, motion carried.

Councilperson Smith made a motion, seconded by Supervisor Dean, to approve the minutes of February 24, 2010 as presented. All in favor except Councilperson Fairbrother was absent, motion carried.

Councilperson Hudock made a motion, seconded by Councilperson Manchester, to approve the special meeting minutes of March 3, 2010 as presented. All in favor except Councilperson Fairbrother was absent, motion carried.

Councilperson Manchester made a motion, seconded by Councilperson Smith, to approve the minutes of March 10, 2010 as presented. All in favor except Councilperson Fairbrother was absent, motion carried.

PUBLIC HEARING 7:05 p.m. Special Use Permit Camping World

Supervisor Dean called the public hearing to order at 7:07 p.m. and read the legal notice duly advertised in the Elmira-Star-Gazette on March 16, 2010, which allowed and considered public comments on the special use permit for Camping World to permit RV sales at Tax Parcel # 57.04-1-7-17.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 7:08 p.m.

CONCERNS OF THE PEOPLE None

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REPORTS

Supervisor Dean reported the following:

- Representatives for the Elmira Corning Regional Airport will be holding a meeting open to the public regarding the Environmental Assessment, on Wednesday March 31, 2010 from 6:00 p.m. – 7:30 p.m. at the Big Flats Community Center,
- The Environmental Assessment for the Swarthout property will begin on Thursday March 25, 2010, and the highway department will be assisting, and
- The Town will conduct its annual brush pick-up beginning April 12, 2010.

OLD BUSINESS – Special use permit for Camping World - tabled for attorney review.

NEW BUSINESS

RESOLUTION NO. 125-10
VOID CHECK APPROVED

Resolution by: Manchester

Seconded by: Hudock

WHEREAS a memorandum was received from the Bookkeeper, dated March 17, 2010 requesting authorization to void a specific 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 number 8391 payable to Regional International Corp. for \$38.90 due to duplicate payment and authorize the deletion of Voucher #9580.

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

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RESOLUTION NO. 126-10
BUDGET AMENDMENT APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS a memorandum was received from the Bookkeeper, dated March 17, 2010 requesting authorization for a budget amendment due to money donated for a plaque at Lowe Pond, and

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

BE IT THEREFORE RESOLVED the Town Board authorizes the following 2010

General Fund budget amendment:

Increase Estimated Revenue	A0510	\$500.00
Increase Gifts & Donations	A2705	\$500.00
Increase Appropriations	A0960	\$500.00
Increase Parks	CE-A7140.0400	\$500.00

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

RESOLUTION NO. 127-10
BUDGET TRANSFERS APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS a memorandum was received from the Bookkeeper, dated March 17, 2010, requesting authorization to complete budget transfers, 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 fulfill the following budget transfers:

FROM:	Unallocated Ins.	A1910.0400	\$45,000.00
FROM:	Engineer CE	A1440.0400	\$40,000.00
FROM:	Contingency	A1990.0400	\$16,000.00
TO:	Land Co-A1940.0200		\$101,000.00

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

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RESOLUTION NO. 128-10
ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Hudock
Seconded by: Manchester

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for March 2010, vouchers 9608 – 9701, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 40,505.22
HIGHWAY FUND	\$ 94,308.29
WATER DISTRICT #1	\$ 4,768.20
WATER DISTRICT #2	\$ 4,432.50
WATER DISTRICT #3	\$ 1,434.76
WATER DISTRICT #4	\$ 237.52
TRUST & AGENCY	\$ 431.29
CAPITAL PROJECT #11	\$ 41,172.34
CAPITAL PROJECT #8	\$ 4,227.13
LIGHTING DISTRICT	\$ 586.57

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

RESOLUTION NO. 129-10
CONFERENCE ATTENDANCE APPROVED

Resolution by: Manchester
Seconded by: Smith

WHEREAS the Town Board has determined that the STC Regional Leadership Conference sponsored by the Southern Tier Central Regional Planning & Development Board is a beneficial conference for Town employees, 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 following staff to attend the 14th Annual Southern Tier Central Regional Leadership Conference on April 15, 2010 at Corning Community College:

Chris Austin, Brenda Belmonte, Bob Byland, Thomas Clark, Linda Cross, John Dufresne, Scott Esty, Timothy Gilbert, Robert Gush, Heather Hanson, John Hunter, Pam Kowulch, Diane Lantz, Lance Muir, James Ormiston, Steve Polzella, Helen Schwartz, Merlyn Tiwari, Larry Wagner, Don Williams, Charles Wood.

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RESOLUTION NO. 129-10 Conference Attendance continued

FURTHER RESOLVED Town vehicles will be used for transportation to said conference; therefore, mileage will not be reimbursable, and

FURTHER RESOLVED the above-referenced training activity is acceptable to the Town Board and the members of the Zoning Board of Appeals and the Planning Board that attended or shall attend any of these training sessions shall receive credit for the purposes of complying with the Big Flats Town Code Sections 17.60.040 and 1772.065.

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

RESOLUTION NO. 130-10
SECURITY CAMERAS APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS a camera security system has been installed for the Municipal Campus and two additional cameras are needed to cover blind areas, and

WHEREAS a quote from CPE Interlink was solicited and submitted as follows:

Add two (2) Bosch Cameras
WZ18NV31209 color IR Bullet camera, 3-12mm
Parking lot West side, and area in front of cold storage building
Two (2) Arm Electronics VC3 video balumn
175' – 59U 18/2 Siamese cable
Fully installed & operational: \$1247.00

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes CPE Interlink to install the additional security cameras for the Town's Municipal Campus for a total not to exceed \$1247.00

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

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RESOLUTION NO. 131-10
ROAD SALT PURCHASE APPROVED

Resolution by: Hudock
Seconded by: Manchester

WHEREAS the Town will need to purchase salt for winter road maintenance for 2010 / 2011, and

WHEREAS the State bid for road salt is listed under Group No. 01800, and

WHEREAS the contract period for road salt is September 1, 2010 through August 31, 2011, and

WHEREAS the state mandates that a Requirement Letter be filed with OGS prior to April 21, 2010 to participate in purchasing under State Bid, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Larry Wagner to purchase road salt, not to exceed one thousand six hundred eighty (1,680) ton, utilizing state bid contract for the duration of said contract period.

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

Supervisor Dean explained that the attorney reviewed the Special Use Permit request and had no concerns with the proposed approval dates.

OLD BUSINESS

RESOLUTION NO. 132-10
SPECIAL USE PERMIT FOR CAMPING WORLD APPROVED

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Planning Board has received an application from Camping World for site plan approval to permit an RV sales event located off County Route (CR) 64, Tax Parcel 57.04-1-7.17, and

WHEREAS the property is located in the Business Regional (BR) district near the intersection of I-86 and CR 64 in Consumer Square Plaza in the parking lot of the former Wal-Mart, and

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RESOLUTION NO. 132-1 Special Use Permit continued

WHEREAS vehicle sales is a use permitted under site plan approval and upon grant of a special permit by the Town Board, and

WHEREAS a public hearing was duly held on March 24, 2010 and all interested parties were duly heard, and

WHEREAS the Planning Board of the Town of Big Flats granted site plan approval, Resolution P-2008-29, on August 5, 2008, and

WHEREAS the Planning 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 issuing a Negative Declaration in Resolution P2008-28, now

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

- Hours of Operation shall be limited to hours within the times of 6:00 am EST and 11:00 pm EST
- The dates of the sales event shall be April 28, 2010 through May 3, 2010
- The applicant may begin moving vehicles onto the site three days prior to the sale, April 25, 2010
- All vehicles shall be removed and the site shall be returned to original condition no later than May 6, 2010
- Operational lighting shall follow the schedule of the plaza
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52
- Applicant shall adhere to the site layout as depicted on the approved Site Plan

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

EXECUTIVE SESSION. Supervisor Dean made a motion, seconded by Councilperson Manchester to enter into Executive Session at 7:28 p.m. to discuss potential litigation and invited Attorney John Mustico to attend. All in favor, motion carried.

Supervisor Dean reconvened the Town Board meeting at 7:59 p.m.

Supervisor Dean made a motion, seconded by Councilperson Manchester, to adjourn the Town Board meeting at 8:00 p.m. All in favor except councilperson Fairbrother was absent, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk