

MINUTES OF THE TOWN BOARD MEETING OF MAY 25, 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 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE

Mike Nicolo, 458 Sing Sing Road, asked the Town Board if there were any plans to patch holes in the road near his house.

Tom Clark, 610 County Route 64, requested the Town mow the lawn at the neighboring vacant house. Supervisor Dean replied a letter had already been mailed to the property owner last week.

Jane King, 15 Kelley Drive, expressed concerns about the condition of the stream near Olcott Road, there is an obstruction that is causing a dam and the water has no place to go.

Supervisor Dean reported the following:

- Road work on Harris Hill was delayed until May 25th
- An information sheet for Harris Hill swimming lesson sign ups and season passes.
- Supervisor Dean met with George Miner regarding a grant which would assist with the cost of extending water, sewer, electric, and natural gas utilities to Airport Corporate Park South. A letter was requested to indicate that once this is completed the town is willing to accept ownership and future maintenance upon successful construction of the water service.

Councilperson Fairbrother asked Supervisor Dean about the shared service with the Village of Horseheads for the use of Thorne Street Pool. Supervisor Dean indicated that it was taken out of the Budget for 2011.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to approve the minutes of April 17, 2011 as presented. All in favor, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Gillette to approve the minutes of May 11, 2011 as presented. All in favor, motion carried.

MINUTES OF THE TOWN BOARD MEETING OF MAY 25, 2011

OLD BUSINESS

RESOLUTION NO. 143-11  
CREATING THE POSITION OF DEPUTY COMMISSIONER  
OF PUBLIC WORKS APPROVED

Resolution by: Gillette  
Seconded by: Fairbrother

WHEREAS the Town Board finds it in the best interest of the Town to create a position designated as Deputy Commissioner of Public Works, and

WHEREAS said Deputy Position will function as the alter ego of the Commissioner of Public Works to do so with regard to Department of Public Works matters, and

WHEREAS Commissioner of Public Works will make such appointment from a management position, and

WHEREAS the Deputy Commissioner of Public Works shall receive an annual stipend of \$1500.00 associated with said position, 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 establishes the position known as Deputy Commissioner of Public Works to be appointed by the Commissioner of Public Works, and,

FURTHER RESOLVED the position of Deputy Commissioner of Public Works be and the same hereby is established with an annual stipend of \$1500.00 to be paid in a separate check upon appointment in the next pay period following the appointment.

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

NEW BUSINESS

RESOLUTION NO. 144-11  
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 May 2011, vouchers 11051 – 11151 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 51,019.59
HIGHWAY FUND	\$ 28,798.78

MINUTES OF THE TOWN BOARD MEETING OF MAY 25, 2011

RESOLUTION NO. 144-11, ABSTRACT OF AUDITED VOUCHERS APPROVED continued

WATER DISTRICT #1	\$ 4,153.39
WATER DISTRICT #2	\$ 4,922.92
WATER DISTRICT #3	\$ 1,500.19
WATER DISTRICT #4	\$ 241.50
LIGHTING DISTRICT	\$ 496.10
TRUST & AGENCY	\$ 1,431.51

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

RESOLUTION NO. 145-11  
VOIDED CHECK APPROVED

Resolution by: Smith  
Seconded by: Gillette

WHEREAS a memorandum was received from the Bookkeeper, dated May 17, 2011 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 9598 for \$1,375.00, dated April 29, 2011 and deleting voucher # 10960 made payable to Chuck King CPR Instructor for an upcoming First Aid class as the fees are now reduced to \$475.00.

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

RESOLUTION NO. 146-11  
FIREWORKS PERMIT FOR COMMUNITY DAYS INC. APPROVED

Resolution by: Gillette  
Seconded by: Fairbrother

WHEREAS Big Flats Community Day Inc. has contracted with American Fireworks Mfg. Co. Inc. to conduct a fireworks display on June 10, 2011, 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

MINUTES OF THE TOWN BOARD MEETING OF MAY 25, 2011

RESOLUTION NO. 146-11, FIREWORKS PERMIT FOR COMMUNITY DAYS INC.  
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Fireworks Permit, contingent upon the review and approval by the Attorney for the Town, permitting the fireworks display sponsored by Big Flats Community Day, Inc. to be held on June 10, 2011.

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

RESOLUTION NO. 147-11  
ZUMBA INSTRUCTOR APPROVED

Resolution by: Fairbrother  
Seconded by: Smith

WHEREAS the Community Center Director has determined and recommended that a Zumba Instructor is needed to provide general recreational activities as part of the Big Flats Community Center services and programs, and

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 hereby authorizes the Town Supervisor to execute a service contract with Vicki Rossettie for the purpose of teaching Zumba classes at the rate of 80% of the fees collected in accordance with the terms and conditions of the agreement.

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

RESOLUTION NO. 148-11  
PART TIME FARMERS MARKET MANAGER APPROVED

Resolution by: Smith  
Seconded by: Gillette

WHEREAS the Town of Big Flats holds a Farmers Market on Tuesdays during the months of June, July, August and September, 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

MINUTES OF THE TOWN BOARD MEETING OF MAY 25, 2011

RESOLUTION NO. 148-11, PART TIME FARMERS MARKET MANAGER continued

BE IT THEREFORE RESOLVED the Town Board appoints Linda Patrick as part time Farmers Market Manager at the rate of \$10.30 per hour for an amount not to exceed \$1500.

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

RESOLUTION NO. 149-11  
AMENDMENTS TO CHAPTER 12.08, TOWN PARKS APPROVED

Resolution by: Gillette  
Seconded by: Fairbrother

WHEREAS the Town Board has determined that an amendment is necessary to Chapter 12.08, Town Parks of the Town of Big Flats Municipal Code, relative to the possession, sale and consumption of alcohol within Town Parks, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for June 8, 2011 at 4:31 p.m. on the amendment of Chapter 12.08, Town Parks, proposed Local Law #3 of 2011.

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

RESOLUTION NO. 150-11  
AMENDMENTS TO CHAPTER 17.24, OVERLAY DISTRICTS, SPECIFICALLY SECTION  
17.24.020, AQUIFER PROTECTION OVERLAY DISTRICT APPROVED

Resolution by: Fairbrother  
Seconded by: Smith

WHEREAS it has been brought to the attention of the Town Board that the New York State Stormwater Design Manual allows for the protection of groundwater from possible contaminations and runoff from designated hotspot land uses or activities must not be directed to a formal infiltration facility, and

WHEREAS the Town Board has determined that the practices permitted by the New York State Stormwater Design Manual and with the required review and approval by the Stormwater Coalition, it is necessary to Chapter 17.24, Overlay Districts, specifically Section 17.24.020, Aquifer Protection Overlay District relative to infiltration basins, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for June 8, 2011 at 4:33 p.m. on the amendment of Chapter 17.24.020, Aquifer Protection Overlay District, proposed Local Law #4 of 2011.

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

RESOLUTION NO. 151-11  
CAMPING WORLD SPECIAL USE PERMIT APPROVED

MINUTES OF THE TOWN BOARD MEETING OF MAY 25, 2011

Resolution by: Smith  
Seconded by: Gillette

WHEREAS the Planning Board has received an application from Camping World for temporary vehicle sales June 23, 2011-June 27, 2011 on tax parcel #57.04-1-7.17 located in the Business Regional (BR) District, and

WHEREAS the use of vehicles sales in the BR district pursuant to Chapter 17.12.010 of the Town Municipal Code requires Special Use Permit approval of the Town Board, and

WHEREAS prior to action on a Special Use Permit a Public Hearing shall be duly held by the Town Board, 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 that the Town Board sets a Public Hearing for June 8, 2011 at 4:35 p.m. to hear comments for a Special Use Permit for Camping World for an RV sale June 23, 2011-June 27, 2011.

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

RESOLUTION NO. 152-11  
TAX PARCEL 66.02-2-31.171 TO PERMIT TEMPORARY PARKING OF TRUCKS  
APPROVED

Resolution by: Smith  
Seconded by: Gillette

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

WHEREAS the property is located in the Business Neighborhood 2 (BN2) district, now

RESOLVE the Town Board set a public hearing for Special Use Permit for Gerald and Carolyn Welliver Special Use Permit on June 8, 2011 at 4:36 p.m.

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

CORRESPONDENCE

MINUTES OF THE TOWN BOARD MEETING OF MAY 25, 2011

Permit/NYS Department of Environmental Conservation. A copy of a gravel mining permit dated May 4, 2011 was received from David Bimber, Deputy Regional Permit Administrator, NYSDEC, regarding the renewal permit for Rhinehart Sand & Gravel Inc., Corning NY.

Supervisor Dean made a motion seconded by Councilperson Smith, to enter into executive session to discuss a particular personnel matter. All in favor, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 7:25 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Linda J. Cross  
Town Clerk