

MINUTES OF THE TOWN BOARD MEETING OF MAY 14, 2014

PRESENT: Supervisor Edward Fairbrother
 Council Bob Adams
 Lee Giammichele
 Andy Gillette
 Mike Saglibene
 Clerk Linda Cross

ABSENT: Attorney Thomas Reilly

Supervisor Fairbrother called the Town Board meeting to order at 4:00 p.m. and requested those present to participate in the Pledge of Allegiance.

PRESENTATION: Andy Avery Commissioner of Public Works and Deputy Commissioner of Public Works Chris Austin spoke on Big Flats Parks and ideas for the future, 5 year plan.

PUBLIC HEARING: 4:00 p.m. Special Use Permit – Elmira Drive-In Flea Market

Supervisor Fairbrother called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on May 9, 2014, which allowed and considered public comments concerning a Special Use Permit application from Conrad Zurich for a site plan approval to permit a seasonal Flea Market sales at the Elmira Drive-In located at 2417 State Route 352.

IN FAVOR: Tom Gorman stated this will be an asset for the Town of Big Flats.

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Fairbrother closed the public hearing at 4:38 p.m.

CONCERNS OF THE PEOPLE – Theresa Goldthwaite 532 Maple Street, asked if the Highway Department would close and lock the gates out by the railroad bed at the end of the day. She has had a lot of 4 wheelers, cars, and trucks speeding up and down the road.

Councilmen Mike Saglibene announced to the Commissioners of Public Works, the door for the dumpster does not work, and asked for them to address it. They agreed they would take care of the problem.

REPORTS

Supervisor Fairbrother stated the following reports for April 2014 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Supervisor's Fund Balance , Youth Department Monthly Report, Department of Public Works Monthly Report, Water Department Monthly Report, Assessor's Monthly Report, Code and Planning Monthly Report, Community Center's Monthly Report, Court Monthly Reports for January, February, March and April.

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UNFINISHED BUSINESS

RESOLUTION NO. 137-14
SEASONAL FLEA MARKET SPECIAL USE PERMIT FINAL APPROVAL

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS, the Planning Board has received an application on March 14, 2014 from Conrad Zurich for site plan approval to permit a seasonal Flea Market sales event located entirely within the existing Drive-In located at 2417 State Route 352, and

WHEREAS, the property is located in the Business Neighborhood (BN) and Residential 2 (R2) District, near the intersection of State Route 352 and Harris Hill Road, and

WHEREAS, the requested temporary/seasonal use is an allowed Principal Use within the Business Neighborhood (BN) and is proposed as a seasonal Accessory Use to the Principal Use within the Residential 2 (R2) zone, and,

WHEREAS, the Town of Big Flats planning board recommends the Town Board consider approval of the Special Use Permit request as submitted, and

WHEREAS, the Town Board held a public hearing on May 14, 2014 at 4:30 P.M., and

BE IT THEREFORE RESOLVED the Town Board grants approval of the Special Use permit as presented, with the following conditions:

- Hours of Operation shall be limited to hours within the times of 8:00 am EST and 3:00 pm EST
- Site Plan approval by the Planning Board
- The dates of the sales event shall be Sundays only May thru September
- The Special Use Permit shall be re-evaluated on an annual basis
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52
- Any deviation from the site plan shall be approved by the Code and Planning office and the Planning Board., and

FURTHER RESOLVED, for the purposes of SEQRA, the Town of Big Flats Planning Board is the lead agency, and pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, shall make the determination for a negative declaration of significant environmental impacts.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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RESOLUTION NO. 138-14
2014 ROAD PAVEMENT BID APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS a bid advertisement was placed by the Chemung County Purchasing Department on behalf of the Town of Big Flats, and bids were received on May 2, 2014, and

WHEREAS the following asphalt paving project bids were received:

Bothar Construction	Paving Group 1	\$582,693.00
	Paving Group 2	\$101,377.50
	Paving Group 3	\$130,995.30
Chemung Contracting Corp dba Dalrymple	Paving Group 1	\$528,475.00
	Paving Group 2	\$91,258.00
	Paving Group 3	\$117,358.00
Dolomite dba A.L. Blades	Paving Group 1	\$638,831.50
	Paving Group 2	\$128,515.00
	Paving Group 3	\$147,749.50
Spencer Paving	Paving Group 1	\$657,972.00
	Paving Group 2	\$119,005.00
	Paving Group 3	\$144,489.00, and

WHEREAS the Commissioner of Public Works recommends the project bids be awarded to Chemung Contracting Corp (Dalrymple), 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 awards the bid proposal to Chemung Contracting Corp (Dalrymple) for the following items:

Paving Group 1
Paving Group 2
Paving Group 3

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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NEW BUSINESS

RESOLUTION NO. 139-14
CIVIL SERVICES EMPLOYEE ASSOCIATION (CSEA) CONTRACT APPROVED

Resolution by: Saglibene
Seconded by: Giammichele

WHEREAS the existing Civil Services Employee Association (CSEA) Contract Agreement expired on December 31, 2013, and

WHEREAS the Town entered into negotiations with CSEA to negotiate a new four (4) year agreement, and

WHEREAS the Town and (CSEA) have reached a tentative agreement, and

WHEREAS the (CSEA) has ratified the tentative agreement, and

WHEREAS, for environmental review purposes, Collective Bargaining Activities are a Type II action in accordance with SEQRA 6NYCRR Part 617.5 (c) (22) and as such, no further action is necessary regarding same, and

BE IT THEREFORE RESOLVED the Town Board hereby ratifies the (CSEA) Contract between the Civil Service Employee's Association, Inc. and the Town of Big Flats commencing January 1, 2014 through December 31, 2017.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 140-14
AGREEMENT WITH CHEMUNG COUNTY HEALTH DEPARTMENT
DESIGNATED BIG FLATS COMMUNITY CENTER AS POINT OF DISTRIBUTION (POD)
SITE APPROVED

Resolution by: Giammichele
Seconded by: Gillette

WHEREAS, the Town of Big Flats is working on a current emergency plan, and

WHEREAS, the Chemung County Health Department has designated the Big Flats Community Center as a Point of Distribution (POD) site, and

WHEREAS, to dispense pharmaceuticals or medical supplies to the general population during an emergency and to serve the general public under the County's Comprehensive Emergency Management Plan, and

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RESOLUTION NO. 140-14, AGREEMENT WITH CHEMUNG COUNTY HEALTH DEPARTMENT DESIGNATED BIG FLATS COMMUNITY CENTER AS POINT OF DISTRIBUTION (POD) SITE APPROVED continued

WHEREAS for environmental review purposes, the adoption of regulations, policies, procedures and local legislative decisions is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (27) 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 the Chemung County Health Department for use of the Big Flats Community Center as a POD site during a County State of emergency.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 141-14
SPECIAL TOWN BOARD MEETING
AT GOLDEN GLOW SET

Resolution by: Gillette
Seconded by: Adams

WHEREAS the Town of Big Flats is starting to hold neighborhood meetings with all sections of the town, and

WHEREAS the Town is looking to hold open discussions with the residents of Big Flats on town issues, and

WHEREAS some areas are not close to the municipal campus, and

WHEREAS for environmental review, routine or continuing 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 will hold a special meeting for the residents of Golden Glow area, at the Golden Glow Volunteer Fire Department on June 4, 2014 at 7:00 P.M.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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RESOLUTION NO. 142-14
COMMUNITY BROADCASTERS, LLC, FIREWORKS APPROVED

Resolution by: Saglibene
Seconded by: Adams

WHEREAS Community Broadcasters, LLC has contracted with Young Explosives to conduct a fireworks display at the Elmira Corning Regional Airport on Saturday, July, 5, 2014 at 9:30 P.M., 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

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 Backyard Broadcasting at the Elmira Corning Regional Airport to be held on July 5, 2014 at 9:30 P.M. with no rain date.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 143-14
REFUNDING BONDS OF THE TOWN OF BIG FLATS, "PUBLIC IMPROVEMENT
(SERIAL) BONDS", APPROVED

Resolution by: Saglibene
Seconded by: Adams

WHEREAS, the Town of Big Flats, Chemung County, New York (hereinafter, the "Town") heretofore issued Water District #3 (Serial) Bonds, 1981, pursuant to a bond resolution and a bond determinations certificate (the "1981 Bond Certificate"), to pay the cost of water improvements, as further described therein, such Water District #3 (Serial) Bonds, 1981 maturing or matured on September 1 annually (the "1981 Refunded Bonds"); and

WHEREAS, the Town heretofore issued Water District #4 (Serial) Bonds, 1997, pursuant to a bond resolution and a bond determinations certificate (the "1997 Bond Certificate"), to pay the cost of water improvements, as further described therein, such Water District #3 (Serial) Bonds, 1997 maturing or matured on March 15 annually (the "1997 Refunded Bonds"); and

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RESOLUTION NO. 143-14, REFUNDING BONDS OF THE TOWN OF BIG FLATS,
“PUBLIC IMPROVEMENT (SERIAL) BONDS” APPROVED continued

WHEREAS, the Town heretofore issued an aggregate principal amount of \$4,700,000 Public Improvement (Serial) Bonds, 2004, pursuant to a bond resolution and a bond determinations certificate dated December 1, 2004 (the “2004 Bond Certificate”) to pay the cost of improvements to the Town facility campus, as further described therein, such Public Improvement (Serial) Bonds, 2004, being dated December 1, 2004 and maturing or matured on December 1 annually (the “2004 Refunded Bonds”); and

WHEREAS, the 1981 Refunded Bonds, the 1997 Refunded Bonds and the 2004 Refunded Bonds are hereinafter sometimes referred to collectively as the “Refunded Bonds”; and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$105,000 outstanding principal balance of the 1981 Refunded Bonds maturing in 2014 and thereafter, the \$112,100 outstanding principal balance of the 1997 Refunded Bonds maturing in 2015 and thereafter, and the \$2,470,000 outstanding principal balance of the 2004 Refunded Bonds maturing in 2015 and thereafter, each by the issuance of refunding bonds pursuant to Section 90.00 of the Local Finance Law; and

WHEREAS, each of such refundings will individually result in present value savings in debt service as so required by Section 90.00 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Big Flats, Chemung County, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding aggregate principal balance of the Refunded Bonds, including providing moneys which, together with the interest

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earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$2,950,000 refunding bonds of the Town pursuant to the provisions of Section 90.00 of the Local Finance Law (the “Public Improvement Refunding Bonds” or the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$2,755,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding bond issues. The Public Improvement Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND” together with such series designation and

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year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-14 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in

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denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of

Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Supervisor as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable

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upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the “Fiscal Agent”).

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to act as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local

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Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by Section 90.00 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.00 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for each of the objects or purposes for

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which such respective Refunded Bonds were issued is as provided in the Respective Bond Certificate, hereby incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said respective Refunded Bonds were issued in accordance with the provisions of Section 90.00 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, with regard to each of the respective series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the “Refunding Financial Plan”), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$2,755,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Town Board recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds,

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maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 of the Local Finance Law. The Supervisor shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with

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banks or trust companies, located and authorized to do business in this State as said Supervisor shall designate (collectively the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in the Local Finance Law.

Section 6. The faith and credit of said Town of Big Flats, Chemung County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds

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and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In the event such bonds are refunded, the Town hereby elects to call in and redeem each respective series of Refunded Bonds which the Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, if any, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable,

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provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Roosevelt & Cross Inc. (the “Underwriter”) for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. The Supervisor is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the purchaser in accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor.

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Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: May 23, 2014.

The foregoing resolution was duly put to a vote which resulted as follows:

AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

The resolution was thereupon declared duly adopted.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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MINUTES OF THE TOWN BOARD MEETING OF MAY 14, 2014

RESOLUTION NO. 144-14
HVAC MAINTENANCE AGREEMENT APPROVED

Resolution by: Giammichele
Seconded by: Gillette

WHEREAS the Town has utilized the services of Air Temp to provide maintenance for the HVAC systems, and

WHEREAS the Maintenance Agreement has a clause allowing annual price adjustment on each commencement anniversary to reflect increases in labor, material and other costs, and

WHEREAS Air Temp Heating and Air Conditioning, Inc. has initiated a \$8.00 per month increase in the agreement G0425 5/1/2014 – 4/30/2015, and

WHEREAS for environmental review, routine or continuing agency administration and management 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 \$8.00 monthly increase with Air Temp Heating and Air Conditioning, Inc. for the purpose of providing full service maintenance on the HVAC systems for the State Troopers, Post Office and Town Hall at a cost of \$363.00 monthly for 2014/2015.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 145-14
A RESOLUTION TO APPROVE THE COMMUNICATION LOG FOR MAY 14, 2014

Resolution by: Giammichele
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:

April 16, 2014

Time Warner Cable – RE: Programming Notice for March 2014 (CNY/JT). *Referred to: Town Board, Town Supervisor, and Town Clerk for filing*

April 21, 2014

State of New York Executive Chamber Lieutenant Governor Robert J. Duffy – RE: Governor's plans for property tax reform and relief press conference. *Referred to: Town Board and Town Clerk for filing.*

MINUTES OF THE TOWN BOARD MEETING OF MAY 14, 2014

RESOLUTION NO. 145-14, A RESOLUTION TO APPROVE THE COMMUNICATION LOG FOR MAY 14, 2014, continued

April 29, 2014

NYSEG – RE: Town of Big Flats District One, Well One On-Site Backup Generation Facility(“the Facility”) – Final Acceptance. *Referred to: Town Supervisor, Town Board, Department of Public Works, Code Officer and Town Clerk for filing.*

May 2, 2014

NYSEG - Seneca West Pipeline Interconnection natural gas supply final restoration work. *Referred to: Town Board, Town Supervisor, Department of Public Works, Code Officer and Town Clerk for filing.*

May 7, 2014

Time Warner Cable – RE: Programming Notice (CNY/JT). *Referred to: Town Supervisor, Town Board, and Town Clerk for filing.*

May 9, 2014

Big Flats Business Association Meeting – RE: May 7, 2014 Minutes. *Referred to: Town Board, and filed with Town Clerk.*

May 9, 2012

State of NY Department of State – Cesar A. Perraes Secretary of State RE: The Local Waterfront Revitalization Program. *Referred to: Town Supervisor, Town Board, Department of Public Works, Deputy Commissioner of Public Works and Town Clerk for filing.*

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 146-14
STEPHENSON EQUIPMENT INC., FOR LEEBOY’S 8500 Elite III ASPHALT
PAVER AWARDED

Resolution by: Adams
Seconded by: Giammichele

WHEREAS Town Board duly adopted Resolution #119-14 authorizing the bid advertisement for the purchase of a Highway Paver, and

WHEREAS said bid was advertised in the Elmira Star Gazette April 29, 2014, and

WHEREAS the bids were not to exceed Forty-five Thousand Dollars (\$45,000), and

MINUTES OF THE TOWN BOARD MEETING OF MAY 14, 2014

RESOLUTION NO. 146-14, STEPHENSON EQUIPMENT INC., FOR LEEBOY'S 8500 Elite III ASPHALT PAVER AWARDED, continued

WHEREAS Stephenson Equipment Inc. supplied a bid for LeeBoy's 8500 Elite III Conveyor Paver with a price of Thirty-Seven Thousand One Hundred Fifty Dollars (\$37,150.00), and

WHEREAS the Town Supervisor and Highway Supervisor recommend that the bid be awarded to Stephenson Equipment Inc., and

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 that the Town Board, as recommended by the Town Supervisor and Highway Supervisor, award the bid to Stephenson Equipment Inc. for a sum of Thirty-seven Thousand One Hundred Fifty Dollars (\$37,150.00).

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 147-14
NATIONAL JOINT POWERS ALLIANCE (NJPA) APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS the Town is required to purchase certain items under bid, to obtain lowest price or Best Value, and

WHEREAS the National Joint Powers Alliance (NJPA) is a company that provides competitively bid national cooperative contract solutions, and

WHEREAS the Town will be able to save time and money by using pre-bid contracts and utilizing volume pricing, and

WHEREAS the Town Supervisor and Deputy Commissioner of Public Works recommend purchasing from National Joint Powers Alliance (NJPA), and

WHEREAS for environmental review, 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 the Town Supervisor and the Deputy Commissioner of Public Works to purchase from National Joint Powers Alliance (NJPA).

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

MINUTES OF THE TOWN BOARD MEETING OF MAY 14, 2014

RESOLUTION NO. 148-14
QUIT CLAIM DEED FOR TAX PARCEL #98.05-1-29
52 ALVORD DRIVE, AWARDED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS the sale of the property was by bid only. All bids were received by the Town Clerk by Monday May 12, 2014 by 1:00 P.M. Bids were summated in a sealed envelope and marked clearly on the outside "Bid for Tax parcel 98.05-1-29". A deposit of 10% of the winning bid was turned into the Town Clerk within forty eight hours of winning the bid, and

WHEREAS this property will have a Quit Claim Deed sale to it. All closing cost will be the responsibility of the winning bid, and

WHEREAS a waiver of Immunity was signed by the winning bid in accordance with section 103-d of the General Municipal Law and must accompany each bid, and

WHEREAS for environmental review, Sale of Property is an unlisted Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (b) (2) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board awards the bid to Kathleen J. Wenck, 50 Brookline Avenue, Elmira, NY for the sum of Three thousand dollars (\$3,000) and authorizes the Town Attorney to issue a Quit Claim Deed to Kathleen J. Wenck.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

CASE MINI-EXCAVATOR PURCHASE – Tabled till May 28, 2014 meeting.

Supervisor Fairbrother reported:

- 5 year plan – Sales Tax
- Water Pumps
- Mike Kent from our Water Department has retired
- Summer Help – Painting Fire Hydrants & Mowing
- Sewer Agreement with the County
- Agreement regarding our swales
- Asbestos removal from 78 Hammond Street
- 3 Major Business coming
- Certiorari / Sikorsky Buildings
- South Palmer Road Paved
- Slurry Mix for Roads from Maple Shade to Ponderosa
- Staff Meeting, May 20th
- Rebonding
- Bringing in a Temporary Part-Time person Bookkeeping/DPW Office

MINUTES OF THE TOWN BOARD MEETING OF MAY 14, 2014

Supervisor Fairbrother reported: continued

- Handbook not done
- Reserve Accounts need to be set up
- Microsoft 365
- Update Software
- Update Gas pumps/ DPW
- Update Fire Suppression system
- Updating Phone Systems
- Big Flats News letter will be sent out shortly

Councilperson Giammichele made a motion, seconded by Councilperson Gillette to adjourn the Town Board meeting at 6:33 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk