

MINUTES OF THE SPECIAL TOWN BOARD MEETING OF NOVEMBER 6, 2013

PRESENT: Supervisor Teresa Dean
Council Ed Fairbrother
Mike Smith
Mike Saglibene
Town Clerk Linda Cross

ABSENT: Council Andy Gillette

Supervisor Dean called the Special Town Board Meeting to order at 4:39 p.m.

RESOLUTION NO. 187-13
DELINQUENT WATER DISTRICT and PROPERTY MAINTENANCE CUSTOMERS TO BE
INCLUDED ON THE 2014 TAX BILL APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Town Board has received a list of all delinquent water customers for Water Districts #2, #3, and #4, as well as all outstanding delinquent property maintenance customers dated November 1, 2013, and

WHEREAS said water customers have been notified that said delinquent bills must be paid by October 30, 2013, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR Part 617.5 (c) (20), now

BE IT THEREFORE RESOLVED the Town Board delegates authority, if necessary, to make changes to the proposed delinquent water customers list to the Senior Account Clerk for the Water Department and the Water Systems Supervisor, and

FURTHER RESOLVED the Town Board authorizes the delinquent water customers list as of November 1, 2013 for Water Districts #2, #3, and #4 as well as all outstanding delinquent property maintenance customers be forwarded to the Chemung County Real Property Tax Services for inclusion on the 2014 tax bills.

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

MINUTES OF THE SPECIAL TOWN BOARD MEETING OF NOVEMBER 6, 2013

RESOLUTION NO. 188-13
SETTING A PUBLIC HEARING FOR RUHMEL TIMBER HARVEST FOR
TAX PARCEL #46.00-2-35.1 APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the Planning Board has received an application from Two Rivers Timber Co., Inc. for a Timber Harvest permit on tax parcel #46.00-2-35.1 located on Breed Hollow Road, and

WHEREAS prior to action on a Timber Harvesting Permit a Public Hearing shall be duly held by the Town Board, and

WHEREAS in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) the Town Board has declared themselves lead agency now

BE IT THEREFORE RESOLVED that the Town Board sets a Public Hearing for November, 20, 2013 at 4:30 p.m., to hear comments for a Timber Harvest permit for Two Rivers Timber Co.

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

RESOLUTION NO. 189-13
SETTING A PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 4 FOR THE
YEAR 2013 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL
MUNICIPAL LAW SECTION 3-C APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the governor and legislature of the State of New York have enacted a tax levy limit of 2% increase over the preceding year levy, and

WHEREAS the budget of the Town of Big Flats is subject to audit by the Comptroller of the State of New York for compliance with the tax levy limit, and

WHEREAS definitive guidelines and rules as to how to calculate the 2% tax limit calculation are not in place and are subject to interpretation, and

WHEREAS under the above circumstances there could be inadvertent and unintentional non-compliance subjecting the Town to adverse consequences, and

WHEREAS to avoid the aforementioned adverse consequences it is prudent to adopt the within local law, now

MINUTES OF THE SPECIAL TOWN BOARD MEETING OF NOVEMBER 6, 2013

RESOLUTION NO. 189-13, SETTING A PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 4 FOR THE YEAR 2013 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C APPROVED continued

BE IT THEREFORE RESOLVED there is hereby presented the Local Law Tentatively No. 4 of the year 2013 for the Town of Big Flats as follows:

TOWN OF BIG FLATS

Local Law to override the tax levy limit established in General Municipal Law 3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Big Flats, County of Chemung pursuant to General Municipal Law § 3-c, and to allow the Town of Big Flats, County of Chemung to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Big Flats, County of Chemung is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

FURTHER RESOLVED before said Local Law is adopted by the Town Board, a Public Hearing shall be held at the Town Board Meeting on November 20, 2013, at 4:33 P.M. or such other date and time that may be adjourned, at Town of Big Flats Town Hall, 476 Maple Street, Big Flats, New York 14814, and

MINUTES OF THE SPECIAL TOWN BOARD MEETING OF NOVEMBER 6, 2013

RESOLUTION NO. 189-13, SETTING A PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 4 FOR THE YEAR 2013 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C APPROVED continued

FURTHER RESOLVED the Town Clerk shall cause a notice of said Public Hearing notice published in the official newspaper of the Town and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing.

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

RESOLUTION NO. 190-13

SETTING A PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 5 FOR THE YEAR 2013, ESTABLISHING THE ANNUAL SALARIES OF CERTAIN ELECTED OR APPOINTED OFFICIALS AND DEPARTMENT HEADS OF THE TOWN OF BIG FLATS WHO HAVE A FIXED TERM OF OFFICE FOR THE FISCAL YEAR 2014

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS pursuant to Municipal Home Law, Section 24, the Town must adopt a Local Law subject to a referendum setting the salaries of all elected officials and those officials who have a fixed term of office, and

WHEREAS the Town Board has reviewed the salaries of certain elected or appointed officials of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2014, which some individuals are presently serving mid-term, and

WHEREAS a Local Law Tentatively No. 5 for the Year 2013, establishing the annual salaries of such appointed officials for the Fiscal Year 2014, now

THEREFORE, BE IT RESOLVED there is hereby presented to each member of the Town Board Local Law Tentatively No. 5 for the Year 2013, establishing the annual salaries of certain elected or appointed officials and department heads of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2014, as follows:

**TOWN OF BIG FLATS
LOCAL LAW TENTATIVELY NO. 5 FOR THE YEAR 2013**

A LOCAL LAW establishing the annual salaries of certain elected or appointed officials and department heads of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2014.

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

MINUTES OF THE SPECIAL TOWN BOARD MEETING OF NOVEMBER 6, 2013

RESOLUTION NO. 190-13, SETTING A PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 5 FOR THE YEAR 2013, ESTABLISHING THE ANNUAL SALARIES OF CERTAIN ELECTED OR APPOINTED OFFICIALS AND DEPARTMENT HEADS OF THE TOWN OF BIG FLATS WHO HAVE A FIXED TERM OF OFFICE FOR THE FISCAL YEAR 2014 continued

SECTION 1: Except where inconsistent by operation of law due to prohibitions of increases of compensation during a fixed term of office for Town officers and employees as provided in Municipal Home Rule Law §24 be, and the same hereby is, applicable to officers and employees having a fixed term of office, whether elected or appointed, as are any and all resolutions of the Town of Big Flats Town Board relative to rights and entitlements of Town executive and management personnel.

SECTION 2: Effective with the first town payroll for the Town Fiscal Year 2013 the annual salaries of the certain elected or appointed officials and department heads of the Town of Big Flats who have a fixed term of office are hereby established for the Fiscal Year 2013 as follows, to wit:

<u>TITLE</u>	<u>2013 SALARY</u>	<u>2014 SALARY</u>
Town Supervisor	\$31,000	\$31,500
Town Council (4)	\$7,004 each	\$7,004 each
Town Justice (2)	\$20,062 each	\$20,463 each
Town Clerk	\$36,071	\$39,793
Assessor	\$39,668	\$40,462

SECTION 3: Should any of the above positions become vacant and subsequently filled by one other than the present incumbent, the salary shall in that instance be set by the Town Board prior to filling said vacancy.

SECTION 4: This Local Law shall become effective, subject to a permissive referendum, 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..

FURTHER RESOLVED before said Local Law is adopted by the Town Board, a Public Hearing shall be held at the Town Board Meeting on November 20, 2013, at 4:33 P.M. or such other date and time that may be adjourned, at Town of Big Flats Town Hall, 476 Maple Street, Big Flats, New York 14814, and the Local Law is subject to a permissive referendum of the qualified electors of the Town of Big Flats by filing of a legal petition within forty-five (45) days after its final adoption, with the Clerk of the Town of Big Flats protesting such Local Law, and

FURTHER RESOLVED the Town Clerk shall cause a notice of said Public Hearing notice published in the official newspaper of the Town and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing.

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

MINUTES OF THE SPECIAL TOWN BOARD MEETING OF NOVEMBER 6, 2013

RESOLUTION NO. 191-13
SETTING A PUBLIC HEARING REGARDING THE PROPOSED PRELIMINARY BUDGET
FOR NOVEMBER 20, 2013 AT 4:35 P.M. APPROVED

Resolution by: Dean
Seconded by: Fairbrother

WHEREAS the Tentative Budget had been presented to the Town Board, and

WHEREAS the Town Board has conducted a budget workshop and determined that the Preliminary Budget has been completed, and

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 Town Board accepts the Preliminary Budget as amended and sets a public hearing to allow and consider comments on the Preliminary Budget for 4:35 p.m. on November 20, 2013.

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

Supervisor Dean asked the board:

- What they wanted to do regarding the DPW Local Law?
 - Councilperson Fairbrother stated he wanted to do comparisons.
- If they have made any decisions on a new website this year?
 - No

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 4:53 p.m. All in favor except Councilperson Gillette was absent, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk

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