

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 10, 2012

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

ABSENT: Council Andy Gillette

Supervisor Dean called the Water Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

WATER BOARD

Supervisor Dean called the Water Board meeting to order at 4:30 p.m.

PUBLIC HEARING: 4:30 p.m. Water District #3 Special Assessment

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on October 3, 2012, which allowed and considered public comments regarding the proposed Water District #3 Special Assessment.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Water District #3 public hearing at 4:31 p.m.

PUBLIC HEARING: 4:30 p.m. Water District #4 Special Assessment

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on October 3, 2012, which allowed and considered public comments regarding the proposed Water District #4 Special Assessment.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Water District #4 Public Hearing at 4:32 p.m.

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UNFINISHED BUSINESS

RESOLUTION NO. 203-12
WATER DISTRICT #3 SPECIAL ASSESSMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Water District #3 and filed the same with the Town Clerk of the Town of Big Flats on September 19, 2012, and

WHEREAS the Water Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Water Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Water District #3 consists of 477 units with a unit charge for 2013 Water District #3 Special Assessment of approximately \$97.22, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 10, 2012, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Big Flats, and

FURTHER RESOLVED, that the Town Clerk shall annex to said assessment schedule a warrant which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town Clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

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

RESOLUTION NO. 204-12
WATER DISTRICT #4 SPECIAL ASSESSMENT APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the Water Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for Water District #4 and filed the same with the Town Clerk of the Town of Big Flats on September 19, 2012, and

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PUBLIC HEARING: 4:30 p.m. Scale of Charges.

Supervisor Dean called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette which allowed and considered public comments regarding the proposed Scale of Charges District No.1

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Sewer District #1 public hearing at 4:37 p.m.

UNFINISHED BUSINESS

RESOLUTION NO. 205-12
SEWER DISTRICT NO.1 SPECIAL ASSESSMENT APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS Sewer Board of the Town of Big Flats, Chemung County has completed an assessment schedule in connection with the financing of existing debt service for capital improvements for Sewer District # 1 and filed the same with the Town Clerk of the Town of Big Flats on September 14, 2012, and

WHEREAS the Sewer Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Sewer Board would meet and hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS Sewer District # 1 consists of 52.7 units with a unit charge for 2013 Sewer District # 1 Special Assessment of approximately \$652.73, and

WHEREAS the Sewer board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 10, 2012, the time and place specified in said notice and heard and considered all objections to said assessment schedule, now

BE IT THEREFORE RESOLVED the said assessment schedule be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town clerk of the Town of Big Flats, and

FURTHER RESOLVED the Town Clerk shall annex to said assessment schedule a warrant, which shall be signed by the Supervisor of the Town of Big Flats and added to the Town tax schedule, and countersigned by the Town clerk, commanding the Tax Collector of the Town of Big Flats to collect from the several persons named therein the sum or sums opposite their respective names and to pay the same to said Supervisor.

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concerning on the Proposed Fire Protection District No. 1 Agreement with Town & Country Fire Department.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:39 p.m.

CONCERNS OF THE PEOPLE- Judith Kadlac 26 Landau Drive stated her concerns regarding the summer concerts poor attendance and lack of revenue raised to cover concerts. Her thought to the board cancel them. Judy also spoke about the new website and items missing, but she is aware that this needs critiquing and is work in progress. Judy then mentioned the Part Time Director of Recreation being appointed; she is extremely disappointed with the Town Board's decision.

REPORTS

Supervisor Dean stated the following reports for September 2012 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, Assessor's Monthly Report, Justice Court Monthly Report., Code and Planning Monthly Report, SPCA Monthly Report, Community Center's Monthly Report

Supervisor Dean reported:

- Our New Website was up this morning, but is not completed a lot of items missing and unsure why, this will be a top priority.
- Attended a meeting regarding the Jackson Farm basin and anticipating that potentially we can start this project in the spring.
- Attended a meeting Thursday with Bookkeeper at the County regarding the 2013 Health Insurance rate increase significantly.
- Comments and statements made at the last town board meeting regarding a former employee and concern not recognized for their performance. January 2012 New Big Flats Times, recognized the former employee, dedication, hard work and services to the Town, and she was wished best wishes to her. Also March 2012 an update that noted the Director always exhibited the best interests to the Community Center and went above and beyond her responsibility.

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RESOLUTION NO. 209-12
INTERMUNICIPAL AGREEMENT REGARDING COOPERATION TO IMPLEMENT A
STUDY PLAN TO PRESERVE LOCAL ROADS IN CHEMUNG COUNTY APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town of Big Flats recognizes that, because local roads cross municipal boundaries and because there are opportunities to save time, money, and energy by working collaboratively, the Town should work together with other municipalities to identify and analyze options for preserving local roads when major development activity is proposed or undertaken within or nearby the County; and

WHEREAS the Town intends to facilitate agreements and cooperative action proposals with other municipalities with respect to common Countywide challenges concerning the preservation of local roads; and

WHEREAS the Chemung County Department of Public Works is responsible for coordination of planning activities of Countywide significance and, as such, as been authorized by the Chemung County Legislature to coordinate a study of local road conditions and develop a regulatory program to be considered for adoption and implementation within the municipalities to preserve local roads, now

BE IT THEREFORE RESOLVED in consideration of the mutual covenants and agreements hereinafter set forth, the Municipality agrees as follows:

1. The term of this Agreement shall expire five (5) years from the date of execution set forth above, subject to renewal as outlined in Paragraph 8, below.

2. The Chemung County Department of Public Works will be principally responsible for studying and developing a regulatory program concerning the preservation of local roads. Staff from the Chemung County Department of Public Works will be responsible to provide staffing services to this endeavor. This will include preparation of meeting notices, agenda, and minutes, and coordination with any technical consultants engaged by Chemung County in furtherance of this Agreement.

3. Technical consultants including, without limitation, engineers or attorneys may be retained by Chemung County and made available to the Chemung County Department of Public Works for the purposes set forth herein.

4. An official representative of the Town shall be designated to coordinate with the Chemung County Department of Public Works and the Chemung County technical consultants retained by the County in connection herewith. The designee shall be responsible to attend and participate in meetings held by the Chemung County Department of Public Works and to transmit information from the Chemung County Department of Public Works and/or the County's technical consultants to the municipal designee's municipal corporation. The designee

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RESOLUTION NO. 209-12, INTERMUNICIPAL AGREEMENT REGARDING
COOPERATION TO IMPLEMENT A STUDY PLAN TO PRESERVE LOCAL ROADS IN
CHEMUNG COUNTY APPROVED continued

shall also be responsible to obtain opinions and questions on local road preservation issues from his or her municipal corporation, and to share such opinions and questions with the Chemung County Department of Public Works.

5. The purposes of this Agreement shall be carried out principally by implementing Phases 1 and 2 of a study plan submitted to the Chemung County Department of Public Works by Delta Engineers & Architects, P.C..

6. The cost of undertaking Phases 1 and 2 of the Study Plan shall be borne by Chemung County, with no local municipality share. The Town shall, however, earnestly cooperate in the process, as outlined in this Agreement.

7. No expenses will be incurred by the Town unless the terms of this Agreement are modified in accordance herewith.

8. This Agreement may be renewed or amended upon the written consent of the Town, subject to approval of the Chemung County Legislature. Requests for renewal or amendment by the Town shall be made in writing at least ninety (90) days before this Agreement is to expire.

9. The Town may terminate its obligations under this Agreement upon ninety (90) days written notice to the County.

10. The Town and the County shall indemnify and hold harmless the other party, its officers, agents and assigns for all liability arising out of its activities under this Agreement.

11. The Agreement shall be governed by and construed in accordance with the laws of the State of New York.

12. This Agreement constitutes the entire Agreement between the Town and the County.

FURTHER RESOLVED the Town Board authorizes the Town Supervisor to sign the intermunicipal agreement regarding cooperation to implement a study plant to preserve local roads in Chemung County.

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

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RESOLUTION NO. 210-12
SPECIAL MEETINGS AMENDED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the Town Clerk submitted the 2013 Tentative Budget and special meetings are necessary for the review of said budget, and

WHEREAS the Town Board it has been determined that the recently set special meeting dates need to be amended, now

BE IT THEREFORE RESOLVES the Town Board sets Special Town Board meetings for October 17, 2012 at 4:30 p.m. and October 24, 2012 at 4:30 p.m. for the purpose of reviewing the proposed 2013 Budget, and

FURTHER RESOLVE the Town Board set a special meeting for October 31, 2012 at 4:30 p.m. for the purpose of presenting the Preliminary Budget, and

FURTHER RESOLVED the Town Board amends the regularly scheduled meeting of October 24, 2012 to be October 22, 2012 at 7:00 p.m.

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

RESOLUTION NO. 211-12
DIRECTOR OF RECREATION, PART-TIME APPOINTED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS there exists a vacancy in the position of Director of Recreation for the Town of Big Flats, and

WHEREAS the Town Board had determined that the position should remain a part-time position, and

WHEREAS the Town Board had contacted the candidates of those who passed the examination held by Chemung County/City of Elmira Regional Civil Service Commission, and

WHEREAS the Town duly advertised said position and conducted interviews of potential candidates, and

WHEREAS the Town Board determined that based on the qualifications, employment history and reference review, recommends the appointment of Patricia Hartigan-Huten, and

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RESOLUTION NO. 211-12, DIRECTOR OF RECREATION, PART-TIME APPOINTED
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 Town Board appoints Patricia Hartigan-Huten as the Director of Recreation, part-time with a probationary period for not less than 8 weeks nor to exceed 26 weeks at the rate of \$14.50 per hour, and

FURTHER RESOLVED the Town Supervisor is authorized to complete the required Report of Personnel Change (RPC).

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

RESOLUTION NO.212-12
OCTOBER 10, 2012 COMMUNICATIONS LOG APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

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:

September 19, 2012

U.S. Department of Homeland Security – RE: Approval of the Chemung County Hazard Mitigation Plan Update. *Referred to: filed with the Town Clerk.*

September 25, 2012

Town of Big Flats Planning/Code Enforcement – RE: Proposed Airport Overlay District. *Referred to: Town Board, filed with the Town Clerk.*

County of Chemung and Fisher Associates – RE: CR64 Widening & Improvements Project. *Referred to: Code Enforcement Officer, Commissioner of Public Works, Town Board, filed with the Town Clerk.*

Department of Environmental Conservation – RE: Hazard Tree Evaluation and Report. *Referred to: Code Enforcement Officer, Commissioner of Public Works, Town Board, filed with the Town Clerk.*

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RESOLUTION NO.212-12, OCTOBER 10, 2012 COMMUNICATIONS LOG APPROVED
continued

September 27, 2012

New York State Department of Environmental Conservation – RE: National Flood Insurance Program (NFIP) – Community Assistance Visit. *Referred to: Town Board, filed with the Town Clerk.*

October 3, 2012

The Church of Jesus Christ of Latter-Day Saints – RE: Family History Community Event.
Referred to: Town Board, filed with the Town Clerk.

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

ABSTAIN: None

ABSENT: Gillette

EXECUTIVE SESSION: Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to enter into Executive Session to discuss particular job performance of a specific individual employee for the Town at 4:54 p.m. All in favor except Councilperson Gillette was absent, motion carried.

Supervisor Dean reconvened the Town Board meeting at 5:10 p.m. and the Board began the 2013 budget review.

Councilperson Smith made a motion, seconded by Councilperson Saglibene to adjourn the Special Town Board budget workshop at 7:20 p.m. All in favor except Councilperson Gillette was absent, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk