

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 14, 2015

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

ABSENT: Attorney Thomas Reilly

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

PUBLIC HEARING 4:30 pm 2016 Special Assessment for WD #3

Supervisor Fairbrother called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on September 30, 2015, which allowed and considered public comments regarding the proposed 2016 Water District #3 Special Assessment.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Fairbrother closed the Water District #3 public hearing at 4:32 p.m.

PUBLIC HEARING 4:32 pm 2016 Special Assessment for WD #4

Supervisor Fairbrother called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on September 30, 2015, which allowed and considered public comments regarding the proposed 2016 Water District #4 Special Assessment.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Fairbrother closed the Water District #4 Public Hearing at 4:33 p.m.

UNFINISHED BUSINESS

RESOLUTION NO. 206-15
2016 SPECIAL ASSESSMENT FOR WATER DISTRICT #3 APPROVED

Resolution by: Gillette
Seconded by: Giammichele

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 14, 2015

RESOLUTION NO. 206-15, 2016 SPECIAL ASSESSMENT FOR WATER DISTRICT #3
APPROVED continued

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 18, 2015, 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 502 units with a unit charge for 2016 Water District #3 Special Assessment of approximately \$80.88 for Town of Horseheads residents and the Town of Big Flats residents, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 14, 2015, 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.

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

RESOLUTION NO. 207-15
2016 SPECIAL ASSESSMENT FOR WATER DISTRICT #4 APPROVED

Resolution by: Giammichele
Seconded by: Adams

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 #4 and filed the same with the Town Clerk of the Town of Big Flats on September 18, 2015, and

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 14, 2015

RESOLUTION NO. 207-15, 2016 SPECIAL ASSESSMENT FOR WATER DISTRICT #4
APPROVED continued

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 #4 consists of 77 units with a unit charge for 2016 Water District #4 Special Assessment of approximately \$99.84, and

WHEREAS the Water Board did meet at the Town Hall, 476 Maple Street, Big Flats, New York on October 14, 2015, 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.

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

Since there was no further business for the Water Board, Supervisor Fairbrother closed the Water Board meeting at 4:34 p.m.

Supervisor Fairbrother opened the Town Board Meeting at 4:35 p.m.

CONCERNS OF THE PEOPLE – None

REPORTS

Supervisor Fairbrother stated the following reports for September 2015 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Supervisor's Fund Balance Monthly Report, Youth Department Monthly Report, Department of Public Works Monthly Report, Code and Planning Monthly Report, Community Center Monthly Report, Court's Monthly Report.

UNFINISHED

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 14, 2015

RESOLUTION NO. 208-15
DEPARTMENT OF PUBLIC WORKS "SENIOR" CLERK POSITION AMENDMENT

Resolution by: Adams
Seconded by: Saglibene

WHEREAS per Resolution No. 183-15, a Clerk position was created in DPW, and

WHEREAS the civil service position and title are Senior Clerk, and

WHEREAS the Resolution should be amended to correctly state DPW Senior Clerk, 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 amendment of Resolution No. 183-15 to correctly state the title and position of DPW Senior Clerk.

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

RESOLUTION NO. 209-15
COMPLETION OF PROBATIONARY PERIOD AND PAY INCREASE AMENDMENT

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS per Resolution No. 188A-15, a the civil service probationary requirement and the Town probationary requirement were met, and

WHEREAS per Resolution No. 208-15, the civil service position and title are Senior Clerk, and

WHEREAS Resolution No. 188A-15 should be amended to correctly state DPW Senior Clerk, 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 amendment of Resolution No.188A-15 to correctly state the title and position of DPW Senior Clerk.

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

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 14, 2015

NEW BUSINESS

RESOLUTION NO. 210-15
BUDGET TRANSFERS AND AMENDMENTS APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS a memorandum was received from the Bookkeeper, dated October 6, 2015 requesting authorization budget transfers for the following overspent budgets, and for a budget amendment due to money donated for the Capital Parks from Community Days Inc., 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 further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following transfers and Budget Amendment

Budget Transfers-General Fund

Please authorize a budget transfer for the following overspent budgets:

| | | | |
|------|------------------------------------|-------|-------|
| To | Assessor--CE-A.1355.0400 | 6,800 | |
| | Recreation Center --CE A.7140.0400 | 1,100 | |
| From | Contingency--CE-A.1990.0400 | | 7,900 |

Capital Parks Budget Amendment

Please authorize a budget amendment to the 2015 Parks Capital Project budget due to an upcoming donation pledged by Community Days:

| | | |
|---|--------|--------|
| Increase Estimated Revenues--H8.0510 | 12,000 | |
| Increase Gifts & Donations--H8.2705 | | 12,000 |
| Increase Appropriations-H8.0960 | | 12,000 |
| Increase Parks Capital Project -CO-H8.7110.0200 | | 12,000 |

Budget Transfers-Water District #4

Please authorize a budget transfer for the following overspent budgets:

| | | |
|------|------------------------------------|-----|
| To | Administration --CE-S4.8310.0400 | 700 |
| From | Hospital & Dental Ins-S4.9060.0800 | 700 |

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

RESOLUTION NO. 211-15
ABSTRACT OF AUDITED VOUCHERS, OCTOBER 14, 2015, APPROVED

Resolution by: Giammichele
Seconded by: Adams

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 14, 2015

RESOLUTION NO. 211-15, ABSTRACT OF AUDITED VOUCHERS, OCTOBER 14, 2015,
APPROVED continued

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for October 14, 2015, and order the bills paid, when in funds, for the following:

| | |
|------------------------------|--------------|
| GENERAL FUND | \$ 40,643.66 |
| HIGHWAY FUND | \$ 18,597.27 |
| WD 4 & 5 CAPITAL PROJECT #12 | \$ 200.37 |
| PARKS CAPITAL PROJECT #8 | \$ 1,793.75 |
| WATER DISTRICT #4 | \$ 52.91 |
| WATER DISTRICT #5 | \$ 4,018.53 |

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

RESOLUTION NO. 212-15
STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT WITH SONWIL
DEVELOPMENT GROUP, LLC APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS The Town of Big Flats shall enter into a Stormwater Control Facility Maintenance Agreement pertaining to the IST Center in regards to the Stormwater Management Pond Modification, located at 315 Daniel Zenker Drive., and

WHEREAS such agreement shall be binding on all subsequent landowners and recorded in the office of the county clerk as a deed restriction on the property prior to final plan approval, now

BE IT THEREFORE RESOLVED the Town Board accepts and shall enter into such Stormwater Control Facility Maintenance Agreement dated August 10, 2015

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

RESOLUTION NO. 213-15
PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 3 FOR THE YEAR OF 2015
TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL
LAW SECTION 3-C SET

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS the governor and legislature of the State of New York have enacted a tax levy limit of .73% increase over the preceding year levy, and

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 14, 2015

RESOLUTION NO. 213-15, PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 3 FOR THE YEAR OF 2015 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C SET continued

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 0.73% 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

BE IT THEREFORE RESOLVED there is hereby presented the Local Law tentatively No. 3 of the year 2015 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 2016 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 2016 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,

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 14, 2015

RESOLUTION NO. 213-15, PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 3 FOR THE YEAR OF 2015 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C SET continued

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 18, 2015, at 4:30 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

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

RESOLUTION NO. 214-15
HVAC SYSTEM FOR THE CODE / PLANNING OFFICE FROM DRAKE HEATING AND
AIR CONDITIONING APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS the Town Code and Planning office has had a significant moisture and cooling problem, and

WHEREAS the Town Supervisor has had several consultants from three different HVAC companies to review the problem and confirm that a moisture problem does exist, and

WHEREAS these quotes and solutions have been reviewed by the town's staff and the town board, with all recommending not to retrofit the current system at a cost exceeding ten thousand dollars but to replace the system, and

WHEREAS the price to replace the system at a cost of \$11,895.00 with a two year warranty and service contracts of 90% less than the current system, and

WHEREAS for environmental purposes the administration of the Town personnel is a Type II action in accordance with SEQRA 6, NYCCR Part 617.5(c) (25) and as such no further action is required regarding the same, now

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 14, 2015

RESOLUTION NO. 214-15, HVAC SYSTEM FOR THE CODE / PLANNING OFFICE FROM DRAKE HEATING AND AIR CONDITIONING APPROVED

THEREFORE BE IT RESOLVED to award the contract for the replacement of the HVAC system for the Town's Code and Planning office to Drake Heating and Air Conditioning for a cost not to exceed \$11,895.00 and to surplus the current compressor system.

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

RESOLUTION NO. 215-15
COMMUNICATION LOG FOR OCTOBER 14, 2015 APPROVED

Resolution by: Giammichele
Seconded by: Adams

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 15, 2015

Chemung County Industrial Development Agency (CCIDA) – RE: Proposed Emhart Glass Manufacturing, Inc. Project. Referred to: *Town Board, Code and Planning Department, Assessor and filed with Town Clerk.*

September 22, 2015

Orrick – RE: Town of Big Flats, Chemung County, New York \$995,000 Bond Anticipation Note, 2015. . Referred to: *Town Board, Code and Planning Department, Assessor, Bookkeeper and filed with Town Clerk.*

September 25, 2015

Orrick – RE: Acknowledgement of receipt, from Town of Big Flats, Chemung County, New York \$995,000 Bond Anticipation Note, 2015. Referred to: *Town Board, Code and Planning Department, Assessor, Bookkeeper and filed with Town Clerk.*

October 5, 2015

Susquehanna River Basin Commission - RE: Conditional Approval of Aquifer Test Plan – Town of Big Flats; Water District 1, Well 1 (Well 1-1); Town of big Flats, Chemung County, New York; Commission Preliminary No. p-2015-005. Referred to: *Water Supervisor, Town Board, Code and Planning Department, Commissioner of Public Works, and filed with Town Clerk.*

October 7, 2015

Time Warner Cable - RE: October 7, 2015 Programming Notices Changes Referred to: *Town Board, and filed with Town Clerk.*

MINUTES OF THE TOWN BOARD MEETING OF OCTOBER 14, 2015

RESOLUTION NO. 215-15, COMMUNICATION LOG FOR OCTOBER 14, 2015
APPROVED continued

October 8, 2015

Linda Pierce from Retirement Estates – RE: Thank you Ed Referred to: *Town Board, and filed with Town Clerk.*

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

Supervisor Fairbrother also reported on:

- George Miner retired last Wednesday, from Chemung County Industrial Development Agency (CCIDA), there will be some changes coming, Mike Krusen will be running STEG
- Historical Society October 22nd meeting, Town Board will speak on different topics they are involved with in the Town.
- Non for profit businesses will be paying commercial water rates in 2016
- Sales Tax is up 21.20% for this quarter, or up 2.99% YTD. We are right on budget
- LED lighting
- Christmas Concert, Anastazja, December 4th at 6:00 p.m. Big Flats Community Center, tickets are now available.
- Assessing, met with Horseheads
- Water meter installation is going very well, the water department has saved over \$11,000 by installing the bigger pumps themselves.
- Community Center carpet, looks great. The foyer will be completed soon.
- All Fees are being looked at in all departments.
- Larchmont problem update – House is up for sale.
- Area project update - M hart Powers, ground breaking within the next 30 days, war plane museum, also silicone carbine is looking,
- Higher end senior housing Complex interested in coming to the area, 75 to 150 Units.
- Looking at higher end restaurants in our area, have had a lot of request.
- Tioga Casino did get there license today
- Commercial Water rate increases, Public Informational meeting October 15 Time 5:30PM, Public hearing will be on November 18th.
- Commercial water rates for code 411
- Projected future bond payments less re-metering
- Budget meeting on November 4th at 4:30p.m. Only business is the budget!!!

Councilperson Adams made a motion, seconded by Councilperson Saglibene to adjourn the Town Board meeting at 5:45 p.m. All in favor, motion carried.

Date approved: _____ Linda Cross
Town Clerk