

MINUTES OF THE WATER / TOWN BOARD MEETING OF OCTOBER 28, 2015

PRESENT: Supervisor Ed Fairbrother  
Council Andy Gillette  
Lee Giammichele  
Mike Saglibene  
Town Clerk Linda Cross  
ABSENT: Councilperson Bob Adams  
Attorney Tom Reilly

Supervisor Fairbrother called the Water Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 216-15  
DELINQUENT CUSTOMERS IN WATER DISTRICTS #4 AND #5 FOR INCLUSION  
ON THE TAX ROLL APPROVED

Resolution by: Gillette  
Seconded by: Giammichele

WHEREAS the Town Board has received a list of all delinquent water customers for Water Districts #4 and #5, dated October 21, 2015, and

WHEREAS said water customers have been notified that said delinquent bills must be paid by October 28, 2015, 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 Principal 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 October 28, 2015 for Water Districts #4 and #5 be forwarded to the Chemung County Real Property Tax Services for inclusion on the 2016 tax bills.

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

RESOLUTION NO. 217-15  
SET PUBLIC HEARING FOR PROPOSED NEW WATER RATES FOR 2016  
WATER DISTRICT #4 AND #5 APPROVED

Resolution by: Giammichele  
Seconded by: Saglibene

RESOLUTION NO. 217-15, SET PUBLIC HEARING FOR PROPOSED NEW WATER RATES FOR 2016 WATER DISTRICT #4 AND #5 APPROVED continued

WHEREAS the Town of Big Flats Water Department has worked with Hunt Engineers to put an asset management plan in place for the Water Department in order to preserve the integrity, both physically and financially, of this utility for the present and for the future, and

WHEREAS the cost of maintaining current budgets and following the asset management plan has shown a shortfall, the Big Flats Water Department has taken a hard look at its sole revenue source, water rates. The Water Department is not subsidized by Town taxes or State funds of any kind, and

WHEREAS the Big Flats Water Department has not had a rate increase since 2000 despite the raise in expenses of running the department. Things like wages, insurance, electric and gas and fuel have not remained stagnant at 2000 prices. In the last 24 months we have implemented some cost saving measures. These include Variable Frequency Drives to help with energy costs and to lengthen pump life, consolidation of the Water Districts, logging Water District 4 property, converting to a new billing software and replacing meters to save labor and to bill more accurately. All these things were done to save time, money or both. The asset management plan we have designed with Hunt Engineers has identified and put a cost to every asset we have. We have identified the useful life for these items and determined a replacement cost. In order to maintain these assets we need to set aside money every year so that when the time for replacement comes we will have that money available, and

WHEREAS the Water Department looked at its costs, both for the annual budget and the asset management piece and the only way we can meet both and remain fiscally viable is to raise the water rates. Working with Hunt Engineers we have proposed a fair rate for residential and commercial customers, and

WHEREAS the Town has held two informational meetings regarding the proposed rates, 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, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said proposed rates, now

THEREFORE BE IT RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the Proposed 2016 Water Rates for 2016 for the Water Districts of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on November 18, 2015, at 4:30 p.m. local time, and

MINUTES OF THE WATER / TOWN BOARD MEETING OF OCTOBER 28, 2015

RESOLUTION NO. 217-15, SET PUBLIC HEARING FOR PROPOSED NEW WATER RATES FOR 2016 WATER DISTRICT #4 AND #5 APPROVED continued

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town and the sign board of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

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

Since there was no further business for the Water Board, Supervisor Fairbrother closed the Water Board meeting at 7:04 p.m.

Supervisor Fairbrother opened the Town Board Meeting at 7:05 p.m.

**AWARDS**

NYPENN Pathways, Girl Scout Troop 40183, along with their Leaders Kelly Bonsignore, and Missy Rozengota attended the Town Board Meeting. On behalf of the Town Board, Supervisor Fairbrother presented a proclamation certificate to each girl, for earning their Bronze Award this spring. (They helped the homeless in the County by putting together 100 care packages that included water, applesauce, slim jims, cookies, and delivered them to the Chemung County Samaritan Center in Elmira)

CONCERNS OF THE PEOPLE: None

**MINUTES**

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Town Board minutes of September 9, 2015, as presented, except for Councilperson Adams, was absent. All in favor, motion carried.

**MINUTES**

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Town Board minutes of September 23, 2015, as presented, except for Councilperson Adams, was absent. All in favor, motion carried.

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Special Town Board minutes of October 6, 2015, as presented, except for Councilperson Adams, was absent. All in favor, motion carried.

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Special Town Board minutes of October 8th, 2015, as presented, except for Councilperson Adams, was absent. All in favor, motion carried.

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Special Town Board minutes of October 13, 2015, as presented, except for Councilperson Adams, was absent. All in favor, motion carried.

MINUTES OF THE WATER / TOWN BOARD MEETING OF OCTOBER 28, 2015

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Town Board minutes of October 14, 2015, as presented, except for Councilperson Adams, who was absent. All in favor, motion carried.

Councilperson Saglibene made a motion, seconded by Councilperson Gillette to approve the Amended Town Board minutes to add Resolution No. 188A-15 of August 26, 2015, as presented, except for Councilperson Adams, who was absent. All in favor, motion carried.

NEW BUSINESS

RESOLUTION NO. 218-15  
BUDGET TRANSFERS AND AMENDMENTS APPROVED

Resolution by: Gillette  
Seconded by: Giammichele

WHEREAS a memorandum was received from the Bookkeeper, dated October 20, 2015 requesting authorization budget transfers for the following overspent budgets, 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 Budget Transfers.

**Budget Transfers-General Fund**

Please authorize a budget transfer for the following overspent budgets:

To	Buildings—PS-A1620.0100	11,000
	Buildings-CO-A1620.0200	59
	Public Works--PS-A.1490.0100	8,451
	Public Works-CE-A.1490.0400	400
	From Hospital & Medical Ins-A.9060.0800	19,910

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

RESOLUTION NO. 219-15  
ABSTRACT OF AUDITED VOUCHERS FOR OCTOBER 28, 2015 APPROVED

Resolution by: Giammichele  
Seconded by: Saglibene

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for October 28, 2015, and order the bills paid, when in funds, for the following:

MINUTES OF THE WATER / TOWN BOARD MEETING OF OCTOBER 28, 2015

RESOLUTION NO. 219-15, ABSTRACT OF AUDITED VOUCHERS FOR  
OCTOBER 28, 2015 APPROVED continued

GENERAL FUND	\$ 45,453.81
HIGHWAY FUND	\$ 16,177.32
WD 4 & 5 Capital Project #12	\$ 61,978.95
WATER DISTRICT #4	\$ 187.78
WATER DISTRICT #5	\$ 7,822.28
TRUST & AGENCY	\$ 4,282.57

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

RESOLUTION NO. 220-15  
PUBLIC HEARING FOR SEWER DISTRICT #1 FOR THE SCALE OF CHARGES  
BOND FOR BIG FLATS SEWER DISTRICT #1 SET

Resolution by: Saglibene  
Seconded by: Gillette

WHEREAS the Town of Big Flats Sewer District #1 has transferred its management to Chemung County Sewer District, and

WHEREAS the Town of Big Flats is still responsible for the Bond from Big Flats Sewer District #1, and

WHEREAS a public hearing will be held on November 18, 2015 at 4:30, where all interested parties were duly heard, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, 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 public hearing on the Big Flats Sewer District #1 at a rate of \$0.406 per one thousand assess value.

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

RESOLUTION NO. 221-15  
PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 4 FOR THE YEAR  
2015, ESTABLISHING THE ANNUAL SALARIES OF THE ELECTED OFFICIALS  
FOR THE FISCAL YEAR 2016 APPROVED

Resolution by: Saglibene  
Seconded by: Gillette

RESOLUTION NO. 221-15, PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 4 FOR THE YEAR 2015, ESTABLISHING THE ANNUAL SALARIES OF THE ELECTED OFFICIALS FOR THE FISCAL YEAR 2016 APPROVED continued

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 who have a fixed term of office, and

WHEREAS the Town Board has reviewed the salaries of the elected officials of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2016, now

THEREFORE, BE IT RESOLVED there is hereby presented to each member of the Town Board Local Law Tentatively No. 4 for the Year 2015, establishing the annual salaries of the elected officials of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2016, as follows:

**TOWN OF BIG FLATS  
LOCAL LAW TENTATIVELY NO. 4 FOR THE YEAR 2015**

A LOCAL LAW establishing the annual salaries of the elected officials of the Town of Big Flats who have a fixed term of office for the Fiscal Year 2016.

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

**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 as provided in Municipal Home Rule Law §24 be, and the same hereby is, applicable to the officers having a fixed term of office, elected, 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 2016 the annual salaries of the elected officials of the Town of Big Flats who have a fixed term of office are hereby established for the Fiscal Year 2016 as follows, to wit:

<u>TITLE</u>	<u>2015 SALARY</u>	<u>2016 SALARY</u>
Town Supervisor	\$32,288	\$33,095
Town Council (4)	\$7,004 each	\$7,004 each
Town Justice (2)	\$20,975 each	\$21,499 each
Town Clerk / Tax Collector	\$40,788	\$41,808

**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.

MINUTES OF THE WATER / TOWN BOARD MEETING OF OCTOBER 28, 2015

RESOLUTION NO. 221-15, PUBLIC HEARING FOR LOCAL LAW TENTATIVELY NO. 4 FOR THE YEAR 2015, ESTABLISHING THE ANNUAL SALARIES OF THE ELECTED OFFICIALS FOR THE FISCAL YEAR 2016 APPROVED continued

**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 Special 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 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: Gillette, Giammichele, Saglibene, Fairbrother  
NAYS: None ABSENT: Adams

RESOLUTION NO. 222-15  
BOARD OF ASSESSMENT REVIEW APPOINTMENT OF THEODORE DANDELMAIER  
APPROVED

Resolution by: Gillette  
Seconded by: Giammichele

WHEREAS discussions had been made with Theodore Dangelmaier, 25 Green Valley Drive, Big Flats, NY, confirming he was interested in fulfilling another term for the Board of Assessment Review, 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 appoints Theodore Dangelmaier, 25 Green Valley Drive, Big Flats, NY, to the Board of Assessment Review with a term ending September 30, 2020.

CARRIED: AYES: Gillette, Giammichele, Saglibene, Fairbrother  
NAYS: None ABSENT: Adam

MINUTES OF THE WATER / TOWN BOARD MEETING OF OCTOBER 28, 2015

RESOLUTION NO. 223-15  
RESIGNATION OF WILLIAM TORP, TOWN OF BIG FLATS ASSESSOR

Resolution by: Giammichele  
Seconded by: Saglibene

WHEREAS a memo was received from William R. Torp, dated August 20, 2015, informing the Town Supervisor and Bookkeeper the he is resigning as the Assessor of the Town of Big Flats, and

WHEREAS William R. Torp will be retiring as of December 31, 2015, and

WHEREAS for environmental review purposes the Town Board finds this to be Type II administration action pursuant to 6NYCRR 617.5(c)(20) and as such, no environmental review is required for a Type II action, now

BE IT THERFORE RESOLVED the Town Board acknowledges the resignation of William R. Torp an appointed employee of the Town of Big Flats effective December 31, 2015, and request the Town Supervisor send a letter of appreciation to Mr. Torp for his dedication.

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

RESOLUTION NO. 224-15  
COMMUNICATION LOG, FOR OCTOBER 28, 2015 APPROVED

Resolution by: Saglibene  
Seconded by: Gillette

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:

October 13, 2015

Big Flats Business Association RE: Meeting Minutes for October 7, 2015 *Referred to: Town Board, and filed with Town Clerk.*

October 13, 2015

Eugene Kohls, CFM, ISO\ CRS Specialist, Hazard Mitigation Division RE: Recertification is complete for 2015. *Referred to: Town Board, and filed with Town Clerk.*

October 21, 2015

Time Warner Cable - RE: October 21, 2015 Programming Notices Changes *Referred to: Town Board, and filed with Town Clerk.*

MINUTES OF THE WATER / TOWN BOARD MEETING OF OCTOBER 28, 2015

RESOLUTION NO. 224-15, COMMUNICATION LOG, FOR OCTOBER 28, 2015  
APPROVED continued

October 22, 2015

Municipal Solutions Team – RE: Congratulation on the successful closing on recent \$995,000 BAN. *Referred to: Town Board, Bookkeeper, and filed with Town Clerk.*

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

Councilperson Giammichele made a motion, seconded by Councilperson Gillette to enter into an executive session to discuss a personnel issue regarding salary at 7:20 p.m. all in favor except Councilperson Adams, who was absent.

Supervisor Fairbrother reconvened the Town Board Meeting at 7:47 p.m.

Supervisor Fairbrother removed the last resolution, setting a Special Town Board Meeting on November 4, 2015 for the budget from the Agenda. Supervisor Fairbrother stated there was one change in the Tentative Budget, and is now the Preliminary Budget.

Supervisor Fairbrother also reported on General Items:

- LED lighting had 2 defective lights, will be replaced.
- Christmas Concert – Anastazja, December 4<sup>th</sup> at 6:00 PM. Tickets available.
- Assessor - Starting in January we will have shared service with the Town of Horseheads. We will have a part time person here at the Town Hall. The applying for the Star Program residents will be able to complete this on line.
- Water metering – is going well we are under 200 left to be installed.
- Three people refusing to change their Water Meter
- All Town Departments are looking at their fees for 2016.
- Larchmont problem update, owner was apprehended by police after a search.
- Senior housing project– Meeting with Kalamar, a High-end Developer for Senior Living, and Medical Buildings, interested in Daniel Zenker Dr.
- Water rate increases, we have had 2 Public Meeting, and there will be a Public Hearing on November 18<sup>th</sup> at 4:30.
- Tioga Downs ground breaking – This is a great thing for the area, it could bring in \$1,000,000 to Chemung County for the IDA or development Money.
- Smith’s Boat Launch will be poured Thursday, for easier entrance and Exit from the River. Next year Wenzel’s Construction will complete the road part connecting to the boat launch.

Supervisor Fairbrother made a motion, seconded by Councilperson Giammichele to adjourn the Town Board meeting at 8:00 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_ Linda Cross  
Town Clerk