

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 12, 2012

PRESENT:	Supervisor	Teresa Dean
	Council	Edward Fairbrother
		Mike Smith
		Mike Saglibene
	Town Clerk	Linda Cross
ABSENT:	Attorney	Fredrick Ahrens
	Council	Andy Gillette

Supervisor Dean called the Town Board Meeting to order at 4:32 p.m. and requested those present to participate in the Pledge of Allegiance.

PUBLIC HEARING 4:30 P.M. Special Use Permit L. Enterprises, LLC

Supervisor Dean called the public hearing to order at 4:33 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on September 6, 2012, which allowed and considered public comments from any interested parties herein, at the time specified, concerning a Special Use Permit application from L. Enterprises. LLC to permit temporary warehouse and office space for Corning Inc.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Supervisor Dean closed the Public Hearing at 4:34 p.m.

CONCERNS OF THE PEOPLE - Mary Ann Balland 24 Cayuga Drive, mentioned she did not see the resolutions on the website and asked that copies be available.

Margie Flynn, 106 Hillview Drive, asked when the move was going to take place at the Community Center.

Judith Kadlec, 26 Landau Drive, requested the cost for each concert performance and the revenue collected? If there was not a profit where does the difference come from? She also, asked when the move at the Community Center was going to happen.

Karen Estep, 47 Owen Hollow, commented, it would have been a thought that the councilpersons illness should have been mentioned in The New Big Flats Times.

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 12, 2012

Supervisor Dean reported on:

- Working on a resolution regarding tobacco-free parks, and will provide a copy for comments.
- Need to set dates and times for interviews, and for the Budget workshop meetings.
- Stated no confirmation with finding a custodian to work for the Community Center.

Councilperson Fairbrother relayed he has received many calls regarding the Sing Sing Bridge and when it would be completed. DEC is the one holding up the project. Please call your legislator with any question.

REPORTS

Supervisor Dean stated the following reports for August 2012 have been received and are on file in the office of the Town Clerk:

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

NEW BUSINESS

RESOLUTION NO. 180-12
SPECIAL USE PERMIT APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the Town Board has received an application from L Enterprises, LLC for Special Use Permit approval to permit temporary warehousing and office space for Corning Inc. located in the former Chase Pitkin property off Chambers Road, Tax Parcel 58.01-1-63.2, and

WHEREAS the property is located in the Business Regional (BR) district, off Chambers Road in the former Chase Pitkin facility, and

WHEREAS a public hearing was duly held on September 12, 2012 whereas all interested parties were duly heard, and

WHEREAS the Town Planning Board duly reviewed said proposed Special Use Permit at their regular meeting of August 7, 2012 and September 4, 2012 and provided recommendation of approval, and

WHEREAS the Chemung County Planning Board recommended the Town Board, and

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 12, 2012

RESOLUTION NO. 180-12, SPECIAL USE PERMIT REQUEST APPROVED continued

BE IT THEREFORE RESOLVED the Town Board approves the special use permit for L. Enterprises LLC to permit Corning Inc. to locate a temporary warehousing and office space at the former Chase Pitkin facility with the following conditions:

- The dates of the temporary Special Use Permit shall be September 1, 2012-December 31, 2014
- Operational lighting shall comply with the Town of Big Flats Municipal Code
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52

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

RESOLUTION NO. 181-12
UPDATE OF THE TOWN OF BIG FLATS MUNICIPAL CODE BOOK APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the Town of Big Flats has a contract with Municode for the purpose of updating and maintaining the Municipal Code for the Town, and

WHEREAS the Town has several updates that need to be included in the current supplement, and

WHEREAS it has been recommended the Town republish the entire code, and

WHEREAS for environmental purposes the contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board hereby authorizes the Town Supervisor to execute the Professional Services Quotation with Municode for the purpose of republishing the Town of Big Flats Municipal Code with the updated laws as identified in said quotation at a cost not-to-exceed Nine Thousand Eight Hundred Eighty-Five Dollars (\$9,885.00).

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

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 12, 2012

RESOLUTION NO. 182.12
WINTER TAFFY EMPLOYEES APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Big Flats Youth Services Department will be hosting the Winter TAFFY Program from September 5, 2012 through April 19, 2013, and

WHEREAS the Program Coordinator recommends the Town Board appoint the employees listed below, 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 appoints the following Winter TAFFY employees:

Jessie Barton	\$7.25
Kayleigh Buffington	\$7.25
Clarie Clemons	\$7.25
Victoria Davis	\$7.25
Benjamin Farr	\$7.25
Amanda Lee	\$7.25
Benjamin Pierri	\$7.25
Samantha Swartz	\$7.25
Megan Walker	\$7.25
David Yorio	\$7.25

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

RESOLUTION NO. 183-12
2012 BUDGET AMENDMENT APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS a memorandum was received from the Bookkeeper, dated August 28, 2012 requesting authorization for a budget amendment in receipt of a donation from Community Days, Inc. for improvement and renovation of the basketball court located in Community Park, for the General Fund, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 12, 2012

RESOLUTION NO. 183-12, 2012 BUDGET AMENDMENT APPROVED, continued

BE IT THEREFORE RESOLVED the Town Board authorizes the following amendment to the General Fund 2012 budget

Increase Estimated Revenue	A0510	\$5,000
Increase Gifts & Donation	A2705	\$5,000
Increase Appropriations	A0960	\$5,000
Increase Parks	A7110.0400	\$5,000

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

RESOLUTION NO. 184-12
WAIVER OF INSURANCE FOR BIG FLATS MAD HATTERS APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS an application for waiver of the insurance for use of the Big Flats Community Center has been received from Big Flats Mad Hatters for the purpose of monthly events, and

WHEREAS members of said group have tried to obtain insurance; however, have determined it to be cost prohibitive for their purpose, and

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

BE IT THEREFORE RESOLVED the Town Board finds that the Big Flats Mad Hatters have made an effort to obtain the appropriate documentation without success, and

FURTHER RESOLVED the Town Board determines for good cause shown that a waiver be granted to the Big Flats Mad Hatters for the purpose of their monthly events, and

FURTHER RESOLVED the Big Flats Mad Hatters must complete the appropriate documentation, excluding the insurance, for the use of the Big Flats Community Center.

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

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 12, 2012

RESOLUTION NO. 185-12
WAIVER OF INSURANCE TO BIG FLATS WOMEN'S CLUB APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS an application for waiver of the insurance for use of the Big Flats Community Center has been received from Big Flats Women's Club for the purpose of monthly meetings, and

WHEREAS members of said group have tried to obtain insurance; however, have determined it to be cost prohibitive for their purpose, and

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

BE IT THEREFORE RESOLVED the Town Board finds that the Big Flats Women's Club have made an effort to obtain the appropriate documentation without success, and

FURTHER RESOLVED the Town Board determines for good cause shown that a waiver be granted to the Big Flats Women's Club for the purpose of their monthly events, and

FURTHER RESOLVED the Big Flats Women's Club must complete the appropriate documentation, excluding the insurance, for the use of the Big Flats Community Center.

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

RESOLUTION NO. 186-12
REQUESTING ADDITIONAL INFORMATION FROM QUILT 2 FOR THE
DETERMINATION OF A WAIVER OF INSURANCE APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS an application for waiver of the insurance has been received from Quilt 2 for the purpose of monthly quilting classes, and

WHEREAS it has been determined that additional information is needed, now

BE IT THEREFORE RESOLVED in order to make a basis of risk analysis, the Town Board requires additional information regarding the number of people involved, an assessment of the groups membership such as ages of participants, whether the participants are residents of the Town of Big Flats, typical activities for which the applicant will engage and such facts as may be deemed relevant.

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

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 12, 2012

RESOLUTION NO. 187-12
SEPTEMBER 12, 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:

August 29, 2012

NYS Department of Environmental Conservation – RE: Notice of Intent to Issue Spacing Order for a Natural Gas Well Permitted Prior to August 2, 2005. *Referred to: filed with the Town Clerk.*

Attorney David Pawlak – RE: Ken’s Service Station Sewer Bill. *Referred to: filed with the Town Clerk.*

September 4, 2012

Time Warner Cable – RE: (1) Supporting broadband expansion in New York State and (2) Programming Agreements. *Referred to: filed with the Town Clerk.*

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

Councilperson Smith made a motion, seconded by Councilperson Saglibene, to enter into Executive Session to discuss a particular personnel matter at 4:50 p.m. All in favor except Councilperson Gillette was absent, motion carried.

Supervisor Dean reconvened the Town Board Meeting at 5:16 p.m.

RESOLUTION NO. 188-12
TEMPORARY PART-TIME CLERK TO THE JUSTICE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Justice have recommended the Town Board hire Mary DeSocio for the temporary position of clerk to the Justice, Part-time, and

WHEREAS for environmental review purpose, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same,

NOW BE IT THEREFORE RESOLVED the Town Board authorizes the hiring of Mary DeSocio, 1598 Pennsylvania Ave, Pine City, NY, as the temporary Clerk to the Justice, Part-time effective September 11, 2012, at the rate of \$12.00 per hour, and not to exceed 20 hours a week.

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

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 12, 2012

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 5:20 p.m. All in favor except Councilperson Gillette was absent, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk