

MINUTES OF THE WATER / TOWN BOARD MEETING OF MAY 13, 2020  
(ZOOM)

**TOWN OF BIG FLATS WATER/TOWN BOARD AGENDA  
WEDNESDAY, MAY 13, 2020 AT 4:30 P.M. (Via Zoom)**

**WATER BOARD**

**CALL TO ORDER**

**NEW BUSINESS**

Proposal / Recertification of Wells for SRBC Compliance of Carpenter Road

**TOWN BOARD**

**CALL TO ORDER**

**REPORTS**

**UNFINISHED BUSINESS**

Amendment/ Section 284 of the Highway Law Agreement

**NEW BUSINESS**

Abstract of Audited Vouchers

Appointment / BOAR Member, Donna Wren

Retain Attorney/ Represent with regards to Assessed Valuation of the Arnot Mall

Accept 2020 Paving BID

Communication Log

All Town Board Meetings until the COVID-19 STATE OF EMERGENCY in NEW YORK IS OVER shall be held commencing at 4:30PM and be "BROADCAST" VIA ZOOM AND SHALL NOT BE HELD AT THE TOWN HALL.

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**CALL TO ORDER:** ROLL CALLED BY TOWN CLERK LINDA CROSS AT 4:30 P.M.

<b>SUPERVISOR:</b>	Edward Fairbrother
<b>COUNCIL:</b>	Lee Giammichele
	Michael Saglibene
	Robert Adam
	John Hunter
<b>ATTORNEY:</b>	Thomas Reilly
<b>DPW/Water Supervisor:</b>	Shawn Crater
<b>Chemung County Commissioner</b>	Andy Avery
<b>TOWN CLERK:</b>	Linda Cross

**NEW BUSINESS**

RESOLUTION NO.109-20  
REQUEST FOR PROPOSAL FOR RECERTIFICATION OF CARPENTER ROAD WELLS  
FOR SRBC COMPLIANCE APPROVED

Resolution by: Hunter  
Seconded by: Giammichele

WHEREAS It was determined that Water District 2, Wells 1 and 2 are due for recertification by the Susquehanna River Basin Commission by March 14, 2021, as stated in SRBC Dockets 19910304 and 19910304-1, and knowing that non-compliance with the SRBC recertification will result in adverse action from the SRBC, and

WHEREAS Hunt Engineering is authorized to prepare Request for Proposals (RFP) for this type of work under the 2020 Retainer Agreement with the Big Flats Water Department, and

WHEREAS Hunt Engineering has prepared proposals to show the scope of work requested and the necessary timelines for work to be completed and the wells recertified, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (26) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town of Big Flats Water Board authorizes Hunt Engineers, Architects, Land Surveyors & Landscape Architect to prepare the aforementioned RFP and distribute to qualified NYS licensed Hydrogeologists.

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

Since there was no further business for the Water Board, Supervisor Fairbrother closed the Water Board meeting at 4:43 p.m.

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Supervisor Fairbrother opened the Town Board Meeting at 4:44 p.m.

**TOWN BOARD**

**REPORTS**

Supervisor Fairbrother stated the following reports for March and April 2020 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report March and April, Department of Public Works Monthly Report for April, and Dog Control Monthly Report March and April

**UNFINISHED BUSINESS**

RESOLUTION NO.110-20  
THE SECTION 284 OF THE HIGHWAY LAW AGREEMENT AMENDED

Resolution by: Giammichele  
Seconded by: Adams

WHEREAS in accordance with Highway Law, Section 284 the 2020 Agreement for Expenditure of Highway Funds was presented on March 25, 2020 and approved by the Town Supervisor, Town Board, and

WHEREAS the Highway Supervisor has reconsidered the work proposed in that agreement for Winters Road and has decided the Town would be better served if the original proposal of slurry seal was changed to milling and paving of Winters Road, and

WHEREAS for environmental review, repaving of existing highways not involving the additional of new travel lanes is a Type II action accordance with SEQRA 6, NYCCR Part 617.5(c) (5) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED in accordance with Highway Law, Section 284, the Town Supervisor and Town Board approve and enter into the Amended Plan as proposed above.

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

**NEW BUSINESS**

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RESOLUTION NO. 111-20  
ABSTRACT OF AUDITED VOUCHERS FOR MAY 13, 2020 APPROVED

Resolution by: Adams  
Seconded by: Saglibene

RESOLVED that the Town of Big Flats approves the Abstract of Audited Vouchers for May 13, 2020, and orders the bills paid, when in funds, for the following:

GENERAL FUND	\$ 27,539.93
HIGHWAY FUND	\$ 14,704.17
LIGHTING DISTRICT	\$ 576.05
WATER DISTRICT #4	\$ 9.31
WATER DISTRICT #5	\$ 4,720.21
TRUST & AGENCY	\$ 6,702.57

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

RESOLUTION NO.112-20  
DONNA WREN APPOINTED FOR ANOTHER TERM FOR THE BOARD OF  
ASSESSMENT REVIEW APPROVED

Resolution by: Saglibene  
Seconded by: Hunter

WHEREAS discussions had been made with Donna Wren, County Rt. 64, Big Flats, NY inquiring whether she was interested in serving 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 Donna Wren, County Rt. 64, Big Flats, NY, to the Board of Assessment Review with a term ending September 30, 2024.

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

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RESOLUTION NO. 113-20

AUTHORIZED THE TOWN SUPERVISOR TO RETAIN ATTORNEY MEGAN K. DORRITIE TO REPRESENT THE TOWN WITH REGARDS TO ASSESSED VALUATION OF THE ARNOT MALL APPROVED

Resolution by: Hunter

Seconded by: Giammichele

WHEREAS The Town of Big Flats has received a petition from the Arnot Mall to once again lower their assessment, and

WHEREAS the Mall is represented by attorney Paul Sheppard of Hinman, Howard and Kattell in Binghamton, NY and the Horseheads School District also has its own attorney, and

WHEREAS the Mall has submitted an opinion regarding the assessed value of the Mall setting it at \$14,000,000 and it is now set at \$25,800,000, and

WHEREAS the parties met recently, and the Town made what was felt to be a very reasonable offer, and

WHEREAS the Mall has rejected the offered settlement and seeks a far lessor assessment down to \$14,000,000, and

WHEREAS over the last several years the Town has been very accommodating to the Mall in an attempt to help them survive profitably, and

WHEREAS it is felt by the Town Supervisor, Town Attorney and Town Assessor that the Mall is not at all being reasonable and that it is time to retain an attorney to represent the Town, and

WHEREAS the Town has been referred on high recommendations to Attorney Megan K. Dorritie of the Harter, Secrets and Emery LLP firm in Rochester, NY, and

WHEREAS she has agreed to charge the Town at the rate of \$300 per hour (para-legal at \$210/hour) with an estimated cap of \$15,000 to at least handle the case through the settlement phase of the case until it is clear that a settlement may not be achieved at which time an estimate of legal and expert costs for a full trial with be obtained, and

THEREFORE BE IT RESOLVED that the Town Board approves the retention of Attorney Megan K. Dorritie with fees as set forth above and authorizes the Town Supervisor to sign an “engagement letter” as set forth below containing the fees to be charged and an understanding of the scope of the present proposed retention.

**ENGAGEMENT LETTER:**

“This letter will confirm Town of Big Flat’s engagement of Harter Secrets & Emery LLP (“HSE”), effective April 28, 2020, in accordance with the terms of this letter and the enclosed Statement Regarding Terms and Conditions of Engagement. 1. Client: Town of Big Flats will be our client in this matter. 2. Scope of Services: We will represent Town of Big Flats with respect to the Arnot Realty Corporation tax

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**ENGAGEMENT LETTER:** continued

certiorari matter (the “Matter”), and the scope of our engagement and duties to Town of Big Flats shall relate solely to the Matter. In the event you request us to undertake additional matters for Town of Big Flats or to expand the scope of our representation, such additional services will be governed by the Statement Regarding Terms and Conditions of Engagement unless we mutually agree otherwise. Unless earlier terminated by either Town of Big Flats or us, our representation will be deemed concluded at the time we render our final invoice for services with respect to the matter described in this engagement letter or any additional matters that we may undertake Town of Big Flats. 3. Fees and Expenses: It is prudent to outline our fee agreement at the outset of the engagement. Our policies concerning fees for services and reimbursement of disbursements are explained in the Statement Regarding Terms and Conditions of Engagement. Our fees for this matter will be on an hourly basis: Our attorney fees for representation of the Town will be based on a blended rate of \$300.00 per hour for all services provided. Our fee for paralegal services shall be \$210.00 per hour for all matters.”

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

RESOLUTION NO. 114-20  
DEPARTMENT OF PUBLIC WORKS TO ACCEPT THE CHEMUNG COUNTY PAVING  
BID FOR 2020 APPROVED

Resolution by: Giammichele  
Seconded by: Adams

WHEREAS the recommendation of the Commissioner of Public Works and Highway Supervisor is to award final paving of the 2020 road pavement bids to Elmira Road Materials, and

WHEREAS a bid advertisement was placed on March 10, 2020 by the Chemung County Purchasing Department on behalf of the Town of Big Flats, and bids were received on March 24, 2020 and

WHEREAS the following asphalt paving project bids were received:

<b>Elmira Road Materials</b>	<b>Paving Groups PB1 to PB6</b>
<b>\$524,006.95</b>	
Dalrymple Gravel & Contracting Co, Inc.	Paving Groups PB1 to PB6
\$590,878.25	
Spencer Paving	Paving Groups PB1 to PB6
\$724,866.93	

WHEREAS Elmira Road Materials had the lowest bid for the total of Paving Groups PB1 to PB6, and

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RESOLUTION NO. 114-20, DEPARTMENT OF PUBLIC WORKS TO ACCEPT THE  
CHEMUNG COUNTY PAVING BID FOR 2020 APPROVED continued

WHEREAS the Commissioner of Public Works and Highway Supervisor recommend the project bids be awarded to Elmira Road Materials, and

WHEREAS, for environmental review purposes, administration is a Type II Action in accordance with SEQRA 6NYCRR Part 617.5(c) (26) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board awards the bid proposal to Elmira Road Materials for the following items:

*Paving Groups PB1 to PB6*

BE IT THEREFORE RESOLVED the Big Flats Town Board approves the resolution for award of the Town of Big Flats Pavement Projects to Elmira Road Materials.

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

RESOLUTION NO.115-20  
COMMUNICATION LOG OF MAY 13, 2020 AS PRESENTED BY THE TOWN CLERK  
APPROVED

Resolution by: Adams  
Seconded by: Saglibene

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:

May 1, 2020

Charter Communication RE: Upcoming Changes Referred to: *Town Board and filed with Town Clerk.*

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

**Supervisor Fairbrother also reported on:**

- Councilmen Bob Adams has been busy working on the little league fields.
- Waiting to hear when Little League will be able to start up
- Friday Morning, we will have a Zoom executive session regarding personnel matters that we need to discuss.

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**Councilmen Adams reported:** The Town has received a donation from Scott Beecher at Boss Security of Four Security cameras, that have been set up and running at the Big Flats Little League Park. The Town Board would like to Thank Boss Security for their donation.

**NOTICE:** Supervisor Fairbrother was excused from the Zoom meeting 5:20 p.m.

Councilmen and Town Attorney and DPW had an open discussion regarding Little Leagues and Town Parks.

Councilperson Adams made a motion, seconded by Councilperson Giammichele to adjourn the Town Board meeting at 5:24 p.m. All in favor except Supervisor Fairbrother who was excused, motion carried.

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