

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 11, 2013

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

Supervisor Dean called the Town Board meeting to order at 3:00 p.m. and requested those present to participate in the Pledge of Allegiance.

HEARING 3:00 p.m. Proposed Demolition 78 Hammond Street

The official verbatim transcript will be available.

Town Clerk Cross arrived at 4:15 p.m.

Councilperson Saglibene arrived at 4:30 p.m.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to enter into Executive Session at 4:43 p.m., regarding 78 Hammond Street regarding the status and the hearing that was we just held. All in favor, motion carried.

Supervisor Dean reconvened the Town Board meeting at 4:58 p.m.

RESOLUTION NO. 203-13  
UNSAFE STRUCTURES AT 78 HAMMOND STREET ORDERED TO REMOVE ALL  
CONSTRUCTION DEBRIS AND FILL ANY AND ALL FOUNDATIONS AT LEVEL  
GRADE NO LATER THAN FEBRUARY 1, 2014

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Town Board received an Unsafe Structure Report, dated October 30, 2013 relative to the structure at 78 Hammond Street, Big Flats, and

WHEREAS the Town Board approved Resolution No. 185-13 allowing the hiring of a third party structural engineer for the purpose of completing a structural report to determine whether the buildings are safe, sanitary and fit for humane habitation of 78 Hammond Street in accordance with Town Law §130 and Title 15 of the Town of Big Flats Municipal Code, and

WHEREAS based on the structural engineer report, numerous structural deficiencies along with code violations has been determined to be unsafe to occupy, and

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RESOLUTION NO. 203-13, UNSAFE STRUCTURES AT 78 HAMMOND STREET ORDERED TO REMOVE ALL CONSTRUCTION DEBRIS AND FILL ANY AND ALL FOUNDATIONS AT LEVEL GRADE NO LATER THAN FEBRUARY 1, 2014 continued

WHEREAS the Town Board approved Resolution No. 200-13 authorizing the Town Clerk to publish the required notice for a hearing relative to the demolition of buildings at 78 Hammond Street due to the unsafe occupancy, unsanitary and not fit for humane habitation in accordance with Town Law §130 and Title 15 of the Town of Big Flats Municipal Code for December 11, 2013 at 3:00 p.m. together with service upon the owner(s) of said property, and

WHEREAS the Town Board accepts and adopts the Unsafe Structure Report, dated October 30, 2013, as presented by the Code Enforcement Officer, and

WHEREAS said property owner(s) was duly served on November 26, 2013, and

WHEREAS said hearing relative to the demolition of buildings at 78 Hammond Street due to the unsafe occupancy, unsanitary and not fit for humane habitation in accordance with Town Law §130 and Title 15 of the Town of Big Flats Municipal Code was held on December 11, 2013, and

WHEREAS for environmental review purposes, this is a Type II action pursuant to SEQRA 6NYCRR Part 617.5(c)(20), (29), and (33), and no further action is required thereof, now

BE IT THEREFORE RESOLVED the Town Board, pursuant to Title 15 of the Town of Big Flats Municipal Code, hereby affirms the order to demolish the structures located at 78 Hammond Street, remove all construction debris and fill any and all foundations to level grade, no later than February 1, 2014, and

FURTHER RESOLVED that the property owner(s) shall secure a permit for said demolition work prior to commencement of any work, and

FURTHER RESOLVED that in the event that the owner fails to comply with this order, the Town will have the structures removed and all expenses incurred by the Town shall be borne by the property owner(s).

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

CONCERNS OF THE PEOPLE-Dave Manchester Chemung County Legislature, informed Board about a letter to the Editor, regarding the overlay Corning Library District, and a vote was to be held Tuesday, December 17, 2013.

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REPORTS

Supervisor Dean stated the following reports for November 2013 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, Community Center Monthly Report

UNFINISHED BUSINESS

RESOLUTION NO. 204-13

WAGE AND SALARY ADMINISTRATION PROGRAM FOR NON-UNION EMPLOYEES  
AS A GUIDELINE PROVIDED BY PUBLIC SECTOR HR CONSULTANTS LLC,  
ADOPTED

Resolution by: Fairbrother  
Seconded by: Smith

WHEREAS the Town Board adopted Resolution No. 79-13, dated March 13, 2013, hiring Public Sector HR Consultants LLC for the purpose of developing and implementing a wage and salary administration program and development of job descriptions for the Town of Big Flats, and

WHEREAS the Town Supervisor and Deputy Town Supervisor met with representatives of Public Sector HR Consultants LLC to discuss the draft report that was based on the documentation and interviews with existing employees, 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 adopts the Town of Big Flats Wage and Salary Administration Program for Non-Union Employees as a guideline, draft date August 26, 2013.

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

NEW BUSINESS

RESOLUTION NO. 205-13

CONTRACT WITH REDEC FOR THE PURPOSES OF OFFERING CLASSES  
FOR SMALL BUSINESS OWNERS APPROVED

Resolution by: Smith  
Seconded by: Gillette

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RESOLUTION NO. 205-13, CONTRACT WITH REDEC FOR THE PURPOSES OF OFFERING CLASSES FOR SMALL BUSINESS OWNERS APPROVED continued

WHEREAS REDEC is a private non-profit organization that supports Chemung, Schuyler and Steuben counties and they are interested in offering a class dealing with small businesses, and

WHEREAS the class will offer support and information on owning a small business and assistance in finding local financial support, and

WHEREAS the Town Board determines that this class would be a benefit to our local and potential small business owners, and

WHEREAS said classes will be held in the evening beginning March 21, 2014, 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 a service contract with REDEC for the purpose of offering a class dealing with small businesses and assistance in finding local financial support at a cost not-to-exceed \$50.00 with 20% of fees collected to be returned to the Town in accordance with the terms and conditions of the agreement.

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

RESOLUTION NO. 206-13

BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE FOR 2014 APPROVED

Resolution by: Gillette  
Seconded by: Saglibene

WHEREAS the Big Flats American Legion submitted an application for a Games of Chance License, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED a Findings and Determination for Games of Chance License, along with the guidance and interpretation of the New York State Racing and Wagering Board,

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RESOLUTION NO. 206-13, BIG FLATS AMERICAN LEGION GAMES OF CHANCE LICENSE FOR 2014 APPROVED continued

found the designated members conducting Games of Chance games are of good moral character, and

FURTHER RESOLVE the Town Board approves the Application for a Games of Chance License, dated November 20, 2013 from the Big Flats American Legion Post 1612 to perform games of chance events as outlined in the application.

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

RESOLUTION NO. 207-13  
REBECCA PRESTON, PART-TIME CLERK FOR THE BIG FLATS COMMUNITY CENTER APPOINTED

Resolution by: Saglibene  
Seconded by: Fairbrother

WHEREAS there exists a vacancy in the position of Clerk at the Town of Big Flats Community Center, and

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

WHEREAS the Director of Recreation reviewed the applications submitted for the Clerk position, and

WHEREAS the Director conducted interviews of potential candidates, and

WHEREAS the Director recommends the appointment of Rebecca Preston to the position of Clerk for the Community Center, 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 Rebecca Preston as the Clerk, part-time for the Community Center with a probationary period for not less than 8 weeks nor to exceed 26 weeks at the rate of \$12.00 per hour, and

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

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

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RESOLUTION NO. 208-13  
PART-TIME CUSTODIAN FOR THE COMMUNITY CENTER APPOINTED

Resolution by: Fairbrother  
Seconded by: Smith

WHEREAS the Director of Recreation has determined the necessity to hire additional part-time custodians for a maximum of 20 hours per week for the Community Center, 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, as recommended by the Director of Recreation, hereby appoints Erich Bartsch, as a Custodian, Part-time at the rate of \$11.00 per hour not-to-exceed 20 hours per week.

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

RESOLUTION NO. 209-13  
POSITION OF ASSESSOR'S AIDE BASED ON THE CITY OF ELMIRA COMPETITIVE CLASSIFICATION AND AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR SAID POSITION APPROVED

Resolution by: Smith  
Seconded by: Gillette

WHEREAS the Town Board recognizes that a position in the office of the Assessor is needed in order to train and certify a new assessor, and

WHEREAS the Town Board recognizes that said training and certifying is required by New York State Taxation and Financing and can take up to three (3) years, and

WHEREAS the position of Assessor's Aide (City of Elmira) is classified as a competitive class, 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 creation of Assessor's Aide (City of Elmira) with a salary range of \$22,000 to \$ 26,000 , and

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RESOLUTION NO. 209-13, POSITION OF ASSESSOR'S AIDE BASED ON THE CITY OF ELMIRA COMPETITIVE CLASSIFICATION AND AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR SAID POSITION APPROVED continued

FURTHER RESOLVED said position will include these work activities and in no event shall an employee be limited to only those examples listed here:

- In a field setting, collects data relative to inventorying and categorizing properties;
- Performs analyses of trends in property valuations;
- Reviews building permits and verifies accuracy through field visits, updates Assessment data base and provides information to the Assessor for final valuation;
- Assists in revising assessment rolls to reflect changes of address, lot size and type of property;
- Disseminates information to the public related to assessment and valuation issues;
- Makes public presentations with regard to routine assessment matters;
- Does other research as required by the Assessor, and

FURTHER RESOLVED the full performance knowledge, skills, abilities, and personal characters shall be good knowledge of real property terminology and practices; knowledge of good building practices; ability to maintain records and produce written reports; ability to conduct research relative to property trends; knowledge of office procedures and equipment; ability to work tactfully with the public; physical condition commensurate with the demands of the position, and

FURTHER RESOLVED license as an appraiser or courses leading to such shall be given credit as for work experience, and

FURTHER RESOLVED a minimum qualifications for the above position shall be established consistent of Real Property Tax Law §312 by the Commissioner of the State of New York, and

FURTHER RESOLVED the position of Assessor Aide shall prepare for and acquire the requisite skills to ultimately be certified as an Assessor pursuant to Real Property Tax Law §318 by the Commissioner of the State of New York, and

FURTHER RESOLVED the probationary terms for Assessor Aide will be a term of 52 weeks, and

FURTHER RESOLVED the Town Board authorizes the Assessor and Town Clerk to advertise said position.

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

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RESOLUTION NO. 210-13

URGING THE GOVERNOR TO MAINTAIN OPERATION OF THE ELMIRA  
PSYCHIATRIC CENTER AND GREATER BINGHAMTON HEALTH CENTER APPROVED

Resolution by: Dean

Seconded by: Fairbrother

WHEREAS the New York State Office of Mental Health (OMH) plan in its current form designated the closure of all state operated inpatient services at the Elmira Psychiatric Center and Greater Binghamton Health Center by July of 2014 and create two Community Outpatient Service hubs at those location instead, and

WHEREAS the Elmira and Greater Binghamton Centers currently serve a largely rural population of nearly 1.5 million people in fifteen counties of the Southern Tier and parts of the Finger Lakes, covering over 11,400 square miles, comprising nearly one-quarter of the state and lacking access to public transportation, and

WHEREAS the counties in the current Elmira Psychiatric Center of the Southern Tier are Tompkins, Chemung, Steuben, Yates, Schuyler, Seneca, Wayne, Ontario, Allegheny, and

WHEREAS the counties in the current Greater Binghamton Health Center of the Southern Tier are Delaware, Broome, Tioga, Chenango, Otsego, and

WHEREAS the OMH plan exclusively follows an urban thruway corridor model, requiring rural, often poor, residents of the Southern Tier to travel hours to urban areas along the New York State Thruway for inpatient care having Buffalo or Syracuse for adults and Buffalo or Utica for children, and

WHEREAS the United States Government has already designated many of the counties served by Elmira and Greater Binghamton to be “Federally Designated Underserved Areas”, prior to the removal of inpatient services by OMH, and

WHEREAS the OMH plan removes 100% of the state operated child and adolescent inpatient services from these fifteen rural counties, and would also leave these fifteen counties with no private hospital children under 12 years of age beds and only six private hospital adolescent ages 12-17 beds located in Tompkins County, and

WHEREAS the OMH plan removes 100% of the state operated adult inpatient services from these fifteen counties and relies on only 1.45 private inpatient beds for every 10,000 people living in the fifteen counties served by Elmira and Greater Binghamton, and

WHEREAS the OMH plan leaves local hospitals that predominately rely on public mental health services to choose between high risk discharges or weeks of uncompensated care, while awaiting access to the urban Regional Center for Excellence, and

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RESOLUTION NO. 210-13, URGING THE GOVERNOR TO MAINTAIN OPERATION OF THE ELMIRA PSYCHIATRIC CENTER AND GREATER BINGHAMTON HEALTH CENTER APPROVED continued

WHEREAS the Elmira and Greater Binghamton Centers are among the top performing hospitals in OMH relative to access, quality and productivity, providing timely access to a comprehensive array of high quality child and adult acute, intermediate, residential, educational, clinic and recovery focused services, and

WHEREAS Greater Binghamton ranks #1 in OMH children's inpatient access turnover and Elmira ranks #3 in OMH adult inpatient access turnover, outperforming all but one of the property Regional Centers of Excellence, and the Elmira and Greater Binghamton centers are #3 and #1 (respectively) in OMH for children's discharges that are successfully followed by multiple outpatient visits, and

WHEREAS the Elmira and Greater Binghamton Centers began working together in late 2012 toward combining operational elements, reducing the duration of inpatient hospitalization and achieving joint efficiencies that are amongst the best in OMH, and

WHEREAS the Elmira and Greater Binghamton Centers have substantially achieved most of the access, quality, and productivity objectives ostensibly serving as the basis of the OMH Regional Centers of Excellence plan, and

WHEREAS the OHM plan is inadequate to meet the challenges of the most economically distressed part of the state, at a time when the need for mental health services is on the rise, now

BE IT THEREFORE RESOLVED the Town Board of the Town of Big Flats urges the Commissioner of Mental Health, Honorable Governor Andrew M. Cuomo, the New York State Senate and the New York State Assembly to support the inclusion of a Southern Tier OMH Region with a Southern Tier based Regional Center of Excellence serving the Southern Tier and portions of the Finger Lakes. This would include continued access to child, adolescent and adult inpatient and community services, managed under a locally responsive rural model, as an alternative to the exclusively urban thruway model currently under consideration, and

FURTHER RESOLVED that a copy of this resolution be forwarded to the Commissioner of Mental Health, Honorable Governor Andrew M. Cuomo, Honorable Senator Thomas F. O'Mara, Honorable Assemblyman Philip Palmesano, Honorable Assemblyman Christopher S. Friend, and Honorable Executive Thomas Santulli.

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

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RESOLUTION NO. 211-13  
ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK  
NEWLY ELECTED OFFICIALS CONFERENCE APPROVED

Resolution by: Gillette  
Seconded by: Saglibene

WHEREAS the Association of Towns State of New York conference is a training conference for Newly Elected Officials, and

WHEREAS said conference is held annually with representatives from New York State offices offering sessions for the office of the Town Councilmen, and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes Lee Giammichele, incoming Town Board, to attend the Association of Towns of the State of New York Newly Elected Officials Conference held January 8<sup>th</sup> - 10<sup>th</sup>, 2014, in Rochester, NY with expenses for hotel and registration not to exceed \$418.00, and all appropriate expenses to be paid from the appropriate 2014 budgets.

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

RESOLUTION NO. 212-13  
FULL SERVICE MAINTENANCE AGREEMENT FOR THE TOWN COURT WORK  
CENTER COPIER APPROVED

Resolution by: Saglibene  
Seconded by: Fairbrother

WHEREAS the court office has determined that a full service maintenance agreement is necessary for the Work Center 3220/DN Copier # UAK529084 offered by Office Equipment, and

WHEREAS an annual Agreement of One Hundred Forty Nine dollars and no cents \$149.00 and

WHEREAS for environmental review, administration is a Type II action in accordance with SEQRA, 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board approves the Equipment Lease Agreement authorizing a full service maintenance agreement with Office Equipment for the

MINUTES OF THE TOWN BOARD MEETING OF DECEMBER 11, 2013

RESOLUTION NO. 212-13, FULL SERVICE MAINTENANCE AGREEMENT FOR THE TOWN COURT WORK CENTER COPIER APPROVED continued

Work Center 3220/DN Copier # UAK529084 for a payment of (One Hundred Forty Nine dollars and no cents) \$149.00 annual fee.

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

RESOLUTION NO.213-13  
DECEMBER 11, 2013 COMMUNICATIONS LOG APPROVED

Resolution by: Fairbrother  
Seconded by: Smith

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:

November, 2013

Micro Solutions– RE: Reduced rates on Office 365 for Government. *Referred to: Town Board and filed with Town Clerk.*

November 26, 2013

Elmira College – RE: Invite to the third installment of Elmira College Presidential Lecture Series. *Referred to: Town Board and filed with Town Clerk.*

December 5, 2013

Time Warner Cable – RE: December Programming Notice Changes *Referred to: Town Board and filed with Town Clerk.*

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

Councilperson Smith made a motion, seconded by Councilperson Gillette to adjourn the Town Board meeting at 5:12 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Linda J. Cross  
Town Clerk