

**MINUTES FOR TOWN OF CHEMUNG TOWN BOARD MEETING  
HELD JUNE 10, 2015 AT 7PM in the Town Hall at 48 Rotary Road Ext.  
Chemung NY 14825**

SUPERVISOR RICHTER LED EVERYONE IN THE PLEDGE OF ALLEGIANCE TO SALUTE THE FLAG.

**ROLL:** PRESENT: BIRNEY; BERNATAVITZ; LOPER; RICHTER  
LATE: NAGLE

ON A MOTION BY BIRNEY AND SECONDED BY BERNATAVITZ THE MINUTES OF THE MAY 13, 2015 MEETING WERE ACCEPTED.

**CARRIED:** BIRNEY; BERNATAVITZ; LOPER; RICHTER

**COMMUNICATIONS:**

1. NYSORPS-TENTATIVE EQUALIZATION
2. EXCELLUS-RATE INCREASE REQUEST (16.8%)
3. NYS COMPTROLLER-STANDARD WORKDAY RESOLUTION

**PUBLIC FORUM:**

1. MARY ELLEN KUNST-TOWN HISTORIAN. THERE IS A CONTEST TO USE COUNTY PARKS SPONSORED BY CHEMUNG CO. HISTORIAL SOCIETY AND THE CHEMUNG BOAT LAUNCH IS INCLUDED. SECONDLY, THERE IS NO WORD, YET, ON HISTORIAL GRANT.

**BUILDING COMMITTEE:**

BUILDING REPAIRS ARE 25% DONE. THE WORKERS ARE PRESENTLY WORKING ON THE ROOF.

NAGLE IS HERE.

**OLD BUSINESS:**

1. HIGHWAY BUILDING REPAIRS-SEE ABOVE
2. CHEMUNG-ASHLAND HIGHWAY INIATIVE-WILL BE ADDRESSED LATER IN THE MEETING

**NEW BUSINESS:**

1. BUDGET MODIFICATIONS
  - A. CREATE A1010.41 APPROPRIATION ACCOUNT-SIDEWALK PROJECT (MONEY FROM NYS DOT GRANT)
  - B. CREATE A1620.41 APPROPRIATION ACCOUNT AND A5990 REVENUE ACCOUNT- BUILDING (FROM BANK CD)

**RESOLUTION 2015-057  
CREATE NEW ACCOUNTS**

**RESOLUTION BY:** RICHTER

**SECONDED BY:** BIRNEY

**RESOLVED,** THE CHEMUNG TOWN BOARD AGREES TO CREATE ACCOUNT A1010.41 FOR THE SIDEWALK GRANT PROJECT AND ACCOUNTS A1620.41 APPROPRIATION ACCOUNT AND A5990 REVENUE ACCOUNT FOR THE BUILDING REPAIRS. THE BUILDING REPAIR BEING PAID FOR BY CASHING OUT A CERTIFICATE OF DEPOSIT.

**CARRIED:**                    **AYES:** BERNATAVITZ; LOPER; NAGLE; BIRNEY; RICHTER  
**NAYES:** NONE

2. PROPERTY AQUISITION FROM *NYSDOT*

RESOLUTION No. 2015-058  
TOWN BOARD  
TOWN OF CHEMUNG, NEW YORK

**TITLE:**                    AUTHORIZING THE TOWN TO PURCHASE FROM THE STATE OF NEW YORK THROUGH ITS DEPARTMENT OF TRANSPORTATION A 1.9 +/- ACRE PARCEL OF LAND IN THE TOWN OF CHEMUNG FOR PURPOSES OF EXTRACTING GRAVEL FOR USE ON TOWN ROADS

WHEREAS, the Town of Chemung (Town) would like to acquire a 1.9 +/- acre parcel of land (the "Parcel") located in the Town between I-86 and a gravel pit now owned by the Town (former Calvin Cole, Inc. pit) in order to extract gravel for use in maintaining, repairing and/or reconstructing Town roads; and

WHEREAS, the State of New York (State) is the fee owner of the Parcel which is under the jurisdiction of the New York State Department of Transportation (NYSDOT) who has previously designated the subject parcel as Surplus Property Case No. 06-III-251; and

WHEREAS, the NYSDOT is willing to process the conveyance of the subject parcel to the Town on a Dollar Payment Waived basis for the purpose of mining gravel for use on Town highways.

NOW THEREFORE, BE IT

RESOLVED, that the Town of Chemung, New York agrees to purchase and accept title from the State of New York a 1.9 +/- acre parcel of land under the jurisdiction of the New York State Department of Transportation previously designated by the NYSDOT as Surplus Property Case No. 06-III-251. Said parcel is located in the Town of Chemung between I-86 and the former Calvin Cole, Inc. gravel pit now owned by the Town for purposes of extracting gravel to maintain, repair and/or reconstruct Town roads, and it is further

RESOLVED, that the purchase price shall be a Dollar Payment Waived (\$1PW) with the understanding that the conveyance of the subject property shall be restricted to the use set forth herein and shall be further subject to the provisions of New York Highway Law section 145, and it is further

RESOLVED, that the Town acknowledges and understands that the processing of the Town's request to purchase the subject parcel by the NYSDOT should not be relied on by the Town that title to the parcel will be transferred to the Town. The Town further acknowledges and understands that the NYSDOT, has not made and does not make, any representation, express or implied, written or oral, that title to the parcel will be transferred to the Town, and it is further

RESOLVED, that the Town acknowledges and understands that the processing of the Town's request to purchase the subject parcel by the NYSDOT will involve various expenses that must be paid by the Town without contribution by the NYSDOT. The Town further acknowledges and understands that any and all expenses paid by the Town in connection with this matter are not reimbursable by the NYSDOT even if the Town does not take title to the subject parcel, and it is further

RESOLVED, that the Town acknowledges and understands that in the event that the Town takes title to the subject parcel the current right-of-way fence now located between the I-86 Right-of-Way and the Town's gravel pit must be relocated, at the Town's sole expense, to the new border between said I-86 and Town gravel pit. In addition, the Town acknowledges and understands that the

existing fence may not, in the sole discretion of the NYSDOT, be re-usable and must be replaced, which the Town agrees to do at the Town's sole expense, and it is further

RESOLVED, that the Town acknowledges and understands that a permit is needed from the New York State Department of Environmental Conservation (DEC) before commencing mining operations on the subject parcel, which the Town agrees to obtain, at the Town's sole expense, before extracting gravel from the subject parcel, and it is further

RESOLVED, that the Town agrees to restore the subject property at the conclusion of mining operations for use as recreational and/or open green space at the Town's sole expense, and it is further

RESOLVED, that the Town Supervisor and/or Town Highway Superintendent shall have the authority to sign all documents required in connection with this transaction, and it is further

RESOLVED, that the Town acknowledges and understands that a map prepared to NYSDOT standards is required in connection with the transfer of title of the subject property which is the responsibility of the Town to obtain, and it is further

RESOLVED, that the Town of Chemung shall pay all fees and expenses, if any, arising out of the transaction herein contemplated, without contribution from the State and/or NYSDOT.

**RESOLUTION BY: NAGLE**  
**SECONDED BY: BERNATAVITZ**

**CARRIED:**                      **AYES: LOPER; NAGLE; BIRNEY; BERNATAVITZ; RICHTER**  
**NAYES: NONE**

RESOLUTION No. 2015-059  
TOWN BOARD  
TOWN OF CHEMUNG, NEW YORK

TITLE:                      AGREEMENT OF THE TOWN TO RETAIN OWNERSHIP OF A 1.9 +/-  
ACRE PARCEL OF LAND PURCHASED FROM THE NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION FOR THE EXTRACTION OF  
GRAVEL IN PERPETUITY AND TO MAINTAIN A VISUAL BARRIER ON  
THE SOUTH SIDE OF SAID PARCEL

WHEREAS, the Town of Chemung (Town) has begun the process of purchasing from the New York State Department of Transportation (NYSDOT) a 1.9 +/- acre parcel of land (the "Parcel") located in the Town between I-86 and a gravel pit now owned by the Town (former Calvin Cole, Inc. pit) in order to extract gravel for use in maintaining, repairing and/or reconstructing Town roads; and

WHEREAS, the Town has passed a Resolution (2015-0053) regarding said purchase on May 13, 2015; and

WHEREAS, during the review process required before the subject property can be conveyed to the Town on a Dollar Payment Waived basis, the NYSDOT has advised the Town that it must agree to retain ownership of the property forever as recreational and/or open green space (at the conclusion of gravel mining operations), and

WHEREAS, the NYSDOT has advised the Town that the gravel pit is unsightly and that the Town must agree to retain the existing trees on the 25' "buffer area" between the pit and I-86 as required by the New York State Department of Environmental Conservation (NYSDEC) for the issuance of a mining permit, and further, that the Town must agree to forever maintain a vegetative visual barrier on said "buffer area".

NOW THEREFORE, BE IT

RESOLVED, that the Town agrees to retain ownership of the subject property in perpetuity, and it is further

RESOLVED, that the Town agrees to forever maintain a visual barrier between the subject property and I-86, made from trees, shrubs and other vegetative materials, so as to block the view of the gravel pit from I-86, in a manner acceptable to the NYSDOT and/or as required by federal and state laws, rules or regulations, and it is further

RESOLVED, that the current and future Town Supervisor and/or Town Highway Superintendent shall have the authority to sign all documents required in connection with the above matters.

**RESOLUTION BY: NAGLE**  
**SECONDED BY: BIRNEY**

**CARRIED:**                   **AYES: NAGLE; BIRNEY; BERNATAVITZ; LOPER; RICHTER**  
**NAYES: NONE**

3. CHEMUNG-ASHLAND HIGHWAY INITIATIVE

**RESOLUTION 2015-060  
CHEMUNG/ASHLAND HWY INITIATIVE**

**RESOLUTION BY:** RICHTER

**SECONDED BY:** LOPER

**RESOLVED,** THE CHEMUNG TOWN BOARD AGREES TO COMBINED ITS' HIGHWAY DEPARTMENT WITH THE TOWN OF ASHLAND HIGHWAY DEPARTMENT. THE RETIREMENT INSURANCE WILL BE PAID BY THE TOWN OF ASHLAND INSTEAD OF CHEMUNG COUNTY AS IT WAS IN THE ORIGINAL AGREEMENT. THIS HIGHWAY INITIATIVE IS RETROACTIVE TO JUNE 1, 2015.

**CARRIED:** **AYES:** BIRNEY; BERNATAVITZ; LOPER; NAGLE; RICHTER  
**NAYES:** NONE

4. TOWN OF CHEMUNG CODE ENFORCEMENT OFFICER LARRY LANTERMAN WILL BE RETIRING ON JULY 31, 2015 AFTER MORE THAN TWENTY YEARS OF SERVICE. THE REPLACEMENT CODE OFFICER WILL NEED TO PASS THE CIVIL SERVICE TEST BEFORE BEING APPOINTED

**RESOLUTION 2015-061  
ACCEPT MONTHLY REPORTS**

**RESOLUTION BY:** BIRNEY

**SECONDED BY:** NAGLE

**RESOLVED,** THE CHEMUNG TOWN BOARD AGREES TO ACCEPT THE MONTHLY REPORTS FROM ALL DEPARTMENTS FOR THE MONTH OF JUNE 2015.

**CARRIED:** **AYES:** BERNATAVITZ; LOPER; NAGLE; BIRNEY; RICHTER  
**NAYS:** NONE

**RESOLUTION 2015-062  
PAY MONTHLY BILLS**

**RESOLUTION BY:** BERNATAVITZ

**SECONDED BY:** NAGLE

**RESOLVED,** THE CHEMUNG TOWN BOARD AGREES TO PAY THE MONTHLY BILLS IN THE FOLLOWING ACCOUNTS: GENERAL ABSTRACT #5 IN THE AMOUNT OF \$66,774.39 AND HIGHWAY ABSTRACT 5 IN THE AMOUNT OF \$51,394.67 FOR MAY 2015.

**CARRIED:** **AYES:** LOPER; NAGLE; BIRNEY; BERNATAVITZ; RICHTER  
**NAYS:** NONE

ON A MOTION BY BIRNEY AND SECONDED BY LOPER THE MEETING WAS ADJOURNED UNTIL JULY 8, 2015

**CARRIED:** **AYES:** NAGLE; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
**NAYS:** NONE

RESPECTFULLY SUBMITTED:

MARY ELLEN STERMER,  
CHEMUNG TOWN CLERK