

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, September 21, 2015 at 7:00 PM at 1255 West Water Street, Elmira, NY, there were present:

Supervisor: David Sullivan
Councilmember: Scott Bush
Councilmember: Thomas Milliken
Councilmember: Ronald Allison
Councilmember: Karen Krusen

Others present
Town Clerk- Jo Ann Sherwood
Attorney- Scott Moore
Code Enforcement Officer - Chip LeValley
Chief of Police- Peter Michalko
Highway Superintendent- Matthew Mustico

Oath of Office – Thomas Barr, Sergeant

Chief Peter Michalko presented Officer Barr with his stripes and shields appointing him to the rank of Sergeant. Officer Barr's wife Maureen pinned his Sergeant's shield on his uniform.

At 7:04 P.M., Town Attorney Scott Moore read proof of publication of notice of September 8, 2015 for a public hearing to consider an Amendment to Code of the Town of Elmira by adding Chapter 170 Rental Housing Registration. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. When no one wished to speak in favor of the proposed amendment, those wishing to speak in opposition to the amendment was invited to do so. When no one wished to speak in opposition to the proposed amendment the hearing was declared closed at 7:05 P.M.

At 7:06 P.M., Town Attorney Scott Moore read proof of publication of notice of September 8, 2015 for a public hearing to consider an Amendment to Code of the Town of Elmira by adding Chapter 171 Rental Housing Buildings Certification. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. When no one wished to speak in favor of the proposed amendment, those wishing to speak in opposition to the amendment was invited to do so. When no one wished to speak in opposition to the proposed amendment the hearing was declared closed at 7:07 P.M.

At 7:07 P.M., Town Attorney Scott Moore read proof of publication of notice of September 4, 2015 for a public hearing to consider a License Agreement between the Town and Darren and Jennifer Hull, residing at 77 Coleman Avenue, Elmira, NY. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. When no one wished to speak in favor of the proposed license agreement, those wishing to speak in opposition to the license agreement were invited to do so. When no one wished to speak in opposition to the license agreement, the hearing was declared closed at 7:08 P.M.

Resolution #103-15

Minutes

By Mr. Allison

Seconded by Mrs. Krusen

Motion was made to approve the minutes of the regular meeting of August 17, 2015 and the workshop meeting of August 31, 2015.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #104-15

Transfers

By Mr. Allison

Seconded by Mrs. Krusen

Resolved that the following transfers were herewith authorized:

From Line Item	To Line Item	Amount	Reason
B00.9060.81	B00.9060.84	80.38	Under appropriated
SM0.9060.81	SM0.3120.41	943.02	Under appropriated
SM0.9060.81	SM0.3120.43	346.50	Under appropriated
SM0.3120.13	SM0.3120.12	2,361.62	Under appropriated

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #105-15

Financial Report

By Mr. Bush

Seconded by Mr. Allison

Motion was made to accept and approve the Supervisor's report for the month of August 2015.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #106-15

Audit of Bills

By Mr. Milliken

Seconded by Mr. Allison

Resolved that claims #7290 through #7369 in the total amount of \$145,211.06 were audited and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Communications:

Matt Davis, Trustee, Forest Lawn Memorial Park Re: Surplus truck- Board stated they need to declare this surplus before acting on this. Atty. Moore to review the regulations for this surplus Bill Duggan, Estates Drive, Elmira, NY Re: Saddle Ridge Drive/Estates Drive Stop Sign

Department Reports:

Code Enforcement Officer Chip LeValley reported for Buildings and Grounds Custodian Scott Eschbach that the swimming pool is now closed for the season. The new baseball field and the soccer field have been sprayed with new grass mixture. The Highway Dept. in conjunction with the City of Elmira Public Works has installed a walking path around the soccer field. This past weekend a Tennis Tournament was held at the courts and it was a successful tournament. Chip has submitted his written report for the Code office.

Highway Supt. Matt Mustico reported his crews helped Scott with the soccer field. They also hauled 16 loads of top soil for the field. They will be adding a top coat over the walking trail. His crews have mowed the detention ponds and were busy with roadside mowing. Matt attended the NYS Superintendents Highway conference last week and was voted onto the Executive Committee. Matt stated the County will be helping the town with Bowlby Road in a couple of weeks. There is still patching to be done in West Elmira. Matt reported that the Chemung County Equipment rodeo will be held on Thursday at the Chemung County fairgrounds. All county/town/village highway departments will participate. It will be held from 9 AM until 2 PM. NYSEG will be participating as well. He invited the board to attend.

Police Chief Peter Michalko submitted his written monthly report and gave a report on this. He stated the monthly report does not track mental health incidents or arrests. He reported that the department had two this month. Depression and drugs seem to be playing more of a role lately as they have had an increase in mental health calls.

Public Comments:

Ron McConnell thanked everyone for a great pool season. He stated the Adult Swim session each day was very well attended this year. They appreciate the town having this for them. Rich Schornstheimer of 120 Larchmont Road asked if there is any ordinance that prohibits fowl in the Town of Elmira. His neighbor behind his house has put in a chicken coop which is right behind his bedroom window. Runoff from the chicken area goes into his yard. He is very appalled and disgusted with this. The odor is very offensive. He understands there is no law that prohibits this but wishes the town to adopt one. The Code Officer has sent two letters to the owners of the chickens and they have ignored both of them. This will be referred to ZBA board for review.

Resolution #107-15

Appoint Traffic Officer Thomas Barr to rank of Provisional Sergeant

By Mr. Milliken

Seconded by Mr. Allison

Resolved, that Traffic Officer Thomas Barr be promoted to the rank of Provisional Sergeant effective September 21, 2015.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #108-15

Appoint William Agan to Recreation Commission

By Mr. Krusen

Seconded by Mr. Allison

Motion was made to appoint William Agan to the Recreation Commission for a term to expire April 30, 2020.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #109-15

Appoint Matthew Cornacchio to Recreation Commission

By Mr. Allison

Seconded by Mr. Bush

Motion was made to appoint Matthew Cornacchio to the Recreation Commission to fill an unexpired term to expire April 30, 2016.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #110-15

Adopt Local 2-2015 to Amend the Code of the Town of Elmira to add Chapter 170 Rental Housing Registration

By Mr. Allison

Seconded by Mrs. Krusen

170-1. Legislative Findings and Intent

The Town Board of the Town of Elmira hereby finds and declares that the rental of Dwelling Units constitutes a business which impacts upon the public health, safety and general welfare of the people of the town. The intent of this Local Law is to promote the orderly and timely management and maintenance of rental Dwelling Units in order to protect the public health, safety and general welfare of the people of the town and to further achieve the following beneficial purposes:

- (1) The protection of the character and stability of residential areas;
- (2) The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings; and
- (3) The preservation of the value of land and buildings throughout the town.

170-2. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AGENT means a person 18 years of age or older or entity designated by the owner on the registry form who, by such owner designation, shall have the authority to make decisions regarding the management and maintenance of any and all Dwelling Units owned by the owner and located within the town.

BUILDING means a structure containing one or more Dwelling Units rented or being offered for rental.

CODE means the state uniform fire prevention and building code, as amended.

CODE ENFORCEMENT OFFICER means the Code Enforcement Officer of the town or his/her designee.

DEPARTMENT means the town's code enforcement department.

DWELLING UNIT means a residential accommodation which is arranged, designed, used or, if vacant, intended for use exclusively as a domicile or residence of one or more persons.

OWNER means the owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, administrator, trustee or agent.

PERSON means an individual or any entity which lawfully can be the fee owner of real property.

170-3. Violation

(a) In addition to any other remedies available under law, any owner failing to comply with the requirements of this chapter shall be subject to a civil penalty of not less than \$100 but not more than \$1,500 for each day the violation continues.

(b) If there be any violation of this chapter with respect to any building containing one or more Dwelling Units, which Dwelling Units are occupied in whole or in part for human habitation, no rent shall be recovered for such Dwelling Units for any period during which such violation exists, and in any action or proceeding to collect rent owing for any period during which such violation exists or to recover possession of the Dwelling Units for nonpayment of

such rent, proof of violation of any of the provisions of this chapter shall be an absolute defense to such action or proceeding.

(c) No owner, agent or person in charge shall collect rents during any period of noncompliance with the provisions of this chapter which would otherwise be due and owing for the rental of a Dwelling Unit unless and until he shall have complied with the provisions of this chapter.

(d) In addition to subsections (a), (b) and (c) of this section, any owner failing to comply with the requirements of this chapter must apply for and obtain a probationary certification pursuant to chapter 171. In the event an owner fails to apply for and obtain a probationary certification, the Code Enforcement Officer may cause to be posted conspicuously on any or all of the owner's buildings containing a rental Dwelling Unit a notice stating substantially as follows: "These premises are uncertified pursuant to chapter 171 of the Code of the Town of Elmira, and the use and occupancy of the building is prohibited effective 30 days from the date of this notice, and thereafter no person shall enter the building except for the purpose of making repairs, maintenance and security until the owner registers in accordance with chapter 171 and complies with the provisions of chapter 171."

170-4. Rental Housing Registry of Owner; Exemptions

(a) In addition to any registry requirements pursuant to the state's multiple residence law, no person shall allow to be occupied, or rent to another for occupancy, any Dwelling Unit unless the owner first has registered the building with the town in accordance with the provisions of section 170-5.

(b) Exemptions. The provisions of this chapter shall not apply to:

- (1) A municipal housing authority;
- (2) Hotels;
- (3) Motels;
- (4) Bed and breakfast establishments;
- (5) Hospitals and colleges, except for a building containing a Dwelling Unit being rented for other than direct hospital or college use;
- (6) Nursing homes; or
- (7) Other buildings which offer or provide medical or nursing services if such buildings are subject to state or federal licensing or regulations concerning the safety of the users, patients or tenants.

170-5. Registration

(a) Within 90 days after the effective date of the local law from which this chapter is derived, the owner of each building existing on such effective date shall file with the Department a registry form. The owner of each building constructed after the effective date of the local law from which this chapter is derived shall file with the Department a registry form as herein provided prior to any initial occupancy. Such application shall be made on a form furnished by the Department and shall set forth the following information, in addition to other information required by the Code Enforcement Officer from time to time which may be necessary to administer, enforce and ensure compliance with the provisions of this chapter:

- (1) Name, principal residence address, principal business address, telephone number and email address of each owner of record.
- (2) If the owner is an association, partnership, limited liability partnership, joint tenancy, tenancy in common, tenancy by the entirety or other entity, the name of each and every owner, partner or general partner and addresses in accordance with subsection (a)(1) of this section.
- (3) If the owner is a corporation or a limited liability company, the principal place of business of the corporation or company must be provided and the name, title and residence address of all officers, directors, managing or general agents must be included.
- (4) The street number of each building.
- (5) The number of Dwelling Units in each building.
- (6) If applicable, the name of owner's designated agent with the agent's principal residence address, principal business address, phone numbers and email address.
- (7) The types of any fire protection systems located in each building.
- (8) It shall be the responsibility of the owner to properly register any change of address, agent or any other registration information which occurs after the filing of the registry within 60 days of the date of change.

(9) For purposes of this section, a post office box shall not be accepted as the owner's or agent's address. Further, the building intended to be registered shall not be accepted as the owner's or agent's address unless it is the principal place of business or residence of the owner or agent.

(10) The owner shall specify the address to which all notices, violations, and invoices for fees are to be delivered.

(b) If said owner's principal place of business is not located within the county, or is located within the county but none of the business's officers or directors or members reside in said county, or the owner's principal place of residence is not located in said county, the owner must designate on the registry form a natural person 18 years of age or older who resides in the county as owner's agent whom the owner authorizes to accept service of legal process and all notices may be served or delivered. The owner must designate the tenant as agent if no other agent is available.

(c) Within 60 days of the date of transfer of the legal or equitable title to any building required to be registered by this chapter, the new owner shall file with the Department a new registry form.

170-6. Fee

(a) There shall be no filing fee for an owner filing a registry form within 90 days after the effective date of this chapter. Thereafter, an owner who owned a building during said 90-day period but failed to file a registry form during such period shall pay at the time of filing a registry fee of \$125.00 for each building being registered.

(b) If the owner was not the owner of a building during said 90-day period, there shall be no filing fee for said owner, provided the owner files a registry form within 60 days of acquiring legal or equitable title to the building as required by section 170-5. If said owner files a registry form after the expiration of the 60-day period, the owner shall pay at the time of filing a registry fee of \$125.00 for each building being registered.

(c) There shall be no filing fee for an owner filing an amended registry form pursuant to section 170-5(a)(8).

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #111-15

Adopt Local 3-2015 to Amend the Code of the Town of Elmira add Chapter 171 Rental Housing Buildings Certification

By Mr. Bush

Seconded by Mr. Allison

171-1. Legislative Intent and Findings

The Town Board hereby finds and declares that the rental of Dwelling Units constitutes a business which impacts upon the public health, safety and general welfare of the people of the town. The intent of this chapter is to regulate the offering for rental of Dwelling Units by owners who have demonstrated a disregard for the timely management and maintenance of rental Dwelling Units in an effort to protect the public health, safety and general welfare of the people of the town and to further achieve the following beneficial purposes:

- (1) The protection of the character and stability of residential areas;
- (2) The correction and prevention of housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings;
- (3) The enforcement of minimum standards for heating, plumbing and other sanitary equipment necessary for health and safety;
- (4) The enforcement of minimum standards for light and ventilation necessary for health and safety;
- (5) The enforcement of minimum standards for the maintenance of existing residential buildings and the prevention of slum and blight conditions;
- (6) The preservation of the value of land and buildings throughout the town;
- (7) The protection of responsible owners of rental Dwelling Units who responsibly and timely manage and maintain their rental Dwelling Units. The town board finds that responsible owners not in violation of this chapter shall not be subject to the probationary certification procedure contained in this chapter.

171-2. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AGENT means a person or entity designated by the owner on the registry form who by such owner designation shall have the authority to make decisions regarding the management and maintenance of any and all Dwelling Units owned by the owner and located within the town.
BUILDING means a structure containing one or more Dwelling Units rented or being offered for rental.

CODE means the state uniform fire prevention and building code, as amended.

CODE ENFORCEMENT OFFICER means the Code Enforcement Officer of the town or his designee.

DEPARTMENT means the town's code enforcement department.

DWELLING UNIT means a single residential accommodation which is arranged, designed, used or, if vacant, intended for use exclusively as a domicile or residence of one or more persons.

OWNER means the owner or owners of the fee of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee or agent.

PERSON means an individual or any entity which lawfully can be the fee owner of real property.

PROBATIONARY CERTIFICATION means as provided for in this chapter.

171-3. Penalty

It shall be an unclassified misdemeanor for any person or owner to violate the provisions of this chapter and such violation shall be punishable by a fine of not less than \$250.00 and not more than \$1,000.00 or up to six months in jail, or both. In addition to any other civil right or remedy, the town also may commence a civil action seeking a civil penalty not to exceed \$10,000.00.

171-4. Certification and Probationary Certification

(a) Rental housing certification. Upon the effective date of the local law from which this chapter is derived, all owners of rental housing in the town shall be deemed not to be in violation of the provisions of this chapter and, therefore, shall be considered to be certified to rent rental Dwelling Units in the town.

(b) Probationary certification required. A person must obtain a rental housing probationary certification before such person shall allow to be occupied, or rent or lease to another for occupancy, any Dwelling Unit if the building in which the Dwelling Unit is located or the building premises, after the effective date of the local law from which this chapter is derived:

(1) Has been issued by the town three or more initial notices and orders to remedy within any consecutive 12-month period when no substantial progress in remedying the violations was made within the time period set forth in the initial notice and order;

(2) Had three or more nuisance abatements including but not limited to miscellaneous refuse, grass (chapter 73) or safety and health (chapter 82) abatements conducted by the town within any consecutive six-month period;

(3) Has been the location of three or more police responses within any consecutive six month period (police responses shall include animal enforcement responses but not responses for medical reasons, other than for medical complaints arising from acts which may constitute a penal law violation or crime, shall not be included) and the town's police chief has ordered probationary certification; or

(4) Has not been registered in accordance with section 170-5.

171-5. Probationary Certification – Surety Fee

(a) The owner of a building meeting any of the criteria set forth in section 171-4 must obtain a rental housing probationary certification for each rental housing building meeting any such criterion within 20 days of becoming subject to this certification requirement. The certification application shall be on a form furnished by the Code Enforcement Officer and shall set forth the following information, in addition to other information required by the Code Enforcement Officer. Failure to provide such information shall be grounds to deny the probationary certification.

(1) Designation by street address of all buildings owned by the owner within the town containing rental housing units.

(2) Owner's name, principal residence address, principal business address, phone numbers (post office box address is not permitted to be used) and email address.

(3) Proof that the owner is in compliance with this Code pertaining to registration of rental housing.

(b) Before issuance of a probationary certification, the owner shall:

(1) Pay in full all unpaid abatement charges owed the town pertaining to any of the owner's buildings and premises, which charges were incurred after the effective date of the local law from which this chapter is derived; and

(2) Deposit or deliver to the town a surety in an amount equal to twice the total paid and any unpaid abatement charges for all of the owner's buildings during the immediately preceding 12 consecutive months prior to the date of submission of the certification application if the owner is required to obtain a certification because the owner is in violation of the provisions of section 171-4(b). Upon transfer of a probationary certification pursuant to section 171-7, the new owner shall deposit or deliver to the town a surety if after acquiring ownership said owner is in violation of the provisions of section 171-4(b), said surety to be in an amount as set forth hereinabove. The surety shall be cash, an irrevocable letter of credit, or an insurance bond in a form acceptable to the corporation counsel. The town shall have the right to recover the cost of any future abatement pertaining to any of owner's rental housing buildings from the surety.

(c) At the time of submission of the certification application form, the owner shall pay to the town a certification fee of \$1,000.00; provided, however, this fee shall not be due if the owner is applying for a probationary certification solely due to the owner's failure to register a building pursuant to chapter 170.

(d) Upon compliance with subsections (a), (b) and (c) of this section, the Code Enforcement Officer shall issue to the owner a probationary certification for the rental housing building or buildings which met any of the criteria set forth in 171-4(b).

171-6. Term

A certification issued pursuant to this chapter shall expire two years after the date of issuance, unless sooner revoked pursuant to section 171-8. If during the term of the certification the rental housing building subject to the certification is not in violation of any of the criteria set forth in section 171-4(b), then the owner will not be required to reapply for a new probationary certification and any surety balance will be returned by the town to the owner at the end of the term. If, however, during the term of the probationary certification the rental housing building subject to the certification meets any of the criteria set forth in section 171-4(b), then the probationary certification is automatically extended for two years from the date of the new determination unless sooner revoked pursuant to section 171-8. If the extension occurs solely or partly because of the occurrence of the criterion set forth in section 171-4(b)(2), then the owner must comply with section 171-5(b)(1). If the certification is extended, the owner shall pay to the town a renewal certification fee of \$1,000.00.

171-7. Transfer

Upon a change in ownership of any building or premises which is the subject of a probationary certification at the time of transfer, said certification shall continue to apply to the building or premises for the remaining term of said certification as determined by section 171-6. The new owner shall comply with the town's local law pertaining to rental housing registration. The town shall return to the grantor the balance of any surety being held pursuant to section 171-5.

171-8. Revocation

(a) Probationary certification. During the probationary certification term, if any residential housing building subject to the certification meets any of the criteria set forth in section 171-4(b)(1), (2) or (3), the town may revoke the certification. Prior to such revocation, the Department shall serve on the owner by certified mail, return receipt, and first class mail or by personal service a notice of the town's intent to revoke the certification with respect to the rental housing buildings subject to the certification. The notice shall specify whether the proposed revocation applies to all or some of owner's residential housing buildings, if to some the specific address of the potentially impacted building; the grounds for the proposed revocation, and the date, time and place of a hearing to be conducted before a person designated by the town supervisor. The designee shall make a record of the hearing and shall refer the record together with his recommendation to the town supervisor for review and decision. The owner may be represented by counsel and shall be allowed to summon witnesses in his behalf. The town shall have the burden of proving the grounds for revocation. Compliance with technical rules of evidence shall not be required.

(b) Shutdown notice.

(1) Upon revocation of a probationary certification, the owner and agent, if any, of the building subject to the certification shall not continue to rent or begin to rent any Dwelling Unit within the building for a period of six months from the date of revocation or date of correction of all cited code violations, whichever period is longer. The superintendent of buildings shall cause to be posted conspicuously on the owner's building containing a rental Dwelling Unit a shutdown notice stating substantially as follows: "These premises are uncertified pursuant to chapter 171 of the Code of the Town of Elmira and the use and occupancy of the building is prohibited effective 30 days from the date of this notice, and thereafter no person shall enter the building except for the purpose of making repairs, maintenance and security."

(2) If a building subject to a shutdown notice as provided in subsection (b)(1) of this section is transferred to a new owner during the shutdown period, said period shall continue to its expiration date or the date of correction of all cited code violations, whichever is shorter.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #112-15

Approve License Agreement between the Town and Darren and Jennifer Hull

By Mrs. Krusen

Seconded by Mr. Allison

Resolved that;

WHEREAS, Darren/Jennifer Hull is the owner of a parcel of property and improvements thereon, commonly known as 77 Coleman Avenue, Town of Elmira, Chemung County, NY all as shown on a survey map entitled Map of Lands Being Conveyed from P. Brian Nielson to Darren & Jennifer Hull, dated July 1, 2015, prepared by Twin Tiers Land survey, Job No. 15267, WHEREAS, that the driveway, as shown on said survey encroaches onto lands currently owned by the Town of Elmira by a maximum distance of 6.67 feet; and

WHEREAS, Hull has requested permission from the Town to allow the driveway to remain as it is currently shown on said survey; and

WHEREAS, the Town and hull are desirous of establishing their respective rights with respect to that portion of the driveway located at 77 Coleman Avenue as it currently encroaches upon adjacent lands of the Town of Elmira;

NOW, THEREFORE, in consideration of the mutual promises set forth hereinafter, the parties agree as follows:

1. Admission of No Rights- Hull acknowledges and admits that the true property lines between their land and the Town of Elmira property is as shown on said survey
2. License To Use- The Town hereby grants to Hull a revocable license, and agrees that Hull, their successors and assigns, may, without further license on their part, use and enjoy all that portion of the said land of the Town, as shown on said survey, upon which their driveway encroaches and that neither Hull nor any person claiming under or through them shall acquire any right, easement or interest in respect to said property of the Town. Hull's, their successors' and assigns' use of the Town property shall be, at all times, subject to the Town's right in and to said property and the rights, if any, of any property owners abutting that portion of the Town's property.
3. Insurance- Hull, their successors and assigns, shall, at all times while this license is in existence, maintain at their sole cost and expense, general liability insurance providing liability coverage for the portion of the driveway located on the Town's property, in an amount satisfactory to the Town of Elmira, which coverage shall name the Town of Elmira, its officers and employees as additional insureds on a primary basis.
4. Termination- The Town of Elmira may terminate this agreement at any time by giving Hull, their successors or assigns, thirty (30) days notice in writing and, thereupon, their successors or assigns, shall immediately undertake to remove that portion of the driveway currently located on the Town's property, as shown on said survey, and if Hull, their successors or assigns, shall fail to do so, the Town may remove or otherwise dispose of the same in its sole and absolute discretion without liability to Hull, their successors or assigns.
5. Benefit- The privileges and responsibilities of this agreement shall insure to the benefit of each of the parties and their respective representatives, successors and assigns.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #113-15

Set Date for workshop meeting

By Mr. Milliken

Seconded by Mrs. Krusen

Motion was made to set the date of October 5, 2015 at 5:00 P.M. for a workshop meeting.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

On a motion by Mr. Bush and seconded by Mrs. Krusen the meeting was adjourned at 7:55 P.M.

Jo Ann Sherwood, Town Clerk