

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday October 17, 2016 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

Others present

Town Clerk- Jo Ann Sherwood
Attorney- Scott Moore
Code Enforcement Officer - Chip LeValley
Chief of Police- Peter Michalko
Highway Superintendent- Matthew Mustico
Buildings and Grounds Caretaker- Scott Eschbach
Recreation Director- Patty Carozza

At 7:01 P.M., Town Attorney Scott Moore read proof of publication of notice of October 3, 2016 of notice of public hearing to consider Local Law 3-2016 to Opt Out of Section 487 of the New York State Real Property Tax Law. 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 local law, those wishing to speak in opposition were invited to do so. When no one wished to speak in opposition to the proposed local law, the hearing was declared closed at 7:03 P.M.

At 7:03 P.M., Town Attorney Scott Moore read proof of publication of notice of October 3, 2016 of notice of public hearing to consider the Preliminary Budget of the Town of Elmira for the fiscal year beginning January 1, 2017. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. Supervisor Sullivan gave a few highlights of the current budget. He stated that total gross spending was up 4.5% from 2015, non-tax revenues are up from 2015 and using money from fund balance is up 8.9%. Property tax increase was up .78%. Mr. Sullivan stated these budget numbers could change before the final budget is passed based on labor talks with the unions. When no one wished to speak in favor of the proposed budget, those wishing to speak in opposition to the budget were invited to do so. When no one wished to speak in opposition to the proposed budget, the hearing was declared closed at 7:06 P.M.

Resolution #122-16

Minutes

By Mr. Bush

Seconded by Mr. Milliken

Motion was made to approve the minutes of regular meeting of September 19, 2016 and workshop meeting of October 3, 2016.

Aye- Bush, Milliken, Allison, Sullivan

No- None

Resolution #123-16

Financial Report

By Mr. Milliken

Seconded by Mr. Allison

Supervisor Sullivan talked about fund balance and bank balances

Motion was made to accept and approve the Supervisor's report for the month of September 2016.

Aye- Bush, Milliken, Allison, Sullivan

No- None

Resolution #124-16

Audit of Bills

By Mr. Allison

Seconded by Mr. Allison

Resolved that claims in the total amount of \$104,832.61 were audited and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Sullivan

No- None

Recreation Director Patty Carozza presented James Couse a plaque for achieving the rank of Eagle Scout and projects he completed at the Town Park. He completed two projects for the Town. He made a new sign for the Town Community Center and he constructed a concrete pad with a park bench, that is centrally located near the playground and pool area. The bench is in memory of Kelly Stage and was donated by the West Elmira Fire Department.

Dairy Princess Ambassador presentation- Dairy Princesses Alyssa Roorda and Kendall Blakemore gave a short talk on the benefits of dairy. They explained the different programs dairy farmers are involved in and how they are trying to bridge the gap between farmers and consumers and promote healthy choices. They also made a dairy punch and served that to the public. Plaques were presented to them by Scott Bush and Ron Allison.

Discussion:

Shared Service Agreements:

Supervisor Sullivan stated that the shared services agreement for Code Enforcement consulting service with the Village of Horseheads has been completed and signed. The town will receive \$17,500 per year per this agreement.

City of Elmira Assessor Aide- Supervisor Sullivan informed the board that this is a tentative arrangement for our assessor aide to work at the City for two days a week. There is no fee for this as we are sharing an Assessor with the City of Elmira so basically it is a wash out of services. They are continuing to develop this contract.

Village of Elmira Heights- Supervisor Sullivan stated this agreement is for code officer assistance and is similar to the agreement that we have with the Village of Horseheads. They are working on this agreement at this time. He requested authorization to continue talks on this agreement.

Department Reports:

Police Chief Peter Michalko submitted his written report and gave a brief summary on this report to the board. He stated that overall September was a slower month than the summer months.

Highway Superintendent Matt Mustico reported that they received a request to put in a paved area for the handicapped at the East Hill voting booth. This week they did some hauling of millings from the state West Water Street project. His crews also worked on a new box for the leaf machine. The annual leaf pickup starts in two weeks. Matt reported that his crew also worked on the baseball fields along with Scott Eschbach to put in electric lines.

Buildings and Grounds Caretaker Scott Eschbach reported he worked with the highway crews on the baseball fields to help put in water and electric lines. He stated that the infield mix for the new ballfield will be laid tomorrow.

Recreation Director Patty Carozza reported that the Recreation Commission had their annual spook house last Friday and Saturday and it went very well. They do not charge for this but a donation is accepted for a local food pantry. The Boy Scouts do a food drive in November and they stated they would be willing to take the food for their drive. Patty stated the spook house was very well attended. She commented “hats off to the Recreation Board for organizing this”. Patty also reported that bridge lessons are being offered at the Town Community Center with staggering times to allow everyone the ability to attend. She said the center is very busy with rental parties as well. All community gardens are spoken for next year. The Boy Scouts will be taking a box as well.

Code Enforcement Officer Chip LeValley stated it was a quiet month in his office.

Public Comments:

Paul DiPietro 120 Durland Ave, questioned if there is money in the proposed 2017 budget for tree planting and a forestry street tree program; one that is consistent and visible to the residents. He stated more trees are needed on our streets. Supervisor Sullivan said the plan was to plant on three streets that were affected by the tornado. The town will begin with those streets for tree plantings.

Resolution #124-16

Adopt Local #3-2016 Opt Out of Section 487 of the NYS Real Property Tax Law

By Mr. Bush

Seconded by Mr. Allison

Whereas a resolution was duly adopted by the Town Board of the Town of Elmira for a public hearing to be held by said Board on October 17, 2016 at 7:00 P.M. at 1255 West Water Street, Elmira, NY to hear all interested parties on proposed Local Law 3-2016 to Opt Out of Section 487 of the NYS Real Property Tax Law; and

Whereas a notice of said public hearing was duly advertised in the Star Gazette, the official newspaper of the Town of Elmira on October 3, 2016; and

Whereas said public hearing was duly held on October 17, 2016 at 7:00 P.M. at 1255 West Water Street, Elmira, NY and all parties in attendance were permitted an opportunity to speak on behalf or in opposition of said proposed Local Law, or any part thereof; and

Whereas the Town Board of the Town of Elmira after due deliberation finds it in the best interest of the Town to adopt the said Local Law;

Now Therefore Be It Resolved, that the Town Board of the Town of Elmira hereby adopts Local Law 3-2016 Opt Out of Section 487 of the NYS Real Property Tax Law; and

Be It Further Resolved, that the Town Clerk be and is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Elmira and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Section 1. Short Title.

This Local Law Shall be referred to as “Opt-Out of Real Property Tax Law §487”

Section 2. Legislative Intent.

It is the intent of this Local Law to provide NO exemption from taxation as authorized in Real Property Tax Law §487.

Section 3. Legislative Authority.

This Local Law was enacted pursuant to subdivision 8 of §487 of the Real Property Tax Law of the State of New York, as well as the Municipal Home Rule Law (MHRL), with the procedural provisions of the MHRL controlling.

Section 4. Opt-Out of Real Property Tax Law §487.

The Town Board of the Town of Elmira, shall not permit any exemption from taxation within its jurisdiction pursuant to §487 of the Real Property Tax Law of the State of New York with respect to any solar energy system constructed subsequent to the effective date of this Local Law.

Aye- Bush, Allison, Milliken, Sullivan

No- None

Resolution #125-16

Authorize Supervisor to continue shared service negotiations with the Village of Elmira Heights for Code Services

By Mr. Allison

Seconded by Mr. Milliken

Motion was made to authorize the Supervisor to continue shared service negotiations with the Village of Elmira Heights for Code Services.

Aye- Bush, Allison, Milliken, Sullivan

No- None

Resolution #126-16

Authorize Supervisor to complete shared service negotiations with the City of Elmira for Assessor Aide

By Mr. Milliken

Seconded by Mr. Bush

Motion was made to authorize the Supervisor to sign shared service agreement with the City of Elmira for Assessor Aide services.

Aye- Bush, Allison, Milliken, Sullivan

No- None

Resolution #127-16

Declare Surplus 2001 Ford Explorer

By Mr. Bush

Seconded by Mr. Allison

Whereas the Police Chief has advised the Town Board that certain equipment is no longer in operation by the Police Department and can be declared surplus,

Now Therefore Be It Resolved, that the Town Board of the Town of Elmira does hereby declare

the 2001 Ford Explorer surplus with the disposition to be handled by the Police Chief and
Be It Further Resolved, that all proceeds shall be remitted to the Town Supervisor.
Aye- Bush, Milliken, Allison, Sullivan No- None

On a motion by Mr. Bush and seconded by Mr. Allison the board went into an executive session
at 7:29 P.M. to discuss personnel matters.

On a motion by Mr. Allison and seconded by Mr. Milliken the board went out of executive
session at 8:10 P.M.

Resolution #128-16

Increase salary of Rebecca M. Carpenter

By Mr. Allison

Seconded by Mr. Bush

Motion was made to increase the salary for Rebecca M. Carpenter to \$35,000 for this year
effective immediately.

Aye- Bush, Milliken, Allison, Sullivan

No- None

On a motion by Mr. Bush and seconded by Mr. Milliken the meeting was adjourned at 8:15 P.M.

Jo Ann Sherwood, Town Clerk