

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, March 21, 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
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
Buildings and Grounds Supervisor- Scott Eschbach
Recreation Director- Patty Carozza

At 7:00 P.M., Town Attorney Scott Moore read proof of publication of notice of March 1, 2016 of notice of public hearing to consider a local law being proposed to Amend Code of the Town of Elmira by Amending Article 1, Section 61.1 Keeping of Unauthorized Animals. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so.

Marcia Metcalfe, Scott Avenue stated she has chickens and a coop. She presented to the board a picture of her coop and a petition to keep chickens as pets in the Town of Elmira.

John Cain, Decker Parkway asked if we didn't already have a nuisance pet law.

Donald Coon, Evergreen Avenue stated he has chickens. He stated he called the code office to inquire if it was legal to have them and what were the guidelines to having them on his property. He was told there could be a noise violation if that was an issue. He stated this proposed law is a silly rule and the town should enforce the code as it already is and leave the code law along. He also presented a petition to the board.

Ed Braunstein, W. Water Street, stated he is a 60 year resident of the Town and it is outrageous that we would consider this law.

Asher Terwilliger representing the Farm Bureau, speaking on behalf of the bureau, stated there are good people who are following the law and it is not fair. The town needs to have the code department charge those who are not keeping up to code. He asked the town to be careful not to harm those that are doing right.

Supervisor Sullivan then stated, after listening to all comments, that he and the board would recommend that the proposed law be tabled. He informed the group that the town would hold a workshop covering this on April 11 to address the current situation and set up guidelines and a strategic plan for those having chickens.

Curtis Hartman, W. Water Street stated he is in favor of allowing them and he has had animals for years.

Rich Schornstheimer, Larchmont Road stated he has a neighbor who has a chicken coop that is 10 feet from his house and there are insects and stench from the chickens as well as his dog smelling from the chicken droppings.

Donald Coon, Evergreen Avenue presented to the board guidelines that the Alfred Community uses for allowing chickens on residential property. He stated it is a good idea for the town to set up a workshop to set up guidelines for people to raise them correctly.

Jennifer Trimmer, representing Cornell Cooperative Extension, said her organization promotes youth and agriculture and that the two groups can co-exist. She would be happy to give information at the workshop.

Mark Watts, Chemung County Soil and Water also stated that he would be happy to attend the workshop and help with the guidelines.

When no one else wished to speak in favor or opposition to the proposed law, the hearing was declared closed at 7:27 P.M.

Resolution #63-16

Minutes

By Mr. Allison

Seconded by Mr. Bush

Motion was made to approve the minutes of the regular meeting of February 18, 2016.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #64-16

Financial Report

By Mr. Milliken

Seconded by Mr. Allison

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

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #65-16

Audit of Bills

By Mr. Bush

Seconded by Mrs. Krusen

Resolved that claims in the total amount of \$104,183.39 were audited and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Department Reports:

Chief of Police Peter Michalko submitted his written monthly report. He stated calls for service were up for the month of February. Peter reported that in two weeks all of his officers will be trained to administer Narcan. They are being trained by EMSTAR. Narcan when given can reverse an opioid or heroin overdose. He reported also that on March 5 they arrested a Brooklyn man for scamming an elderly woman stating she had won a lottery. He was remanded to jail and later indicted by a grand jury on the charges. Peter stated there also was an assault dispute on Cleveland Avenue.

Highway Superintendent Matt Mustico reported that they have begun the Clinton Street project. The compost pit is now open daily. The crews have been sweeping the streets as well. Matt stated he is waiting for one more proposal for repairs to the damaged Highway Garage door. He also stated that the State will begin a summer project to repave W. Water Street.

Buildings and Grounds Caretaker Scott Eschbach stated he is doing park ground repairs, working on the fields and making repairs to the parking lots. He is also repairing the basketball courts and replacing the climbing wall on the playground. Scott reported that the tennis courts did not fare so well with the warm winter and cracks have started because the asphalt is shrinking.

Recreation Director Patty Carozza submitted a copy of the April calendar for the board. She is excited that the calendar for April is almost full. The group Girls on the Run is back again this year. A new rental is a Playdate group for young mothers. Right now she is booking out to November and December and is excited for all the new rentals. She would like to have an Open House in May to let the public tour the building.

Code Enforcement Officer Chip LeValley stated it was a slow month for the code office and he attended a two day state course for the 2016 NYS Building Code that is being updated. One main item is the regulations regarding carbon monoxide for both homes and commercial properties.

Discussion:

Mrs. Krusen stated that the Property Maintenance Committee met on March 16 to review the rental housing registrations. They are nearing the April 1 deadline for these registrations by rental property owners. After that date there is a fee to register their property. She stated they feel the response to date has been very good. Their next steps will be to address any problems as they occur with code violations and maintenance rules and regulations. They will meet again in May.

Resolution #66-16

Approve settlement agreement between the Town and the Upper NY Annual Conference of the United Methodist Church

By Mr. Allison

Seconded by Mrs. Krusen

Motion was made to authorize the Town Attorney to sign the settlement agreement between the Town and the Upper NY Annual Conference of the United Methodist Church on behalf of the town.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #67-16

Authorize the supervisor to sign the audit engagement letter with EFP for 2015 audit

By Mr. Bush

Seconded by Mr. Allison

Motion was made to authorize the supervisor to sign the audit engagement letter with EFP Group, CPA for the 2015 Audit in the amount of \$16,500.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #68-16

Approve agreement with the City of Elmira for shared Assessor Services

By Mr. Milliken

Seconded by Mrs. Krusen

Motion was made to approve the agreement with the City of Elmira for shared Assessor Services in the amount of \$16, 859 for March 1, 2016 through February 28, 2017.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #69-16

Set date for April Workshop meeting

By Mr. Allison

Seconded by Mrs. Krusen

Motion was made to set the date of April 11, 2016 at 5:00 P.M. for a town board workshop meeting.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Jo Ann Sherwood, Town Clerk