

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, May 16, 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
 Highway Superintendent- Matthew Mustico
 Buildings and Grounds Caretaker- Scott Eschbach
 Recreation Director- Patty Carozza

Resolution #79-16

Minutes

By Mr. Allison

Seconded by Mrs. Krusen

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

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #80-16

Financial Report

By Mr. Milliken

Seconded by Mr. Allison

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

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Supervisor Sullivan presented to the board a review of the Town Bank Balances and the following is the report to be entered into the minutes:

Bank Balances	April 30, 2015	April 30, 2016	Change
Money Market	2,054,362.00	1,941,746.00	(112,616.00)
Highway Checking	4,872.00	33,006.00	28,134.00
General Checking	176,694.00	102,920.00	(73,774.00)
Payroll Checking	58,001.00	34,856.00	(23,145.00)
Tax Checking	42.00	32.00	(10.00)
Bail II Checking	7,350.00	3,000.00	(4,350.00)
Fines Checking	6,615.00	10,160.00	3,545.00
Bail Checking	400.00	7,100.00	6,700.00
License Checking	852.00	671.00	(181.00)
Fines II Checking	<u>6,781.00</u>	<u>12,357.00</u>	<u>5,576.00</u>
	2,315,969.00	2,145,847.00	(170,122.00)

Resolution #81-16

Audit of Bills

By Mr. Bush

Seconded by Mrs. Krusen

Resolved that claims in the total amount of \$95,801.31, were audited, and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Department Reports:

Code Enforcement Officer Chip LeValley stated April was a regular standard month. He submitted his written monthly report. Chip reported that one new house is starting to be built. Chip stated that the new house is being built on Gunderman Road. He also reported that with the new part time assistant, more of the summertime issues would be able to be addressed like tall grass and property maintenance. He will work mostly in West Elmira and Elmira Heights. Highway Superintendent Matt Mustico reported that four streets are to be paved in a few weeks. Dalrymple was the low bidder for the blacktop bid at a rate of \$59.65 per ton. Matt reported they have removed the fuel tank at west end garage and replaced it with a 1,000-gallon diesel tank.

Matt stated that the overhead door repairs at East Hill garage are finished. He reported there are some drainage issues on Hillcrest Road and he and Supervisor Sullivan met with Jimmy Joe Carl and Mark Watts from Chemung County Soil and Water. The county will be doing most of this repair work. A debris basin will be constructed at no cost to the town for this project. The town will need to get an easement from Jake Oparil. Matt stated that two east hill roads are to be overlaid this summer. The County will be replacing the Jenkins Road Bridge and the town will maintain it. This will probably happen sometime in 2017.

Buildings and Grounds Caretaker Scott Eschbach reported that the park is busy with baseball right now. Rain has slowed up the season and it has been difficult to mow the fields. He stated he has had to mow sometimes three times a week. Scott stated the windscreens have been installed at the tennis courts. He also stated the fencing crew has been fixing up the ballpark fences however, progress is pretty slow, and they need to speed it up. A gate was installed at the access to the park road to keep cars out of the park; however, people are parking in front of the fence. This is unacceptable because emergency vehicles use this entrance to the park.

Therefore, Scott will put up new signage for this issue.

Recreation Director Patty Carozza stated that the updates that Scott made to the TCC parking lot were a big help. The parking there is now more organized for the TCC center and the ballpark. The bridge players appreciate the identified spots and the handicapped parking access. Patty presented an updated calendar for May. She stated that rentals are going well. Patty is working with Bob DeMember on the summer camps and the schedule. The Boy Scouts are using the TCC building for no charge but are doing community service in return. They will clean around the walking path and clear out the debris and will be weeding out the community garden areas. Mr. Allison asked Scott about the quotes for repairs to the tennis courts. He stated that the quotes received were for \$15,000 and \$20,000 and the work will take about three days to complete.

Police Chief Peter Michalko submitted his written monthly report. He is on vacation this week.

Discussion:

Chemung County Treasurer Joe Sartori- He has closed out the 2015 financial books. He stated there were two funds he was concerned with regarding negative fund balances at end of 2014 and both funds –Town General and the Traffic District, made improvements in 2015. Our annual audit is scheduled for June this year.

Attorney Scott Moore- Attorney Moore stated there is a Solar Power Company working on a couple projects. The company is Delaware River Solar. They are applying to NYSERTA to get a grant to fund these projects. The company sent a request to us to identify ourselves as a lead agency in a SEQR review. They are not asking us to commit but to identify as a possible lead agency.

Supervisor Sullivan reported he is communicating with the mayor of the Village of Wellsburg regarding the contract for fire protection. He feels the rate should be lower as present rate is higher than any other protection district in the town.

Supervisor Sullivan inquired as to how the board felt about the SPOT program contribution to the county. The board would like to explore whether we can get a fixed two-year rate.

Public Comment:

Kathy DuPont- Stated the grass at 89 Cleveland Avenue is over a foot tall. There are also two holes in the house foundation and the radon pipe is making noises.

Anita Phillips- Stated that weeds and broken concrete from 92 Cleveland Avenue were thrown on her property. She stated this property is blight on the neighborhood. The property has gutters falling off the house, the backyard has a huge junk pile and cars are parked on the front lawn.

Resolution #82-16

Accept Bid for Bituminous Cold Mix

By Mr. Milliken

Seconded by Mr. Bush

Whereas the Town of Elmira has duly advertised for bids for the purchase of Bituminous Plant Mix Paving Materials including paver, roller, laborers, equipment operators and necessary supplies to lay in place said Bituminous Plant Mix Paving Materials and

Whereas Dalrymple Gravel & Contracting Co., Inc. has submitted the low Bid according to all specifications of \$59.65 per ton and;

Whereas the bids were read discussed and considered,

Nowtherefore Be It Resolved, that Dalrymple Gravel & Contracting co., Inc. be awarded the bid of \$59.65 per ton subject to approval by the Town Attorney.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #83-16

Reappoint Betsy Mattoon to Recreation Commission

By Mr. Allison

Seconded by Mrs. Krusen

Motion was made to reappoint Betsy Mattoon to the Town of Elmira Recreation Commission for a term to expire April 2021.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #84-16

Appoint Robert Young to part-time seasonal Code Assistant

By Mr. Milliken

Seconded by Mr. Allison

Motion was made to appoint Robert Young to a part time season position as Code Assistant at the rate of \$18.00/hr.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #85-16

Appoint John Garvin to Board of Assessment Review

By Mr. Bush

Seconded by Mr. Allison

Motion was made to appoint John Garvin to the Board of Assessment Review for a term to expire September 2021.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #86-16

Appoint Douglas Peterson as part time seasonal help in park

By Mr. Allison

Seconded by Mrs. Krusen

Motion was made to appoint Douglas Peterson as part time seasonal help in the park at the rate of \$10.00/hr.

Aye-Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #87-16

By Mrs. Krusen

Seconded by Mr. Bush

Authorize Supervisor to sign agreement with New York State Department of Transportation to maintain highways and other related features, wherein federal funds are involved

By Mrs. Krusen

Seconded by Mr. Bush

Whereas the New York State Department of Transportation has submitted to the Town of Elmira a proposed agreement, by which the Town of Elmira is to maintain certain intersections and curb ramps as described in the Miscellaneous Table Drawing No. MST-1, MST-2, MST-3 and the Miscellaneous Detail Sheet No. MSD-1 and to be designated as a portion of New York Project No. 603318, D263203 and said proposed agreement also provides for the Town of Elmira to request the Department of Transportation, to submit the aforementioned project with the recommendation that it be approved by the Administrator of the United States Federal Highway Administration, and that if such project is approved and constructed by the Department and the Administrator of the United States Federal Highway Administration, the Town of Elmira will thereafter at its own cost and expense maintain the previously described portions of this project in a manner satisfactory to the Department of Transportation and the Administrator of the United States Federal Highway Administration, or their authorized representatives , and make ample provision each year for such maintenance;

Therefore, Be It Resolved, that the Town of Elmira shall maintain such intersections and curb ramps and guarantee the maintenance of such intersections and curb ramps when constructed and will pay the cost of such maintenance and will maintain the project in a manner satisfactory to the New York State Department of Transportation or its authorized representatives, and will make ample provisions each year for such maintenance.

Be It Further Resolved, that the New York State Department of Transportation submit such project to the Administrator of the United States Federal Highway Administration and recommend to him the approval of the same for construction with funds apportioned to the State for construction of Highways and related projects under the provisions of Federal Highway Acts, and

Be It Further Resolved, that this Town of Elmira Town Board act through its Town Supervisor and Town Clerk whom are hereby authorized to act for this Town of Elmira and make and enter into agreement with the State Department of Transportation, in manner and form and substance as herein stated and in accordance with the form of contract herein mentioned as having been submitted to this Town of Elmira Town Board for action, and that this Board furnish two certified copies of this resolution authorizing the Town Supervisor and Town Clerk of this Town of Elmira to execute the agreements on behalf of the Town of Elmira such Town Supervisor and Town Clerk being fully authorized and directed to make and enter into agreements on behalf of the Town of Elmira Town Board in any manner and form required by the Department of Transportation, or the Administrator of the United States Federal Highway Administration and attach the seal of the Town thereto and

Be It Further Resolved, that the Clerk of this Board is hereby directed to transmit two (2) certified copies of the foregoing resolution to the State Department of Transportation.

Aye-Bush, Milliken, Allison, Krusen, Sullivan

No-None

On a motion by Mr. Bush and seconded by Mr. Allison the board went into an executive session at 7:37 P.M. to discuss a matter regarding a personnel issue.

On a motion by Mr. Bush and seconded by Mr. Milliken the board went out of executive session at 7:58 P.M.

On a motion by Mr. Bush and seconded by Mr. Allison the meeting was adjourned at 8:05 P.M.

Jo Ann Sherwood, Town Clerk