

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, September 17, 2018 at 7:00 PM at 1255 West Water Street, Elmira, NY, there were present:

Supervisor: David Sullivan
Councilmember: Scott Bush
Councilmember: Thomas Milliken
Councilmember: Ron 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 Caretaker- Scott Eschbach
Recreation Director- Patricia Carozza

Resolution #97-18

Minutes

By Mr. Milliken

Seconded by Mrs. Krusen

Motion was made to approve the minutes of the August 20, 2018 board meeting and the board workshop meeting of September 10, 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

At 7:03 P.M., Town Attorney Scott D. Moore read proof of publication of notice of September 7, 2018 of notice of public hearing to determine whether condemnation and demolition should take place and the code enforcement officer shall provide notice, pursuant to Section 82-6 and 82-7 of the Town of Elmira Code. The hearing was declared open Attorney Moore asked Code Enforcement Officer Chip LeValley to give an update. He stated the house is owned by CIT Bank and they are in the process of obtaining the title to the home. It is going up for foreclosure on November 20. Once they obtain the title, they will then proceed with demolition of the home, as it is not deemed salvageable. When no one else spoke in favor or against the determination, the hearing was declared closed at 7:08 PM

Resolution #98-18

Financial Report

By Mr. Allison

Seconded by Mr. Bush

Supervisor Sullivan reviewed the Town Financial position as of August 31, 2018 and stated the expenses and revenues were per budget plan. He stated the town finances are in good shape and the staff is doing a good job. The August 2018 YTD bank statements and fund balance reports were provided to the board. Motion was made to accept the Supervisor's report for the month of August 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #99-18

Audit of Monthly Bills

By Mr. Allison

Seconded by Mr. Milliken

Resolved that claims in the total amount of \$85,304.55 were audited and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Department Reports:

Highway Superintendent Matt Mustico reported he has been helping the Town of Southport prepare FEMA paperwork, as the Superintendent is new. They have worked on Upland Drive area installing 250 feet of curbing and three catch basins. Two of the basins will go to the storm water system. Curbing was installed on W. 3rd St and his crew put in a 150 ft. drainage structure at 605 Lovell Avenue. Some patching work has been done as well. Next week they plan on oiling and stoning two miles of roadway on East Hill area.

Matt reported that the County Whirts Creek project will be starting in two weeks. He also stated that there are some residents on Glen Avenue that are interested in participating in 50/50 work projects with Chemung County Soil and Water Conservation. Matt stated that there are water issues on Underwood Avenue and Longmeadow properties but that these are private properties and the town does not have authority to go on private properties. He stated they also replaced 150 feet of pipe on Coleman Avenue at the request of the County. After the meeting, Matt stated he would review the Ferndale Drive project designed by Chemung County Soil and Water with any resident in attendance who wishes to look at it. They will be constructing a detention project to help with the flooding on Ferndale Drive.

Tim Harvey, Larchmont Road stated he would like to see a comprehensive plan for the project. Matt stated we have been doing storm water work for the past nineteen years with the help of BOCES and Hunt Engineers, which has helped tremendously.

Nancy Zito, Ferndale Drive feels the ditch pitch is off in front of her house. Whenever there is a heavy rainfall, there is a pool of water in front of her house and in the winter, this freezes over. Police Chief Peter Michalko submitted his August written report and gave a brief review of this report. He stated that part time officer Brandon Gooshaw has resigned to take a full time job with Elmira Heights. Peter stated we would be hiring a new part time officer. Peter also reported that his department would be receiving \$5,000 from the Chemung County DA office resulting from a drug investigation of last year. He stated that last weekend was a very busy weekend with a stabbing early Saturday morning and a three-car accident that occurred during the Street of Sales on Saturday. The Rummage Street of sales is a very hazardous with cars and pedestrians.

Code Enforcement Officer Chip LeValley requested to amend the Zoning Code 210-4B and 210-4C for the Demarest Parkway area where a new sporting/daycare business is going in at the Our Lady of Lourdes School site. He also reported that a new home building permit was issued for East Hill.

Buildings and Grounds Caretaker Scott Eschbach reported he has been trying to keep up with mowing in the park with all the rain we have been having. He has had to have the mowers repaired as well. Scott stated he is working on closing the pool. He is waiting for the water to cool down before he can cover them, so that algae will not grow. They have done some major renovations on the softball fields and the West Elmira Recreation purchased the infield mix for this.

Recreation Director Patty Carozza stated that summer rentals were down for this year; because the regulars we have during the year do not rent during the summer. ARC and the card groups do continue with their weekly rentals in the summer. She reported that summer camps were good this summer; however, we did have a lot of rain. Patty stated that one camp session, which had over 50 kids, had rain just about every day of their session. She stated they did use the TCC center and shared it with the ARC group and everything worked out well. Patty reported that the ARC group would be having a dance for their clients once a month at the center. She stated there is also a quilting group that uses the building once a week and they made a quilt to raffle off at the WEVFD.

Discussion:

2019 budget update- Supervisor Sullivan stated that the health insurance rates are going up only 4.1 % and the retiree health insurance rates are going down. He has new numbers also for the lighting districts, which are favorable. Mr. Sullivan stated we should be able to be in the tax cap. Town hall roof replacement- This project will go out for bid on September 21 and the bid opening date is October 18, 2018.

2017 Audit- The audit of town records has been completed with no issues

Town park issues- Supervisor Sullivan stated the town is currently working on bringing back the pickle ball courts. They currently are working on a new location where we can expand. A group is working on funding for this.

Basketball court- There has been some damage to fencing and shrubbery on a neighbor's property. The town will repair this.

Public Comments:

Paul DiPietro of Durland Avenue, requested that when there is the rummage sale street sales that the town use the sign at the fire department to ask people to drive slow. Traffic is awful during this street of sales. He also thanked the highway department and town for planting the trees.

We only lost one tree. The tree gator bags helped. Paul also asked if the town could include in the budget line to plant more trees. He requested that we consider planting trees on the streets that we already did because some residents have stated they would like them. He attended a NY Relief Program Urban Forestry conference and he recommends that we do another tree inventory. The last did one eight years ago. Paul stated we would qualify for grant money to have another one done. We could look at outside sourcing for this through Davey Resource Group. He will be attending a workshop at the Big Flats Community Center about planting trees to improve water quality in Chesapeake watershed.

Ruth Bruning of 84 Greenridge Drive West stated she was here last month and asked if anything has happened with the property at the end of her street. To date no action has been taken yet. Code Officer Chip LeValley stated that construction must either start or demolish within the 180-day timeline. The property owner has until approximately November 2 to act on this. She stated it is very dangerous down there now with no lighting. It is very dark at nighttime. Chip stated he would be writing a letter to the property owner.

Tom Walton, Gunderman Road stated he is concerned with the speeding of cars on his road. It is a dead end road and people speed constantly. Matt Mustico stated he is working with the county to try to control the speed on this road.

Charter Communications- Atty. Moore reported on negotiations with Charter Communications regarding installing additional lines within the town.

Resolution #100-18

Set date for board workshop

By Mr. Allison

Seconded by Mrs. Krusen

Motion was made to set the date of September 25, 2018 at 7:00 P.M. for a budget workshop.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #101-18

Approve Town and Municipal Court Audit for 2017 by EFPR Group

By Mr. Bush

Seconded by Mr. Allison

Motion was made to accept the 2017 Audit Report of the Town and Municipal Court records performed by EFPR Group

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #102-18

Set Public hearing to amend Zoning Code

By Mr. Milliken

Seconded by Mrs. Krusen

Motion was made to set the date of October 15, 2018 at 7:00 P.M. for a public hearing to Adopt Local 1-2018 to consider amending Zoning Code 210-4B and 210-4C of the Town Zoning Codes.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #103-18

Set board meeting to accept Tentative 2019 Budget

By Mr. Bush

Seconded by Mr. Milliken

Motion was made to set the date of October 4 at 7:30 P.M. for a special board meeting to accept the 2019 Tentative Budget.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #104-18

Appoint part time police officer

By Mr. Allison

Seconded by Mr. Bush

Motion was made to appoint Corey VonNeida as a part time Traffic Dist. 1 officer at the rate of \$18.00 per hour effective September 21, 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #105-18

Accept resignation of part time police officer

By Mr. Milliken

Seconded by Mrs. Krusen

Motion was made to accept the resignation of Brandon Gooshaw as part time Traffic Dist. 1 officer effective September 16, 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #106-18

Condemnation and demolition of 1233 W. Clinton Street

By Mr. Allison

Seconded by Mrs. Krusen

WHEREAS, the Town Board met at a regularly scheduled meeting on September 17, 2018 and held a public hearing pursuant to Section 82-9 of the Elmira Code with regard to property located at 1233 W. Clinton Street, Elmira, NY 14905 (“Property”); and

WHEREAS, the code enforcement officer having provided the required report and opinion to the Town Board that the Property was unsafe and in a dangerous condition and not capable of repair; and

WHEREAS, the code enforcement officer having provided proper notice consistent with the provisions of the Code including notice of the public hearing; and

WHEREAS, the code enforcement officer recommending that the building be condemned and demolished and the cost thereof to become a lien on the property if not paid.

WHEREAS, Catherine E. Welker, Esquire, of Bryan, Cave, Leighton, Paisner, LLP on behalf of CIT Bank, N.A. appeared at the public hearing and advised the Board that CIT Bank, N.A. was in the process of foreclosing on the property and anticipated that bank would take ownership on or about November 20, 2018, that the bank’s engineer had concluded that the Property was in an unsafe and dangerous condition and required demolition and requested that the bank be given the opportunity to take possession of the property and demolish the building; and

NOW, THEREFORE, the building located at 1233 W. Clinton Street, Elmira, NY 14905 is hereby condemned and the code enforcement officer is directed to take all necessary steps to demolish the building and properly dispose of the debris and make all efforts to collect the costs therefrom and if collection is not successful to take steps necessary to assess the costs on the property. The code enforcement officer is authorized to provide CIT Bank, N.A., its successors and assigns a reasonable time to take necessary steps to demolish the building and properly dispose of the debris.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #107-18

Authorize Supervisor to enter into Non-Disclosure Agreement with Charter Communications, Inc.

By Mr. Bush

Seconded by Mr. Milliken

Motion was made to authorize the Town Supervisor to enter into a Non-Disclosure Agreement with Charter Communications, Inc., to allow the disclosure of plans to build out broadband service to unserved or underserved areas within the Town.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #108-18

Authorize the Town Highway Superintendent to take necessary steps to lower the speed limit on Bowlby Road to 45 mph.

By Mr. Bush

Seconded by Mr. Allison

Motion was made to authorize the town highway superintendent to take all necessary steps to lower the speed limit on Bowlby Road to 45mph.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

On a motion by Mr. Bush and seconded by Mrs. Krusen the meeting was adjourned at 8:13 PM.