

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, April 16, 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 #57-18

Minutes

By Mr. Allison

Seconded by Mr. Bush

Motion was made to approve the minutes of March 19, 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #58-18

Financial Report

By Mr. Milliken

Seconded by Mrs. Krusen

Supervisor Sullivan reviewed the Town's financial position as of March 31, 2018. Revenues and expenses are on target per budget plan. The March 2018 YTD bank statements and Fund Balance Reports were provided to the Board. Fund Balance total through March 31, 2018 was \$1,373,092, funds that are included in the Town/Town Wide General Funds, Highway Fund, Traffic and Park Districts. The Town's 2017 financial report to the state, entitled Annual Update Document was prepared by Mr. Sartori, reviewed by Mr. Sullivan and submitted to the state. It can be viewed on the Town's website under 2017 AUD link.

Motion was made to accept the Supervisor's report for March 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #59-18

Audit of Bills

By Mr. Allison

Seconded by Mrs. Krusen

Resolved that claims in the total amount of \$78,124.25 were audited and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

At this time Brandon Gooshaw was administered the oath of office as part time Traffic Officer #8 for the Town of Elmira.

Discussion:

Streambank Protection Agreement- Supervisor Sullivan stated the town would enter in a streambank agreement with the County in regards to Whirt's Creek. Highway Superintendent Matt Mustico stated the plan is to increase the volume of the creek plus make it deeper and set it back 350 ft. The cost of this will be split with the county. He stated they are anticipating completion of this part of the project for this year.

Charter Communication Contract- Atty. Moore reported on the contract negotiations for the Spectrum Cable franchise. One change is the town will now receive four places of free internet; the town hall, fire department, east hill garage, and west end garage. There is still the issue of how far out they will provide cable and internet for residents on East Hill area. That issue is still being discussed. Atty. Moore and Councilmember Scott Bush will tour the East Hill area to get a better idea of what areas are in need of cable access. Atty. Moore stated the 3% franchise fee that the town receives will remain the same but the length of the contract will change from fifteen years to ten years.

Clean Energy Communities- Cornell Cooperative Extension and Mother's Out Front are represented in the audience. They attended the Town Board workshop on April 12th. Supervisor Sullivan discussed the possible energy upgrades that could be made on the town campus. He stated two resolutions would be passed tonight regarding energy improvements. One resolution is to establish a benchmarking program for energy usage in Town buildings in cooperation with Cornell Cooperative Extension. The second resolution is to adopt the New York State Solar Permit Process.

Department Reports:

Highway Superintendent Matt Mustico stated his crews started sweeping in West Elmira and on the East Hill roads. They are rebuilding Pinnacle Road from Holley Road to Coleman Ave. The work consists of widening the road, underground drainage, and NYSEG is putting in new gas services for four homes. Matt stated they will also be adding curbing and making the road three to four feet wider. Matt stated other work they have planned is they will be removing the hump on Holly Road. They will also be working on West Third St. between Glen Avenue and Larchmont Road. This road will be twenty feet wide when it is completed. Another road that will be under construction is Evergreen Ave. below W. Water Street. They will grind all asphalt in place, replace, and blacktop the road. They plan to work on Wall St. and stone and oil Bowlby Road as well. If funds are available, he would also like to do Thornapple Drive. Matt stated that his crew attended a Dig Safely Training class as was required.

Code Officer Chip LeValley stated all is well in the code office for the month of March. Permits are up. Most of the increase is due to roof jobs. He reported that the Zoning and Planning Boards have some projects to come before them

Recreation Director Patty Carozza reported that everything was going well at the TCC. She stated that Yoga classes are going very well. Patty reported that baseball and softball practices are in full swing, which has caused some issues with parking for rentals at the TCC, but they will work it out.

Buildings and Grounds Caretaker Scott Eschbach reported that this month he has been busy installing the backstop at the softball field and fencing. He stated they used the highway bucket truck for help with these jobs. Scott also made repairs to the park swings replacing chains and seats. He reported that the tennis and pickle ball nets are in place and the public water is on at the bathrooms in the park.

Police Chief Peter Michalko submitted his written report. He stated that calls for service were up as well as traffic stops. Tickets were the same as last month.

Public Comments

Heather Stanton, Roricks Glen Pkwy stated she would like to commend the town for listening to their group at the recent town board workshop regarding the benchmarking and solar permit process. She stated that there is good potential for grant money and helping to reduce green gas. Jane Winters, Lovell Terrace stated that she is excited that the town is looking to the future. She feels that Chemung County has a history of low self-esteem. She is proud that the town of Elmira is looking to the future and wanted to thank the town as a resident.

Jennifer Clark, Watercure Hill Road, thanked the town for considering the initiatives for the clean energy. She is excited that the resolutions are on the agenda. She stated she is concerned about the lack of ability to obtain internet service in the East Hill area. She stated it is very hard for her son to do schoolwork and for her to communicate for her job. She appreciates the town fighting for connection on the hill with Spectrum Cable to get better access. She stated that she has solar energy power at her residence that was installed in August. She stated this is great for the environment.

Lisa Marshall, Moss Hill Road stated that only 4% in NYS is solar power generated. She stated that we cannot undo what the weather is creating but we can help to put things in place such as LED lighting for businesses and streetlights and charging stations.

Beth Ann Roggie, W. First Street wanted to thank the board for considering the resolutions and looking to the future.

Resolution #60-18

Approve pool fee increases for daily swim and season passes

By Mr. Bush

Seconded by Mrs. Krusen

Resolved that the following fees will take effect beginning with the 2018 Pool Season; Resident Season Pass \$30.00, Out of District Season Pass \$55.00, District Child Daily \$2.00, District Adult Daily \$2.50, Out of District Child Daily \$6.00, and Out of District Adult Daily \$7.00.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #61-18

Appoint Sean Coggins to Recreation Commission

By Mr. Milliken

Seconded by Mr. Allison

Motion was made to appoint Sean Coggins to the Town Recreation Commission effective April 16, 2018 for a term to expire April 30, 2020.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #62-18

Appoint Mia Devlin to Recreation Commission

By Mr. Allison

Seconded by Mrs. Krusen

Motion was made to appoint Mia Devlin to the Town Recreation Commission effective April 16, 2018 for a term to expire April 30, 2019.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #63-18

Reappoint Lori Welliver to Zoning Board of Appeals

By Mr. Bush

Seconded by Mrs. Krusen

Motion was made to reappoint Lori Welliver to the Town Zoning Board of Appeals for a term to expire May 31, 2023.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #64-18

Approve Streambank Protection Agreement with the County

By Mr. Allison

Seconded by Mr. Milliken

Whereas the property known as “Whirt’s Creek” drainage ditch is privately owned by adjoining property owners and

Whereas “Whirt’s Creek” is referred to as “Drainage Ditch” with easements providing rights to the Town of Elmira for the purpose of maintaining a drainage ditch including the right to deepen and widen the bed of said drainage ditch, remove dirt, gravel, and other impediments therefrom, as filed in the Chemung County Clerk’s Office Fiche 397 Page 005-d, Fiche 397 Page 048-d, and Liber 817 Page 140, and

Whereas Chemung County intends to undertake drainage improvements on CR61-Coleman Avenue in 2019 affecting the inlet structure of Whirt’s Creek, and

Whereas the County of Chemung and the Town of Elmira agree to participate in a streambank stabilization project on Whirt’s Creek east of the CR61 Inlet Structure on a one-time basis without obligation, past, present, or future by the County of Chemung, and

Whereas the channel improvements are expected to be made from the existing inlet with the CR61 Highway Boundary to a point upstream 150-ft of the inlet with the maximum extent of proposed work no more than 350-ft upstream of the inlet, and

Whereas it is anticipated the proposed improvements will increase the capacity of the channel from a 2-year storm event to an expected 10-year storm event, and

Whereas it is understood that in completing the project, the County accepts no responsibility for future maintenance or guarantee or makes any representation or warranties that this project will prevent future flooding or property damage,

Therefore be it resolved that the County of Chemung and the Town of Elmira agree to split the cost of materials (not to exceed \$20,000 for either party) for the streambed improvements, with all work to be performed by the Chemung County Soil and Water Conservation District.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #65-18

Appoint Brandon Gooshaw as part time Traffic Officer

By Mrs. Krusen

Seconded by Mr. Bush

Resolved that Brandon Gooshaw is appointed as part-time Traffic Officer #8 effective April 16, 2018 at the rate of \$16.50 per hour.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #66-18

Accept road at end of Upland Drive from County of Chemung

By Mr. Milliken

Seconded by Mr. Allison

Whereas the Chemung County Legislature authorizes the transfer of real property known as cul de sac at the end of Upland Drive, Tax Map #88.20-1-1.7 and

Whereas the Chemung County Legislature approved such transfer per Resolution #18-201,

Now therefore be it resolved that the Town of Elmira accepts transfer of property known as cul de sac at the end of Upland Drive, Tax Map #88.20-1-1.7 and acknowledges that the Town of Elmira maintains the road including all repairs and capital maintenance, that the Town of Elmira accepts all legal responsibility for the road which includes liability in case of lawsuits and that the roadway is fully open to the public at all times (exception construction and short term weather-related issues).

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #67-18

Authorize Supervisor to develop bid documents for replacement of Town Hall roof

By Mr. Allison

Seconded by Mrs. Krusen

Motion was made to authorize the Supervisor to develop bid documents to seek proposals for the purpose of Roof Restoration Project for Town Hall Building.

Ale- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #68-18

Establishing Energy Benchmarking Requirements Certain Municipal Buildings

By Mr. Bush

Seconded by Mr. Allison

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Elmira is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Elmira desires to use Building Energy Benchmarking - a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Elmira; and

WHEREAS, the Town of Elmira desires to establish procedure or guideline for Town of Elmira staff to conduct such Building Energy Benchmarking;

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1 DEFINITIONS

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(D) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Elmira that is 1,000 square feet or larger in size.

(E) “Department” shall mean the Town Caretaker of buildings and grounds.

(F) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(G) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(H) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(I) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(J) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(K) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(L) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2 APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3 BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2018, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner, or his or her designee from the Department shall begin inputting data in the following year.

§4 DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) No later than September 1, 2019 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5 MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6 ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town of Elmira including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7 EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8 SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The vote on the foregoing resolution was as follows:

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

This resolution was adopted.

Resolution #69-18

ADOPT THE NEW YORK STATE SOLAR PERMIT PROCESS

By Mr. Allison

Seconded by Mrs. Krusen

Whereas, the New York State Energy Research and Development Authority (“NYSERDA”), together with the New York Power Authority (“NYPA”) and City University of New York (“CUNY”), developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes;

Whereas the Town of Elmira wants to promote the streamlining of the application process for small-scale photovoltaic system installations by adopting the New York State Unified Solar Permit application form and implementing the new procedures;

Now Therefore Be It Resolved, that the Town of Elmira adopts the New York State Unified Solar Permit and the document titled "Understanding Solar PV Permitting and Inspecting in New York State;" and

Resolved, that the Town of Elmira Code Enforcement Officer is hereby directed to use the New York State Unified Solar Permit application form and procedures in issuance of building permits for the installation of small-scale solar photovoltaic systems; and

Resolved, that the fee for solar installations is set by resolution of the Town of Elmira Board.

Aye- Bush, Milliken, Allison, Krusen, Sullivan	No- None
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On a motion by Mr. Milliken and seconded by Mrs. Krusen the board went into an executive session at 7:41 P.M. to discuss personnel contracts.

On a motion by Mr. Milliken and seconded by Mr. Allison the board went out of executive session at 8:40 P.M.

On a motion by Mr. Milliken and seconded by Mr. Bush the meeting was adjourned at 8:41 P.M.

Jo Ann Sherwood Town Clerk