

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Tuesday, January 22, 2019 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 – Eric Crandall  
Chief of Police- Peter Michalko  
Highway Superintendent- Matthew Mustico  
Buildings and Grounds Caretaker- Scott Eschbach  
Recreation Director- Patricia Carozza

**Public Hearing**

At 7:06 PM Town Attorney Scott D. Moore read proof of publication of notice of January 7, 2019 of notice of public hearing for the purpose to Amend Zoning Code Noise Ordinance Chapter 145-16. The hearing was declared open and anyone wishing to present written or oral comments in against amending the Code was invited to do so. Scott Slavic of Casella Waste asked the board to reconsider the 10 PM to 6 AM rule. Their drivers experience many obstacles on dead end streets and on Hendy Avenue where the school is located. They try to hit the most safety sensitive spots in the early morning hours. It is very difficult to back down the dead end streets during the daytime. He stated they try to work with everyone so as not to be a nuisance to anyone. He also stated that they have been a positive vendor in working with the town and his biggest concern is the safety issue during the day, as it would cause more congestion. When no one wished to speak in opposition, those wishing to speak in favor were invited to do so. When no one wished to speak in favor, the hearing was declared closed at 7:15 P.M.

**Discussion:**

Noise Ordinance Amendment: Supervisor Sullivan stated that some of the complaints were with speeding by the Casella drivers. Mr. Slavic said he has not heard of that complaint. Councilman Bush asked about the noise from the back-up alarm as they going down the dead end streets. Mr. Slavic stated that the majority of complaints are noise from the mechanical arm of the truck when dumping the dumpsters.

**Resolution #46-19**

**Minutes**

**By Mr. Allison**

**Seconded by Mrs. Krusen**

Motion was made to accept the minutes of December 27, 2018 and January 2, 2019.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

**Resolution #47-19**

**Financial Report**

**By Mr. Bush**

**Seconded by Mrs. Krusen**

Supervisor Sullivan reviewed the Town Financial position as of December 31, 2018 and stated the expenses and revenues were per budget plan. The December 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 December 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

**Resolution #48-19**

**Audit of Bills**

**By Mr. Allison**

**Seconded by Mr. Milliken**

Resolved that all claims in the total amount of \$199,981.92 were audited and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

**Communications:**

Martin E. Butler, Reginal Traffic Eng., NYS Dept. of Transportation, Re: reducing speed on Gunderman Road

**Department Reports:**

Code Enforcement Officer Eric Crandall reported the first two weeks of January were pretty busy. He stated with the good weather he issued eleven permits in those two weeks. The bank that has possession of 1233 W. Clinton has a planned demo of the home. This is scheduled for January 28<sup>th</sup>. Eric stated that with the below frigid weather we are having now the application for permits has slacked off.

Highway Superintendent Matthew Mustico stated that past inspections of the Country Club Dam have found some issues that needed to be corrected. He went up to fix the wash ups that did not pass the inspections. Everything should be in compliance now. Matt also reported that Phase 1 of the Ferndale project is complete and he is happy to report there was no cost to the town.

The state has approved the speed limit be lowered on Gunderman Road. He will be putting up signage for this soon. The drainage ditch between Lone Pine Terrace and Hillbrook Road has been cleaned out. Matt stated that he had two FEMA meetings last week to train him on how to enter information for the reports of damage from the flooding last summer. Matt reported that with this weekend's snow storm there was 20 hours of overtime.

He also reported that the Christmas tree pickup would continue, as there are a few left. Matt also stated that he did not use a lot of salt with this storm and that the roads are in pretty good shape.

Buildings and Grounds Caretaker Scott Eschbach reported that January has been a quiet month until the snowstorm this weekend. He stated that maintenance-heating repairs were done on the Town Hall building and he is waiting for parts for to repair the west end garage heaters.

Scott reported that he has drained eight inches of water out of the pool as is done every year.

With the warm weather we had earlier, he cleared out the lower area of the soccer field and knocked down a lot of weeds. This will help with mowing in the summer.

Police Chief Peter Michalko submitted his written monthly report for December 2018 and gave a brief oral report on this.

**Discussion:**

Handbook Policy Revision: Supervisor Sullivan recommended that the board add to the handbook the model policy suggested by NYS Department of Labor regarding sexual harassment.

Revisions to dog ordinance- Town Clerk requested that additional fees be added for delinquent license renewals. Attorney Moore to help with this revision.

**Public Comment:**

Patricia Augustyn, Evergreen Avenue asked why the Town of Elmira resident's water bill are higher than the City of Elmira resident's bills. The city fee went down and the town's fee went up.

Dave Pirozzolo inquired about the situation happening at the WEVFD. He asked if we had any jurisdiction over their department. We do not as they are a separate entity. Their meetings are open to the public and their next meeting is 2/14/19. Dave also stated that the Recreation Commission has one opening on their board and will give us a name soon.

Sean Coggins, Geneva Street commended the highway department on doing a great job on cleaning the roads during the snowstorm of this past weekend.

**Resolution #49-19**

**Reappoint Stephanie Allegretto to Assessment Review Board**

**By Mr. Allison**

**Seconded by Mrs. Krusen**

Motion was made to reappoint Stephanie Allegretto to the Board of Assessment Review for a term to expire September 2023.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

**Resolution #50-19**

**Accept resignation of Joseph Coletta from Planning Board**

**By Mr. Bush**

**Seconded by Mr. Milliken**

Motion was made with appreciation and regrets to accept the resignation of Joseph Coletta from the Town Planning Board effective immediately.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

**Resolution #51-19**

**Appoint Joseph Marrone as part time traffic district officer**

**By Mr. Bush**

**Seconded by Mr. Allison**

Motion was made to appoint Joseph Marrone as a part time Traffic District #1 Officer effective January 25, 2019.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

**Resolution #52-19**

**Adopt NYS Model Policy on Sexual Harassment Reporting and guidelines**

**By Mr. Allison**

**Seconded by Mr. Bush**

Motion was made to adopt the NYS Model Policy on Sexual Harassment Reporting and Guidelines as part of the Town Handbook Policy.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

**Resolution #53-19**

**Set date for February Board Meeting**

**By Mrs. Krusen**

**Seconded by Mr. Bush**

Motion was made to set the date of February 21, 2019 at 7:00 PM for the February Town Board Meeting.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

On a motion by Mrs. Krusen and seconded by Mr. Milliken the meeting was adjourned at 7:56 P.M.

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JoAnn Sherwood, Town Clerk