

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, July 18, 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 Caretaker- Scott Eschbach  
 Recreation Director- Patty Carozza

**Resolution #96-16**

**Minutes**

**By Mr. Bush**

**Seconded by Mrs. Krusen**

Motion was made to approve the minutes of the regular meeting of June 20, 2016 and the workshop meeting of July 11, 2016.

Aye-Bush, Milliken, Allison, Krusen, Sullivan

No- None

**Resolution #97-16**

**Financial Report**

**By Mr. Allison**

**Seconded by Mr. Milliken**

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

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

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

<b>Bank Balances</b>	<b>June 30, 2015</b>	<b>June 30, 2016</b>	<b>Change</b>
Money Market	1,964,271.00	1,500,338.00	(463,932.00)
Highway Checking	109,023.00	69,653.00	(39,370.00)
General Checking	56,875.00	169,150.00	112,275.00
Payroll Checking	12,891.00	5,884.00	( 7,006.00)
Tax Checking	42.00	32.00	(10.00)
Bail II Checking	27,750.00	2,500.00	(25,250.00)
Fines Checking	8,261.00	10,090.00	1,829.00
Bail Checking	900.00	9,350.00	8,450.00
License Checking	954.00	876.00	(78.00)
Fines II Checking	<u>6,916.00</u>	<u>6,753.00</u>	<u>(163.00)</u>
	<b>2,187,882.00</b>	<b>1,774,627.00</b>	<b>(413,256.00)</b>

**Unaudited Fund Balances at 6/30/16 (12/31/15 FB plus P&L activity)**

General Fund Town Wide (A)	28,331.00
General Fund Town Outside Village (B)	(1,250,058.00)
Highway	(150,560.00)
Drainage District	(11,511.00)
Fire District #2	(668.00)
Light District #1	(37,830.00)
Light District #2	(914.00)
Light District #3	(1,588.00)
Light District #4	(606.00)
Light District #5	(236.00)
Traffic District	(250,258.00)
Park District	<u>(237,559.00)</u>
<b>Totals</b>	<b>(1,913,457.00)</b>

**Cross Fund Report  
From 6/1/2016 – 6/30/2016**

<b>Fund</b>	<b>Beginning Balance</b>	<b>Total Debits</b>	<b>Total Credits</b>	<b>Ending Balance</b>
General Fund	\$ 94,192.95	\$1,009,020.39	\$1,103,213.34	\$ 0.00
Gen Fund TOV	1,579,195.55	179,113.40	463,404.20	1,294,904.75
Highway	143,695.53	1,164,905.88	1,308,601.21	0.00
Drainage	3,574.57	0	2,560.63	1,013.94
Fire Dist. 2	1,080.00	0	0	1,080.00
Light Dist. 1	49,340.23	0	5,663.73	43,676.50
Light Dist. 2	626.72	0	61.73	564.99
Light Dist. 3	1,091.95	0	149.73	942.22
Light Dist. 4	381.62	0	50.73	330.89
Light Dist. 5	173.37	0	18.73	154.64
Traffic Dist.	423,345.01	151.23	106,632.96	316,863.28
Park Dist.	128,915.79	21,791.27	37,212.11	113,494.95
Trust & Agency	(441,379.19)	741,952.38	280,432.57	20,140.62
<b>Totals</b>	<b>\$1,984,234.10</b>	<b>\$3,116,934.35</b>	<b>\$3,308,001.67</b>	<b>\$1,793,166.78</b>

**Resolution #98-16**

**Audit of Bills**

**By Mr. Allison**

**Seconded by Mrs. Krusen**

Resolved that claims in the total amount of \$110,255.90 were audited and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

**Communications**

NYS DOT, Albany, NY Re: Designation of Restricted Highway, which expires 11/18/16

**Discussion:**

Memorandum of agreement- Supervisor Sullivan stated that the Town and the PBA have a memorandum of agreement that states if someone attends the Academy sponsored by the Town, they the candidate, will pay the fee for the academy. Upon graduation and when hired by the town, they will after 18 months of employment, be reimbursed for the fee. The town will also provide uniforms for such candidates.

Supervisor Sullivan reminded department heads to submit their request for budget estimates for any items over \$1,000 for 2017 to him by July 30.

**Department Reports**

Code Enforcement Officer Chip LeValley stated it was another normal month in the code enforcement office. He reported the new house being built on Gunderman Road is coming along slowly because the owner is building it himself and has a full-time job during the day. There is one new addition on Craigie Road. Chip also reported on the mowing of lots. We are mowing properties where we tore down houses on W. First St. and Underwood Ave. Both lots are not being kept up by the owners. At 917 W First St., there was a high grass complaint from a neighbor.

Highway Superintendent Matt Mustico stated they are blacktopping the ditches by the Country Club on West Clinton Street. The work on the sewer main at the west end garage is on hold again; there are parts missing. Matt complained to the company and they will come down and finish this up for free next week. Matt reported his crews cut down six dead trees. The CHIPS monies through the Paid NY program are \$23,000 for this year, which is up \$12,000 over last year. The total monies we will receive for CHIPS are \$124,000 this year. Matt stated his crews will be striping W. Clinton Street and Larchmont Road next.

Recreation Director Patty Carozza reported that summer camps are being held but the attendance is lower than last year right now. She will be getting with the coaches to get the news out there about the camps to help increase attendance. Patty stated she is distributing a survey for parents on what do you like, what do you want to change, and what don't you like. She stated that we need to switch up the camps with variety. This year we are offering an Outdoor camp. Registration for this camp is already at thirty kids.

Patty stated that reservations for the TCC building are down for the summer but that is expected with the warmer weather. Patty reported that she has plenty of events for the Fall already. She is excited about the Fall Festival and will have more details later.

Police Chief Peter Michalko submitted his written monthly report. He stated that most arrests were up especially Penal Law arrests. June was a very busy month. Peter has partner-shipped with CVS for a drug collection bin. This is located in the main foyer of the Town Hall. Residents are able to drop off their unwanted or expired drugs with no questions asked in the bin. The Town of Elmira was recently voted #1 in Upstate NY as the safest town based on 2014 figures.

Buildings and Grounds Caretaker Scott Eschbach stated it has been a normal busy summer month at the park except for mowing. Because of this, they have been trimming hedgerows around the park, repainted parking lines and handicap lines in parking lot. He along with Jim Pfeiffer and the highway department have set up two swings on the walking river trail. The Pool is doing great. A Tennis tournament was held last weekend at the tennis courts and was very well attended. Scott stated they will change the bolts on the new swings to one-way bolts. This will be a potential vandalism security. He reported that Vulcraft did the installation and they are supposed to return and finish the project.

**Public Comments**

Betty Bonsignore, Deerfield Dr. Complimented the police department and stated she hopes the town will do anything they can do to help the police department and that the residents are very fortunate to have such a great chief and blessed to have a great police department. She appreciates all the services she receives from the town.

**Resolution #99-16**

**Reappoint David Sullivan as Marriage Officer for a term to expire July 31, 2020**

**By Mrs. Krusen**

**Seconded by Mr. Allison**

WHEREAS, pursuant to Domestic Relations Law Section 11-c, the Town of Elmira is authorized to appoint a marriage officer who shall have the authority to solemnize the marriage which marriage shall be valid in accordance with other provisions of law:

NOW THEREFORE BE IT RESOLVED, that David Sullivan is hereby reappointed as marriage officer for the Town of Elmira with the authority to solemnize a marriage, which marriage shall be valid if performed in accordance with other provisions of law, for a period of four years.

Aye- Bush, Milliken, Allison, Krusen Abstain- Mr. Sullivan No- None

**Resolution #100-16**

**Appoint Michael Sullivan as Marriage Officer for a term to expire July 31, 2020**

**By Mr. Bush**

**Seconded by Mrs. Krusen**

WHEREAS, pursuant to Domestic Relations Law Section 11-c, the Town of Elmira is authorized to appoint a marriage officer who shall have the authority to solemnize the marriage which marriage shall be valid in accordance with other provisions of law, and

NOW THEREFORE BE IT RESOLVED, that Michael Sullivan is hereby appointed as marriage officer for the Town of Elmira with the authority to solemnize a marriage, which marriage shall be valid if performed in accordance with other provisions of law, for a period of four years.

Aye- Bush, Milliken, Allison, Krusen, Sullivan No- None

**Resolution #101-16**

**Approve Fund Balance Policy**

**By Mr. Bush**

**Seconded by Mrs. Krusen**

Resolved that the Town approve the following policy as their Fund Balance Policy:  
The Fund Balance Policy is intended to establish the structure, definition and operation of the fund balance component for all Town funds in accordance with the requirements as established in Governmental Accounting Standards Board Statement #54. This policy does not nor is it intended to establish minimum funding level requirements for the total combined fund balance or any individual component of fund balance in the General or any other fund. The Fund Balance will consist of five categories. The categories and definitions are as follows:

**NO SPENDABLE FUND BALANCE-** Funds that cannot be spend due to their form such as prepaid expenses or inventory and funds that are legally or contractually required to be maintained intact.

**RESTRICTED FUND BALANCE-** Funds that are maintained for a specific purpose by external parties, constitutional provision or enabling legislation.

**COMMITTED FUND BALANCE-** Funds that are set aside for specific purpose by the Town Board. For funds to be designated as Committed in a specific year an authorizing resolution must be passed by the Town Board prior to year-end. A Board resolution would also be required to remove or modify the limitations placed on such funds.

**ASSIGNED FUND BALANCE-** Funds set aside with the intent to be used for a specific purpose by the Town Board. The establishment of an Assigned Fund Balance cannot cause or result in a deficit balance in Unassigned Fund Balance.

**UNASSIGNED FUND BALANCE-** Consist of excess funds not classified in any other category. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

#### **Non-spendable and Restricted Funds**

Non-spendable funds are those funds that cannot be spent because they are either:

- 1) Not in spendable form such as cash or securities
- 2) Legally or contractually required to be maintained intact.

It is the responsibility of the Town Supervisor to report all Non-spendable funds appropriately in the Town's financial statements.

Restricted funds are those funds that have constraints on their use either:

- 1) Externally by creditors, grantors, contributors or laws or regulations or other governments
- 2) By law through constitutional provisions or enabling legislation

It is the responsibility of the Town Supervisor to report all Restricted funds appropriately in the Town's financial statements.

When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last unless the Town Board has provided otherwise in its commitment or assignment actions.

#### **Authority to Commit Funds**

The Town of Elmira Town Board has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires the passage of a resolution by simple majority vote. The passage of a resolution must take place prior to December 31 of the applicable fiscal year. If the actual amount of the commitment is not available by December 31, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available.

#### **Stabilization Agreement**

A Financial Stabilization Account would be a Committed Fund Balance established for the purposes of providing funds for urgent events that affects the safety of the citizens of the Town of Elmira. The minimum level for a Financial Stabilization account is 5% for General Fund Expenditures. A budget revision must be approved by the Town Board. In the event that the balance drops below the established minimum level, the Town Board will develop a plan to replenish the balance to the established minimum level within four years.

#### **Authority to Assign Funds**

The Town Board has the authority to set aside funds for the intended use of a specific purpose. Any fund set aside as Assigned Fund Balance require a simple majority vote of the Town Board. A simple majority vote of the Town Board is likewise required to change or remove the assignment.

#### **Unassigned Fund Balance**

Unassigned Fund Balance is the residual amount of Fund Balance. It represents the resources available for future spending. Though the Town has no required minimum Unassigned Fund Balance an appropriate level should be maintained to cover unanticipated expenditures and or revenue shortfalls.

Unassigned Fund Balance may be accessed in the event of unexpected expenditures upon approval of a budget revision by the Town Board.

This Fund Balance policy is effective for the Town's fiscal year beginning January 1, 2017.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

**Resolution #102-16**

**Approve Memorandum of Agreement between the Town and the West Elmira PBA**

**By Mr. Milliken**

**Seconded by Mrs. Krusen**

Whereas the Town and the PBA have agreed to set forth certain terms related to the hiring of new employees who have not attended the Police Academy;

Whereas the Parties wish to memorialize their agreements in writing pending negotiations on open issues;

Therefore, the Parties hereby agree to the following:

1. Any new hire for the position of full time or part time officer who has not attended the Police Academy will be responsible for paying for Law Enforcement Academy (LEA) from their own funds.
2. The Town will provide uniforms, ammo and other equipment as needed to the cadet while attending the LEA.
3. Once the new hire graduates from LEA, he/she shall begin on the job training and the probationary period shall begin. During the probationary period, the employee shall be paid commensurate with the hourly rate pursuant to the contract in existence at the time.
4. All new hires will be subject to a probationary period of eighteen (18) months following graduation from the LEA.
5. During the probationary period, the Town reserves the right to terminate the employee without cause.
6. Once an employee completes his/her probationary period, the Town will reimburse said employee the tuition paid by the employee in attending the LEA.
7. This MOA shall for all purposes have the force and effect of a collective bargaining agreement
8. This MOA will expire upon the completion of the current collective bargaining agreement on 12/31/2016.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

**Resolution #103-16**

**Sponsor traffic officer candidates at Police Academy**

**By Mr. Allison**

**Seconded by Mr. Milliken**

Motion was made to sponsor Traffic Officer Candidates, Dylan Bellinger and Gavin Rupp, at the Law Enforcement Academy per terms of the Memorandum of Agreement with the West Elmira PBA, and based on the availability of slots in the LEA class beginning August 15, 2016.

Aye- Bush; Milliken, Allison, Krusen, Sullivan

No- None

On a motion by Mr. Bush and seconded by Mrs. Krusen the meeting was adjourned at 7:31 P.M.

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JoAnn Sherwood, Town Clerk