

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, September 18, 2017 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

Public Hearing

At 7:00 P.M. Town Attorney Scott Moore read proof of publication of notice of September 5, 2017 of notice of public hearing to consider proposed Local Law 1-2017 to Override the Tax Levy Limit Established in General Municipal Law §3-c. The hearing was declared open and anyone wishing to present written or oral comments in favor of proposed Local Law #1 was invited to do so. When no one wished to speak in favor of the proposed Local Law those wishing to speak in opposition of the proposed Local Law were invited to do so. Mary Rodgers, W. First Street asked for details on what the override tax levy percentage would be. Supervisor Sullivan explained the budget process to her and the possibility that we might go over the tax levy limit. We adopted this same law last year but did not need to put it into effect. She asked if cuts could be made in the park area and maybe that would help lower the tax levy. Supervisor Sullivan explained the park is in a special district and just covers District 1 residents. There was no further comment and the hearing was declared closed at 7:10 P.M.

Resolution #96-17

Minutes

By Mr. Allison

Seconded by Mrs. Krusen

Motion was made to approve the minutes of the regular meeting of August 21, 2017.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #97-17

Financial Report

By Mr. Bush

Seconded by Mrs. Krusen

Supervisor Sullivan reviewed the Town's financial position as of August 31, 2017. Revenue and Expenses are on target per budget plan. The August 31 YTD bank statements and Fund Balance Report were provided to the Board by email. Unaudited Fund Balance as of August 31, 2017 was \$1,381,005.00 in all funds. Motion was made to accept the Supervisors report for August 2017.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #98-17

Audit of Bills

By Mr. Bush

Seconded by Mrs. Krusen

Resolved that claims in the total amount of \$122,088.06 were audited and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Communications:

Lisa/Jay O'Brien, Morningside Drive, Elmira, NY Re: sale of Dominican Monastery

Discussion:

Roof Repair- Timeline Work will begin in April of 2018 and this project expected to cost around \$150,000 will be bonded.

Discussion cont.:

Budget Update- Supervisor Sullivan stated that at this time we are over the Tax Levy Limit but he is still working on the budget. Health Insurance costs are predicted to rise 8% this year over last year. The biggest increases in the budget this year is health insurance and payroll. Plans are to also include adding a fifth full time police officer at some point in 2018 to assist with patrols and increase in cases requiring investigation and follow-up.

Research on Mowing Rates- Board discussed adding an additional fee to the amount charged for mowing of yards in violation of Town Code. This was tabled for further discussion.

Department Reports:

Police Chief Peter Michalko submitted his written report. He stated calls for service are up from a year ago as well as traffic stops up and tickets. He and Officer Barr attended Active Shooter training on Aug 3. Peter reported that the NYS Computer crime lab assisted with a home search. He stated that they have received excessive calls regarding a home on Guinnip Ave. Supervisor Sullivan asked Code Officer Chip LeValley if the landlord is in violation of the number of police calls allowed per the code. He stated the code violation reads there is a probation status first and a possible \$1,000 fine. Eviction notices have been served for 303 Guinnip and 1156 W. First St. in the town court.

Highway Superintendent Matt Mustico Highway reported that his CHIPS money came in on Friday. The annual leaf pickup will start October 30. Matt reported that the Mill Hill roadwork would be completed hopefully by end of next week. He reported that he and Jimmy Joe Carl met with engineers on the proposed Chemung County Coleman Ave. project. Part of the project will be running pipe down Coleman Avenue to York Ave. The town will be responsible for the York Avenue portion of this project. The County has projected a start date of May 2019. Matt stated he will be attending the NYS Highway Superintendents Fall conference this week.

Buildings and Grounds Caretaker Scott Eschbach stated this summer was very wet and mowing was extensive. GETA held a Doubles Tennis Tournament this past weekend. Scott stated they did take very good care of the grounds. He reported that the Pickle Ball courts are ready for fencing. Scott stated that baseball field #3 has been sinking very badly and he has 90 yards of topsoil to spread and get ready for seeding. This field should be ready for play next year. There will be a multi-school cross country meet tomorrow in the park and trails.

Code Enforcement Officer Chip LeValley Code Enforcement reported it was a normal month and he submitted his monthly written report. He stated there were more roof and fence permits vs new home permits compared to last year. Preparations are ready for the Zoning Board meeting to be held at the Our Lady of Lourdes McCabe Center regarding the Dominican Monastery zoning request. Chip requested police coverage for this event. Supervisor Sullivan suggested a notice be put on the outdoor bulletin board sign at the fire department.

Public Comments:

Paul DiPietro, Durland Ave. stated he is following up with information regarding possible tree plantings this fall. If the Town wishes to pursue tree plantings he has a fall/spring price guide and availability list of stock with recommendations of trees to plant. He recommended bare rooted planting. He has all the information on the procedure on how to order, pickup and he stated that planting must be done within 24-48 hours. He is available for assistance and guidance in planting them. Paul stated he will also let us know if he hears of any urban or forestry grants. Ron McConnell stated that he is the School Crossing Guard at Hendy Avenue and W. Church Street and he stated that last week it was very foggy and there was a lot of water at his corner. He thanked Chip and Scott for clearing up that area quickly for the students to cross safely.

Resolution #99-17**Adopt Local Law 1-2017 Override the Tax Levy Limit established in General Municipal Law §3-c****By Mr. Milliken****Seconded by Mr. Allison**

Whereas a resolution was duly adopted by the Town Board of the Town of Elmira for a public hearing to be held by said Board on September 18, 2017 at 7:00 P.M. at 1255 W. Water Street, Elmira, NY to hear all interested parties on proposed Local Law 1-2017 Override the Tax Levy Limit established in General Municipal Law §3-c; and

Whereas a notice of said public hearing was duly advertised in the Star Gazette, the official newspaper of the Town of Elmira on September 5, 2017; and

WHEREAS said public hearing was duly held on September 18, 2017 at 7:00 P.M. at 1255 W. Water Street, Elmira, NY and all parties in attendance were permitted an opportunity to speak on behalf or in opposition of said proposed Local Law, or any part thereof and

WHEREAS, the Town Board of the Town of Elmira after due deliberation finds it in the best interest of the Town to adopt the said Local Law;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Elmira hereby adopts Local Law 1-2017 Override the Tax Levy Limit established in General Municipal Law §3-c; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law book of the Town of Elmira and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Override the Tax Levy Limit Established in General Municipal Law §3-c

Be it enacted by the Town Board of the Town of Elmira as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Elmira pursuant to General Municipal Law §3-c, and to allow the Town of Elmira to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorized the town board to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Elmira, County of Chemung is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local shall take effect immediately upon filing with the Secretary of State.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #100-17

Appoint Amos Smith Jr. as substitute Crossing Guard

By Mr. Bush

Seconded by Mr. Allison

Motion was made to appoint Amos Smith Jr as a substitute Crossing Guard effective September 18, 2017.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #101-17

Set date for special meeting to accept tentative budget for 2018

By Mr. Milliken

Seconded by Mrs. Krusen

Motion was made to set the date of October 2, 2017 at 7:00 P.M. for a special town board meeting to accept the 2018 Tentative Budget.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #102-17

Accept RFP from Dewalt & Sons for fencing for Pickle Ball Court

By Mrs. Krusen

Seconded by Mr. Bush

Motion was made to accept the proposal submitted by Dewalt & Sons for the fencing for the Pickle Ball Court in the amount of \$12,885.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

On a motion by Mr. Bush and seconded by Mr. Milliken the board went into an executive session at 7:49 P.M.

On a motion by Mr. Allison and seconded by Mrs. Krusen the board went out of executive session at 9:10 P.M.

On a motion by Mr. Bush and seconded by Mr. Allison the meeting was adjourned at 9:11 P.M.

JoAnn Sherwood, Town Clerk