

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Tuesday, January 21, 2020 at 7:00 PM at 1255 West Water Street, Elmira, NY, there were

Supervisor: Neil Milliken  
Councilmember: Thomas Milliken  
Councilmember: Scott Bush  
Councilmember: Albert Lucarelli  
Councilmember: Ron Allison- excused

Others present  
Town Clerk- Tammy Stein  
Attorney- Scott Moore  
Chief of Police- Thomas Barr  
Highway Superintendent- Matthew Mustico  
Buildings and Grounds Caretaker- Scott Eschbach  
Code Enforcement Officer- Eric Crandall

**Public Hearing-** At 7:01 P.M. Town Attorney Scott Moore read proof of publication of notice from January 6, 2020 of public hearing to approve Local Law 1-2020 regarding the Cold War Exemption. The hearing was declared open and anyone wishing to present written or oral comments in favor of the proposed Local Law 1-2020, regarding the Cold War Exemption was invited to do so. When no one wished to speak in favor those wishing to speak in opposition of the proposed Local Law 1-2020, regarding the Cold War Exemption were invited to do so. When no one wished to speak in opposition the hearing was declared closed at 7:02 P.M

**Resolution #40-20**

**Minutes**

**By Mr. Bush**

**Seconded by Mr. Milliken**

Motion was made to approve the minutes of the regular meeting of December 16,2019 and the organizational meeting of January 2, 2020.

Aye- Bush, T. Milliken, Lucarelli, N. Milliken

No- None

**Resolution #41-20**

**Financial Report**

**By Mr. Bush**

**Seconded by Mr. Lucarelli**

Supervisor Milliken reviewed the Town's Financial position as of December 31, 2019 and stated we are in a good financial position. The December 2019 bank statements and year to date Fund Balance reports were provided to the board. Motion was made to accept the Supervisor's report for December 2019.

Aye- Bush, T. Milliken, Lucarelli, N. Milliken

No- None

**Resolution #42-20**

**Audit of Bills**

**By Mr. Milliken**

**Seconded by Mr. Bush**

Resolved that all claims in the total amount of \$ 335,807.18 were audited and approved for payment when in funds.

Aye-Bush, T. Milliken, Lucarelli, N.Milliken

No- None

**Communication:** Supervisor Milliken read the dates for the 2020 elections as received by the Board of Elections

He also read a letter that prior Supervisor David Sullivan had given him, which reads as follow:

December 30, 2019

Supervisor  Milliken:

I wish you and the board the best of luck in the coming years. You are fortunate to have the best staff in Chemung County. They are dedicated to providing the best service to the residents. Most of all, they are tremendous individuals.

These are challenging times for local governments. I leave office having done the best job that I could, and, comforted by the fact that you and your team will work very hard to provide the best possible service.

As we have discussed, please call on me if you should have any questions. The Town of Elmira will always have a special place in my heart.

All the best,



David Sullivan,  
Supervisor  
2010-2019

### **Department Reports:**

Highway Superintendent Matt Mustico reported that they have swept the leaves and got quite a bit. They are working on patching and working on the ditches on Larchmont Rd. They have cut some trees on East Hill. Matt discussed ditch issue with Mr. Bush regarding Bowlby Rd. They will go look at it and discuss at a later date.

Code Enforcement Officer Eric Crandell stated it was slow with permits only getting 4 in December. He collected \$1371.00 in fees in December. In 2019 there were lots of home renovations done. Several are being worked on currently. Eric had to place a notice indicating unable to inhabit on a house due to sewer issue and he will inspect tomorrow to see progress.

Buildings and Grounds Caretaker Scott Eschbach has been doing some ground work on the new soccer field. He has been moving dirt for it. Depending on weather he will plant grass.

He stated he pumped 15 inches of water from the pool and is doing some improvement work on storage areas in community center. Scott is adding 2 closet spaces for regular renters. Going to work on patching and painting coming up

Police Chief Tom Barr read the departments 2019 report of calls, stops, tickets and arrests.

December was busy with the new bail reform. The basement project is at 80%. He thanked Eric

and Scott for their part. He discussed the no bail law a little to the residents and board in attendance.

Councilmen Allison arrived at the meeting at 7:23pm

**Discussions:**

Supervisor Milliken stated the following:

Faith Pipher, filled in on the Board after Karen Krusen relocated. Though her time was just a few months, she performed her duties most ably and we greatly appreciate her stepping in.

Justice Richard Woodhouse served in Town Court for over 40 years. I do not know if that makes him the longest serving Town of Elmira official ever, but if not, he must be close. Imagine 40 years of night court, of middle-of-the-night calls from the police department. I am sure he has some stories to tell! This Board would like to publicly recognize and sincerely thank Dick Woodhouse for his many years of dedicated service to our town.

Dave Sullivan elected retirement after completing his second full term as Town Supervisor, having served many years prior to that as a Board member. His tenure as Supervisor was characterized by an approachable demeanor, astute and innovative management, and a great sense of humor. Many challenges were met and overcome, and along the way he earned the respect, and the affection, of his colleagues both in and out of this building, and from the residents of the Town of Elmira he served so well. Thank you, Dave. Enjoy a well-earned cigar and some time on the “Bench of Wisdom.”

As it is said, all things must change, so now some introductions:

Albert Lucarelli has lived in the Town for over 40 years and with wife Liz, who works for the Town Court, raised two sons. He owns a successful business located in the City for many years, and has previously served the Town on both the Zoning Board and the Recreation Board. Al has already shown himself to be enthusiastic and eager to assume his duties, and we heartily welcome him to the Board.

Tammy Stein although not a new face to the Town, she has stepped into a new role. Tammy has served as the deputy Town Clerk here for the last year and as January 1<sup>st</sup> assumed the position of Town Clerk. It is our good fortune that JoAnn Sherwood, our Town Clerk for many years, will continue for a while yet as Tammy’s deputy. Tammy was stolen from Big Flats where she worked as Deputy Clerk and collector of Taxes since 2011. She and her husband Paul are the proud parents of a son and a daughter – two kids, one of each. Perfect family planning. That just shows great organization and proves how ideal she is for this job. She also has devoted her time to several community activities. Welcome Tammy, to your new position.

Though not present here, we also welcome Kim Middaugh, now Justice Kim Middaugh, who is serving in our Town Court, succeeding Dick Woodhouse. Kim comes to us from private law practice with a local firm, before that you would no doubt recognize her from her work at the City of Elmira in different capacities. We welcome her and appreciate the experience she will bring to our Town Court.

Regarding myself, I have been a resident of the town since Lyndon Johnson was President! I have had my dental practice here since 1987. I have also worked for the Town before. During summers while in college I worked in the park, kept up the ballfields and playground equipment, mowed the grass here and at McCann’s Boulevard. In a year between college and dental school I worked for the Highway Department, picking up leaves and unclogging storm sewers in the Fall,

blacktopping and oil-and-stone up on East Hill in the Summer, and plowing in the Winter. A bit of trivia - I served on the Board of Trustees of Corning Community College for many years, and am the first to graduate from the school and later serve as the Chairman of the Board. Coincidentally, I was recently told I am likely the first to have worked for the Town and later serve at the Supervisor.

**Public Comments:** Amos Smith, of Winters St. talked about loving the Town and having minimal issues.

Pat Augustine, of Evergreen Ave. asked about the reason the Elmira Water Board rates went up 7¢. She informed the board that the prices vary by area and she'd like to know why. Mrs. Augustine also asked if the trails by the river could be cleaned up better. Tom Barr stated that a lot of the area's she was discussing are privately owned properties.

**Resolution #43-20**

**Set date for February Town Board meeting**

**By Mr. Bush**

**Seconded by Mr. Lucarelli**

Motion was made to set the date of February 20, 2020 at 7pm for the regular February town board meeting.

Aye- Bush, T. Milliken, Allison, Lucarelli, N. Milliken

No- None

**Resolution #44-20**

**Approve ARC agreement for use of Community Center**

**By Mr. Allison**

**Seconded by Mr. Lucarelli**

Motion was made to approve the agreement with ARC for the use of the Community Center for 2020.

Aye- Bush, T. Milliken, Allison, Lucarelli, N. Milliken

No- None

**Resolution #45-20**

**Adopt Local Law #1-2020 to Allow Cold War Veterans A Limited Town Tax Exemption Pursuant to Section 458-b of the Real Property Tax Law**

**By Mr. Milliken**

**Seconded by Mr. Lucarelli**

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 January 21, 2020 at 7:00pm at 1255 W. Water Street, Elmira, NY to hear all interested parties on proposed Local Law 1-2020 to Allow Cold War Veterans a Limited Town Tax Exemption Pursuant to Section 458-b of the Real Property Tax Law; and

Whereas a notice of said public hearing was duly advertised in the Star Gazette, the official newspaper of the Town of Elmira on January 6, 2020; and

WHEREAS said public hearing was duly held on January 21, 2020 at 7:00pm. 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 1-2020 to Allow Cold War Veterans A Limited Town Tax Exemption

Pursuant to Section 458-b of the Real Property Tax Law as follows:

Section 1. Purpose

- a. The purpose of this local is to authorize a limited exemption from real property taxes for residential real property owned by veterans and their surviving spouses who rendered military service to the United States during the “Cold War” pursuant to Section 458-b of the Real Property Tax Law.
- b. Pursuant to subsection 2(c)(ii) of §458-b of the Real Property Tax Law, if a Cold War veteran receives the exemption under §458 or §458-a or the Real Property Tax Law, the Cold War veteran shall not be eligible for this exemption.

Section 2. Term

Pursuant to subsection 2(c)(iii) of §458-b of the Real Property Tax Law the exemption authorized shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to a ten-year limitation.

Section 3. Cold War Exemption

- a. Pursuant to subsection 2(a) of §458-b of the Real Property Tax Law of the State of New York, and subject to definitions, limitations and requirements of said §458-b, the Town of Elmira hereby adopts the qualifying residential real property exemption under subsection 2(a)(i) of §458-b of the Real Property Tax Law of the State of New York, that is, an exemption in the amount of fifteen percent (15%) of the assessed value of such property, provided however, that such exemption, as permitted by subsection 2 (c)(iii), shall not exceed twelve thousand dollars (\$12,000) or the product of twelve thousand dollars multiplied by the latest state equalization rate of such property’s assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- b. Pursuant to subsection 2(b) of §458-b of the Real Property Tax Law of the State of New York, and subject to the definitions, limitations and requirements of said §458-b, the Town of Elmira hereby adopts the qualifying residential real property exemption under subsection 2(b) of §458-b of the Real Property Tax Law of the State of New York, that is, an exemption in the amount equal to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided however, that such exemption, as permitted by subsection 2(c)(iii), shall not exceed forty thousand (\$40,000) or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

Section 4. Effective Date

This local law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this local law 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.

Aye- Bush, Milliken, Allison, Lucarelli, Milliken

No- None

**Resolution #46-20**

**Approve Shared Service agreement with Chemung County regarding scanning**

**By Mr. Scott**

**Seconded by Mr. Lucarelli**

Motion was made to approve the agreement with Chemung County regarding scanning of Town records with no cost to the Town for 2020.

Aye- Bush, T.Milliken, Allison, Lucarelli, N.Milliken

No- None

**Resolution #47-20**

**Set date for February Town Board Workshop**

**By Mr. Bush**

**Seconded by Mr. Allison**

Motion was made to set the date of February 10, 2020 at 7pm for the Town Board Workshop.

Aye- Bush, T.Milliken, Allison, Lucarelli, N.Milliken

No- None

**Resolution #48-20**

**Appoint a delegate to vote at the AOT meeting**

**By Mr. Bush**

**Seconded by Mr. Allison**

Motion was made to appoint Thomas Milliken as delegate to be able to vote at the AOT meeting on behalf of the Town

Aye- Bush, T. Milliken, Allison, Lucarelli, N. Milliken

No- None

**Resolution #49-20**

**Set a Public Hearing for the Charter Communication Agreement**

**By Mr. Allison**

**Seconded by Mr. Bush**

Motion was made to set the date of February 20,2020 for a Public Hearing at 7:00pm regarding the Charter Communication agreement.

Aye- Bush, T. Milliken, Allison, Lucarelli, N.Milliken

No- None

On a motion by Mr. Bush and seconded by Mr. Milliken the meeting was adjourned at 7:59 PM.

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Tammy Stein, Town Clerk