

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, April 20, 2020 at 7:00 PM using zoom due to Covid-19 and the social distancing orders set in place by the Governor, there were

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

Others present  
Town Clerk- Tammy Stein  
Attorney- Scott Moore

### **Resolution #78-20**

#### **Minutes**

**By Mr. Allison**

**Seconded by Mr. Lucarelli**

Motion was made to approve the minutes of the regular meeting of March 16, 2020.

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

No- None

### **Resolution #79-20**

#### **Financial Report**

**By Mr. Bush**

**Seconded by Mr. T. Milliken**

Supervisor Milliken reviewed the Town's Financial position as of March 31, 2020 and stated we are in a good financial position. The March 2020 bank statements and year to date Fund Balance reports were provided to the board. Motion was made to accept the Supervisor's report for March 2020.

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

No- None

### **Report by Supervisor Milliken**

I would like to begin with some carryover updates from the March meeting. The data storage process of Town records will resume in a couple weeks with the Code Enforcement Department. The Park remains closed and, in those particular areas which we found landed themselves to groups of individuals congregating - that is the tennis courts, playground and basketball courts - have specifically been targeted with signage and taped off. By and large residents have been observing the physical distancing directives and when they enjoy the park for walking and follow those protocols, they are welcome to do so. The pickleball project is on hold as per the construction suspension. As previously discussed, the Town would like a signed agreement with someone regarding this project, and Attorney Moore has formulated just such a document which is currently in the hands of Edger Contractors and which we soon hope to have signed and returned. Many thanks to Scott, who has devoted a lot of time to this matter. I am disappointed to report that Mike Ruocco, who the Board approved for hiring last month as a PT addition to the Police Department, could not in fact be hired as per Civil Service rules. Apparently, an officer who has been retired from active duty over one year cannot be hired as a traffic officer, no exceptions. The general understanding had been that there was a two-year window, in which case Mike would have qualified, but we were corrected and overruled by Civil Service. The paperwork from Chemung County arrived regarding the two portions of the Community Development funds to be used toward purchase of the drone for the WEVFD and PD. It did not require a Board resolution to accept as they had originally indicated. We were able to get the full share of District 7 monies of \$3333, and \$1000 from District 15. Our thanks to Legislators Sonsire and Strange for looking favorably upon our

application. The carpets in the Town Hall were steam cleaned last week Friday and half of Saturday. This work was through a contract with ARC which had already been paid for, and since Friday was a holiday for our building staff anyway, they could work in the building by themselves.

The pandemic has created turmoil in all our lives, which of course extends to the operations of the Town. We have settled into a routine of sorts with our reduced staffing, which I believe is going well. I spend a good deal of time on the phone or exchanging emails. I participate in a conference call with the County officials weekly, another with the Supervisors from Big Flats, Southport and the Town and Village of Horseheads, and still another conducted by Congressman Tom Reed and his aides. All are worthwhile for an exchange of information, to maintain consistent policies, and the value of just being with others in the same boat.

So, our main concern focuses on the loss of expected revenues, primarily from sales tax. The amount of those losses are simply not determinable at this time, but common sense tells us they may be considerable. Consider these facts.

8% of our County sales tax comes from gasoline. I have heard that gasoline sales have declined as much as 50% with residents staying at home

11% of our County Sales tax is from car sales

10% from the big box stores

9% from restaurants, some still have takeout sales but many closed altogether

So, let me discuss for a moment these two major questions; First, can we get a sense of the extent of the shortfall, and second, can we prepare for it?

To the first question, County Budget Director looks to the recession in 2008 and for 9/11 for historic parallels, and he comes up with a 5-10% decline in sales tax for the low estimate, estimates from NYSAC are 15% or above, and I have reached out to the Association of Towns for an estimate but have not yet heard back. The big difference from these historical events used as a benchmark for this pandemic, is those other events had no mass closure of stores, restaurants and people not driving to work, to shop, to visit people and places. This is a unique situation, hard to accurately predict. All those making predictions concede their estimates may be low.

From a timing standpoint, just so you are aware, there is a lag between the month sales tax is collected locally, and when our share finds its way to us. The March sales tax is reflected in the May numbers, then could be another month (ie, June) before we receive a check.

As you all know, sales tax comprises almost 1/3 of our Town budget revenues. It finances 100% of our Highway Fund. Zero of our Town property tax pays for highway projects, salaries or expenses. Highway Supervisor Matt Mustico and I have met and have prioritized the 2020 projects, pushing what we can towards later in the season so we can monitor how things play out. An additional related concern here. The TOE receives about \$140,000/year from NYS in CHIPS funding to essentially repay us for work done. Though that money currently is in the State 2020 budget for its intended use at the local level, rumors swirl that if funds are needed, the State might just raid the CHIPS monies. And remember, the Governor has been given the authority in this year's budget to go back periodically and make changes, unilaterally, as he sees fit.

To the second question, how do we find ready cash if we find it necessary? Our options to access cash seem to be to borrow, or to get relief from the County, State or at the Federal level.

Option one - Town law is limiting when it comes to borrowing. An ideal arrangement for us would be access something like a line of credit with a financial institution - use only what we need but have a reliable source of ready cash. This is not allowed by law. Two options we do have; RANs are tied into future revenue other than taxes, TANs are tied into tax revenue like sales or property taxes. These are short term options -1 year- and are intended for short term shortfalls. I have spoken to the County Treasurer and others including a municipal financial firm to review our options and clarify my understanding. With Board agreement, I would like to contact our bond counsel and ask that they craft a resolution which we would add to next month's agenda. This is required before we could borrow, but would not obligate us to do so.

Option two – relief from a higher level of government. The County had indicated pre-pandemic that we might expect a reduction in sales tax after the current arrangement ends in 2020. Safe to say no assistance should be expected there. Probably similar expectation at the State level.

Passage of Phase 3 of the Federal CARES Act was accompanied by reports that it contained aid for local

governments. What must be understood is that “local government” was defined as those with populations greater than 500,000. You noted the resolution on tonight’s agenda which specifically asks lawmakers to consider the many smaller municipal governments such as ours that fall far below that population threshold. I know through the regular conference calls with Congressman Reed he is supportive of such inclusion, and he feels hopeful that the help we need will likely find its way into a Phase 4 of the CARES Act. That perhaps may be our best hope. One of the political sticking points is they would like any Federal monies to be paid directly to the local municipality and not be distributed through the State government. According to Rep. Reed’s office, the States finds ways to carve out a portion, diminishing what the locals receive as well as adding to the red tape.

## **Resolution #80-20**

### **Audit of Bills**

**By Mr. T. Milliken**

**Seconded by Mr. Lucarelli**

Resolved that all claims in the total amount of \$62,603.04 were audited and approved for payment when in funds.

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

No- None

### **Communications**

Association of Towns request for direct Federal aid

### **Department Reports:**

Due to the Covid – 19 and social distancing Supervisor Milliken stated the Department heads were excused from attending the meeting but were asked to submit a report:

Recreation Director, Patty Carozza wrote rentals are on hold at this point. A few of the rentals who had to postpone are wanting to re-book when we reopen. They are patiently waiting to hear from me when that will happen. When we do get back up and running - everyone who uses the center will find some nice improvements that have been made thanks to Scott. (new closet in the entrance way, better space for ARC to store their things, and fresh paint. His work is amazing! Code Enforcement Officer, Eric Crandall turned in his report showing all the permits that were issued in March.

Highway Superintendent, Matt Mustico let the board know that they opened up the Compost site. They also brought some mulch from the county to our site for residents. They cut the shoulders on the 2 roads on East Hill that are on our road program. They hauled gravel from West Elmira to East Hill shop with the Counties help. His department has been cold patching until the blacktop plants open. They are looking to start road work on May 4th.

Buildings and Grounds Caretaker, Scott Eschbach stated he has been working on the TCC building and it’s going well. He has put new closets in and will be working on painting and trim on them. He is painting the main area, cleaning clogged drains, and major cleaning of the bathrooms has been done. The Pickleball project was being worked on but has since been put on hold due to the shutdowns. He has been doing upkeep on the pool as needed. Scott also updated the board regarding the softball fields and playground area.

Police Chief, Tom Barr reported on calls, stops, assists and accidents that his department took for March

### **Discussion**

2020 Roadwork Schedule- Highway Superintendent Matt Mustico and Supervisor Milliken discussed the potential of not being reimbursed for CHIPS funds so they decided to do a minimal plan on road work for 2020 at this time.

Draht Hill Rd from Gunderman Rd to Windswept Rd 20' X 4850'  
Monkey Run Rd from Draht Hill Rd 2465' south 20' X 2465'

Note: on both roads we they will FDR 5" add emulsion about 1 gal. to a 1 ½ gallon per square yard. Once this has set for 1 month they will go back and do a double coat of oil and stone. They are looking to start their FDR on these 2 roads May 4th depending on the weather.

West First St from Hendy Ave. to Underwood Ave 23' X 1670'  
Abermarle 20' X 2465"  
Arcadia 18' X 1060

Note: NYSEG and the Elmira Water board are replacing mains and services so they are on hold until the virus restrictions are lifted. They also will be FDR and about 1 month they will be top coated with 2.5 inches of type 6F top.

Pool- Supervisor Milliken discussed the opening of the pool and asked for feedback from the Town board. They decided to get everything set to open with hopes that when this pandemic ends, we can open the pool quickly for our residents. There are still somethings that need to be looked into in order to accomplish this such as executive orders, lifeguard hiring and availability.

Councilmen Lucarelli asked what the hours are regarding the compost facility. He explained he's been getting several calls asking about it being open on the weekends. Town Clerk Stein stated that the hours of the compost facility are stated on the permit that is required by residents to have in order for them to utilize the compost (7am – 3:30pm, Monday - Friday). Supervisor Milliken informed the board him and Highway Superintendent Mustico spoke in regards to this and have decided to keep those hours as that's past practices and they do not have the man power to supervise it during any other time slots.

Supervisor Milliken updated the board on the new Traffic Officer recruits and stated that due to the Academy closed that they have been training with our Traffic Office. Chief Barr has informed him they are a great fit and are doing very well.

## **Resolution #81-20**

### **Provide direct Covid-19 related Federal aid**

**By Mr. Allison**

**Seconded by Mr. T. Milliken**

WHEREAS, the federal government recently enacted the Coronavirus aid, relief and economic security (CARES) act to address the economic fallout from the Coronavirus pandemic in the United States; and

WHEREAS, Section 601 of the CARES act (P.L. 116-136) provides a \$150 billion fund for states, tribal governments and units of government with a population in excess of 500,000 people; and

WHEREAS, less than one-half of 1 percent of municipalities in the United States meet this population threshold and are thus ineligible to receive direct funding from the federal government; and

WHEREAS, of the 933 towns in New York, 931 are not eligible for direct federal funding under the CARES act, including the town of Elmira; and

WHEREAS, towns provide essential service to 9 million New Yorkers town residents, including

but not limited to ambulances, police and fire protection services, building and code enforcement and highway maintenance and have continued to do throughout the ongoing health crisis; and WHEREAS, the coronavirus pandemic has created significant financial stress for local governments in New York as an estimated \$2 billion in sales tax revenue has been lost, as well as other sources of revenue such as permit fees, justice court fines, and mortgage recording tax; and

WHEREAS, the depletion of different revenue sources for local governments, combined with lack of funding will result in reducing essential services or shifting the cost onto real property taxpayers, many of whom are experiencing their own financial stress;

NOW THEREFORE BE IT RESOLVED, that the town of Elmira calls upon United States Congressional Representative Tom Reed, Senator Charles Schumer and Senator Kirsten Gillibrand to support federal funding related to the coronavirus pandemic that is directly delivered to all municipalities regardless of population size.

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

No- None

**Resolution #82-20**

**Set date for May Workshop**

**By Mr. Bush**

**Seconded by Mr. T. Milliken**

Motion was made to set the date of May 11, 2020 at 6pm for a Workshop meeting.

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

No- None

On a motion by Mr. Allison and seconded by Mr. Lucarelli the meeting was adjourned at 7:58 pm

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Tammy Stein, Town Clerk