

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, October 17, 2022 at 7:00 PM at 1255 West Water Street, Elmira, NY, there were present:

Supervisor: David Sullivan  
Deputy Supervisor Ron Allison  
Councilmember: Thomas Milliken  
Councilmember: Scott Bush  
Councilmember: Albert Lucarelli

Others present

Town Clerk- Tammy Stein  
Town Attorney- Scott Moore  
Police Chief- Robert Richards  
Code Enforcement Officer- Eric Crandall  
Highway Superintendent- Matt Mustico  
Recreation Coordinator- Patty Carozza

Supervisor Sullivan called the Town Board Meeting to order at 7pm and lead attendees in the Pledge of Allegiance

### **Public Hearing**

At 7:01 P.M. Town Attorney Scott D. Moore read proof of publication of notice of October 3, 2022 of notice of public hearing to amend Chapter 61-1 parts B and E of the Animals Ordinance to amend the language referring to Fire District No.1 and No.2 and replace with A, AA, AAA residential district. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. When no one wished to speak in favor of the amendment, those wishing to speak in opposition were invited to do so.

Opposed:

Kevin Clark, Sunset Dr. informed the Town Board that he has a registered NYSDEC Game Bird Farm. He believes this amendment will cut his numbers down, making it so he couldn't do what he's done the entire time he's lived at his residents. Mr. Clark raises heritage breeds, animals to be released in to wild, and restock pheasants.

Kathy Carrier, Sunset Dr. stated that it's a lovely neighborhood and asked why the board wants to change the ordinance when there's nothing wrong.

Caren Hill, Sunset Dr. stated she is a partner with Mr. Clark. They are preserving a breed that are in endanger of being phased out. They preserve animals for NYS. She questioned why the change, stating that she's against it.

After no further oppositions to the amendment the hearing was declared closed at 7:07 P.M.

At 7:09 P.M. Town Attorney Scott D. Moore read proof of publication of notice of October 3, 2022 of notice of public hearing to amend Chapter 217-9, Zoning Map of the Zoning Ordinance to amend the zoning district from Agricultural/Residential to AAA Residential for the geographical area described as those parcels situated within the Town of Elmira and being bounded to the north by the southerly edge of Hillcrest Rd, bounded on the west by the center

line of Hoffman Creek, bounded on the south by the Town line, and bounded on the east by the Town line. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. When no one wished to speak in favor of the amendment, those wishing to speak in opposition were invited to do so.

Opposed:

Caren Hill, Sunset Dr. stated she opposes for the same reasons as she stated with the previous proposed amendment regarding the animals.

After no further oppositions to the amendment, the hearing was declared closed at 7:11 P.M.

At 7:12 P.M. Town Attorney Scott D. Moore read proof of publication of notice of October 3,2022 of notice of public hearing to amend Chapter 165 of the Recreation Facilities Ordinance to add section 165-4 Smoking and Vaping to include provisions prohibiting smoking and vaping in or upon any recreational facility maintained by and within the Town of Elmira. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. When no one wished to speak in favor of the amendment, those wishing to speak in opposition were invited to do so. When no one wished to speak in opposition to the amendment, the hearing was declared closed at 7:12 P.M.

At 7:15 P.M. Town Attorney Scott D. Moore read proof of publication of notice of October 13,2022 of notice of public hearing to consider the Preliminary Budget of the Town of Elmira for the fiscal year beginning January 1, 2023. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. When no one wished to speak in favor of the proposed budget, those wishing to speak in opposition were invited to do so. When no one wished to speak in opposition to the preliminary budget, the hearing was declared closed at 7:15 P.M.

Supervisor Sullivan stated that there will be some changes to the agenda

- The resolution for the ordinance amendment for Chapter 61-1 part B and E, Animal will be tabled as it needs to be referred to the Chemung County Planning Board as well as a SEQR needs to be done.
- The resolution for the ordinance amendment for Chapter 217-9, Zoning will be tabled as it needs to be referred to the Chemung County Planning Board as well as a SEQR needs to be done.

### **Resolution #149-22**

#### **Minutes**

**By Mr. Allison**

**Seconded by Mr. Lucarelli**

Motion was made to approve the minutes of September 19,2022 and October 5,2022 workshop.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Councilmember Bush asked for a correction on the September 19,2022 minutes stating that the audit resolution's first and second appointments need to state Milliken and Allison.

**Resolution #150-22**

**Audit of Bills**

**By Mr. Bush**

**Seconded by Mr. Lucarelli**

Resolved that all claims in the total amount of \$103,351.50 were audited and approved for payment when in funds.

Early Audit

General Fund	24,192.22
General Fund (outside village)	3,264.75
Fire District	405.00
Traffic District	9,949.62
Park Fund	<u>1,041.91</u>
	38,853.50

Regular Audit

General Fund	11,495.25
General Fund (outside Village)	386.28
Highway Fund	33,417.96
Light District 1	4,300.90
Light District 2	42.90
Light District 3	96.90
Light District 4	32.90
Light District 5	11.90
Traffic Fund	1,226.36
Park Fund	12,357.65
Trust & Agency	<u>1,129.00</u>
	64,498.00

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #151-22**

**Financial Report**

**By Mr. Milliken**

**Seconded by Mr. Lucarelli**

Supervisor Sullivan reviewed the Town’s financial position as of September 30, 2022 and stated we are in a good financial position. The September 2022 bank statements and year-to-date financial reports were provided to the board. Motion was made to accept the Supervisor’s report for September 2022.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Communications**

Sheriff of Chemung County

RE: Monthly Report

**Department Reports**

Code Enforcement Officer- Eric Crandall stated that September was an average month and brought in 23 building permits. He sent out 1 tall grass violation. He stated that he has been working with CPI by doing inspections and taking pictures for the Resident Grant Program.

Recreation Coordinator- Patty Carozza stated that a local Girl Scout group has made and donated a little library. This will be put by the concession stand allowing residents to take books and leave books.

Highway Superintendent- Matt Mustico informed the board that they are almost done patching. His department has removed 4 stumps to get ready for the tree planting program. They fixed spots in the Town parking lot, will be concreting the batting cage area and are getting things ready for leaf pick up.

Police Chief- Bob Richards read his report regarding the calls, arrests and other incidents for September 2022. He stated that his department participated in the 9/11 ceremony in the city as well as will be participating in the Town Halloween event in Pirozzolo Park. Chief Richards presented a report on the speed trailer stating that in August tracking Monday through Friday one week it showed there were over 25,900 vehicles traveling East on W. Water Street. 85% of the vehicles were calculated at going 36MPH or lower on the 30 MPH road.

**Discussions**

Supervisor Sullivan welcomed Sean Coggins as he will be appointed as caretaker effective January 1, 2023.

Supervisor Sullivan commented on the public hearings stating that they will be referred to the Chemung County Planning Board for review. He specified that the amendments are being looked at to clean up the verbiage in the code. The board is looking to make the code more uniformed. He welcomed residents to meet with him to discuss this further.

The board and Attorney discussed this further with the residents.

Amend Ordinance, Chapter 61-1part B and E, Animals - TABLED

Amend Ordinance, Chapter 217-9, Zoning – TABLED

**Resolution #152-22**

**Amend Ordinance, Chapter 165, Recreation Facilities**

**By Mr. Bush**

**Seconded by Mr. Allison**

Whereas a public hearing was held regarding an amendment to Chapter 165 of the Recreation Facilities Ordinance to add section 165-4 Smoking and Vaping to include provisions prohibiting smoking and vaping in or upon any recreational facility maintained by and within the Town of Elmira and;

Whereas of October 13,2022 a new law will prohibit the smoking of tobacco and cannabis in any public park and;

Whereas the Town Board feels this amendment is important for the safety of their residents the amended ordinance will read as follows:

## **Chapter 165. Recreation Facilities**

### **Article I. Curfew; Possession and Consumption of Alcoholic Beverages and Smoking**

[Adopted 8-16-1976 by L.L. No. 1-1976]

#### **§ 165-1. Purpose.**

In order to protect property owners, residents and persons lawfully and peacefully using the recreation facilities maintained by the Town of Elmira and under the supervision of the Recreation Commission of the Town of Elmira, and further to prevent vandalism and criminal acts, the Town Board does hereby enact the following curfew regulations, alcoholic beverage restrictions, and smoking prohibitions pursuant to its police power and statutory power to protect and promote the public health, welfare and safety of the inhabitants of the Town.

#### **§ 165-2. Curfew hours.**

No person or persons shall be present in or congregate at any recreational facility maintained by the Town of Elmira between the hours of 10:00 p.m. and 6:00 a.m. throughout the year.

#### **§ 165-3. Open container restrictions.**

A. No person shall have in his possession any open bottle or container containing an alcoholic beverage and no person shall consume any alcoholic beverage in or upon any recreational facility maintained by and within the Town of Elmira.

B. An open bottle or open container in any vehicle shall be presumptive evidence that the same is in possession of all the occupants thereof and in violation hereof.

#### **§ 165-4. Smoking and vaping.**

No person shall smoke or vape any tobacco or cannabis product in or upon any recreational facility maintained by and within the Town of Elmira.

#### **§ 165-5. Penalties for offenses.**

Any person who violates this article shall be guilty of a violation and shall be subject to a fine not exceeding \$250.

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).  
Aye- Bush, Milliken, Lucarelli, Allison, Sullivan No- None

**Resolution #153-22**

**Authorize demolition fees from 1164 Winters St. be added to property tax bill for 2023 Tax Collection**

**By Mr. Milliken**

**Seconded by Mr. Lucarelli**

Motion was made to authorize demolition fees from 1164 Winters St. to be added to the property tax bill for 2023 Tax Collection in the amount of \$8,704.27.

Aye- Milliken, Allison, Lucarelli, Bush, Sullivan

No- None

**Resolution #154-22**

**By Mr. Bush**

**Seconded by Mr. Allison**

**Set a date and time for a November Workshop**

Motion was made to set a date and time for a November Workshop to Adopt the 2023 Town Budget, November 10, 2022 at 7:30am

Aye- Milliken, Allison, Lucarelli, Bush, Sullivan

No- None

**Resolution #155-22**

**By Mr. Allison**

**Seconded by Mr. Lucarelli**

**Approve agreement with Teamsters Local Union No. 529**

Motion was made to approve an agreement with Teamsters Local Union No. 529 effective January 1, 2023 ending December 31, 2025

Aye- Milliken, Allison, Lucarelli, Bush, Sullivan

No- None

**Resolution #156-22**

**Approve Collective Bargaining agreement with West Elmira Benevolent Association, Inc.**

**By Mr. Allison**

**Seconded by Mr. Lucarelli**

Motion was made to approve a Collective Bargaining agreement with West Elmira Benevolent Association, Inc. beginning January 1, 2023 ending December 31, 2025

Aye- Milliken, Allison, Lucarelli, Bush, Sullivan

No- None

**Resolution #157-22**

**Appoint Sean Coggins as Caretaker**

**By Mr. Bush**

**Seconded by Mr. Milliken**

Motion was made to appoint Sean Coggins as Caretaker effective January 1, 2023 with a salary of \$38,000.00

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #158-22**

**Surplus 2018 Bobcat Mini Excavator 50 series**

**By Mr. Allison**

**Seconded by Mr. Milliken**

Motion was made to surplus a 2018 Bobcat Mini Excavator 50 series using Auctions International.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #159-22**

**Refer proposed amendment changes for Chapter 61-1 part B and E, Animals and Chapter 217-9, Zoning to Chemung County Planning Board**

**By Mr. Allison**

**Seconded by Mr. Lucarelli**

Motion was made to Refer proposed amendment changes for Chapter 61-1 part B and E, Animals and Chapter 217-9, Zoning to the Chemung County Planning Board for their review.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Public Comments-**

Jason Kimball, Morningside Dr. stated that there has been a significant noise change since the pickleball courts have become active. He informed the board that it is a constant high pitch noise and people yelling that is very disturbing to him and his family. He stated it's great for the Community but tough for close residents. Mr. Kimball discussed research he found regarding pickleball courts and the high pitch it makes.

Supervisor Sullivan discussed the complaint with Mr. Kimball and informed him we are not done with the sound remediation efforts.

Motion was made by Councilmember Allison at 7:49pm and seconded by Councilmember Lucarelli to adjourn the regular Town Board Meeting. All in favor, Motion Carried

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Tammy Stein, Town Clerk