

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, November 15, 2021 at 7:00 PM at 1255 West Water Street, Elmira, NY, there were present:

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

Others present

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

Supervisor Sullivan called the Town Board meeting to order at 7pm and asked others to stand for the Pledge of Allegiance

Supervisor Sullivan introduced Bob Vandelinder, Director of Marketing to speak regarding the update with Empire and their plans for development. Mr. Vandelinder introduced Lisa Herrmann as the local accounting executive. He informed that Empire is working with the Town to get their services in the Town of Elmira. He explained that the process takes a long time as State permits are needed and it is slow moving to get all the approvals. They are waiting on approval from NYSEG and once that is finalized, he is anticipating having a decent portion under construction within 3-6 months. He informed that there is 24/7 customer service at which you speak directly to a person as well as local technicians in the area.

Public Hearing

At 7:08 P.M. Town Attorney Scott D. Moore read proof of publication of notice of October 30, 2021 of notice of public hearing to approve a Franchise Agreement with Empire Video Service Corporation. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. Mary Mecca, Grandview Dr. expressed this can't happen fast enough. Ruth Harvey, Larchmont Rd. said her work has Empire and they not only saved money annually they have faster internet and no issues. Tim Harvey, Larchmont Rd. asked what was in the Franchise Agreement. Attorney Moore explained it is in the Clerk's office for viewing, and explained a few things covered in the agreement. Those wishing to speak in opposition were invited to do so. When no one wished to speak in opposition to the Franchise agreement, the hearing was declared closed at 7:13 P.M.

Supervisor Sullivan asked if anyone wished to speak to Mr. Vandelinder regarding the services. Joe Coletta, Hendy Ave asked about the pressures of other companies influencing the fees. Mr. Vandelinder explained that all companies have issues with networks raising prices for their service which will trickle to the customer. It's something that can't be controlled by providers.

Matt Mustico, Highway Superintendent asked about the poles that are no longer being used, who’s responsibility is it to take the poles down. Mr. Vandelinder stated that he is not sure and will look into that.

Resolution #161-21

Minutes

By Mr. Bush

Seconded by Mr. Allison

Motion was made to approve the minutes of the regular meeting of October 18, 2021 and workshop October 25, 2021.

Aye- Bush, Milliken, Lucarelli, Allison

No- None

Resolution #162-21

Audit of Bills

By Mr. Allison

Seconded by Mr. Milliken

Resolved that all claims in the total amount of \$224,185.35 were audited and approved for payment when in funds.

Aye-Bush, Milliken, Lucarelli, Allison

No- None

Department Reports

Police Chief- Robert Richards read his report regarding the calls, arrest and other reporting incidents for October. He stated that Dave Cook is nearing completion of his schooling portion of academy. Chief Richards discussed the speed trailer stating that he had it on Roricks Glen for two different weeks for a week long each time. The results showed that for the first week there were 409 vehicles surveyed at which they were all under the speed of 30mph. 10 vehicles were reported going between 20-30mph and the rest were under 20mph. The second week reporting showed a total of 373 vehicles surveys at which all were under 30mph, 7 were between 20-30mph. His department participated in the Halloween event held by the Recreation committee in Pirozzolo Park. Chief Richards discussed a Search Warrant that was executed last month. The Department provided additional coverage on Halloween night with no reportable incidents that evening.

Highway Superintendent- Matt Mustico stated that he had ordered 8 trees and 6 have been planted. They will continue to pick up leaves through the end of November and maybe longer depending on the weather. He is going to pick up the new truck. He let the board know that 1 plow truck is down. Chief Richards stated that the patrol vehicle has been delayed further and the anticipated delivery is Spring of 2022.

Code Enforcement Officer- Eric Crandall stated that October was a busy month. He issued 3 violations.

Communication

NYS Ags. and Market RE: Municipal Shelter Inspection Report

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Resolution #163-21

Financial Report

By Mr. Lucarelli

Seconded by Mr. Bush

Supervisor Sullivan reviewed the Town’s financial position as of October 31st, 2021 and stated we are in a good financial position. The October 2021 bank statements and year to date Fund Balance reports were provided to the board. Motion was made to accept the Supervisor’s report for October 2021.

Aye- Bush, Milliken, Lucarelli, Allison

No- None

Discussion

Supervisor Sullivan presented a short overview of the comparison between the 2021 and 2022 tax levy stating that in 2022 their will be a decrease of about \$30,800 or -1.950%. He also explained the American Rescue Plan and that the town has until year end 2026 to expend the \$571,000 allocated. There are several guidelines set for using these funds. The Town has applied for the New York State consolidated funding grant program. If awarded the Town would like to get a committee together to outline a multi year plan, including reviewing the codes, facilities, recreation, economic development and more.

Supervisor Sullivan informed the board that the East Hill Cemetery reached out to him asking for help for the plowing season. The Highway Superintendent agreed to help them after all town roads are plowed.

Supervisor Sullivan stated that there were surveys sent to Chapman and Wesley place residents to get their opinion on the parking issues. Councilmembers Bush and Lucarelli will open the surveys and do a report to present to the board members.

Resolution #164-21

Adopt Preliminary Budget as Annual Budget for 2022

By Mr. Allison

Seconded by Lucarelli

WHEREAS, the Town Board has met at the time and place specified in the Notice of Public Hearing on the Preliminary Budget for 2022 and thereon:

NOW THEREFORE BE IT RESOLVED, that this Town Board does hereby adopt such preliminary budget as compiled as the annual budget of the Town for the fiscal year beginning on the first day of January 2022 and that such budget as so adopted be entered and attached in detail in the minutes of the preceding of the Town Board and;

BE IT FURTHER RESOLVED, that the Town Clerk of the Town shall prepare and certify in duplicate copies of said annual budget as adopted pursuant to Section 202-a, Subdiv. 2 of the Town Law and deliver two (2) copies thereof to the Supervisor of the Town to be presented by him to the Board of Legislators of this county.

Upon being put to a vote roll call resulted as follows:

- Councilman T. Milliken Aye
- Councilman Bush Aye
- Councilman Allison Aye
- Councilman Lucarelli Aye

Resolution #165-21

Authorize mowing fees to be added to property tax bills for 2022

By Mr. Bush

Seconded by Mr. Lucarelli

Resolved that Real Property Tax Department for the County of Chemung be authorized to add the following amounts to the following 2022 tax bills for the purpose of reimbursement of mowing charges for 2021:

073089	98.06-3-73	183 Bower Road	\$710.63
073089	98.08-2-63	1214 W. Church St.	\$675.00
Aye- Bush, Milliken, Lucarelli, Allison			No- None

Resolution #166-21

Appoint Eric Crandall as permanent Code Enforcement Officer

By Mr. Lucarelli

Seconded by Mr. Milliken

Motion was made to appoint Eric Crandall as permanent Code Enforcement Officer effective November 15, 2021.

Aye- Bush, Milliken, Lucarelli, Allison No- None

Resolution #167-21

Accept resignation of Beth Smith

By Mr. Milliken

Seconded by Mr. Allison

Motion was made to accept the resignation of Beth Smith as Part Time Crossing Guard effective October 21, 2021.

Aye- Bush, Milliken, Lucarelli, Allison No- None

Resolution #168-21

Set a Public Hearing as Local Law 2-2021 to amend Local Law 1-2001, Chapter 160, Peddler and Soliciting

By Mr. Bush

Seconded by Mr. Lucarelli

Motion was made to set a Public Hearing on December 20, 2021 at 7:00pm for the purpose to hear public comments on approving Local Law 2-2021 to amend Local Law 1-2001, Chapter 160, Peddler and Soliciting.

Aye- Bush, Milliken, Lucarelli, Allison No- None

Resolution #169-21

Approve Franchise agreement with Empire Video Services Corporation

By Mr. Milliken

Seconded by Mr. Allison

Motion was made to enter into a Franchise agreement with Empire Video Services Corporation for an initial term of 10 years effective November 15, 2021.

Aye- Bush, Milliken, Lucarelli, Allison No- None

Resolution #170-21

Set a workshop for December

By Mr. Lucarelli

Seconded by Mr. Bush

Motion was made to set a workshop for December 6, 2021 at 6:00pm.

Aye- Bush, Milliken, Lucarelli, Allison

No- None

Public Comments

Dorothy Caldwell, Curren Dr. requested that the sidewalk ordinance be amended. Ms. Caldwell would like the option of removing the sidewalk in front of her house and not replacing it, but plant grass instead.

Supervisor Sullivan stated that he will discuss this at the December workshop.

Tim Von Neida, Fern Dell Dr. expressed his concern for a property on Fern Dell that has been under construction stating that he believes the property doesn't have a permit.

Chief Richards informed the Board that the house had a sewer back up and they've been working to clean it up.

Supervisor Sullivan told Mr. Von Neida he's look into this and get back to him.

Motion was made by Councilmember Bush at 7:56pm and seconded by Councilmember Lucarelli to adjourn the regular Board meeting. All in favor, Motion Carried