

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

Public Hearing

At 7:03 P.M. Town Attorney Scott D. Moore read proof of publication of notice of October 8, 2021 of notice of public hearing to consider the Preliminary Budget of the Town of Elmira for the fiscal year beginning January 1, 2022. 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 proposed budget, the hearing was declared closed at 7:04 P.M.

At 7:06 P.M. Town Attorney Scott D. Moore read proof of publication of notice of October 8, 2021 of notice of public hearing to consider proposed Local Law 1-2021, opting out of Licensing and establishing retail Cannabis dispensaries and on-site Cannabis consumption establishments. 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 Local law 1-2021, those wishing to speak in opposition were invited to do so. When no one wished to speak in opposition to the proposed Local Law 1-2021, the hearing was declared closed at 7:06 P.M.

At 7:06 P.M. Town Attorney Scott D. Moore stated that the Public Hearing scheduled for the Odd/ Even Parking ordinance is being adjourned to a later date.

Resolution #153-21

Minutes

By Mr. Allison

Seconded by Mr. Bush

Motion was made to approve the minutes of the regular meeting of September 20, 2021, Special meeting September 29, 2021 and Special meeting October 4, 2021.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Resolution #154-21

Audit of Bills

By Mr. Bush

Seconded by Mr. Lucarelli

Resolved that all claims in the total amount of \$96,164.69 were audited and approved for payment when in funds.

Aye-Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Department Reports

Highway Superintendent- Matt Mustico stated that Demerest Parkway has been paved. They will be oil and stoning Crane Rd. The Highway department should be receiving their new truck in the next couple weeks. The Town Mechanic has been working on winterizing the highway vehicles.

Chief Richards read his report regarding the calls, arrest and other reporting incidents for September. He stated that Dave Cook is doing well in Academy. Chief Richards discussed the speed trailer. He also informed the board that the abandoned car at the Highway garage will be picked up soon from pick a part.

Code Enforcement Officer- Eric Crandall stated that September was a busy month with 23 permits given. He issued 3 violations. Eric mailed out 24 notices to business in the Heights that will need Fire inspections done.

Communication

Chemung County Legislature: RE Community Development Fund Grant

Awarded to East Hill Fire Department- \$1700.00 to help rebuild BBQ pits.

Awarded to West Elmira Fire Department - \$5000.00 to help with their 50th Anniversary celebration.

Resolution #155-21

Financial Report

By Mr. Bush

Seconded by Mr. Lucarelli

Supervisor Sullivan reviewed the Town's financial position as of September 30th, 2021 and stated we are in a good financial position. The September 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 September 2021.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Discussion

Supervisor Sullivan stated that the odd/ even ordinance needs more research so is adjourned for this meeting. He will be sending out a survey to the residents on Chapman place.

Supervisor Sullivan stated he will propose a resolution to have a special meeting on Monday October 25, 2021 at 7:00pm.

Councilmember Lucarelli asked Supervisor Sullivan to inform attendees of the voting location change. Supervisor Sullivan informed that the districts that voted at the Town Hall will now vote at the Community Center on Grandview Ext. Also, the districts that voted at the East Hill Town garage will now vote at the East Hill Fire Department.

Councilmember Lucarelli informed that the reason we are opting out regarding the cannabis is because the order states if you opt out you are able to opt in at any time, however if you opt in, you can not opt back out.

Resolution #156-21

Adopt Local Law 1 of 2021, Opting out of Licensing and establishing retail Cannabis dispensaries and on-site Cannabis consumption establishments.

By Mr. Bush

Seconded by Mr. Allison

WHEREAS, the Town of Elmira Town Board wishes to adopt a local law to opt out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Elmira;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Elmira, County of Chemung, State of New York hereby schedules a public hearing for Local Law No. 1 of 2021 as set forth herein on October 18, 2021, at 7:00 p.m., or as soon thereafter can be heard, at the Town of Elmira Town Hall located at 1255 W. Water Street, Elmira, New York 14905 and said Local Law is as follows:

PROPOSED LOCAL LAW NO. 1 OF 2021, OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS

Section 1. Legislative Intent.

It is the intent of this local law to opt the Town of Elmira out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

Section 2. Authority.

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes towns to opt out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to locate and operate within their boundaries, provided, however, that any town law shall apply to the area outside any village within such town.

Section 3. Local Retail Cannabis Dispensaries and On-Site Cannabis Consumption Opt-Out.

The Town Board of the Town of Elmira, County of Chemung, State of New York, hereby opts out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

Section 4. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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 law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and

thus, may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF ELMIRA.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Resolution #157-21

Appoint Anthony Faulisi as Full Time Traffic District 1 Officer

By Mr. Milliken

Seconded by Mr. Allison

Motion was made to appoint Anthony Faulisi as Full Time Traffic District 1 Officer at a rate of \$46,606.00 plus benefits per year effective December 26, 2021.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Resolution #158-21

Set a date for a special meeting

By Mr. Bush

Seconded by Mr. Lucarelli

Motion was made to set a special meeting for October 25, 2021 at 7:00pm.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Public Comments

Fred Loomis, Roricks Glen Pkwy asked the board about profit sources regarding Cannabis sales. He also discussed the town's website and newsletter. Mr. Loomis expressed his concerns with the speeders on Roricks Glen and stated it was mostly delivery drivers and asked if the Town was able to help in the matter. Supervisor Sullivan asked Mr. Loomis to set up a meeting to discuss further and stated that he'll have Chief Richards put the speed trailer on that road to get data. Chief Richards stated that he has had officers target that area and have not observed a speeding issue while there.

Joe Coletta, Hendy Ave asked for an update regarding Empire. Supervisor Sullivan stated that he has asked them to attend the November meeting and have details of their intentions to develop in the Town.

Motion was made by Councilmember Milliken at 7:30pm and seconded by Councilmember Allison to adjourn the regular Board meeting. All in favor, Motion Carried