

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, January 24, 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  
Attorney- Scott Moore

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

Supervisor Sullivan opened the Annual Audit meeting at 7:00pm

Supervisor Sullivan closed the Annual Audit meeting at 7:03pm and reopened the regular Town Board meeting

**Resolution #50-22**

**Minutes**

**By Mr. Allison**

**Seconded by Mr. Bush**

Motion was made to approve the minutes of the regular meeting of December 20, 2021, January 3, 2022, and January 13, 2022 workshop.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #51-22**

**Audit of Bills**

**By Mr. Allison**

**Seconded by Mr. Milliken**

Resolved that all claims in the total amount of \$290,961.57 were audited and approved for payment when in funds.

2021 Audit 1

General Fund 7521.37

General Fund (outside village) 1864.98

Highway Fund 1798.29

Traffic Fund 10524.10

Park Fund 503.13

22211.87

Early Audit

General Fund 14158.78

General Fund (outside village) 2596.95

Park Fund 465.57

17221.30

<u>2021 Audit 2</u>	
General Fund	7586.49
General Fund (outside village)	2560.45
Highway Fund	5603.39
Lighting Fund 1	6139.90
Lighting Fund 2	67.90
Lighting Fund 3	223.90
Lighting Fund 4	55.90
Lighting Fund 5	21.90
Traffic Fund	2623.85
Park Fund	<u>1363.08</u>
	26246.76

<u>Regular Audit</u>	
General Fund	54834.90
General Fund (outside Village)	26085.72
Highway Fund	106739.16
Fire District 2	405.00
Traffic Fund	29551.34
Park Fund	7255.52
Trust & Agency	<u>410.00</u>
	225281.64

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #52-22**

**Financial Report**

**By Mr. Allison**

**Seconded by Mr. Bush**

Supervisor Sullivan reviewed the Town’s financial position as of December 31st, 2021 and stated we are in a good financial position. The December 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 December 2021. Supervisor Sullivan explained that this report is in Draft form as we are still closing out 2021 with the County.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Department Reports** Due to the rise in Covid cases Supervisor Sullivan stated the Department heads were excused from attending the meeting but were asked to submit a report:

Supervisor Sullivan applauded the Highway department on the recent snow storm and spoke about how quickly they worked to clear the roads. He also said they helped with demolition on Winters St. due to a recent fire.

Recreation Director- Patty Carozza submitted a report stating that she has a few rentals coming up and her regular groups are still enjoying the building. She praised our cleaner stating what a wonderful job he does.

Code Enforcement Officer- Eric Crandall supplied the Town Board with his report for December including a total of 7 permits given.

Police Chief- Robert Richards supplied the Town Board with his December report showing

calls, stops and accidents that were reported.

**Discussion**

Councilmember Allison discussed with the Town Board residents moving their cars to obey the Odd/Even parking.

Councilmember Bush stated that the lot on Winters St. looked good. The Highway department did a good job packing it down.

**Resolution #53-22**

**Set date and time for February 2022 Meeting**

**By Mr. Milliken**

**Seconded by Mr. Lucarelli**

Motion was made to set February 28, 2022 at 7:00pm as the date and time for the February 2022 meeting.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #54-22**

**Accept Resignation of Substitute Crossing Guard**

**By Mr. Allison**

**Seconded by Mr. Bush**

Motion was made to accept with regret the resignation of Substitute Crossing Guard Marty Winieki effective December 21, 2021.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #55-22**

**Accept June 19th as a Legal Holiday**

**By Mr. Lucarelli**

**Seconded by Mr. Milliken**

Motion was made to accept June 19th as a Legal Holiday known as Juneteenth and to have it added to the Town Handbook as paid time off.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #56-22**

**Approve Contract with Cyberlink Computing, Inc.**

**By Mr. Bush**

**Seconded by Mr. Lucarelli**

Motion was made to accept the Contract between the Town of Elmira and Robert Dear of Cyberlink Computing inc. for a term beginning January 1, 2022 and ending December 31, 2022 in the amount of \$7200.00 annually (\$600.00 monthly).

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #57-22**

**Approve Contract with City of Elmira for Animal Control**

**By Mr. Milliken**

**Seconded by Mr. Lucarelli**

Motion was made to accept the contract between the Town of Elmira and the City of Elmira for Animal Control with a term beginning January 1, 2022 and ending December 31, 2022 in the amount of \$23,113.20 annually (\$1,926.10 monthly)

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #58-22**

**Approve Donation of 2004 Ford F350 dump truck**

**By Mr. Bush**

**Seconded by Mr. Allison**

Motion was made to approve a donation of a 2004 Ford F350 Dump Truck “as is” to Forrest Lawn Cemetery.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #59-22**

**Set a Public Hearing to amend Vehicle and Traffic Ordinance Chapter 210-4H and add Sections 210-4I, 210-7, 210-8 and 210-9**

**By Mr. Milliken**

**Seconded by Mr. Lucarelli**

Motion was made to set a Public Hearing on February 28th, 2022 at 7:00pm to amend Vehicle and Traffic Ordinance Chapter 210-4H and add Sections 210-4I, 210-7, 210-8 and 210-9

**H. Penalties for offenses.** Any person who violates any provision of this Section 210-4 or any other parking law as set forth in the NYS Vehicle and Traffic Code, unless otherwise specified, shall pay a fine of \$25.00 within 30 days of the violation date and if not paid, the fine will increase by \$5.00 each month until paid. The fine shall not exceed \$100.00. Any vehicle that is subject to more than three (3) violations within a twelve month period may be subject to towing as provided in this Chapter.

**I. Response to parking ticket.** A parking ticket issued must be responded to within 30 days of its issue date by returning the ticket along with payment of the fine to the Town Clerk or notifying the Town Clerk that the parking ticket is contested. If the ticket is contested, the person contesting the ticket, either the owner or person responsible for the vehicle, must indicate on the ticket that they contest the ticket and provide the reasons and any proof of the basis for the contest. If the ticket is contested, then the matter will be scheduled before a local Town Justice for determination of the merits of the ticket.

And;

WHEREAS, Town Board seeks to establish the authority to impound and store motor vehicles that are in violation of Town parking ordinance or NYS Vehicle and Traffic Law and set forth process for imposing costs and providing notice.

NOW, THEREFORE, the Town Board of the Town of Elmira following a public hearing after due notice hereby adopts the following amendment to the Town of Elmira Chapter 210 – Vehicle and Traffic Ordinance, by adding Section 210-7, 210-8 and 210-9 as follows:

**§ 210-7. Authority to impound vehicles.**

- A. When any vehicle is parked or abandoned on any highway or public parking lot within this Town during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway or parking lot upon which said vehicle is parked or abandoned, said vehicle may be removed by or under the direction of the Highway Superintendent or Code Enforcement Officer or Traffic Officer.
- B. When any vehicle is found unattended on any highway or public parking lot within the Town where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by or under the direction of the Highway Superintendent or Code

Enforcement Officer or Traffic Officer.

- C. In the event that any vehicle is unlawfully parked, stopped, standing or abandoned as provided by this chapter or New York State law, the Highway Superintendent or Code Enforcement Officer or Traffic Officer is authorized to tow away or have towed away, by a competent person, all such vehicles.
- D. Nothing herein shall be taken or construed as obligating the Highway Superintendent or Code Enforcement Officer or Traffic Officer, or any other municipal department, for damage done to or destruction of a vehicle impounded, removed, stored, or towed unless otherwise provided by law.

**§ 210-8. Storage and charges.**

- A. After removal of any vehicle as provided in this article, Highway Superintendent or Code Enforcement Officer or Traffic Officer may store or cause such vehicle to be stored in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the person with whom it was stored the cost or charges therefor.
- B. The cost of towing and storage as hereinbefore provided shall be determined as follows:
  - (1) If the towing or storage is done by a municipal department, the cost thereof shall be in accordance with the reasonable expense incident to same, plus a reasonable charge as compensation therefor, such storage charges not to exceed an amount set forth from time to time by the Town Board.
  - (2) If the towing or storage is done by a private company or individual, then the cost shall be at the rate usually charged for such service by such company or individual, but in no case shall the cost exceed a reasonable compensation for the actual labor, material or space involved.
  - (3) It shall be entirely within the discretion of the Highway Superintendent or Code Enforcement Officer or Traffic Officer as to whether the towing and storage provided in this chapter shall be done by the Town or by a private company or individual; nevertheless, best judgment shall be exercised in determining the means for such towing and the place for storage.
  - (4) The cost of towing and storage shall be charged against the owner of the vehicle and shall be added to and be made a part hereof of any fine hereafter imposed for the above reasons. Irrespective of any method for collecting fines for traffic violations, and in addition thereto, all towing and storage costs imposed under this section shall constitute and be a lien against any vehicle impounded as provided above, and such lien shall not be lost, nor shall same be considered waived, by reason of the owner's taking possession of the vehicle before the costs are paid.

**§ 210-9. Notice of removal.**

It shall be the duty of the Highway Superintendent or Code Enforcement Officer or Traffic Officer to ascertain to the extent possible the owner of the vehicle or the person having the same in charge and to notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem same. Said Highway Superintendent or Code Enforcement Officer or Traffic

Officer shall also, without delay, report to the Town Clerk the removal and disposition of any vehicle removed as provided in this article.

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

**Resolution #60-22**

**Set a Public Hearing to accept the Senior Exemption application waiver for 2022**

**By Mr. Allison**

**Seconded by Mr. Bush**

Motion was made to set a Public Hearing on February 28, 2022 at 7:00pm to accept the Senior Exemption application waiver for 2022.

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

**Resolution #61-22**

**Set a Public Hearing to Revise Sliding Scale Partial Tax Exemption on Real Property for Seniors.**

**By Mr. Bush**

**Seconded by Mr. Lucarelli**

Motion was made to set a Public Hearing on February 28, 2022 at 7:00pm to revise sliding scale partial tax exemption on Real Property for persons sixty-five years of age or over as follows;

<u>Annual Income</u>	<u>Percentage Assessed Valuation Exempt from tax</u>
\$19,500 or under	50%
\$19,501- \$20,500	45%
\$20,501-\$21,500	40%
\$21,501-\$22,500	35%
\$22,501-\$23,400	30%
\$23,401-\$24,300	25%
\$24,301-\$25,220	20%

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

**Resolution #62-22**

**Approve Fire Protection District #2 Contract, Village of Elmira Heights**

**By Mr. Mr. Milliken**

**Seconded by Mr. Allison**

Motion was made to approve the contract between the Town of Elmira and Fire Protection District #2, Village of Elmira Heights effective January 1, 2021 and expire December 31, 2024 in the amount of \$18,800 for 2021, \$19,176 for 2022, \$19,559.52 for 2023 and \$19,950.71 for 2024.

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

**Resolution #63-22**

**Approve Fire Protection District #4 Contract, Village of Wellsburg**

**By Mr. Allison**

**Seconded by Mr. Bush**

Motion was made to approve the contract between the Town of Elmira and Fire Protection District #4, Village of Wellsburg effective January 1, 2022 and expire December 31, 2025 in the amount of \$14,500 for 2022, \$15,000 for 2023, \$15,500 for 2024 and \$16,000 for 2025.

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

**Resolution #64-22**

**Approve Fire Protection District #5 Contract, East Hill**

**By Mr. Bush**

**Seconded by Mr. Milliken**

Motion was made to approve the contract between the Town of Elmira and Fire Protection District #5, East Hill effective January 1, 2022 and expire December 31, 2022 in the amount of \$50,898.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

**Resolution #65-22**

**Authorize Highway Superintendent to purchase a Large Wheel Loader**

**By Mr. Milliken**

**Seconded by Mr. Lucarelli**

Motion was made to Authorize Highway Superintendent to purchase a Large Wheel Loader pursuant to NYS OGS Contract PC69437 in the amount not to exceed \$148,000.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Councilmember Bush explained that the price of the loader is higher than the \$148,000 however they are trading a machine in so they are getting a more expensive Loader at a lower price.

**Resolution #66-22**

**Authorize Highway Superintendent to order a Mini Excavator for delivery in 2023**

**By Mr. Lucarelli**

**Seconded by Mr. Allison**

Motion was made to Authorize Highway Superintendent to order a Mini Excavator for delivery in 2023 pursuant to NYS OGS Contract PC69437 in the amount not to exceed \$76,000.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Supervisor Sullivan explained that the mini excavator price will be lower after the trade in value is calculated.

**Resolution #67-22**

**Authorize demolition of 1164 Winters St.**

**By Mr. Allison**

**Seconded by Mr. Milliken**

Motion was made to authorize the Highway Superintendent to do a demolition of 1164 Winters St. in accordance with Chapter 82-11, Emergency cases of the code of the Town of Elmira.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Motion was made by Councilmember Bush at 7:23 pm and seconded by Councilmember Allison to adjourn the regular meeting. All in favor, Motion Carried