

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, February 28, 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
Police Chief- Robert Richards
Code Enforcement Officer- Eric Crandall
Recreation Coordinator- Patty Carozza

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

Public Hearing

At 7:02 P.M. Town Attorney Scott D. Moore read proof of publication of notice of February 9, 2022 of notice of public hearing to amend Chapter 210 of the vehicle and Traffic Ordinance Section 210-4H to amend the penalties for offenses and add new sections 210-4I, 210-7,210-8, and 210-9 regarding storage and impoundment of vehicles. 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 amendment, the hearing was declared closed at 7:03 P.M.

At 7:04 P.M. Town Attorney Scott D. Moore read proof of publication of notice of February 9, 2022 of notice of public hearing to propose revisions to the sliding scale partial tax exemption on real property for persons sixty-five years of age or over. 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 7:05 P.M.

Resolution #68-22

Minutes

By Mr. Lucarelli

Seconded by Mr. Milliken

Motion was made to approve the minutes of the regular meeting of January 24, 2022 annual minutes and January 24, 2022.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Resolution #69-22

Audit of Bills

By Mr. Bush

Seconded by Mr. Lucarelli

Resolved that all claims in the total amount of \$1,048,526.90 were audited and approved for payment when in funds.

Early Audit

General Fund	14711.74
General Fund (outside village)	3147.13
Traffic District	9883.11
Park Fund	<u>980.37</u>
	28,722.35

Regular Audit/ some Early Audit for March

General Fund	32459.38
General Fund (outside Village)	13547.80
Highway Fund	24054.11
Fire District 1	810246.00
Fire District 2	19176.00
Fire District 3	21174.08
Fire District 4	14500.00
Fire District 5	50898.00
Light District 1	15354.52
Light District 2	141.97
Light District 3	288.29
Light District 4	104.29
Light District 5	28.22
Traffic Fund	15052.62
Park Fund	2369.27
Trust & Agency	<u>410.00</u>
	1,019,804.55

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Resolution #70-22

Financial Report

By Mr. Bush

Seconded by Mr. Lucarelli

Supervisor Sullivan reviewed the Town’s financial position as of January 31st, 2022 and stated we are in a good financial position. The January 2022 bank statements and year to date Fund Balance reports were provided to the board. Motion was made to accept the Supervisor’s report for January 2022.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Communications

State of New York Unified Court System RE: Grant approval
Sheriff of Chemung County RE: Monthly Report

Supervisor Sullivan stated he received an email notification that the Town has been awarded the final approval of up to \$30,000 from Empire State Development at which the town will match in order to look at Town codes, housing, Recreational opportunities and other opportunities, as part of the Town Comprehensive plan.

Department Reports

Police Chief- Bob Richards read his report regarding the calls, arrest and other reporting incidents for January 2022. He stated that David Cook has finished his field training and is covering shifts for the department. He informed the board that the Interceptor has been delivered to the dealership and is being outfitted. Chief Richards is expecting it within a few weeks. Chief Richards and Supervisor Sullivan discussed the crosswalk at the point at which it was determined that is a State Road and DOT will need to be notified.

Code Enforcement Officer- Eric Crandall stated that January was a slow month. He gave 4 notices for not clearing sidewalks. He has been working with the County and DEC to possibly relocate the Compost facility. Mr. Crandall thanked the West Elmira Fire Department, City of Elmira Fire Department and the Village of Elmira Heights Fire Department for responding to the Winters St. fire in the horrible road conditions.

Recreation Coordinator- Patty Carozza stated that there were 3 rentals in February and she has a few scheduled for March. She is hoping that the center picks back up with rentals. She stated that the regular groups are still attending and that ARC has increased their time they are renting the facility.

Resolution #71-22

Approve amendment to the vehicle and Traffic Ordinance 210-4H and add Sections 210-4I, 210-7, 210-8 and 210-9

By Mr. Milliken

Seconded by Mr. Lucarelli

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

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

Resolution #72-22

Approve Revised Sliding Scale Partial Tax Exemption on Real Property for Seniors.

By Mr. Allison

Seconded by Mr. Lucarelli

Motion was made 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 #73-22

Approve the Senior Exemption application waiver for 2022

By Mr. Bush

Seconded by Mr. Milliken

Motion was made to approve waiving the Senior exemption application for 2022.

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

Resolution #-22

Set date and time for March 2022 Workshop

By Mr. Bush

Seconded by Mr. Lucarelli

Motion was made to set March 16, 2022 at 5:00pm as a Workshop.

Aye- Bush, Milliken, Lucarelli, Allison, Sullivan

No- None

Public Comments

Kaye Newbury, W. Water Street stated her concern regarding the cross walks on roads in West Elmira. She'd like to see better signage for the safety of pedestrians.

Motion was made by Councilmember Lucarelli at 7:27 pm and seconded by Councilmember Bush to adjourn the regular meeting. All in favor, Motion Carried

Tammy Stein
Town Clerk