

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday November 18, 2024 at 7:00pm at 1255 West Water Street, Elmira, NY, there were present:

Supervisor Ann Gerould
Deputy Supervisor Ron Allison
Councilmember Thomas Milliken
Councilmember Albert Lucarelli
Councilmember: Scott Bush

Others present

Town Clerk- Tammy Stein
Police Chief- Bob Richards
Buildings and Grounds Keeper- Sean Coggins
Highway Superintendent- Matt Mustico
Code Enforcement Officer- Eric Crandall
Community Center Director- Patty Carozza

Deputy Supervisor Allison called the regular meeting to order at 7:00pm and lead attendees in the Pledge of Allegiance

Public Hearing

At 7:02 P.M. Town Attorney Scott D. Moore read proof of publication of notice of November 8, 2024 of notice of public hearing to consider the proposed Local Law 3 of 2024, Tax Benefit Law for Volunteer Fire Personnel. 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, those wishing to speak in opposition were invited to do so. When no one wished to speak in opposition to the Proposed Local Law the hearing was declared closed at 7:02 P.M.

At 7:03 P.M. Town Attorney Scott D. Moore read proof of publication of notice of November 8, 2024 of notice of public hearing to consider the proposed Local Law 4 of 2024, Town Tree Law. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. Paul DiPietro, Glen Ave wished to speak in favor of the Proposed Local Law stating that he is pleased the Town took these steps to preserve trees in the Town and he supports the law and feels the tree canopy is very important. Those wishing to speak in opposition were invited to do so. When no one wished to speak in opposition to the Proposed Local Law the hearing was declared closed at 7:04 P.M.

Resolution #132-24

Minutes

By Mr. Bush

Seconded by Mr. Lucarelli

Motion was made to approve the minutes of October 21, 2024 regular and November 4, 2024 workshop.

Aye- Gerould, Allison, Milliken, Lucarelli, Bush

No- None

Resolution #133-24

Audit of Bills

By Mr. Allison

Seconded by Mr. Milliken

Resolved that all claims in the total amount of \$126,633.22 were audited and approved for payment when in funds.

Early Audit

General Fund	11,315.46
General Fund (outside village)	740.50
Highway Fund	1,974.21
Traffic Fund	6,518.79
Park Fund	<u>2,286.56</u>
	22,835.52

Regular Audit

General Fund	30,206.85
General Fund (outside Village)	1,783.37
Highway Fund	56,410.37
Light District 1	4,761.89
Light District 2	48.89
Light District 3	200.89
Light District 4	36.89
Light District 5	13.89
Park District	3,171.74
Traffic Fund	6,730.92
T Fund	<u>432.00</u>
	103,797.70

Aye-Gerould, Allison, Milliken, Lucarelli, Bush

No- None

Resolution #134-24

Financial Report

By Mr. Bush

Seconded by Mr. Lucarelli

Supervisor Gerould and Deputy Supervisor Allison reviewed the Town’s financial position as of October 31, 2024 and Deputy Supervisor Allison stated we are in a good financial position. The October 2024 bank statements and year-to-date financial reports were provided to the board. Motion was made to accept the Supervisor’s report for October 2024.

Aye-Gerould, Allison, Milliken, Lucarelli, Bush

No- None

Communications

- CC Sheriffs RE: October 2024 statistics
- City of Elmira RE: September Monthly Report
- NYSEG RE: Smart meters for Town
- Friends of Chemung River RE: Thank you letter
- Chemung County Legislature RE: Grant award letter

Department Reports

Community Center Director- Patty Carozza- stated that October had rentals every weekend and she has several bookings for the remainder of the year and some in 2025. Patty spoke about the camps with Friends of the river for 2025. She also informed the board the tree lighting ceremony will be December 7th out front of the Town Hall.

Highway Superintendent- Matt Mustico- stated that the basketball courts are finished for this year. He had a meeting today regarding a salt mine. Matt spoke about the turn around on Underwood as well as working with Jimmie Joe to inspect the 2 dams in the Town.

Police Chief- Robert Richards read his report regarding the calls, arrests and other incidents for October 2024. He informed the board Officer Storms started full time November 10th and Officer Green will be off training and be able to work shifts alone by January 1.

Code Enforcement Officer- Eric Crandall submitted his monthly report stating that October was a busy month with 17 permits. He closed 21 permits. He has been busy with Solar projects. Eric informed the board there will be three public hearings on December 2nd at the Planning Board meeting. He spoke about the Assist visit with DEC.

Buildings and Grounds Keeper- Sean Coggins informed the board that he is helping with fall clean up and continuing to do work in the park. He has stained a couple of benches and is servicing equipment for winter. Sean will work on getting a quote to get chips for the playground area.

Discussion

Deputy Supervisor Allison informed the board there is an addition to the agenda. Asking to add NYCLASS as a discussion item.

Supervisor Gerould asked Budget Officer Glanton to speak about NYCLASS to the board. Mrs. Glanton informed the board that she and Town Clerk Stein attended an informational meeting regarding NYCLASS which is a liquid investment fund designed specifically for public sectors. This provides the opportunity for us to invest funds on a cooperative basis. Budget Officer Glanton explained the process of moving the funds and how the town can benefit from participating in this program.

Resolution #135-24

Set date and time for December Workshop

By Mr. Bush

Seconded by Mr. Milliken

Motion was made to set December 9, 2024 at 7:00pm as a workshop.

Aye- Gerould, Allison, Milliken, Lucarelli, Bush

No- None

Resolution #136-24- Tabled

Adopt Preliminary Budget as Annual Budget for 2025

By Mr. Milliken

Seconded by Bush

Motion was made to table the adoption of the 2025 budget.

Aye- Gerould, Allison, Milliken, Lucarelli, Bush

No- None

Resolution #137-24

Authorize mowing fees to be added to property tax bills for 2025

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 2025 tax bills for the purpose of reimbursement of mowing charges for 2024:

073089	98.08-2-40	1253 W. First St.	\$1,789.18
073089	99.05-1-27	914 W. Church St.	\$500.00
073089	98.08-2-63	1214 W. Church St.	\$750.00
073089	98.10-2-12	68 Ohio Ave.	\$250.00
073089	98.06-3-20	1718 W. Church St.	\$250.00
073089	88.18-1-14	1729 Pinnacle Rd.	\$250.00
Aye Bush, Lucarelli, Milliken, Allison, Gerould			No

Resolution #138-24

Local Law 3 of 2024, Providing Real Property Tax Exemptions for Volunteer Firefighters and Volunteer Ambulance Workers Pursuant to Section 466-A of the Real Property Tax Law

By Mr. Lucarelli

Seconded by Mr. Milliken

WHEREAS, the Town Board finds and determines that attracting and retaining quality volunteer firefighters and emergency medical personnel is critical to the Town, and that maintaining effective emergency protection depends on the ability to train and retain volunteers; and

WHEREAS, the Town Board finds and determines that it is essential for the Town to provide real property tax exemptions as an incentive to retain attract new volunteers; and

WHEREAS, the purpose of this Local Law is to adopt the real property tax exemptions provided for volunteer firefighters and emergency medical personnel in accordance with Section 466-a of the Real Property Tax Law.

This Local Law shall be entitled “Volunteer Firefighters and Ambulance Workers Exemption,” is hereby enacted pursuant to Real Property Tax Law Section 466-a, to read as follows:

**Volunteer Firefighters and Volunteer Ambulance Workers
Property Tax Exemption**

1. Grant of exemption.

An exemption of ten percent (10%) of assessed value of real property (“property”) owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Town of Elmira, exclusive of special assessments, as long as eligibility requirements are met.

2. Eligibility requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- a. The property is owned by the volunteer firefighter or volunteer ambulance worker, including property owned jointly with their spouse; and

- b. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker; and
- c. The property is used exclusively for residential purposes, provided however that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided for by this section; and
- d. The volunteer firefighter or volunteer ambulance worker resides in the Town of Elmira, and the Town of Elmira is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- e. The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an active enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; or otherwise qualifies under sections (3), (4), or (5), below; and
- f. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by Town of Elmira for exemption from Town property tax, which is hereby established as three (3) years of volunteer service.

3. Grant of lifetime exemption.

Any eligible enrolled member who accrues more than 20 years of active volunteer service, as certified by the Town Assessor, shall be granted the 10% exemption as authorized by this article for the remainder of the member's life as long as the member's primary residence is located within the Town of Elmira.

4. Un-remarried spouse of enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the Town Assessor, is qualified to continue to receive the 10% exemption, as long as the deceased volunteer had been an enrolled member for at least five (5) years and had been receiving the exemption at some point in time prior to his or her death.

5. Un-remarried spouse of deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the Town Assessor, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption prior to his or her death.

6. Application.

A volunteer firefighter or volunteer ambulance worker must, on or before the applicable taxable status date, file an application for such property tax exemption with the Town Assessor, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Town Assessor shall maintain a copy of this Local Law, available upon request, as to the requirements of eligible individuals relating to this exemption.

7. Certification.

- a. The volunteer firefighter and volunteer ambulance worker organizations in and servicing the Town of Elmira must annually make available to their members (including life members and un-remarried spouses of qualifying deceased members), upon request by the member (spouse of a deceased member), a certification of the member's eligibility for the exemption, which includes the number of years of services served by the enrolled member, a statement that the member is enrolled as of the date of the certification (or date of death), and such enrolled member's address of residence.
- b. The requirements of this Law imposed upon volunteer firefighter and volunteer ambulance worker organizations, concerning certification of active members to assessors, can be fulfilled by the volunteer firefighter and volunteer ambulance worker organizations providing to the Town Assessor an annual certified list of current active members, with name, address and years of service. Nothing in this subsection shall be construed to limit an active member's ability to receive upon request, an annual certified list of current active members, with name, address and years of service. Nothing in this subsection shall be construed to limit an active member's ability to receive upon request, an annual certification of eligibility.
- c. The Town Assessor shall have the duty and responsibility of receiving and filing of the certification(s) prior to granting the exemption provided by this Local Law.

8. Continuation of Eligibility Requirements

- a. Active Members. The active member applicant shall maintain continual eligibility for the exemption by being a continuously active member of volunteer firefighter or volunteer ambulance worker organization. An active member shall meet the requirements for active service as defined by each organization. Annual attestation by the organization is required to maintain this exemption.
- b. Lifetime Exemption and Un-remarried Spouses. Members granted lifetime exemption and qualifying un-remarried spouses of deceased enrolled members need not provide annual re-certification, and the organizations shall have no annual obligation to re-certify such eligibility. Such applicants shall remain continuously eligible for the exemption annually so long as their eligibility status is unchanged. However, such applicants are deemed ineligible for the exemption and shall be required to notify the assessor and re-apply if there is any change in residential address, if they use of any portion of the property for other than residential purposes, or if they are spouses of deceased members and become re-married.

9. No diminution of benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

Aye- Bush, Milliken, Lucarelli, Allison, Gerould

No- None

Resolution #139-24

Local Law 4 of 2024, Town of Elmira Tree Law

By Mr. Bush

Seconded by Mr. Lucarelli

WHEREAS, the Town Board appointed a tree board to make recommendations regarding the Town tree canopy; and

WHEREAS, the Tree board presented a Tree Law for the Town Board to consider; and

WHEREAS, the purpose of this Local Law is to adopt the Tree Law.

This Local Law shall be entitled “Town of Elmira Tree Law”, to read as follows:

Mission & Vision

Town of Elmira Urban Forestry Vision

To protect the town residents, businesses and visitors with a healthy, attractive, and sustainable urban forest canopy characterized by tree-lined streets, a well-planned park and public spaces using the best resources available to organize, plan, develop, maintain, manage, and protect this urban forest canopy green infrastructure.

Town of Elmira Tree Board Mission

To advance and protect, preserve, and manage the Town of Elmira’s Urban Forest canopy infrastructure and landscape while:

- Working with the Town Board, Highway, Code and Parks Department for implementation; and
- Promoting the Town Tree Board’s vision to the Town residents through education and collaboration.

Section 1. Title

This law shall be known as the Town of Elmira Tree Law.

Section 2. Purpose and Intent

The purpose and intent of this local law is to promote and protect the public health, safety, and general welfare by regulating the planting, maintenance and removal of trees, shrubs and other plants within the Town of Elmira which are on Town property or within the right of way of any public street. Further, the purpose is to establish and maintain a maximum diversity of tree species and promote the preservation of trees.

Section 3. Definitions

Arborist- A certified professional in the practice of arboriculture, which is the cultivation, management, and study of individual trees, shrubs, vines, and other perennial woody plants in dendrology and horticulture.

Caliper- The measurement taken on a tree 6 inches above the root/collar. This is a typical measure used in purchasing trees from a nursery and used in planting specifications.

Contractor- A person, company or organization employed to supply necessary skills and services in pruning, trimming, or removing trees and shrubs.

Damage- Physical or chemical injury or harm done to any tree or shrub.

Diameter Breast Height (DBH)- The measurement taken on a tree at 4.5 feet from the ground, typically with a forester Diameter Tape (d-tape). This is the typical measurement used for trees once they are planted. DBH is often listed in tree inventories.

Disturb- Any act, treatment or process that will change the shape, growing condition, health, size or density of a tree or shrub.

Fertilize- The application of substances to plant or the surrounding soil which are required for the optimal growth and health of the tree or shrub.

Large Tree- A tree which attains a height of 45 feet or more at maturity.

Maintained- Actions taken to keep a tree or shrub in maximum health and vigor.

Medium Tree- A tree that attains a maximum height of between 30 and 45 feet at maturity

Nuisance- An act that annoys or disturbs unreasonably, hurts a person's use of his or her property, or violates the public health, safety, and welfare.

Park/Public Place- All property owned by the Town of Elmira, including public streets or right of way owned by the Town.

Planting- The placing of a tree or shrub into soil that will encourage growth and maximum health and vigor.

Preservation- The process and requirements to preserve a tree or shrub.

Preserve- Actions to keep a tree or shrub from harm, damage, or danger; to protect and save a tree or shrub.

Private Tree- A tree or shrub not on publicly owned land or within a public street or right of way. A tree or shrub on privately owned property.

Prune- The removal of dead or living parts from a tree or shrub so as to increase health, vigor and form.

Public Tree- A tree or shrub located on lands owned by the Town of Elmira including lands within a Town public street or right of way.

Removal- Take away and remove a tree or shrub including the stump to below ground level.

Replacement- The removal of a dead, dying or diseased tree or shrub followed by the planting of a tree or shrub of the same or different species in the same or adjacent location.

Right of Way (ROW) – Lands owned or controlled by the Town including but not limited to public streets, roads and highways that may include areas that are required to be maintained by the adjacent landowner.

Shrub- A woody plant with more than one main stem emerging from the ground.

Small Tree- A tree that attains a maximum height less than 20 feet.

Spray- The application of any pesticide, fertilizer or other substance to a tree or shrub.

Street- A highway, road, avenue, lane, alley, culvert, embankment, or sidewalk which the public has a right to use.

Topping- The severe cutting back of limbs to stubs larger than three inches in diameter within the Tree crown to such degree so as to remove the normal canopy and disfigure the Tree.

Tree- A woody plant with a single central axis (trunk) emerging from ground and acquiring a minimum height of 10 feet at maturity.

Tree Board- A Board established by the Town Board to foster a healthy urban forest canopy in the Town to provide advice to the Town Board, Commissions and Departments.

Tree Canopy- The extent of the outer layer of branches and leaves of an individual tree or group of trees.

Tree Lawn- The part of a street or highway not covered by sidewalk or other paving, lying between the private property line and that portion of the street or highway usually used for vehicular traffic.

Tree Work- Actions that include but are not limited to pruning, shaping, thinning, cabling, stump removal, root pruning, topping, fertilizing, removing, planting, and spraying for insect and disease control of a Tree.

Trim- The removal of parts of a Tree or Shrub to maintain a desired shape or size.

Utilities- Entities that provide electricity, gas, sewer, water, telephone, and cable television to properties within the Town.

Section 4. Tree Board Established

There is hereby created and established a Tree Board for the Town of Elmira.

- A. The Tree Board shall consist of at least four (4) uncompensated members.
- B. The Board shall include:
 1. at least one member of the Elmira Town Board; and
 2. an employee of the Town; and
 3. Town residents.

Members of the Tree Board shall appoint a chairperson and secretary.

The Tree Board shall develop an Urban Forestry Management Plan for the Town of Elmira, New York, including planning tree planting and maintenance programs for all trees on Town property and within the right of way of public streets within the Town.

The Town Board is encouraged to make an annual appropriation or develop other funding sources so the Tree Board may fulfill its mission and purpose.

Section 5. Arborist

The Town Board is encouraged to obtain the services of an Arborist when needed.

Section 6. Authority

The Highway Superintendent, or his/her designee, the Code Enforcement Officer or a person designated by the Town Board shall have the authority and jurisdiction to implement, regulate and enforce the provisions of this law and specifically with regard to Planting, Maintaining, Removal and Replacement of Trees and Shrubs located on Town property or within the Town's right of ways or public streets to ensure safety, and preserve or enhance the aesthetics of such public sites.

The Tree Board shall have the authority to formulate and propose a Urban Forestry Management Plan which, after public hearing, may be adopted by resolution of the Town Board.

Section 7. Permit

No person shall perform any Tree Work within the ROW or Park/Public Place without a permit except for Town employees or contractors doing Tree Work on behalf of the Town. A Utility or

Contractor that performs work within the ROW must obtain a permit no less than thirty (30) days prior to the work being done. A utility or Contractor must notify all adjacent landowners within fifteen (15) days of work commencing. A Contractor shall provide proof of liability and workers compensation insurance and name the Town as an additional insured.

Section 8. Planting and Maintenance

- A. No person, except the Town employees or its agents, shall:
 - 1. Plant a Tree or Shrub upon Town property or upon Tree Lawn; or
 - 2. Remove, replant, or Replace a Tree from Town property or the Tree Lawn; or
 - 3. Spray, Fertilize, or put any chemical on any Tree on Town property or upon Town Lawn; or
 - 4. remove any protector sleeves or water bags set by the Town or its agents.
- B. No trees shall be Planted on Town property or within the ROW that at maturity will interfere with overhead utility wires.
- C. All Public Trees which have branches overhanging a public street or sidewalk shall have said branches trimmed to a clearance height of 14 feet on the street side and 10 feet on the sidewalk side.
- D. All Public Trees designated for Removal shall be completely removed from the growing site and disposed of in an authorized manner.
- E. No Public Tree shall be planted closer than 35 feet of any street corner. Measured from the point of the nearest intersection curbs or curblines.
- F. No Public Tree shall be planted closer than 10 feet of any fire hydrant.
- G. No Public Trees other than Small Trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground waterlines, sewer line, transmission line or other utility.

Section 9. Species, Cultivars and Varieties

The Town encourages the planting of the largest diversity of tree species on public and private property. The Tree Board shall develop and maintain a list of desirable trees for planting along streets and in the rights of way in three size classes: small, medium, and large. A list of tree species neither suitable nor desirable for planting as public or tree lawn trees shall also be established by the Tree Board. A list of species presently not found in the Town but capable of growing and surviving in the town will also be developed and maintained by the Tree Board.

Section 10. Obstruction, Nuisance and Condemnation

- A. Private Trees or Shrubs that border a Right of Way shall be Pruned in such a manner that they will not:
 - 1. obstruct or shade street lights; or
 - 2. obstruct the passage of pedestrians on sidewalks; or
 - 3. obstruct the visibility of traffic signs; or
 - 4. obstruct, or hinder the flow of traffic; or
 - 5. obstruct the view of any street or alley intersection.

- B. The minimum clearance of any overhanging portion thereof shall be 10 feet over sidewalks and 14 feet over all streets.
- C. If a property owner, after proper notice to Prune a Private Tree that interferes with a Public ROW or Tree Lawn, fails to do so, the Town may perform the necessary Pruning without entering private property. The Town's actions will not relieve the property owner of the violation or legal action by the Town.

Section 11. Protection of Trees

- A. The Highway Superintendent may Remove or cause to be removed any Public Tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or public improvements.
- B. It shall be unlawful for any person to Top a Public Tree.
- C. All dead, diseased, or dangerous Private Trees or broken or decayed limbs of Private Trees which constitute a safety hazard to the public shall be removed by the property owner.
- D. All stumps of Public Trees shall be removed below the surface of the ground or curb, whichever is lowest to the depth of 6 inches.

Section 12. Replacement of Trees

Public Trees removed shall be replanted, when possible, at least one for one with tree species as recommended by the Tree Board. Quality planting nursery stock must be used when adding or replacing Trees or Shrubs.

Section 13. Interference with Planting, Maintenance and Removal

No person shall prevent, delay, or interfere with Planting, Mulching, Pruning or Removal of any Public Tree.

Section 14. Prohibited Actions

- A. No person shall fasten or attach to any Public Tree any sign, poster, bill, notice or advertisement of any kind.
- B. No person shall cause or permit any brine, oil, gasoline, liquid dye or other substance deleterious to tree life to lie, leak, pour, flow or drip on or into the soil about the base of a Public Tree which could injure such tree.
- C. No person shall fasten or cause an animal to be fastened to a Public Tree in any street or public place or permit any animal to stand so near any such Public Tree that the tree may be gnawed or otherwise injured by the animal.
- D. No Tree shall be Planted or allowed to grow on private or public lands within the limits of or which will interfere with any drainage, sewer, water, or utility easement.

Section 15. Removal of dead and diseased trees from private property

- A. Private property owners have a duty, at their own expense, to cut down and remove any trees upon their property which are dead, harbor insects or disease, or which are so damaged as to be a public nuisance and in danger of falling on Town property or into a ROW, thereby causing damage to person or property of others.

- B. The Tree Board may recommend to the Highway Superintendent or Code Enforcement Officer to provide written notice to a property owner that a Tree or Shrub should be removed for the reasons stated above.
- C. Upon written notice from the Town, owners shall at their own expense Remove such Tree within 15 days after service of the notice to inform the Code Officer as to when the Tree shall be removed.
- D. Owners shall have no more than 30 days after informing the Code Officer to remove such Tree unless the Code Officer indicates otherwise in writing.
- E. If the owner fails to perform the Tree Work required in the notice, the Code Enforcement Officer or his/her designee may issue a citation stating the Tree Work required by the notice and seek penalties as provided by this Law.
- F. If owners fail to comply with such provisions, the Town may perform the Tree Work and invoice the cost of removal to the property owner.
- G. If the cost of such removal remains unpaid for 60 days, the cost of removal shall be added to the next real estate tax bill of the property owner.

Section 16. Penalties for Offenses

- A. Any person, firm, entity, or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a violation and upon conviction fined an amount not to exceed \$50.00 in addition to the cost to perform the Tree Work identified in the notice. Any subsequent offense committed within two years of a violation, shall be a misdemeanor, and upon conviction thereof shall be fined not to exceed \$250.00 or may be imprisoned for a term not exceeding 15 days or both.
- B. Each tree affected by noncompliance with this chapter shall constitute a separate violation.
- C. In lieu of or in addition to any fine or imprisonment or both imposed for conviction of a violation of this chapter, each such violation may be subject to a civil penalty not exceeding \$250.00, to be recovered in an action or proceeding in a court of competent jurisdiction.
- D. Each day a violation continues shall be subject to a separate civil penalty.
- E. In addition to said civil penalty, recovery of the value of any tree damaged, destroyed or removed in violation of this chapter shall be had by the town in an amount equal to the value of said tree or trees, based on the International Society of Arboriculture's (ISA) valuation of landscape Trees, Shrubs, and other plants.

The Code Enforcement officer or his designee shall have the authority to issue an appearance ticket for a violation of this Law. The Town Court shall have jurisdiction to adjudicate matters established in this Law.

Section 17. Urban Forestry Management Plan

- A. The Town Board shall hold a public hearing on the Urban Forestry Management Plan on recommendations from the Tree Board and after hearing thereon adopt, modify, or deny any such recommendations by a resolution of the Town Board.

- B. The UFMP adopted by resolution of the Town Board may be updated periodically in accordance with this procedure.
- C. The following items shall be included in the UFMP:
 1. Selection of tree species and other vegetation to be planted
 2. Planting and pruning standards
 3. Preservation, maintenance and care of trees and vegetation
 4. Disposition of removed trees
 5. Public education

Section 18. Effective Date

This law shall take effect upon approval by Local Law from the Town Board and filing with the Office of the NYS Secretary of State.

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

Resolution #140-24

Appoint Delegate to vote at the AOT conference

By Mr. Milliken

Seconded by Mr. Bush

Motion was made to appoint Ann Gerould as delegate to be able to vote at the AOT meeting on behalf of the Town of Elmira.

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

Resolution #141-24

Approve Cyber Insurance agreement

By Mr. Milliken

Seconded by Mr. Bush

Motion was made to approve the Cyber Insurance agreement with Swan & Sons-Morss Co effective December 1, 2024 through December 1, 2025

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

Resolution #142-24

Set date and Time for Special meeting

By Mr. Bush

Seconded by Mr. Lucarelli

Motion was made to set November 20, 2024 at 3:45pm as a Special meeting in order to approve the 2025 budget.

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

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

Tammy Stein, Town Clerk