

At the workshop of the Town Board of the Town of Elmira, Chemung County, New York held Monday, January 13, 2022 at 5:00 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  
Attorney- Scott Moore

Supervisor Sullivan called the Town Board workshop to order at 5pm and asked others to stand for the Pledge of Allegiance

### **Discussion**

Supervisor Sullivan and Attorney Moore discussed the Parking ordinance and the penalties with the Town Board. They also discussed Towing and Storage in the Town.

Supervisor Sullivan discussed the Senior exemptions. He stated the County Legislature raised the level of income for exemptions to the County taxes. Each municipality can choose to adopt this for their residents aged 65 or older.

Supervisor Sullivan discussed Summer Camps and looking into having theater classes.

The Town Board discussed Covid pay for Town employees.

The Town Board discussed setting up a day to meet for the tree board.

### **Resolution #41-22**

**Set a Public hearing to amend the Vehicle and Traffic Ordinance Chapter 210-4H, adding sections 210-4I, 210-7, 210-8 and 210-9**

**By Mr. Bush**

**Seconded by Mr. Allison**

Motion was made to set a Public Hearing on January 24, 2022 at 7:00pm to amend the Vehicle and Traffic Ordinance Chapter 210-4H, adding sections 210-4I, 210-7, 210-8 and 210-9 for as follows;

WHEREAS, Town Board seeks to set the fines for violations of the Town's parking ordinance and set forth process for responding to the violation.

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 Parking, Standing and Stopping on Public Streets Ordinance found at Chapter 210 – Vehicle and Traffic Ordinance, Section 210-4 H and new subsection I as follows:

**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 (12) 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 #42-22**

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

**By Mr. Lucarelli Seconded by Mr. Milliken**

Motion was made to set a Public Hearing on January 24, 2022 at 7:00pm to accept the Senior Exemption application waiver for 2022.

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

**Resolution #43-22**

**Set a Public Hearing to amend the schedule of income limits for Senior exemptions**

**By Mr. Milliken Seconded by Mr. Allison**

Motion was made to set a Public Hearing on January 24, 2022 at 7:00pm to amend the schedule of income limits for senior exemptions.

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

Motion was made by Councilmember Bush at 5:50pm and seconded by Councilmember Allison to go into executive session to discuss a personnel matter.

Motion was made by Councilmember Milliken and seconded by Councilmember Allison at 6:13pm to reconvene the workshop.

Motion was made by Councilmember Bush at 6:14pm and seconded by Councilmember Lucarelli to adjourn the Workshop. All in favor, Motion Carried

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Tammy Stein  
Town Clerk