

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday February 24, 2025 at 7:00pm at 1255 West Water Street, Elmira, NY, there were present:

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

Others present  
Town Clerk- Tammy Stein  
Attorney- Scott Moore  
Police Chief- Bob Richards  
Highway Superintendent- Matt Mustico  
Code Enforcement Officer- Eric Crandall  
Community Center Director- Patty Carozza

Absent- Buildings and Grounds Keeper- Sean Coggins

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

**Resolution #53-25**

**Alter the order of the agenda**

**By Mr. Allison**

**Seconded by Mr. Bush**

Motion was made to alter the order of the agenda to make public comments after discussion.

Aye- Gerould, Allison, Milliken, Bush, Lucarelli

No- None

**Resolution #54-25**

**Approve addition to agenda**

**By Mr. Allison**

**Seconded by Mr. Lucarelli**

Motion was made to add a resolution to appoint Anthony Faulisi as Sergeant to the agenda.

Aye- Gerould, Allison, Milliken, Bush, Lucarelli

No- None

Supervisor Gerould explained this meeting is not a public hearing, that it is a regular meeting. She explained that the public comment is not a dialog it is for attendees to express their concern within 3 minutes and they can make an appointment to discuss anything further at a later time.

**Resolution #55-25**

**Minutes**

**By Mr. Bush**

**Seconded by Mr. Lucarelli**

Motion was made to approve the minutes of January 13,2025 regular and February 10,2025 Workshop.

Aye- Gerould, Allison, Milliken, Bush, Lucarelli

No- None

**Resolution #56-25**

**Audit of Bills**

**By Mr. Allison**

**Seconded by Mr. Milliken**

Resolved that all claims in the total amount of \$1,184,369.63 were audited and approved for payment when in funds.

<u>Regular Audit</u>	
General Fund	43,688.71
General Fund (outside Village)	11,363.90
Highway Fund	118,843.54
Fire District 1	861,905.00
Fire District 2	19,951.00
Fire District 3	21,037.00
Fire District 4	15,500.00
Fire District 5	54,842.00
Light District 1	5,534.89
Light District 2	56.89
Light District 3	127.89
Light District 4	42.89
Light District 5	15.89
Park District	2,622.81
Traffic Fund	10,467.83
Trust & Agency	<u>432.00</u>
	1,166,432.24
<u>Early Audit</u>	
General Fund	10,945.96
General Fund (outside village)	1,754.57
Highway Fund	90.54
Traffic Fund	1,179.72
Park Fund	<u>1,349.78</u>
	15,320.57
<u>2024 Audit</u>	
General Fund	533.04
General Fund (outside village)	393.98
Highway Fund	871.19
Traffic Fund	489.40
Park Fund	<u>329.21</u>
	2616.82

Aye-Gerould, Allison, Milliken, Bush, Lucarelli

No- None

Supervisor Gerould informed the board that a 5-month CD for the ARPA funds matured on February 20<sup>th</sup>. The funds were placed back in the original account set for those funds.

**Resolution #57-25**

**Draft Financial Report**

**By Mr. Milliken**

**Seconded by Mr. Allison**

Supervisor Gerould reviewed the Town’s financial position as of January 31, 2025 and stated we are in a good financial position. The January 2025 bank statements and year-to-date financial reports were provided to the board. Motion was made to accept the Draft Supervisor’s report for January 2025.

Aye-Gerould, Allison, Milliken, Bush, Lucarelli

No- None

**Communications**

CC Sheriffs

RE: December 2024 statistics

CC Youth Bureau

RE: 2024 Annual Report

West Hill Fire District

RE: Elected Officials

**Department Reports**

Supervisor Gerould stated that Buildings & Grounds Keeper, Sean Coggins is absent and will present his report at the March meeting.

Highway Superintendent- Matt Mustico- Discussed the salt problem with the board. His department has started patching. He spoke about the roof leak at the East Hill Garage.

Police Chief- Robert Richards read his report regarding the calls, arrests, and other incidents for January 2025. Officer Faulisi attended Sergeant school and passed the final exam with a 98. He stated that the 2 newer Officers are doing well.

Community Center Director- Patty Carozza- spoke about the rentals for the community center. She informed the board that Friends of the River will hold a 3-day camp over the April break. Students from Edison will be helping with clean up on the community gardens.

Code Enforcement Officer- Eric Crandall closed out 48 permits and worked on State and Federal reporting that needs to be done in January. Eric spoke about a fire on Arcadia Ave. He thanked West Elmira and the City of Elmira Fire Departments for their quick response to the fire.

**Discussion**

Domestic Partner Certification- Supervisor Gerould proposed that the board do a local law allowing for the Clerk’s department to authorize Domestic Partner Certificates to those wishing to obtain one. The board discussed and the Town Attorney will draft a Local Law to be presented at the March 3<sup>rd</sup> workshop for review.

Tree City Application- Supervisor Gerould informed the board that the Town has been approved as a Tree City USA town. The Tree board will work on an Arbor Day event for 2025. Paul DiPietro and Town Clerk Stein will attend a recognition celebration in March being held in Syracuse.

DOL Update- This will be discussed at the March workshop.

Salt barn- Supervisor Gerould discussed the payment for the salt barn frame. Matt, Councilmember Bush and Supervisor Gerould discussed the condition and looking into the financing of the frame.

Battery Storage- Attorney Moore spoke informing the board of the steps that were taken in order to approve the Battery Storage Law. He also spoke in detail about the Battery Storage units and the steps that need to be taken under the Battery Storage Law in order for a project to be approved. Attorney Moore updated the board on the Carson Powers project to date. Attorney Moore explained what a moratorium is used for and if one was placed on this project what the steps would be following it. Attorney Moore spoke about the Model Law and NYSEDA, NYS Uniform Prevention and Building Code safety requirements for Battery storage systems. Attorney Moore suggested that the Town Board do a resolution to hold a special meeting on March 10, 2025 to attend the Planning Board meeting for the purpose of hearing the presentation and getting information about Battery Storage.

Supervisor Gerould informed the attendees that all letters and emails that have been received were read and considered.

### **Public Comments**

Nicholas Deems, Wall St. spoke about the signage for odd/even parking. Supervisor Gerould will speak with Mr. Deems regarding the signage at another time.

John McGlenn, West Hill Rd read a statement he prepared regarding a moratorium and reasons why he requests the Town Board to impose one.

John Burin, N. Hoffman Rd read a statement wanting the Town to adopt a resolution for a moratorium and a comprehensive plan for the Planning Board to use as a guide for them to make planning decisions.

Andrew Mallow, Sitzer Hill Rd, read a statement speaking as the Chief for the City of Elmira regarding the fires at other battery storage locations throughout the United States. He spoke regarding the city responding as a hazardous material response team.

Diana Hughes, Hillcrest Rd spoke about changing the way residents are notified, notifying residents further than the required 200 feet, a moratorium, and her thoughts about clear cutting the area.

Christopher Denton, W. First St spoke regarding his experience in Energy Law (Solar Law). He requested a moratorium be made and spoke about carbon dioxide and Hydrochloric acid.

Patrick Bermingham, W. 6<sup>th</sup> St. read a statement he stated was from the Elmira Water Board request by Marty Chalk asking the planning board to have them listed as an involved interested agency and asked for documents regarding the project.

Melissa Rozengota, West Hill Rd turned in petitions to the Town Attorney

Andrea Paggio, West Hill Rd asked the board to vote against this project

Mary Burin, N. Hoffman Rd spoke about a discussion she had with a Fire Chief from Jefferson County and his opinion on Battery Storage

David Patterson, Benedict Blvd spoke about the experts speaking at the March 10 meeting.

Marty Strong, W. Water St. spoke about a better way to keep constituents informed. Discussed being a past president of the New York State Outdoor Education Association.

James Lynch, Highland Ave. commended Chief Richards for work he's done in the Town and spoke about the property at 1164 Winter Street and actions the Town took regarding that property.

Lorin Storch, W. Hill Rd urges Town and County to stop Solar before it becomes an epidemic.

Michael Minichiello, Hillcrest Rd discussed subdivision zoning and run off of water.

Rich Weed, Hillcrest Rd. asked who benefits from the project and spoke about his concerns due to him building a house by this project.

Tina Hughes Bevilacqua, West Hill Rd A expressed her concerns about the quality of the agency wanting to do the project.

Jim Bevilacqua, Hoffman St. Spoke about air pollution.

**Resolution #58-25**

**Approve addition to agenda**

**By Mr. Allison**

**Seconded by Mr. Milliken**

Motion was made to approve an addition to the agenda to set a special meeting.

Aye- Gerould, Allison, Milliken, Bush, Lucarelli

No- None

**Resolution #59-25**

**Set date and time for a Special meeting**

**By Mr. Lucarelli**

**Seconded by Mr. Allison**

Motion was made to set March 10, 2025 at 7:00pm as a special meeting to be held at Hendy Elementary School in order to hear a presentation regarding Carson Powers project and specifically the Battery Storage issue at a planning board meeting.

Aye- Gerould, Allison, Milliken, Bush, Lucarelli

No- None

**Resolution #60-25**

**Set date and time for March workshop**

**By Mr. Bush**

**Seconded by Mr. Milliken**

Motion was made to set March 3, 2025 at 7:00pm as the March workshop.

Aye- Gerould, Allison, Milliken, Bush, Lucarelli

No- None

**Resolution #61-25**

**Approve Agreement for expenditure of Highway monies**

**By Mr. Lucarelli**

**Seconded by Mr. Milliken**

Motion was made to approve the agreement the expenditure of Highway monies pursuant to provisions of Section 284 of the Highway Law.

Aye- Gerould, Allison, Milliken, Bush, Lucarelli

No- None

**Resolution #62-25**

**Appoint Traffic Officer Anthony Faulisi as Sergeant**

**By Mr. Allison**

**Seconded be Mr. Lucarelli**

Motion was made to appoint Traffic Officer Anthony Faulisi as Provisionary Sergeant pending him passing the Sergeant exam with a stipend of \$3000.00 effective March 2, 2025

Aye- Bush, Milliken, Allison, Gerould, Lucarelli

No- None

**Resolution #63-25**

**Approve referral of Battery Storage Law to Chemung County Planning Board**

**By Mr. Milliken**

**Seconded by Mr. Allison**

Motion was made to approve a referral of the Battery Storage Law to the Chemung County Planning Board.

Aye Bush, Milliken, Allison, Gerould, Lucarelli

No- None

Councilmember Lucarelli spoke about adding a resolution to the agenda regarding a moratorium.

Councilmember Bush recused himself and left the room at 9:10pm

**Resolution #64-25**

**Approve addition to agenda**

**By Mr. Lucarelli**

**Seconded by Mrs. Gerould**

Motion was made to add a resolution to the agenda to consider adopting a moratorium on the Solar Energy Law and Battery Storage Law.

Aye- Lucarelli, Gerould

No- Milliken, Allison

Recusal- Bush

Supervisor Gerould discussed the moratorium with Councilmember Lucarelli and the presentation by Carson Powers.

Councilmember Bush returned to the meeting at 9:14pm

Motion was made by Councilmember Milliken at 9:16pm and seconded by Councilmember Allison to adjourn the regular meeting. All in favor, Motion Carried

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Tammy Stein, Town Clerk