

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, July 16, 2018 at 7:00 PM at 1255 West Water Street, Elmira, NY, there were present:

Supervisor: David Sullivan
Councilmember: Scott Bush
Councilmember: Thomas Milliken
Councilmember: Ron Allison
Councilmember: Karen Krusen

Others present

Town Clerk- Jo Ann Sherwood
Attorney- Scott Moore
Code Enforcement Officer - Chip LeValley
Chief of Police- Peter Michalko
Highway Superintendent- Matthew Mustico
Buildings and Grounds Caretaker- Scott Eschbach
Recreation Director- Patricia Carozza

Resolution #84-18

Minutes

By Mr. Allison

Seconded by Mr. Bush

Motion was made to approve the minutes of June 18, 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Supervisor Sullivan asked Highway Superintendent Matt Mustico to report on the storm of July 14 and the flooding that occurred.

Matt reported that he received a call from the West Elmira Police on Saturday, July 14 that a creek in West Elmira was about to go over. Matt stated an excavator was used to unplug as much as they could of the debris in the creek. He stated that at least two inches of rain had fallen in less than a half hour. Also, there were trees that had fallen in the town as well. When the second storm came, the town received another two inches of rain for a total of four inches in two hours. Matt stated that the drainage pipes just couldn't take all that water so quick on Fern Dell and Coleman Ave. Matt stated we need to look into the Country Club detention pond because that overflowed about five feet of water as well. He stated that, because of the intensity of the storm it is not surprising that this occurred. Matt reported that Coleman Avenue was blocked off because of flooding and some homes did flood on Fern Dell Drive. Matt stated he would like to get the storm water engineer to assess the situation and perhaps they need to dig a detention area on the grassy area property of the Elmira Water Board. The water came down from behind the water board property as well. Water also came down through Stonybrook Rd. Matt stated that unfortunately these 100-year storms are getting to be more regular now. He reported that Coleman Ave. work is now in the planning stage for this year. He said plans for Coleman Avenue up and around to Lovell Terrace are to widen the road. Next year another 36-inch pipe will be set alongside the one that is there now. Matt stated that the first time the creek went over was because of debris in the creek, but the second time was because the pipes just could not hold all the water. The creek was full of grass clippings and sticks.

Police Chief Peter Michalko stated that he viewed the flooding on Saturday night as two separate incidents. The first storm was considered a Microburst. Trees were down and there was a power outage. The flooding was not as bad for the first storm. WEVFD assisted with eleven men for help with traffic control. When the second storm came, they sent an additional 12 men to assist. Peter stated that after it was over the water did recede quickly. Peter reported that NYSEG was on the scene within one hour and power was restored within three hours. He reported that the residents at 729 Larchmont had a tree fall on their two cars parked in the driveway. Coleman creek had six to eight inches of water coming down Coleman Avenue with the second storm. Country Club creek parallel to the country club also went over with water coming down through the monastery property. For the first time in a long time, he stated that Hendy Ave had issues this time as well. Peter stated that Larchmont Rd. private property area had many trees that were knocked down. He commended the highway department on clearing all the debris so quickly.

Public Comments:

Ruth Harvery 706 Larchmont Rd. Read from a report that she wrote about the storm on Saturday. She stated she did not have flood insurance and did not think she needed flood insurance. She never knew there was a drainage issue when she bought the house on this street and she now worried about the value of her home and the resale value because of this flooding issue. She reported that she did have a tree come down as well and it looked like a lake was coming through her back yard with six inches of water going into her basement. Debris and water ended up in her yard and basement. Ruth stated she wants to be part of the solution. She found out from neighbors that this has been an issue for a while. She feels they need qualified people to fix these issues for everyone. Town should discuss these issues with the neighbors. She stated she would be willing to gather data information on these issues and have it ready before August board meeting to present to the Board.

Susan Seltzer, 707 Larchmont Road stated she had hired a land surveyor to detail the water flow down Larchmont. Her home is right near the water board property. Water comes down from the water board and flows by the homes. She stated she has a French drain and has three sump pumps in her cellar but because they lost power, the sump pumps could not operate.

Nancy Zito stated water is coming from Water Board property and not the creek on Fern Dell. The pipe behind her house did its job and did not flow over and she has a back flow regulator. She feels the problem is coming from the Water Board area.

Debra Lussinia, 724 Ferndale stated her tenants did get water in their cellar.

Supervisor Sullivan stated since the early 1990's we have put in four detention ponds to help alleviate the flooding issues. However, because of the intensity of the storms and more development happening, we need to look into these issues.

Resolution #85-18

Financial Report

By Mrs. Krusen

Seconded by Mr. Allison

Supervisor Sullivan reviewed the Town financial position as of June 30, 2018 and stated the expenses and revenues were per budget plan. He stated the town finances are in good shape for the first six months and the staff is doing a good job. The June 2018 YTD bank statements and fund balance reports were provided to the board. The Fund Balance total through June 30, 2018 was \$1,344,332, which includes the Town/Townwide General Funds, Highway Fund, Traffic Fund and Park District Fund. Motion was made to accept the Supervisor's report for the month of June 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #86-18

Audit of Bills

By Mr. Allison

Seconded by Mr. Milliken

Resolved that claims in the total amount of \$132,216.68 were audited and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Department Reports:

Code Officer Chip LeValley reported that permit wise it was a bit of a slow month. He is currently handling abatements and working with the county on resident complaints. He recommended to the board the demolition of 1233 W. Clinton Street. It has not had a person living in it since 2008 and no one is keeping the place up to code. With the last storm, he is estimating there is quite a bit of water that came through the big hole in the home's roof.

Recreation Director Patty Carozza stated that rentals are a bit slower in the summer time. One rental party incorporated the pool into their party rental and the kids enjoyed swimming. Patty stated she hopes to have some health-oriented workshops to come in the fall.

Highway Superintendent Matt Mustico reported that they planted ten trees last year. This year they bought gator bags to wrap around the trees. These bags hold about twenty gallons of water. Supervisor Sullivan stated he would like to plant another ten trees this year. He stated he would like to set up a schedule of planting ten trees each year. Matt stated that the paving contractor was unable to do the paving on our streets until September so he used shared services to pave Evergreen and W. Third Street. He did this work with the help of the City and other towns.

Matt reported that our crews helped other towns with trucks and shared services as well. Matt stated that reduced speed limit signs were put up on Bowlby Road. Councilman Bush remarked he would like these permanent. Matt stated that there is a process procedure for this. Matt also reported that they brought the brush from our compost site up to the County compost facility for grinding. This was a money saver for the town. He also stated he plans to put in curbing on Pinnacle Road.

Police Chief Peter Michalko submitted his written monthly report and gave a brief review of the report. He stated calls for service were up as well as traffic stops.

Discussion:

DPW Report update: Proposal reviewed regarding Highway Superintendent Matt Mustico to become an employee of the county. The Town would then have shared services agreement with County, at no cost to Town. Ron feels we need back up here at the Town if Matt is busy with the County and the other towns we have shared services with. Agreement is between the County and the Town of Elmira only. One muni might go into another direction and might not continue with the current shared service agreement. The other muni is definitely staying in the shared service agreement. The arrangement would save the Town more than \$100,000 in expense. Budget Preview- 18 year history of budgets over the years the Tax Levy has ranged from 33-43 percent of budget. We need to use less of fund balance and move away from deficit budgeting. Budget workshop is scheduled for July 23. In the initial draft of the 2019 budget, the General fund tax is proposed to increase 5 cents per thousand of assessed value. The B Town outside village fund has no tax. The Highway Fund will again have no tax as all services are paid by sales tax and chips funds, and the traffic district fund is proposed to go up 15 cents per thousand. The Park district fund is proposed to go up about 2 cents per thousand. Sales tax comes in to just highway and town outside village. We then transfer from B Fund to A Fund, and you can only do that if there is no tax in B or DB funds.

Resolution #87-18

**Amend Collective Bargaining Agreement between the Town and the West Elmira PBA
By Mr. Bush Seconded by Mrs. Krusen**

Motion was made to amend the collective bargaining Agreement between the Town and the West Elmira Police Benevolent Association regarding Article 16 Required Provisions of Law.
Aye- Bush, Milliken, Allison, Krusen, Sullivan No- None

Resolution #88-18

**Authorize Code Officer to issue notice of violation of Building Code § 82-5 to property owner at 1233 W. Clinton Street.
By Mr. Milliken Seconded by Mr. Allison**

Resolved that the Code Officer is authorized to issue a notice of violation of Buildings Code § 82-5 to property owner at 1233 W. Clinton and accept investigation.
Aye- Bush, Milliken, Allison, Krusen, Sullivan No- None

On a motion by Mr. Allison and seconded by Mr. Bush the meeting was adjourned at 7:57 P.M.

JoAnn Sherwood, Town Clerk