

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, October 15, 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 #111-18

Minutes

By Mr. Bush

Seconded by Mrs. Krusen

Motion was made to approve the minutes of the meetings of September 17 and 25th and October 4, 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

At 7:01 P.M. Town Attorney Scott D. Moore read proof of publication of notice of October 1, 2018 of notice of public hearing to adopt Local Law 1-2018 to Amend Code of the Town of Elmira by amending Zoning Code 210-4B and 210-4C. 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 7:03 P.M.

At 7:03 P.M. Town Attorney Scott D. Moore read proof of publication of notice of October 10, 2018 of notice of public hearing to consider the Preliminary Budget of the Town of Elmira for the fiscal year beginning January 1, 2019. 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 proposed budget, the hearing was declared closed at 7:06 P.M.

Resolution #112-18

Financial Report

By Mr. Allison

Seconded by Mr. Milliken

Supervisor Sullivan reviewed the Town Financial position as of September 30, 2018 and stated the expenses and revenues were per budget plan. He stated the town finances are in good shape and the staff is doing a good job. The September 2018 YTD bank statements and fund balance reports were provided to the board. Motion was made to accept the Supervisor's report for the month of September 2018.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Resolution #113-18

Audit of Monthly Bills

By Mr. Bush

Seconded by Mrs. Krusen

Resolved that all claims in the total amount of \$96,560.50 were audited and approved for payment when in funds.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

Department Reports:

Police Chief Peter Michalko submitted his written report and gave review of report. He stated it was a very busy month for September. He also reported that they have hired a new part time officer Corey VonNeida and she is now working on her own in the field.

Code Enforcement Officer Chip LeValley submitted his written monthly report and stated that political signage dates and size specifications need to be the same for all municipalities. Chip also reported that the owner of the home on Greenridge Drive that was delinquent with his reconstruction project has renewed his permit and will resume work on the house beginning next week.

Highway Superintendent Matt Mustico stated he attended a State Association last week and found it very informative. He stated the price of rock salt went up \$8 per ton, which is quite an increase. Currently he is getting the paperwork together for changing the speed limit on Bowlby road as well as Gunderman Road. The highway crew is still patching but the rain has hindered this work. Matt stated he ordered fifteen new trees to be planted on town right of ways this year. He also stated that the drainage work on Rambler Road and W. Clinton Street would be starting this week. The annual leaf pickup will probably start around November 5, as the leaves are still green and have not begun to fall. Matt submitted the FEMA grant application for damage that was the result of the storms; however, we might not have enough dollar damage according to FEMA requirements. He stated that storm water work on Whirts Creek would begin on Wednesday of this week.

Recreation Director Patty Carozza reported that the TCC fall schedule is back in action with weekly bone builders classes along with yoga and bridge. The annual West Elmira Recreation Spook House was held on October 12 and 13 and it was a good time. Patty reported that the rentals for November are coming along okay. The ARC group will start having dances at the end of November and will be held on the fourth Monday of each month.

Buildings and Grounds Caretaker Scott Eschbach has been working on rebuilding two softball infields but the rain has hindered these projects. He hopes to finish in the fields in a week or two. Since it has been rainy, he took advantage and did a good cleaning of the TCC building and replaced some ceiling tiles and a kitchen faucet. Scott reported he also has cleaned out storage buildings of old scrap steel. The Pool is being readied for winter and he hopes to cover the pool soon with the help from highway department. Scott stated a small roof needs to be installed on the baseball dugout if it ever dries out.

Discussion:

Jimmie Joe Carl, Chemung County Soil and Water- He presented a power point presentation of the stormwater controls/study and proposed stormwater considerations.

He stated there are three parts of his presentation. The first part will show how bad the weather was for the Town. It was very unique. From the middle of July to present day, the town had 26 inches of rain. Typically, we have 35 inches in a year. We had a 300% higher than average amount of normal precipitation. As for the saturation index, he stated we are at the top of the scale. The second part of his presentation addressed the Ferndale Drive project. He stated that 15 years ago we had the Beecher Creek Dam designed and built as well as the upper Larchmont Road Dam. These proved highly effective for the town and he praised the previous stormwater committee for getting this work accomplished. He stated that one thought he would consider is putting in a drainage swale. He gave a detailed outlook of possible drainage projects for Ferndale Drive. The third area he addressed was a comprehensive plan for the town. He stated the town should probably break it up in parts because we are so large. Now is a good time to target the areas and discuss what we can do better. He stated there are a number of storm sewers that go from W. Church Street to the river. The town should address each area and discuss what to put in this comprehensive plan. This power point presentation will be put on the Town website for town residents.

Public Comments:

Ruth Bruning of Greenridge Dr. W, thanked Chip for following through on the permit issue with the reconstruction project on Greendridge Drive, but she also asked if there were any stipulations put on the permit in regards to control of animals and the open-air window and door spaces. He stated that no stipulations were put with the permit.

Resolution #114-18

Adopt Local Law 1-2018 Amend Town Zoning Code

By Mr. Allison

Seconded by Mrs. Krusen

Whereas a resolution was duly adopted by the Town Board of the Town of Elmira for a public hearing to be held by said Town Board on October 15, 2018 at 7:00 P.M. at 1255 W. Water Street, Elmira, NY to hear all interested parties on proposed Local Law #1-2018 to Amend Town Zoning Code 210-4B and 210-4C and;

Whereas said public hearing was duly held on October 15, 2018 at 7:00 P.M. at 1255 W. Water Street, Elmira, NY and all parties in attendance were permitted an opportunity to speak on behalf or in opposition of said Local Law;

Now Therefore Be it Resolved that the Town Board of the Town of Elmira hereby adopts Local Law 1-2018 to Amend Zoning Code 210-4B and 210-4C and to remove from Section 210-4B West First Street and from section 210-4C Demarest Parkway and add to section 210-4B the following:

| Street Name | Side | Location |
|-------------------|-------|--|
| Demarest Parkway | West | Adjacent to east entrance of Next Level Sports & Training building for a distance of 60 feet. Signs shall indicate FIRE LANE |
| West First Street | North | Adjacent to southeast entrance of Next Level Sports & Training building for a distance of 20 feet. Signs shall indicate FIRE Lane Adjacent to south entrance of Next Level Sports & Training building for a distance of 40 feet. Signs shall indicate FIRE LANE |

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

Resolution #115-28

Accept resignation of Matthew Cornacchio from Rec Commission

By Mr. Bush

Seconded by Mrs. Krusen

Motion was made to accept with regrets and appreciation the resignation of Matthew Cornacchio from the town Rec Commission effective 9/11/2018.

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

Resolution #116-2018

Authorize mowing fees do be added to property tax bills for 2019

By Mr. Milliken

Seconded by Mr. Allison

Resolved that Real Property Tax Department for the County of Chemung be authorized to add the following amounts to the following 2019 tax bills for the purpose of reimbursement of mowing charges for 2018:

| | | | |
|--------|------------|---------------------|----------|
| 073089 | 98.06-3-73 | Knutsen, Jeffrey A. | \$675.00 |
| 073089 | 88.20-3-39 | Gee, Jr., Mark W. | 450.00 |
| 073089 | 98.08-4-28 | Johnson, Kerry M. | 600.00 |
| 073089 | 99.05-1-59 | Masson, Paul | 525.00 |
| 073089 | 99.05-2-38 | Williams, Donald | 150.00 |
| 073089 | 98.08-2-63 | Matthew, Dennis W. | 375.00 |

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

Resolution #117-18

Set date for special meeting to adopt 2019 Town Budget

By Mr. Milliken

Seconded by Mr. Bush

Motion was made to set the date of November 8, 2018 at 5:00 P.M. for a special meeting to adopt 2019 Town Budget.

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

Resolution #118-18

A RESOLUTION AUTHORIZING IMPROVEMENTS TO THE ROOF AT TOWN HALL IN AND FOR THE TOWN OF ELMIRA, CHEMUNG COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$125,000, AND AUTHORIZING THE ISSUANCE OF \$125,000 BONDS OF SAID TOWN TO PAY COSTS THEREOF.

By Mr. Allison

Seconded by Mrs. Krusen

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town of Elmira, Chemung County, New York, as follows:

Section 1. Improvements to the roof at Town Hall in and for the Town of Elmira, Chemung County, New York, including incidental improvements and expenses in connection therewith, are hereby authorized at a maximum estimated cost of \$125,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$125,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4 The faith and credit of said Town of Elmira, Chemung County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5 Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6 All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7 The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8 This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9 This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Mr. Bush voting Aye
Mr. Milliken voting Aye
Mr. Allison voting Aye
Mrs. Krusen voting Aye
Mr. Sullivan voting Aye

The resolution was thereupon declared duly adopted.

On a motion by Mr. Bush and seconded by Mrs. Krusen the board went into an executive session to discuss personnel issues at 8:10 P.M.

On a motion by Mr. Bush and seconded Mr. Allison by the board went out of executive session at 9:03 PM.

On a motion by Mr. Bush and seconded Mr. Allison by the meeting was adjourned at 9:03 PM.

Jo Ann Sherwood, Town Clerk