

Elmira City Council Meeting Minutes

RE: AGENDA, ELMIRA CITY
COUNCIL MEETING

Monday, September 26, 2022 – 5:30 PM

2022-313
Nan Moss

**Act on resolution dispensing with the minutes of the
Regular Meeting held on Monday, September 12, 2022.**

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

**Public Hearing for the purpose of receiving written and
oral comments from the public on the City of Elmira's
application for the Former Booth School property located
at 414 Davis Street under Round 6 of the Restore NY
Communities Program.**

2022-314
Council as a Whole

**Receive communication from the City Manager and act on
resolution announcing the Personnel Actions for the City
of Elmira whereby Timothy E. Overly has elected to retire
from his position as Deputy Fire Chief effective August 31,
2022; Daniel J. Lutz has been appointed to the position of
Deputy Fire Chief effective September 12, 2022, at an
annual salary of \$96,508; and Andrew D. Johnson has
been appointed to the position of Fire Captain effective
September 12, 2022, at an annual salary of \$88,382.**

MOTION: Approve SPONSORED BY: Council As A Whole VOTE:
6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-315
Council as a Whole

**Act on resolution extending appreciation to Deputy Fire
Chief Timothy Overly for his services rendered to the City**

of Elmira for the past 27 years and wish him well in his future.

MOTION: Approve SPONSORED BY: Council As A Whole VOTE: 6- 0

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 6

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Mark A Franchi TOTAL: 1

2022-316

Brent Stermer

Receive communication from the Mayor and act on resolution announcing the appointment of Derek Chalfant, 401 Euclid Avenue, Elmira, NY to the Historic Preservation Commission as an alternate member with a term expiring on October 1, 2025.

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 6- 0

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 6

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Mark A Franchi TOTAL: 1

2022-317

Mayor Mandell

Receive communication from the Corporation Counsel and act on resolution designating the City of Elmira as lead agency pursuant to the State Environmental Quality Review Act and directing the Mayor to file a negative determination in connection with the sale of property located at 600 Broadway (Tax Map ID # 99.14-4-8) in accordance with SEQR 6 NYCRR, Part 617.12.

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 6- 0

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 6

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Mark A Franchi TOTAL: 1

2022-318

Nan Moss

Receive communication from the City Manager and act on resolution authorizing the sale of City vacant parcel known as 600 Broadway (Tax Map ID # 99.14-4-8) to Joseph L. Wasicki for the sum of \$4,000.00 and authorizing the Mayor to execute a quitclaim deed and all other documents to effect the transfer of the property.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 6- 0

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-319
Mayor Mandell

**Act on resolution authorizing the cost of leasing three (3)
2023 Ford Police Interceptor Utility vehicles from
Enterprise Fleet Management, Inc. as approved by
Resolution No. 2022-259 increasing the total amount of
\$1,171.20.**

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-320
Joseph Duffy

**Receive communication from the City Manager and act on
resolution approving a second extension of the City's
original contract with RS Parker Holding Co, LLC d/b/a
RS Parker Landscaping upon the same terms and
conditions as the existing contract dated December 10,
2020 through September 30, 2023 to provide property
maintenance work (abatements) for the City and
authorizing the Mayor to execute any and all documents
necessary to effect the extension.**

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-321
Mayor Mandell

**Receive communication from the City Manager and act on
resolution authorizing the City to enter into a new
agreement with the Police Benevolent Association of
Elmira, New York, Inc. retroactive from January 1, 2022
through December 31, 2025 to utilize its facility for
firearms training of sworn police officers of the Elmira
Police Department with payments of \$7,500.00 for 2022
training year; \$7,750.00 for 2023 training year; \$7,750 for
2024 training year; and \$8,000 for 2025 training year and
authorizing the Mayor to execute said agreement, a copy**

of which is attached hereto; said agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-322
Joseph Duffy

Receive communication from the Corporation Counsel and act on resolution authorizing the Mayor to execute a Contract Renewal Letter Agreement between New York State Unified Court System and the City, a copy of which is attached hereto, for janitorial cleaning services to be provided by the City for the year April 1, 2022 through March 31, 2023, for the budgeted amount of \$100,936.00; said agreement subject to Corporation Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-323
Council as a Whole

Act on resolution authorizing the extension of the November 23, 2021 agreement with Great Lakes Tree Service to perform additional work in the Spring of 2023 to remove 140 additional trees and stumps at a cost to the City of \$1,500 per tree and stump removal at the Mark Twain Golf Course and authorizing the Mayor to execute any and all documents necessary to effect the extension.

MOTION: Approve SPONSORED BY: Council As A Whole VOTE: 6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-324
Council as a Whole

Receive communication from the City Manager and act on resolution approving the granting of a Declaration of Covenants, Restrictions, and Environmental Easement (Declaration Easement) to the People of NYS through

their Commissioner of the NYS Department of Environmental Conservation, a copy of which is attached hereto and made a part hereof, regarding the pollution remediation of "Koppers Pond" and the Elmira Water Board's participation in the remediation plan; said Declaration Easement subject to Corporation Counsel receiving a survey map correctly depicting the location of the Declaration Easement and authorizing the Mayor to sign all such documents necessary to effect the Declaration Easement.

MOTION: Approve SPONSORED BY: Council As A Whole VOTE: 6- 0

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 6

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Mark A Franchi TOTAL: 1

2022-325

Tory Kitching

Receive communication from the City Manager and act on resolution reporting the overtime for the Elmira Fire Department for pay periods 16 and 17 of 2022 in the amount of \$29,326.00.

MOTION: Approve SPONSORED BY: Tory Kitching VOTE: 6- 0

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 6

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Mark A Franchi TOTAL: 1

2022-326

Nick Grasso

Act on Lead Hazard Reduction Grant Program Audit.

MOTION: Approve SPONSORED BY: Nick Grasso VOTE: 6- 0

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 6

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Mark A Franchi TOTAL: 1

2022-327

Nan Moss

Act on Anti Displacement Learning Network Program Audit.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 6- 0

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,

Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-328
Brent Stermer

**Act on Community Development Block Grant Program
Audit.**

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-329
Mayor Mandell

Act on American Rescue Plan Audit.

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-330
Tory Kitching

Act On Audit.

MOTION: Approve SPONSORED BY: Tory Kitching VOTE: 6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1

2022-331
Nick Grasso

Act on resolution to adjourn.

MOTION: Approve SPONSORED BY: Nick Grasso VOTE: 6- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy,
Tory Kitching, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Mark A Franchi TOTAL: 1