

Elmira City Council

Meeting Minutes

RE: AGENDA, ELMIRA CITY

Monday, November 7, 2022 – 5:30 PM

COUNCIL MEETING

2022-360

Mark Franchi

Act on resolution dispensing with the minutes of the Regular Meeting held on Monday, October 24, 2022.

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

2022-361

Council as a Whole

Receive communication from the City Manager and act on resolution announcing the Personnel Actions for the City of Elmira, whereby Kristen M. Schussler, Big Flats, NY has been appointed to the position of Firefighter, effective October 24, 2022, at an annual salary of \$62,196; and Paul L. Jones, Jr., has elected to retire from his position as Firefighter, effective October 27, 2022, and placing same on file.

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

2022-362

Council as a Whole

Act on resolution extending appreciation to Paul L. Jones, Jr. for his services rendered to the City of Elmira as a Firefighter for the past 23 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, Mark A Franchi, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Tory Kitching TOTAL: 1

2022-363

Mayor Mandell

Receive communication from the City Manager and act on resolution reviewing and adopting the attached Purchasing Policy and Procedure requirement under subparagraph 4 of Section 104-b of the General Municipal Law.

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

2022-364

Joseph Duffy

Receive communication from the Corporation Counsel and act on resolution designating the City as the lead agency that the sale of a portion of surplus City-owned property will not have an adverse impact on the environment and directing the Mayor to file a negative determination in connection with the sale of said portion of property located adjacent to 467 W. Water Street to Cerio Properties, LLC in accordance with SEQR 6NYCRR, Part 617.12.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 5- 0
AYES: Daniel Mandell, Brent Stermer, Joseph H Duffy, Mark A Franchi, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: Nick Grasso TOTAL: 1
ABSENT: Tory Kitching TOTAL: 1

2022-365

Mayor Mandell

Receive communication from the City Manager and act on resolution authorizing the Mayor to execute quitclaim deed and all other title documents necessary conveying a portion of surplus City-owned vacant land adjacent to 467 W. Water Street to Cerio Properties, LLC for \$750.00.

MOTION: Postpone SPONSORED BY: Daniel Mandell VOTE: 5- 0
AYES: Daniel Mandell, Brent Stermer, Joseph H Duffy, Mark A Franchi, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: Nick Grasso TOTAL: 1
ABSENT: Tory Kitching TOTAL: 1
Resolution Failed: Needs 6 Votes to Pass - Councilmember Kitching (absent) Councilmember Grasso (abstained). Vote: Was 5-0 w/ 1 Abstain.

2022-366

Act on resolution adopting and enacting Local Law No. 4

Council as a Whole

of 2022 of the City of Elmira, New York to Amend Section 166-i of the Charter of the City of Elmira.

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

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy, Mark A Franchi, Nannette M Moss TOTAL: 6

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Tory Kitching TOTAL: 1

2022-367

Brent Stermer

Act on resolution approving a SESAC proper performing rights license authorizing the City to use the copyrighted music of SESAC represented songwriters, music publishers, and composers at an annual license fee of \$1,025.00.

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

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy, Mark A Franchi, Nannette M Moss TOTAL: 6

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Tory Kitching TOTAL: 1

2022-368

Nan Moss

Receive communication from the City Manager and act on resolution authorizing the Mayor to execute an agreement between the Town of Baldwin and the City under which the City will enforce provisions of Article 7 of the Agriculture and Markets Law and provide housing for Town dogs brought to the City for the calendar year 2023, which the Town will pay the City \$2,750.00 by monthly payments of \$229.16; said agreement subject to Corporation Counsel approval.

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

AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy, Mark A Franchi, Nannette M Moss TOTAL: 6

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Tory Kitching TOTAL: 1

2022-369

Brent Stermer

Receive communication from the City Manager and act on resolution authorizing the Mayor to execute an agreement with Dewittsburgh Housing Development Fund Corporation whereby the City shall provide additional police services at Heritage Park in consideration for the payment from Dewittsburgh of \$154,500.00 commencing

January 1, 2023 and expiring December 31, 2023; said agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Brent Stermer, Joseph H Duffy, Mark A Franchi TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: Nannette M Moss TOTAL: 1
ABSENT: Tory Kitching TOTAL: 1

2022-370
Tory Kitching

Receive communication from the City Manager and act on resolution authorizing the Mayor to execute an agreement with Chemung County whereby the City shall provide services to the County operating Youth Court and a full-time Fraud Investigator for Chemung County Department of Social Services not to exceed the consideration to the City of \$216,723.00 effective January 1, 2023 through December 31, 2023; 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, Mark A Franchi, Nannette M Moss TOTAL: 6
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Tory Kitching TOTAL: 1
Sponsored By: Mayor Mandell - CM Kitching Absent

2022-371
Joseph Duffy

Receive communication from the City Manager and act on resolution reporting the overtime for the Elmira Fire Department for pay periods 18, 19, and 20 of 2022 in the amount of \$32,107.35.

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

2022-372
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, Mark A Franchi, Nannette M Moss TOTAL: 6

NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Tory Kitching TOTAL: 1

2022-373
Tory Kitching

**Act on Anti Displacement Learning Network Grant
Program Audit.**

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

2022-374
Mayor Mandell

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

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

2022-375
Brent Stermer

**Act on American Rescue Plan Commercial Property
Rehab Program.**

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

2022-376
Nan Moss

**Act on American Rescue Plan Lost Revenue Used Car
Audit.**

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

2022-377
Nick Grasso

Act on Audit.

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

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

2022-378

Mayor Mandell

Act on resolution to adjourn.

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