

Elmira City Council

Meeting Minutes

RE: AGENDA, ELMIRA CITY

Monday, November 21, 2022 – 5:30 PM

COUNCIL MEETING

2022-379

Joseph Duffy

Act on resolution dispensing with the minutes of the Regular Meeting held on Monday, November 7, 2022.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3
Sponsored By: Deputy Mayor Duffy

2022-380

Brent Stermer

Receive communication from the City Manager and act on resolution announcing the Personnel Actions for the City of Elmira whereby Suzanne Rundell elected to retire from her position as Grant Administrator, effective November 1, 2022; Molly S. Clune, Horseheads, NY, was appointed to the position of Grant Administrator, effective November 14, 2022, at an annual salary of \$51,385; and Chase J. Hartke, Horseheads, NY, was appointed to the position of Public Works Specialist I, effective November 14, 2022, at an hourly rate of \$17.61, and placing same on file.

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-381

Council as a Whole

Act on resolution extending appreciation to Suzanne Rundell for her services rendered to the City of Elmira as a Grant Administrator. for the past 10 years and wish her well in her future.

MOTION: Approve SPONSORED BY: Council As A Whole VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M

Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-382
Brent Stermer

Resolution authorizing the Mayor to execute Community Development Block Grant Subrecipient Agreements for the CARES ACT

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-383
Joseph Duffy

Act on resolution scheduling a public hearing on proposed Local Law No. 5 of 2022 entitled "A Local Law of the City of Elmira, New York, to Override the Tax Levy Limit Established in General Municipal Law Section 3-c" to hear public comments on Monday, December 5, 2022 at 5:30 p.m. in Council Chambers, Second Floor, 317 E. Church Street, Elmira, NY.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3
Sponsored By: Deputy Mayor Duffy

2022-384
Nan Moss

Receive communication from the City Manager and act on resolution approving the purchase of three 2024 or later Freightliner 108SD Single Axle Cab and Chassis trucks using ARP funds for two trucks and one truck paid from previously approved City's 2022 Capital Budget and authorizing the Mayor to sign any and all required documents to effect these purchases.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3
Placed On Consent

2022-385

Joseph Duffy

Receive communication from the City Manager and act on resolution approving the purchase of a Volvo L20HS Loader utilizing Chemung County's cooperative contract with Sourcewell, approving the purchase of equipment from Postler & Jaeckle to be funded by ARP funds and authorizing the Mayor to sign all required documents to effect the purchase of the equipment.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

Sponsored By: Deputy Mayor Duffy

Placed On Consent

2022-386

Brent Stermer

Act on resolution referring the proposed closing of Brownlow Lane to the City Planning Commission for its recommendation.

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-387

Joseph Duffy

Act on resolution for the first reading of proposed Local Law No. 5 of 2022 entitled "A Local Law of the City of Elmira, New York, to Override the Tax Levy Limit Established in General Municipal Law Section 3-c".

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

Sponsored By: Deputy Mayor Duffy

2022-388

Tory Kitching

Act on resolution approving a five-year Intermunicipal Agreement (January 1, 2023 through December 31, 2027) between Chemung County, City of Elmira, Town of Elmira, Town of Horseheads, Town of Elmira Heights and Chemung County Sewer and Water District, copy of which is attached hereto and made a part hereof, regarding

maintenance of Old Chemung Canal whereby each municipality annually will allocate funds not to exceed \$2,000.00 and authorizing the Mayor the execute the Intermunicipal Agreement; said agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Tory Kitching VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3
Placed On Consent

2022-389
Joseph Duffy

Receive communication from the City Manager and act on resolution approving the Memorandum of Understanding (MOU) between the City and Civil Service Employees Association, Inc., Local 1000, for the City of Elmira CSEA Unit #6531 setting forth and agreeing upon a set of changes and/or amendments to the existing Collective Bargaining Agreement, which expires December 31, 2022, a copy of said MOU is attached hereto and made a part hereof and authorizing the Mayor to execute the MOU.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3
Sponsored By: Deputy Mayor Duffy

2022-390
Brent Stermer

Act on resolution approving a Memorandum of Agreement (MOA) between the City and Chemung County wherein City employees and retirees participate in Chemung County's Employee Health Benefit Program effective January 1, 2023, a copy of which is attached hereto and made a part hereof, and authorizing the Mayor to execute the MOA; said MOA subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0

ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-391

Joseph Duffy

Receive communication from the City Manager and act on resolution approving an Intermunicipal Agreement between the Town of Erin and the City of Elmira whereby the City's Animal Control Department will provide enforcement of Article 7 of the Agriculture and Markets Law services and sheltering services for the calendar year 2023 in consideration of the Town paying the City the annual sum \$4,300.00 and authorizing the Mayor to execute the Agreement; said Agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

Sponsored By: Deputy Mayor Duffy

Placed On Consent

2022-392

Joseph Duffy

Receive communication from the City Manager and act on resolution authorizing the Mayor to enter into a Professional Services Contract between the City and Marc Immerman, MD to provide medical consultation services to the Elmira Fire Department and its Emergency Medical Services Program commencing January 1, 2023 through December 31, 2023 for a fee of \$4,000; said contract subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4

NAYS: TOTAL: 0

ABSTAIN: TOTAL: 0

ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

Sponsored By: Deputy Mayor Duffy

Placed On Consent

2022-393

Nan Moss

Receive communication from the City Manager and act on resolution authorizing the Mayor to enter into a Professional Services Contract between the City and Marc Immerman, MD as a Medical Services Director for the Elmira Police Department's SWAT Team commencing January 1, 2023 through December 31, 2023 for a fee of

\$1,500; said contract subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3
Placed On Consent

2022-394
Brent Stermer

Receive communication from the City Manager and act on resolution accepting Elmira Police Department's DNA testing and analysis grant from Season of Justice approved specifically in the case of Mary Simpson not to exceed the amount of \$4,248.00 to be paid directly to Othram and authorizing the Mayor to sign the attached General Grant Terms, Conditions and Understandings; said agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-395
Nan Moss

Act on resolution approving the Eleventh Amendment commencing January 1, 2023 through December 31, 2024 to the Sales Tax Distribution Agreement dated November 3, 1999 between the City and Chemung County, which Amendment is attached hereto and made a part hereof and authorizing the Mayor to execute said Amendment to the Agreement.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-396
Joseph Duffy

Act on Lead Hazard Reduction Grant Program Audit.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M

Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3
Sponsored By: Deputy Mayor Duffy

2022-397
Brent Stermer

Act on Downtown Revitalization Initiative Program Audit.

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M
Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-398
Nan Moss

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

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M
Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-399
Tory Kitching

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

MOTION: Approve SPONSORED BY: Tory Kitching VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M
Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-400
Tory Kitching

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

MOTION: Approve SPONSORED BY: Tory Kitching VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M
Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-401
Brent Stermer

Act on American Rescue Plan Lost Revenue.

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M
Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-402
Brent Stermer

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

MOTION: Approve SPONSORED BY: Brent Stermer VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M
Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-403
Nan Moss

Act on Audit.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M
Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3

2022-404
Tory Kitching

Act on resolution to adjourn.

MOTION: Approve SPONSORED BY: Tory Kitching VOTE: 4- 0
AYES: Brent Stermer, Joseph H Duffy, Tory Kitching, Nannette M
Moss TOTAL: 4
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Daniel Mandell, Nick Grasso, Mark A Franchi TOTAL: 3