

Elmira City Council

Meeting Minutes

RE: AGENDA, ELMIRA CITY

Monday, December 18, 2023 – 5:30 PM

COUNCIL MEETING

2023-392

Mayor Mandell

Act on resolution dispensing with the minutes of the Regular Meeting held on Monday, December 4, 2023.

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-393

Mayor Mandell

Receive communication from the City Manager and act on resolution receiving and placing on file the Personnel Action for the City of Elmira, whereby Peter J. Clearwater, has been appointed to the position of Public Works Specialist I, effective December 4, 2023, at an hourly rate of \$18.14.

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-394

Mayor Mandell

Resolution Authorizing the Mayor to Execute Community Development Block Grant Subrecipient Agreement for the CARES ACT

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-395

Joseph Duffy

Receive communication from the City Manager and act on resolution authorizing the issuance of a City credit card to

the City Manager, City Chamberlain, and the Police Chief with maximum credit limits of \$5,000.00 for each card and further authorizing the City Manager to issue City credit cards to such other City employees in need of such a card to be used solely in furtherance of City business, with maximum credit limits of \$5,000.00 for each card; said authorization to the City Manager expires December 31, 2025.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 4- 1
AYES: Daniel Mandell, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: Nick Grasso TOTAL: 1
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-396
Joseph Duffy

Receive communication from the City Manager and act on resolution accepting the generous donation of \$24,000.00 raised at a fundraiser benefit for the Elmira Animal Shelter, authorizing the City Chamberlain to accept the donation which funds are to be used for making improvements to the City's Animal Shelter, and the City Council expressing its sincere gratitude to the many local sponsors, volunteers, and attendees of the fundraiser benefit.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-397
Joseph Duffy

Receive communication from the City Manager and act on resolution acknowledging the Council's receipt of written procedures to be followed by City Chamberlain's office with respect to cash receipts and cash flow, a copy of which is attached hereto.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 4- 1
AYES: Daniel Mandell, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: Nick Grasso TOTAL: 1
ABSTAIN: Mark A Franchi TOTAL: 1
ABSENT: Corey Cooke TOTAL: 1

2023-398

Act on resolution adopting Local Law No. 2 of 2023 to

Mayor Mandell

**override the tax levy limit established in General
Municipal Law Section 3-c.**

MOTION: Deny SPONSORED BY: Daniel Mandell VOTE: 4- 1
AYES: Daniel Mandell, Joseph H Duffy, Tory Kitching, Nannette M
Moss TOTAL: 4
NAYS: Nick Grasso TOTAL: 1
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

**NOTE: RESOLUTION FAILED – PER CORPORATION
COUNSEL JOHN RYAN RESOLUTION NEEDED 60%
COUNCILMEMBERS VOTES (WHICH WOULD BE 5 AYES)
VOTES RECEIVED WERE 4 AYES AND 1 NAY.**

2023-399

Mayor Mandell

**Act on ordinance to amend Chapter 2, Article III, Sections
2-69, 2-73 and 2-74 of the Code of Ordinances of the City
of Elmira, as amended.**

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching,
Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-400

Nan Moss

**Receive communication from the City Manager and act on
resolution authorizing the Mayor to execute an agreement
with Marc Immerman, MD retaining him as Medical
Services Director for the Elmira Police Department
SWAT Team for the calendar year 2024 at an annual cost
of \$1,500.00; said Agreement subject to Corporation
Counsel approval.**

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching,
Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-401

Nan Moss

**Receive communication from the City Manager and act on
resolution authorizing the Mayor to a execute an
agreement with Marc Immerman, MD retaining him to
provide medical consultation services to the Elmira Fire
Department's Emergency Medical Services Program for**

the calendar 2024 at an annual cost of \$4,000.00; said agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching,
Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-402
Nan Moss

Act on resolution authorizing the Mayor to execute an agreement with Erway Ambulance, Inc. for the 2024 calendar year retaining Erway in consideration of \$1.00 to submit to third parties bills on behalf of the City of Elmira for certain emergency services rendered by the City of Elmira and expressing its sincere thanks and appreciation to Erway for its thoughtful assistance.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching,
Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-403
Mayor Mandell

Receive communication from the City Manager and act on resolution authorizing the Mayor to execute an agreement between the City and Chemung County whereby the City shall provide services to the County consisting of the operation of Youth Court and a full-time Fraud Investigator for the County Department of Social Services for the total cost to the County of \$229,711.00 to be paid to the City for the year 2024; said agreement subject to Corporation Counsel Approval.

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching,
Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-404
Joseph Duffy

Receive communication from the City Manager and act on resolution authorizing the Mayor to execute an agreement between the City and Chemung County whereby the City will provide to the County's Rabies Program animal handler and specimen services for the calendar year 2024

and the County will pay the City for these services the amount of \$5,000.00; said agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-405
Joseph Duffy

Receive communication from the City Manager and act on resolution authorizing and approving the extension of the City's contract with Gannett Satellite Information Network LLC dba Elmira Star-Gazette for the publication of acts of the Council required to be published for the calendar year 2024 under the same terms and conditions contained in the Agreement between the parties dated February 2, 2023 and authorizing the Mayor to sign an Addendum to the Agreement.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-406
Mayor Mandell

Receive communication from the City Manager and act on resolution authorizing the Mayor to execute an agreement with the Town of Elmira whereby the City's Animal Control Department will provide animal control services as needed to the Town at the annual cost of \$24,000.00 for the calendar year 2024, commencing January 1, 2024 through December 31, 2024; said agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

Placed On Consent

2023-407

Receive communication from the City Manager and act on

Nan Moss

resolution authorizing the Mayor to execute an agreement with the Town of Chemung whereby the City's Animal Control Department will provide animal control services as needed at a cost to the Town of \$10,506.00 for the calendar year 2024, commencing January 1, 2024 through December 31, 2024; said agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2
Placed On Consent

2023-408
Joseph Duffy

Receive communication from the City Manager and act on resolution authorizing the Mayor to execute an agreement with the Town of Baldwin whereby the City's Animal Control Department will provide additional animal control services enforcing Article 7 of the Agriculture and Markets Law at a cost to the Town of \$2,750.00 for the calendar year 2024, commencing January 1, 2024 through December 31, 2024; said agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2
Placed On Consent

2023-409
Mayor Mandell

Receive communication from the City Manager and act on resolution authorizing the Mayor to execute an agreement with the Town of Erin whereby the City's Animal Control Department will provide additional animal control services enforcing Article 7 of the Agriculture and Markets Law at a cost to the Town of \$4,300.00 for the calendar year 2024, commencing January 1, 2024 through December 31, 2024; said agreement subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching,

Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2
Placed On Consent

2023-410
Mayor Mandell

Receive communication from the City Manager and act on resolution approving the extension/renewal of the current Agreement between the City and Flock Group, Inc. under which Flock Group continues to provide Flock Safety/Security System at the current annual rate of \$2,500.00 per camera per year through 2028 and authorizing the Mayor the execute any and all documents to effect the extension/renewal; said documents subject to Corporation Counsel approval.

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 4- 1
AYES: Daniel Mandell, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 4
NAYS: Nick Grasso TOTAL: 1
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-411
Nan Moss

Act on Lead Hazard Reduction Grant Program Audit.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-412
Joseph Duffy

Act on Anti-Displacement Learning Network Program Audit.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching, Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-413
Mayor Mandell

Act on Community Development Block Grant Program Audit.

MOTION: Approve SPONSORED BY: Daniel Mandell VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching,

Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-414
Joseph Duffy

Act on Audit.

MOTION: Approve SPONSORED BY: Joseph H Duffy VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching,
Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2

2023-415
Nan Moss

Act on resolution to adjourn.

MOTION: Approve SPONSORED BY: Nannette M Moss VOTE: 5- 0
AYES: Daniel Mandell, Nick Grasso, Joseph H Duffy, Tory Kitching,
Nannette M Moss TOTAL: 5
NAYS: TOTAL: 0
ABSTAIN: TOTAL: 0
ABSENT: Corey Cooke, Mark A Franchi TOTAL: 2