

Town of Corning
Regular Board Meeting
February 20, 2018
7:00 PM

Supervisor Feehan called the meeting to order.

Roll call of members present:

Present
Councilman Stuart Sammis
Supervisor Kim Feehan
Councilman Mike Brenning
Councilwoman Jennifer Mullen

Absent
Councilman Dave Shafer

The Pledge of Allegiance was given.

Ms. Bailey

Councilwoman Mullen made the motion to hear Mrs. Mattie Bailey from Brown Hollow Road. Councilman Brenning seconded. All in favor. Motion carried. Mrs. Bailey had applied to the Planning Board to do some work around her home and it was discovered that the final paper work was not completed at the time of the build. A final Elevation Certificate was required. The cost of the elevation certificate is currently \$500.00, for which Mrs. Bailey is asking that the Town pay half of, since the prior Code Enforcement Officer did not follow up with the required paperwork. Councilwoman Mullen made the motion to approve paying half of the cost of the elevation certificate. Councilman Sammis seconded. All in favor, motion carried.

Ms. Lott

The motion to approve hearing Ms. Lott was made by Councilman Sammis and seconded by Councilwoman Mullen. All were in favor. Motion carried. Mrs. Lott explained the situation with Mr. Bly on the adjoining property. She reminded the Board members of the stipulations they placed on him. She told them that she and her husband are growing tired of waiting while Jeff Bly is still removing trees and excavating in the barrier area. She also has recently found out that he has applied for a permit to place a chain link fence around his property, but told the Board he couldn't afford to replace the trees he removed. The Lott's have also asked the Ethics Board to recommend Mr. Dale Bly be removed from the Planning Board because of the conflict of interest regarding his son.

January 2018 Town Clerk Report

The motion to approve the Town Clerk's January Report was made by Councilman Brenning and seconded by Councilwoman Mullen. All in favor, motion carried.

February Abstract

Councilwoman Mullen made the motion to approve the February 2018 Abstract. Councilman Sammis seconded. All in favor. Motion carried.

January Building & Grounds

The motion to approve the January Building & Grounds report was made by Councilwoman Mullen and seconded by Councilman Brenning. All in favor, motion carried.

January Highway Report

The motion to approve the January Highway report was made by Councilman Brenning and seconded by Councilwoman Mullen. All in favor. Motion carried.

BAR Appointment

Councilman Sammis made the motion to approve the re-appointment of Mr. Warren Radke to the Board of Assessment Review for a five-year term. Councilman Brenning seconded the motion. All were in favor, motion carried.

Highway Superintendent Training

The motion to approve Superintendent DeWert training cost not to exceed \$400.00 was made by Councilwoman Mullen. Councilman Brenning seconded. All in favor, motion carried. He will be attending Highway Advocacy Day at the NYS Legislature in March.

C. W. Fink Quote

Councilwoman Mullen made the motion authorizing Supervisor Feehan as signatory for the Highway Barn repair quote in the amount of \$8,580.00. Councilman Sammis seconded. All in favor. Carried.

Building Permits

Councilman Sammis made the motion to approve the Building Permits report for January. Councilman Brenning seconded. All were in favor, motion carried.

Assessor's Report

The motion to approve the January 2018 Assessor's report was made by Councilwoman Mullen and seconded by Councilman Sammis. All in favor. Carried.

EC Donation

The motion to approve depositing a donation to East Corning Fire Department was made by Councilman Brenning and seconded by Councilman Sammis. All in favor, motion carried. The donation was made anonymously by someone who had used water from a hydrant.

Court Audit

Councilwoman Mullen made the motion to approve the Court audit done by Richard McNeilly. Councilman Sammis seconded. All in favor. Motion carried.

Fund Transfer

Councilwoman Mullen made a motion to approve transferring \$1050.00 from A9010.8 to A1320.4 for the audit payment. Councilman Brenning seconded. All in favor, motion carried.

Set Public Hearing

The motion setting a Public Hearing for March 20th, 2018, at 7:00 pm, regarding the amendment of the Comprehensive Plan was made by Councilman Brenning and seconded by Councilman Sammis. All in favor, motion carried.

Empire Access Franchise Agreement

Councilwoman Mullen made the motion to discuss the red line version of a franchise agreement with Empire Access. Councilman Sammis seconded. All in favor. Motion carried. In the agreement Empire has asked that they not pay the tax that Charter pays and instead put that money into their infrastructure. Councilman Sammis was concerned about losing that revenue, and would like to see both proposals to compare. Supervisor Feehan will forward the new proposal to Attorney Ryan. Councilman Sammis made the motion to table until the attorney has commented as to what further should be done. Councilwoman Mullen seconded. All in favor. Carried.

Court Grant Short Fall

Councilman Sammis made the motion to discuss the grant received by the court to update the recording systems and lighting for the parking lot. Since the building is a shared facility with a shared parking lot, the grant was denied for the lighting. Therefore, the grant will cover the update for the recorders of the security system, but the Town will have to pay for the lighting of the parking lot. Judge Rose has received a quote from CRC to update the recorders at a cost of \$7,500.00. It is the only quote received so far. Mr. Rose also discussed the need for another part time court clerk. The court is very busy and when the full-time clerk is out sick, the paperwork gets backed up. In the past Civil Service has denied three clerks in the court. The part time clerk refuses more hours and Judge Leonard doesn't want to force her to leave. Supervisor Feehan will talk to the County to see if there is a way to rectify the situation. Councilwoman Mullen made a motion to approve the grant in the amount of \$9,800.00 for updating the security system.

Ethics Board Recommendations

The motion to approve the recommendations made by the Ethics Board at the January 16th meeting was made by Councilwoman Mullen and seconded by Councilman Brenning. All were in favor. Carried. The Ethics Board recommended that Mr. Bly receive both written and verbal warnings, as well as required ethics training.

Recuse/Abstain

Councilman Sammis made the motion approving the definitions of abstention and recusal. Councilman Brenning seconded. All in favor. Motion carried. Recusal shall mean that when an appearance of

impropriety arises the person should leave the area where a discussion is taking place, and not returning until the matter is concluded. Abstention shall mean that in order to quell the appearance of impropriety the person should refrain from speaking about or voting on a particular item, but can remain to hear all discussion on the matter at hand.

Year-end Transfers

Councilman Brenning made the motion to approve the transfers listed separately. Councilwoman Mullen seconded. All were in favor. Motion carried.

Website Fix

The motion to approve Councilwoman Mullen and her husband fixing the document issue with the Town's website was made by Councilman Brenning and seconded by Councilman Sammis. All in favor. Motion carried. A second motion authorizing Jenn Mullen to manage the Facebook account for the Town was made by Councilman Brenning and seconded by Councilman Sammis. Again, all in favor, motion carried.

Resolution #2

The motion authorizing the Supervisor to pay Steuben County Finance the amount of \$21,841.12 for the GMM Hickling Certiorari was made by Councilwoman Mullen and seconded by Councilman Sammis. Councilman Brenning was not in agreement. Motion carried.

Resolution #3

Councilwoman Mullen made the motion approving the end of Code Enforcer Chuck Coons' probationary period. Councilman Brenning seconded. All in favor. Motion carried.

Attorney Resignation

Councilman Sammis reluctantly made the motion to accept the resignation of Attorney Christopher Ferratella. Councilwoman Mullen seconded. All in Favor. Motion carried.

New Attorney

The motion to approving the engagement of Attorney John Ryan as the Attorney to represent the Town was made by Councilman Brenning and seconded by Councilwoman Mullen. All in favor, motion carried. Mr. Ryan may have a conflict with the scheduled meeting night, so he will make arrangements when it is necessary he attend a Board Meeting. Councilman Brenning made the motion approving Attorney Denice Hamm for some of the issues that arise. Councilman Sammis seconded. All in favor. Motion carried.

Item # 29 tabled.

Petty Change/ Petty Cash

The motion to change the name of the petty change funds back to petty cash funds was made by Councilwoman Mullen and seconded by Councilman Sammis. All in favor, motion carried.

60 Day Review for Zoning Ordinance Changes

Councilwoman Mullen made the motion to authorize a 60 day review period for the changes to Town's Zoning Ordinances. Councilman Brenning seconded. All in favor. Motion carried. All comments and notations should be directed to Chuck Coons, Code Enforcer.

Planning Board Lead Agency

The motion to approve the Planning Board as Lead Agency for the Guthrie Hospital site was made by Councilwoman Mullen and seconded by Councilman Brenning. All in favor, motion carried.

Town Clerk Audit

The motion to approve the Audit of the Town Clerk's office was made by Councilwoman Mullen and seconded by Councilman Brenning. All in favor, motion carried.

Dewey Estate Land Sale

The motion approving the discussion of the land owned by the Dewey Estate was made by Councilman Brenning and seconded by Councilman Sammis. All in favor. Motion carried. The family of Mr. Dewey wants to close the estate and would like to sell the property instead of waiting the three years for the tax sale. They are accepting \$500.00 to cover the legal fees for the property.

Approve Land Sale

Councilman Brenning made the motion to approve the purchase price of \$500.00 for the .20 acres of land on Cowan Ave owned by the Keith Dewey Estate. Councilman Sammis seconded. All in favor, motion carried.

Gibson Bridge Lighting

Discussion as Follows:

Supervisor Feehan explained the need for removal of the Gibson bridge light poles that were a hazard as determined by New York State DOT. After the poles were removed the Town was still being charged for electricity to those poles. She contacted the City of Corning to find out about their electric usage for their poles on the bridge and was told they never have paid for the electricity lighting those poles. Supervisor Feehan then contacted NYSEG for a refund, not only for the newly removed pole charges, but also for the fees paid to light the entire bridge for the past 30 years. NYSEG produced a formula for the charges and will only reimburse the Town for the past 5 months, as they believe the Town was not charged for the entire bridge lighting since 1987.

Visitor's Comments

Joe Giardina asked when the bridge will be re-lit. Supervisor Feehan explained that is up to NYSEG, but is looking into lighting the rail in the future.

Adjourn

The motion to adjourn at 8:10 PM was made by Councilman Brenning and seconded by Councilwoman Mullen. All in favor, motion carried.

These minutes respectfully submitted by:

Susan Edwards