

Town of Corning  
Regular Board Meeting  
October 16, 2018  
7:00 PM

Supervisor Feehan called the meeting to order.

Roll call of members present:

Councilwoman Jen Mullen  
Councilman Mike Brenning  
Supervisor Kim Feehan  
Councilman Dave Shafer  
Councilman Stuart Sammis

Others Present:

County Legislator Scott VanEtten  
Water Superintendent Ken Fields  
Engineer Jody Allen  
Various other members of the community

The Pledge of Allegiance was given.

Supervisor Feehan began the meeting by expressing sympathy for the family of Pam Bennett, who served many years as a member of the Planning Board as well as a Fire Commissioner for the Gibson Fire Department.

**Public Hearing for Local Law #1**

The motion to enter a Public Hearing regarding Local Law #1 of 2018, to over ride the 2019 budget was made by Councilwoman Mullen and seconded by Councilman Sammis. All in favor, motion carried. In 2011 the State Legislature enacted the 2% tax cap. Every year that goes by that the Town does not over-ride it continues to hamper the budgeting process by causing the next year's cap to be reduced. This year is no exception, since the Board opted to not over-ride the 2018 budget there is no other choice this year but to so. Councilman Brenning made the motion to leave the Public Hearing and enter regular session. Councilwoman Mullen seconded. All were in favor. The motion was carried.

**Allen Engineering Water Discussion**

On a motion made by Councilman Brenning and seconded by Councilman Sammis the discussion with Engineer Allen was approved. All in favor. Carried. The plan that was received from Ms. Allen was mainly to find an alternative water connection for the Pinewood residents. Since the Village of South Corning recently raised their water rates, the Town had to pass that increase on to the Pinewood residents. The Village is considering a capital improvement plan to improve quality and distribution. The cost of these improvements will be added on to the Town's cost and cause another increase which will also have to be passed on to the Pinewood residents. Bookkeeper John Savash spoke with Ms. Allen about the anticipated cost for an alternative source directly hooking to the City of Corning. He stated

that if the cost exceeded \$250,00.00 it wouldn't be feasible. With the general information gathered, Ms. Allen suggests finding another alternative as the cost would most likely exceed that \$250,000.00 limit. Supervisor Feehan suggested selling the property that was purchased for the test well site years ago. Water Superintendent Fields asked that be a last resort in case the pump house located nearby needs to be replaced. Engineer Allen asked the Board if they have considered a well at that site. That may be a viable option to stay within the \$250,000.00 range for an alternative water solution for Pinewood. Supervisor Feehan asked her to also check for a possible connection to the Corning Manor well also, which would mean piping under the river.

#### **Powder House Site**

Councilwoman Mullen made a motion to approve the discussion with Mr. Arrison and Mr. Quattrini regarding the Town supporting a memorial plaque being placed near the site of the Historical Powder House and Quarry located on Powder House Road. Councilman Sammis seconded. All were in favor to listen to their presentation. The motion was carried. The original Powder House was a structure used to store explosives used in the nearby quarry. It was built in 1848 by the original owners of the Corning Building Company and was made of stone and either a flat or cone shaped roof. The stone from the quarry was Antrin Stone and was used to build many local landmarks. Many of the older Churches in the area, the Clock Tower, and the Elmira prison to name a few. The Spallone family owns the property now and is happy to have a memorial plaque on site. The cost of the plaque and pole is estimated at \$1,194.00.

#### **Powder House Plaque**

On a motion made by Councilman Sammis and seconded by Councilwoman Mullen it was approved to authorize the Supervisor to get an official quote from Catskill Casting. All in favor, motion carried. This will be on the November agenda for final approval.

#### **Local Law #2**

Councilwoman Mullen made a motion to approve discussion regarding Local Law #2 of 2018 which is the update for the Ethics Law of 2016 and to review the MOU from Attorney John Ryan. Councilman Brenning seconded, all were in favor. The motion was carried. Attorney Ryan sent the corrections and additions to the Board for their approval. The changes consisted of the violation portion, the elimination of a Board member or employee to sit on the Ethics Board and some grammatical corrections as well. Councilman Shafer believes that there should be a non-voting member of the Council or employee on the Ethics Board. Hope Johnson, the Ethics Chair, shared an advisory opinion from the attorney general stating that it is recommended to not have an employee or Council person on the Ethics Board as it sways the business at hand. Councilwoman Mullen agrees with Mr. Shafer, as does Mr. Brenning.

#### **Ethics Law Changes**

The motion to approve the recommended changes to Ethics law was made by Councilman Brenning and seconded by Councilman Sammis. All in favor. Motion carried. Councilwoman Mullen made a subsequent motion to have Attorney Ryan opine on the following item of the Ethics Law. The issue of an employee or a councilperson to be a non-voting member of the ethics board as a liaison. Councilman Brenning seconded. All in favor. Carried.

### **Village/Town Boards**

Councilman Shafer made a motion to require all applicants interested in serving on any Board to be vetted first by the Ethics Board. Councilman Brenning seconded. Councilman Sammis was not in favor of this procedure, Councilmen Shafer and Brenning, Councilwoman Mullen and Supervisor Feehan were in favor. Motion carried. Supervisor Feehan explained that she cannot legally pay a Village resident to serve on a Town Board as the Village has their own boards. She stated that being the Chief fiscal officer she is not willing to expend funds illegally. Those Village residents wishing to serve on a Town Planning or Zoning Board would have to do so as a volunteer. On a secondary motion made by Councilwoman Mullen and seconded by Councilman Brenning, those wishing to serve on any of the Town's boards can express an interest by using a link to be added to the web site. Councilwoman Mullen will also add disclosure forms to that link as well. All in favor, motion carried.

### **5 or 7 Member Board**

The motion to discuss the Planning Board's decision to have a five-member board instead of seven was made by Councilwoman Mullen and seconded by Councilman Brenning. Councilman Sammis feels strongly that it should remain at seven members and was not in favor. Councilmen Brenning and Shafer, Councilwoman Mullen and Supervisor Feehan were in favor, motion carried.

### **E-Code Review**

On a motion made by Councilman Shafer, the discussion regarding the Table of Contents of the E-Code proposal was approved. The motion was seconded by Councilwoman Mullen. All were in favor. The motion was carried. All local laws will be up-dated and the Board will have a chance to review all before sent for final copy.

### **E Code Changes**

Councilwoman Mullen made a motion to approve the following changes to the Local Laws for the E-Code last review. Councilman Sammis seconded. All in favor, motion carried.

### **Web Site/ Face Book Discussion**

The motion to discuss the status of the Town's Facebook site and web site was made by Councilman Shafer and seconded by Councilwoman Mullen. All in favor. The motion was carried. Councilwoman Mullen is the administrator for each of those accounts and has had some personal issues of late and has not had time to update as she once did. She explained that things are balancing out now and she will get to it as soon as she can.

### **Garbage and Brush**

On a motion made by Councilman Brenning and seconded by Councilwoman Mullen it was approved to discuss the status of the garbage and brush issue brought to the Board originally by Councilwoman Mullen. Councilman Brenning seconded. All in favor to discuss. Motion carried. Ms. Mullen explained she was naïve about the expense when she talked of possible town-wide garbage pickup. She still is pursuing the possibility of brush pick up twice a year. Supervisor Feehan suggested possible DEC grants or shared service agreements to cut costs.

### **Community Gardens Update**

Councilman Sammis made the motion to discuss the Community Garden season. Councilwoman Mullen seconded. All were in favor, motion carried. There were more beds added this last summer here at the Town, as well as 10 beds added at the Food Pantry. Mr. Sammis believes it was a very successful season. He wished to thank Councilwoman Mullen for doing the finances for the Gardens. They are looking forward to next year.

### **New Shared Service Contract**

Councilwoman Mullen made the motion to authorize Supervisor Feehan to begin a shared services contract process With Steuben County Soil and Water. Councilman Brenning seconded. All in favor. The motion was carried. By adding a two-dollar fee for each resident within the Town of Corning to assist in funding a Stream Bank Stabilization account that would mirror the current shared service program in Steuben and Chemung County. This account would be used for maintaining and repairing streams and drainage areas like the ones that wreaked havoc this past summer due to all the rain. The money in the budget line should specifically to be paid to Steuben Soil and Water. Since this is a canal and was not built for drainage it is fairly flat. Many of the residents push their brush into the creek/canal, therefore, adding to the issue. It was approved at a prior meeting that the County will begin cleaning the creek leading to the canal as soon as the ground is firm enough. Mr. Muccigrosso was pleased to hear this but still has concerns about cleaning the culvert under the bridge on Goff Road. He would like to have it done twice a year. Supervisor Feehan will see if she can set up a meeting with the Highway Superintendent and the Muccigrosso's and Mr. Huff and herself to discuss the current procedures already in use by the highway department at this site.

### **Meeting Procedure Policy**

On a motion made by Councilman Shafer and seconded by Councilman Sammis the discussion regarding the Meeting Procedure Policy. All in favor, carried. It was agreed that each Board has a different process. Councilman Shafer believes it should be up to the individual boards to set their own procedure and create their own policy. He, along with Councilwoman Mullen, would like each board to make it a policy to allow visitor's comments. Councilwoman Mullen made a secondary motion to request each board (BAR, Zoning, Planning, and Ethics) draft a meeting procedure policy to be adopted at the organizational meeting in January. Councilman Sammis seconded. All were in favor, the motion was carried.

### **Building Sale**

The motion approving the discussion regarding the sale of the Gonta property located next door was made by Councilwoman Mullen and seconded by Councilman Sammis. All in favor to discuss. Motion carried. Supervisor Feehan explained that during the walk through they observed the need for a new roof, a heating system, some asbestos removal, and some cosmetic improvements. There are many things the building could be used for, but without having a particular use in mind the Councilmembers feel it would be best to pass on the purchase of it.

**Employee Handbook Re-Visited**

Councilwoman Mullen made the motion to discuss the status of the employee handbook. Councilman Shafer seconded. All in favor, motion carried. Supervisor Feehan explained there has been an additional state mandated sexual harassment policy that may need to be added. She has checked with NYMR, they are recommending this policy be added even though it may not be FLSA compliant. The drug and alcohol policy decision, regarding testing at hire and upon suspicion, needs to be finalized as well. Will discuss more at next months meeting.

**Town Clerk Report**

On a motion made by Councilwoman Mullen and seconded by Councilman Sammis the Town Clerk's report for September was approved. All in favor, motion carried.

**Minute Approval**

The motion to approve the September 18<sup>th</sup> minutes was made by Councilwoman Mullen and seconded by Councilman Sammis. All in favor. The motion was carried.

**Abstract Approval**

Councilman Sammis made the motion to approve the September Abstract. Councilwoman Mullen seconded. All in favor, motion carried.

**Supervisor's Report**

The Supervisor's report for September was approved on a motion made by Councilwoman Mullen and seconded by Councilman Brenning. All in favor. Motion carried.

**Water Complaint**

The motion to approve discussion concerning a water customer on Forest Hill Drive that continues to have issues with their water bill was made by Councilwoman Mullen and seconded by Councilman Sammis. All in favor. The motion was carried. The history of the issue was explained by Supervisor Feehan. Water Superintendent Fields explained the latest developments and wanted the Board to hear the voice mails that were left on his phone. He isn't sure how to proceed in the future with this resident. He is hoping the Board will give him some direction. Councilman Sammis explained his take on the conversation he had with the resident. Councilman Brenning suggests in the future a Sherriff should accompany him if a house call is warranted. Councilwoman Mullen believes the callers are harassing Mr. Fields. In the future, any and all correspondence will go through Councilman Sammis, he can then forward the information on to the water department.

**Building & Grounds Report**

Councilwoman Mullen made the motion to approve the September Building & Grounds report. Councilman Sammis seconded. All were in favor. The motion was carried.

**Highway Report**

On a motion made by Councilwoman Mullen and seconded by Councilman Sammis the Highway Report for September was approved. All in favor. Carried.

**Code Report**

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

**Permits Report**

Councilwoman Mullen made the motion approving the Building Permits report with Councilman Sammis seconding. All in favor. The motion was carried.

**Visitor's Comments**

County Legislator Scott VanEtten was present to inform residents of a new law that has been in effect since June of this year. It was buried in a domestic violence law. It states that if a party with prior misdemeanors threatens a relative in any way and is found to be guilty, that party loses his or her right to own a firearm for the rest of his or her life.

A motion was made by Councilman Sammis and seconded by Councilwoman Mullen for Ken Fields to get 2 quotes for a recording system so future board meetings could be live streamed. All in favor. Motion carried.

Councilman Shafer made a motion for Councilwoman Mullen to open accounts for the Town of Corning on Instagram and twitter. Councilwoman Mullen seconded. All in favor, motion carried.

The motion to adjourn was made by Councilman Shafer and seconded by Councilman Sammis. All in favor. Motion carried.

Adjourn: 9:55PM

These minutes respectfully submitted by:

Susan Edwards  
Town Clerk