

At the regular meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday August 17, 2026 at 7:00pm at 1255 West Water Street, Elmira, NY, there were present:

Supervisor	Ann Gerould
Deputy Supervisor	Scott Bush
Councilmember	Thomas Milliken
Councilmember	Albert Lucarelli
Councilmember	John Levalley

Others present

Town Clerk- Tammy Stein
Community Center Director- Patty Carozza
Highway Superintendent- Matt Mustico
Police Chief- Bob Richards
Code Enforcement Officer- Eric Crandall

Absent

Attorney- Scott Moore

Supervisor Gerould called the regular meeting to order at 7:00pm and lead attendees in the Pledge of Allegiance

Public Hearing

At 7:01 P.M. Town Supervisor read proof of publication of notice of August 3, 2026 of notice of public hearing to consider Local Law 1-2026, E-Bike/ Scooters. The hearing was declared open and anyone wishing to present written or oral comments in favor was invited to do so. When no one wished to speak in favor of Local Law 1-2026, E-Bikes/ Scooters, those wishing to speak in opposition were invited to do so. When no one wished to speak in opposition of the Local Law 1-2026, E-Bikes/ Scooters the hearing was declared closed at 7:05 P.M.

Resolution #115-26

Minutes

By Mr. Bush

Seconded by Mr. Lucarelli

Motion was made to approve the minutes of July 20, 2026 regular.

Aye- Gerould, Levalley, Milliken, Bush, Lucarelli

No- None

Resolution #116-26

Audit of Bills

By Mr. Bush

Seconded by Mr. Lucarelli

Resolved that all claims in the total amount of \$141,996.93 were audited and approved for payment when in funds.

Early Audit

General Fund	16,013.68
General Fund (outside village)	2,222.72

Highway Fund	1,006.85
Traffic Fund	10,601.87
Park Fund	<u>11,911.25</u>
	41,756.37
<u>Regular Audit</u>	
General Fund	57,079.46
General Fund (outside Village)	626.67
Highway Fund	26,470.74
Light District 1	5,960.89
Light District 2	60.89
Light District 3	130.89
Light District 4	44.89
Light District 5	16.89
Traffic Fund	1,825.07
Park District	7,624.17
Trust & Agency	<u>400.00</u>
	100,240.56

Aye-Gerould, Levalley, Milliken, Bush, Lucarelli

No- None

Resolution #117-26

Financial Report

By Mr. Milliken

Seconded by Mr. LeValley

Supervisor Gerould reviewed the Town's financial position as of July 31, 2026 and stated we are in a good financial position. The July 2026 bank statements and year-to-date financial reports were provided to the board. Motion was made to accept the Supervisor's report for July 2026.

Aye-Gerould, Levalley, Milliken, Bush, Lucarelli

No- None

Communications

CC Sheriffs

RE: July 2026 statistics

City Animal Control

RE: July 2026 Report

Department Reports

Code Enforcement Officer- Eric Crandall stated that July was a busy month. He issued several tall grass violations. Eric spoke about the addition for the library.

Community Center Director- Patty Carozza spoke about the rentals for July and informed the board that the second River Friends camp is happening this week.

Highway Superintendent- Matt Mustico informed the board that he has been receiving salt at no cost and will continue to send trucks to get more. The department is working on trimming on East Hill to prepare for oil/ stone. The Sweeper is at Wilbri being looked at.

Police Chief- Robert Richards read his report regarding the calls, arrests, and other incidents for

July 2026. He stated an Officer has received taser certification and has certified others in the department. The department assisted outside agencies on 10 separate occasions.

Resolution #118-26

Appoint Patrick Mathews, Planning Board

By Mr. Bush

Seconded by Mr. Lucarelli

Motion was made to appoint Patrick Mathews as a Planning Board member at a rate of \$50.00 per attended meeting with a term expiring April 30, 2033.

Aye- Gerould, Levalley, Milliken, Bush, Lucarelli

No- None

Resolution #119-26

Set date and time for September Workshop

By Mr. Milliken

Seconded by Mr. LeValley

Motion was made to set September 14, 2026 at 7:00pm as the September workshop.

Aye- Gerould, Levalley, Milliken, Bush, Lucarelli

No- None

Resolution #120-26

Approve Local Law 1-2026, Regulating the Operation of Electric Bicycles (E-Bikes)

Electric Scooters (E-Scooters) and Establishing Safety and Helmet Requirements Within the Town of Elmira.

By Mr. Milliken

Seconded by Mr. Lucarelli

Be it enacted by the Town Board of the Town of Elmira as follows:

Section 1. Title and Purpose

This chapter shall be known as the "Town of Elmira Electric Bicycle and Scooter Safety and Regulation Law." Its purpose is to promote the public health, safety, and general welfare of the residents of the Town of Elmira by regulating the operation of electric assistive bicycles and scooters to minimize conflicts with pedestrians and motor vehicles.

Section 2. Definitions

As used in this law, the following terms shall have the meanings indicated:

- **Electric Bicycle (E-Bike):** A bicycle equipped with fully operable pedals and an electric motor of less than 750 watts (1 horsepower) that meets the criteria of Class 1, Class 2, or Class 3 electric bicycles as defined under New York State Vehicle and Traffic Law § 102-c.
- **Electric Scooter (E-Scooter):** Every type of device weighing less than 100 hundred pounds that has handlebars, a floorboard or a seat that could be stood or sat upon by the operator or has a board or foot rests on either side of a single wheel and an electric motor that can be powered by an electric motor and/or human power and which has a maximum speed of no more than 25 mph.

- **Town Park / Pirozzolo Park:** All parklands, fields, parking lots, and recreational areas encompassing Pirozzolo Park, located off West Water Street, owned or operated by the Town of Elmira.

Section 3. Helmet Requirements

To prevent severe head injuries and ensure operator safety, the following helmet mandates shall apply within the Town of Elmira:

1. **Under Age 18:** No person under the age of 18 shall operate or ride as a passenger on any E-Bike or E-Scooter unless such person is wearing a helmet meeting the standards of the Consumer Product Safety Commission (CPSC).
2. **Class 3 Operators:** All operators of Class 3 E-Bike (maximum speed of 25 mph) must wear an approved helmet regardless of age.
3. **Commercial Operators:** Any individual operating an E-Bike for commercial delivery or gig-economy purposes within town limits must wear an approved helmet at all times.

Section 4. Prohibited Zones and Sidewalk Operations

1. **Sidewalk Prohibition:** No person shall operate an E-Bike or E-Scooter upon any public sidewalk, pedestrian walkway, or unpaved public easement intended solely for pedestrian traffic within the Town.
2. **Crosswalk Dismount:** Operators must dismount and walk their E-Bike and E-Scooter when crossing any public roadway via a designated pedestrian crosswalk.

Section 5. Regulations Specific to Pirozzolo Park

The operation of E-Bikes and E-Scooters within Pirozzolo Park is strictly limited to protect pedestrians, children, and wildlife:

1. **Permitted Areas:** E-Bikes and E-Scooters may only be operated on paved interior park roads and designated asphalt parking lots.
2. **Strict Path Prohibitions:** E-Bikes and E-Scooters are strictly prohibited on all grass fields, athletic courts, pavilions, playgrounds, and unpaved walking trails within Pirozzolo Park.
3. **Park Speed Limit:** No person shall operate an E-Bike E-Scooter at a speed greater than **10 miles per hour** anywhere inside the boundaries of Pirozzolo Park.
4. **Yield to Pedestrians:** E-Bike and E-Scooter operators within Pirozzolo Park must yield the right-of-way to pedestrians at all times and must give an audible warning (bell or horn) before overtaking any pedestrian from behind.

Section 6. Enforcement and Penalties

1. **Enforcement:** These provisions shall be enforced by the Town of Elmira Police Department or any other law enforcement agency having jurisdiction within the Town of Elmira.
2. **Penalties:** Any person violating any provision shall, upon conviction, be guilty of a traffic infraction and if the person is under the age of 18, the parent may be cited. A violator is subject to the following:
 - o *First Offense:* A fine not to exceed \$50.00.
 - o *Second or Subsequent Offense (within 1 year):* A fine not to exceed \$250.00, and/or the temporary impoundment of the e-bike by law enforcement for a period not to exceed 30 days.

Section 7. Severability

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof.

Section 8. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State.

Aye- Gerould, Levalley, Milliken, Bush, Lucarelli

No- None

Resolution #121-26

Amend Resolution 108-26

By Mr. Levalley

Seconded by Mr. Lucarelli

Motion was made to amend resolution 108-26 as follows:

Motion was made to approve a Host Agreement with CP Elmira Two LLC, a Limited Liability Company, and

Resolved, with them making annual payments to the Town for a twenty-five (25) year period commencing on the date of the first Host Community Fee. The first annual payment shall be in the amount of \$2,500 multiplied by the Project capacity. Thereafter, the Host Community Fee shall escalate by three percent (3%) per year, and

Further Resolved, The Parties acknowledge and agree that the Project Capacity is anticipated to be 4.71 MW during the term of the Agreement, the anticipated Host Community Fees to be paid by the Company to the Town during the term of the Agreement, and

Further Resolved the full agreement is filed in the Clerk's Office

Aye- Gerould, Levalley, Milliken, Lucarelli

Recuse- Bush

Public Comments

Paul DiPietro, Glen Ave. spoke on behalf of the Tree Board requesting the Town Board put funds in the 2027 budget for tree planting. He also discussed a meeting held with a resident from Chapman Place.

Motion was made by Councilmember Bush at 7:33pm and seconded by Councilmember LeValley to adjourn the Town Board meeting. All in favor, Motion Carried

Tammy Stein, Town Clerk