

January 10, 2017

Regular Meeting

Minutes of a Regular Meeting of the Town Board of the Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue on January 10, 2017.

Members Present: Supervisor David Sheen, Council Members Glenn Gunderman, Daniel Hurley, Joseph Roman, Kathleen Szerszen

Others Present: Code Enforcement Officer Peter Rocchi, Highway Superintendent David Bachman, Cemetery Commission Secretary Jackie French, Community Development Specialist Nichola Ostrander, Town Clerk Carolyn Renko, Deputy Town Clerk Marianne Schrom

The meeting was called to order by Supervisor David Sheen at 7:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Kathleen Szerszen

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,361.97
Funds Turned to State & County Agencies	\$ 873.78
Fitzsimmons Lot Sales	<u>\$ 550.00</u>
	\$ 2,785.75

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 557.20
	Building Permit Values	\$ 81,700.00
	Operating Permit Fees	\$ 750.00
	Site Plan Fees	\$ 75.00
	Variance Fees	\$ 75.00

Justice Office

Elmira City Animal Control

Recreation/Aging/Youth Services

Residential Deputy

Council Member Gunderman made a motion, Council Member Szerszen seconded to accept the monthly reports as filed.

There was no Correspondence received.

The minutes from the December 13, 2016 Regular Meeting will be tabled until the February meeting.

Presentations were given by Kimberlee Balok Middaugh from Sayles & Evans and Leslie Mauro from Harter Secrest & Emery, LLP regarding an RFP for Legal Counsel for the Town of Southport.

Barton Graham from 1678 Pennsylvania Avenue questioned whether the RFP was reviewed by the Town Attorney.

RESOLUTION NO. 29-2017

ACCEPTING PROPOSALS OF SAYLES & EVANS AND HARTER SECREST & EMERY, LLP TO PROVIDE LEGAL COUNSEL TO THE TOWN OF SOUTHPORT

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Town Board has reviewed the Legal Services Proposals submitted by Sayles & Evans and Harter Secrest & Emery, LLP for providing legal services to the Town of Southport, and

WHEREAS, the Town Board wishes to engage law firms Sayles & Evans and Harter Secrest & Emery, LLP to provide legal services for the Town of Southport;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby appoints Sayles & Evans as General Counsel for the Town of Southport for the year 2017 pursuant to the terms set forth in the proposal dated November 29, 2016 and the Letter of Engagement dated January 10, 2017, and further hereby appoints Harter Secrest & Emery LLP as Special Counsel for the year 2017 pursuant the terms set forth in the proposal dated November 23, 2016 and the Letter of Engagement dated January 11, 2017, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to execute all documents and take any action necessary to effectuate the engagement of Sayles & Evans and Harter Secrest & Emery, LLP.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

Under Taxpayer's Comments, agenda and discussion items only, no one wished to speak.

RESOLUTION NO. 30-2017

APPROVING ABSTRACT OF GENERAL FUND CLAIMS #13, 2016

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Abstract of General Fund Claims #13, 2016, submitted by the Town Clerk for the month of December 2016, No. 786 through No. 823, not to exceed \$18,026.05, has been approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO.31-2017

APPROVING ABSTRACT OF GENERAL FUND CLAIMS #1, 2017

Resolution by: Roman
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims #1, 2017, submitted by the Town Clerk for the month of January 2017, No. 1 through No. 34, not to exceed \$93,461.16, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 32-2017

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS #13, 2016

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Abstract of Highway Fund Claims #13, 2016, submitted by the Town Clerk for the month of December 2016, No. 241 through No. 255, not to exceed \$10,471.54, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 33-2017

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS #1, 2017

Resolution by: Roman
Seconded by: Szerszen

RESOLVED, that the Abstract of Highway Fund Claims #1, 2017, submitted by the Town Clerk for the month of January 2017, No. 1 through No. 4, not to exceed #26,222.14, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 34-2017

AUTHORIZING SUPERVISOR TO MAKE TEMPORARY INVESTMENTS OF TOWN FUNDS DURING FISCAL YEAR 2017

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that pursuant to and in accordance with the provisions of Section 11 of the General Municipal Law, as amended, the Supervisor be and he hereby is directed to invest and reinvest accordingly therewith all such Town funds which are not needed for current use in the operation of Town Government, and be it further

RESOLVED, that the Supervisor shall cause a proper distribution to be made to the several Town accounts of the interest or income earned thereon and in proportion to such investments, and be it further

RESOLVED, that such time deposit account or certificate of deposit be secured by a pledge of obligations of the United States of America, or any obligation fully guaranteed or insured as to the interest and principal by the United States of America acting through an agency subdivision, department or division thereof, or obligations of the State of New York or obligations of any municipal corporation, school district, or district cooperation of the State of New York.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 35-2017

AUTHORIZING TOWN CLERK AND DEPUTY TOWN CLERKS TO ATTEND CHEMUNG/SCHUYLER COUNTY TOWN CLERK MEETINGS

Resolution by: Hurley
Seconded by: Roman

RESOLVED, that the Town Clerk and Deputy Town Clerks are hereby authorized to attend the Chemung/Schuyler Municipal Clerks Association Meetings during the year 2017 and that their expenses therefore shall be a proper Town charge.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 36-2017

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL EMERGENCY SERVICES, INC.

Resolution by: Szerszen
Seconded by: Gunderman

WHEREAS, the Town of Southport needs to have available to it resources for flood warning services, as well as hazardous chemical information resources, and

WHEREAS, Environmental Emergency Services, Inc. (EES) provides such services to various municipalities,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize a contract with EES at an annual cost for 2017 of NINE HUNDRED DOLLARS (\$900.00) to procure from that corporation flood warning services as well as resources which the Town can utilize in connection with Towns obtaining information regarding hazardous chemicals and materials, and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to enter into an agreement with Environmental Emergency Services, Inc., after receipt by the Town of Southport of a copy of the review, compilation or audit, or a copy of the current financial report of EES, such review, compilation, audit, or financial report to include a detailed statement as to the income and expenses, and be it further

RESOLVED, that the terms and conditions of this agreement be subject to the review and approval of the Attorney for the Town.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 37-2017

FIXING PAY FOR HIGHWAY EMPLOYEES PER CONTRACT

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the following rates of pay be established with majority acceptance of the Highway Contract for employees of the Highway Department for the year 2017 at the amount respectively stated, and that such salaries be payable at the times respectively specified as follows:

<u>Name</u>	<u>Position</u>	<u>Rate</u>	<u>Time</u>
Arthur Kerr	Garage Mechanic	\$ 27.23	Hourly
Andrew Rohr	Equipment Operator #2	\$ 25.88	Hourly
Aaron Smith	Equipment Operator #2	\$ 25.88	Hourly
Russell Tobey	Equipment Operator #1	\$ 25.16	Hourly
Richard Nickerson	Equipment Operator #1	\$ 25.16	Hourly
Joseph Nichols, Jr.	Equipment Operator #1	\$ 25.16	Hourly
Matthew Renko	Equipment Operator #1	\$ 25.16	Hourly
Chad Preston	Equipment Operator #1	\$ 23.71	Hourly
Anthony Tuffillaro	Equipment Operator #1	\$ 18.36	Hourly

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 38-2017

ACCEPTING THE 2017 HIGHWAY EMPLOYEE CONTRACT

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, this Town Board has met with the employees of the Highway Department of the Town of Southport and in doing so negotiated the terms of a public employee's contract for the employees of the Highway Department of the Town of Southport for the fiscal year 2017, and

WHEREAS, the members of this Town Board and a majority of the employees of the Highway Department of this Town have agreed upon the provisions to be contained in said employee's contract for such year,

NOW THEREFORE BE IT RESOLVED, that the Highway Employee's Contract containing the signatures of the members of this Town Board and the majority of the employees of the Highway Department of the Town of Southport be and the same hereby is ratified in each and every aspect as contained therein, and the same is referred to as if set forth at length in this resolution; such contract to be subject to the review and approval of the Attorney for the Town.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 39-2017

ACCEPTING THE 2017 SCHOOL TRAFFIC OFFICER'S CONTRACT

Resolution by: Szerszen
Seconded by: Roman

WHEREAS, this Town Board has met with the School Traffic Officers of the Town of Southport and in doing so negotiated the terms of a public employee's contract for the School Traffic Officers of the Town of Southport for the fiscal year 2017, and

WHEREAS, the member of this Town Board and a majority of the School Traffic Officers of this Town have agreed upon the provisions to be contained in said employee's contract for such year.

NOW THEREFORE BE IT RESOLVED, that the School Traffic Officers Contract containing the signatures of the members of this Town Board and the majority of the School Traffic Officers of the Town of Southport be and the same hereby is ratified in each and every aspect as contained therein, and the same is referred to as if set forth at length in this resolution; such contract to be subject to the review and approval of the Attorney for the Town.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 40-2017

INTERMUNICIPAL AGREEMENT FOR ASSESSOR SERVICES BETWEEN THE TOWN OF CHEMUNG AND THE TOWNS OF ASHLAND, BALDWIN, CATLIN, SOUTHPORT AND VAN ETEN

Resolution by: Szerszen
Seconded by: Hurley

WHEREAS, the Towns recognize the need to share services within Chemung County to more efficiently utilize the tax dollars of our residents, and

WHEREAS, the participating Towns are in need of Assessor services, and

WHEREAS, the Town of Chemung has in its employ personnel qualified in Assessor Services.

NOW THEREFORE BE IT RESOLVED, that the Town of Chemung and the Towns of Ashland, Baldwin, Catlin, Southport, and Van Etten will enter into an Intermunicipal Agreement for Assessor Services, effective January 1, 2017 through December 31, 2017.

RESOLVED, that the Assessor will be available to the participating Towns on an as needed basis as determined by each Town and the Assessor.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 41-2017

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH NICHOLA OSTRANDER FOR THE POSITION OF COMMUNITY DEVELOPMENT SPECIALIST

Resolution by: Roman
Seconded by: Szerszen

RESOLVED, that the Supervisor of the Town of Southport hereby is authorized to enter into an agreement with Nichola Ostrander, an independent contractor who will serve as a Community Development Specialist for the Town of Southport.

RESOLVED, that this agreement shall run from February 10, 2017 through February 9, 2018. This agreement may be terminated by either party upon 30 days written notice to the other.

RESOLVED, that the Town Board agrees to compensate Nichola Ostrander in the amount of TWENTY THREE THOUSAND FOUR HUNDRED THIRTY ONE DOLLARS AND (\$23,431.00), payable in monthly installments of ONE THOUSAND NINE HUNDRED FIFTY TWO DOLLARS AND 59/100 (\$1,952.59) at an amount to be prorated for any partial month served, and that said compensation to be issued in monthly checks payable to Nichola Ostrander.

AYES Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 42-2017

YEAR END BUDGET MODIFICATIONS AND AUTHORIZING SUPERVISOR TO MAKE ANY NECESSARY YEAR
END BUDGET MODIFICATIONS

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Supervisor be and he hereby is authorized and directed to make the following budget modifications:

Budget lines to be Modified	Prior Approved Budget Amount	Amount of Requested Increase/Decrease	Revised Budget Amt.	Reason for Budget Rev.
From: A9060.8	\$ 270,000.00	(2,146.17)	\$ 267,853.83	Hosp/Medical Rec. Equip
From: A7310.2	\$ 13,372.00	(1,002.90)	\$ 12,369.10	
To: A1110.4	\$ 10,659.87	\$ 17.14	\$ 10,677.01	Justice Cont.
To: A6460.4	\$ 25,000.00	\$ 634.50	\$ 25,634.50	Industrial Development
To: A6772.44	\$ 12,000.00	\$ 67.20	\$ 12,067.20	Programs Aging
To: A7310.4	\$ 83,594.54	\$ 284.06	\$ 83,878.60	Rec. Contract.
To: A9060.83	\$ 15,000.00	\$ 1,166.54	\$ 16,166.54	Dental/Vision
To: A9060.84	\$ 15,000.00	\$ 979.63	\$ 15,979.63	FLEX acct.
From: DA5110.4	\$ 290,754.51	\$ (15,241.20)	\$ 275,513.31	Road Repair Central Rep. Cont.
To: DA5110.1	\$ 325,000.00	\$ 13,895.30	\$ 338,895.30	Road Repair Personal Svc.
To: DA5112.201	\$ 40,012.29	\$ 7.00	\$ 40,019.29	CHIPS– Pave NY
To: DA5130.1	\$ 30,000.00	\$ 1,338.90	\$ 31,338.90	Personal Svc. Machine

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 43-2017

ACCEPTING SELECTIVE'S QUOTE AND AUTHORIZING SUPERVISOR TO EXECUTE NECESSARY DOCUMENTS

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Town of Southport through its Broker sought Requests for Proposals for the Town's Liability Insurance coverage. The Town received various proposals and after thorough review decided to extend the coverage of the current insurance company used by the Town, Selective Insurance Company. Selective's quote for coverage offered the most savings to the Town for the requested services, and

WHEREAS, the Town Board wishes to extend the liability insurance coverage offered by Selective Insurance Company as set forth in its proposal.

NOW THEREFORE BE IT RESOLVED, that the Southport Town Board consents to the extension of the liability insurance coverage with Selective Insurance Company in accordance to the terms set forth in Selective's proposal and further agrees to the Insurance Binder required as necessary to extend the agreed upon coverage and authorizes the Town Supervisor to execute any agreements and take any necessary action to effectuate this coverage.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 44-2017

APPOINTING JEFFREY JUDSON AS RIGHT TO FARM COMMITTEE PERSON FOR
THE TOWN OF SOUTHPORT

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Right to Farm Local Law No. 2 of the Year 2006, Resolution No. 205-2006 was adopted on December 12, 2006 for the intent of recognizing farming as an essential enterprise and an important industry to enhance the economic base, natural environment and quality of life in the Town of Southport, and

WHEREAS, it is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town by resolving any disputes concerning agricultural practices and farm operations, and

WHEREAS, the Right to Farm Law provides for a dispute resolution committee to be composed of in part of a representative from the Town's Farming Community, and

WHEREAS, the Town Board of the Town of Southport believes it is in the best interest of the Town to appoint a Right to Farm Hearing Committee person and in order to maintain a viable farming economy in the Town of Southport.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby appoint Jeffrey Judson as the Right to Farm committee person, as a volunteer representative from the farm community through December 31, 2017 and said appointment will be on an annual basis subject to reappointment at the organizational meeting.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 45-2017

AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF CHEMUNG AND THE TOWN OF SOUTHPORT FOR STREET/HIGHWAY LIGHTING

Resolution by: Szerszen
Seconded by: Hurley

WHEREAS, the Legislature and the Governor of the State of New York have authorized initiatives “to improve the efficiency of local government” by means of intermunicipal shared service agreements, and

WHEREAS, within its Department of Buildings and Grounds, the County has employees experienced in the maintenance, repair and replacement of public street lighting, and

WHEREAS, the Town is in need of acquiring maintenance, repair, and replacement services (“Services”) for certain street/highway lighting devices within the Town; and

WHEREAS, the Town is desirous of having the County provide these Services and the County is willing to do so, and

WHEREAS, the County and the Town desire to enter into an Intermunicipal Agreement setting forth each party’s rights and responsibilities regarding the agreed upon Services, and

WHEREAS, General Municipal Law section 119-o authorizes municipal corporations to enter into an agreement pertaining to shared services.

NOW THEREFORE BE IT RESOLVED, that this Intermunicipal Agreement between the County and the Town of Southport for street/highway lighting shall become effective on March 1, 2017 and shall expire on February 28, 2020, unless sooner terminated or extended.

RESOLVED, that such agreement shall be subject to the review and approval of the Attorney for the Town.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 46-2017

ESTABLISHING FEE SCHEDULE FOR 2017

Resolution by: Roman
Seconded by: Hurley

WHEREAS, the Town of Southport Municipal Code section 245-16 provides that the Town Board shall establish a fee schedule for various permits that may be issued by the Town of Southport and that the Town may from time to time amend said schedule, and

WHEREAS, the Code Enforcement Office for the Town of Southport did present a proposed Building Fee Schedule for 2017 to the Town Board.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby establish the addition to the fee schedule which shall be in force until such time as the Town Board may amend, revise or otherwise supersede such building permit fee schedule.

New Commercial Pole Style Construction	.20 per sq. ft.	Minimum \$100
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AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

Under discussion was STEG Contract. Supervisor Sheen explained that the County has agreed to pay the Town's share of the STEG contract. Therefore, there will be no fees to the Town for 2017.

Next under discussion was the update on a temporary dwelling at 554 Kinner Hill Road. Code Enforcement Officer Peter Rocchi stated that the property owner has removed the temporary dwelling and fulfilled his obligation and Code is satisfied with this. Therefore, it will be taken off the agenda.

Under Taxpayer's Comments, Ken Dawson from 522 Phoenix Avenue commented on sewer issues on his street.

Barton Graham from 1678 Pennsylvania Avenue commented on the RFP for Legal Counsel for the Town of Southport.

Council Member Gunderman made a motion, Council Member Roman seconded to adjourn the meeting.

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Carolyn A. Renko
Town Clerk