

November 14, 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 November 14, 2017.

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

Others Present: Code Enforcement Officer Peter Rocchi, Highway Superintendent David Bachman, 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	\$ 2,267.38
Fitzsimmons Lot Sales	\$ 1,650.00
Funds Turned to State & County Agencies	<u>\$ 3,468.12</u>
	\$ 7,385.50

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 2,236.40
	Building Permit Values	\$ 438,700.00
	Operating Permit Fees	\$ 500.00
	Site Plan Fees	\$ 75.00

City of Elmira Animal Control  
Justice Office  
Recreation/Aging/Youth  
Residential Deputy  
Supervisor's Report  
Community Development Specialist

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

No Correspondence was received.

Council Member Gunderman made a motion, Council Member Hurley seconded to accept the minutes from the October 10, 2017 Regular Meeting and the November 1, 2017 Preliminary Budget Meeting.

Under Taxpayer's Comments, Agenda and Discussion items only, no Taxpayers wished to speak.

Supervisor Sheen stated that Discussion Item #3 will be tabled until the December meeting and Discussion Item #5 requires no action so will be taken off the agenda.

RESOLUTION NO. 163-2017

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Roman  
Seconded by: Szerszen

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of November, 2017, No. 1332 through No. 1394, not to exceed \$87,371.97, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 164-2017

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Gunderman  
Seconded by: Hurley

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of November 2017, No. 182 through No. 200, not to exceed \$393,715.33, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 165-2017

APPROVING ABSTRACT OF LIGHT FUND CLAIMS

Resolution by: Szerszen  
Seconded by: Roman

RESOLVED, that the Abstract of Light Fund Claims, submitted by the Town Clerk for the month of November 2017, No. 22, not to exceed \$7,977.83, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 166-2017

AUTHORIZING PURCHASE OF SALT AT STATE OR COUNTY PRICE

Resolution by: Gunderman  
Seconded by: Hurley

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase the necessary requirements of salt at the established State or County bid contract price.

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

RESOLUTION NO. 167-2017

AUTHORIZING SUPERVISOR TO REQUEST COUNTY TO REASSESS MISCELLANEOUS PROPERTY CHARGES

Resolution by: Roman  
Seconded by: Szerszen

RESOLVED, that the Town Supervisor be and he hereby is authorized to request the County to reassess unpaid mowing, tree and refuse removal charges for the Town of Southport on January 1, 2018 Town and County Tax Statements as follows:

<b>SWISS Code</b>	<b>Tax Map ID</b>	<b>Property Owner Name</b>	<b>Total Charges</b>
073600	118.01-1-56	Arline Seymour	\$ 400.00
073600	118.01-1-57	Arline Seymour	\$ 400.00
073600	99.10-2-54	Suzanne Rowe	\$ 200.00

<b>SWISS Code</b>	<b>Tax Map ID</b>	<b>Property Owner Name</b>	<b>Total Charges</b>
073600	109.10-2-20.12	Hafix Mahboob Eillahi	\$ 400.00
073600	109.08-1-81	Dykes Mark	\$ 300.00
073600	99.19-3-1.1	Wayne Brown	\$ 250.00
073600	99.14-2-44	Victoria Dailey	\$ 350.00
073600	99.20-2-37	Laurie Orr	\$ 375.00
073600	109.08-7-24	Peter Fleming	\$ 175.00
073600	99.18-3-23	Sheila Brown	\$ 150.00
073600	100.09-5-57	Paul Black Sr.	\$ 175.00
073600	100.09-2-3	Dennis May	\$ 175.00
073600	98.00-1-74	Linda Lincoln	\$ 325.00
073600	99.14-2-18	Oren Segev	\$ 200.00
073600	99.13-1-34	David Urbaniak Estate	\$ 13,035.27
073600	99.13-1-39	David Urbaniak Estate	\$ 300.00
073600	110.05-1-5	Rocco Coppola	\$ 900.00
073600	100.00-1-3.11	Carolyn Newton	\$ 975.00
073600	99.13-3-5	Victoria Crown	\$ 1,115.00
073600	99.13-3-1	Ken Squires	\$ 325.00
073600	110.09-1-48	John Cleary	\$ 250.00
073600	109.09-4-28	Dannie Fish, Jr.	\$ 1,525.00
073600	99.19-1-39	Jeffrey Squires	\$ 400.00
073600	109.10-3-14.32	Tracy Glover	\$ 500.00
073600	108.02-2-3.1	Jason Mosher	\$ 150.00
073600	118.01-1-55	Arline Seymour	\$ 1,700.00
073600	118.01-1-48	Ruth Johnson	\$ 1,000.00
073600	118.03-1-37	Wells Fargo Bank NA	\$ 175.00
073600	99.20-2-58	David Orr	\$ 260.00
073600	109.08-3-16	Earl Knapp	\$ 1,025.00
073600	109.08-3-21	David Maslyn	\$ 500.00
073600	109.08-3-15	Earl Knapp	\$ 375.00
073600	100.09-5-5	Rose Davis Life Use	\$ 290.00
073600	109.08-1-51	Norma Heath	\$ 14,337.58
073600	109.08-1-65	LKC Management LLC	\$ 255.00
073600	109.08-1-42	Rocky's Auto Sales	\$ 1,100.00
073600	99.18-2-23	Kevin LeClair	\$ 537.50
073600	99.18-2-24	Kevin LeClair	\$ 437.50
073600	99.18-2-25	Robert Allen	\$ 1,950.00
073600	99.18-4-42	Samantha Moffe	\$ 175.00
073600	99.18-3-43	Wells Fargo Bank NA	\$ 500.00
073600	99.19-3-92	Maureen White	\$ 250.00

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

RESOLUTION 168-2017

SPONSORING THE TOWN OF SOUTHPORT ANNUAL HOLIDAY PARADE AND APPOINTING  
THE TOWN AS LEAD AGENCY

Resolution by:           Gunderman  
Seconded by:           Szerszen

RESOLVED, that the Town of Southport agrees to sponsor a holiday parade on December 2, 2017 at 4:30 p.m., and act as lead agency for said parade.

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

RESOLUTION NO. 169-2017

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE  
ELMIRA CITY SCHOOL DISTRICT

Resolution by:           Gunderman  
Seconded by:           Szerszen

WHEREAS, the Elmira City School District has presented a proposal to the Town Board to provide for the use of school facilities by the Town of Southport, and

WHEREAS, the Town Board has reviewed that proposal, and

WHEREAS, the Town Board desires to enter into an agreement with the Elmira City School District effective July 1, 2017 through June 30, 2018, to provide for the use of school facilities at an amount not to exceed FOUR THOUSAND DOLLARS AND 00/100 (\$4,000.00).

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with the Elmira City School District to provide for the use of school facilities by the Town of Southport at an amount not to exceed FOUR THOUSAND DOLLARS AND 00/100 (\$4,000.00), and that said contract 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. 170-2017

AUTHORIZING WITHDRAWAL OF FUNDS FROM THE HIGHWAY EQUIPMENT RESERVE FUND

Resolution by: Roman  
Seconded by: Hurley

WHEREAS, the Town Board by Resolution No. 124-2005 did authorize the establishment of a Highway Equipment Reserve Fund, the purpose of which is to assist with the purchase of additional equipment to serve the residents of the Town of Southport, and

WHEREAS, the Town has purchased a 2018 New and Unused Volvo Dump Truck (Model VHD64F-200).

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the withdrawal of \$221,517.72 from the Town's Highway Equipment Reserve Fund for the purchase of a 2018 New and Unused Volvo Dump Truck, and be it further

RESOLVED, this resolution is subject to a permissive referendum.

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

RESOLUTION NO. 171-2017

PRELIMINARY BUDGET AS ADOPTED BUDGET FOR FISCAL YEAR 2018

Resolution by: Roman  
Seconded by: Szerszen

WHEREAS, this Town Board having on November 1, 2017, duly held a public hearing on the preliminary budget approved by the Town Board and filed with the Town Clerk for the fiscal year commencing January 1, 2018 and having heard all persons desiring to be heard in this matter, and the matter of the budget of the Town for such fiscal year having been fully discussed and considered.

NOW THEREFORE BE IT RESOLVED, that the said preliminary budget approved and filed as aforesaid be and same hereby is adopted and established as the adopted budget of this Town for the fiscal year beginning January 1, 2018, and that such annual budget be adopted and entered in detail in the minutes of the proceedings of this Town Board, and be it further

RESOLVED, that the Town Clerk of this Town shall prepare and certify, as required by law, duplicate copies of said adopted budget hereby adopted and deliver one of such copies to the Supervisor of the Town, and that the Supervisor shall present such copy to the Board of Legislatures of the County as required by law.

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

RESOLUTION NO. 172-2017

ESTABLISHING A RETIREMENT CONTRIBUTION RESERVE FUND

Resolution by:       Gunderman  
Seconded by:       Roman

WHEREAS, the Town Supervisor of the Town of Southport has requested that the Town of Southport establish a Retirement Contribution Reserve Fund in the amount of \$201,022.75.

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 6-R of the General Municipal Law, as amended, there is hereby established a Retirement Contribution Reserve Fund (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to cover any and all portions of the amount payable to the New York State Retirement System.

RESOLVED, that the Town Supervisor is hereby directed to deposit and secure the money of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Supervisor may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the Investment Policy of the Town of Southport. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Town Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the cash and investments of the Reserve Fund, and be it further

RESOLVED, that except as otherwise provided by Section 6-R of the General Municipal Law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the Town Board of the Town of Southport and without such additional actions or proceedings as may be required by Section 6-R of the General Municipal Law.

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

RESOLUTION NO. 173-2017

SETTING PUBLIC HEARING

Resolution by:           Gunderman  
Seconded by:           Szerszen

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on December 12, 2017 at 7:15 p.m., or as soon thereafter as it can be heard, at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York, regarding transferring the unexpended balance of the Tax Stabilization Reserve Fund to the Retirement Contribution Reserve Fund.

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

RESOLUTION NO. 174-2017

ORDINANCE  
NO. 2017-1

AN ORDINANCE TO AMEND CHAPTER 525, ZONING, ARTICLE IV, USE DISTRICTS, SECTION 525-22, EXCEPTIONS IN ALL DISTRICTS, B. PUBLIC UTILITIES AND SECTION 525-20, USE REGULATION TABLE; ATTACHMENT 1

Resolution by:           Szerszen  
Seconded by:           Gunderman

WHEREAS, the Town of Southport wishes to amend Chapter 525 Zoning, Article IV, Use Districts, Section 525-22, Exceptions in all districts, B. Public Utilities, and Section 525-20, Use Regulation table: Attachment 1; and

WHEREAS, these proposed amendments to zoning ordinances were reviewed and approved by the Chemung County Planning Commission on October 26, 2017; and

WHEREAS, a public hearing was held on November 14, 2017 before the Town of Southport Town Board upon public notice as provided by law.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Southport, County of Chemung, State of New York that said proposed amendments to Chapter 525 Zoning, Article IV, Use Districts, Section 525-22, Exceptions in all districts, B. Public Utilities, and Section 525-20, Use Regulation Table: Attachment 1, is hereby enacted, to wit:



**Section 1.** Chapter 525 Zoning, Article IV, Use Districts, Section 525-22, Exceptions in all districts, B. Public Utilities is hereby amended to read as follows:

“B. Public Utilities. Nothing in this chapter shall be construed as prohibiting outright the construction or use of underground or overhead distribution facilities of public utilities operating under the laws of the State of New York. The construction or use of public utilities’ underground and overhead distribution facilities shall be subject to Article VIII. Site Plan Review and Approval and Code §525-140, Area Variances.”

**Section 2.** Chapter 525 Zoning, Article IV, Use Districts, Section 525-20 Use Regulation Table: Attachment 1 is hereby amended to add an “S” for site plan review in District R1 for public utilities.

**Section 3.** Inconsistent Zoning Ordinances.

All Zoning Ordinances inconsistent with any provision or provisions of this law are hereby repealed.

**Section 4.** Effective Date.

This ordinance shall take effect immediately upon adoption and publication according to law.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen

NOES: None

CARRIED.

Council Member Roman made a motion, Council Member Gunderman seconded to send to the Planning Board for their review Winter Parking during snow or ice event.

Next under Discussion was Recommendation from Town of Southport Planning Board to amend §525-33 Special Dimensional requirements in the Bulk and Density Control Requirements with the proposed changes, to accept the amendment to the definitions for Agricultural Use in §525-5 and to accept the changes to the Use Regulation Table. This will be tabled to the December 12, 2017 Regular Meeting.

RESOLUTION NO. 175-2017

AMENDING TOWN OF SOUTHPORT MUNICIPAL CODE, CHAPTER 192 ANIMALS

Resolution by: Gunderman

Seconded by: Roman

WHEREAS, the Town of Southport Town Board wishes to address concerns related to the health and welfare of the Town residents and the harboring of a significant number of cats and/or dogs; and

WHEREAS, unsanitary conditions may be created for people and animals by harboring a significant number of dogs and/or cats especially outside of the agricultural district where more restrictions commonly exist on lot sizes; and

WHEREAS, to address these health and welfare concerns, the Town of Southport Town Board wishes to amend the Code of the Town of Southport Chapter 192 Animals by adding Article IV Harboring Dogs and Cats which includes Section 192-15 Definitions, Section 192-16 Prohibited Acts, Section 192-17 Enforcement, and Section 192-18 Penalties to limit the number of dogs and cats kept, harbored, or owned outside the agriculture residential district; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York proposes to amend the Code of the Town of Southport Chapter 192 Animals by adding Article IV Harboring Dogs and Cats, Section 192-15 Definitions, Section 192-16 Prohibited Acts, Section 192-17 Enforcement, and Section 192-18 Penalties, as follows and repeal any prior resolutions which may have addressed the same:

**Section 1:** Article IV Harboring Dogs and Cats is added to Chapter 192 Animals to read as follows:

Article IV  
Harboring Dogs and Cats

§ 192-15 Definitions

Owner – Any person, group of persons, or corporation owning, keeping or harboring a dog or dogs or cat or cats.

Cat – Means and includes both male and female cats whether or not neutered or spayed.

Dog – Means and includes both male and female dogs whether or not neutered or spayed.

§192-16 Prohibited Acts

Except within the Agricultural Residential zoning district, no owner may harbor, keep, or own more than a total of five dogs or five cats or any combination thereof over the age of four months.

§192-17 Enforcement

This Article may be enforced as provided in §194-4 or by a Code Enforcement Officer for the Town of Southport.

§192-18 Penalties

Any violation of this article shall be punishable as provided in Chapter 1 General Provisions, Article III General Penalty, of the Code of the Town of Southport.

**Section 2.** Inconsistent Ordinances

All ordinances inconsistent with any provision or provisions of this ordinance are hereby repealed.

**Section 3.** Effective Date

This ordinance shall take effect immediately upon adoption and publication according to law.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport, Chemung County, New York will hold a public hearing on Tuesday, January 9, 2018 at 7:15 p.m., at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York, regarding the adopting of this ordinance contained herein.

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

Lastly under Discussion was Installation of a Yield Sign on Acorn Avenue at intersection with Beckwith Road. It was determined that per the Town of Southport Municipal Code that a Stop Sign can be placed there so this was taken off the agenda with no further action required.

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on §525-33 Special Dimensional Requirements in the Bulk and Density Control Requirements, definitions of Agricultural Use in §525-5 and changes to Use Regulation Table.

Christopher DeSanto from 754 Thompson Street commented on the Leland Street Sewer Project, the purpose of the Town of Southport Sewer Commission and the Intersection of Rte. 328 and Rte. 14.

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

The meeting was adjourned at 7:54 p.m.

Respectfully Submitted,

Carolyn A. Renko  
Town Clerk