

March 13, 2018

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 March 13, 2018.

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

Others Present: Attorney Kimberlee Balok-Middaugh, Highway Superintendent Steven Renko, Director of Recreation David Ellis, 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 | \$ 2,175.35 |
| Funds Turned to State & County Agencies | <u>\$ 353.90</u> |
| | \$ 2,529.25 |

Receiver of Taxes

| | |
|-------------------------------|-----------------|
| Town and County Tax Collected | \$ 1,385,029.14 |
|-------------------------------|-----------------|

Code Enforcement Office

| | | |
|-----------------|--------------------------|--------------|
| Fees Collected: | Building Permit Fees: | \$ 561.00 |
| | Building Permit Values: | \$ 73,700.00 |
| | Operating Permit Fees: | \$ 400.00 |
| | Special Use Permit Fees: | \$ 75.00 |
| | Variance Fees: | \$ 75.00 |

City of Elmira Animal Control
Justice Office
Recreation/Aging/Youth Services
Residential Deputy

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

2017 ANNUAL REPORT OF THE TOWN CLERK & RECEIVER OF TAXES:

| | |
|---|--------------------|
| NYS Dept. of Agriculture & Markets for Dog Licenses | \$ 2,042.00 |
| NYS Dept. of Environmental Conservation (DEC) for Conservation Licenses | \$ 38,930.54 |
| NYS Dept. of Health for Marriage Licenses | \$ 1,035.00 |
| Supervisor for Dog License & Clerk Fees | \$ 23,328.71 |
| Supervisor for Fitzsimmons Cemetery | <u>\$ 4,675.00</u> |
| SUBTOTAL | \$ 70,011.25 |

RECEIVER OF TAXES:

| | |
|---|--------------------|
| MONEY COLLECTED: | \$ 4,740,531.09 |
| Per Bank Statements & Hand Check Register | |
| DISBURSEMENTS: | |
| Per bank Statements & Hand Check Register | |
| Supervisor, Town & Special Districts | \$ 1,195,631.78 |
| Supervisor, Penalties | \$ 7,673.29 |
| Supervisor, Second Notice Fees | \$ 352.00 |
| Chemung County Treasurer | \$ 3,530,000.00 |
| Overpayments Reimbursed | \$ 4,022.54 |
| NSF Check – Returned to Resident | <u>\$ 2,851.48</u> |
| Total Disbursed | \$ 4,740,531.09 |

2017 FITZSIMMONS CEMETERY EXTENSION REPORT:

17 graves were sold during 2017 for a total of \$4,675.00

CODE ENFORCEMENT OFFICER 2017 ANNUAL REPORT

| | |
|--------------------------|-----------------|
| Permit & Site Plan Fees: | \$ 17,924.30 |
| Building Permit Values: | \$ 2,419,528.00 |
| Variance Fees: | \$ 450.00 |
| Operating Permit Fees: | \$ 9,465.00 |

The following were issued or completed: 305 Total Building Permits; 5 New Commercial Buildings; 107 Fire Inspections/OP Permits; 186 Compliance Certificates; 399 Building Inspections; 61 Unlicensed Vehicles; 103 Garbage/Rubbish; 13 Vendor Cleaned Up; 136 High Grass; 63 Vendor Mowed; 5 Burning Violations; 6 Swimming Pool Violations; 46 NYS and Misc. Violations; 12 Appearance tickets; 7 Logging Registrations; 12 Site Plan Applications; 6 Variance Applications; 8,550 Miles Driven; 1,611 Complaints/Inquires.

2017 YEAR END YOUTH SERVICES/RECREATION/SENIOR CITIZEN REPORT:

Approximately 8,056 sign ins/participants at the Chapel Park Community/Senior Center, including those who came to weekly and monthly meetings, special events, elections, gatherings and rentals. The Chapel Park Community Center was rented 67 times for a total of \$8,625.00 (see attached report).

TOWN JUSTICE JOSEPH W. HOLLY 2017 ANNUAL REPORT:

| | |
|--|---------------|
| Total Collected by Justice Holly | \$ 112,242.00 |
| Amount Forwarded to Town of Southport Fiscal Officer | \$ 108,515.00 |
| Bail Pending | \$ 5,167.50 |
| Total kept by the Town (both Judges) | \$ 59,383.00 |

TOWN JUSTICE STEVEN T. MILFORD ANNUAL REPORT:

| | |
|--|---------------|
| Total Collected by Justice Milford | \$ 117,368.75 |
| Amount Forwarded to Town of Southport Fiscal Officer | \$ 111,245.25 |
| Bail Pending | \$ 3,850.50 |
| Total Kept by the Town (both Judges) | \$ 59,383.00 |

COMMUNITY DEVELOPMENT SPECIALIST ANNUAL REPORT:

Met with several business owners regarding development opportunities or retirement options; continued grant research; attended 10 Southport Business Association Meetings; applied for the State Farm Community Grant for lighting at Goodwin Park; secured the New York Main Street Technical Assistance Grant for \$20,000; continued to work on the development of the Dixie Property through the Restore NY Grant.

Council Member Roman made a motion, Council Member Gunderman seconded to accept the Annual Reports as filed.

Under Correspondence, Supervisor Sheen read a note commending Robert Ripley, Fitzsimmons Cemetery Overseer on a great job, as well as the Town for maintaining the cemetery so well.

Council Member Szerszen made a motion, Council Member Hurley seconded to accept the minutes of February 13, 2018 Regular Meeting.

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

RESOLUTION NO. 57-2018

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 March 2018, No. 110 through No. 170, not to exceed \$143,716.60, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 58-2018

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Szerszen
Seconded by: Roman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of March 2018, No. 30 through No. 51, not to exceed \$91,044.06, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 59-2018

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of March 2018, No. 3, not to exceed \$8,852.77, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 60-2018

AUTHORIZING TOWN OFFICIALS AND EMPLOYEES TO ATTEND THE ANNUAL SOUTHERN TIER CENTRAL REGIONAL LEADERSHIP CONFERENCE

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Supervisor is hereby authorized to approve Town Employee's attendance at the annual Southern Tier Central Regional Leadership Conference on April 5, 2018, at Corning Community College, Corning, New York, and that their expenses therefore shall be a proper Town charge.

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

RESOLUTION NO. 61-2018

AUTHORIZING PINE CITY BAPTIST CHURCH TO HOLD AN EASTER PAGEANT AT CARL DRAXLER MEMORIAL PARK

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, Supervisor David Sheen, has advised this Town Board that Reverend Horace H. Stoddard, a member and Co-Chairman of Pine City Baptist Church, in conjunction with the Chemung County Council of Churches has requested the use of Draxler Park on March 31, 2018 and April 1, 2018, from 8:00 a.m. to 4:00 p.m., and they will hold their annual Easter Dawn Pageant on Sunday, April 1, 2018 at 6:30 a.m.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby approves the activity sponsored by Pine City Baptist Church, in conjunction with the Chemung County Council of Churches, and be it further

RESOLVED, that Pine City Baptist church, in conjunction with the Chemung County Council of Churches must agree to indemnify and hold harmless the Town of Southport for any and all liability arising from the event so sponsored by the said Churches.

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

RESOLUTION NO. 62-2018

REAPPOINTING LISA BOWERS AS A MEMBER OF THE TOWN OF SOUTHPORT SEWER COMMISSION

Resolution by: Roman
Seconded by: Szerszen

RESOLVED, that Lisa Bowers is hereby reappointed to serve a term of three (3) years as a member of the Town of Southport Sewer Commission, term to expire April 30, 2021.

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

RESOLUTION NO. 63-2018

APPOINTING MICHAEL WOOD AND CODY MARVIN AS PART-TIME SEASONAL LABORERS

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Supervisor has advised this Town Board that the need exists for seasonal laborers in accordance with budgetary appropriations,

NOW THEREFORE BE IT RESOLVED, that the following seasonal laborer appointments be effective March 26, 2018 and that the individuals be paid as any other Town Employee pursuant to the following schedule:

| <u>NAME</u> | <u>POSITION</u> | <u>COMPENSATION</u> | <u>EFFECTIVE DATE</u> |
|--------------|------------------|---------------------|-----------------------|
| Michael Wood | Seasonal Laborer | \$ 14.15 pr/hr | 3/26/18 |
| Cody Marvin | Seasonal Laborer | \$ 12.40 pr/hr | 3/26/18 |

and be it further

RESOLVED, that the aforementioned individuals shall not be entitled to any benefits as a result of their employment by the Town of Southport, including but not limited to health insurance, and be it further

RESOLVED, that the aforementioned individuals commence their employment with the Town of Southport until such time as they shall have filed with the Town Clerk their appropriate Oath of Office as required by law.

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

RESOLUTION NO. 64-2018

APPOINTING DEREK HOLLY-PIRIE AS PART-TIME SEASONAL LABORER

Resolution by: Szerszen
Seconded by: Roman

WHEREAS, the Supervisor has advised this Town Board that the need exists for seasonal laborers in accordance with budgetary appropriations,

NOW THEREFORE BE IT RESOLVED, that the following seasonal laborer appointment be effective April 2, 2018 and that the individual be paid as any other Town Employee pursuant to the following schedule:

| <u>NAME</u> | <u>POSITION</u> | <u>COMPENSATION</u> | <u>EFFECTIVE DATE</u> |
|-------------------|------------------|---------------------|-----------------------|
| Derek Holly-Pirie | Seasonal Laborer | \$ 12.40 pr/hr | 4/2/18 |

and be it further

RESOLVED, that the aforementioned individual shall not be entitled to any benefits as a result of his employment by the Town of Southport, including but not limited to health insurance, and be it further

RESOLVED, that the aforementioned individual commence his employment with the Town of Southport until such time as he shall have filed with the Town Clerk his appropriate Oath of Office as required by law.

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

PUBLIC HEARING – 7:16 P.M. – for the purpose of hearing any and all public comment regarding proposed amendment to §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.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:16 p.m. and asked if anyone would like to be heard.

Charles Collins 436 Kinner Hill Road commented on the 150 ft. setback, stating he hopes the Town eliminates it and feels that “hobby farming” needs to be looked at.

Gary Ham from 273 Kinner Hill Road also commented on the 150 ft. setback.

After no one else wished to speak, the public portion of the Public Hearing was closed at 7:24 p.m.

Supervisor Sheen stated that the 150 setback issue has been addressed in the proposed amendments.

Council Member Szerszen made a motion, Council Member Roman seconded to refer to the Chemung County Planning Board proposed amendment to §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.

RESOLUTION NO. 65-2018

SETTING PUBLIC HEARING

Resolution by: Szerszen
Seconded by: Roman

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on April 10, 2018 at 7:10 p.m., or as soon thereafter as it can be heard, at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York, regarding proposed amendment to §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.

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

PUBLIC HEARING – 7:31 P.M. – for the purpose of hearing any and all public comment regarding proposed amendment to Chapter 444 Solid Waste, to remove “return receipt requested” and add “served personally or”.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:31 p.m. and asked if anyone would like to be heard.

Attorney Balok-Middaugh explained that the change involves removing the wording “return receipt requested” language and add “served personally or” The violation notices would just be mailed certified instead of return receipt.

After no one else wished to speak, the public portion of the Public Hearing was closed at 7:34 p.m.

RESOLUTION NO. 66-2018

ORDINANCE
NO. 2018-1

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF SOUTHPORT CHAPTER 444, ARTICLE I.
DISPOSAL, SECTION 444-9, ENFORCEMENT, SUBSECTION A

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Town of Southport Town Board wishes to address concerns related to the efficiency and cost for mailing notices for enforcement of Chapter 444, Solid Waste, Article I. Disposal, §444-9 Enforcement, (A), which currently requires that the notice shall be mailed to the owner or agent of the subject property by certified mail, return receipt requested or served personally, and

WHEREAS, proper notice can still be achieved by mailing to the owner or agent of the subject property by certified mail without the need for a return receipt; and

WHEREAS, the Town of Southport Town Board wishes to amend the Code of the Town of Southport Chapter 444. Solid Waste, Article I. Disposal, §444-9 Enforcement, (A) to no longer require the return receipt for mailing; and

WHEREAS, a public hearing was held for this proposed amendment to the subject ordinance on March 13, 2018 before the Town of Southport Town Board upon public notice as provided by law; and

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Southport, County of Chemung, State of New York that the following amendment to the Code of the Town of Southport Chapter 444. Solid Waste, Article I. Disposal, §444-9 Enforcement, (A) is hereby enacted, to wit:

Section 1. Chapter 444. Solid Waste
Article I. Disposal
§ 444-9 Enforcement.

- A. The Code Enforcement Officer or his duly designated agent is authorized and empowered to notify the owner of any private property or vacant land, or the agent of such owner, to dispose properly of litter located on such owner's property, which is dangerous to the public health, safety or welfare. Notice shall be by certified mail addressed to the last known address of said owner or agent or by personal service upon said owner or agent.

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.

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

Under Discussion was recommendation from Code Enforcement to amend reference number in §525-107 Home Occupations. Attorney Balok-Middaugh explained that a number change was overlooked and needs to be corrected.

Council Member Roman made a motion, Council Member Gunderman seconded to refer to the Town of Southport Planning Board for their review amending reference number in §525-107 Home Occupations.

RESOLUTION 67-2018

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH
SOUTHPORT CINDERELLA SOFTBALL

Resolution by: Szerszen
Seconded by: Gunderman

WHEREAS, the Southport Cinderella Softball League has presented a proposal to provide a softball league to residents of the Town of Southport and surrounding areas, and

WHEREAS, the Town Board has reviewed that proposal, and

WHEREAS, the Town Board desires to enter into an agreement with the Southport Cinderella Softball League for the provision of a Cinderella Softball League to the residents of the Town of Southport and surrounding areas not to exceed NINE THOUSAND DOLLARS AND 00/100 (\$9,000.00),

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Town Supervisor to enter into an agreement with Southport Cinderella Softball League for the provision of a Cinderella Softball League for residents of the Town of Southport and surrounding areas at an amount not to exceed NINE THOUSAND DOLLARS AND 00/100 (\$9,000.00), and that said shall be subject to the review and approval of the Attorney for the Town.

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

PUBLIC HEARING – 7:45 P.M. - for the purpose of hearing any and all public comment regarding proposed amendment to Chapter 245 Construction Codes, to remove the “registered mail/certified” language.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:45 p.m. and asked if anyone would like to be heard.

No one wished to speak so the public portion of the public hearing was closed at 7:45 p.m.

Attorney Balok-Middaugh explained the proposed amendment to the language in Chapter 245 Construction Codes, which would be to remove registered mail/certified.

Council Member Roman stated he felt that the language should remain the same. Council Members Gunderman and Hurley also stated they felt it should remain the same.

Therefore, the language in Chapter 245 Construction Codes will remain the same, no changes made.

Under Taxpayer’s Comments, Dale Davis from 1042 Parkside Drive states he is having issues in his neighborhood with people driving ATV’s, Jeeps, Trucks and Cars around day and night. He has made several reports to law enforcement but nothing is being done. Supervisor Sheen stated he received a call regarding this a couple weeks ago and most of the issues are in the City of Elmira and only in a small portion of the Town. He will gather information and contact law enforcement.

Charles Collins from 436 Kinner Hill Road commented on §525-33 Special Dimensional requirements in the Bulk and Density Control Requirements and limiting the residential zone.

Charles Wilson 399 Widger Hill road commented on the public hearings and referral from Code Enforcement on Home Occupations.

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

The meeting was adjourned at 7:57 p.m.

Respectfully Submitted,

Carolyn A. Renko
Town Clerk