

May 8, 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 May 8, 2018.

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

Members Absent: Council Member Glenn Gunderman

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer Peter Rocchi, Highway Superintendent Steven Renko, Town Clerk Carolyn A. 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	\$ 1,279.61
Fitzsimmons Lot Sales	\$ 1,075.00
Funds Turned to State & County Agencies	<u>\$ 2,038.14</u>
	\$ 4,392.75

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,718.60
	Building Permit Values	\$ 269,899.00
	Operating Permit Fees	\$ 100.00
	Special Use Permit Fees	\$ 75.00
	Site Plan Fees	\$ 75.00
	Variance Fees	\$ 75.00

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

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

Council Member Roman made a motion, Council Member Szerszen seconded to accept the minutes from April 10, 2018 Regular Meeting.

Under Correspondence, Council Member Szerszen stated the MS4 Annual Report is available for review on the website through June 1, 2018.

**7:15 p.m.** – Discussion of 2017 Audit

Supervisor Sheen introduced Patrick Jordan, CPA, Partner of Insero & Co., CPA's, who presented the 2017 audit reports. Mr. Jordan presented an Executive Summary that outlined the 2017 year with a five-year comparison.

Mr. Jordan stated that all financials were in order. Expenses exceeded revenues by \$651,942.00, which was due to the reduction of sales tax by the County to Towns.

The total fund balance is \$2,438,372.00 compared to \$2,915,503 for the year 2016. All of the fund balance is assigned or restricted for the year 2018.

Mr. Jordan made note that revenues need to be addressed as assigned fund balances cannot fund day to day expenses.

Under Taxpayer's Comments, agenda and discussion items only, Supervisor Sheen stated that Discussion item #2 Referral from Town of Southport Planning Board 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 is still being reviewed by the Planning Boards and will be tabled until the June meeting.

Charles Wilson from 399 Widger Hill Road commented on Resolution #6 Authorizing Supervisor to establish certain days and hours at the Town of Southport Brush Lot.

RESOLUTION 82-2018

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Szerszen  
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of May 2018, No. 230 through No. 286 not to exceed \$115,346.39, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 83-2018

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Roman  
Seconded by: Szerszen

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of May 2018, No. 68 through No. 84, not to exceed \$56,161.62, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 84-2018

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Roman  
Seconded by: Hurley

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of May 2018, No. 5, not to exceed \$8,106.51, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 85-2018

IMPLEMENTING A TRASH VOUCHER DISPOSAL PROGRAM FOR THE TOWN OF SOUTHPORT FOR THE YEAR 2018 IN CONJUNCTION WITH CHEMUNG COUNTY AND CASELLA

Resolution by: Hurley  
Seconded by: Roman

WHEREAS, the Town of Southport in previous years have provided town residents the disposal of trash and/or refuse and would like to continue that program for the year 2018.

WHEREAS, the County of Chemung and Casella have provided the Town of Southport with 200 trash disposal vouchers to dispense to their residents on a first come, first serve basis.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the Town Supervisor to implement a Trash Voucher Disposal Program for 2018 that would allow residents of the Town to obtain vouchers from the Town Clerk's Office for the disposal of trash at the Chemung County Milling Station of up to 1,000 pounds per household free of charge, with the type of items to be disposed of to be determined in accordance with Chemung County and Casella. The Town residents who obtain a voucher would be responsible for the cost of disposing of any trash in excess of the 1,000 pounds permitted by the vouchers or items that carry additional charges for disposal.

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

RESOLUTION NO. 86-2018

RESOLUTION ADOPTING STANDARD WORKDAY AND RETIREMENT REPORTING TO THE NEW YORK STATE AND LOCAL RETIREMENT SYSTEM

Resolution by: Roman  
Seconded by: Szerszen

RESOLVED, that the Town of Southport hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk of the Town of Southport as shown in Exhibit "A" attached hereto and made a part hereof.

EXHIBIT "A"

Elected Officials Appointed Officials Title of Position	Name	Standard workday hours	Term begins/end	Y/N time clock	Days credit month
Supervisor	David Sheen	6	1/1/18-12/31/21	N F/T	22.62
Town Clerk	Carolyn Renko	7	1/1/18-12/31/21	N F/T	23.76
Council Member	Joseph Roman	6	1/1/18-12/31/21	N F/T	1.95
Highway Superintendent	Steven Renko	8	1/1/18-12/31/21	NF/T	22.59

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

RESOLUTION NO. 87-2018

AUTHORIZING SUPERVISOR TO ESTABLISH CERTAIN DAYS AND HOURS AT THE TOWN OF SOUTHPORT BRUSH LOT

Resolution by: Roman  
 Seconded by: Szerszen

WHEREAS, the Town Board of the Town of Southport has determined that it is in the best interest of the Town to establish certain days and hours at the Town of Southport Brush Lot.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby authorizes the Supervisor to establish certain days and hours at the Town of Southport Brush Lot.

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

RESOLUTION NO. 88-2018

ACCEPTING BID OF VACRI CONSTRUCTION COPORATION FOR THE LELAND STREET SEWER PROJECT

Resolution by: Roman  
Seconded by: Hurley

WHEREAS, this Town Board finds and determines that the bid submitted by Vacri Construction Corporation is deemed to be the lowest responsible bid submitted therefore, as follows:

Vacri Construction Corporation

\$ 2,185,000.00 Base Bid  
\$ ( 249,900.00) Bid Item D4 Reduction  
\$ 28,800.00 Alternates 1, 2, 3, & 4  
\$ 1,963.900.00 Recommended Bid Award Amount

NOW THEREFORE BE IT RESOLVED, that said bid be and the same hereby is accepted accordingly, and be it further

RESOLVED, that the Town Supervisor be and he hereby is authorized to enter into an agreement with Vacri Construction Corporation, to provide services in connection with the Leland Street Sewer Project, in an amount not to exceed ONE MILLION, NINE HUNDRED SIXTY THREE THOUSAND, NINE HUNDRED DOLLARS AND 00/100 (\$1,963,900.00).

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

RESOLUTION NO. 89-2018

AUTHORIZING WITHDRAWAL OF FUNDS FROM THE HIGHWAY EQUIPMENT RESERVE FUND

Resolution by: Szerszen  
Seconded by: Roman

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, repairs were needed to Town of Southport Highway vehicles,

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 \$14,811.93 from the Town's Highway Equipment Reserve Fund for repairs made to Town of Southport Highway Vehicles.

RESOLVED, this resolution is subject to a permissive referendum.

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

RESOLUTION NO. 90-2018

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH  
SOUTHPORT RECREATION ASSOCIATION

Resolution by: Szerszen  
Seconded by: Hurley

WHEREAS, the Southport Recreation Association has presented a proposal to provide a youth sports program to 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 Southport Recreation Association for the provision of a youth sports program to the Town of Southport at an amount not to exceed FIFTEEN THOUSAND DOLLARS (\$15,000.00),

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Town to enter into an agreement with Southport Recreation Association to provide to the Town of Southport a youth sports program at an amount not to exceed FIFTEEN THOUSAND DOLLARS AND 00/100 (\$15,000.00), and that said contract shall be subject to the review and approval of the Attorney for the Town.

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

Under Discussion was referral from Town of Southport Planning Board 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. This will be tabled until the June 12, 2018 meeting.

RESOLUTION NO. 91-2018

ACCEPTING THE RECOMMENDATION FROM THE TOWN OF SOUTHPORT PLANNING BOARD REGARDING  
THE SIX MONTH EXTENSION TO TEMPORARY 12-MONTH MORATORIUM ON  
SOLAR AND WIND ENERGY DEVELOPMENT

Resolution by: Roman  
Seconded by: Hurley

WHEREAS, the Town of Southport enacted Local Law No. 2 of 2017 on or about May 9, 2017 to establish a 12-month moratorium in order to allow the Town of Southport to properly plan for any development related to large scale solar energy systems within the Town of Southport, and

WHEREAS, the Town of Southport, as part of its planning in preparation for this potential development in the Town of Southport is reviewing its current zoning laws to address said potential development, and

WHEREAS, Local Law No. 2 of 2017 provided for a temporary 12-month moratorium for any potential development related to any commercial development or installation of solar or wind energy farms as defined herein within the Town of Southport and this proposed Local Law No. 1 of 2018 will provide for a six-month extension of Local Law No. 2 of 2017, and

WHEREAS, the Town Board of the Town of Southport per Resolution No. 77-2018, referred to the Town of Southport Planning Board proposed Local Law No. 1 of 2018, a six-month extension to the temporary 12-month Moratorium on solar and wind energy development within the Town of Southport and received a recommendation from the Town Planning Board to approve the proposed local law and for the Town to develop a plan and timeline for the implementation of law for solar and wind energy farms, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board accepts the recommendation of the Town of Southport Planning Board, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board recommends that this proposed Local Law No. 1 of 2018 be referred to the Chemung County Planning Board for review pursuant to General Municipal Law 239-m, and

BE IT FURTHER RESOLVED, that a public hearing is scheduled pursuant to law for Local Law no. 1 of 2018 on June 12, 2018 at 7:15 p.m., or as soon thereafter as it can be heard at the Town of Southport Town Hall.

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



Council Member Roman made a motion, Council Member Szerszen seconded to refer to the Chemung County Planning Board A Six-Month extension to Local Law No. 2 of 2017, a temporary 12-month Moratorium on development on solar and wind energy development within the Town of Southport.

RESOLUTION NO. 92-2018

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 June 12, 2018 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 proposed six month extension to Local Law No. 2 of 2017, a temporary 12-month Moratorium on development on solar and wind energy development within the Town of Southport.

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

Under Discussion was recommendation from the Town of Southport Planning Board to amend §525-107 Home Occupation. Their recommendation was to amend §525-107 Home Occupation which references the correct section to the code. This was also referred to the Chemung County Planning Board, whose recommendation was to approve the amendment, as stated above.

RESOLUTION NO. 93-2018

SETTING PUBLIC HEARING

Resolution by: Roman  
Seconded by: Hurley

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on June 12, 2018 at 7:30 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 §525-107 Home Occupation.

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

Next under discussion was Bell's Basin. Supervisor Sheen gave a brief timeline and stated that the property is land-locked. He states the Town has it timber harvested every 5-6 years and feels there may be potential for solar and wind development in the future. This will be tabled to the June meeting.

RESOLUTION NO. 94-2018

APPOINTING CHAD WEST AS ALTERNATE MEMBER OF THE TOWN OF SOUTHPORT  
PLANNING BOARD

Resolution by: Roman  
Seconded by: Szerszen

RESOLVED, that Chad West be and he hereby is appointed as an Alternate Member of the Town of Southport Planning Board, term to 5/8/2021.

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

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on Section 525-33 Special Dimensional requirements in the Bulk and Density Control Requirements and Bell's Basin.

Cherie Bennett from 780 Cedar Street thanked the Highway Department for cleaning up the Brush Lot and asked for an update on the Leland Street Area Sewer Project.

Charles Wilson from 399 Widger Hill Road commented on a potential medication drop off box, baseball field use at Draxler Park and Section 525-33 Special Dimensional requirements in the Bulk and Density Control Requirements.

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

The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk