

August 14, 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 August 14, 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, Code Enforcement Officer Peter Rocchi, Director of Recreation David Ellis, Recreation Attendant Robert Ripley, Recreation Attendant William Evans, Assessor Catherine Edwards, Community Development Specialist Nichola Ostrander, Town Clerk Carolyn Renko, Deputy Town Clerk Marianne Schrom

The meeting was called to order by Supervisor 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 | \$ 2,223.91 |
| Funds Turned to State and County Agencies | <u>\$ 1,185.59</u> |
| | \$ 3,409.50 |

Code Enforcement Office

| | | |
|-----------------|------------------------|---------------|
| Fees Collected: | Building Permit Fees | \$ 1,924.20 |
| | Building Permit Values | \$ 218,400.00 |
| | Operating Permit Fees | \$ 250.00 |
| | Site Plan Fees | \$ 75.00 |
| | Variance Fees | \$ 150.00 |

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.

There was no Correspondence received.

The minutes from the July 10, 2018 Regular Meeting will be tabled until the September meeting.

Charles Collins from 436 Kinner Hill Road commented on Resolution #8 Accepting bid of Maxwell Appraisal Service for revaluation of all commercial properties in the Town of Southport. He also commented on Discussion #1 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.

RESOLUTION NO. 130-2018

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of August 2018, No. 429 through No. 497, not to exceed \$95,690.05, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 131-2018

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of August 2018, No. 119 through No. 131, not to exceed \$102,227.65, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 132-2018

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 August 2018, No. 8, not to exceed \$7,533.39, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 133-2018

AUTHORIZING PURCHASE OF GASOLINE AT STATE BID PRICE

Resolution by: Hurley
Seconded by: Roman

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase gasoline at the established New York State bid contract price.

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

RESOLUTION NO. 134-2018

SETTING DATES FOR TOWN BOARD MEETINGS

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that pursuant to Section 62 of the Town Law, as amended, that the Annual Meeting of the Town Board of the Town of Southport for the year 2018, insofar as the same is required, be held on December 26, 2018, and be it further

RESOLVED, that the date of the Organizational Meeting of the Town Board of the Town of Southport for the year 2019, insofar as the same is required, be held on January 2, 2019, and be it further

RESOLVED, the Tentative Budget Special Meeting be held on September 18, 2018, and the Preliminary Budget Public Hearing & Special Meeting be held on November 7, 2018, and be it further

RESOLVED, that said meetings will be held at the Town Hall, 1139 Pennsylvania Avenue in the Town of Southport.

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

RESOLUTION NO. 135-2018

AUTHORIZING SUPERVISOR AND THE TOWN JUSTICES TO APPLY FOR A 2018 JUSTICE COURT ASSISTANCE PROGRAM GRANT

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Chief Administrative Judge is entertaining applications for the next cycle of Justice Court Assistance Program Grants to assist in the operation of their Justice Courts, and

WHEREAS, the Town of Southport Town Justices are requesting up to the maximum amount available to the Town Justice Court to assist in the operation of their Justice Court,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Supervisor and the Town Justices to apply for a 2018 Justice Court Assistance Program Grant up to the maximum amount available, and be it further

RESOLVED, that in the event such grant is awarded to the Town of Southport, the Supervisor and Town Justices are hereby authorized and directed to accept such grant funds on behalf of the Town of Southport and to execute any documents necessary to allow the Town to accept such grant funds.

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

RESOLUTION 136-2018

AUTHORIZING COURT CLERK MARY DESOCIO TO ATTEND THE 2018 FALL CONFERENCE OF THE NEW YORK STATE ASSOCIATION OF MAGISTRATE COURT CLERKS, INC.

Resolution by: Roman
Seconded by: Szerszen

RESOLVED that Mary DeSocio be and she hereby is authorized to attend the 2018 Fall Conference of New York State Association of Magistrate Court Clerk's Inc., in Lake Placid, New York on September 16, 2018 to September 19, 2018, and that her expenses therefore shall be a proper Town Charge.

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

RESOLUTION NO. 137-2018

ACCEPTING BID OF MAXWELL APPRAISAL SERVICE FOR REEVALUATION OF ALL COMMERCIAL PROPERTIES IN THE TOWN OF SOUTHPORT

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Assessor for the Town of Southport has recommended that the Town of Southport conduct a revaluation of all commercial properties, and

WHEREAS, Maxwell Appraisal Service submitted a bid to the Town of Southport to assist the Town Assessor in conducting commercial property revaluation at a total cost of NINE THOUSAND DOLLARS AND 00/00 (\$9,000.00), and

WHEREAS, the Town Board of the Town of Southport believes it is in the best interest of the Town of Southport to conduct a revaluation of all commercial properties,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, hereby authorizes the Assessor for the Town of Southport to conduct a revaluation of all commercial properties, and be it further

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with Maxwell Appraisal Service to conduct a revaluation of all commercial properties in the Town of Southport at a cost not to exceed NINE THOUSAND DOLLARS AND 00/100 (\$9,000.00), project to be completed by May 1, 2019.

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

RESOLUTION NO. 138-2018

SUPPORTING AN APPLICATION FOR THE FY 2019 APPALACHIAN REGIONAL COMMISSION
(ARC) GRANT PROGRAM

Resolution by: Szerszen
Seconded by: Gunderman

WHEREAS, the Town of Southport desires to apply for \$16,000.00 in financial assistance through the FY 2019 Appalachian Regional Commission (ARC) Grant Program.

WHEREAS, the application proposes funding to assist in a market analysis and housing study,
and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts,
and

WHEREAS, the application requires a commitment of at least 50% match, \$20,000.00 and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport approves and endorses the FY 2019 Appalachian Regional Commission Grant Program for assistance, prepared and to be submitted by Town of Southport, including a matching commitment of \$20,000.00 in the form of Empire State Development Strategic Planning Grant and a local cash match.

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

RESOLUTION NO. 139-2018

SETTING PUBLIC HEARING

Resolution by: Roman
Seconded by: Szerszen

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on September 11, 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 Local Law No. 3 of 2018, to Override Tax Levy Limit for taxable 2019 year established in General Municipal Law.

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

RESOLUTION NO. 140-2018

RATIFYING THE AGREEMENT WITH KNAUF SHAW, ATTORNEYS AT LAW TO REPRESENT THE TOWN IN THE UPSTATE TOWER CO. LITIGATION

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, Upstate Tower Co., LLC and Buffalo Lake Erie Wireless Systems Co., LLC filed litigation against the Town of Southport, Zoning Board of Appeals of Town of Southport and Planning Board of Town of Southport in regards to denial of a site plan application and area variance approval for the erection of a public utility wireless telecommunications tower to be located in the Town.

WHEREAS, the Town entered into an agreement with Knauf Shaw, Attorneys at Law to represent the Town against Upstate Tower Co., LLC and Buffalo Lake Erie Wireless Systems Co., LLC litigation.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport ratify the agreement with Knauf Shaw, Attorneys at Law, to represent the Town in litigation with Upstate Tower Co., LLC and Buffalo Lake Erie Wireless Systems Co., LLC and authorizes the Town Supervisor to execute any documents necessary for purposes relating to approving ap

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

RESOLUTION NO. 141-2018

AUTHORIZING TOWN BOARD TO APPROVE THE PROPOSED NAMES OF BERRY CREEK AND MINNOW CREEK, TWO STREAMS WHICH RUN THROUGH THE TOWN OF SOUTHPORT AND AUTHORIZING SUPERVISOR TO COMPLETE THE RECOMMENDATION FORM AND ANY RELATED DOCUMENTATION FOR THE APPROVAL OF SAID NAMES

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the US Board on Geographic Names is seeking input for the proposal of names for two streams which run through the Town of Southport. The names being proposed for two streams are Berry Creek and Minnow Creek.

RESOLVED, that the Town Board of the Town of Southport hereby approves the proposed names of Berry Creek and Minnow Creek and further authorizes the Town Supervisor to complete the recommendation form and any related documentation for the approval of said names.

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

RESOLUTION NO. 142-2018

ACCEPTING RETIREMENT RESIGNATION OF RICHARD NICKERSON AS EQUIPMENT OPERATOR #1

Resolution by: Roman
Seconded by: Szerszen

WHEREAS, Richard Nickerson has submitted his letter of resignation due to retirement as Highway Equipment Operator No. 1 for the Town of Southport, effective September 4, 2018.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the letter of resignation due to retirement from Richard Nickerson as Highway Equipment Operator #1, effective September 4, 2018.

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

RESOLUTION NO. 143-2018

EXTENDING THE AGREEMENT WITH THE COUNTY OF CHEMUNG TO PROVIDE A
RESIDENT SHERIFF'S DEPUTY FOR THE TOWN

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Town Board of the Town of Southport in regular session duly convened, authorized the Town Supervisor to extend the Agreement with the County of Chemung to provide one full-time resident Sheriff's Deputy to the Town of Southport until December 31, 2018.

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

RESOLUTION NO. 144-2018

SETTING PUBLIC HEARING

Resolution by: Roman
Seconded by: Szerszen

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on September 11, 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 §525-33 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.

RESOLUTION NO. 145-2018

AUTHORIZING THE PAYMENT OF CHANGE ORDERS FOR THE LELAND AREA SANITARY SEWER PROJECT

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, by Resolution No. 40-2018, the Town of Southport entered into an Agreement with Fagan Engineers for Professional Engineering Services for the Leland Area Sanitary Sewer Project, at a cost of \$252,000.00, and

WHEREAS, the Town Board did agree to certain change orders that were needed in regards to the Leland Area Sanitary Sewer, which resulted in additional charges to the Town of \$23,000.00.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the additional payment of \$23,000.00 to Fagan Engineers for change orders in regards to the Leland Area Sanitary Sewer Project.

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

RESOLUTION NO. 146-2018

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH DALRYMPLE GRAVEL & CONTRACTING CO., INC. FOR HOT MIX OVERLAY TO VARIOUS STREETS IN THE TOWN OF SOUTHPORT

Resolution by: Roman
 Seconded by: Szerszen

WHEREAS, the Town of Southport received a quote from Dalrymple Gravel & Contracting Co., Inc. for hot mix overlay to various streets in the Town of Southport as follows:

| <u>Street</u> | <u>Est Qty</u> | <u>Unit Price</u> | <u>Total \$</u> |
|--|----------------|------------------------|----------------------|
| <u>Yale Street (850' x 27')</u> | | | |
| Mill 2" | 2550 SY | \$5.00 SY | \$12,750.00 |
| Pave 2" Ty 6 | 300 TN | \$97.00/TN | \$29,100.00 |
| Tack Coat | 130 gal | \$3.00/gal | \$ 390.00 |
| Mobilization – Mill | 1 EA | \$1,000/EA | \$ 1,000.00 |
| Mobilization | 1 EA | \$1,500/EA | <u>\$ 1,500.00</u> |
| | | Subtotal | \$ 44,740.00 |
| <u>Universal Dr (2270' x 26' & varies)</u> | | | |
| Mill 2.5" | 6,560 SY | \$3.00/SY | \$ 19,680.00 |
| Pave 1" Ty 6 T & L | 370 TN | \$79.00/TN | \$ 29,230.00 |
| Pave 1.5" Top | 580 TN | \$79.00/TN | \$ 45,820.00 |
| Tack Coat | 550 gal | \$3.00/gal | \$ 1,650.00 |
| Mobilization | 1 EA | \$1,500/EA | <u>\$ 1,500.00</u> |
| | | Subtotal | \$ 97,880.00 |
| <u>S Hampton Apron (290' x 18')</u> | | | |
| Mill 2" | 580 SY | \$15.00/SY | \$ 8,700.00 |
| Pave 2" Ty 6 Top | 70 TN | \$97.00/TN | \$ 6,790.00 |
| Tack Coat | 50 gal | \$3.00/gal | \$ 150.00 |
| Mobilization | 1 EA | \$1,500 | \$ 1,500.00 |
| | | Subtotal | \$ 17,140.00 |
| | | ESTIMATED TOTAL | \$ 159,760.00 |

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
 NOES: None
 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 definitions for Agriculture Use in 525-5.

Richard Grover from 46 Walsh Road commented on drainage issues on Walsh Road after the recent flooding.

Ruth Spencer from 64 Walsh Road also commented on drainage issues on Walsh Road after the recent flooding.

Mark Makowiec from 509 Bonaview Avenue commented on the revaluation of commercial properties in the Town.

Charles Wilson from 399 Widger Hill Road commented on drainage ditches on his road and mowing on Rte. 328.

Christa Heyward from 1243 Trescott Drive commented on drainage issues near her property after the recent flooding.

Bob Ripley from 1531 Pennsylvania Avenue commented on the recent flooding of his property from Dry Run Creek.

Council Member Roman made a motion, Council Member Szerszen seconded the motion to adjourn into an executive session to discuss proposed pending or current litigation and the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

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

The meeting adjourned to executive session at 8:06 p.m.

The meeting reconvened at 8:55 p.m.

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

The meeting adjourned at 8:56 p.m.

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

Respectfully Submitted,

Carolyn A. Renko, Town Clerk