

June 8, 2021

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 June 8, 2021.

Members Present: Supervisor Kathleen Szerszen, Council Members Glenn Gunderman, Daniel Hurley, Joseph Roman, Timothy Steed

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer Peter Rocchi, Town Clerk Carolyn Renko, Deputy Town Clerk Marianne Schrom

The meeting was called to order by Supervisor Kathleen Szerszen 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

7:00 p.m. – Discussion of 2020 audit.

Mr. Patrick Jordan, CPA, Partner of Insero & Co., CPA presented the 2020 audit reports. The discussion focused on comparisons to the previous four years. Changes were primarily attributable to results of operations as well as depreciation expense and new debt. Mr. Jordan offered suggestions to consider when developing budgets for future years.

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

|   |                  |
|---|------------------|
| Town Clerk & Dog License Fees           | \$ 952.33        |
| Fitzsimmons Lot Sales                   | \$ 275.00        |
| Funds Turned to State & County Agencies | <u>\$ 892.42</u> |
|   | \$ 2,119.75      |

CODE ENFORCEMENT

|                |                        |               |
|----------------|------------------------|---------------|
| Fees Collected | Building Permit Fees   | \$ 1,943.60   |
|                | Building Permit Values | \$ 300,900.00 |
|                | Site Plan Fees         | \$ 150.00     |

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

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

Council Member Hurley made a motion, Council Member Gunderman seconded to accept the minutes from May 11, 2021 Regular Meeting and May 18, 2021 Special Meeting.

Under Correspondence, Supervisor Szerszen mentioned that the County is doing an electronic recycling event and that information could be found on the Town's website. She also mentioned that the Sheriff's Office will be placing license plate readers in Bulkhead Intersection, which were paid for by a grant the Sheriff's Office received.

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

RESOLUTION NO. 94-2021

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Roman  
Seconded by: Steed

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of June 2021, No. 219 through No. 272, not to exceed \$63,104.40 has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 95-2021

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Gunderman  
Seconded by: Steed

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of June 2021, No. 114 through No. 132, not to exceed \$66,798.15, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 96-2021

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Hurley  
Seconded by: Gunderman

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of June 2021, No. 4, not to exceed \$8,314.50, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 97-2021

AUTHORIZING SUPERVISOR TO ENTER INTO A LAND USE AGREEMENT WITH PENNSYLVANIA AVENUE UNITED METHODIST CHURCH

Resolution by: Roman  
Seconded by: Gunderman

WHEREAS, the Supervisor and the Recreation Department have requested that the Town enter into an agreement with the Pennsylvania Avenue United Methodist Church to use a portion of their property as playing fields.

RESOLVED, that the Town Board of the Town of Southport in regular session duly convened, authorizes the Town Supervisor to enter into an Agreement with Pennsylvania Avenue United Methodist Church to use the rear portion of the church's property for playing fields and a parking area to be used in connection with the playing fields.

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

RESOLUTION NO. 98-2021

ACCEPTING RESIGNATION OF JACQUELINE FRENCH AS TOWN OF SOUTHPORT  
CEMETERY COMMISSION SECRETARY

Resolution by:       Steed  
Seconded by:       Hurley

WHEREAS, Jacqueline French has submitted her resignation as the Secretary to the Town of Southport Cemetery Commission, effective May 21, 2021.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of Jacqueline French, as the Secretary to the Town of Southport Cemetery Commission, effective May 21, 2021.

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

RESOLUTION NO. 99-2021

APPOINTING JACQUELINE FRENCH AS A MEMBER OF THE TOWN OF SOUTHPORT  
CEMETERY COMMISSION

Resolution by:       Gunderman  
Seconded by:       Steed

RESOLVED, that Jacqueline French be and she hereby is appointed as a member of the Town of Southport Cemetery Commission, said term to expire November 1, 2022.

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

RESOLUTION NO. 100-2021

APPOINTING TEMPORARY PART-TIME SUMMER RECREATION LEADERS

Resolution by: Gunderman  
Seconded by: Hurley

WHEREAS, the Director of Recreation of the Town of Southport has recommended that the Town employ part-time temporary summer Recreation Leaders,

NOW THEREFORE BE IT RESOLVED, that the Town of Southport does hereby appoint the following individuals as part-time temporary Recreation Leaders, those individuals to be paid as any other Town employee pursuant to the following schedule:

| <u>NAME</u>      | <u>POSITION</u>       | <u>COMPENSATION</u> | <u>EFFECTIVE DATES</u> |
|------------------|-----------------------|---------------------|------------------------|
| Barr, Alexandra  | Site Coordinator      | \$15.25 pr/hr       | 6/30/21-8/13/21        |
| Barr, Caroline   | Recreation Leader     | \$13.50 pr/hr       | 6/30/21-8/13/21        |
| Clark, Karissa   | Site Coordinator      | \$14.75 pr/hr       | 6/30/21-8/13/21        |
| Hanrahan, Emily  | Recreation Leader     | \$13.50 pr/hr       | 6/30/21-8/13/21        |
| Hassen, Kory     | Recreation Leader     | \$13.50 pr/hr       | 6/30/21-8/13/21        |
| Moshier, Maxwell | Recreation Leader     | \$13.50 pr/hr       | 6/30/21-8/13/21        |
| Nelan, Dominick  | Recreation Leader     | \$13.50 pr/hr       | 6/30/21-8/13/21        |
| Nelan, Lidia     | Recreation Leader     | \$13.75 pr/hr       | 6/30/21-8/13/21        |
| Nelan, Nathan    | Recreation Leader     | \$13.50 pr/hr       | 6/30/21-8/13/21        |
| Renko, Julianne  | Recreation Supervisor | \$19.25 pr/hr       | 6/30/21-8/13/21        |
| Ripley, Chase    | Recreation Leader     | \$13.50 pr/hr       | 6/30/21-8/13/21        |
| Ripley, Cody     | Site Coordinator      | \$15.00 pr/hr       | 6/30/21-8/13/21        |
| Sherman, Colin   | Recreation Leader     | \$13.50 pr/hr       | 6/30/21-8/13/21        |
| Taft, Wesley     | Recreation Leader     | \$13.50 pr/hr       | 6/30/21-8/13/21        |

and be it further

RESOLVED, that except for New York State retirement benefits, 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 shall not 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, Steed, Szerszen  
NOES: None  
CARRIED.

RESOLUTION NO. 101-2021

ACCEPTING PROPOSAL FROM LABELLA ASSOCIATES FOR DESIGN SERVICES AND CONSTRUCTION ASSISTANCE TO INSTALL GENERATORS AT TOWN HALL AND HIGHWAY GARAGE

Resolution by: Gunderman  
Seconded by: Roman

WHEREAS, LaBella Associates has provided the Town of Southport a proposal for Design Services and Construction Assistance to install generators at the Town Hall and Highway Garage.

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 sign and enter into an Agreement with LaBella Associates for design services and construction assistance to install generators at Town Hall and Highway Garage, for a sum not to exceed NINETEEN THOUSAND, SEVEN HUNDRED THIRTY DOLLARS AND 00/100 (\$19,730.00).

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

RESOLUTION NO. 102-2021

ACCEPTING PROPOSAL FROM DALRYMPLE GRAVEL & CONTRACTING CO., INC. TO PERFORM MILLING AND PAVING WORK AT VARIOUS LOCATIONS IN THE TOWN OF SOUTHPORT

Resolution by: Roman  
Seconded by: Gunderman

WHEREAS, the Town of Southport received a quote from Dalrymple Gravel & Contracting Co. Inc., for milling and paving at various locations in the Town of Southport as follows:

| <u>Description</u>                              | <u>Est Qty</u> | <u>Unit Price</u> | <u>Total Price</u>  |
|---|----------------|-------------------|---------------------|
| <b><u>Robert Street (3900' x 26')</u></b>       |                |                   |                     |
| Mill 2" (millings become property of Dalrymple) | 1 Day          | \$6,000/Day       | \$ 6,000.00         |
| Mobilize Milling Spread                         | 1 EA           | \$3,500/EA        | \$ 3,500.00         |
| Pave 2" Ty 6 Top                                | 1,280 Ton      | \$82.00/Ton       | \$104,960.00        |
| Tack  | 565 Gal        | \$4.00/Gal        | \$ 2,260.00         |
| Mobilize Paving Spread                          | 1 EA           | \$2,500/EA        | \$ 2,500.00         |
| <b>Subtotal Robert St:</b>                      |                |                   | <b>\$119,220.00</b> |

**Smith St. (965' x 25') – OPTIONAL, to be done with Robert:**

|  |         |             |                     |
|--|---------|-------------|---------------------|
| Mill 2" (millings become<br>property of Dalrymple) | 0.5 Day | \$6,000/Day | \$ 3,000.00         |
| Pave 2" Ty 6 Top                                   | 305 Ton | \$82.00/Ton | \$ 25,010.00        |
| Tack   | 135 Gal | \$4.00/Gal  | \$ 540.00           |
| <b>Subtotal Smith St:</b>                          |         |             | <b>\$ 28,550.00</b> |

**Mill & Pave Backside Chapel Park (326' x 12'):**

|  |         |             |                     |
|--|---------|-------------|---------------------|
| Mill variable depth to<br>Slope toward grass (millings to be<br>Taken to Town Stockpile) | 0.5 Day | \$6,000/Day | \$ 3,000.00         |
| Mobilize Milling Spread  | 1 EA    | \$1,500/EA  | \$ 1,500.00         |
| Pave 2" Ty 6 Top   | 60 Ton  | \$92.50/Ton | \$ 5,550.00         |
| Tack   | 25 Gal  | \$6.00/Gal  | \$ 150.00           |
| Mobilize Paving Spread   | 1 EA    | \$1,000/EA  | \$ 1,000.00         |
| <b>Subtotal Chapel Park:</b>   |         |             | <b>\$ 11,200.00</b> |

**Mill & Pave Town Hall Parking Lot:**

|   |         |             |                     |
|---|---------|-------------|---------------------|
| Mill 2" (milling become<br>property of Dalrymple) | 1 Day   | \$6,000/Day | \$ 6,000.00         |
| Mobilize Milling Spread                           | 1 EA    | \$3,500/EA  | \$ 3,500.00         |
| Pave 2" Ty 6 Top                                  | 290 Ton | \$92.50/Ton | \$ 26,825.00        |
| Adjust Drainage Structures                        | 5 EA    | \$2,000/EA  | \$ 10,000.00        |
| Tack  | 130 Gal | \$4.00/Gal  | \$ 520.00           |
| Mobilize Paving Spread                            | 1 EA    | \$2,500/EA  | \$ 2,500.00         |
| <b>Subtotal Town Hall:</b>                        |         |             | <b>\$ 49,345.00</b> |

**ESTIMATED TOTAL \$ 208,315.00**

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

RESOLUTION NO. 103-2021

ACCEPTING PROPOSAL FROM FAGAN ENGINEERS TO WRITE A NYS EFC WASTEWATER INFRASTRUCTURE PLANNING GRANT FOR THE MT. ZOAR AREA SANITARY SEWER PROJECT

Resolution by: Gunderman  
Seconded by: Roman

WHEREAS, the Town of Southport is requesting grant writing assistance for the Mt. Zoar Area Sanitary Sewer District Extension Project.

WHEREAS, Fagan Engineers has submitted a proposal to develop and submit the Consolidated Funding Application (CFA) request for funding under the DEC/EFC Engineering Planning Grant (EPG) Program for the Mt. Zoar Area Sanitary Sewer District Extension Project.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize Fagan Engineers to provide these services, and be it further

RESOLVED, that the Supervisor of the Town of Southport is hereby authorized and directed to enter into an Agreement with Fagan Engineers for the provision of these services at a cost not to exceed ONE THOUSAND DOLLARS AND 00/100 (\$1,000.00), and be it further

RESOLVED, that the agreement with Fagan Engineers be subject to the review and approval of the Attorney for the Town.

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

RESOLUTION NO. 104-2021

ACCEPTING PROPOSAL FROM FAGAN ENGINEERS TO WRITE A WATER QUALITY IMPROVEMENT GRANT FOR FAIRWAY-PHOENIX AREA SANITARY SEWER DISTRICT EXTENSION PROJECT

Resolution by: Hurley  
Seconded by: Gunderman

WHEREAS, the Town of Southport Town Board is requesting assistance with grant writing for the Fairway-Phoenix Area Sanitary Sewer District Extension Project.

WHEREAS, Fagan Engineers has submitted a proposal to provide EPG Report update under the 2020 Engineering Report (EPG #77131) based on anticipated 2022 construction costs for this project, as well as prepare the Consolidated Funding Application (CFA) for the Water Quality Improvement Program (WQIP) Grant.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize Fagan Engineers to provide these services, and be it further

RESOLVED, that the Supervisor of the Town of Southport is hereby authorized and directed to enter into an Agreement with Fagan Engineers for the provision of these services at a cost not to exceed TWO THOUSAND DOLLARS AND 00/100 (\$2,000.00), and be it further

RESOLVED, that the agreement with Fagan Engineers be subject to the review and approval of the Attorney for the Town.

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

Under Resolutions was Accepting the Audit of Insero & Co., for the year ending December 31, 2020, which will be tabled until the July 13, 2021 Meeting.

RESOLUTION NO. 105-2021

ADOPTING LOAN RESOLUTION RELATING TO FINANCING THE SNOWPLOW TRUCK THROUGH USDA

Resolution by: Roman  
Seconded by: Steed

RESOLUTION of the Town Board of the Town of Southport authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its facility to serve an area lawfully within its jurisdiction to serve (Snow Plow Truck).

WHEREAS, it is necessary for the Town of Southport (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$130,000.00 pursuant to the provisions of New York State Local Finance; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business – Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333 (c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.

10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
  - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
  - (b) Repairing or replacing short-lived assets.
  - (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$130,000.00 under the terms offered by the Government; that the Town Supervisor and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement (s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

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

RESOLUTION NO. 106-2021

ACCEPTING PURCHASE OF SERVICES FROM THE ARC CHEMUNG-SCHUYLER

Resolution by:       Steed  
Seconded by:       Gunderman

WHEREAS, the Town of Southport and The Arc Chemung-Schuyler did enter into negotiations concerning services provided to The Arc Chemung-Schuyler by the Town of Southport, including but not limited to fire protection, police protection, lighting property, and/or property inspection and administrative services through the Town Clerk's Office, and

WHEREAS, The Arc Chemung-Schuyler does not currently pay any taxes to the Town of Southport, nor does The Arc Chemung-Schuyler make any other payment to the Town of Southport for the provision of services to The Arc Chemung-Schuyler, and

WHEREAS, The Arc Chemung-Schuyler has offered to pay the Town of Southport the sum of \$276.34 annually for the next five years for the provision of certain services to The Arc Chemung-Schuyler, and

WHEREAS, the Town Board of the Town of Southport believes it to be in the best interest of the Town of Southport to enter into an agreement with The Arc Chemung-Schuyler to provide services to it, provided that the Town is otherwise providing similar services to other residents and/or property owners in the Town of Southport.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the Supervisor to enter into an agreement with Chemung ARC to provide such services, that the Town of Southport provides to other residents and/or property owners in the Town of Southport, to The Arc Chemung-Schuyler for the sum of \$276.34 annually for a period of five years, commencing July 1, 2021.

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

RESOLUTION NO. 107-2021

BUDGET MODIFICATIONS

Resolution by: Gunderman  
Seconded by: Hurley

RESOLVED, that the following transfer of funds are as follows:

| <b>Budget lines to be Modified</b>        | <b>Prior Approved Budget Amt.</b> | <b>Amount of Requested Increase/Decrease</b> | <b>Revised Budget Amt.</b> | <b>Reason for Budget Rev.</b> |
|---|-----------------------------------|--|----------------------------|-------------------------------|
| From: A1990.4<br>Contingent               | \$50,000.00                       | (\$10,350.00)                                | \$39,650.00                |                               |
| To: A3650.4<br>Demolition of Unsafe Bldg. | \$10,000.00                       | \$10,350.00                                  | \$20,350                   | Bldg. Demo                    |

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

RESOLUTION NO. 108-2021

ISSUING A NEGATIVE DECLARATION UNDER SEQR FOR PLANNED DEVELOPMENT DISTRICT REFERENCED AS AUTUMNVIEW ESTATES AND DECLARING THE TOWN OF SOUTHPORT AS LEAD AGENCY

Resolution by: Gunderman  
Seconded by: Steed

WHEREAS, the Town of Southport Town Board received the Town of Southport Planning Board's written findings and conclusions dated December 15, 2020 in regard to the Planned Development District (PDD) application for the Autumnview Estates regarding the preliminary master site plan whereby the Town of Southport Planning Board recommended that the Town Board approve the Autumnview Estates formal application for a PDD, as said application and Full Environmental Assessment Form demonstrate that the proposed PDD meets the criteria set forth in the Town of Southport Code Section 525-46; and

WHEREAS, that pursuant to NYS General Municipal Law, Section 239-m, the Town Board of the Town of Southport is in receipt of the Chemung County Planning Board's approval of said PDD; and

WHEREAS, a public hearing was held on March 9, 2021, and continued on April 13, 2021, as required under Town of Southport Code Section 525-47; and

WHEREAS, pursuant to 6 NYCRR Part 617.6 of the New York State Environmental Quality Review (“SEQRA”) on November 10, 2020 the Town Board declared the PDD application to be a Type 1 action and declared its intent to serve as lead agency and submitted the notice of intent on January 13, 2021 to all involved agencies; and

WHEREAS, pursuant to 6 NYCRR Part 617, the Town of Southport Town Board conducted the SEQRA review and thoroughly discussed Part 1, Part II and Part III of the Full Environmental Assessment Form to identify any potential project impacts and determine significance;

NOW, THEREFORE, it is hereby:

RESOLVED, the Town of Southport Town Board, County of Chemung, State of New York, declares itself as Lead Agency and further designates the project for a Planned Development District (PDD) referenced as Autumnview Estates is considered a Type I action under SEQRA; and it is further

RESOLVED, the Town of Southport Town Board has determined that the application for the Planned Development District submitted for Autumnview Estates by James P. Gensel of Fagan Engineers on behalf of David and Amy Cleary to develop 4.8 acres at the northern end of Autumnview Way with two single family buildings and eight duplex buildings per the preliminary master site plan, last revision dated August 11, 2020 in the Town of Southport, Pine City, New York, with area variance granted by the Zoning Board of Appeals, will not have any significant adverse impact on the environment, grant a Negative Declaration pursuant to SEQRA, and no environmental impact statement need be prepared; and it is further

RESOLVED, that this notice is issued by the Town of Southport Town Board pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder as set forth at Part 617 of Title 6 of New York Codes, Rules and Regulations (collectively referred to as “SEQRA”); and it is further

RESOLVED, that the following factors support the State Environmental Quality Review Act Determination of Significance:

1. The project name is Autumnview Estates at the location of Autumnview Way (Tax Map No. 108.00-1-34.11) on property owned by David and Amy Cleary in an R1 zone. The applicants propose to develop 4.8 acres at the northern end of Autumnview Way with two single family buildings and eight duplex buildings to fulfill the need for residents 55 and older. The project received approval from the Zoning Board of Appeals for an area variance since the zoning in this R1 district requires ten acres for a Planned Development District and this project will be developed on 4.8 acres.
2. The Town Board of the Town of Southport has authority over this project with discretion to approve or disapprove the Planned Development District and impose appropriate conditions necessary to mitigate any potential adverse environmental impacts in accordance to Article 7 of the Zoning Law for the Town of Southport. The Town Board is acting as Lead Agency in this SEQRA coordinated review, having declared itself Lead Agency after circulating a notice of intent as Lead Agency to all interested and involved agencies.

3. On February 19, 2020, the Town of Southport Zoning Board of Appeals approved an area variance for the creation of the Planned Development District (“Autumnview”) as described herein, zoned in the zoning district R1 and granted a one year extension on February 18, 2021. On July 14, 2020, the Town Board accepted the sketch plan for the Autumnview Estates Planned Development District and referred such sketch plan to the Town of Southport Planning Board for review. The Town Board accepted the Planning Board’s advisory report at the Town Board’s regularly scheduled meeting on November 10, 2020, and at said meeting, referred the Autumnview Estates formal application and accompanying Full Environmental Assessment Form to the Planning Board. The Planning Board reviewed the Autumnview Estates PDD formal application and Full Environmental Assessment Form on December 7, 2020, and voted unanimously to recommend that the Town Board approve the Autumnview Estates PDD. The Town Board held a public hearing on March 9, 2021 and continued on April 13, 2021, at which Time all interested parties had an opportunity to be heard concerning the project. The Town Board carefully considered the full scope of the project and reviewed and considered the entire record of proceedings related to it, including the following:
  - Application (sketch plan) of Fagan Engineers dated April 30, 2020.
  - Revised application of Fagan Engineers dated June 3, 2020.
  - Formal application submitted by Fagan Engineers dated August 11, 2020.
  - Part I, Full Environmental Assessment Form, prepared by Fagan Engineers.
  - Master Site Plan prepared by Fagan Engineers, last revised August 11, 2020
  - Additional Full EAF information submitted by Fagan Engineers dated May 4, 2021.
  - Public comments solicited during the public hearings held on the March 9, 2021 and April 13, 2021.
  - Recommendations of Town consultant, Robert Switala, PE, Principal at Bergmann dated the 27th day of April, 2021.
  - Town of Southport Planning Board determination for the sketch plan and final application.
  - Southport Zoning Board of Appeals approved area variance.
4. This site is located in a residential neighborhood zoned R1 for single-family residences. The size of the development site is approximately 4.8 acres at the end of Autumnview Way in Pine City, New York.
5. Analysis of Impacts to Environmental Resources for Part II of Full Environmental Assessment Form:

### Impacts on Land

The project may involve construction on land where depth to water table is less than three feet. In addition, the proposed PDD may involve construction that continues for more than one year or in multiple phases. Applicant has indicated that in two test pits completed in 2020, they found ground water at approximately four to five feet. The project area has a history of flooding and ponding with some nearby residents noting flooding of basements. As a result, the proposed development has the potential to result in a moderate to large impact. Impacts to the water table from the proposed action include the on-site septic system and stormwater. However, the on-site system would be mitigated through compliance with the Chemung County Sanitary Code, which states that individual sewage treatment systems shall be designed, constructed, and maintained in accordance with the standards of the State Commission of Health. The impacts associated with stormwater runoff will be mitigated by the applicant preparing a stormwater design that is compliant with the SPDES general permit for stormwater discharges from construction activities – GP-0-20-001 and Chapter 442 of the Town of Southport Municipal Code in regard to stormwater management. Both the individual sewage treatment and the stormwater regulations have measures associated with designing applicable systems for areas that have the potential for high ground water. The proposed action has provided additional mitigation through the design of residential structures with no basements and limiting the lot coverage to 33%.

The proposed action will involve construction that continues for more than one year or in multiple phases. The applicant has indicated that stormwater management will not be established with the initial phase and any management would be incorporated as part of future build-out. However, the development of Phase I without any stormwater management could be a moderate to large impact. Therefore, this impact can be mitigated through requiring the applicant to install the appropriate stormwater management practices in the initial phase.

### Impact on Surface Water

The proposed action may cause soil erosion or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. The proposed action will require a Stormwater Pollution Prevention Plan (SWPPP), and coverage under the NYSDEC Stormwater General Permit. The project will require installation of erosion and sediment controls and will require erosion and sediment control inspections during and immediately following construction. The development of Phase 1 without any stormwater management or erosion and sediment controls could be a moderate to large impact. This impact can be mitigated through the applicant installing appropriate stormwater management and erosion control practices to ensure that all phases are compliant with the New York State Stormwater Management Design Manual. Further mitigation can be accomplished by the development of a SWPPP for the entire project, which can be phased consistent with the project and would ensure all phases have proper controls in place to prevent soil erosion, siltation, or other degradation of receiving water bodies. These mitigation measures must be incorporated to minimize any impacts.

It is important to note that other projects for development of this site may not be subject to SWPPP or require any other mitigating factors. Such other developments could consist of developing single-family homes which would not be subject to the same criteria for stormwater.

### Impact on Flooding

The proposed action may result in development within a 500-year floodplain. The proposed action may also result in, or require, modification of existing drainage patterns. The project will be located within the 500-year floodplain, which is the reason that moderate to large impact may occur. No regulations or restrictions associated with development are within the 500-year floodplain. The proposed action will result in modification of existing drainage patterns. However, any development on this property would result in similar impacts. If the proposed action adheres to appropriate stormwater regulations, any impacts associated with flooding and/or drainage can be appropriately mitigated. The applicant has also provided additional mitigation by reducing the total lot coverage from 50% maximum required by Code to 33%.

### Impact on Transportation

The proposed development may result in a change to the existing transportation systems. Any increase in the proposed projected traffic would not exceed the capacity of the road network and would not degrade the existing transit access or pedestrian or bicycle accommodations. The impact on transportation would be considered small.

### Impact on Energy

The proposed action may cause an increase in the use of any form of energy. However, the proposed project would not require a new or any upgrade to any existing substation. The proposed project will not require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. The project will not utilize more than 2500 megawatts per hour per year of electricity. The project will not involve heating or cooling of more than 100,000 square feet of a building when completed. Therefore, any impact on energy would be minimal.

### Consistency with Community Plans

The proposed action is inconsistent with local land use plans or zoning regulations. The project may cause a change in the density of the development that is not supported by existing infrastructure or is distant from existing infrastructure. The proposed action is not consistent with local zoning as an area variance was required to allow the development of a PDD on a 4.8-acre site whereby the zoning code required 10 acres. Two-unit dwellings are not permitted in the underlying R1 zone; therefore, the proposed use is denser than what is present from existing infrastructure. The applicant has mitigated some of the density increase through the development of two single-family homes and by reducing the coverage from what is required by code. While there may be impacts associated with increased density, the applicant was granted an area variance from the Zoning Board of Appeals to develop a Planned Development District on the proposed site.

Consistency with Community Character

The proposed project is inconsistent with the existing community character. The community character is predominantly single-family homes. This project will include duplexes. The proposed project will not replace or eliminate existing facilities, structures, or areas of historical importance to the community. In addition, the proposed project will not create a demand for additional community services or displace affordable or low-income housing. The project will not interfere with the use or enjoyment of officially recognized or designated public resources. The proposed project, even though they are two units, are not inconsistent with the architectural nature as shown on the plans.

6. Part III of the Evaluation of Significance

As discussed in the evaluation of Part II, the Town of Southport Town Board has compared the impacts reasonably expected to result from the proposed Autumnview Estates PDD project and highlighted the mitigating factors. The evaluation of the significant impacts included:

- Consideration of the actions as defined in Subdivision 6, NYCRR Parts 617.2(b) and 617.3(g).
- Review of the Full Environmental Assessment Form (FEAF), the criteria identified in 6 NYCRR Part 617.7(c)(1) and other supporting information to identify relevant areas of environmental concern.
- For the purpose of determining significant adverse impacts on the environment of those factors listed, the long-term, short-term, direct, indirect, and cumulative impacts, including simultaneous or subsequent actions, to the extent reasonable, as included in the long-range plan for the action, any action that is a result of the reviewed action or is dependent on the action was reviewed per 617.7(c)(2).
- The significance of any likely consequences was assessed in connection with the setting of the action, the likelihood of occurrence, duration, irreversibility, geographic scope, magnitude, and the number of people affected as a consequence of the action per 617.7(c)(3).

and it is further

RESOLVED, that a thorough analysis of all potential negative environmental impacts associated with the project reveals that there will be no significant adverse environmental impacts. Accordingly, the Town Board hereby issues a negative declaration for the Autumnview Estates Planned Development District pursuant to SEQRA.

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

RESOLUTION NO. 109-2021

ESTABLISHMENT OF AUTUMNVIEW ESTATES PLANNED DEVELOPMENT DISTRICT

Resolution by:           Gunderman  
Seconded by:            Steed

WHEREAS, the Town of Southport Town Board is in receipt of the Town of Southport Planning Board's written findings and conclusions dated December 15, 2020 in accordance with Town of Southport Code Section 525-46 for approval for the preliminary master site plan for the Autumnview Estates Planned Development District ("PDD"), last revision dated August 11, 2020 submitted by James Gensel of Fagan Engineers for David and Amy Cleary in regard to the application; and

WHEREAS, a public hearing was held on March 9, 2021, and continued on the April 13, 2021, as required under Town of Southport Code Section 525-47; and

WHEREAS, the Town Board having made a negative declaration in regard to SEQRA; and

WHEREAS, the Town of Southport Town Board is now obligated to consider the legal establishment of the Planned Development District in accordance with Town of Southport Code Section 525-47; and

NOW THEREFORE, BE IT RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York, hereby approves the establishment of a Planned Development District at the northern end of Autumnview Way, Pine City, New York (Tax Map No. 108.00-1-34.11) pursuant to the Autumnview Estates formal application dated August 11, 2020, based upon review of the following criteria set forth in Town of Southport Code Section 525-47(c) and in accordance with the conditions set forth herein:

1. The Town Board determined that the PDD is consistent with the purpose and intent of Town of Southport Town Code Chapter 525, Article VII, including, where applicable, the objectives and standards of this Chapter.
2. The PDD is compatible with the surrounding neighborhood context and character and is in conformance with the policies in the Comprehensive Plan.
3. The PDD's approval is conditioned upon the following mitigated standards to avoid any undue adverse environmental impact as set forth during the SEQRA review to the maximum extent possible:
  - a. A Stormwater Pollution Prevention Plan ("SWPPP") will be formulated within the initial phase of the project to ensure that stormwater management and erosion and sediment controls are compliant through all phases of the project meeting the requirements of the New York State SPDES General Permit for Stormwater Discharges from Construction Activities – GP-0-20-001 and Chapter 442 of the Town of Southport Municipal Code.

Therefore, the SWPPP must be developed during the initial phase of the project and the plan must encompass the entire project, not just the initial phases and accepted by regulatory agency and constructed in accordance with approved plan.

- b. The on-site septic system shall be designed to be in compliance with the Chemung County Sanitary Code in accordance with the standards of the State Commission of Health.
  - c. To ensure that the housing project is aesthetically pleasing and blends with the neighborhood, housing units must be similar architectural style as set forth in the submitted design.
4. The PDD will add to the long-term assets of the community, and it will not erode the livability or economic viability of existing and neighboring areas.
5. The open space and recreation areas and facilities are commensurate with the level of development proposed and the predevelopment open space resources potentially available for protection.
6. The Town of Southport Code Section 525-47(6) relating to open space resources being sufficiently secured is not applicable to this project.
7. The Town Board determined the necessity of the following conditions in order to protect the health, safety, and general welfare of the community:
  - a. The conditions as set forth in paragraph 3 above.
  - b. Preliminary master site plan as submitted in the formal application last revision dated August 11, 2020, in regard to density (8 duplexes and 2 single-family residences) may not be amended unless the amendment actually decreases the density, or the applicant proceed through the PDD amendment procedure per Town of Southport Code Section 525-52 (B)
  - c. Any and all road construction must adhere to the New York State Fire Code as it relates to fire apparatus access. To ensure such compliance, the applicant will obtain a bond for approval during the site plan review process by the Town of Southport Planning Board.
  - d. Applicant shall demonstrate development shall not have adverse impact on seasonal high ground water elevations regardless of its configuration.

BE IT FURTHER RESOLVED that based on the review as set forth herein, the Town of Southport Town Board hereby approves the Autumnview Estates Planned Development District and directs that the official Town zoning map shall be amended as to define the boundaries of the Planned Development District, and such amendment shall be advertised and recorded in accordance with the requirements of the New York State Town Law.

AYES:           Gunderman, Roman, Steed, Szerszen  
NOES:           Hurley  
CARRIED.

Under Discussion was American Rescue Plan and Marijuana Regulation & Taxation Act, both of which will be tabled until the July 13, 2021 meeting.

RESOLUTION NO. 110-2021

ORDER DIRECTING THE REPAIR AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING AT  
656 SPRUCE STREET AND SETTING PUBLIC HEARING THEREON

Resolution by:       Steed  
Seconded by:       Gunderman

WHEREAS, the Town of Southport Town Board is in receipt of a report, in accordance with Town of Southport Code Chapter 234, Article I, Section 234-3, from the Code Enforcement Officer recommending that the building located at 656 Spruce Street, Elmira, New York 14904 be demolished due to its unsafe and dangerous condition, and

NOW THEREFORE BE IT RESOLVED, that in accordance with Town of Southport Code Chapter 234, Article I, Section 234-3, the Town of Southport Town Board, County of Chemung, State of New York acknowledges receipt of the Town of Southport Code Enforcement Officer's report recommending that the building/structure located at 656 Spruce Street, Elmira, New York 14904 (Tax Map No. 99.18-2-25) should be removed and demolished due to the structure's unsafe and dangerous condition, and

BE IT FURTHER RESOLVED that after review of the said report the Town of Southport Town Board determined that there is grounds to believe that such building/structure is dangerous and unsafe to the public and orders, based upon the Code Enforcement Officer's report, that the building located at 656 Spruce Street, Elmira, New York 14904 (Tax Map No. 99.18-2-25) shall be removed or repaired, if the same can be safely repaired, and

BE IT FURTHER RESOLVED that Town of Southport Town Board orders that a Notice to Demolish or Repair, for the building/structure located at 656 Spruce Street, Elmira, New York 14904 (Tax Map No. 99.18-2-25), as described in Town of Southport Code Chapter 234, Article I, Section 234-5, shall be served personally upon or by certified mail to the owner or someone of the owner's executor's, legal representatives, agents, lessees or any other person having a vested or contingent interest in the premises, as shown by the last preceding assessment roll of the Town and/or by the records of the County Clerk's Office, and

BE IT FURTHER RESOLVED that the Town of Southport Town Board orders that a hearing is scheduled before the Town Board for the owner of property or structure located at 656 Spruce Street, Elmira, New York 14904 (Tax Map No. 99.18-2-25) and such persons having an interest in the said property or structure to contest the order of removal or repair of the said structure on July 13, 2021 at 7:00 p.m., or as soon thereafter as it can be heard and a notice provided of such hearing shall be set forth in the Notice to Demolish and Repair in accordance with Town of Southport Code Chapter 234, Article I, Section 234-5.

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

RESOLUTION NO. 111-2021

ORDER DIRECTING THE REPAIR AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING AT 759  
SPRUCE STREET AND SETTING PUBLIC HEARING THEREON

Resolution by: Gunderman  
Seconded by: Roman

WHEREAS, the Town of Southport Town Board is in receipt of a report, in accordance with Town of Southport Code Chapter 234, Article I, Section 234-3, from the Code Enforcement Officer recommending that the building located at 759 Spruce Street, Elmira, New York 14904 be demolished due to its unsafe and dangerous condition, and

NOW THEREFORE BE IT RESOLVED that in accordance with Town of Southport Code Chapter 234, Article I, Section 234-3, the Town of Southport Town Board, County of Chemung, State of New York acknowledges receipt of the Town of Southport Code Enforcement Officer's report recommending that the building/structure located at 759 Spruce Street, Elmira, New York 14904 (Tax Map No. 99.18-4-37) should be removed and demolished due to the structure's unsafe and dangerous condition, and

BE IT FURTHER RESOLVED that after review of the said report the Town of Southport Town Board determined that there is grounds to believe that such building/structure is dangerous and unsafe to the public and orders, based upon the Code Enforcement Officer's report, that the building located at 759 Spruce Street, Elmira, New York 14904 (Tax Map No. 99.18-4-37) shall be removed or repaired, if the same can be safely repaired, and

BE IT FURTHER RESOLVED that the Town of Southport Town Board orders that a Notice to Demolish or Repair, for the building/structure located at 759 Spruce Street, Elmira, New York (Tax Map No. 99.18-4-37), as described in Town of Southport Code Chapter 234, Article I, Section 324-5, shall be served personally upon or by certified mail to the owner or someone of the owner's executor's, legal representatives, agents, lessees or any other person having a vested or contingent interest in the premises, as shown by the last preceding assessment roll of the town and/or by the records of the County Clerk's Office, and

BE IT FURTHER RESOLVED that the Town of Southport Town Board orders that a hearing is scheduled before the Town Board for the owner of property or structure located at 759 Spruce Street, Elmira, New York 14904 (Tax Map 99.18-4-37) and such persons having an interest in the said property or structure to contest the order of removal or repair of the said structure on July 13, 2021 at 7:15 p.m., or as soon thereafter as it can be heard and notice provided of such hearing shall be set forth in the Notice to Demolish and Repair in accordance with the Town of Southport Code Chapter 234, Article I, Section 234-5.

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

Under Taxpayer's Comments, no one wished to speak.

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

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

Respectfully Submitted,

Carolyn A. Renko. Town Clerk