

July 13, 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 July 13, 2021.

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

Member Joined Remotely: Supervisor Kathleen Szerszen

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 Deputy Supervisor Joseph Roman at 7:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Deputy Supervisor Joseph Roman

PUBLIC HEARING 7:00 P.M. – for the purpose of hearing any and all public comment in connection with a proposed order directing the repair or removal of an unsafe building located at 656 Spruce Street, Tax Map Identification No. 99.18-2-25, Town of Southport, County of Chemung, State of New York pursuant to the provisions of Chapter 234 of the Municipal Code of the Town of Southport.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star-Gazette and opened up the Public Hearing for comment at 7:02 p.m. Code Enforcement Officer Peter Rocchi stated he feels the structure has deteriorated further since last months meeting. He also stated he received a phone call from a gentleman who said he is in the process of purchasing the property.

No one wished to speak so the public portion of the Public Hearing was closed at 7:02 p.m.

RESOLUTION NO. 115-2021

ORDERING DEMOLITION AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING
AT 656 SPRUCE STREET

Resolution by: Steed
Seconded by: Gunderman

WHEREAS, the Town of Southport Town Board held a public hearing in accordance to the Town of Southport Town Code Chapter 234, Buildings, Unsafe, Article I, Section 5 for the owner of said property and such persons having an interest in the property to contest the order of removal of the structure located at 656 Spruce Street, Elmira, New York 14904 on July 13, 2021 at the Town of Southport Town Hall at 7:00 p.m., and

WHEREAS, no one from the public appeared at said hearing and the Town Code Officer provided input in regard to the continued unsafe condition of the structure located at 656 Spruce Street, Elmira, New York 14904; and

NOW THEREFORE BE IT RESOLVED, that after a public hearing held on July 13, 2021 at 7:00 p.m. at the Town of Southport Town Hall before the Town Board of the Town of Southport, County of Chemung, State of New York in accordance to Town of Southport Town Code Chapter 234, Buildings, Unsafe, Article I, and due deliberation, the Town of Southport Town Board hereby determined to continue the order declaring the structure on the property located at 656 Spruce Street, Elmira, New York 14904 to be unsafe to the public and further ordering the owner to commence securing, repairing, or removing the structure on or before July 15, 2021, thirty (30) days from the date of the Notice to Repair or Demolish, as set forth in said Notice; and

BE IT FURTHER RESOLVED that the Town of Southport Town Board hereby orders that if the owner fails to comply with said order contained herein that the Town of Southport Town Board orders the Town Code Officer to arrange to have said structure located at 656 Spruce Street, Elmira, New York 14904 to be secured, demolished and removed and the related costs, including allowable administrative costs, shall be assessed against the land on which the building is located at the same time and in the same manner as general Town taxes in accordance with Town of Southport Town Code Chapter 234, Article I, Section 8.

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

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 933.86
Funds Turned to State & County Agencies	<u>\$ 1,942.14</u>
	\$ 2,876.00

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,693.80
	Building Permit Values	\$ 292,452.00
	Operating Permit Fees	\$ 870.00
	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 Steed seconded to accept the monthly reports as filed.

Under Correspondence, nothing was received.

Council Member Gunderman made a motion, Council Member Hurley seconded to accept the minutes from June 8, 2021 Regular Meeting.

Under Taxpayer's Comments, Agenda and Discussion items only, Jamar McDowell from 1009 Pratt Street stated he is in the process of purchasing the property at 656 Spruce Street from James Hayward. He states that he has a land contract with Mr. Hayward and has an agreement with the County to pay the delinquent taxes. Once the taxes are paid and he is the official owner, he states he plans to rehabilitate the property.

RESOLUTION NO. 116-2021

REPEAL AND RESCIND RESOLUTION NO. 115-2021 ORDERING DEMOLITION AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING AT 656 SPRUCE STREET

Resolution by: Steed
Seconded by: Hurley

WHEREAS, the Town Board of the Town of Southport hereby passed Resolution No. 115-2021 regarding the demolition of the unsafe structure at 656 Spruce Street, Elmira, New York, 14904 at the regularly scheduled Town Board meeting on July 13, 2021 after a scheduled public hearing in accordance to Town of Southport Code chapter 234, and

WHEREAS, after the conclusion of said public hearing, Jamar McDowell, appeared before the Town Board during the public comment section of the Town Board meeting and informed the Town Board of his current interest in purchasing and rehabilitating the property located at 656 Spruce Street, Elmira, New York, 14904, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby repeals and rescinds Resolution No. 115-2021 whereby it ordered the demolition of the structure located at 656 Spruce Street, Elmira, New York, 14904 and extends the deadline for allowing the owner to commence securing, repairing, or removing the structure until August 10, 2021, and

BE IT FURTHER RESOLVED, that Jamar McDowell who claims to have a land contract with the owner and wishes to own and repair the property located at 656 Spruce Street must submit the land contract along with proof of ownership of said property to the Town Board on or before the next Town Board meeting on August 10, 2021 and Mr. McDowell shall further show progress in repairing said property and removing water from the basement of said property by August 10, 2021 and Mr. McDowell shall appear at the Town of Southport Town Board meeting on August 10, 2021 at 7:00 p.m.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen

NOES: None

CARRIED.

PUBLIC HEARING 7:30 P.M. – for the purpose of hearing any and all public comment in connection with a proposed order directing the repair or removal of an unsafe building located at 759 Spruce Street, Tax Map Identification No. 99.18-4-37, Town of Southport, County of Chemung, State of New York pursuant to the provisions of Chapter 234 of the Municipal Code of the Town of Southport.

Town Clerk Carolyn Renko read the notice that appeared in the Star-Gazette and opened the Public Hearing for public comment. Code Enforcement Officer Peter Rocchi stated that the property is in the same condition as the June meeting and is unsafe to the public.

After no further comment, the public portion of the Public Hearing was closed at 7:33 p.m.

RESOLUTION 117-2021

ORDERING DEMOLITION AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING
AT 759 SPRUCE STREET

Resolution by: Steed

Seconded by: Hurley

WHEREAS, the Town of Southport Town Board held a public hearing in accordance to the Town of Southport Town Code Chapter 234, Buildings, Unsafe, Article I, Section 5 for the owner of said property and such persons having an interest in the property to contest the order of removal of the structure located at 759 Spruce Street, Elmira, New York 14904 on July 13, 2021 at the Town of Southport Town Hall at 7:30 p.m., and

WHEREAS, no one from the public appeared at said hearing and the Town Code Officer provided input in regard to the continued unsafe condition of the structure located at 759 Spruce Street, Elmira, New York, 14904, and

NOW THEREFORE BE IT RESOLVED, that after a public hearing held on July 13, 2021 at 7:30 p.m. at the Town of Southport Town Hall before the Town Board of the Town of Southport, County of Chemung, State of New York in accordance to Town of Southport Town Code Chapter 234, Buildings, Unsafe, Article I, and due deliberation, the Town of Southport Town Board hereby determined to continue the order declaring the structure on the property located at 759 Spruce Street, Elmira, New York 14904 to be unsafe to the public and further ordering the owner to commence securing, repairing, or removing the structure on or before July 15, 2021, thirty (30) days from the date of the Notice to Repair or Demolish, as set forth in said Notice; and

BE IT FURTHER RESOLVED that the Town of Southport Town Board hereby orders that if the owner fails to comply with said order contained herein that the Town of Southport Town Board orders the Town Code Officer to arrange to have said structure at 759 Spruce Street, Elmira, New York 14904 to be secured, demolished and removed and the related costs, including allowable administrative costs, shall be assessed against the land on which the building is located at the same time and in the same manner as general Town taxes in accordance with Town of Southport Town Code Chapter 234, Article I, Section 8.

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

RESOLUTION NO. 118-2021

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Steed
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of July 2021, No. 273 through No. 339, not to exceed \$101,004.87 has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 119-2021

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of July 2021, No. 133 through No. 159, not to exceed \$129,582.25 has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 120-2021

APPROVING ABSTRACT OF LIGHT FUND AND FIRE FUND CLAIMS

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Abstract of Light Fund Claims submitted by the Town Clerk for the month of July 2021, No. 5 & 6, not to exceed \$16,768.66 and Fire Fund Claims for the month of July 2021, No. 7 & 8, not to exceed \$16,532.62, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 121-2021

ACCEPTING THE AUDIT OF INSERO & CO. FOR THE YEAR ENDING DECEMBER 31, 2020

Resolution by: Hurley
Seconded by: Gunderman

WHEREAS, the Town of Southport retained the services of Insero & Co., CPA's for the purpose of having that firm perform an audit of the Town's Departments for the year ending December 31, 2020.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby acknowledge receipt of the audited statements of the Town as prepared by said firm, and directs that the same be placed on file in the Town Clerk's Office, and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to retain sufficient copies of this report as provided by law and to make the same available for public inspection and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to make proper publication notice of the availability of these reports.

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

RESOLUTION NO. 122-2021

RATIFYING APPOINTMENT OF CAROLINE BARR AS PART-TIME SUMMER RECREATION LEADER

Resolution by: Gunderman
Seconded by: Steed

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 individual as part-time temporary Recreation Leader, this individual 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>
Caroline Barr	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 individual shall not be entitled to any benefits as a result of her employment by the Town of Southport, including but not limited to health insurance, and be it further

RESOLVED, that the aforementioned individual shall not commence her employment with the Town of Southport until such time as she has filed with the Town Clerk her appropriate Oath of Office as required by law.

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

Under Discussion was American Rescue Plan. Deputy Supervisor Roman stated the application was submitted and accepted.

Next under Discussion was Marijuana Regulation & Taxation Act, which will be placed on the August agenda.

Lastly under Discussion was Committee to plan activities commemorating the Town bicentennial in 2022., which will also be placed on the August agenda.

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

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk