

September 14, 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 September 14, 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 Szerszen at 7:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

PUBLIC HEARING 7:00 P.M. – for the purpose of hearing any and all public comment regarding proposed Local Law No. 2 of 2021, opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star-Gazette and opened up the Public Hearing for comment at 7:05 p.m.

No one wished to speak so the public portion of the public hearing was closed at 7:07 p.m.

RESOLUTION NO. 136-2021

LOCAL LAW NO. 2 OF 2021

OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town of Southport Town Board wishes to adopt a local law to opt out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Southport, and

WHEREAS, this proposed Local Law No. 2 of 2021, Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Cannabis Consumption Establishments, thereof in its final form having been upon the desks of members of the Town Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on September 14, 2021, at 7:00 p.m. or as soon thereafter as it can be heard, before the Town of Southport Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, New York 14904 upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts and enacts Local Law No. 2 of 2021, Opting Out of Licensing and Establishing Retail Cannabis Dispensaries and On-Site Cannabis Consumption Establishments to wit:

LOCAL LAW NO 2 OF 2021

OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS
CONSUMPTION ESTABLISHMENTS

Section 1. Legislative intent

It is the intent of this local law to opt the Town of Southport out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law §131, which expressly authorizes towns to opt out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to locate and operate within their boundaries, provided, however, that any town law shall apply to the area outside any village within such town.

Section 3. Local Retail Cannabis Dispensaries and On-Site Cannabis Consumption Opt-Out

The Town Board of the Town of Southport, County of Chemung, State of New York, hereby opts out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgement shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law §131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

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

Mark Watts from Chemung County Soil and Water Conservation District spoke regarding his upcoming retirement at the end of the year and introduced his replacement, Karen Tillotson.

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk and Dog License Fees	\$ 2,125.85
Fitzsimmons Lot Sales	\$ 400.00
Funds Turned to State and County Agencies	<u>\$ 8,799.65</u>
	\$ 11,325.50

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,109.00
	Building Permit Values	\$ 238,367.00
	Operating Permit Fees	\$ 300.00

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.

Council Member Gunderman made a motion, Council Member Hurley seconded to accept the August 10, 2021 Regular Meeting.

Under Correspondence, Supervisor Szerszen read a note from a resident thanking the Town for the recreation programs Southport offers, as well as the upkeep of Fitzsimmons Cemetery.

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

RESOLUTION NO. 137-2021

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman
Seconded by: Steed

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of September 2021, No. 398 through No. 451, not to exceed \$135,916.26, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 138-2021

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of September 2021, No. 177 through No. 200, not to exceed \$299,918.13, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 139-2021

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Gunderman
Seconded by: Steed

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of September 2021, No. 8, not to exceed \$9,158.52, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 140-2021

REAPPOINTING LYNNE COLE-GOTT AS A MEMBER OF THE TOWN OF SOUTHPORT
BOARD OF ASSESSMENT REVIEW

Resolution by: Gunderman
Seconded by: Steed

RESOLVED, that Lynne Cole-Gott be and she hereby is reappointed as a member of the Town of Southport Board of Assessment Review, said term to expire on September 30, 2026.

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

RESOLUTION NO. 141-2021

RATIFYING APPOINTMENT OF GARY ROBINSON AS PART-TIME SEASONAL LABORER

Resolution by: Hurley
Seconded by: Roman

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

NOW THEREFORE BE IT RESOLVED, that the following seasonal laborer appointment be effective August 30, 2021 and that the individual be paid as any other Town employee pursuant to the following schedule:

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>	<u>EFFECTIVE DATE</u>
Gary Robinson	Seasonal Laborer	\$17.00 pr/hr	8/30/21

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 his employment by the Town of Southport, including but not limited to health insurance, and be it further

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

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

RESOLUTION NO. 142-2021

ACCEPTING RESIGNATION OF DAVID ELLIS AS DIRECTOR OF RECREATION

Resolution by: Roman
Seconded by: Steed

WHEREAS, David Ellis has submitted his letter of resignation as Director of Recreation for the Town of Southport, effective October 1, 2021.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of David Ellis as Director of Recreation for the Town of Southport, effective October 1, 2021.

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

RESOLUTION NO. 143-2021

ACCEPTING RESIGNATION OF ANTHONY TUFILLARO AS HIGHWAY EQUIPMENT OPERATOR #1

Resolution by: Gunderman
Seconded by: Steed

WHEREAS, Anthony Tufillaro has submitted his letter of resignation as Highway Equipment Operator No. 1 for the Town of Southport, effective September 16, 2021,

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of Anthony Tufillaro as Highway Equipment Operator No. 1 for the Town of Southport, effective September 16, 2021.

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

RESOLUTION NO. 144-2021

ACCEPTING RESIGNATION OF BRIAN STANTON AS SCHOOL TRAFFIC OFFICER

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, Brian Stanton has submitted his letter of resignation as a School Traffic Officer for the Town of Southport, effective September 10, 2021.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accept the resignation of Brian Stanton as School Traffic Officer, effective September 10, 2021.

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

RESOLUTION NO. 145-2021

BUDGET MODIFICATION

Resolution by: Roman
Seconded by: Hurley

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

Budget lines to be Modified	Prior Approved Budget Amt.	Amount of Requested Increase/Decrease	Revised Budget Amt.	Reason for Budget Rev.
From: A1620.4 Buildings Contr.	\$ 107,070.49	\$ (44,400.00)	\$ 62,670.49	Demolitions
To: A3650.4 Demolition of Unsafe Bldgs.	\$ (44,400.00)	\$ 44,400.00	\$	Demolitions

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

RESOLUTION NO. 146-2021

RATIFYING APPOINTMENT OF DONNA TAYLOR AS PERMANENT SCHOOL TRAFFIC OFFICER

Resolution by: Gunderman
Seconded by: Steed

RESOLVED, that pursuant to Section 208-A of the General Municipal Law, as amended, Donna Taylor, be and she hereby is appointed Permanent School Traffic Officer, effective September 13, 2021, and that her duties be limited to acting permanent School Traffic Officer and assisting at school crossings prior to the opening and closing of schools.

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

RESOLUTION NO. 147-2021

RATIFYING APPOINTMENT OF DEVONTA SINCLAIR AS ALTERNATE SCHOOL TRAFFIC OFFICER

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that pursuant to Section 208-A of the General Municipal Law, as amended, Devonta Sinclair, be and he hereby is appointed Alternate School Traffic Officer, effective September 13, 2021, and that his duties be limited to acting Alternate School Traffic Officer and assisting at school crossings prior to the opening and closing of schools.

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

Under Discussion was updates on 656 Spruce Street and 759 Spruce Street. Code Enforcement Officer Peter Rocchi Stated that both properties had been demolished, cleaned up and the area reseeded.

Next under Discussion was Cherry Lane Park, LLC. CEO Rocchi stated that demolition of Lots 5 and 6 were complete. No mobile home park license has been issued to date.

Lastly under Discussion was form based Code Review Committee. Council Member Joseph Roman will chair this committee and BeLinda Combs and Susan Silvers from Zoning Board of Appeals and Jackie French and Tracy Warner from Planning Board will be members.

Under Taxpayer's Comments, Steve Kurcoba from 760 Thompson Street spoke about a tree that was planted by the Town in the Town right-of-way on his street and was cut down by a resident who just moved to his street recently.

Pat Kurcoba from 760 Thompson Street also spoke regarding this tree and feels that the person responsible for cutting it down should replant it.

Dan Williams from 148 Mt. View Drive stated he attended a Southport Business Association Meeting and they are interested in beautifying the park on the corner of Broadway and Pennsylvania Avenue where the Welcome to Southport sign is. That piece of property is owned by New York State and Council Member Steed stated he thought they would need a Highway Work Permit in order to do this.

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

The meeting was adjourned at 7:45 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk