

July 12, 2022

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 12, 2022.

Members Present: Supervisor Joseph Roman, Council Members Daniel Hurley, Timothy Steed, Daniel Williams

Members Absent: Council Member Glenn Gunderman

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

The meeting was called to order by 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 – Supervisor Joseph Roman

PUBLIC HEARING 7:03 P.M. – regarding proposed Local Law No. 3 of 2022 to amend Chapter 464 Subdivision of land, Article I, Section 464-8 Resubdivision.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star-Gazette and opened up the Public Hearing for comment at 7:03 p.m. No one wished to speak so the public portion of the public hearing was closed at 7:04 p.m.

Code Enforcement Officer Peter Rocchi gave a brief description of the proposed amendment. This will be placed on the August 9, 2022 agenda for approval.

PUBLIC HEARING 7:05 P.M. – regarding proposed Local Law No. 4 of 2022 to amend Chapter 525-16 Commercial Neighborhood (CN) intent and Attachment 4.

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 7:06 p.m.

Code Enforcement Officer Peter Rocchi gave a brief description of the proposed amendment. This will be placed on the August 9, 2022 agenda for approval.

PUBLIC HEARING 7:07 P.M. – regarding proposed Local Law No. 5 of 2022 to amend Chapter 525-17 Commercial Regional (CR) intent and Attachment 3.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star-Gazette and opened up the Public Hearing for comment at 7:07 p.m. No one wished to speak so the public portion of the public hearing was closed at 7:08 p.m.

Code Enforcement Officer Peter Rocchi gave a brief description of the proposed amendment. This will be placed on the August 9, 2022 agenda for approval.

PUBLIC HEARING 7:09 P.M. – regarding proposed Local Law No. 6 of 2022 to amend Chapter 525 Bulk and Density Control Schedule and Attachment 2.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star-Gazette and opened up the Public Hearing for comment at 7:09 p.m. No one wished to speak so the public portion of the public hearing was closed at 7:10 p.m.

Code Enforcement Officer Peter Rocchi gave a brief description of the proposed amendment. This will be placed on the August 9, 2022 agenda for approval.

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 2,085.68
Funds Turned to State & County Agencies	<u>\$ 1,818.82</u>
	\$ 3,904.50

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,353.00
	Building Permit Values	\$ 329,000.00
	Operating Permit Fees	\$ 400.00
	Site Plan Fees	\$ 300.00

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

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

Council Member Williams made a motion, Council Member Hurley seconded to accept the minutes of the June 14, 2022 Special Meeting.

Under Correspondence, Supervisor Roman commented on the following:

1. Recognition to Howell Packaging employees that did work around Chapel Park Community Center, painting, weeding and mulching.
2. A note from resident Judy Pack thanking the summer park employees and Highway employees for a great job mowing at Fitzsimmons Cemetery.
3. Elmira High School DEC clean-up site newsletter.
4. Update on Lewis Road culvert replacement.

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

RESOLUTION NO. 103-2022

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 2022, No. 309 through No. 367, not to exceed \$124,764.85 has been audited and approved for payment by this Town Board.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 104-2022

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Hurley
Seconded by: Steed

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of July 2022, No. 125 through No. 148, not to exceed \$115,205.60 has been audited and approved for payment by this Town Board.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 105-2022

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Steed
Seconded by: Williams

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of July 2022, No. 6, not to exceed \$8,251.28 has been audited and approved for payment by this Town Board.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 106-2022

APPROVING ABSTRACT OF FIRE FUND CLAIM

Resolution by: Hurley
Seconded by: Williams

RESOLVED, that the Abstract of Fire Fund Claim submitted by the Town Clerk for the month of July 2022, No. 10, not to exceed \$9,720.00 has been audited and approved for payment by this Town Board.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 107-2022

ACCEPTING AUDIT OF INSERO & CO. FOR THE YEAR ENDING DECEMBER 31, 2021

Resolution by: Steed
Seconded by: Hurley

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, 2021.

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: Hurley, Steed, Williams, Roman
 NOES: None
 ABSENT: Gunderman
 CARRIED.

RESOLUTION NO. 108-2022

BUDGET MODIFICATIONS

Resolution by: Hurley
 Seconded by: Steed

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: A1990.4 Contingent	\$ 50,000.00	\$ (5,000.00)	\$ 45,000.00	
To: A1620.2 Blds. Equipment	\$ 9,500.00	\$ 5,000.00	\$ 14,500.00	New Server Purchase
From: A1990.4 Contingent	\$ 45,000.00	\$ (17,000.00)	\$ 28,000.00	
To: A5132.2 Garage Equipment	\$ 1,000.00	\$ 17,000.00	\$ 18,000.00	Power Washer - Garage Door
From: DA5700.6 Term Bonds	\$ 53,600.00	\$ (8,600.00)	\$ 45,000.00	
To: DA5142.4 Snow Removal Cont.	\$ 125,000.00	\$ 8,600.00	\$ 133,600.00	Salt Purchases

From: DA9060.84	\$ 28,800.00	\$ (3,000.00)	\$ 25,800.00	
Flex/HRA				
To: DA5142.11	\$ 20,000.00	\$ 3,000.00	\$ 23,000.00	Snow Removal
Snow Removal OT				Overtime

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 109-2022

RATIFYING THE TOWN SUPERVISOR TO SUBMIT AN APPLICATION TO EFC FOR BIPARTISAN INFRASTRUCTURE LAW FUNDING FOR THE MT. ZOAR AND PHOENIX/FAIRWAY SEWER PROJECTS

Resolution by: Hurley
Seconded by: Williams

WHEREAS, the Town of Southport is eligible to apply for Bipartisan Infrastructure Law Funding for the Mt. Zoar and Phoenix/Fairway Area Sewer Projects.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Southport that the Supervisor is hereby authorized to apply to EFC for Bipartisan Infrastructure Law Funding for the Mt. Zoar and Phoenix/Fairway Area Sewer Projects.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 110-2022

INCREASING APPROPRIATIONS AND REVENUES FOR THE ACCOUNTING OF COMMUNITY DEVELOPMENT FUNDS RECEIVED

Resolution by: Williams
Seconded by: Hurley

RESOLVED, that the Supervisor be and he hereby is authorized and directed to amend the following appropriations:

Budget Line to be modified	Prior Appr. Budg. Amt.	Increase	Revised Amt.	
Credit A7450.4		\$19,340.00	\$24,340.00	Chemung Co. Legislature \$ rec'd.
Debit A236.2	-0-			Cultural Services other Gov't.
AYES:	Hurley, Steed, Williams, Roman			
NOES:	None			
ABSENT:	Gunderman			
CARRIED.				

First item under Discussion was Bicentennial Report. Supervisor Roman gave a brief update on the upcoming event on August 13, 2022 at Chapel Park.

Next was ARPA funds, which was discussed in detail at the Special Meeting that was held at 6:00 p.m. before this regular meeting.

Also under Discussion was purchase of an F-550 2022 Truck for the Highway Department. This will be tabled to the August agenda.

RESOLUTION NO. 111-2022

ORDER DIRECTING THE REPAIR AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING AT 521 SCHUYLER AVENUE AND SETTING PUBLIC HEARING THEREON

Resolution by: Hurley
 Seconded by: Steed

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 521 Schuyler Avenue, 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 521 Schuyler Avenue, Elmira, New York 14904 (Tax Map No. 100.09-4-36) should be removed or repaired 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 ground 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 521 Schuyler Avenue, Elmira, New York 14904 (Tax Map No. 100.09-4-36) 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 buildings/structure located at 521 Schuyler Avenue, Elmira, New York 14904 (Tax Map No. 100.09-4-36), 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 521 Schuyler Avenue, Elmira, New York 14904 (Tax Map No. 100.09-4-36) 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 August 9, 2022 at 7:00 p.m., or as soon thereafter can be heard, and a Notice to Repair or Demolish shall be prepared, served, and filed as set forth in the Town of Southport Code Chapter 234, Article I.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 112-2022

ORDER DIRECTING THE REPAIR AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING AT 512
HARCOURT DRIVE

Resolution by: Williams
Seconded by: Steed

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 512 Harcourt Drive, 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 512 Harcourt Drive, Elmira, New York 14904, (Tax Map No. 100.09-1-20) should be removed or repaired due to the structure's unsafe and dangerous conditions, and

BE IT FURTHER RESOLVED, that after review of the said report the Town of Southport Town Board determined that there is ground 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 512 Harcourt Drive, Elmira, New York 14904 (Tax Map No. 100.09-1-20) should be removed or repaired due to the structure's unsafe and dangerous condition, 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 512 Harcourt Drive, Elmira, New York 14904 (Tax Map No. 100.09-1-20). 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 512 Harcourt Drive, Elmira, New York 14904 (Tax Map No. 100.09-1-20) 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 August 9, 2022 at 7:00 p.m., or as soon thereafter can be heard, and a Notice to Repair or Demolish shall be prepared, served and filed as set forth in the Town of Southport Code Chapter 234, Article I.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 113-2022

CHANGING TIME OF SPECIAL MEETING

Resolution by: Hurley
Seconded by: Steed

RESOLVED, that the Special Meeting scheduled for July 19, 2022 at 7:00 p.m. is hereby changed to July 19, 2022 at 9:00 a.m., due to scheduling conflicts.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

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

Council Member Hurley made a motion, Council Member Williams seconded the motion to adjourn into executive session to discuss proposed pending or current litigation.

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

The meeting reconvened at 8:10 p. m.

Council Member Hurley made a motion, Council Member Steed seconded to adjourn the meeting at 8:11 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk