

June 13, 2023

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 13, 2023.

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

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 6:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Joseph Roman

PUBLIC HEARING 6:00 P.M. – for the purpose of hearing any and all public comment regarding proposed Local Law No. 11 of 2023, to provide Real Property Tax Exemptions for Volunteer Firefighters and Volunteer Ambulance Workers pursuant to Section 466-1 of the Real Property Tax Law.

Town Clerk Carolyn Renko read the legal notice that appeared in the Elmira Star Gazette and opened up the Public Hearing for comment at 6:02 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:03 p.m.

Supervisor Roman gave a brief description once again regarding this Local Law.

RESOLUTION NO. 98-2023

LOCAL LAW NO. 11 OF 2023

TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW

Resolution by: Hurley
Seconded by: Williams

WHEREAS, the Town of Southport Town Board recognizes the importance of attracting and retaining quality volunteer firefighters and ambulance workers to provide essential services for the Town; and

WHEREAS, the Town of Southport Town Board wishes to adopt a local law to allow for real property tax exemptions as an incentive to retain and attract new volunteers for fire and medical emergencies as allowed for in accordance with Real Property Tax Law § 466-a; and

WHEREAS, this Local Law No. 11 of 2023 to provide for real property tax exemptions for volunteer firefighters and volunteer ambulance workers pursuant to section 466-a of the real property tax law, thereof in its final form having been upon the desks of members of the Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on June 13, 2023, before the Town Board 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 said proposed Local Law No.11 of 2023 to provide for real property tax exemptions for volunteer firefighters and volunteer ambulance workers pursuant to section 466-a of the real property tax law is hereby adopted and enacted, to wit:

LOCAL LAW NO. 11 OF 2023
TO PROVIDE REAL PROPERTY TAX EXEMPTIONS
FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER
AMBULANCE WORKERS PURSUANT TO SECTION 466-a
OF THE REAL PROPERTY TAX LAW.

Section 1. Intent.

The Town of Southport Town Board, County of Chemung, recognizes the importance of attracting and retaining quality volunteer firefighters and volunteer ambulance workers to provide essential services for the residents of the Town. Therefore, the Town enacts this Local Law to retain and attract new volunteers for said services for the health and safety of the Town residents by providing a real property tax exemption to qualifying volunteer firefighters and ambulance workers as set forth in New York State Real Property Tax Law § 466-a.

Section 2. Title.

This Local Law shall be entitled “Local Law No. 11 of 2023 to Provide Real Property Tax Exemptions for Volunteer Firefighters and Volunteer Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law”.

Section 3. Exemptions.

1. Grant of exemption.

An exemption of ten percent (10%) of assessed value of real property (“property”) owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Town of Southport, exclusive of special assessments, as long as eligibility requirements are met.

2. Eligibility requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance services provided that:

- a. The property is owned by the volunteer firefighter or volunteer ambulance worker, including property jointly with their spouse; and
- b. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker; and

- c. The property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided for by this section; and
- d. The volunteer firefighter or volunteer ambulance worker resides in the Town of Southport, and the Town of Southport is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- e. The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an active enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; or otherwise qualifies under sections (3), (4), or (5), below; and
- f. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the Town of Southport for exemption from the Town of Southport tax, which is hereby established as two (2) years of volunteer service.

3. Grant of lifetime exemption.

Any eligible enrolled member who accrues more than 20 years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Town of Southport.

4. Un-remarried spouse of enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive the 10% exemption, as long as the deceased volunteer had been an enrolled member for at least five (5) years and had been receiving the exemption as some point in time prior to his or her death.

5. Un-remarried spouse of deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at some point in time prior to his or her death.

6. Application.

A volunteer firefighter or volunteer ambulance worker must, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor of the Town of Southport on a form as prescribed by the New York State Commissioner of Taxation and Finance. The local assessor shall maintain a copy of this Local Law, available upon request, as to the requirements of eligible individuals relating to this exemption.

7. Certification.

- a. The volunteer firefighter and volunteer ambulance worker organizations in the Town of Southport must annually make available to their members (including life members and un-remarried spouses of qualifying deceased members), upon request by the member (spouse of a deceased member), a certification of the member's eligibility for the exemption, which includes the number of years of services served by the enrolled member, a statement that the member is enrolled as of the date of the certification (or date of death), and such enrolled member's address of residence.

- b. The requirements of this Law imposed upon volunteer firefighter and volunteer ambulance worker organizations, concerning certification of active members to assessor, can be fulfilled by the volunteer firefighter and volunteer ambulance worker organizations providing to the Town assessor an annual certified list of current active members, with name, address, and years of service. Nothing in this subsection shall be construed to limit an active member's ability to receive, upon request, an annual certification of eligibility.
 - c. The assessor of the Town shall have the duty and responsibility of receiving and filing of the certification(s) prior to granting the exemption provided by this Local Law.
8. Continuation of Eligibility Requirements.
- a. Active Members. The active member applicant shall maintain continual eligibility for the exemption by being a continuously active member of volunteer firefighter or volunteer ambulance worker organizations. An active member shall meet the requirements for active service as defined by each organization. Annual attestation by the organization is required to maintain this exemption.
 - b. Lifetime Exemption and Un-remarried Spouses. Members granted lifetime exemption and qualifying un-remarried spouses of deceased enrolled members need not provide annual re-certification, and the organizations shall have no annual obligation to re-certify such eligibility. Such applicants shall remain continuously eligible for the exemption annually so long as their eligibility status is unchanged. However, such applicants are deemed ineligible for the exemption and shall be required to notify the assessor and re-apply if there is any change in residential address, if they use any portion of the property for other than residential purposes, or if they are spouses of deceased members and become re-married.

9. No diminution of benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

Section 4. Severability.

If any clause, sentence, paragraph, section, or part of this Local Law is declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section, or part of this Local Law.

Section 5. Authority.

This local law is enacted by the Town Board pursuant to its authority under New York State Real Property Law § 466-a and its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10 and Town Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon adoption, filing, and publication according to law.

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

6:05 p.m. – Discussion of 2022 Audit

Mr. Patrick Jordan, CPA, Partner of Insero & Co., CPA presented the 2022 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 | \$ 1,617.04 |
| Funds Turned to State & County Agencies | \$ 986.46 |
| Fitzsimmons Lot Sales | <u>\$ 2,025.00</u> |
| | \$ 4,628.50 |

CODE ENFORCEMENT

| | |
|-------------------------|---------------|
| Building Permit Fees | \$ 2,311.00 |
| Building Permit Values | \$ 275,100.00 |
| Special Use Permit Fees | \$ 150.00 |
| 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 Gunderman made a motion, Council Member Williams seconded to accept the minutes from April 11, 2023 Regular Meeting, May 9, 2023 Regular Meeting and May 23, 2023 Special Meeting.

Under Correspondence, Supervisor Roman commented on the following:

1. USDA loan for plow truck – closed and ready for pick up on June 20, 2023.
2. Cinderella Softball provided the board with their budget.
3. Update on HVAC installation at Town Hall.
4. Letter from FEMA regarding class 7 flood plain.

Under Public Comments, Agenda and Discussion items only, no one wished to speak.

RESOLUTION NO. 99-2023

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 June 2023, No. 231 through No. 307, not to exceed \$99,562.53 has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 100-2023

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 2023, No. 81 through No. 101, not to exceed \$80,672.41 has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 101-2023

APPROVING ABSTRACT OF LIGHT FUND CLAIMS

Resolution by: Steed
Seconded by: Williams

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of June 2023, No. 3 and 4, not to exceed \$10,250.82, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 102-2023

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

Resolution by: Steed
Seconded by: Williams

WHEREAS, the Supervisor and Recreation Department have requested that the Town enter into an agreement with the Pennsylvania Avenue 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, Steed, Williams, Roman
NOES: None
CARRIED.

RESOLUTION NO. 103-2023

APPOINTING TEMPORARY PART-TIME SUMMER RECREATION SUPERVISORS
AND 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 | Recreation Supervisor | \$ 17.50 pr/hr | 6/26/23-8/11/23 |
| Barr, Caroline | Site Coordinator | \$ 16.00 pr/hr | 6/26/23-8/11/23 |
| Cosgrove, Cheyenne | Recreation Leader | \$ 15.20 pr/hr | 6/26/23-8/11/23 |
| Hassen, Kory | Site Coordinator | \$ 16.00 pr/hr | 6/26/23-8/11/23 |
| Nelan, Lidia | Site Coordinator | \$ 16.25 pr/hr | 6/26/23-8/11/23 |
| Rinwalske, Serenity | Recreation Leader | \$ 15.20 pr/hr | 6/26/23-8/11/23 |
| Ripley, Chase | Recreation Leader | \$ 15.70 pr/hr | 6/26/23-8/11/23 |
| Sherman, Colin | Recreation Leader | \$ 15.70 pr/hr | 6/26/23-8/11/23 |
| Sitzer, Lilian | Recreation Leader | \$ 15.20 pr/hr | 6/26/23-8/11/23 |
| Smith, Hannah | Recreation Leader | \$ 15.20 pr/hr | 6/26/23-8/11/23 |
| Tarby, Kaydence | Recreation Leader | \$ 15.20 pr/hr | 6/26/23-8/11/23 |
| Thomas, Kobe | Recreation Leader | \$ 15.20 pr/hr | 6/26/23-8/11/23 |
| Vaughan, Joseph | Recreation Leader | \$ 15.20 pr/hr | 6/26/23-8/11/23 |

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, Steed, Williams, Roman
 NOES: None
 CARRIED.

RESOLUTION NO. 104-2023

RATIFYING APPOINTMENT OF RAYMOND NAROSKY AS PART-TIME SEASONAL LABORER

Resolution by: Steed
 Seconded by: Williams

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 May 30, 2023 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> |
|-----------------|------------------|---------------------|-----------------------|
| Raymond Narosky | Seasonal Laborer | \$15.20 pr/hr | 05/30/2023 |

and be it further

RESOLVED, that 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 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, Steed, Williams, Roman
NOES: None
CARRIED.

RESOLUTION 105-2023

RECOGNIZING DEPUTY TODD DEGARMO FOR HIS DEDICATED YEARS OF SERVICE AS THE
TOWN OF SOUTHPORT RESIDENT DEPUTY

Resolution by: Gunderman
Seconded by: Steed

WHEREAS, Todd Degarmo became the Town of Southport Resident Deputy on September 18, 2007 and continued to serve in that position until his retirement on June 9, 2023, and

WHEREAS, during that time Todd Degarmo provided outstanding and dedicated service to the citizens of the Town of Southport in his capacity as Southport Resident Deputy, and

WHEREAS, the Town Board would like to recognize Deputy Todd Degarmo for his dedication and commendable service as the Town of Southport Resident Deputy.

NOW THEREFORE BE IT RESOLVED, that I, Joseph Roman, Supervisor of the Town of Southport, on behalf of the Southport Town Board and the citizens of the Town of Southport, do hereby commend and thank Todd Degarmo for his commendable service to the Town of Southport.

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

RESOLUTION NO. 106-2023

INTERMUNICIPAL AGREEMENT REGARDING SERVICES TO BE PROVIDED RELATING TO STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

Resolution by: Hurley
Seconded by: Steed

WHEREAS, the Supervisor of the Town of Southport requested authorization to enter into an Intermunicipal Agreement (“IMA”) with the municipalities located in Chemung County relative to Federal Phase II Stormwater Regulations, including without limitation, stormwater management and erosion and sediment control at a total annual cost to the Town of \$24,301.79 (5.57% of the total Chemung County Stormwater Team Budget) during the period of July 1, 2023 through December 31, 2028, and

RESOLVED, the Supervisor is hereby authorized and directed to execute the aforementioned IMA relative to stormwater management and erosion and sediment control for a term commencing July 1, 2023 and terminating December 31, 2028, and be it further

RESOLVED, the terms and conditions of the IMA shall be subject to the review and approval of the Attorney for the Town, and be it further

RESOLVED, that the IMA shall not be renewed, the initial term thereof extended, cancelled, or amended, without the consent of this Town Board.

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

Under Discussion was ARPA Funds. Supervisor Roman went over what projects have been done and how much has been spent to date, as well as upcoming projects in the near future.

RESOLUTION 107-2023

AUTHORIZING FAGAN ENGINEERS TO ADVERTISE FOR BIDS FOR LIGHTING AT ELMER GOODWIN PARK

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that Fagan Engineers be and they hereby are authorized to advertise for bids for the installation of lighting around the walkway at Elmer Goodwin Park, and be it further

RESOLVED, that such bids shall be publicly opened and read by this Town Board on July 7, 2023 at 2:00 p.m. at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York.

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

Also under Discussion was Cherry Lane Park, LLC. Attorney Michael Bruno who represents Cherry Lane Park gave an update on the park.

The following residents spoke regarding their concerns about Cherry Lane Park.

1. Tina Moore, 1173 Sherman Avenue, Elmira.
2. Grace Gee. 1205 Sherman Avenue, Elmira.
3. James Russell, 264 Allen St., Elmira
4. Mary Davenport, 1157 Sherman Avenue, Elmira.
5. Karen Clark, 1149 Sherman Avenue. Elmira.
6. Jacqueline Cole, 1170 Sherman Avenue, Elmira.

Council Member Steed stated he is in favor of negotiating an agreement between the Town and Cherry Lane Park but there needs to be more accountability and action shown by the park in a timely manner.

Council Member Hurley read a prepared statement and feels the park has been given enough chances and he is not in favor of reaching an agreement with Cherry Lane to continue to operate.

Council Member Gunderman agrees with Council Member Hurley and is not in favor of reaching an agreement. He feels that we would be starting all over again if we enter into another agreement with the park.

Supervisor Roman is in favor of negotiating another agreement with Cherry Lane Park to continue to operate.

Council Member Williams is also in favor of reaching an agreement with Cherry Lane Park.

This will be tabled until the July 11, 2023 meeting.

Under Public Comments, Tina Moore from 1173 Sherman Avenue commented on Cherry Lane Park.

Grace Gee from 1205 Sherman Avenue commented on Cherry Lane Park.

Karen Clark from 1149 Sherman Avenue commented on Cherry Lane Park.

Melissa Mathews from 431 Phoenix Avenue commented on a feral cat problem in her neighborhood. She estimates there to be up to 40 cats and has contacted local animal shelters but they are full and cannot help her.

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

The meeting was adjourned at 7:41 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk