

November 12, 2024

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 November 12, 2024.

Members Present: Supervisor Joseph Roman, Council Members Daniel Hurley, Daniel Williams, Rich Mathews, 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 Supervisor Roman at 6:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

PUBLIC HEARING 6:04 P.M. - for the purpose of hearing any and all public comment regarding Local Law No. 3 of 2024, a Six-Month Extension of the Temporary Moratorium for Operating Unlicensed Retail Businesses involving the Transfer, Distribution, or Sale of Cannabis within 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 6:04 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:05 p.m.

RESOLUTION NO. 171-2024

LOCAL LAW NO. 3 OF 2024, A SIX-MONTH EXTENSION OF THE TEMPORARY MORATORIUM FOR OPERATING UNLICENSED RETAIL BUSINESSES INVOLVING THE TRANSFER, DISTRIBUTION, OR SALE OF CANNABIS WITHIN THE TOWN OF SOUTHPORT

Resolution by: Williams
Seconded by: Mathews

WHEREAS, the Town of Southport enacted Local Law No. 1 of 2022 in April of 2022 titled a Temporary 12- Month Moratorium for Operating Unlicensed Retail Businesses Involving the Transfer, Distribution, or Sale of Cannabis to allow the Town of Southport to prevent unlicensed businesses in the Town from providing, distributing, or transferring cannabis as a "gift" to customers which may be based upon the conditional purchase of a product for sale, including but not limited to, an item such as a sticker or shirt and enacted a Town wide moratorium for the establishment of any unlicensed business that distributes, transfers, or sells cannabis to allow the Office of Cannabis Management to complete regulations and rules to oversee the licensing, cultivation, production, distribution, sale, laboratory testing and use of cannabis; and

WHEREAS, the Town of Southport enacted Local Law No. 3 of 2023, Local Law No. 13 of 2023 and Local Law 1 of 2024 for six month extension of the temporary moratorium; and

WHEREAS, to date the New York State Office of the Cannabis Management is finalizing rules and addressing pending litigation related to the issuance of licenses to businesses for the legal sale of adult-use cannabis and the Town is concerned with the lack of local regulatory enforcement of unlicensed cannabis retail business as described in Local Law No. 1 of 2022, therefore; wishes to extend the moratorium for an additional six (6) months to also further review its zoning and code regulations related to this issue; and

WHEREAS, this proposed Local Law No. 3 of 2024, A Six Month Extension of the Temporary Moratorium for Operating Unlicensed Retail Businesses involving the Transfer, Distribution, or Sale of Cannabis Within the Town of Southport, 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 November 12, 2024 at 6:00 p.m. 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, the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts and enacts Local Law No. 3 of 2024, A Six Month Extension of the Temporary Moratorium for Operating Unlicensed Retail Businesses involving the Transfer, Distribution, or Sale of Cannabis Within the Town of Southport is hereby adopted and enacted to wit:

Local Law No. 3 of 2024, A Six-Month Extension of the Temporary Moratorium for Operating Unlicensed Retail Businesses Involving the Transfer, Distribution, or Sale of Cannabis Within the
Town of Southport

Section 1. TITLE.

This local law shall be known as “Local Law No. 3 of 2024, A Six Month Extension of the Temporary Moratorium for Operating Unlicensed Retail Businesses involving the Transfer, Distribution, or Sale of Cannabis Within the Town of Southport”.

Section 2. LEGISLATIVE INTENT

- A. Since the enactment of Local Law No. 1 of 2022, Local Law No. 3 of 2023, Local Law No. 13 of 2023, and Local Law No. 1 of 2024 the New York State Office of the Cannabis Management is still finalizing rules and addressing pending litigation related to the issuance of licenses for businesses to allow for the legal sale of adult-use cannabis or cannabinoid hemp licenses. In addition, local regulatory enforcement is lacking for the unlicensed cannabis retail business which are the subject of this local law. Therefore, to prevent unlicensed businesses in the Town from providing, distributing, or transferring cannabis as a “gift” to customers which may be based upon the conditional purchase of a product for sale, including but not limited to, an item such as a sticker or shirt, the Town wishes to continue to enact a Town wide moratorium for the establishment of any unlicensed business that distributes, transfers, or sells cannabis.
- B. During this additional six (6) month moratorium, the Town of Southport will continue to review and update its zoning code and regulations and monitor the adoption and enforcement of the rules and regulations regarding licensure by the Office of Cannabis Management (OCM). The Town Board has deemed this an appropriate amount of time to study whether additional local action is necessary; the extent of such action; if such local action is necessary; provide the Town Board with the time to adopt the appropriate local rules and regulations to ensure comprehensive uniformity, fairness, and consistency in such regulations governing the time, place, and manner of the operation of licensed adult use cannabis retail dispensaries and/or on-site consumption cannabis businesses.

- C. The Town of Southport does hereby find a six (6) month extension of this moratorium is necessary and reasonable in order to afford the Town time to evaluate whether appropriate laws or ordinances should be enacted for the health, safety, and welfare of the Town residents and properly aligned with the Comprehensive Plan. A Six month extension of this moratorium will prevent the establishment of unlicensed businesses related to distribution and/or consumption of cannabis as described herein. The health, safety and general welfare of the residents will be protected by the adoption of the moratorium pending the issuance of final regulations by the Town of Southport.
- D. The Town Board finds pursuant to 6 NYCRR 617.5(c) (30) that the adoption of this extension to the moratorium of land development or construction is a Type II action under the New York State Environmental Quality Review Act (“SEQR”) which has been determined to not have a significant impact on the environment.

Section 3. EXTENDED TERM FOR MORATORIUM

- A. Local Law No. 1 of 2022 shall be extended for an additional six (6) months through April 30, 2025.
- B. Except as otherwise amended herein, all provisions of Local Law No. 1 of 2022, Local Law No. 3 of 2023, Local Law No. 13 of 2023 and Local Law No. 1 of 2024 shall remain in effect and be extended for an additional six (6) months from adoption.

Section 10. AUTHORITY

This moratorium is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rules Law § 10.

Section 11. SUPERCESSION OF THE TOWN LAW

This local law is hereby adopted to pursuant to Municipal Home Rules Law § 10. It is the intent of the Town Board, pursuant to Municipal Home Rules Law to supersede the following provisions of the New York State Town Law as it relates to zoning and planning determinations under the Town Law § 274-a and b, § 267-a and b, § 276 and § 277.

Section 11. INCONSISTENT LAWS

All laws inconsistent with any provision or provisions of this law are hereby repealed.

Section 12. 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 judgment 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 13. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the New York State Secretary of State.

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

PUBLIC HEARING 6:07 P.M. – for the purpose of hearing any and all public comment regarding Local Law No. 4 of 2024, to Override Tax Levy Limit for taxable 2025 year established in General Municipal Law.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star-Gazette and opened the Public Hearing for comment at 6:07 p.m.

No one wished to speak so the public portion of the public hearing was closed at 6:08 p.m.

No comments from the Town Board.

RESOLUTION 172-2024

LOCAL LAW NO. 4 OF 2024

A LOCAL LAW OF THE TOWN OF SOUTHPORT, NEW YORK TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

Resolution by: Mathews
Seconded by: Hurley

WHEREAS, the Town of Southport wishes to enact a local law to allow the Town of Southport to override the tax levy limit established in General Municipal Law Section 3-c for the year commencing January 1, 2025.

WHEREAS, this proposed Local Law No. 4 of 2024 to override the tax levy limit established in General Municipal Law Section 3-c, 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 November 12, 2024 before the Board upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting.

NOW THEREFORE BE IT RESOLVED, that said proposed Local Law No. 4 of 2024 to override the tax levy limit established in General Municipal Law Section 3-c, is hereby adopted and enacted, to wit:

Section 1: Legislative Intent

It is the intent of this local law to allow the Town of Southport to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Southport, New York, County of Chemung is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law for the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment 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 circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 173-2024

ACCEPTING QUOTE OF SOUTHERN TIER CENTRAL REGIONAL PLANNING & DEVELOPMENT BOARD TO PROVIDE TECHNICAL ASSISTANCE IN UPDATING THE TOWN OF SOUTHPORT COMPREHENSIVE PLAN

Resolution by: Szerszen
Seconded by: Hurley

WHEREAS, Per Resolution No. 112-2021 the Town Supervisor was authorized to apply for funds allocated under the American Rescue Plan Act, and

WHEREAS, the Town Board feels that these funds would be beneficial for certain projects within the Town to include updating the Town of Southport Comprehensive Plan.

WHEREAS, a quote was received from Southern Tier Central Regional Planning & Development Board to provide technical assistance in updating the Town of Southport Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Town Supervisor to accept the quote of Southern Tier Central Regional Planning & Development Board at a cost not to exceed TWENTY-EIGHT THOUSAND DOLLARS AND 00/100 (\$28,000.00).

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,992.85
Funds Turned to State & County Agencies	<u>\$ 2,981.65</u>
	\$ 4,974.50

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 2,852.55
	Building Permit Values	\$ 412,577.00
	Operating Permit Fees	\$ 200.00
	Logging Registration Fees	\$ 50.00

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

Council Member Mathews made a motion, Council Member Williams seconded to accept the monthly reports as filed.

Under Correspondence, Supervisor Roman commented on the following:

1. Donation to Southport Senior Center in memory of the Wales Sisters.
2. Town of Southport Christmas Parade Update.
3. Disaster Training tentatively planned for December 6, 2024 for Board Members and key Town of Southport staff.
4. Town Hall Generator delivery expected January 2025.
5. Fairway/Phoenix Sewer Project update.
6. Update on flood levys.
7. Town of Southport's Trunk or Treat update.
8. Homeless ordinance.

Council Member Williams made a motion, Council Member Hurley seconded to accept the minutes of September 24, 2024 Tentative Budget, October 8, 2024 Regular Meeting and November 6, 2024 Preliminary Budget Meeting.

Under Public Comment, agenda items only to include Resolutions and Discussions, no one wished to speak.

RESOLUTION NO. 174-2024

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Szerszen
Seconded by: Mathews

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of November 2024, No. 606 through No. 659, with the exception of No.'s 618, 619 and 644, not to exceed \$156,379.72, has been audited and approved for payment by this Town Board.

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 175-2024

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Williams
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of November 2024, No.'s 618, 619, and 644, not to exceed \$4,625.00, has been audited and approved for payment by this Town Board.

AYES: Hurley, Williams, Szerszen, Roman
NOES: None
ABSTAIN: Mathews
CARRIED.

RESOLUTION NO. 176-2024

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Mathews
Seconded by: Williams

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of November 2024, No. 177 through No. 198, not to exceed \$244,476.66, has been audited and approved for payment by this Town Board.

AYES: Williams, Mathews, Szerszen, Roman
NOES: None
ABSTAIN: Hurley
CARRIED.

RESOLUTION NO. 177-2024

APPROVING ABSTRACT OF LIGHT FUND CLAIMS

Resolution by: Szerszen
Seconded by: Hurley

RESOLVED, that the Abstract of Light Fund Claims submitted by the Town Clerk for the month of November 2024, No. 9 & 10, not to exceed \$13,530.76, has been audited and approved for payment by this Town Board.

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 178-2024

APPROVING ABSTRACT OF FIRE FUND CLAIMS

Resolution by: Mathews
Seconded by: Williams

RESOLVED, that the Abstract of Fire Fund Claims submitted by the Town Clerk for the month of November 2024, No. 10, not to exceed \$9,720.00, has been audited and approved for payment by this Town Board.

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 179-2024

AUTHORIZING PURCHASE OF SALT AT STATE BID PRICE

Resolution by: Hurley
Seconded by: Williams

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase the necessary requirements of salt at the established State or County bid contract price.

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 180-2024

AUTHORIZING SUPERVISOR TO REQUEST COUNTY TO REASSESS MISCELLANEOUS PROPERTY CHARGES

Resolution by: Williams
 Seconded by: Matthews

RESOLVED, that the Town Supervisor be and he hereby is authorized to request the County to reassess unpaid mowing, tree, and refuse removal charges for the Town of Southport on January 1, 2025 Town and County Tax Statements as follows:

SWISS Code	Tax Map ID	Property Owner Name	Total Charges
073600	100.09-1-21	Harriet Roby	\$ 2,405.00
073600	100.09-4-36	Radha Govind Khatoria	\$ 400.00
073600	100.09-4-37	Radha Govind Khatoria	\$ 825.00
073600	100.09-4-49	James Karam	\$ 750.00
073600	100.09-4-59	Catherine Felker	\$ 800.00
073600	100.09-4-66	Terry Thompson	\$ 175.00
073600	108.02-1-41	Globe West Builders	\$ 400.00
073600	109.06-1-20	Gerard Grasso	\$ 200.00
073600	109.06-2-26	Janet Bierline	\$ 1,770.00
073600	109.06-5-23	Fitz-Hill LLC	\$ 780.00
073600	109.07-2-41	Phoreal Properties LLC	\$ 175.00
073600	109.07-4-27	Ralph Coppola	\$ 425.00
073600	109.08-1-65	Cherry Lane Park LLC	\$ 975.00
073600	109.08-1-84	Cherry Lane Park LLC	\$ 250.00
073600	109.08-1-85	Cherry Lane Park LLC	\$ 250.00
073600	109.08-1-87	Cherry Lane Park LLC	\$ 250.00
073600	109.08-2-22	Robert W Barton	\$ 3,395.00
073600	109.08-3-21	Akram Shaik Properties LLC	\$ 850.00
073600	109.08-4-15	Jeffery Kelsey	\$ 175.00
073600	109.08-4-16	Jeffery Kelsey	\$ 75.00
073600	109.08-4-17	Jeffery Kelsey	\$ 75.00
073600	109.08-6-23	Kavon Wilson	\$ 250.00
073600	109.08-6-59	John Marston Jr	\$ 325.00
073600	109.09-4-57	Bernard Hakes	\$ 325.00
073600	109.10-1-21	Elmira DG LLC	\$ 425.00
073600	109.10-3-1	Norbert Gehrig	\$ 1,300.00
073600	110.05-1-4	Chayra Valdez	\$ 250.00
073600	110.05-3-12	David Seeley	\$ 575.00
073600	117.04-2-14.2	Edward Forrest	\$ 1,000.00
073600	118.01-1-12.2	Jason Roosa	\$ 650.00
073600	118.01-1-35	Jeffrey Wickley	\$ 800.00
073600	118.01-2-14	Shawna Bailey	\$ 1,500.00
073600	127.02-1-12	D&D Innovations LLC	\$ 325.00
073600	99.10-2-10	Stefan Geiger	\$ 530.00

073600	99.13-2-20	Barbara Jenkins	\$ 1,550.00
073600	99.13-3-1	Michael Kennis	\$ 325.00
		Sterling Group of the Twin Tiers	
073600	99.13-3-17	Inc	\$ 425.00
073600	99.13-4-2	Gary Saxton	\$ 525.00
073600	99.13-4-29	Gary Saxton	\$ 225.00
073600	99.13-4-3	Ralph Kowulich	\$ 650.00
073600	99.13-4-30	Gary Saxton	\$ 225.00
073600	99.13-4-65	Gary Saxton	\$ 675.00
073600	99.13-4-9	Bruce Amentler	\$ 650.00
073600	99.16-1-29	Kyle Bowman	\$ 750.00
073600	99.18-1-17	John Brennan	\$ 1,000.00
073600	99.18-2-23	Curtis Payne Jr	\$ 500.00
073600	99.18-2-24	Curtis Payne Jr	\$ 300.00
073600	99.18-3-43	Patrick Richardson	\$ 325.00
073600	99.18-3-56	Nicholas Derico	\$ 525.00
073600	99.18-4-1	Dellski LLC	\$ 425.00
073600	99.18-5-16	Walter Gilbert	\$ 250.00
073600	99.19-3-29	Marcus Coppola	\$ 250.00
073600	99.20-1-57	Chayra Valdez	\$ 350.00
073600	99.20-2-10	Heidi Mitchell	\$ 1,250.00
			<u>\$ 34,830.00</u>

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 181-2024

ACCEPTING PRELIMINARY BUDGET AS ADOPTED BUDGET FOR FISCAL YEAR 2025

Resolution by: Szerszen
Seconded by: Hurley

WHEREAS, the Town Board having on November 6, 2024, duly held a hearing on the preliminary budget approved by the Town Board and filed with the Town Clerk for the fiscal year commencing January 1, 2025 and having heard all persons desiring to be heard in this matter, and the matter of the budget of the Town for such fiscal year having been fully discussed and considered.

NOW THEREFORE BE IT RESOVLED, that the said preliminary budget approved and filed as aforesaid be and the same hereby is adopted and established as the adopted budget of this Town for the fiscal year beginning January 1, 2025, and that such annual budget be adopted and entered in detail in the minutes of the proceedings of this Town Board, and be it further

RESOLVED, that the Town Clerk of this Town shall prepare and certify, as required by Law, duplicate copies of said adopted budget hereby adopted and deliver one of such copies to the Supervisor of the Town, and that the Supervisor shall present such copy to the Board of Legislature of the County as required by law.

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 182-2024

SPONSORING THE TOWN OF SOUTHPORT ANNUAL HOLIDAY PARADE AND APPOINTING
THE TOWN AS LEAD AGENCY

Resolution by: Williams
Seconded by: Mathews

RESOLVED, that the Town of Southport agrees to sponsor a holiday parade on December 7, 2024 at 4:00 p.m., and act as lead agency for said parade.

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

Resolution #10, Declaring Surplus a 2008 Chevrolet Trail Blazer 4x4, was rescinded at this time.

RESOLUTION NO. 183-2024

ADOPTING LOAN RESOLUTION FORM RD 1942-47 FOR SNOW PLOW TRUCK

Resolution by: Hurley
Seconded by: Williams

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: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

Resolution #12, Resolution authorizing the purchase of a plow truck in and for the Town of Southport, Chemung County, New York, at a maximum estimated cost of \$320,000.00 and authorizing, subject to a permissive referendum, the issuance of up to \$320,000.00 bonds of said Town to pay part of the cost thereof will be tabled until the December meeting.

RESOLUTION NO. 184-2024

BUDGET ADJUSTMENTS

Resolution by: Williams
Seconded by: Szerszen

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

DA2706 – Grants from Local Government	\$ 212,220.00	
DA5110.44 – Central Repairs County Grant		\$ 212,220.00
A4089 – Federal Aid Other (ARPA)	\$ 100,485.86	
A1620.21 – Building Equip (ARPA)		\$ 100,485.86

AYES: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 185-2024

BUDGET MODIFICATIONS

Resolution by: Hurley
 Seconded by: Szerszen

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: A599 Fund Balance	\$ 1,144,260.41	\$ (35,000.00)	\$ 1,109,260.41	To cover overage In Contingent
To: A1990.4 Contingent	\$ (34,087.35)	\$ 35,000.00	\$ 912.65	
From: A9010.8 Retirement	\$ 115,000.00	\$ (42,894.35)	\$ 72,105.65	
To: A1420.4 Attorney	\$ (7,786.67)	\$ 12,000.00	\$ 4,213.33	
To: A1440.4 Engineer	\$ (3,571.51)	\$ 3,571.51		
To: A3120.4 Police	\$ (189.09)	\$ 189.09		
To: A3620.4 Code Enf.	\$ (3,311.50)	\$ 10,000.00	\$ 6,688.50	
To: A5132.2 Garage Equipment	\$ (1,821.23)	\$ 1,821.23		
To: A5182.4 Lighting Cont.	\$ (293.94)	\$ 2,000.00	\$ 1,706.06	
To: A6460.4 Industrial Dev.	\$ (3,434.00)	\$ 3,434.00	\$	
To: A8540.4 Drainage	\$ (5,761.84)	\$ 5,761.84		
To: A9040.8 Workers Comp.	\$ (996.21)	\$ 996.21		
To: A1440.41	\$ (3,120.47)	\$ 3,120.47		

Engineer Arbor H.

From: A3650.4 Unsafe Buildings	\$ 40,000.00	\$ (27,914.65)	\$ 14,838.91
To: A7310.11 Rec. Maint.	\$ 37,000.00	\$ 8,000.00	\$ 45,000.00
To: A7310.12 Park Program Personal Services	\$ 33,000.00	\$ 4,914.65	\$ 37,914.65 Overage in Recreation
To: A7310.4 Rec. Contractual	\$ 65,000.00	\$ 15,000.00	\$ 80,000.00
From: SL599 Fund Balance	\$ 48,487.14	\$ (15,000.00)	\$ 38,487.14 Shortage in budgeted amt.
To: SL5182.4 Lighting Cont.	\$ 65,000.00	\$ 15,000.00	\$ 80,000.00
From: DA9060.8 Medical	\$ 231,000.00	\$ (10,709.00)	\$ 220,291.00
To: DA9040.8 Workers Comp	\$ 28,000.00	\$ 10,709.00	\$ 38,709.00 Overage in Workers Comp.

AYES: Hurley, Williams, Szerszen, Roman
NOES: None
ABSTAIN: Mathews
CARRIED.

RESOLUTION NO. 186-2024

ACCEPTING QUOTE OF A&W CONCRETE, LLC FOR SIDEWALK REPAIR AT CHAPEL PARK

Resolution by: Williams
Seconded by: Hurley

WHEREAS, Per Resolution No. 112-2021 the Town Supervisor was authorized to apply for funds allocated under the American Rescue Plan Act, and

WHEREAS, the Town Board feels that these funds would be beneficial for certain projects within the Town to include sidewalk repair at Chapel Park, and

WHEREAS, a quote was received from A&W Concrete, LLC for sidewalk repair at Chapel Park.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Town Supervisor to accept the quote of A&W Concrete, LLC at a cost not to exceed ONE THOUSAND THREE HUNDRED DOLLARS AND 00/100 (\$1,300.00).

AYES: Hurley, Mathews, Williams, Szerszen, Roman
NOES: None
CARRIED.

Next under ARPA Discussion was repointing bricks at Town Hall, new truck for Highway Department, and crushed stone walkway Draxler Park, all of which will be tabled to the December meeting.

RESOLUTION NO. 187-2024

ACCEPTING QUOTE OF BALLAND FENCE COMPANY FOR NEW FENCING AT ROGER STERLING PARK

Resolution by: Mathews
Seconded by: Hurley

WHEREAS, Per Resolution No. 112-2021 the Town Supervisor was authorized to apply for funds allocated under the American Rescue Plan Act, and

WHEREAS, the Town Board feels that these funds would be beneficial for certain projects within the Town to include new fencing at Roger Sterling Park, and

WHEREAS, a quote was received from Balland Fence Company for new fencing at Roger Sterling Park.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Town Supervisor to accept the quote of Balland Fence Company at a cost not to exceed NINE THOUSAND NINE HUNDRED DOLLARS AND 00/100 (\$9,900.00).

AYES: Hurley, Mathews, Williams, Szerszen, Roman
NOES: None
CARRIED.

Under ARPA discussion was new utility trailer for the Recreation Department, which will be tabled to December.

RESOLUTION NO. 188-2024

ACCEPTING QUOTE OF CAPTAIN'S SEALCOATING, LLC FOR SEALING AND CRACK FILLING OF THE WALKWAY AT ELMER GOODWIN PARK

Resolution by: Szerszen
Seconded by: Hurley

WHEREAS, Per Resolution No. 112-2021 the Town Supervisor was authorized to apply for funds allocated under the American Rescue Plan Act, and

WHEREAS, the Town Board feels that these funds would be beneficial for certain projects within the Town to include crack filling and sealing of the walkway at Elmer Goodwin Park, and

WHEREAS, a quote was received from Captain's Sealcoating, LLC, for crack filling and sealing of the walkway at Elmer Goodwin Park.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Town Supervisor to accept the quote of Captain's Sealcoating, LLC at a cost not to exceed THREE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$3,500.00).

AYES: Hurley, Mathews, Williams, Szerszen, Roman

NOES: None

CARRIED.

Council Member Hurley asked for an update on Cherry Lane Park, LLC. Supervisor Roman stated the new owners have to submit an application to operate, which they have not.

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

Tom Aber from 1155 Sherman Avenue commented on Cherry Lane Park, LLC.

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

Council Member Williams made a motion, Council Member Mathews seconded the motion to adjourn to executive session to discuss proposed pending or current litigation and the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The meeting was adjourned at 7:17 p.m.

Council Member Szerszen made a motion, Council Member Hurley seconded to reconvene the meeting at 7:44 p.m.

RESOLUTION NO. 189-2024

TOWN JUSTICE APPOINTMENT

Resolution by: Hurley

Seconded by: Williams

WHEREAS, Town of Southport Town Justice, Joseph W. Holly, is resigning from his elective office on December 31, 2024 at 11:59; and

WHEREAS, the Town Board of the Town of Southport wishes to appoint Nicholas C. DeMuth to fill the upcoming vacancy being created by Joseph W. Holly; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby appoints Nicholas C. DeMuth to serve as Town of Southport Town Justice to fill the vacancy being created by Joseph W. Holly and this appointment is to be effective January 1, 2025 at 12:00 a.m. until the calendar year next succeeding the first annual election at which the vacancy may be filled.

AYES: Hurley, Williams, Szerszen, Roman

NOES: None

ABSTAIN: Mathews

CARRIED.

Council Member Szerszen made a motion, Council Member Mathews seconded to adjourn the meeting.

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

Respectfully Submitted,

Carolyn A. Renko, Town Clerk