

January 14, 2025

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 January 14, 2025.

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

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement 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

Monthly reports were received as follow:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,378.34
Fitzsimmons Lot Sales	\$ 550.00
Funds Turned to State & County Agencies	<u>\$ 281.16</u>
	\$ 2,209.50

Code Enforcement Officer

Fees Collected:	Building Permit Fees	\$ 475.00
	Building Permit Values	\$ 56,900.00
	Operating Permit Fees	\$ 300.00
	Site Plan Fees	\$ 150.00

Justice Office

Elmira City Animal Control  
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 stated members for the Comprehensive Plan Committee are being sought and he is hopeful the first meeting will be in February. He also stated Chemung County will be holding an Electronic Recycling Event. Information on this is on the Town of Southport website.

Council Member Hurley made a motion, Council Member Mathews seconded to accept the minutes of December 10, 2024 Regular Meeting, December 18, 2024 Special Meeting and January 7, 2025 Organizational Meeting.

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

RESOLUTION NO. 25-2025

APPROVING ABSTRACT OF GENERAL FUND CLAIMS #13 OF 2024

Resolution by: Williams  
Seconded by: Steed

RESOLVED, that the Abstract of General Fund Claims #13, submitted by the Town Clerk for the month of December 2024, No. 716 through No. 750, with the exception of #742, 743, 741, and 745, not to exceed \$31,693.73, has been approved for payment by this Town Board.

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

RESOLUTION NO. 26-2025

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Steed  
Seconded by: Williams

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of December 2024, No. 742, 743, 741, and 745, not to exceed \$5,935.50, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 27-2025

APPROVING ABSTRACT OF GENERAL FUND CLAIMS #1 OF 2025

Resolution by: Steed  
Seconded by: Mathews

RESOLVED, that the Abstract of General Fund Claims #1 of 2025, submitted by the Town Clerk for the month of January 2025, No. 1 through No. 40, with the exception of #4, 10, 18, 19, 36, 40, not to exceed \$86,098.71, has been approved for payment by this Town Board.

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

RESOLUTION NO. 28-2025

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Hurley  
Seconded by: Williams

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of January 2025, No. 4, 10, 18, 19, 36, and 40, not to exceed \$22,474.48, has been approved for payment by this Town Board.

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

RESOLUTION NO. 29-2025

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS #13 OF 2024

Resolution by: Steed  
Seconded by: Hurley

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of December 2024, No. 217 through No. 233, not to exceed \$51,849.27, has been approved for payment by this Town Board.

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

RESOLUTION NO. 30-2025

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS #1 OF 2025

Resolution by: Hurley  
Seconded by: Mathews

RESOLVED, that the Abstract of Highway Fund Claims #1 of 2025, submitted by the Town Clerk for the month of January 2025, No. 1 through No. 11, not to exceed \$51,732.36, has been approved for payment by this Town Board.

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

RESOLUTION NO. 31-2025

APPROVING ABSTRACT OF FIRE FUND CLAIM #1 OF 2025

Resolution by: Mathews  
Seconded by: Steed

RESOLVED, that the Abstract of Fire Fund Claims #1 of 2025, submitted by the Town Clerk for the month of January 2025, No. 1 through No. 5, not to exceed \$393,281.25, has been approved for payment by this Town Board.

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

RESOLUTION NO. 32-2025

ACCEPTING RESIGNATION OF WILLIAM WHITFORD AS PERMANENT SCHOOL TRAFFIC OFFICER

Resolution by: Williams  
Seconded by: Steed

WHEREAS, William Whitford has submitted his letter of resignation as a School Traffic Officer for the Town of Southport, effective December 30, 2024.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accept the resignation of William Whitford as School Traffic Officer, effective December 30, 2024.

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

RESOLUTION NO. 33-2025

RATIFYING APPOINTMENT OF JOHN OGDEN AS PERMANENT SCHOOL TRAFFIC OFFICER

Resolution by: Steed  
Seconded by: Hurley

RESOLVED, that pursuant to Section 208-A of the General Municipal Law, as amended, John Ogden be and he hereby is appointed Permanent School Traffic Officer, effective January 1, 2025, and that his duties be limited to acting permanent School Traffic Officer and assisting at school crossings prior to the opening and closing of schools.

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

RESOLUTION NO. 34-2025

ACCEPTING PROPOSAL OF HINMAN, HOWARD & KATTELL, LLP TO PROVIDE LEGAL COUNSEL TO THE TOWN OF SOUTHPORT

Resolution by: Steed  
Seconded by: Mathews

WHEREAS, Kimberlee Balok Middaugh Esq. with the law firm Sayles & Evans performs legal services for the Town of Southport and due to a conflict related to her elected position as Town Justice for the Town of Elmira is now unable to further perform any prosecutorial duties for the Town of Southport which include the enforcement of the town code, local laws, or dangerous dog proceedings, and

WHEREAS, the Town of Southport Town Board wishes to engage the law firm of Hinman, Howard & Kattell, LLP for Attorney Stephen R. Hoffman to perform these prosecutorial duties, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York hereby agrees to engage the legal services of Attorney Stephen R. Hoffman with Hinman, Howard, & Kattell, LLP to perform prosecutorial duties on behalf of the Town in accordance with the terms set forth in the proposal for professional legal services dated December 20, 2024 for the year 2025, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board authorizes the Town Supervisor to execute all documents and take any action necessary to effectuate the engagement of Hinman, Howard, & Kattell, LLP for the legal services of Attorney Stephen R. Hoffman.

AYES: Williams, Mathews, Steed, Roman  
NOES: Hurley  
CARRIED.

RESOLUTION NO. 35-2025

APPOINTING MICHELLE MURRAY AS FULL-TIME DEPUTY TOWN CLERK

Resolution by: Mathews  
Seconded by: Steed

WHEREAS, the Town Supervisor has advised the Town Board that Michelle Murray has agreed to be appointed full-time Deputy Town Clerk in the Code Enforcement Office and Assessor's Office.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby appoint Michelle Murray as full-time Deputy Town Clerk in the Code Enforcement Office and Assessor's Office.

RESOLVED, that Michelle Murray will receive an annual salary of \$56,723.00, as compensation for her duties and shall be entitled to and receive any and all benefits available to any full-time employee of the Town of Southport.

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

RESOLUTION NO. 36-2025

ACCEPTING PROPOSAL OF BARTON LAW FIRM, LLP TO PROVIDE LEGAL COUNSEL TO THE TOWN OF SOUTHPORT

Resolution by: Steed  
Seconded by: Williams

WHEREAS, Kimberlee Balok-Middaugh Esq. with the law firm of Sayles & Evans performs legal services for the Town of Southport and due to a conflict related to her elected position as Town Justice for the Town of Elmira is now unable to further perform any prosecutorial duties for the Town of Southport which include the enforcement of the town code, local laws, or dangerous dog proceedings, and

WHEREAS, the Town of Southport Town Board wishes to engage the law firm of Barton Law Firm, LLP for Attorney's Paul and Chris Barton to perform these prosecutorial duties, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York hereby agrees to engage the legal services of Attorney's Paul and Chris Barton with the Barton Law Firm, LLP, to perform prosecutorial duties on behalf of the Town in accordance with the terms set forth in the proposal for professional legal services dated January 13, 2025, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board authorizes the Town Supervisor to execute all documents and take any action necessary to effectuate the engagement of Barton Law Firm, LLP for the legal services of Attorney's Paul and Chris Barton.

AYES: Williams, Mathews, Steed, Roman  
NOES: Hurley  
CARRIED.

RESOLUTION NO. 37-2025

LOCAL LAW NO. 1 OF 2025

A SIX-MONTH MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS AND COMMERCIAL ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF SOUTHPORT

Resolution by: Williams  
Seconded by: Matthews

WHEREAS, the Town of Southport wishes to review the Town Code and zoning laws along with the Town's Comprehensive Plan to further understand how Commercial Solar Energy Systems and Commercial Energy Storage Systems will impact the Town, its residents, the agricultural community and landscape; and

WHEREAS, the Town of Southport, as part of its planning in preparation for this potential development in the Town of Southport, requires time to conduct such review; therefore, the Town Board is enacting a moratorium to prohibit the development of Commercial Solar Energy Systems and Commercial Energy Storage Systems during this period of review; and

WHEREAS, the Town of Southport Town Board is in receipt of approvals and recommendations from the Town of Southport Planning Board and the Chemung County Planning Board for this proposed moratorium; and

NOW THEREFORE BE IT RESOLVED that the Town of Southport Town Board, County of Chemung, State of New York hereby schedules a public hearing to receive public comment on Local Law No. 1 of the Year 2025, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport, as set forth herein, to be held on February 11, 2025 at 6:00 p.m., or as soon thereafter can be heard, before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904.

LOCAL LAW NO. 1 OF 2025

A SIX-MONTH MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS AND COMMERCIAL ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF SOUTHPORT

Section 1. Title.

This local law shall be known as "Local Law No. 1 of the Year 2025, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport".

Section 2. Legislative Intent.

- A. It is the intent of this local law to impose a six-month moratorium for any development, installation, or creation of commercial solar energy systems or commercial energy storage systems, as defined herein, within the Town of Southport. The Town imposes this temporary moratorium on the issuance of building permits, special use permits, variances, site plan approvals, or any related review pursuant to a request for such commercial solar energy systems or commercial energy storage systems within the Town of Southport.
- B. The purpose of this moratorium is to allow the Town of Southport time to review its current zoning laws and comprehensive plan related to development for commercial solar energy and storage systems.
- C. In recent years, installation of solar energy and storage systems on properties has become more popular due governmental funding, tax incentives and provider options. The Town recognizes the importance of the use of this alternate clean type of energy and its potential to provide another source of energy use for residents. The Town seeks to preserve and protect agriculture use, aesthetics and natural resources of the Town and property values while understanding the impact this type of development will have on land use for the overall benefit of the Town.
- D. During the period for this moratorium, the Town Board intends to suspend land use regulations in the Town of Southport which conflict with the effect and intent of this local law.
- E. The Town Board finds pursuant to 6NYCRR 617.5(c) (30) that the adoption of a 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. Definitions.

"Commercial Solar Energy Systems" are defined, for the purpose of this local law, as any devise or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for the consumption on the property on which the device or devices reside.

"Commercial Energy Storage Systems" are defined, for the purpose of this local law, as any rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to store and provide electrical power primarily off site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for personal, residential and onsite use shall not be considered a commercial energy storage system and shall be specifically exempted from this moratorium.

Section 4. Scope of Controls.

- A. For a period of six (6) months from the effective date of this Local Law, the Town Board, Town Planning Board, Town Zoning Board of Appeals, and the Town Code (Zoning) Enforcement Officer shall not permit, accept, process, interpret, deliberate upon or approve any application for the installation, development, or creation of commercial solar energy systems or commercial energy storage systems, as defined herein, except as set forth in Section 5 of this Local Law.
- B. During the term of this moratorium the Town Board intends to develop, consider, and adopt changes to its comprehensive plan and local laws to allow for regulation of commercial solar energy systems and commercial energy storage systems.



Section 5. Exception.

Notwithstanding any provision hereof to the contrary, any person or entity that has been granted a Special Use Permit by the Town of Southport Planning Board for construction of a solar facility prior to the effective date of this Local Law may continue such project and related activities while this Moratorium is in effect so long as all construction and supporting activities are conducted in accordance with all applicable laws and any conditions of the Special Use Permit.

Section 6. Relief from Provisions of This Local Law.

Should any owner of property affected by this local law suffer any unnecessary hardship and seek relief from this moratorium to enable such owner to obtain a permit for activity otherwise prohibited under this moratorium, such owner shall make application to the Town Board. Such request shall be taken under the procedural provisions of the existing Town of Southport zoning law in relation to appeals and shall be subject to a public hearing before the Town Board in accordance with these same procedures. It shall be within the discretion of the Town Board to grant, in whole or in part, or deny, the application for such relief from the terms of this moratorium. It shall be the burden of the applicant for such relief to demonstrate to the satisfaction of the Town Board, upon competent evidence that an unjust result and extraordinary hardship would occur to the applicant, if such relief is not granted, and such showing must demonstrate that the proposed activity for which relief is sought shall be consistent with the reasonable and orderly development of the Town. The unnecessary hardship shall not be the delay in the application process created by this local law.

Section 7. Penalties.

A. Any person, firm, entity, or corporation that shall construct, reconstruct, relocate, enlarge, or alter any building or structure in violation of the provisions of this local law, or otherwise violate any provisions of this local law, shall be guilty of a violation and subject to a fine not less than \$250.00 and not more than \$1,000.00, or imprisonment for a term not to exceed fifteen (15) days, or both. Each day the violation continues shall be a separate offense.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

Section 8. Enforcement.

This local law shall be enforced by the Code Enforcement Officer of the Town of Southport.

Section 9. 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 0. Supersession of the Town Law.

This local law is hereby adopted 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 Town Law § 274-a, § 274-b, § 267-a, § 267-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 and shall remain in force and effect for a period of six (6) months from the date of passage.

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

RESOLUTION NO. 38-2025

PROPOSED LOCAL LAW NO. 2 OF 2025

LOCAL LAW NO. 2 OF 2025, CAMPING PROHIBITIONS WITHIN THE TOWN OF SOUTHPORT

Resolution by: Steed  
Seconded by: Hurley

WHEREAS, the Town of Southport wishes to protect the health, safety and welfare of the residents of the Town of Southport by prohibiting individuals from camping, occupying or creating temporary living accommodations on any land in the Town unless otherwise authorized by law; and

NOW THEREFORE BE IT RESOLVED that the Town of Southport Town Board, County of Chemung, State of New York hereby schedules a public hearing to receive public comment on Local Law No. 2 of 2025, Camping Prohibitions Within the Town of Southport, as set forth herein, to be held on February 11, 2025 at 6:00 p.m., or as soon thereafter can be heard, before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904.

LOCAL LAW NO. 2 OF 2025, CAMPING PROHIBITIONS WITHIN THE TOWN OF SOUTHPORT

Section 1. Title

This Local Law shall be known as Local Law No. 2 of 2025, Camping Prohibitions Within the Town of Southport.

Section 2. General Intent

It is the purpose of this local law to protect and promote the general health, safety and welfare of the residents of the Town of Southport by prohibiting individuals from camping, occupying or creating temporary living accommodations on any land within the Town of Southport.

Section 3. Definitions:

- A. Camp. Any building of whatsoever material constructed, designed or equipped to be used or used for living, sleeping, or eating by transient or seasonal occupants.
- B. Campsite. Any place used for temporary camping or as a site for recreational vehicles for camping purposes. This definition shall include where bedding, sleeping bag, or other material used for bedding purposes or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary place to reside, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or vehicle or part thereof.
- C. Recreational Vehicle. Any vehicular design or vehicle designed or modified for camping or as temporary living quarters for recreational camping or travel use which either has its own power or is mounted on or drawn by another vehicle, including but not limited to a travel trailer, camping trailer, truck camper, motor home or house trailer.

Section 4. Prohibition.

- A. No camper, campsite, or recreational vehicle shall be occupied within the Town of Southport unless otherwise allowed by law, the exception being the temporary occupancy by authorized family of the owner of real property or the invited guest of the owner of real property upon which the recreational vehicle or campsite is located shall be permitted, provided that the recreational vehicle or campsite is not to be occupied in excess of 10 days in a calendar year, and in no event shall a recreational vehicle or campsite be utilized as a rental unit or occupied upon a lot where there is no existing one, two, or multiple family residences.
- B. No more than one camper or recreational vehicle shall be allowed, stored, or maintained on any lot within the Town of Southport unless the one allowed camper or recreational vehicle shall be allowed, stored, or maintained in accordance Chapter 525, Article IX, 525-114.
- C. A person found in violation of this section may be immediately removed from the premises.

Section 5. Removal

- A. Upon discovery of a prohibited campsite, the Town of Southport, if feasible, may provide notice of intent to remove the campsite to the Chemung County Department of Social Services.
- B. The Town of Southport personnel, including the Code Enforcement Officer, and law enforcement officers with jurisdiction within the Town are authorized to clean up the campsite and remove all items and personal property at and associated with the campsite including any recreational vehicles.
- C. When deemed appropriate by law enforcement or other first responders, individuals determined to be endangered or a danger to themselves or others may be transported to local medical facilities for evaluation.
- D. Cost of cleaning up and removing items found at the prohibited campsite shall be the responsibility of all individuals who are who are found to be in violation of this local law.

Section 6.

Penalty

Any person that violates any provision of this Local Law is subject to a fine of not less than \$50 nor more than \$250 per day and/or 14 days in jail and when a violation of this Local Law continues, each day shall be a separate and distinct violation.

Section 7.

Repeal Prior Laws

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

Section 8.

Authority

This local law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10 and Town Law § 64.

Section 9.

Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 10. Effective Date.

This Local Law shall take effect upon adoption, publication and filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

AYES: Hurley, Williams, Mathews, Steed, Roman

NOES: None

CARRIED.

RESOLUTION NO. 39-2025

LOCAL LAW NO. 3 OF 2025 TO REMOVE EXEMPTION UNDER NEW YORK STATE REAL PROPERTY LAW  
SECTION 487 FOR SOLAR, WIND AND FARM WASTE ENERGY SYSTEMS WITHIN THE TOWN OF  
SOUTHPORT

Resolution by: Williams

Seconded by: Mathews

WHEREAS, the Town of Southport wishes to enact a local law to allow the Town of Southport to opt out of the New York State Real Property Tax Law (RPTL) Section 487, thereby to not provide an exemption for taxation for any solar, wind, and farm waste energy systems within the Town of Southport; and

NOW THEREFORE BE IS RESOLVED that the Town of Southport Town Board, County of Chemung, State of New York hereby schedules a public hearing for February 11, 2025 at 6 p.m. or as soon thereafter as can be heard, to receive public comment for Local Law No. 3 of 2025 To Remove Exemption Under New York State Real Property Law Section 487 For Solar, Wind and Farm Waste Energy Systems Within the Town of Southport at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904 as proposed herein:

Local law No. 3 of 2025 To Remove Exemption Under New York State Real Property Law Section 487 For Solar, Wind and Farm Waste Energy Systems Within the Town of Southport

Section 1. Title.

This local law shall be known as “Local Law No. 3 of 2025 To Remove Exemption Under New York State Real Property Law Section 487 For Solar, Wind and Farm Waste Energy Systems Within the Town of Southport”.

Section 2. Legislative Intent.

It is the intent of this local law to allow the Town of Southport to opt out of the New York State Real Property Tax Law (RPTL) Section 487, thereby to remove an exemption for taxation in accordance with New York State RPTL Section 487 for any solar, wind and farm waste energy systems within the Town of Southport.

Section 3. Authority.

This local law is adopted pursuant to New York State Real Property Tax Law Section 487-8(a) which expressly authorizes a Town by local law to provide that no exemption under New York State RPTL 487 shall be applicable within its jurisdiction with respect to any solar, wind, or farm waste energy system which began construction subsequent the effective date of such local law, whichever is later.

Section 4. Inconsistent Laws.

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

Section 5. 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 6. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State, New York State Department of Taxation and Finance and New York State Energy Research and Development Authority (NYSERDA).

AYES: Hurley, Williams, Mathews, Steed, Roman

NOES: None

CARRIED.

Under Discussion was Town Newsletter. Council Member Mathews gave an update and stated it will be posted to the Town's website in the very near future.

Last under Discussion was Field use forms/Community Center Rental, which will be tabled until the February meeting.

Under Taxpayer's Comments, Tina Moore from 1170 Sherman Avenue commented on Chapel Park Community Center.

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

The meeting was adjourned at 6:43 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk