

May 13, 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 May 13, 2025.

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

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

The meeting was called to order by Deputy Supervisor Kathleen Szerszen at 6:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Deputy Supervisor Kathleen Szerszen

PUBLIC HEARING 6:01 P.M. – for the purpose of hearing any and all public comment regarding Local Law No. 3 of 2025, 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.

Deputy Supervisor Szerszen read the legal notice that appeared in the Elmira Star-Gazette and opened the Public Hearing for comment at 6:01 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:03 p.m.

Deputy Supervisor Szerszen stated the Town of Southport Planning Board approved the extension but the Chemung County Planning Board did not approve it.

Council Member Mathews stated he is in favor of the extension since the Office of Cannabis Management still has not produced clear guidelines regarding this. Council Member Williams stated he is also in favor of the extension and that they are working on updating the Comprehensive Plan so this will be incorporated in that.

Supervisor Roman joined the meeting at 6:06 p.m.

RESOLUTION NO. 77-2025

LOCAL LAW NO. 3 OF 2025, 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: Hurley

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, Local Law No. 1 of 2024, and Local Law No. 3 of 2024 for six-month extension of the temporary moratorium; and

WHEREAS, the Town Planning Board approved this moratorium extension; however, the Chemung County Planning Board disapproved the proposed extension; and

WHEREAS, to date the Town of Southport is concerned with the lack of regulatory enforcement of unlicensed cannabis retail business as described in Local Law No. 1 of 2022, and wishes to extend the moratorium for an additional six (6) months to update its comprehensive plan and further review its zoning and code regulations related to this issue; and

WHEREAS, this proposed Local Law No. 3 of 2025, 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 Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on May 13, 2025 at 6:00 p.m. before the Town of Southport 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. 3 of 2025, 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 2025, 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 2025, 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, Local Law No. 1 of 2024, and Local Law No. 3 of 2024 the New York State Office of the Cannabis Management is still finalizing the issuance of licenses for businesses to allow for the legal sale of adult-use cannabis or cannabinoid hemp licenses. In addition, 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. The moratorium as referenced herein and last extended by Local Law No. 3 of 2024 shall be extended for an additional six (6) months through October 31, 2025.

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

Section 4. 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 4. SUPERCESSION 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 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 5. EFFECTIVE DATE

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

AYES: Hurley, Williams, Mathews, Steed, Roman

NOES: None

CARRIED.

Presentation – Matthew Burr from Burr Consulting, LLC spoke to the Board regarding his proposal for a Compensation Study for the Town of Southport. The Board decided to get another quote before making a final decision. This will be placed on the June Agenda.

Presentation - 6:00 p.m. – Discussion of 2024 Audit

Mr. Patrick Jordan, CPA, Partner of Insero & Co., CPA presented the 2024 audit reports.

The discussion focused on comparisons to the previous four years. Overall, the Town is in good financial condition and both the general fund and highway fund had an increase in fund balance. 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	\$ 2,078.14
Funds Turned to State & County Agencies	<u>\$ 984.36</u>
	\$ 3,062.50

Code Enforcement

Building Permit Fees	\$ 2,767.20
Building Permit Values	\$ 483,205.79
Operating Permit Fees	\$ 300.00
Logging Registration Fees	\$ 200.00
Site Plan Fees	\$ 150.00

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

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

Under Correspondence were the following:

1. Supervisor Roman stated that Director of Recreation Ivan Purifoy applied for a Triangle Fund Grant and was awarded \$1300.00 which will go towards summer cohesion bus trips. He also applied for the Southside Community Center grant and we are waiting on word if the Town was awarded anything.
2. Supervisor Roman was notified by the NYS Association of Towns that there will be a 50 million dollar increase in CHIPS Funding.
3. Council Member Mathews stated that NYS will be requiring the town to pass a resolution in the near future for new license plate reader camera software update.
4. Council Member Williams stated the Southport Business Association held a bowling fundraiser and raised \$807 which will be used for any child that needs assistance with the cost of cohesion this summer.
5. Council Member Hurley inquired if the Town has a noise ordinance, as he has been contacted by a resident who is having an issue.

Council Member Steed made a motion, Council Member Williams seconded to accept the minutes of April 8, 2025 Regular Meeting.

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

RESOLUTION NO. 78-2025

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Hurley
Seconded by: Mathews

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of May 2025, No. 153 through No. 206, with the exception of No.'s 170, 172, 179, 184, 202, not to exceed \$87,792.47, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 79-2025

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Williams
Seconded by: Steed

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of May 2025, No.'s 170, 172, 179, 184, 202, not to exceed \$8,144.65, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 80-2025

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Steed
Seconded by: Mathews

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of May 2025, No. 70 through No. 93, not to exceed \$47,720.41, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 81-2025

APPROVING ABSTRACT OF LIGHT FUND CLAIMS

Resolution by: Steed
Seconded by: Williams

RESOLVED, that the Abstract of Light Fund Claims submitted by the Town Clerk for the month of May 2025, No. 3 & 4, not to exceed \$15,035.79, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 82-2025

IMPLEMENTING A TRASH VOUCHER DISPOSAL PROGRAM FOR THE TOWN OF SOUTHPORT FOR THE YEAR 2025 IN CONJUNCTION WITH CHEMUNG COUNTY AND CASELLA

Resolution by: Hurley
Seconded by: Williams

WHEREAS, the Town of Southport in previous years have provided Town residents the disposal of trash and/or refuse and would like to continue that program for the year 2025.

WHEREAS, the County of Chemung and Casella have provided the Town of Southport with 200 trash disposal vouchers to dispense to their residents on a first come, first serve basis.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened does hereby authorize the Town Supervisor to implement a Trash Voucher Disposal Program for 2025 that would allow residents of the Town to obtain vouchers from the Town Clerk's Office for the disposal of trash at the Chemung County Milling Station of up to 1,000 pounds per household free of charge, with the type of items to be disposed of to be determined in accordance with Chemung County and Casella. The Town residents who obtain a voucher would be responsible for the cost of disposing of any trash in excess of the 1,000 pounds permitted by the vouchers or items that carry additional charges for disposal.

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

RESOLUTION NO. 83-2025

APPOINTING JENNIFER YOUNG AS FULL-TIME DEPUTY TOWN CLERK

Resolution by: Williams
Seconded by: Mathews

WHEREAS, the Town Supervisor has advised the Town Board that Jennifer Young 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 Jennifer Young as full-time Deputy Town Clerk in the Code Enforcement Office and Assessor's Office.

RESOLVED, that Jennifer Young will receive an annual salary of \$42,000.00, 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. 84-2025

APPOINTING TEMPORARY PART-TIME SUMMER RECREATION LEADERS

Resolution by: Steed
Seconded by: Mathews

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, Alexandria	Recreation Leader	\$ 19.50 pr/hr	6/30/25-8/15/25
Barr, Caroline	Recreation Leader	\$ 18.00 pr/hr	6/30/25-8/15/25
Hassen, Kory	Recreation Leader	\$ 18.00 pr/hr	6/30/25-8/15/25
Miller, Maize	Recreation Leader	\$ 17.00 pr/hr	6/30/25-8/15/25
Moshier, Molly	Recreation Leader	\$ 17.00 pr/hr	6/30/25-8/15/25
Nelan, Lidia	Recreation Leader	\$ 18.25 pr/hr	6/30/25-8/15/25
Rinwalske, Serenity	Recreation Leader	\$ 17.00 pr/hr	6/30/25-8/15/25

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>	<u>EFFECTIVE DATES</u>
Sherman, Colin	Recreation Leader	\$ 17.70 pr/hr	6/30/25-8/15/25
Thomas, Kobe	Recreation Leader	\$ 17.20 pr/hr	6/30/25-8/15/25
Vaughan, Joseph	Recreation Leader	\$ 17.20 pr/hr	6/30/25-8/15/25

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 have filed with the Town Clerk their appropriate Oath of Office as required by law.

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

Under Discussion was Referral from Chemung County Planning Board and Town of Southport Planning regarding Local Law No. 3 of 2025, 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. This was previously discussed during the Public Hearing at the beginning of the meeting.

Under Public Comment, Ira Manhoff from 834 Dutch Hill Road spoke about the organization Tips, Tails N' Hope cat rescue. He stated they are holding a spay/neuter clinic on June 13, 2025 at the VFW on Keefe Street in Elmira.

Jim Swift from 1552B Maple Avenue inquired about the status of a complaint he had at the April meeting regarding a trailer full of garbage on the property at 1548 Maple Avenue. Code Enforcement Officer Rocchi stated they have been cited and it is a work in progress.

Council Member Hurley commented he feels that scheduling workshop meetings to work on issues and projects within the Town of Southport would be beneficial.

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

The meeting was adjourned at 7:25 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk