

July 8, 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 July 8, 2025.

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

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer  
Peter Rocchi, Deputy Supervisor Kathleen Szerszen, 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 – Supervisor Joseph Roman

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,841.61
Fitzsimmons Lot Sales	\$ 1,100.00
Funds Turned to State & County Agencies	<u>\$ 852.89</u>
	\$ 3,794.50

Code Enforcement Office

Fees Collected: Building Permit Fees	\$ 7,657.90
Building Permit Values	\$ 3,398,449.00
Operating Permit Fees	\$ 350.00

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.

There was no Correspondence received.

Council Member Steed made a motion, Council Member Mathews seconded to accept the minutes of June 10, 2025 Regular Meeting.

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

RESOLUTION NO. 94-2025

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Steed  
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of July 2025, No. 277 through No. 331, with the exception of No.'s 285, 290, 291, 292, 312 and 321, not to exceed \$103,843.96, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 95-2025

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Mathews  
Seconded by: Steed

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of July 2025, No.'s 285, 290, 291, 292, 312, 321, not to exceed \$5,690.84, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 96-2025

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Hurley  
Seconded by: Williams

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of July 2025, No. 113 through No. 131, not to exceed \$122,685.93, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 97-2025

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Steed  
Seconded by: Mathews

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of July 2024, No. 5, not to exceed \$8,187.28, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 98-2025

APPROVING ABSTRACT OF FIRE FUND CLAIM

Resolution by: Williams  
Seconded by: Mathews

RESOLVED, that the Abstract of Fire Fund Claim submitted by the Town Clerk for the month of July 2025, No. 11, not to exceed \$10,800.00, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 99-2025

RATIFYING APPOINTMENT OF HANNAH SMITH AS TEMPORARY PART-TIME  
SUMMER RECREATION LEADER

Resolution by: Mathews  
Seconded by: Steed

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 individual as a part-time temporary Recreation Leader, this individual 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>
Smith, Hannah	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 individual shall not be entitled to any benefits as a result of her employment by the Town of Southport, including but not limited to health insurance, and be it further

RESOLVED, that the aforementioned individual shall not commence her employment with the Town of Southport until such time as she has filed with the Town Clerk her appropriate Oath of Office as required by law.

AYES: Hurley, Williams, Mathews, Steed, Roman

NOES: None

CARRIED

RESOLUTION NO. 100-2025

AUTHORIZING THE SUPERVISOR TO APPLY FOR A 2025 ENVIRONMENTAL PROTECTION FUND GRANTS PROGRAM (EPF) SMART GROWTH PROGRAM FOR COMMUNITY PLANNING & ZONING AND IF AWARDED TO EXECUTE ALL NECESSARY DOCUMENTS RELATING TO SUCH GRANT

Resolution by: Mathews

Seconded by: Hurley

WHEREAS, the New York State Department of State has made grant funds available in 2025 through the Environmental Protection Fund (EPF) Smart Growth Program for Community Planning and Zoning, which provides grant funds on a competitive basis to eligible villages, towns, cities, counties, regional planning entities, and non-profit organizations, to advance the preparation of municipal comprehensive plans to establish land use policies which support smart growth and clean energy principles for the community.

WHEREAS, the Town of Southport is proposing to undertake a zoning update process, in order to rewrite and update the current zoning after the completion and adoption of a community based comprehensive plan process which is assessing the current land use policies and establishing new policies that more accurately reflect the community's current conditions, opportunities, and goals for smart growth development and clean energy principles.

WHEREAS, the Town of Southport intends to submit a grant application to request funding through the 2025 EPF Smart Growth Community Planning and Zoning Grant Program, with a ten percent (10%) local match requirement not to exceed \$10,000.00, to the NYS Department of State EPF Smart Growth Community Planning and Zoning Grant Program.

THEREFORE BE IT RESOLVED, the Southport Town Board hereby authorizes the submission of a grant application on behalf of the Town of Southport, including provision of the 10% local match requirement (approximately \$10,000.00) to request State funding for the purposes of hiring a consultant to coordinate a community-based planning process and prepare a draft Town of Southport Zoning Code, and

BE IT FURTHER RESOLVED, that if awarded, the Town Supervisor of the Town of Southport is hereby authorized to execute all necessary documents to accept the grant funds relating to the NYS Department of State 2025 EPF Smart Growth Community Planning and Zoning Grant Program application and provide the matching funds, not to exceed \$10,000.00.

AYES: Hurley, Williams, Mathews, Steed, Roman

NOES: None

CARRIED.

#### RESOLUTION 101-2025

#### AUTHORIZING A SETTLEMENT AGREEMENT AGAINST THE ESTATE OF WILLIAM FREDERICK PEYTON AND AUTHORIZING SUPERVISOR TO EXECUTE ALL NECESSARY DOCUMENTS TO EFFECTUATE THIS SETTLEMENT AGREEMENT

Resolution by: Williams

Seconded by: Steed

WHEREAS, William Fredrick Peyton deposited \$20,000 in cash with the Town Court of Southport on or about June 28, 2018 for the care of horses seized in relation to a pending criminal proceeding against Mr. Peyton for a violation for the NYS Agriculture and Markets Law for failing to provide sustenance for 21 horses; and

WHEREAS, before the conclusion of this case, William Fredrick Peyton passed away and the case was deemed dismissed and the Estate of Mr. Peyton has certain rights and claims over the property of the decedent, including but not limited to the deposited cash with the Town Court; and

WHEREAS, the Town of Southport filed a Verified Claim against the estate of William Frederick Peyton in the amount of Sixty-One Thousand Five Hundred Ninety-Nine and 76/100 Dollars (\$61,599.76) to obtain reimbursement for the cost of caring for the horses seized from Mr. Peyton in relation to a criminal proceeding for a violation for the NYS Agriculture and Markets Law for failing to provide sustenance for 21 horses; and

WHEREAS, the Estate has certain rights and claims over the real estate property of the decedent, premises known as 104 Comfort Road, Town of Southport (known as parcel #'s 129.00-1-18 and 129.00-1-29), including but not limited to the right to contest the rezoning of this property in violation of Peyton's rights, and in violation of his due process; and

WHEREAS, in accordance with the Decision and Order dated August 9, 2022 and issued by Chemung County Surrogate, Hon. Richard W. Rich, Jr., the Estate was only deemed liable for expenses which incurred during the period from when the Letters of Administration were issued until June 29, 2022, thereby reducing the Estate's claim liability to Twenty Thousand Forty-Nine and 16/100 Dollars, (\$20,049.16); and

WHEREAS, the Town of Southport and the Estate of William Frederick Peyton represented by Jennifer Furman, Administratrix, D.B.N. wishes to settle these outstanding competing claims; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Southport Town Board authorizes a settlement agreement, as attached hereto, to satisfy these claims of the Town of Southport ("Town") against the Estate of William Frederick Peyton represented by Jennifer Furman, Administratrix, D.B.N ("Estate") and the claims of the Estate against the Town in consideration of the mutual covenants and promises contained therein, resulting in no further amount due and owing to or from either party with mutual releases as described therein; and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board hereby authorizes the Town Supervisor to execute all necessary documents to effectuate this settlement agreement.

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

#### RESOLUTION NO. 102-2025

RESOLUTION BY THE TOWN OF SOUTHPORT TOWN BOARD GRANTING PERMISSION (UPON NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) APPROVAL) TO THE CHEMUNG COUNTY SHERIFF'S DEPARTMENT TO INSTALL LICENSE PLATE READER EQUIPMENT WITHIN THE GEOGRAPHICAL JURISDICTION OF THE TOWN OF SOUTHPORT AND THE STATE OF NEW YORK

Resolution by: Hurley  
Seconded by: Steed

WHEREAS, the Chemung County Sheriff's Department is proposing to install License Plate Reader equipment for Law Enforcement purposes only within State ROW, on or along NYS Route 14 and Route 328, located in the Town of Southport (hereinafter MUNICIPALITY), Chemung County, and

WHEREAS, the Town of Southport and the Chemung County Sheriff's Department are desirous to have such above-mentioned equipment installed within the geographical jurisdiction of the Municipality, and

WHEREAS, the Chemung County Sheriff's Department will meet all State and Municipal requirements during the above-mentioned project, and

WHEREAS, the Town of Southport and the Chemung County Sheriff's Department reserve the right to monitor and inspect the above-mentioned project conducted within the geographical jurisdiction of the Municipality, and

WHEREAS, the Chemung County Sheriff's Department will execute the above-mentioned project, as shown on the plans/maps and other documents related to the above-mentioned project funded by the 2023 Governor of NY Grant for New Technology and Equipment to Prevent and Solve Crimes, Improve Public Safety apportioned and approved for the Town of Southport or for Chemung County Sheriff's Department, and

WHEREAS, the Town Board of the Town of Southport has duly considered the same.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Southport, by means of the Resolution, and upon NYSDOT approval, grants permission to the Chemung County Sheriff's Department to conduct the above-mentioned project within State ROW in the geographical jurisdiction of the Town of Southport on Route 14 and Route 328, and be it further

RESOLVED, that the Chemung County Sheriff's Department shall maintain or cause to be maintained the installed equipment at the project location(s) and shall cover any expenses that may arise from the executing of the above-mentioned project utilizing the above-mentioned Grant or other Municipal funding, and be it further

RESOLVED, that the Town of Southport Town Board authorizes the Town Supervisor, with the concurrence of the Town's Legal Counsel, to execute any and all documentation that may be necessary as a result of the above-mentioned project as it relates to the Town of Southport, and be it further

RESOLVED, that the Town Clerk of the Town of Southport is hereby directed to electronically transmit a signed, sealed, notarized, stamped, and certified copy of the foregoing resolution to the Chemung County Sheriff's Department for processing of and inclusion to License Plate Reader Equipment (LPR) Application and Agreement with NYSDOT, and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

Under Public Comment, Ira Manhoff from Dutch Hill Road commented on two FOIL Requests he submitted.

Jimmie Russell from Allen Street commented on a locked gate at Universal Park and trimming trees throughout the Town that are hanging on wires.

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

The meeting was adjourned at 6:26 p.m.

Respectfully Submitted,

Marianne Schrom, Deputy Town Clerk

Carolyn Renko, Town Clerk