

January 12, 2016

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 12, 2016.

Members Present: Supervisor David Sheen, Council Members Glenn Gunderman, Daniel Hurley, Joseph Roman, Kathleen Szerszen

Others Present: Attorney Steven Barnstead, Code Enforcement Officer Peter Rocchi, Highway Superintendent David Bachman, Recreation Attendant Robert Ripley, Seasonal Highway Equipment Operator Brian Manchester, Town Clerk Carolyn Renko, Deputy Town Clerk Marianne Schrom

The meeting was called to order by Supervisor David Sheen at 7:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Kathleen Szerszen

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

| | |
|-------------------------------------|--------------------|
| Town Clerk & Dog License Fees | \$ 2,264.90 |
| Funds turned over to State Agencies | <u>\$ 2,129.10</u> |
| | \$ 4,394.00 |

Code Enforcement Office

| | | |
|----------------|------------------------|---------------|
| Fees Collected | Building Permit Fees | \$ 814.36 |
| | Building Permit Values | \$ 195,850.00 |
| | Operating Permit Fees | \$ 400.00 |

Justice Office

Recreation/Aging/Youth Services

Residential Deputy

Council Member Gunderman made a motion, Council Member Szerszen seconded to accept the monthly reports as filed.

Under Correspondence, Supervisor Sheen read a letter from Girl Scout Troop 41358 to the Town, thanking them for letting them participate in the Town of Southport Holiday Parade. Supervisor Sheen also read a letter from the Jon Wilbur, Director of the First Tee Program to Director of Recreation David Ellis thanking him for supporting the First Tee Program.

Council Member Gunderman made a motion, Council Member Szerszen seconded to accept the minutes of December 8, 2015 Regular Meeting and December 30, 2015 Annual Meeting.

Under Taxpayer's Comments, agenda items only, Charles Collins from 436 Kinner Hill Road commented on Discussion #5, Recommendation from Planning Board regarding Amendment to Chapter 483 Timber Harvesting.

Charles Wilson from 399 Widger Hill Road commented on Agenda #7, Authorizing an Agreement with Southern Tier Economic Growth (STEG); Agenda #10, Accepting the 2016 Highway Employee Contract; and Discussion #5, Recommendation from Planning Board regarding Amendment to Chapter 483 Timber Harvesting.

RESOLUTION NO. 29-2016
APPROVING ABSTRACT OF GENERAL FUND CLAIMS #15, 2015

Resolution by: Szerszen
Seconded by: Roman

RESOLVED, that the Abstract of General Fund Claims #15, 2015, submitted by the Town Clerk for the month of December 2015, No. 38 through No. 47, not to exceed \$28,072.81, has been approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 30-2016
APPROVING ABSTRACT OF GENERAL FUND CLAIMS #1, 2016

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Abstract of General Fund Claims #1, 2016, submitted by the Town Clerk for the month of January 2016, No. 1 through No. 39, not to exceed \$173,623.61, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 31-2016
APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS #1, 2016

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Abstract of Highway Fund Claims #1, 2016, submitted by the Town Clerk for the month of January 2016, No. 1 through No. 10, not to exceed \$158,126.49, has been audited and approved for payment by this Town Board.

AYES: Hurley, Gunderman, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 32-2016
REAPPROVING ABSTRACT #13 AND APPROVING ABSTRACT #14

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that Abstract #13 in the amount of \$20,518.56 and Abstract #14 in the amount of \$15,509.19, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 33-2016
AUTHORIZING SUPERVISOR TO MAKE TEMPORARY INVESTMENTS OF TOWN FUNDS DURING
FISCAL YEAR 2016

Resolution by: Roman
Seconded by: Hurley

RESOLVED, that pursuant to and in accordance with the provisions of Section 11 of the General Municipal Law, as amended, the Supervisor be and he hereby is directed to invest and reinvest accordingly therewith all such Town funds which are not needed for current use in the operation of Town Government, and be it further

RESOLVED, that the Supervisor shall cause a proper distribution to be made to the several Town accounts of the interest or income earned thereon and in proportion to such investments, and be it further

RESOLVED, that such time deposit account or certificate of deposit be secured by a pledge of obligations of the United States of America, or any obligation fully guaranteed or insured as to the interest and principal by the United States of America acting through an agency subdivision, department or division thereof, or obligations of the State of New York or obligations of any municipal corporation, school district or district cooperation of the State of New York.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 34-2016
AUTHORIZING TOWN CLERK AND DEPUTY TOWN CLERKS TO ATTEND CHEMUNG/SCHUYLER COUNTY
TOWN CLERK MEETINGS

Resolution by: Hurley
Seconded by: Roman

RESOLVED, that the Town Clerk and Deputy Town Clerks are hereby authorized to attend the Chemung/Schuyler Municipal Clerks Association Meetings during the year 2016 and that their expenses therefore shall be a proper Town charge.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 35-2016
AUTHORIZING AGREEMENT WITH SOUTHERN TIER ECONOMIC GROWTH, INC.

Resolution by: Szerszen
Seconded by: Hurley

WHEREAS, this Town Board finds and determines that a need exists for commercial and industrial development within the Town of Southport, and

WHEREAS, Southern Tier Economic Growth, Inc., (STEG) of Elmira, New York, a local development corporation, has made a proposal to supply any and all assistance necessary for the commercial and industrial development of the Town of Southport, including but not limited to provision of such investigatory and administrative services as may be necessary and required for those commercial and industrial projects in the Town of Southport requiring financial assistance, and

WHEREAS, STEG will supply that assistance for an annual fee of SEVENTY-FIVE HUNDRED DOLLARS AND 00/100 (\$7,500.00) for the year 2016,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport authorizes a contract with STEG, after receipt by the Town of Southport of a copy of the review, compilation or audit, or a copy of the current financial report of STEG, such review compilation, audit or financial report to include a detailed statement as to income and expenses, and be it further

RESOLVED, that as one of the terms and conditions of such agreement, the Supervisor shall be designated as a voting member of the Board of Directors of STEG, and be it further

RESOLVED, that as one of the terms and conditions of such agreement, \$5,000 (Five-Thousand Dollars) shall be spent for the direct commercial, industrial, and retail development of the Town of Southport, and be it further

RESOLVED, that the Supervisor upon receipt of an invoice for said services, shall issue payment in the amount of \$1,875 (One-thousand eight-hundred seventy five Dollars) on a quarterly basis, the fee for said services not to exceed the cost of \$7,500 (Seven-thousand five hundred Dollars) for the year 2016, and be it further,

RESOLVED, that such agreement shall be subject to the review and approval of the Attorney for the Town,

AYES: Gunderman, Hurley, Szerszen, Sheen
NOES: None
ABSTAIN: Roman
CARRIED.

RESOLUTION NO. 36-2016
AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH
ENVIRONMENTAL EMERGENCY SERVICES, INC.

Resolution by: Gunderman
Seconded by: Roman

WHEREAS, the Town of Southport needs to have available to it resources for flood warning services, as well as hazardous chemical information resources, and

WHEREAS, Environmental Emergency Services, Inc., (EES) provides such services to various municipalities,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize a contract with EES at an annual cost for 2016 of NINE HUNDRED DOLLARS (\$900.00) to procure from that corporation flood warning services as well as resources which the Town can utilize in connection with Towns obtaining information regarding hazardous chemicals and materials, and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to enter into an agreement with Environmental Emergency Services, Inc., after receipt by the Town of Southport of a copy of the review, compilation or audit, or a copy of the current financial report of EES, such review, compilation, audit or financial report to include a detailed statement as to the income and expenses, and be it further

RESOLVED, that the terms and conditions of this agreement be subject to the review and approval of the Attorney for the Town.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 37-2016
ACCEPTING THE 2016 HIGHWAY EMPLOYEE CONTRACT

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, this Town Board has met with the employees of the Highway Department of the Town of Southport and in doing so negotiated the terms of a public employee's contract for the employees of the Highway Department of the Town of Southport for the fiscal year 2016, and

WHEREAS, the members of this Town Board and a majority of the employees of the Highway Department of this Town have agreed upon the provisions to be contained in said employee's contract for such year,

NOW THEREFORE BE IT RESOLVED, that the Highway Employee's Contract containing the signatures of the members of this Town Board and the majority of the employees of the Highway Department of the Town of Southport be and the same hereby is ratified in each and every aspect as contained therein, and the same is referred to as if set forth at length in this resolution; such contract to be subject to the review and approval of the Attorney for the Town.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 38-2016
AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH
MCILROY MANAGEMENT & CONSULTING

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Supervisor of the Town of Southport, be and he hereby is authorized to enter into an agreement with Mcllroy Management & Consulting for accounting services for the Town of Southport commencing January 1, 2016 and terminating December 31, 2016, for the sum of EIGHT THOUSAND SIX HUNDRED DOLLARS (\$8,600.00) per annum, paid in twelve equal installments of SEVEN HUNDRED SIXTEEN DOLLARS AND 66/100 (\$716.66). The consultant will provide thirteen on site visits per year and telephone or email support as needed.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 39-2016
AUTHORIZING APPOINTMENT OF DEPUTY SUPERINTENDENT OF HIGHWAYS

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that pursuant to Resolution No. 33 duly adopted on January 3, 1967, establishing the office of Deputy Highway Superintendent, the Town Superintendent of Highways be and he hereby is directed to appoint such Deputy Superintendent of Highways to act generally for and in place of the Highway Superintendent, and be it further

RESOLVED, that upon the Highway Superintendent's failure to so appoint such Deputy within five (5) days after a vacancy occurs in such office, the Town Board shall cause such appointment to be made, and be it further

RESOLVED, that such officers shall perform such duties as directed in Resolution No. 33 duly adopted on January 3, 1967, and as provided by law and that said Deputy Highway Superintendent shall act generally for and in place of the Highway Superintendent with no limitations.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 40-2016
AMENDING RESOLUTION NO. 180-2015
APPOINTING BRIAN MANCHESTER AS SEASONAL EQUIPMENT OPERATOR NO. 1

Resolution by: Roman
Seconded by: Szerszen

RESOLVED, that per Resolution No. 180-2015 Brian Manchester was appointed as Seasonal Equipment Operator No. 1 at the rate of \$16.23 per/hr, and be it further

RESOLVED, that Brian Manchester's pay be adjusted from \$16.23 per/hr to \$19.43 per/hr, as compensation for his duties.

AYES: Hurley, Gunderman, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 41-2016
YEAR END BUDGET MODIFICATIONS AND AUTHORIZING SUPERVISOR TO MAKE ANY NECESSARY
ADDITIONAL YEAR END BUDGET MODIFICATIONS

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Supervisor be and he hereby is authorized and directed to make the following budget modifications:

| Budget Lines to be Modified | Amount requested Increase/Decrease |
|--|---|
| From: A1220.1 (Supervisor Personal Svc.) | \$ (244.65) |
| From: A1410.1 (Town Clerk Personal Svc.) | \$ (2,236.39) |
| From: A3510.4 (Dogs) | \$ (252.31) |
| From: A5140.4 (Drug & Alcohol) | \$ (676.49) |
| From: A6460.4 (Industrial Development) | \$ (8,437.26) |
| From: A8010.4 (Zoning Contractual) | \$ (1,509.41) |
| From: A3650.4 (Demolition) | \$ (21,217.40) |
| From: A3120.1 (Police Personal Svc.) | \$ (5,517.84) |
| From: A3120.1 (Police Personal Svc.) | \$ (1,240.80) |
| From: A8510.4 (Community Beautification) | \$ (2,929.33) |

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|-----|---|--------------|
| To: | A1315.4 (Bookkeeper Contractual) | \$ 244.65 |
| To: | A1410.4 (Town Clerk Personal Svc.) | \$ 2,236.39 |
| To: | A3310.4 (Traffic Control Contractual) | \$ 252.31 |
| To: | A3620.4 (Safety Insp. Contractual Code) | \$ 340.65 |
| To: | A5010.1 (Sup't of Hwys Contractual) | \$ 335.84 |
| To: | A7310.4 (Youth Program Contractual) | \$ 8,437.26 |
| To: | A7450.4 (Community Relations Contractual) | \$ 1,262.41 |
| To: | A7510.1 (Historian Personal Svc.) | \$ 247.00 |
| To: | A1620.2 (Contractual Buildings) | \$ 194.27 |
| To: | A1620.4 (Buildings Contractual) | \$ 26,540.97 |
| To: | A1110.1 (Justice Personal Services) | \$ 582.22 |
| To: | A1110.4 (Justice Contractual) | \$ 658.58 |
| To: | A9010.8 (State Retirement) | \$ 1,242.06 |
| To: | A9030.8 (Social Security & Medicare) | \$ 242.66 |
| To: | A9040.8 (Workmen's Compensation) | \$ 369.00 |
| To: | A9060.84 (FLEX/HRA) | \$ 1,075.61 |

| | | |
|-------|--------------------------------|-----------------|
| From: | DA5110.4 (Item I Contractual) | \$ (4,211.73) |
| From: | DA5142.4 (Item IV Contractual) | \$ (4,525.76) |
| From: | DA9030.8 (Social Security) | \$ (4,815.25) |
| From: | DA9050.8 (Unemployment Ins.) | \$ (500.00) |
| From: | DA9055.8 (Disability Ins.) | \$ (500.00) |
| From: | DA9060.83 (Dental/Vision) | \$ (5,941.84) |
| From: | DA9060.84 (Flex/Health Reimb.) | \$ (10,881.02) |
| From: | DA5110.11 (Item I Overtime) | \$ (10.86) |
| From: | DA5130.2 (Item II Equipment) | \$ (210,539.70) |

| | | |
|-----|---------------------------------------|--------------|
| To: | DA5110.01 (Item I Road Repair) | \$ 20,359.41 |
| To: | DA5130.1 (Item III Personal Services) | \$ 3,169.49 |
| To: | DA5130.4 (Item III Contractual Equip) | \$ 12,318.48 |
| To: | DA5142.11 (Item IV Snow Removal OT) | \$ 871.44 |
| To: | DA9010.8 (NYS Retirement) | \$ 3,069.69 |
| To: | DA9060.8 (Hosp. & Medical Ins.) | \$ 366.29 |
| To: | DA9060.81 (Hosp. & Medical Retirees) | \$ 7,925.62 |

BE IT FURTHER RESOLVED, that the Town Supervisor may do any additional budget modifications that may be required after the meeting and that the Supervisor notify the Town Board of such modifications.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
 NOES: None
 CARRIED.

RESOLUTION NO. 42-2016
APPOINTING AARON L. SMITH AND ANDREW ROHR AS EQUIPMENT OPERATOR #2

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that Aaron L. Smith and Andrew Rohr be and they hereby are promoted to the position of Equipment Operator #2 for the Highway Department of the Town of Southport, effective January 1, 2016, and be it further

RESOLVED, that Aaron L. Smith and Andrew Rohr receive an hourly salary in the amount of \$25.15 as compensation for their duties.

AYES: Hurley, Gunderman, Roman, Szerszen, Sheen
NOES: None
CARRIED.

Under discussion was update on 104 Manchester Road. Code Enforcement Officer Peter Rocchi stated that there has been a small amount of progress by the property owner but nothing of significance. He also stated that he will make an appointment for an asbestos evaluation. The Town Board was in agreement that the Town should continue with demolition. This will be placed on the February 9, 2016 meeting agenda for another update.

RESOLUTION NO. 43-2016
SETTING PUBLIC HEARING

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on Tuesday, March 8, 2016, at 7:15 p.m., or as soon thereafter as it can be heard, 1139 Pennsylvania Avenue, Elmira, New York, for the purpose of hearing any and all public comment regarding Zoning Amendments.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 44-2016
SETTING PUBLIC HEARING

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on Tuesday, February 9, 2016, at 7:15 p.m., or as soon thereafter as it can be heard, 1139 Pennsylvania Avenue, Elmira, New York, for the purpose of hearing any and all public comment regarding amendment to Chapter 245 Construction Codes.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 45-2016
SETTING PUBLIC HEARING

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on Tuesday, February 9, 2016, at 7:30 p.m., or as soon thereafter as it can be heard, 1139 Pennsylvania Avenue, Elmira, New York, for the purpose of hearing any and all public comment regarding amendment to Chapter 468 Swimming Pools.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 46-2016
SETTING PUBLIC HEARING

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on Tuesday, February 9, 2016, at 7:45 p.m., or as soon thereafter as it can be heard, 1139 Pennsylvania Avenue, Elmira, New York, for the purpose of hearing any and all public comment regarding amendment to Chapter 483 Timber Harvesting.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 47-2016
ESTABLISHING THE FEE SCHEDULE FOR 2016

Resolution by: Roman
Seconded by: Szerszen

WHEREAS, the Town of Southport Municipal Code section 245-16 provides that the Town Board shall establish a fee schedule for various permits that may be issued by the Town of Southport and that the Town may from time to time amend said schedule, and

WHEREAS, the Code Enforcement Office for the Town of Southport did present a proposed Building Fee Schedule for 2016 to the Town Board.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby establish the following building permit fee schedule which shall be in force until such time as the Town Board may amend, revise or otherwise supersede such building permit fee schedule.

| | | |
|-----------------------------------|--|-------------------------------|
| New Home - New Addition | .20 per sq ft | Minimum \$30.00 |
| Residential Remodeling | .10 per sq ft | Minimum \$30.00 |
| New Commercial Construction | .30 per sq ft | Minimum \$100.00 |
| Commercial Renovation or Remodel | .15 per sq ft | Minimum \$50.00 |
| Residential Accessory Building | Sheds 144 sq ft & over, decks, garages, etc. | .10 per sq ft Minimum \$30.00 |
| Agricultural Building | \$50.00 | |
| Pools - new or fill in | \$25.00 | |
| Fences | \$25.00 | |
| Roofing | \$2 per sq | Minimum \$25.00 |
| Demolition | .05 per sq ft | Minimum \$25.00 |
| Site Plan Review Minor | \$75.00 | |
| Site Plan Review Major | \$150.00 | |
| Variance | \$75.00 | |
| Signs | \$30.00 | |
| Emergency Generator, Solar Panels | \$30.00 | |
| Building without Permit | \$75.00 penalty fee | |

AYES: Roman, Szerszen, Sheen
NOES: Gunderman
ABSTAIN: Hurley
CARRIED.

Under Taxpayer's Comments, Barton Graham from 1678 Pennsylvania Avenue commented on the 2016 budget and the proposed zoning amendments.

Charles Wilson from 399 Widger Hill Road directed questions to Supervisor Sheen who is also the Budget Officer for the Town in regards to the Town Budget, the two cleaning contracts and the availability of minutes from the January 4, 2016 Organizational Meeting.

Charles Collins from 436 Kinner Hill Road commented on a letter he received from Code Enforcement regarding a backup generator that he installed on his property.

Supervisor Sheen responded to Mr. Wilson in regards to his question about the fund balance explaining that the amounts reported reflect timing. As to the 2015 ending fund balance, the County's increase in their portion of sales tax taken amounted to \$400,000.00. The rest is a tax decrease for our taxpayers and highway renovations that were done in 2013.

Mr. Sheen addressed other Town Board members in regards to their recommendation on how to utilize the monies allocated in the Building Reserve Fund due to the need for a long range financial plan. He is asking the board for their input on the future of a proposed new Community Building.

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

The meeting was adjourned at 8:06 p.m.

Respectfully Submitted,

Carolyn A. Renko
Town Clerk