

February 9, 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 February 9, 2016.

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

Members Absent: Council Member Joseph Roman

Others Present: Attorney Steven Barnstead, Code Enforcement Officer Peter Rocchi, Highway Superintendent David Bachman, Director of Recreation David Ellis, Recreation Attendant Robert Ripley, Assessor Catherine Edwards, 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	\$ 1,433.15
Fitzsimmons Lot Sales	\$ 550.00
Funds Turned to State & County Agencies	<u>\$ 275.35</u>
	\$ 2,258.50

Receiver of Taxes

Town and County Tax Collected	\$ 2,621,789.82
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Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 90.00
	Building Permit Values	\$ 9,400.00
	Operating Permit Fees	\$ 450.00

City of Elmira Animal Control
Justice Office
Police

2015 ANNUAL REPORT OF THE TOWN CLERK & RECEIVER OF TAXES:

NYS Dept. of Agriculture & Markets for Dog Licenses	\$ 2,299.00
NYS Dept. of Environmental Conservation (DEC) for Conservation Licenses	\$ 40,825.36
NYS Dept. of Health for Marriage Licenses	\$ 1,080.00
Supervisor for Dog License & Clerk Fees	\$ 24,788.08
Supervisor for Fitzsimmons Cemetery	\$ 8,575.00
SUB TOTAL	\$ 77,567.44

TOTAL RECEIPTS:

Collection	\$ 4,561,580.00
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Monies received by the Receiver of Taxes and disbursed as follows:

Supervisor, Town of Southport for Town and Special District Taxes	\$ 1,309,401.00
Supervisor, Town of Southport for Penalties	\$ 7,421.00
Supervisor, Town of Southport for Second Notice Fees	\$ 338.00
Chemung County Treasurer for Taxes	\$ 3,244,386.00
Adjustment	\$ 34.00
	\$ 4,561,580.00

2015 FITZSIMMONS CEMETERY EXTENSION REPORT:

28 graves were sold during 2015 for a total of \$ 8,575.00.

CODE ENFORCEMENT OFFICER 2015 ANNUAL REPORT:

Building Permit & Site Plan Review Fees:	\$ 11,547.93
Building Permit Values:	\$ 3,173,255.00
Variance Fees:	\$ 350.00
Operating Permit Fees:	\$ 3,250.00

The following were issued or completed: 334 Total Building Permits; 7 New Homes; 2 New Commercial Buildings; 39 Fire Inspections/OP Permits; 187 Compliance Certificates; 583 Building Inspections; 120 Unlicensed Vehicles; 99 Garbage/Rubbish; 12 Vendor Cleaned up; 118 High Grass; 59 Vendor Mowed; 1 Burning Violation; 6 Swimming Pool Violations; 51 NYS and Misc. Violations; 6 Appearance Tickets; 7 Logging Registrations; 10 Site Plan Applications; 7 Variance Applications; 8,867 Miles Driven; 2,230 Complaints/Inquiries.

2015 YEAR END YOUTH SERVICES/RECREATION/SENIOR CITIZEN REPORT:

Approximately 8,541 sign-in's/participants at the Chapel Park Community/Senior Center, including those who came to weekly and monthly activities, weekly and monthly meetings, special events, elections, gatherings, and rentals. The Chapel Park Community Center was rented 65 times for a total of \$7,725.00.

TOWN JUSTICE JOSEPH W. HOLLY 2015 ANNUAL REPORT:

Total Collected by Justice Holly	\$ 112,115.00
Amount Forwarded to Town of Southport Fiscal Officer	\$ 104,573.00
Bail Pending	\$ 5,017.50
Total kept by the Town (both Judges)	\$ 58,159.00

TOWN JUSTICE STEVEN T. MILFORD 2015 ANNUAL REPORT:

Total Collected by Justice Milford	\$ 137,045.00
Amount Forwarded to Town of Southport Fiscal Officer	\$ 130,549.00
Bail Pending	\$ 1,300.00
Total Kept by the Town (both Judges)	\$ 58,159.00

Motion was made by Council Member Gunderman, seconded by Council Member Szerszen to accept the Monthly Reports and Annual Reports as filed.

Under Correspondence, Supervisor Sheen read a letter from the State of New York Unified Court System congratulating the Town of Southport Justice Court for receiving the 2015-2016 Justice Court Assistance Program Grant, in the amount of \$15,000.00 to be used to scan court records.

Council Member Gunderman made a motion, Council Member Hurley seconded to accept the minutes of the January 4, 2016 Organizational Meeting and January 12, 2016 Regular Meeting.

Under Taxpayer's Comments, Agenda and Discussion items only, Barton Graham from 1678 Pennsylvania Avenue spoke regarding Agenda item #5, Authorizing the Supervisor to enter into an Agreement with Nicola Ostrander for the position of Community Development Specialist.

Charles Wilson from 399 Widger Hill Road spoke regarding Agenda item #5 as well and also discussion item #2 Residency Requirement.

PUBLIC HEARING – 7:15 P.M. – for the purpose of hearing any and all public comment regarding the proposed amendment to Chapter 245 Construction Codes, Uniform.

Attorney Barnstead read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:18 p.m. and asked if anyone would like to be heard.

Code Enforcement Officer Peter Rocchi explained the municipal code changes regarding Sections 4-B-1, 4-B-4 and Section 16.

After no one wished to speak, the public portion of the public hearing was closed at 7:19 p.m.

RESOLUTION NO. 48-2016

AMENDING TOWN OF SOUTHPORT MUNICIPAL CODE, CHAPTER 245, CONSTRUCTION CODES, UNIFORM

Resolution by: Szerszen
Seconded by: Gunderman

RESOLVED, that the following amendments to the Town of Southport Municipal Code be and the same hereby is enacted and ordained:

CHAPTER 245 – CONSTRUCTION CODES, UNIFORM

Section 245-4: Building Permits

Section 4-B-1: Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.38 square meters)

Section 4-B-4: Installation of fence for agricultural use as defined by the New York State Agriculture and Markets Law.

Section 245-16 Fees: A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy/certificates of compliance, temporary certificates, operating permits, firesafety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this article.

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

RESOLUTION NO. 49-2016

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of February, 2016, No. 48 through No. 101, not to exceed \$96,342.96, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 50-2016

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of February 2016, No. 11 through No. 26, not to exceed \$62,542.91, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 51-2016

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT FOR VEGETATION MANAGEMENT IN
CHAPEL PARK WATERWAY AND BULKHEAD MEMORIAL

Resolution by: Szerszen
+Seconded by: Hurley

WHEREAS, the Chapel Park Waterway and Bulkhead Memorial are in need of vegetation management, and

WHEREAS, Certified Lawn Care has submitted a proposal to provide a vegetation control plan in the Chapel Park Waterway and Bulkhead Memorial in April-May, June-July, August-September 2016 for a total of TWO THOUSAND TWO HUNDRED EIGHTY DOLLARS AND 00/100 (\$2,280.00),

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized and directed to enter into an agreement with Certified Lawn Care for vegetation management at Chapel Park Waterway and Bulkhead Memorial, and be it further

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

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

RESOLUTION NO. 52-2016

AUTHORIZING AGREEMENT WITH CIASCHI, DIETERSHAGEN, LITTLE, MICKELSON, A DIVISION OF INSERO & CO. FOR AN AUDIT OF GENERAL PURPOSE FINANCIAL STATEMENTS OF THE TOWN OF SOUTHPORT AS OF AND FOR THE YEARS ENDING DECEMBER 31, 2015, 2016, AND 2017

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Town Board of the Town of Southport has received a proposal from Ciaschi, Dietershagen, Little, Mickelson, a division of Insero & Co., Certified Public Accountants/Business Advisors, to conduct an audit of the financial statements of the Town of Southport as of and for the years ending December 31, 2015, 2016, and 2017.

WHEREAS, this Town Board has had an opportunity to discuss and deliberate upon the proposal,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Supervisor of the Town of Southport to enter into an agreement with Ciaschi, Dietershagen, Little, Mickelson, a division of Insero & Co., Certified Public Accountants/Business Advisors, to conduct an audit of the financial statements of the Town of Southport as of and for the years ending December 31, 2015, 2016, 2017, at a cost not exceed THIRTEEN THOUSAND FIVE HUNDRED DOLLARS (\$13,500.00) for the year 2015, THIRTEEN THOUSAND SEVEN HUNDRED DOLLARS (\$13,700) for the year 2016, and THIRTEEN THOUSAND NINE HUNDRED DOLLARS (\$13,900.00) for the year 2017.

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

PUBLIC HEARING – 7:30 P.M. – for the purpose of hearing any and all public comment regarding the proposed amendment to Chapter 468 Swimming Pools.

Attorney Barnstead read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:34 p.m. and asked if anyone would like to be heard.

Code Enforcement Officer Peter Rocchi explained the municipal code changes regarding the amendments to Chapter 468 Swimming Pools, Section 3-D and Section 6.

After no one wished to speak, the public portion of the public hearing was closed at 7:35 p.m.

RESOLUTION NO. 53-2016

AMENDING TOWN OF SOUTHPORT MUNICIPAL CODE, CHAPTER 468 SWIMMING POOLS

Resolution by: Hurley
Seconded by: Szerszen

RESOLVED, that the following amendments to the Town of Southport Municipal Code be and the same hereby is enacted and ordained:

CHAPTER 468 – SWIMMING POOLS

Section 3-D: Permit Fee – A permit fee as set from time to time by resolution of the Town Board shall be charged.

Section 6: Special permits – to be deleted as they are not required for swimming pools.

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

RESOLUTION NO. 54-2016

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH NICOLA OSTRANDER FOR THE POSITION OF COMMUNITY DEVELOPMENT SPECIALIST

Resolution by: Szerszen
Seconded by: Gunderman

RESOLVED, that the Supervisor of the Town of Southport hereby is authorized to enter into an agreement with Nicola Ostrander, an independent contractor who will serve as a Community Development Specialist for the Town of Southport.

RESOLVED, that this agreement shall run from February 10, 2016 until February 9, 2017. This agreement may be terminated by either party upon 30 days written notice to the other.

RESOLVED, that the Town Board agrees to compensate Nicola Ostrander in the amount of TWENTY THOUSAND FOUR DOLLARS AND 00/100 (\$20,004.00), payable in monthly installments of ONE THOUSAND SIX HUNDRED SIXTY-SEVEN DOLLARS AND 00/100 (\$1,667.00) at an amount to be prorated for any partial month served, and that said compensation to be issued in monthly checks payable to Nicola Ostrander.

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

PUBLIC HEARING – 7:45 p.m. – for the purpose of hearing any and all comment regarding the proposed amendment to Chapter 483 Timber Harvesting.

Attorney Barnstead read the legal notice that appeared in the Star Gazette and opened the public hearing at 7:56 p.m. and asked if anyone would like to speak.

Charles Collins from 436 Kinner Hill Road stated he is opposed to all permit fees.

The public portion of the Public Hearing was closed at 8:00 p.m.

After discussion, the Town Board would like to review the proposed wording and send it back to the Planning Board for their recommendations.

Council Member Gunderman made a motion, Council Member Hurley seconded to refer to the Town of Southport Planning Board once again, proposed amendment to Chapter 483 Timber Harvesting.

The first item under discussion was Update 104 Manchester Road. Code Enforcement Officer Rocchi stated that he has an appointment for an asbestos study on February 10, 2016. This will be placed on the March agenda for another update.

The following were also under discussion and will be placed on the March meeting agenda:

1. Residency Requirement.
2. Fund balance Percentage.
3. Long Range Financial Plan.
4. Senior Citizen Fund.
5. Southport Cinderella Softball.

Council Member Szerszen made a motion, Council Member Gunderman seconded to refer to the Town of Southport Planning Board recommendation from Cathy Edwards, Assessor regarding updating Exemption for people who are 65 years and older with income of \$25,000.00 and under.

Lastly under discussion was Town of Southport Highway Department 2016 Roadwork Plan, which is as follows:

Snowburg/Rosar Hill Roads – stone/oil surface treatment
Kinner Hill Road – true and level with cold mix base with a stone/oil surface treatment
Lewis/Lightizer Roads – true and level with cold mix base with stone/oil surface treatment.
Manchester Road – replacement of aged steel stormwater culvert
Sunset Road – replacement of aged concrete stormwater culvert
Walsh Road (area of #64) – replacement of aged steel stormwater culvert
Chapel Causeway – patch and crack seal
Various Locations/Roads – hot patching as needed.

**pricing estimates to follow

Under Taxpayer's Comments, Dan Williams from 138 Mt. View Drive commented on Worker's Compensation Insurance requirements for contractors who are timber harvesting in the Town.

Barton Graham from 1678 Pennsylvania Avenue commented on a FOIL request that he submitted and does not agree with the response he received. He will be appealing the request.

Charles Collins from 436 Kinner Hill Road commented on a letter he received from the Town of Southport Assessor's Office regarding his assessment.

Charles Wilson from 399 Widger Hill Road commented on a Contractor Equipment Storage Yard on the corner of Hendy Creek and Leach Hill Road.

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

The meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Carolyn A. Renko
Town Clerk