

March 8, 2016

Minutes of a Regular Meeting of the Town Board of the Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue on March 8, 2016.

Members Present Deputy Supervisor Kathleen Szerszen, Council Members Glenn Gunderman, Daniel Hurley, Joseph Roman

Members Absent: Supervisor David Sheen

Others Present: Attorney Steven Barnstead, Code Enforcement Officer Peter Rocchi, Highway Superintendent David Bachman, Director of Recreation David Ellis, Recreation Attendant Robert Ripley, Town Clerk Carolyn Renko, Deputy Town Clerk Marianne Schrom

The meeting was called to order by Deputy Supervisor Kathleen Szerszen 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	\$	1,202.82
Fitzsimmons Lot Sales	\$	1,350.00
Funds Turned to State & County Agencies	\$	<u>339.18</u>
	\$	2,892.00

Receiver of Taxes	
Receipts	\$ 1,964,191.09

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$	540.00
	Building Permit Values	\$	69,600.00
	Operating Permit Fees	\$	700.00

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

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

Council Member Gunderman made a motion, Council Member Hurley seconded to accept the minutes of February 9, 2016 Regular Meeting.

Under Correspondence, Deputy Supervisor Szerszen read an email to Highway Superintendent David Bachman from Rick and Donna Powell who operate the Rufus Tanner House Bed and Breakfast thanking him for how attractive Rt. 328 looked this summer and continues to look.

Under Taxpayer's Comments, agenda items only, Charles Collins from 436 Kinner Hill Road commented on Resolution #11, Reappointing James Gensel as a member of the Town of Southport Zoning Board of Appeals, term to expire 4/1/2021.

RESOLUTION NO. 55-2016

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of March, 2016, No. 102 through No. 154, not to exceed \$ 80,690.39, has been audited and approved for payment by this Town Board.

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

7:15 P.M. – PUBLIC HEARING – for the purpose of hearing any and all public comment regarding the proposed Zoning Amendments.

Attorney Barnstead read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:20 p.m. for public comment.

Nicolette Barber from Hunt Engineers spoke in regards to the zoning amendments. She stated that it is a living document that can be revised at any time.

Charles Collins from 436 Kinner Hill Road stated his opposition to the amendments regarding Contractor's Equipment Storage Yard.

After no one else wished to speak, the public portion of the public hearing was closed at 7:25 p.m.

Council Member Hurley questioned whether residents could sell products not produced by them but brought in from outside the Town. Code Enforcement Officer Peter Rocchi clarified this and Attorney Barnstead stated that if this issue comes up and there is a question or problem it can be amended at any time.

Code Enforcement Officer Pete Rocchi asked the Town Board if they would consider minor changes to Sections 525-19 and 525-128 by adding the word pavement, which would help the Town Residents who carry flood insurance to get a better discount, per the Regional Floodplain Specialist Janet Thigpen from Southern Tier Central Regional Planning & Development. Attorney Barnstead stated because they are just minor changes the Board can approve them tonight without sending it to the Planning Board. After discussion, the Town Board Members agreed to these minor changes.

Council Member Roman stated that he believes there should be business opportunities throughout the entire town and believes in all the boards and that they are making the right decisions for the residents.

Council Member Szerszen once again reiterated that this is a living document and if there are questions or concerns, it can be amended as needed.

RESOLUTION NO. 56-2016

RESOLUTION TO ISSUE A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE TOWN OF SOUTHPORT ZONING ORDINANCE UPDATE

Resolution by: Gunderman
Seconded by: Roman

WHEREAS, the Town of Southport is considering the adoption of a Zoning Ordinance Update, and

WHEREAS, 6 NYCRR Part 617 of the State Environmental Quality Review Act requires that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS, this is a Type 1 Action pursuant to the New York State Environmental Quality Review Act, (SEQRA) which requires review, and

WHEREAS, the Town Board of the Town of Southport did, on August 11, 2015, by Resolution No. 146-2015, declare Lead Agency status in Environmental Review for the proposed adoption of the Zoning Ordinance Update, and

WHEREAS, the Town Board has reviewed the Full Environmental Assessment Form prepared for this Action,

WHEREAS, this proposed Zoning Ordinance Update is implementing the Comprehensive Plan and is consistent with the analyses of potential impacts contained in these plans.

NOW THEREFORE BE IT RESOLVED, that the Town Board finds that adoption of the Zoning Ordinance Update will not have a significant impact on the environment and hereby issues a SEQRA Negative Declaration of Environmental Significance upon the above entitled Action.

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

RESOLUTION NO. 57-2016

LOCAL LAW NO. 1 OF 2016

ADOPTION OF TOWN OF SOUTHPORT ZONING ORDINANCE UPDATE

Resolution by: Gunderman
Seconded by: Roman

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Southport for a public hearing to be held by said in said Town on March 8, 2016 to hear all interested parties on a proposed Local Law entitled "A Local Law of Southport Amending Chapter #525 of the Town Code Entitled "Zoning", and

WHEREAS, notice of said public hearing was duly advertised in the Star-Gazette, the official newspaper of the Town, on February 22, 2016 and posted on the Town Clerk's signboard on February 22, 2016, and

WHEREAS, the Zoning Ordinance Update is consistent with the adopted Town of Southport's Comprehensive Plan, and

WHEREAS, 6 NYCRR Part 617 of the State Environmental Quality Review Law requires that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS, State Law specifies that for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action, and

WHEREAS, this is a Type 1 Action pursuant to the New York State Environmental Quality Review Act, (SEQRA) which requires review, and

WHEREAS, that the Town Board of the Town of Southport did, on August 11, 2015, by Resolution No. 146-2015, declared itself Lead Agency for the Environmental Review for the proposed Zoning Ordinance Update, and

WHEREAS, the Town Board has reviewed the Full Environmental Assessment Form prepared for this Action,

WHEREAS, the Town Board did, on March 8, 2016, by Resolution Number 56-2016 issued a SEQRA Negative Declaration of Environmental Significance upon the above entitled Action,

WHEREAS, the Town Board referred the Zoning Ordinance Update to the Chemung County Department of Planning and Development and was approved by it on September 8, 2015 pursuant to the requirements of General Municipal Law (Article 12B, 239-l/m),

WHEREAS, the Chemung County Department of Planning and Development gave approval with conditions that four (4) recommendations are met thereby requiring a supermajority vote of the Town Board,

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW THEREFORE, the Town Board hereby adopts said Local Law as Local Law No. 1 of 2016, entitled "A Local Law of amending Chapter 525 of the Town Code Entitled 'Zoning,'" a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed:

- A. to enter said Local Law in the minutes of this meeting and upon approval of the Supervisor, she is further directed to enter said Local Law in the Local Law Book of the Town of Southport, and to give due notice of the adoption of said Local Law to the Secretary of State, and
- B. to publish a copy, summary, or abstract of this Local Law in the Star-Gazette, the official newspaper of the Town, and
- C. to post a copy, summary or abstract of this Local Law at or near the main entrance to the office of the Town Clerk, and
- D. to file affidavits of such publication and posting in the office of said Town Clerk.

AYES: Gunderman, Hurley, Roman, Szerszen

NOES: None

ABSENT: Sheen

CARRIED.

RESOLUTION NO. 58-2016

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Roman
Seconded by: Hurley

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of March, 2016, No. 27 through No. 50, not to exceed, \$268,057.44, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 59-2016

AUTHORIZING TOWN OFFICIALS AND EMPLOYEES TO ATTEND THE ANNUAL SOUTHERN TIER CENTRAL REGIONAL LEADERSHIP CONFERENCE

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Supervisor is hereby authorized to approve Town Employee's attendance at the annual Southern Tier Central Regional Leadership Conference on March 31, 2016, at Corning Community College, Corning, New York, and that their expenses therefore shall be a proper Town charge.

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

RESOLUTION NO.60-2016

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CHEMUNG COUNTY YOUTH BUREAU & RECREATIONAL SERVICES

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Chemung County Youth Bureau has presented a proposal to provide recreation services to residents of the Town of Southport, and

WHEREAS, the Town Board has reviewed the proposal, and

WHEREAS, the Town Board desires to enter into an agreement with the Chemung County Youth Bureau for the provision of recreation services to the residents of the Town of Southport so as to provide a SPOT Program for middle school students and a Super Saturday program for students K-6 grade.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby authorizes and directs the Town Supervisor to enter into an agreement with Chemung County Youth Bureau in accordance with its proposal for the provision of recreation services to residents of the Town of Southport, not to exceed \$10,000.00 (TEN THOUSAND DOLLARS AND 00/100) and that said agreement shall be subject to the review and approval of the Attorney for the Town.

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

RESOLUTION NO. 61-2016

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE
ELMIRA CITY SCHOOL DISTRICT

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Elmira City School District has presented a proposal to the Town Board to provide for the use of school facilities by the Town of Southport, and

WHEREAS, the Town Board has reviewed that proposal, and

WHEREAS, the Town Board desires to enter into an agreement with the Elmira City School District to provide for the use of school facilities at an amount not to exceed FOUR THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$4,500.00).

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with the Elmira City School District to provide for the use of school facilities by the Town of Southport at an amount not to exceed FOUR THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$4,500.00) and that said contract shall be subject to the review and approval of the Attorney for the Town.

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

RESOLUTION NO. 62-2016

DECLARING SURPLUS

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Highway Superintendent has advised this Town Board that certain highway equipment is no longer needed by the Highway Department and can be declared surplus.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby declare one 1996 Case Wheel Loader, Model #621-B (VIN #JEE0051146, with a 2 cubic yard 4 in 1 bucket.

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

RESOLUTION NO. 63-2016

DECLARING SURPLUS

Resolution by: Roman
Seconded by: Hurley

WHEREAS, the Highway Superintendent has advised this Town Board that certain highway equipment is no longer needed by the Highway Department and can be declared surplus.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby declare the following surplus:

1. 1986 Ford Backhoe – Model 655A – with front loading bucket 4 in 1 and rear 4 in 1 bucket with extendable boom (VIN #C758925).
2. 1996 John Deere 4WD Combination Mower/snowblower/de-icer spreader (VIN #11745X160033 - M0108), Model #F-1145.
3. Snapper Roto tiller – in operative.
4. AC Stick Welding Unit.
5. Clemco 300 lb. wheeled sand blasting canister unit.
6. Tow behind grass thatcher.
7. One used parts washer.

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

RESOLUTION NO. 64-2016

AUTHORIZING PINE CITY BAPTIST CHURCH TO HOLD AN EASTER PAGEANT AT
CARL DRAXLER MEMORIAL PARK

Resolution by: Gunderman
Seconded by: Roman

WHEREAS, Supervisor David Sheen has advised this Town Board that Reverend Horace H. Stoddard, a member and Co-Chairman of Pine City Baptist Church, in conjunction with the Chemung County Council of Churches has requested to hold their annual Easter Dawn Pageant at Carl Draxler Memorial Park on Sunday, March 27, 2016 at 6:30 a.m.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby approves the activity sponsored by Pine City Baptist Church, in conjunction with the Chemung County Council of Churches, and be it further

RESOLVED, that Pine City Baptist Church, in conjunction with the Chemung County Council of Churches must agree to indemnify and hold harmless the Town of Southport for any and all liability arising from the event so sponsored by the said Churches.

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

RESOLUTION NO. 65-2016

APPOINTING MICHAEL WOOD AS SEASONAL LABORER

Resolution by: Hurley
Seconded by: Gunderman

WHEREAS, the Supervisor has advised this Town Board that the need exists for seasonal laborers in accordance with budgetary appropriations,

NOW THEREFORE BE IT RESOLVED, that the following seasonal laborer appointment be effective March 28, 2016 and that the individuals be paid as any other Town employee pursuant to the following schedule:

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>	<u>EFFECTIVE DATE</u>
Michael Wood	Seasonal Laborer	\$ 11.50 pr/hr	3/28/16

and be it further

RESOLVED, that the aforementioned individual shall not be entitled to any benefits as a result of his employment by the Town of Southport, including but not limited to health insurance, and be it further

RESOLVED, that the aforementioned individual commence his employment with the Town of Southport until such time as he shall have filed with the Town Clerk his appropriate Oath of Office as required by law.

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

RESOLUTION NO. 66-2016

AUTHORIZING TOWN CLERK TO ATTEND THE NYS TOWN CLERKS ASSOCIATION CONFERENCE IN SARATOGA SPRINGS, NEW YORK

Resolution by: Hurley
Seconded by: Roman

RESOLVED, that Carolyn Renko be and she hereby is authorized to attend the NYS Clerk's Association Conference in Saratoga Springs, New York on April 17, 2016 to April 20, 2016, and that her expenses therefore shall be a proper Town charge.

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

RESOLUTION NO. 67-2016

REAPPOINTING JAMES GENSEL AS A MEMBER OF THE TOWN OF SOUTHPORT ZONING BOARD OF APPEALS

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that James Gensel be and he hereby is reappointed as a member of the Zoning Board of Appeals, term to expire 4/1/2021.

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

RESOLUTION NO. 68-2016

REAPPOINTING LINDA TAFT AS A MEMBER OF THE TOWN OF SOUTHPORT PLANNING BOARD

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that Linda Taft be and she hereby is reappointed as a member of the Town of Southport Planning Board, term to expire 4/1/2023.

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

RESOLUTION NO. 69-2016

AMENDING RESOLUTION NO. 200-2015 ORDERING THE DEMOLITION AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING LOCATED AT 104 MANCHESTER ROAD

Resolution by: Szerszen
Seconded by: Roman

WHEREAS, by Resolution No. 200-2015 the Town Board of the Town of Southport did order the demolition and removal of a building located at 104 Manchester Road, owned by Leonard L. Fenton, Tax Map No. 127.00-1-35.2, and

WHEREAS, the Town of Southport has conducted an asbestos evaluation of the property located at 104 Manchester Road, and

WHEREAS, the Town of Southport is prepared to proceed with the demolition of the property located at 104 Manchester Road, and

WHEREAS, Leonard L. Fenton the owner of the property located at 104 Manchester Road did appear before the Town Board and advised the Town Board that he would like the opportunity to demolish the building himself and did request that the Town Board give him 60 days to demolish the building.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby give Leonard L. Fenton up to 60 days in which to complete the demolition of the property located at 104 Manchester Road and should he not complete the demolition by May 10, 2016 the Town of Southport would proceed with the demolition of the building located on said property and be it further,

RESOLVED, that the demolition fee for the removal of the building at 104 Manchester Road is hereby waived and be it further,

RESOLVED, that this matter be brought back at the April 12, 2016 regular monthly meeting to review the progress of Leonard L. Fenton in the demolition of the building located at 104 Manchester Road.

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

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

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

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on zoning in the Town.

Andy Patros from 1127 Pennsylvania Avenue stated he feels that a new Community Center at Chapel Park should be revisited again.

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

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Carolyn A. Renko
Town Clerk