

June 14, 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 June 14, 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, 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	\$ 1,510.84
Funds Turned to State & County Agencies	<u>\$ 1,490.41</u>
	\$ 3,001.25

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,339.20
	Building Permit Values	\$ 143,150.00
	Operating Permit Fees	\$ 500.00
	Site Plan Fees	\$ 225.00

City of Elmira Animal Control
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.

There was no Correspondence received.

Council Member Roman made a motion, Council Member Gunderman seconded to accept the minutes of May 10, 2016 Regular Meeting.

Supervisor Sheen stated that the Public Hearing Scheduled for tonight regarding amendment to Chapter 483 Timber Harvesting has been canceled and rescheduled.

RESOLUTION NO. 104-2016

CANCELLING AND RESCHEDULING PUBLIC HEARING

Resolution by: Gunderman
Seconded by: Roman

WHEREAS, the Notice of Public Hearing was not published in the Star Gazette, the official newspaper of the Town of Southport in a sufficient time frame as required by law.

NOW THEREFORE BE IT RESOLVED, that the public hearing scheduled for June 14, 2016 at 7:15 p.m., regarding amendment to Chapter 483 Timber Harvesting was cancelled due to the above.

BE IT FURTHER RESOLVED, that a public hearing has been rescheduled for July 12, 2016 at 7:15 p.m., or as soon thereafter as it can be heard.

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

Under Taxpayer's Comments, agenda and discussion items only, Michael Lewis from 1544 Pennsylvania Avenue commented on #6 under discussion, Petitions from residents of Pennsylvania Avenue, Pine City, NY to remove the No Parking signs adjacent to Pine City Elementary School.

Supervisor Sheen explained the sequence of events that led up to the No Parking signs being installed and stated he had spoken to Elmira City School Superintendent Hillary Austin, who stated that the School District and Bus Garage do not have an issue with having them taken down. Mr. Lewis stated that all the neighbors signed the petition in favor of the removal of the signs.

Council Member Roman made a motion, Council Member Gunderman seconded to refer to the Town of Southport Planning Board Petitions from residents of Pennsylvania Avenue, Pine City, NY, to remove the No Parking signs adjacent to Pine City Elementary School.

7:15 p.m. – Discussion of 2015 Audit

Supervisor Sheen introduced Patrick Jordan, CPA, Partner of Insero & Co., CPAs, who presented the 2015 audit reports. Mr. Jordan presented an Executive Summary that outlined the 2015 year with a five-year comparison.

Mr. Jordan stated that all financials were in order. Expenses exceeded revenues by \$557,031.00, which was due to the reduction of sales tax by the County to Towns.

The total fund balance is \$3,379,389.00 compared to \$3,796,160.00 for the year 2014. All of the fund balance is assigned or restricted for the year of 2016.

RESOLUTION NO. 105-2016

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Szerszen
Seconded by: Gunderman

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of June, 2016, No. 305 through No. 387, not to exceed \$164,087.38, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 106-2016

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of June, 2016, No. 102 through No. 122, not to exceed \$81,333.54, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 107-2016

RATIFYING APPOINTMENT OF MCKENNA BACKER AS SEASONAL RECREATION ATTENDANT/
RECREATION SUPERVISOR

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Director of Recreation of the Town of Southport has recommended that the Town employ a temporary summer Recreation Attendant/Recreation Supervisor.

NOW THEREFORE BE IT RESOLVED, that the Town of Southport does hereby appoint the following 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>
Backer, McKenna	Recreation Attendant/Supervisor	\$ 10.75 pr/hr	5/23/16-8/12/16

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

RESOLUTION NO. 108-2016

APPOINTING JULIANNE RENKO, SIDNEY SZERSZEN, AND ERICA WHEADON AS
SUMMER RECREATION SUPERVISORS

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Director of Recreation of the Town of Southport has recommended that the Town employ temporary summer Recreation Leaders/Supervisors, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport does hereby appoint the following individuals as part-time temporary Recreation Supervisors, 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>
Renko, Julianne	Recreation Supervisor	\$ 15.25 pr/hr	6/14/16-8/12/16
Szerszen, Sidney	Recreation Supervisor	\$ 10.75 pr/hr	6/14/16-8/12/16
Wheadon, Erica	Recreation Supervisor	\$ 10.75 pr/hr	6/14/16-8/12/16

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

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

RESOLUTION NO. 109-2016

APPOINTING TEMPORARY PART-TIME SUMMER RECREATION LEADERS

Resolution by: Gunderman
Seconded by: Roman

WHEREAS, the Director of Recreation of the Town of Southport has recommended that the Town employ nine part-time summer Recreation Leaders.

NOW THEREFORE BE IT RESOLVED, that the Town of Southport does hereby appoint the following individuals as part-time temporary summer Recreation Leaders,

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>	<u>EFFECTIVE DATES</u>
Coons, Micah	Recreation Leader	\$ 9.00 pr/hr	6/28/16-8/12/16
Field, Alexis	Recreation Leader	\$ 9.50 pr/hr	6/28/16-8/12/16
Gush, Katie	Recreation Leader	\$ 9.00 pr/hr	6/28/16-8/12/16
Holly-Pirie, Derek	Recreation Leader	\$ 9.50 pr/hr	6/28/16-8/12/16
Jones, Rebecca	Recreation Leader	\$ 9.00 pr/hr	6/28/16-8/12/16

Marvin, Cody	Recreation Leader	\$ 10.25 pr/hr	6/28/16-8/12/16
Ostrander, Kayla	Recreation Leader	\$ 9.00 pr/hr	6/28/16-8/12/16
Shannon, Tyler	Recreation Leader	\$ 10.25 pr/hr	6/28/16-8/12/16
Szerszen, Lauren	Recreation Leader	\$ 10.25 pr/hr	6/28/16-8/12/16

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 none of the aforementioned individuals shall not commence their employment with the Town of Southport until such time as they shall have filed with the Town Clerk their appropriate Oath of Office as required by law.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen

NOES: None

CARRIED.

RESOLUTION NO. 110-2016

ACCEPTING THE AUDIT OF INSERO & CO., CPAs FOR THE YEAR ENDING DECEMBER 31, 2015

Resolution by: Gunderman

Seconded by: Roman

WHEREAS, the Town of Southport retained the services of Insero & Co., CPAs for the purpose of having that firm perform an audit of the Town's Departments for the year ending December 31, 2015.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby acknowledge receipt of the audited statements of the Town as prepared by said firm, and directs that the same be placed on file in the Town Clerk's Office, and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to retain sufficient copies of this report as provided by law and to make the same available for public inspection and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to make proper publication notice of the availability of these reports.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen

NOES: None

CARRIED.

RESOLUTION NO. 111-2016

AUTHORIZING THE SUPERVISOR TO ENTER INTO A LAND USE AGREEMENT WITH PENNSYLVANIA AVENUE UNITED METHODIST CHURCH

Resolution by: Szerszen
Seconded by: Roman

WHEREAS, the Supervisor and the Recreation Department have requested that the Town enter into an agreement with the Pennsylvania Avenue United Methodist Church to use a portion of their property as playing fields,

RESOLVED, that the Town Board of the Town of Southport in regular session duly convened, authorize the Town Supervisor to enter into an Agreement with Pennsylvania Avenue United Methodist Church to use the rear portion of the church's property for playing fields and a parking area to be used in connection with the playing fields,

RESOLVED, that this Agreement shall run through June 30, 2017.

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

RESOLUTION NO. 112-2016

AMENDING RESOLUTION NO. 82-2016 CLOSING OF SENIOR CITIZEN FUND

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, per Resolution No. 82-2016 Closing of Senior Citizen Fund, the amounts to be appropriated to community development needs and aging for senior programs was inadvertently transposed.

NOW THEREFORE BE IT RESOLVED, that \$7,927.00 be appropriated to community development needs and \$5000.00 be appropriated to aging for senior programs.

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

RESOLUTION NO. 113-2016

DECLARING SURPLUS

Resolution by: Gunderman
 Seconded by: Szerszen

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 1990 Roscoe Powered Road Broome, VIN #CP955-1-37.

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

RESOLUTION NO. 114-2016

BUDGET MODIFICATIONS

Resolution by: Roman
 Seconded by: Szerszen

RESOLVED, that the following transfer of funds are as follows:

Budget lines to be Modified	Prior Approved Budget Amt.	Amount of Requested Increase/Decrease	Revised Budget Amt.	Reason for Budget Rev.
To: A1110.2 Justice Equip.		\$ 8,921.00	\$ 8,921.00	JCAP Grant
To: A1110.41 Justice Data Config.		\$ 7,536.00	\$ 7,536.00	JCAP Grant
To: A3021 State Aid Court Facilities		\$ 15,000.00	\$ 15,000.00	JCAP Grant
From: A1990.4 Contingent	\$ 100,000.00	(\$ 1,457.00)	\$ 98,543.00	JCAP Grant
To: A1320.4 Auditor	\$ 14,000.00	\$ 1,000.00	\$ 15,000.00	GASB 45 Actuary Rpt.
From: A1990.4 Contingent	\$ 98,543.00	(\$ 1,000.00)	\$ 97,543.00	GASB 45 Actuary Rpt.

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

RESOLUTION NO. 115-2016

APPOINTING SUSAN SILVERS AS AN ALTERNATE BOARD MEMBER OF THE
ZONING BOARD OF APPEALS

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that Susan Silvers be and she hereby is appointed as an alternate member of the Zoning Board of Appeals, term to expire 6/01/2021.

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

A bid opening was held on June 9, 2016 at 10:00 a.m. for stone treatment for resurfacing of Town roads. The following bid was received:

Dalrymple Gravel & Contracting Co., Inc.

2105 South Broadway
Pine City, NY 14871

- A) 1,000 Tons of washed/clean 1A stone for use in liquid Bituminous Chip Seal Application and cold mix base Application. Price per ton delivered to the Town of Southport, Sagetown Road pit.
 Price Per Ton \$ 18.95

- B) 1,300 Tons of washed/clean 1" Stone for use in liquid Bituminous Chip Seal Application. Price per ton delivered to the Town of Southport, Sagetown Road Pit.
 Price Per ton \$ 17.75

- C) 420 Tons of sand for use in a cold mix base Application with 1A Stone. Price per ton delivered to the Town of Southport, Sagetown Road pit.
 Price per ton \$ 17.70

RESOLUTION NO. 116-2016

ACCEPTING BID OF DALRYMPLE GRAVEL & CONTRACTING CO., INC.

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, this Town Board finds and determines that the bid submitted by Dalrymple Gravel & Contracting, Co., Inc. is deemed to be the lowest responsible bid submitted therefore, as follows:

Dalrymple Gravel & Contracting Co., Inc.

2105 South Broadway
Pine City, NY 14871

- A) 1,000 Tons of washed/clean 1A Stone for use in liquid Bituminous Chip Seal Application and cold mix base Application. Price per ton delivered to the Town of Southport, Sagetown Road pit.
Price Per Ton \$ 18.95
- B) 1,300 Tons of washed/cleaned 1" Stone for use in liquid Bituminous Chip Seal Application. Price per ton delivered to the Town of Southport, Sagetown Road pit.
Price Per ton \$ 17.75
- C) 420 Tons of sand for use in a cold mix base Application with 1A Stone. Price per ton delivered to the Town of Southport, Sagetown Road pit.
Price per ton \$ 17.70

NOW THEREFORE BE IT RESOLVED, that said bid be and the same hereby is accepted accordingly, and be it further

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase such Stone, and after the same has been so purchased, payment therefore shall come on for regular audit before this Town Board.

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

A bid opening was held on June 9, 2016 at 10:00 a.m. for oil treatment for resurfacing of Town roads. The following bids were received:

Suit-Kote

20 Fairground Lane
Watkins Glen, NY 14891

	Area Square Yds.	Single Overlay	Double Overlay	Heat, Haul & apply up to 15,000 gallons per day Unit Price	Total Price
Rosar Hill & Snowburg Road 1 st Stone	24,432	X		.625 SY 1.249 GL	\$15,268.58

High Haven Road 1 st Stone Base & 1A Top	4,513	X	X	1.671 SY 1.856 GL	\$7,542.36
Kinner Hill Road 1A with sand-cold mix true & level – Pugmill paver	42,140			34.50 Ton	\$35,362.50
Kinner Hill Road 1 st Stone	38,000	X		.618 SY 1.236 GL	\$23,484.00
Lightizer & Lewis Road 1 st Stone 1A with sand Pugmill paver	19,058	X		.63 SY 1.26 GL 34.50 Ton	\$12,014.62 \$11,730.00

TOTAL \$ 105,402.06

Vestal Asphalt, Inc.
201 Stage Road
Vestal, NY 13850

	Area Square Yds.	Single Overlay	Double Overlay	Heat, Haul & apply up to 15,000 gallons per day Unit Price	Total Price
Rosar Hill & Snowburg Road 1 st Stone	24,432	X		1.57	\$19,179.12
High Haven Road 1 st Stone Base & 1A Top	4,513	X	X	1.57	\$ 7,085.41
Kinner Hill Road 1A with sand-cold mix true & level – Pugmill paver	Per addendum Dated 6/6/16 2,140			3.25	\$ 6,955.00
Kinner Hill Road 1 st Stone	38,000	X		1.57	\$29,835.53
Lightizer & Lewis Road 1 st Stone 1A with sand Pugmill paver	19,058 1,500	X		1.57 3.25	\$19,835.53

TOTAL \$ 82,890.59

Discussion was held regarding the bid opening on June 9, 2016 for the oil treatment for resurfacing of Town Roads. Highway Superintendent David Bachman stated that the two bidders bid on the streets differently, one in tonnage and one in square yards. After further discussion, the Town Board felt it in the best interest of the public to reject all bids and rebid the project.

RESOLUTION NO. 117-2016

REJECTING ALL BIDS RECEIVED FOR OIL TREATMENT FOR RESURFACING OF TOWN ROADS

Resolution by: Gunderman

Seconded by: Szerszen

WHEREAS, sealed bids were received at the Town Hall and publically opened and read at 10:00 a.m. on Thursday, June 9, 2016, for oil treatment for resurfacing of Town roads.

WHEREAS, two bids were received as follows:

Suit-Kote	TOTAL	\$ 105,402.06
20 Fairground Lane		
Watkins Glen, NY 14891		

Vestal Asphalt, Inc.	TOTAL	\$ 82,890.59
201 Stage Road		
Vestal, NY 13850		

and

WHEREAS, the Supervisor of the Town of Southport has recommended that the project be rebid,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby reject all bids for the oil treatment for resurfacing of Town roads.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen

NOES: None

CARRIED.

RESOLUTION NO. 118-2016

AUTHORIZING HIGHWAY SUPERINTENDENT TO ADVERTISE FOR BIDS FOR OIL TREATMENT FOR RESURFACING OF TOWN ROADS

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Highway Superintendent is authorized to advertise for bids for Oil Treatment for resurfacing of Town roads, bid opening scheduled for July 7, 2016 at 10:00 a.m., at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York.

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

Under combined discussion was #3 Real Property Tax Law 487 with respect to solar, wind energy system or farm waste energy system and #7 Request from Delaware River Solar for the Town of Southport to consider lead agency designation.

Council Member Roman made a motion, Council Member Hurley seconded to refer to the Town of Southport Planning Board and Chemung County Planning Board a six month Moratorium on solar, wind energy system or farm waste energy system; in addition to referring to the Planning Board Real Property Tax Law 487 with respect to solar, wind energy system, or farm waste energy system.

Council Member Gunderman made a motion, Council Member Szerszen seconded to refer to the Town of Southport Planning Board Recommendation from Code Enforcement to Amend Chapter 497 Vehicles and Traffic.

RESOLUTION NO. 119-2016

ORDER DIRECTING THE REPAIR OR REMOVAL OF A DANGEROUS AND UNSAFE BUILDING AT 15 KNEALE ROAD

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Building Inspector of the Town of Southport has been advised as to potential unsafe or dangerous conditions existing in a structure located at 15 Kneale Road, Tax Map No. 97.00-1-4.2., Town of Southport, County of Chemung and State of New York, and

WHEREAS, the Building Inspector thereafter filed with this Town Board a written report stating his findings and recommendations with regard to the removal or repair of this structure,

NOW THEREFORE BE IT RESOLVED, that in accordance with Chapter 234 of the Town of Southport Municipal Code, the Town Board of the Town of Southport does hereby find that a building located at 15 Kneale Road, Tax Map No. 97.00-1-4.2, within the Town of Southport, is dangerous and unsafe to the public, and the same shall be removed or repaired, if the same can safely be repaired, and be it further

RESOLVED, that the Supervisor is hereby authorized and directed to cause to be personally served upon the owner, executor, legal representative, agent, lease or any other person having a vested or contingent interest in the property referred to above, a notice in accordance with Chapter 234 of the Municipal Code of the Town of Southport, and be it further

RESOLVED, that the Town Supervisor is directed to have the notice filed in the Chemung County Clerk's Office.

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

RESOLUTION NO. 120-2016

SETTING PUBLIC HEARING ON A DANGEROUS AND UNSAFE BUILDING AT 15 KNEALE ROAD

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, by Resolution No. 119-2016, the Town Board of the Town of Southport found a certain building located at 15 Kneale Road, Tax Map No. 97.00-1-4.2, Town of Southport, County of Chemung, State of New York, to be dangerous and unsafe to the public, and ordered its removal, and

WHEREAS, Chapter 234 of the Municipal Code of the Town of Southport hereby orders that a public hearing be held before the Town Board of the Town of Southport on July 12, 2016 at 7:30 p.m., or as soon thereafter as it can be heard, to allow the owner of certain real property located at 15 Kneale Road, Tax Map No. 97.00-1-4.2, Town of Southport, County of Chemung, State of New York, to present facts and testimony as to why such building should not be removed, and be it further

RESOLVED, that a notice shall be personally served upon the owner of record of the real property at the aforementioned location, advising such owner as to the time, date, and place of the hearing, or in the event that no such person can be reasonably found, then by mailing a copy of such notice to such person by registered mail, addressed to their last known address and by securely posting a copy of such notice upon the premises.

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

Next under Discussion was recommendation from Town of Southport Planning Board regarding Rental Registration. The Planning Board does not recommend that the Town Board implement an ordinance for Rental Registration. Rental property information is already available in the Assessor's Office. The Planning Board discussed that a rental registration ordinance was not useful and does not solve the problem of foreclosures and abandoned houses. This item will be taken off the agenda.

Council Member Roman made a motion, Council Member Hurley seconded to refer to the Town of Southport Planning Board Recommendation from Code Enforcement to amend Section 525-5 to include rummage sales.

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on solar farms and the moratorium.

Barton Graham from 1678 Pennsylvania Avenue commented on a business located on Mt. Zoar Road, a Foil request regarding a mission statement and solar energy.

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