

July 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 July 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, Director of Recreation David Ellis, 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	\$ 1,846.34
Funds Turned to State & County Agencies	<u>\$ 1,259.41</u>
	\$ 3,105.75

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,638.75
	Building Permit Values	\$ 406,570.00
	Operating Permit Fees	\$ 500.00
	Special Use Permit Fees	\$ 75.00
	Site Plan Fees	\$ 150.00
	Variance Fees	\$ 150.00

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, Highway Superintendent David Bachman was recognized for the 15 year Award for attending the Annual School for Highway Superintendents.

Council Member Gunderman made a motion, Council Member Roman seconded to accept the minutes of June 14, 2016 Regular Meeting.

Under Taxpayer's Comments, agenda and discussion items only, Mike Stephens from 15 Summit Drive and Planning Board Chairman stated he was there to answer any questions on Discussion items #2 through #5, recommendations from the Planning Board. Daniel Smith from 260 Allen Street commented on Discussion #1, request from residents of Allen Street in regards to installing a "speed hump".

RESOLUTION NO. 121-2016

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Roman
Seconded by: Szerszen

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of July, 2016, No. 388 through No. 456, not to exceed \$ 104,563.04, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 122-2016

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Roman
Seconded by: Szerszen

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of July, 2016, No. 123 through No. 137, not to exceed \$79,886.70, has been audited and approved for payment by this Town Board.

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

7:15 p.m. – PUBLIC HEARING – for the purpose of hearing any and all public 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 7:16 p.m. Code Enforcement Officer Peter Rocchi had no concerns or comments.

Charles Collins from 436 Kinner Hill Road commented that he is against any permit fee being required for timber harvesting.

After no one else wished to speak, the public portion of the Public Hearing was closed at 7:24 p.m.

Council Member Gunderman stated he is not in favor of requiring permit fees for timber harvesting.

Council Member Szerszen stated she supports a permit fee being imposed for timber harvesting.

Supervisor Sheen and Council Member Roman stated they are in favor of a permit fee on timber harvesting to protect land owners and adjacent properties.

RESOLUTION NO. 123-2016

AMENDING TOWN OF SOUTHPORT MUNICIPAL CODE, CHAPTER 483 TIMBER HARVESTING

Resolution by: Szerszen
Seconded by: Roman

RESOLVED, that the following amendment to the Town of Southport Municipal Code Chapter 483-3 (B) (1) is hereby amended to read as follows:

CHAPTER 483 – TIMBER HARVESTING

Section 3B-1: Permit fee – A permit fee as set from time to time by resolution of the Town Board.

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

RESOLUTION NO. 124-2016

CANCELLING AND RESCHEDULING PUBLIC HEARING

Resolution by: Szerszen
Seconded by: Roman

WHEREAS, the proper paperwork was not filed or served to the owner of 15 Kneale Road, Tax Map Identification No. 97.00-1-4.2, Town of Southport, County of Chemung, State of New York.

NOW THEREFORE BE IT RESOLVED, that the public hearing scheduled for July 12, 2016, at 7:30 p.m., regarding the proposed order directing the repair or removal of an unsafe building located at 15 Kneale Road, Tax Map Identification Number 97.00-1-4.2, was cancelled due to the above.

BE IT FURTHER RESOLVED, that a public hearing has been rescheduled for August 9, 2016 at 7:15 p.m., or as soon thereafter as it can be heard.

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

RESOLUTION NO. 125-2016

ACCEPTING PURCHASE OF SERVICES FROM WOODBROOK ADULT HOME, INC.

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Town of Southport and Woodbrook Adult Home, Inc., did enter into negotiations concerning services provided to the Woodbrook Adult Home, Inc. by the Town of Southport, including but not limited to fire protection, lighting property and/or property inspection and administrative services through the Town Clerk's Office, and

WHEREAS, Woodbrook Adult Home, Inc. does not currently pay any taxes to the Town of Southport, nor does Woodbrook Adult Home Inc. make any other payment to the Town of Southport for the provision of services to the Woodbrook Adult Home, Inc., and

WHEREAS, Woodbrook Adult Home, Inc. has offered to pay the Town of Southport the sum of \$1,000.00 per month for the next five years for the provision of certain services to Woodbrook Adult Home, Inc., by the Town of Southport, and

WHEREAS, the Town Board of the Town of Southport believes it to be in the best interest of the Town of Southport to enter into an agreement with Woodbrook Adult Home, Inc., to provide services to it, provided that the Town is otherwise providing similar services to other residents and/or property owners in the Town of Southport.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does authorize the Supervisor to enter into an agreement with Woodbrook Adult Home, Inc., to provide such services, that the Town of Southport provides to other residents and/or property owners in the Town of Southport, to Woodbrook Adult Home, Inc. for the sum of \$1,000.00 per month for a period of five years, commencing August 1, 2016.

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

RESOLUTION NO. 126-2016

ACCEPTING PURCHASE OF SERVICES FROM CHEMUNG ARC

Resolution by: Roman
Seconded by: Szerszen

WJEREAS, the Town of Southport and Chemung ARC did enter into negotiations concerning services provided to Chemung ARC by the Town of Southport, including but not limited to fire protection, police protection, lighting property, and/or property inspection and administrative services through the Town Clerk's Office, and

WHEREAS, Chemung ARC does not currently pay any taxes to the Town of Southport, nor does Chemung ARC make any other payment to the Town of Southport for the provision of services to Chemung ARC, and

WHEREAS, Chemung ARC has offered to pay the Town of Southport the sum of \$276.34 annually for the next five years for the provision of certain services to Chemung ARC by the Town of Southport, and

WHEREAS, the Town Board of the Town of Southport believes it to be in the best interest of the Town of Southport to enter into an agreement with Chemung ARC to provide services to it, provided that the Town is otherwise providing similar services to other residents and/or property owners in the Town of Southport.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the Supervisor to enter into an agreement with Chemung ARC to provide such services, that the Town of Southport provides to other residents and/or property owners in the Town of Southport, to Chemung ARC for the sum of \$276.34 annually for a period of five years, commencing on July 12, 2016.

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

RESOLUTION NO. 127-2016

AUTHORIZING HIGHWAY SUPERINTENDENT TO PURCHASE ONE NEW AND UNUSED JOHN DEERE MINI-EXCAVATOR

Resolution by: Roman
Seconded by: Szerszen

WHEREAS, the Highway Superintendent has requested permission to purchase one new and unused John Deere Mini-Excavator (Model 50-G) for use of the Town of Southport Highway Department, and

WHEREAS, the Town Board believes it to be in the best interest of the Town of Southport and the Town of Southport Highway Department to purchase one new and unused John Deere mini-excavator.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the Town Supervisor to purchase pursuant to New York State General Municipal Law, a new and unused John Deere Mini-Excavator for use of the Town's Highway Department for a sum not to exceed FIFTY-SEVEN THOUSAND DOLLARS (\$57,000.00).

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

RESOLUTION NO. 128-2016

AUTHORIZING THE WITHDRAWAL OF FUNDS FROM THE HIGHWAY EQUIPMENT FUND TO BE USED FOR THE PURCHASE OF ONE NEW AND UNUSED JOHN DEERE MINI-EXCAVATOR

Resolution by: Roman
Seconded by: Szerszen

WHEREAS, the Town Board by Resolution No. 124-2005 did authorize the establishment of a Highway Equipment Reserve Fund, the purpose of which is to assist with the purchase of additional equipment to serve the residents of the Town of Southport, and

WHEREAS, the Town currently has excess of \$300,000.00 funds in the Highway Equipment Reserve Fund, and

WHEREAS, the Town has purchased a new and unused John Deere Mini-Excavator (Model 50-G).

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the withdrawal of \$57,000.00 from the Town’s Highway Equipment Reserve Fund for the purchase of one new and unused John Deere Mini-Excavator, and be it further

RESOLVED, this resolution is subject to a permissive referendum.

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

A bid opening was held on July 7, 2016, at 10:00 a.m. for Supplying and Laying of Bituminous Asphalt Products. The following bid was received:

Suit-Kote
 20 Fairground Lane
 Watkins Glen, NY 14891

FORM FOR SUBMISSION OF BID

SUPPLY AND LAYING OF BITUMINOUS SURFACE TREATMENT AND STABILIZED SURFACE COURSE PRODUCTS TO STREETS IN THE TOWN OF SOUTHPORT					
1) BID in this section provide for paving for SPECIFIED Town of Southport Roads. 2) QUANTITIES are provided for information and bidding purposes only. Actual pavement extents terminal ends, widths and thicknesses shall be determined and reviewed with the Contractor, and adjusted for actual field conditions prior to the start of work. 3) Bidders acknowledge their visit to the site of the proposed work prior to submission of a bid:					
UNIT COST FOR SINGLE COURSE SURFACE TREATMENT: Includes labor, equipment and bituminous emulsion to distribute bituminous emulsion and aggregate, where directed by the OWNER.					
TYPE	DESCRIPTION	UNIT COST PER SY	QTY	TOTAL COST (in figures)	TOTAL COST (in words)
1ST	Single Course Surface Treatment	<u>.58</u>	90,100 SY	<u>\$ 52,258.00</u>	Fifty-Two Thousand Two Hundred Fifty Eight Dollars
1A	Single Course Surface Treatment	<u>\$.516</u>	4,600 SY	<u>\$ 2,373.60</u>	Two Thousand Three Hundred Seventy Three Dollars and Sixty Cents
Payment for TWO course surface treatment shall be the sum of each SINGLE course treatments.					

UNIT COST FOR TRUE AND LEVEL COURSE: Includes Bituminous Emulsion, labor and equipment cost to produce and paver place T&L course of variable thickness, where directed by the OWNER.					
TYPE	DESCRIPTION	UNIT COST PER SY	QTY	TOTAL COST (in figures)	TOTAL COST (in words)
T&L	True & Level	<u>\$ 33.68</u>	1,700 TN	<u>\$ 57,256.00</u>	Fifty Seven Thousand Two Hundred Fifty Six Dollars
It is the intent of the Owner to award the contract on the basis of lowest responsible bid taking into consideration the projected quantities of the various materials to be supplied, including full consideration of any alternates that may be included in the bid documents. The Owner reserves the right to waive any informalities or to reject any or all bids. AWARD shall be the lowest total sum of the three bid items. (1ST + 1A + T&L)					
Total bid (1ST + 1A + T&L) = \$ <u>111,887.60</u> (in figures)					
Total bid (1ST + 1A + T&L) = <u>One Hundred Eleven Thousand Eight Hundred Eighty Seven Dollars and Sixty Cents</u> (in words)					

RESOLUTION NO. 129-2016

ACCEPTING BID OF SUIT-KOTE FOR THE SUPPLY AND LAYING OF BITUMINOUS SURFACE TREATMENT TO VARIOUS ROADS IN THE TOWN OF SOUTHPORT

Resolution by: Gunderman
 Seconded by: Hurley

WHEREAS, this Town Board finds and determines that the bid submitted by Suit-Kote is deemed to be the lowest responsible bid submitted therefore, as follows:

Suit-Kote
 20 Fairground Lane
 Watkins Glen, NY 14891

FORM FOR SUBMISSION OF BID

SUPPLY AND LAYING OF BITUMINOUS SURFACE TREATMENT AND STABILIZED SURFACE COURSE PRODUCTS TO STREETS IN THE TOWN OF SOUTHPORT
<p>1) BID in this section provide for paving for SPECIFIED Town of Southport Roads.</p> <p>2) QUANTITIES are provided for information and bidding purposes only. Actual pavement extents terminal ends, widths and thicknesses shall be determined and reviewed with the Contractor, and adjusted for actual field conditions prior to the start of work.</p> <p>3) Bidders acknowledge their visit to the site of the proposed work prior to submission of a bid:</p>

UNIT COST FOR SINGLE COURSE SURFACE TREATMENT: Includes labor, equipment and bituminous emulsion to distribute bituminous emulsion and aggregate, where directed by the OWNER.

TYPE	DESCRIPTION	UNIT COST PER SY	QTY	TOTAL COST (in figures)	TOTAL COST (in words)
1ST	Single Course Surface Treatment	<u>.58</u>	90,100 SY	<u>\$ 52,258.00</u>	Fifty-Two Thousand Two Hundred Fifty Eight Dollars
1A	Single Course Surface Treatment	<u>\$.516</u>	4,600 SY	<u>\$ 2,373.60</u>	Two Thousand Three Hundred Seventy Three Dollars and Sixty Cents

Payment for TWO course surface treatment shall be the sum of each SINGLE course treatments.

UNIT COST FOR TRUE AND LEVEL COURSE: Includes Bituminous Emulsion, labor and equipment cost to produce and paver place T&L course of variable thickness, where directed by the OWNER.

TYPE	DESCRIPTION	UNIT COST PER SY	QTY	TOTAL COST (in figures)	TOTAL COST (in words)
T&L	True & Level	<u>\$ 33.68</u>	1,700 TN	<u>\$ 57,256.00</u>	Fifty Seven Thousand Two Hundred Fifty Six Dollars

It is the intent of the Owner to award the contract on the basis of lowest responsible bid taking into consideration the projected quantities of the various materials to be supplied, including full consideration of any alternates that may be included in the bid documents. The Owner reserves the right to waive any informalities or to reject any or all bids. AWARD shall be the lowest total sum of the three bid items. **(1ST + 1A + T&L)**

Total bid **(1ST + 1A + T&L)** = \$ 111,887.60 (in figures)

Total bid **(1ST + 1A + T&L)** = One Hundred Eleven Thousand Eight Hundred Eighty Seven Dollars and Sixty Cents (in words)

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 bituminous asphalt, 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.

RESOLUTION NO. 130-2016

AUTHORIZING HIGHWAY SUPERINTENDENT TO ADVERTISE FOR BIDS FOR THE RESURFACING OF STREETS
LOCATED WITHIN THE TOWN OF SOUTHPORT

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Highway Superintendent is authorized to advertise for bids for microsurfacing treatment of Town roads, bid opening scheduled for August 4, 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 discussion was Request from residents of Allen Street in regards to installing a “speed hump”. Highway Superintendent David Bachman stated that this will not be an issue and will put two “speed humps” in at various places on Allen Street.

RESOLUTION NO. 131-2016

SETTING PUBLIC HEARING

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on Tuesday, August 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 petitions from residents of Pennsylvania Avenue, Pine City, NY to remove the No Parking Signs adjacent to Pine City Elementary.

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

RESOLUTION NO. 132-2016

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, August 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 Amending Chapter 497 Vehicles and Traffic.

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

RESOLUTION NO. 133-2016

SETTING PUBLIC HEARING

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on Tuesday, August 9, 2016, at 8:00 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 Section 525-5 to include rummage sales.

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

RESOLUTION NO. 134-2016

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, August 9, 2016 at 8:15 p.m., or as soon thereafter as it can be heard, 1139 Pennsylvania Avenue, Elmira, New York, regarding a One Year Moratorium on solar and wind energy system.

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

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on Timber Harvesting fee.

Charles Wilson from 399 Widger Hill Road commented on the No Parking Signs adjacent to Pine City Elementary, mowing on Rte. 328, and overgrown brush on Widger Hill Road.

Don Dietrick from 1004 Richard Street questioned where there was an ordinance in the Town regarding fireworks.

Mike Stephens from 15 Summit Drive gave an update on the Hike Bike Trail.

Marlene Zecca from 64 Dalrymple Avenue commented on the amount of fireworks in the area over the 4th of July weekend . She also mentioned to Highway Superintendent Dave Bachman that the drywells on Dalrymple and Pennsylvania Avenue are filled with dirt and need to be cleaned out.

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

The meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Carolyn A. Renko
Town Clerk