

April 11, 2017

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 April 11, 2017.

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

Members Absent: Council Members Glenn Gunderman and Joseph Roman

Others Present: Code Enforcement Officer Peter Rocchi, Highway Superintendent David Bachman, Director of Recreation David Ellis, Recreation Attendant Robert Ripley, 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	\$ 2,365.88
Fitzsimmons Lot Sales	\$ 275.00
Funds Turned to State & County Agencies	<u>\$ 1,310.37</u>
	\$ 3,951.25

Receiver of Taxes

Receipts	
Town & County Tax	\$ 475,998.47

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 432.60
	Building Permit Values	\$ 51,300.00
	Operating Permit Fees	\$ 1,350.00
	Site Plan Fees	\$ 75.00

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

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

There was no Correspondence received.

Council Member Szerszen made a motion, Council Member Hurley seconded to accept the minutes of the March 15, 2017 Regular Meeting.

Under Taxpayer's Comments, agenda and discussion items only, no one wished to speak.

RESOLUTION NO. 74-2017

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Szerszen  
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of April 2017, No. 891 through No. 941, not to exceed \$104,547.83, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 75-2017

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Hurley  
Seconded by: Szerszen

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of April 2017, No. 43 through No. 72, not to exceed \$71,920.30, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 76-2017

APPROVING ABSTRACT OF LIGHT FUND CLAIMS AND FIRE FUND CLAIMS

Resolution by: Szerszen  
Seconded by: Hurley

RESOLVED, that the Abstract of Light Fund Claims No. 15, not to exceed \$7,922.45 and Fire Fund Claims No. 7, not to exceed \$7,974.75, for the month of April 2017 submitted by the Town Clerk, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 77-2017

RATIFYING APPOINTMENT OF JUSTIN FAULKNER AS A MEMBER OF THE TOWN OF SOUTHPORT ZONING BOARD OF APPEALS

Resolution by: Hurley  
Seconded by: Szerszen

RESOLVED, that Justin Faulkner be and he hereby is reappointed to serve a term of five (5) years as a member of the Zoning Board of Appeals of the Town of Southport, said term to expire on April 1, 2022.

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

RESOLUTION NO. 78-2017

RESOLUTION ADOPTING STANDARD WORKDAY AND RETIREMENT REPORTING TO THE NEW YORK STATE AND LOCAL RETIREMENT SYSTEM

Resolution by: Szerszen  
Seconded by: Hurley

RESOLVED, that the Town of Southport hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk of the Town of Southport as shows in Exhibit "A" attached hereto and made a part hereof.

EXHIBIT "A"

Elected Officials Appointed Officials Title of Position	Name	Standard workday hours	Term begins/end	Y/N time clock	Days credit month
Supervisor	David Sheen	6	1/1/14-12/31/17	N F/T	20
Town Clerk	Carolyn Renko	7	1/1/14-12/31/17	N F/T	20
Council Member	Glenn Gunderman	6	1/1/14-12/31/17	N F/T	
Council Member	Joseph Roman	6	1/1/14-12/31-17	N F/T	

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

RESOLUTION NO. 79-2017

REAPPOINTING LISA BALMER AS A MEMBER OF THE TOWN OF SOUTHPORT SEWER COMMISSION

Resolution by: Hurley  
 Seconded by: Szerszen

RESOLVED, that Lisa Balmer is hereby reappointed to serve a term of three (3) years as a member of the Town of Southport Sewer Commission, term to expire 4/30/2020.

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

**7:15 P.M. – PUBLIC HEARING** - for the purpose of hearing any and all public comment regarding Dog Licensing Fees.

Supervisor David Sheen read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:16 p.m. for public comment. No one wished to speak so the public portion of the Public Hearing was closed at 7:17 p.m.

RESOLUTION NO. 80-2017

LOCAL LAW NO. 1 OF THE YEAR 2017

AMENDING LOCAL LAW NO. 1 OF THE YEAR 2011, DOG LICENSING LAW OF THE TOWN OF SOUTHPORT

Resolution by: Hurley  
Seconded by: Szerszen

WHEREAS, the Town Board of the Town of Southport, Chemung County, New York wishes to amend the Town of Southport Municipal Code, Article III, Dog Licensing and Fees, §192-13, Fees, adopted by Local Law No. 1-2011 pursuant to New York State Agriculture & Markets Law Section 110 to provide for a more uniform application of fee collection among residents; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, Chemung County, New York wishes to amend Town of Southport Municipal Code, Article III Dog Licensing and Fees, §192-13 Fees, adopted by Local Law No. 1-2011 by removing §192-13 (C); and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport, Chemung County, New York proposes to adopt Local Law No. 1 of 2017 as an amendment to the Town of Southport Municipal Code, Article III, Dog Licensing and Fees, § 192-13, Fees, (adopted by Local Law No. 1-2011) which shall read as follows:

Article III  
Dog Licensing and Fees

§ 192-13

- A. Fees set forth herein shall be in addition to fees set by the Agriculture and Markets Law of the State of New York and shall be referred to as the "local license fee".
- B. The local license fee for all dogs harbored in the Town of Southport, whether they be neutered or unneutered male dogs, spayed or unspayed female dogs or purebreds, shall be set from time to time by resolution of the Town Board of the Town of Southport at a meeting duly convened of said Town Board.
- C. Guide dogs, service dogs and working dogs shall be exempt from any local license fee.
- D. The fees for redeeming an impounded dog shall be set from time to time by resolution of the Town Board of the Town of Southport at a meeting duly convened of said Town Board. In addition, the owner of any dog so impounded shall be liable for any and all necessary expenses and fees, including but not limited to kennel fees.

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport, Chemung County, New York held a public hearing on Tuesday, April 11, 2017 at 7:15 p.m., at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York, regarding the adopting of this Local Law contained herein, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to make proper publication and posting as required by law.

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

RESOLUTION NO. 81-2017

RATIFYING APPOINTMENT OF ZACHARY STEPHENS AND ROBERT ECTOR AS SEASONAL LABORERS

Resolution by: Szerszen  
Seconded by: Hurley

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 appointments be effective April 10, 2017 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>
Zachary Stephens	Seasonal Laborer	\$ 11.95 pr/hr	4/10/17
Robert Ector	Seasonal Laborer	\$ 10.70 pr/hr	4/10/17

and be it further

RESOLVED, that 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 commence their employment with the Town of Southport until such time as they have filed with the Town Clerk their appropriate Oath of Office as required by law.

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

RESOLUTION NO. 82-2017

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH FAMILY SERVICES OF CHEMUNG COUNTY FOR AN EMPLOYEE ASSISTANCE PROGRAM

Resolution by: Szerszen  
Seconded by: Hurley

WHEREAS, the Town of Southport and Family Services of Chemung County Inc., desires to enter into an agreement for services provided by their Employee Assistance Program, and

WHEREAS, the agreement provides for a cost of \$25.00 per employee annually, with the Town currently employing 36, thereby totally \$900.00.

NOW THEREFORE BE IT RESOLVED, that the Town of Southport hereby approves the agreement between the Town of Southport and Family Services of Chemung County, Inc., providing services known as the Employee Assistance Program. The Town of Southport does hereby authorize the Supervisor to sign the contract agreement for the Employee Assistance Program commencing May 1, 2017 and terminating April 30, 2018, at a cost of \$900.00.

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

Under discussion was Medical Insurance, which will be tabled until May.

Next under discussion was Recommendation from Code Enforcement to Raze and Repair property located at 1159 Sherman Avenue. Code Enforcement Officer Peter Rocchi stated that the property has been an ongoing issue and has had contact with the owner regarding the repairs and nothing has been done to date. The roof is collapsing and Mr. Rocchi stated the property is structurally unsafe.

RESOLUTION NO. 83-2017

ORDER DIRECTING THE REPAIR OR REMOVAL OF A DANGEROUS AND UNSAFE BUILDING AT 1159 SHERMAN AVENUE

Resolution by: Szerszen  
Seconded by: Hurley

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 1159 Sherman Avenue, Tax Map No. 109.08-1-51, 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 RESOVED, 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 1159 Sherman Avenue, Tax Map No. 109.08-1-51, 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 Town Supervisor is directed to have the notice filed in the Chemung County Clerk's Office.

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

RESOLUTION NO. 84-2017

SETTING PUBLIC HEARING ON A DANGEROUS AND UNSAFE BUILDING AT 1159 SHERMAN AVENUE

Resolution by: Szerszen  
Seconded by: Hurley

WHEREAS, by Resolution No. 83-2017, the Town Board of the Town of Southport found a certain building located at 1159 Sherman Avenue, Tax Map No. 109.08-1-51, Town of Southport, County of Chemung, State of New York, to be dangerous and unsafe to the public, and ordered its removal, and

RESOLVED, 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 May 9, 2017 at 7:15 p.m., or as soon thereafter as it can be heard, to allow the owner of certain real property located at 1159 Sherman Avenue, Tax Map No. 109.08-1-51, 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: Hurley, Szerszen, Sheen  
NOES: None  
ABSENT: Gunderman, Roman  
CARRIED.



RESOLUTION NO. 85-2017

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH  
SOUTHPORT RECREATION ASSOCIATION

Resolution by: Szerszen  
Seconded by: Hurley

WHEREAS, the Southport Recreation Association has presented a proposal to provide a youth sports program to 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 Southport Recreation Association for the provision of a youth sports program to the Town of Southport at an amount not to exceed FIFTEEN THOUSAND DOLLARS (\$15,000.00),

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Town to enter into an agreement with Southport Recreation Association to provide to the Town of Southport a youth sports program at an amount not to exceed FIFTEEN THOUSAND DOLLARS (\$15,000.00), and that said contract shall be subject to the review and approval of the Attorney for the Town.

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

Next under discussion was update on 526 Holecek Avenue. Code Enforcement Officer Peter Rocchi stated that the house has been demolished and completely cleaned up satisfactorily. This will be taken off the agenda.

Also under discussion was Circuit Drive. This will tabled until the May 9, 2017 meeting.

Lastly under discussion was additional signage on Elmira Street near the trail as required by DEC. Highway Superintendent David Bachman explained to the board what is required.

Council Member Szerszen made a motion, Council Member Hurley seconded to refer to the Town of Southport Planning Board additional signage on Elmira Street near the trail as required by DEC.

Under Taxpayer's Comments, Laura Moylan from 1165 S. Main Street spoke regarding a rental property at 1161 Charles Street. She stated that since last Fall there have been ongoing issues with the occupants such as letting their dogs run loose in the neighborhood as well as the occupants riding minibikes and 4-wheelers around the house and into the roadway at all hours of the day and night.

George Bullock from 1167 Charles Street stated a dog from the property at 1161 Charles Street attacked his dog today. He called Elmira Animal Control and they responded and gave the occupants at the Charles Street address several violations.

Supervisor Sheen asked Code Enforcement Officer Peter Rocchi if there were any violations at that address and he stated the occupants were just cited with trash and debris and unlicensed vehicles four days ago.

Council Member Szerszen stated that she looked at that property and noticed the trash and debris and unlicensed vehicles.

Supervisor Sheen stated that he will contact the Sheriff's Office and Craig Spencer from Elmira Animal Control and come up with a plan to remedy this situation.

Christina Woodard who also lives at 1167 Charles Street stated that Elmira Animal Control gave the occupants of 1161 Charles Street 11 violations for the incident that took place with her dog.

Brandi Peckham from 1162 S. Main Street states that she lives behind the occupants at 1161 Charles Street and they have broken her fence, thrown garbage over the fence in her yard and she has had to power wash her house and fence several times because the minibikes and 4-wheelers have sprayed mud all over them.

Again, Supervisor Sheen stated he will contact the necessary people and will come up with a solution and will update the residents at the next Town Board Meeting.

Charles Wilson from 399 Widger Hill Road commented on the Shared Service Agreement between Town of Southport Code Enforcement and the City of Elmira, the minutes from February 14, 2017 and January 13, 2017, residency requirements, and ditches on Widger Hill Road.

Barton Graham from 1678 Pennsylvania Avenue commented on correspondence that he sent Supervisor Sheen.

Laura Moylan from 1165 S. Main Street inquired about fixing pot holes on South Main Street.

**PUBLIC HEARING – 7:30 P.M.** - for the purpose of hearing any and all public comment regarding Solar/Wind Moratorium.

Supervisor Sheen read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 8:10 for public comment.

No one wished to speak, so the public portion of the public hearing was closed at 8:11 p.m.

The Solar/Wind Moratorium will be tabled until the May 9, 2017 Town Board Meeting.

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

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Carolyn Renko  
Town Clerk

Marianne Schrom  
Deputy Town Clerk