

July 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 July 11, 2017.

Members Present: Supervisor David Sheen, Council Members Glenn Gunderman, Joseph Roman, Kathleen Szerszen

Members Absent: Council Member Daniel Hurley

Others Present: Attorney Kimberlee Balok-Middaugh, Highway Superintendent David Bachman, Code Enforcement Officer Peter Rocchi, 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	\$ 1,750.03
Funds turned to State & County Agencies	<u>\$ 2,063.22</u>
	\$ 3,813.25

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 2,776.00
	Building Permit Values	\$ 247,600.00
	Operating Permit Fees	\$ 1,450.00
	Variance Fees	\$ 75.00

City of Elmira Animal Control  
Justice Office  
Recreation/Aging/Youth Services  
Residential Deputy  
Supervisor's Report  
Community Development Specialist

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

Council Member Gunderman made a motion, Council Member Roman seconded to accept the minutes from the May 9, 2017 and June 13, 2017 Regular Meeting.

Under Correspondence, the following was discussed:

1. Supervisor Sheen read a note from Joan VanGalder thanking the Town of Southport Highway Department for care of the roads, the Chapel Park Community Center for the community gardens, and for the care that is given to Fitzsimmons Cemetery.
2. Grant announcement from New York Main Street Technical Assistance grant.
3. Email from Sheriff Christopher Moss regarding MVA data pertaining to Bulkhead Intersection.
4. Letter from New York State Department of Taxation and Finance regarding maintaining 100% equalization rate for 2017.

Under Taxpayer's Comments, agenda and discussion items only, Charles Wilson 399 Widger Hill Road spoke on #4 Recommendation from Code Enforcement to Amend Town Code §525-33 Special Dimensional Requirements and #5 Recommendation from Code Enforcement to Amend Town Code §525-22 "Exceptions in all districts".

RESOLUTION NO. 116-2017

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 2017, No. 1085 through No. 1154, not to exceed \$98,523.69, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 117-2017

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by:           Gunderman  
Seconded by:           Szerszen

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of July 2017, No. 112 through No. 126, not to exceed \$46,228.62, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 118-2017

APPROVING ABSTRACT OF LIGHT FUND CLAIMS AND FIRE FUND CLAIMS

Resolution by:           Gunderman  
Seconded by:           Roman

RESOLVED, that the Abstract of Light Fund Claims No. 18, not to exceed \$7,294.18 and Fire Fund Claims No. 9 through No. 10, not to exceed \$17,694.75, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 119-2017

ISSUING A NEGATIVE DECLARATION UNDER SEQR FOR SALE OF TOWN SURPLUS PROPERTY

Resolution by:           Gunderman  
Seconded by:           Szerszen

RESOLVED, pursuant to the State Environmental Quality Review Act, 6 NYCRR, Part 617.6, the Town of Southport Town Board designates itself as lead agency, and be it further

RESOLVED, that the Town Board of the Town of Southport finds, based on the facts and information presented, that sale of Town surplus property referenced as the "walk" or "walkway" as set forth in the Town resolution dated June 13, 2017 to Frank and Harriett Bierline who own adjacent property located at 1062 Plymouth Avenue, Elmira, New York, 14904 and Marrison Matthews who owns adjacent property located at 9 Circuit Drive, Elmira, New York, 14904 will not have an adverse impact on the environment, and be it further

RESOLVED, that the Town Supervisor shall file a negative determination and that such determination be filed in accordance with SEQR, 6 NYCRR, Part 617.12.

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

RESOLUTION NO. 120-2017

RATIFYING APPOINTMENT OF ARTHUR J. KERR AS DEPUTY HIGHWAY SUPERINTENDENT

Resolution by: Roman  
Seconded by: Szerszen

RESOLVED, that Arthur J. Kerr be and he hereby is appointed as Deputy Highway Superintendent, effective 6/26/17.

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

RESOLUTION NO. 121-2017

AUTHORIZING ACCEPTANCE OF FUNDING FROM NYS OFFICE OF HOMES & COMMUNITY RENEWAL AND AUTHORIZING SUPERVISOR TO EXECUTE NECESSARY AGREEMENT

Resolution by: Szerszen  
Seconded by: Roman

WHEREAS, NYS Office of Homes & Community Renewal granted funds to the Town of Southport through the New York Main Street Technical Assistance (NYMS-TA) grant for \$20,000.00.

WHEREAS, as part of the required grant process, the Town of Southport must finalize the application process in order to be eligible for the awarded funding.

NOW THEREFORE BE IT RESOLVED, that the Town of Southport hereby authorizes the Town Supervisor or his designee to take the necessary actions to complete the application process and execute any necessary documents, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport hereby authorizes the acceptance of any funding which may be received from NYS Office of Homes & Community Renewal, and further authorizes the Town Supervisor to execute any agreements which may be required to secure such funding.

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

RESOLUTION NO. 122-2017

AUTHORIZING SUPERVISOR TO SUBMIT AN APPLICATION FOR A 2017 WATER QUALITY IMPROVEMENT PROJECT (WQIP) THROUGH NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Resolution by:       Gunderman  
Seconded by:       Roman

WHEREAS, the Town has received a valid petition to extend the Chemung County Elmira Sewer District for a section of the Town of Southport known as the "Leland Street Area Sewer District Extension", and

WHEREAS, NYSDEC is soliciting applications for the Water Quality Improvement Project (WQIP) grant program, and

WHEREAS, the Leland Street Area Sewer District Extension is within the Seeley Creek Watershed, which is listed on the NYSDEC Priority Waterbodies List (PWL),

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Supervisor to apply for a 2017 Water Quality Improvement Project Program Grant up to the maximum amount available, and be it further

RESOLVED, that in the event such grant is awarded to the Town of Southport, the Supervisor is hereby authorized and directed to accept such grant funds on behalf of the Leland Street Area Sewer District Extension and to execute any documents necessary to allow the Town to accept such grant funds.

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

Under discussion was update on 1159 Sherman Avenue. Code Enforcement Officer Pete Rocchi stated that they received a quote for asbestos removal and demolition that meets the procurement policy guidelines.

RESOLUTION NO. 123-2017

ACCEPTING QUOTE OF LCP GROUP, INC. FOR DEMOLITION OF AN UNSAFE BUILDING  
LOCATED AT 1159 SHERMAN AVENUE

Resolution by: Roman  
Seconded by: Szerszen

WHEREAS, the Town Board finds and determines that a quote submitted by LCP Group, Inc., for the demolition and asbestos removal of an unsafe building located at 1159 Sherman Avenue in the Town of Southport, Tax Map Identification No. 109.08-1-51 is deemed to be the lowest responsible quote submitted therefore, as follows:

LCP Group, Inc.	\$ 9,980.00
450 Commerce Road	
Vestal, NY 13850	

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

RESOLVED, that the Supervisor be and he hereby is authorized to accept said quote and payment therefore shall come on for regular audit before this Town Board.

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

A bid opening was held on July 6, 2017 at 10:00 a.m. for Supply and Laying of Bituminous Asphalt Products. The following bids were submitted:

**John F. & John P. Wenzel Contractors, Inc.**

170 Prescott Ave.  
Elmira Heights, NY 14903

**CONTRACT PRICE:**

\$ 95.00 per ton of Type 6F Top, hauled and placed.

\$ Ninety-Five Dollars Bid amount written per ton.

\$ 92.00 per ton of Type 3 Binder, hauled and placed.

\$ Ninety-Two Dollars Bid amount written per ton.

\$ 80.00 per Square Yard Tack Coat  
\$ Eighty Dollars Bid amount written per square yard.

**Alternate 1 – Milling of Roads**

\$ 4.25 per square yard of road milled.  
\$ Four Dollars and Twenty-Five Cents Bid amount written per square yard.

**Alternate 2 – Hot Mix Asphalt**

\$ 96.50 per ton of Substitute equivalent NYSDOT approved Hot Mix Top Asphalt Pavement, hauled and placed.  
\$ Ninety-Six Dollars and Fifty Cents Bid amount written per ton.  
\$ 93.00 per ton of Substitute equivalent NYSDOT approved Hot Mix Binder Asphalt Pavement, hauled and placed.  
\$ Ninety-Three Dollars Bid amount written per ton.

**Dalrymple Gravel & Contracting Co., Inc.**  
2105 South Broadway  
Pine City, NY 14871

**CONTRACT PRICE:**

\$ 86.50 per ton of Type 6F Top, hauled and placed.  
\$ Eighty Six Dollars & Fifty Cents per ton Bid amount written per ton.  
\$ 78.00 per ton of Type 3 Binder, hauled and placed.  
\$ Seventy-Eight Dollars per ton Bid amount written per ton.  
\$ 0.25 per Square Yard Tack Coat  
\$ Zero Dollars Twenty Five Cents per SY Bid amount written per square yard.

**Alternate 1 – Milling of Roads**

\$ No bid per square yard of road milled.  
\$ No bid Bid amount written per square yard.

**Alternate 2 – Hot Mix Asphalt**

\$ 86.50/tn 9.5 mm. per ton of Substitute equivalent NYSDOT approved Hot Mix Top Asphalt Pavement, hauled and placed.

\$ Eighty Six Dollars Fifty Cents Bid amount written per ton  
per ton for 9.5 mm

\$ 78.00/tn 19 mm per ton of Substitute equivalent NYSDOT approved Hot Mix Binder Asphalt Pavement, hauled and placed.

\$ Seventy Eight Dollars per ton of 19 mm Bid amount written per ton.

**Bothar Construction, LLC**

170 East Service Road  
Binghamton, NY 13901

**CONTRACT PRICE:**

\$ 69.84 per ton of Type 6F Top, hauled and placed.

\$ Sixty-Nine Dollars Eighty Four Cents Bid amount written per ton.

\$ 77.00 per ton of Type 3 Binder, hauled and placed.

\$ Seventy-Seven Dollars Bid amount written per ton.

\$ 3.70 per Square Yard Tack Coat

\$ Three Dollars Seventy Cents Bid amount written per square yard.

**Alternate 1 – Milling of Roads**

\$ 3.00 per square yard of road milled.

\$ Three Dollars Bid amount written per square yard.

**Alternate 2 – Hot Mix Asphalt**

\$ 68.49 per ton of Substitute equivalent NYSDOT approved Hot Mix Top Asphalt Pavement, hauled and placed.

\$ Sixty-Eight Dollars Forty Nine Cents Bid amount written per ton.

\$ 60.85 per ton of Substitute equivalent NYSDOT approved Hot Mix Binder Asphalt Pavement, hauled and placed.

\$ Sixty Dollars Eighty Five Cents Bid amount written per ton.



RESOLUTION NO. 124-2017

ACCEPTING BID OF BOTHAR CONSTRUCTION, LLC FOR HOT MIX BITUMINOUS ASPHALT

Resolution by: Roman  
Seconded by: Szerszen

WHEREAS, this Town Board finds and determines that the bid submitted by Bothar Construction, LLC is deemed to be the lowest responsible bid submitted therefore, as follows:

Bothar Construction, LLC  
170 East Service Road  
Binghamton, NY 13901

**Base bid Includes:**

Caton Avenue from Cadet Terrace to Dead End  
Acorn Avenue from Beckwith Road to Dead End  
Sheely Street

**CONTRACT PRICE:**

\$ 69.84 per ton of Type 6F Top, hauled and placed.  
\$ Sixty-Nine Dollars Eighty Four Cents Bid amount written per ton.

\$ 77.00 per ton of Type 3 Binder, hauled and placed.  
\$ Seventy-Seven Dollars Bid amount written per ton.

\$ 3.70 per Square Yard Tack Coat  
\$ Three Dollars Seventy Cents Bid amount written per square yard.

**Alternate 1 – Milling of Roads**

\$ 3.00 per square yard of road milled.

\$ Three Dollars Bid amount written per square yard.

**Alternate 2 – Hot Mix Asphalt**

\$ 68.49 per ton of Substitute equivalent NYSDOT approved  
Hot Mix Top Asphalt Pavement, hauled and placed.

\$ Sixty-Eight Dollars Forty Nine Cents Bid amount written per ton.

\$ 60.85 per ton of Substitute equivalent NYSDOT approved Hot Mix Binder Asphalt Pavement, hauled and placed.

\$ Sixty Dollars Eighty Five Cents Bid amount written per ton.

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 Hot Bituminous Asphalt, and after the same has been so purchased, payment therefore shall come on for regular audit before this Town Board.

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

A bid opening was held on July 6, 2017 at 10:15 a.m. for Liquid Bituminous Mix. The following bid was received:

Suit-Kote  
 20 Fairground Lane  
 Watkins Glen, NY 14891

**FORM FOR SUBMISSION OF BID**

<b>SUPPLY AND LAYING OF BITUMINOUS SURFACE TREATMENT AND STABILIZED SURFACE COURSE PRODUCTS TO STREETS IN THE TOWN OF SOUTHPORT</b>					
1) BID in this section provide for paving for <b>SPECIFIED</b> 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.					
<b>TYPE</b>	<b>DESCRIPTION</b>	<b>UNIT COST PER SY</b>	<b>QTY</b>	<b>TOTAL COST (in figures)</b>	<b>TOTAL COST (in words)</b>
<b>1ST</b>	Single Course Surface Treatment	<u>\$ 1.026</u>	<b>14,431 SY</b>	<u>\$14,806.206</u>	Fourteen Thousand Eight Hundred Six Dollars and 206/1000 Cents
<b>1A</b>	Single Course Surface Treatment	<u>\$ .831</u>	<b>37,963 SY</b>	<u>\$31,547.253</u>	Thirty One Thousand Five Hundred Forty Seven Dollars and 253/1000 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 TON	QTY	TOTAL COST (in figures)	TOTAL COST (in words)
T&L	True & Level	<u>\$ 40.83</u>	2,024 TN	<u>\$82,639.92</u>	Eighty Two Thousand Six Hundred Thirty Nine Dollars and 92 Cents
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. <b>(1ST + 1A + T&amp;L)</b>					
Total bid <b>(1ST + 1A + T&amp;L)</b> = <u>\$ 128,993.379</u> (in figures)					
Total bid <b>(1ST + 1A + T&amp;L)</b> = <u>One Hundred Twenty Eight Thousand Nine Hundred Ninety Three Dollars and 379/1000 Cents</u> (in words)					

RESOLUTION NO. 125-2017

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

Resolution by: Roman  
 Seconded by: Gunderman

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**

<b>SUPPLY AND LAYING OF BITUMINOUS SURFACE TREATMENT AND STABILIZED SURFACE COURSE PRODUCTS TO STREETS IN THE TOWN OF SOUTHPORT</b>
<p>1) BID in this section provide for paving for <b>SPECIFIED</b> Town of Southport Roads.</p> <p>2) <b>QUANTITIES</b> 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>\$1.026</u>	14,431 SY	<u>\$14,806.206</u>	Fourteen Thousand Eight Hundred Six Dollars and 206/1000 Cents
1A	Single Course Surface Treatment	<u>\$ .831</u>	37,963 SY	<u>\$31,547.253</u>	Thirty One Thousand Five Hundred Forty Seven Dollars and 253/1000 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 TON	QTY	TOTAL COST (in figures)	TOTAL COST (in words)
T&L	True & Level	<u>\$40.83</u>	2,024 TN	<u>\$ 82,639.92</u>	Eighty Two Thousand Six Hundred Thirty Nine Dollars and 92 Cents
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. <b>(1ST + 1A + T&amp;L)</b>					
Total bid <b>(1ST + 1A + T&amp;L)</b> = \$ <u>128,993.379</u> (in figures)					
Total bid <b>(1ST + 1A + T&amp;L)</b> = <u>One Hundred Twenty Eight Thousand Nine Hundred Ninety Three Dollars and 379/1000 Cents</u> (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, Roman, Szerszen, Sheen  
 NOES:           None  
 ABSENT:       Hurley  
 CARRIED.

Next under Discussion was recommendation from Code Enforcement to Amend Town Code §525-33 Special Dimensional Requirements. Council Member Roman made a motion and Council Member Gunderman seconded it to table this until the August 8, 2017 meeting.

Council Member Gunderman made a motion, Council Member Roman seconded to refer to the Town of Southport Planning Board recommendation from Code Enforcement to amend Town Code §525-22 "Exceptions in all districts".'

RESOLUTION NO. 126-2017

AUTHORIZING SUPERVISOR DAVID SHEEN TO SEND A LETTER TO NEW YORK STATE DEPARTMENT OF TRANSPORTATION REGARDING INTERSECTION OF ROUTE 14 AND ROUTE 328 AND INTERSECTION OF ROUTE 14 AND CEDAR STREET

Resolution by: Roman  
Seconded by: Szerszen

WHEREAS, the Town of Southport Planning Board made a recommendation to the Town Board to write a letter to New York State Department of Transportation regarding accident data and ITE traffic standards regarding the Intersection of Route 14 and Route 328 and the Intersection of Route 14 and Cedar Street.

RESOLVED, that the Town Board authorizes Town Supervisor David Sheen to write a letter to New York State Department of Transportation regarding the above intersections.

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

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on 150 ft. setbacks in regards to Town Code §525-33 Special Dimensional Requirements.

Christopher DeSanto 754 Thompson Street commented on the Leland Street Area Sewer District Extension.

Charles Wilson from 399 Widger Hill Road commented on the monthly reports and a letter he received from Supervisor Sheen.

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

The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk