

October 10, 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 October 10, 2017.

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

Members Absent: Supervisor David Sheen and Council Member Joseph Roman

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer Peter Rocchi, Highway Superintendent David Bachman, Director of Recreation David Ellis, Recreation Attendant Robert Ripley, Community Development Specialist Nichola Ostrander, 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	\$ 2,631.87
Fitzsimmons Lot Sales	\$ 550.00
Funds Turned to State & County Agencies	<u>\$ 15,361.88</u>
	\$ 18,543.75

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 2,218.10
	Building Permit Values	\$ 350,270.00
	Operating Permit Fees	\$ 200.00
	Site Plan Fees	\$ 75.00
	Variance Fees	\$ 75.00

City of Elmira Animal Control
Justice Office
Recreation/Aging/Youth
Residential Deputy
Community Development Specialist

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

Under Correspondence, Deputy Supervisor Szerszen read a letter from the New York State Department of Transportation regarding the Intersection Safety Study on SR328/SR14/Broadway that was performed and a summary of the changes that have been implemented.

Council Member Gunderman made a motion, Council Member Hurley seconded to accept the minutes from September 13, 2017 Regular Meeting and September 19, 2017 Tentative Budget Meeting.

Under Taxpayer's Comments, Agenda & Discussion Items only, Charles Collins from 436 Kinner Hill Road commented on Discussion Item #3 Recommendation from Town of Southport Planning Board to amend §525-33 Special Dimensional requirements in the Bulk and Density Control Requirements with the proposed changes, to accept the amendment to the definitions for Agricultural Use in §525-5 and to accept the changes to the Use Regulation Table.

RESOLUTION 147-2017

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Hurley
Seconded by: Gunderman

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of October 2017, No. 1276 through No. 1331, not to exceed \$99,508.54, has been audited and approved for payment by this Town Board.

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

PUBLIC HEARING – 7:15 p.m. – for the purpose of hearing any and all public comment regarding the proposed amendment to Section 525-22 "Exceptions in All Districts".

Deputy Supervisor Szerszen read the Legal Notice that was published in the Star Gazette and opened the Public Hearing at 7:15 p.m. Mrs. Szerszen explained this amendment was in regards to Public Utilities and read the definition of this.

After no one wished to speak, the public portion of the Public Hearing was closed at 7:18 p.m.

Council Member Gunderman made a motion, Council Member Hurley seconded to refer to the Chemung County Planning Board amendment to Section 525-22 "Exceptions in All Districts".

RESOLUTION NO. 148-2017

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Hurley
Seconded by: Gunderman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of October 2017, No. 155 through No. 181, not to exceed \$63,561.15, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 149-2017

APPROVING ABSTRACT OF LIGHT FUND AND FIRE FUND CLAIMS

Resolution by: Hurley
Seconded by: Gunderman

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of October 2017, No. 21, not to exceed \$7,599.88 and Fire Fund Claims No. 11 & 12, not to exceed \$17,694.75, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 150-2017

REAPPOINTING MADELYN BALOK AS A MEMBER OF THE
TOWN OF SOUTHPORT CEMETERY COMMISSION

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that Madelyn Balok be and she hereby is reappointed to serve a term of three (3) years as a member of the Cemetery Commission of the Town of Southport, said term to expire on November 1, 2020.

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

RESOLUTION NO. 151-2017

APPROVING PRELIMINARY BUDGET AND DIRECTING PUBLIC HEARING THEREON

Resolution by: Hurley
Seconded by: Gunderman

RESOLVED, that the Tentative Budget, consisting of an estimate of revenues and expenditures, presented to the Town Board and as the same has been modified by this Town Board be and the same hereby is approved as the Preliminary Budget for the fiscal year commencing January 1, 2018 and ending December 31, 2018, as the same is set forth in detail therein and a copy filed in the Town Clerk's Office, where the same be available for inspection by any interested person during the office hours of the Town Clerk, and be it further

RESOLVED, that the Town Board shall hold a public hearing on the same Preliminary Budget in accordance with Section 108 of the Town Law, as amended, on the 1st day of November 2017, at 7:00 p.m. or as soon thereafter as it can be heard, at the Town Hall, 1139 Pennsylvania Avenue in said Town, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to cause notice of such public hearing to be published at least once in the official newspaper and to cause a copy of such notice to be posted on the sign board of the Town which shall be done at least five (5) days before the date specified for this hearing.

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

RESOLUTION NO. 152-2017

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH KATE'S KLEAN COMPANY FOR
CLEANING SERVICES TO THE TOWN HALL RETROACTIVE TO 1/1/2017 IN ACCORDANCE
WITH THE CONTRACT

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, Kate's Klean Company submitted a quote to provide cleaning services to the Town Hall in the amount of ONE THOUSAND SEVEN HUNDRED FIFTY NINE DOLLARS AND 50/100 (\$1,759.00) per month from January 1, 2017 through December 31, 2017.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with Kate's Klean Company for cleaning services at the Town Hall from January 1, 2017 through December 31, 2017, and be it further

RESOLVED, that this agreement be subject to the review and approval of the Town Attorney.

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

RESOLUTION NO. 153-2017

APPOINTING JOSEPH ROOT AS PER DIEM SEASONAL LABORER

Resolution by: Hurley
Seconded by: Gunderman

WHEREAS, the Highway Superintendent has expressed a need to hire Per Diem Seasonal Laborers.

NOW THEREFORE BE IT RESOLVED, that this Town Board authorizes the Highway Superintendent to hire Joseph Root as Per Diem Seasonal Laborer at a rate of \$15.00 per hour as a non-experienced snow plow wing operator, effective October 10, 2017.

RESOLVED, that except for New York State Retirement benefits, the aforementioned individual shall not be entitled to any benefits as a result of his employment by the Town of Southport, included but not limited to health insurance, and be it further

RESOLVED, that the aforementioned individual shall 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, Szerszen
NOES: None
ABSENT: Sheen, Roman
CARRIED.

RESOLUTION NO. 154-2017

APPOINTING DEAN MCKAY AS PER DIEM SEASONAL LABORER

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Highway Superintendent has expressed a need to hire Per Diem Seasonal Equipment Operator II.

NOW THEREFORE BE IT RESOLVED, that this Town Board authorizes the Highway Superintendent to hire Dean McKay as Per Diem Seasonal Equipment Operator II at a rate of \$23.00 per hour and experienced snow plow wing operator at \$20.00 per hour, effective October 10, 2017.

RESOLVED, that except for New York State Retirement benefits, the aforementioned individual shall not be entitled to any benefits as a result of his employment by the Town of Southport, included but not limited to health insurance, and be it further

RESOLVED, that the aforementioned individual shall 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, Szerszen
NOES: None
ABSENT: Sheen, Roman
CARRIED.

Next under Resolutions was Authorizing the Supervisor to enter into an Agreement with the Elmira City School District. This will be tabled until the November 14, 2017 Regular Meeting.

RESOLUTION NO. 155-2017

ACCEPTING RESIGNATION OF S. WILLIAM TANNER AS A MEMBER OF THE TOWN OF SOUTHPORT
BOARD OF ASSESSMENT REVIEW

Resolution by: Hurley
Seconded by: Gunderman

WHEREAS, S. William Tanner has submitted his resignation as a member of the Town of Southport Board of Assessment Review, effective October 10, 2017.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of S. William Tanner, as a member of the Town of Southport Board of Assessment Review, effective October 10, 2017.

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

RESOLUTION NO. 156-2017

AMENDING RESOLUTION NO. 91-2017 MEDICAL INSURANCE COVERAGE BENEFITS FOR RETIREES OVER
THE AGE OF 65 CLARYIFYING THAT HEALTH REIMBURSEMENT ACCOUNT BENEFIT
CONTINUES THROUGH DECEMBER 31, 2018

Resolution by: Hurley
Seconded by: Gunderman

WHEREAS, per Resolution No. 91-2017 the Town has provided retirees over the age of 65 the Health Reimbursement Account Benefit for those who qualify.

WHEREAS, the Town wishes to clarify the terms of the Health Reimbursement Account Benefit that is provided for retirees over the age of 65, will continue through the year 2018, not 2019.

NOW THEREFORE BE IT RESOLVED, that the retirees who are 65 years of age or older and currently qualify and receive the Health Reimbursement Account benefit will continue to receive this benefit through December 31, 2018.

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

RESOLUTION NO. 157-2017

AUTHORIZING WITHDRAWAL OF FUNDS FROM THE REPAIR RESERVE FUND

Resolution by: Hurley
Seconded by: Gunderman

WHEREAS, the Town Board by Resolution No. 189-2012 did authorize the establishment of a Repair Reserve Fund, the purpose of which is to assist with unanticipated repairs to Town of Southport equipment, buildings, etc.

WHEREAS, the Town did have the parking lot at Town Hall sealed, the cost of which was \$2,900.00.

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 \$2,900.00 from the Town's Repair Reserve Fund, for the cost of sealing the Town Hall parking lot,

RESOLVED, that this resolution is subject to a permissive referendum.

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

RESOLUTION NO. 158-2017

AUTHORIZING WITHDRAWAL OF FUNDS FROM THE HIGHWAY ROAD REPAIR RESERVE FUND

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town Board by Resolution No. 45-2009 did authorize the establishment of a Highway Road Repair Reserve Fund, the purpose of which is to assist the Town of Southport Highway Department in unanticipated repairs and/or maintenance to the Town roads.

WHEREAS, the Town did perform maintenance and repairs on various Town roads, the cost of which was \$43,415.38.

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 \$43,415.38 from the Highway Road Repair Reserve Fund, for the maintenance and repair of various Town roads.

RESOLVED, that this resolution is subject to a permissive referendum.

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

RESOLUTION NO. 159-2017

AUTHORIZING WITHDRAWAL OF FUNDS FROM THE HIGHWAY EQUIPMENT RESERVE FUND

Resolution by: Hurley
Seconded by: Gunderman

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 finance the cost of equipment for the Town of Southport Highway Department.

WHEREAS, the Town did have repairs to a Hyundai Loader and to other various pieces of Town Highway equipment at a cost of \$35,948.92.

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 \$35,948.92 from the Highway Equipment Reserve Fund.

RESOLVED, that this resolution is subject to a permissive referendum.

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

RESOLUTION NO. 160-2017

AUTHORIZING TOWN ATTORNEY TO EXECUTE A STIPULATION OF SETTLEMENT IN THE CASE OF ELMIRA (DG) LLC C/O DOLLAR GENERAL AND FURTHER AUTHORIZE TOWN ATTORNEY AND TOWN SUPERVISOR TO EXECUTE ANY DOCUMENTS OR TAKE ANY ACTIONS NECESSARY TO EFFECTUATE THIS SETTLEMENT

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, Elmira (DG) LLC c/o Dollar General (“Dollar General”) initiated a tax certiorari proceeding contesting the assessment for the parcel located at 1146 Broadway, Elmira, New York 14904 (Tax Map No. 109.10-1-21); and

WHEREAS, Dollar General was seeking a reduction of the current total assessment from \$675,000 to \$300,000, and

WHEREAS, a negotiated settlement has been reached which will not require any refund of Town property taxes and this settlement has the support of the Town Assessor; and

THEREFORE BE IT RESOLVED, that Town Board of the Town of Southport authorizes the settlement in the tax certiorari case of Elmira (DG) LLC c/o Dollar General v. Board of Assessment Review and/or Assessor of the Town of Southport and the Town of Southport, County of Chemung, New York for the parcel located at 1146 Broadway, Elmira, New York 14904 (Tax Map No. 109.10-1-21) for an assessed value of \$655,000 on the assessment rolls of the Town of Southport for year 2017 and the assessed value of \$640,000 for the assessment rolls of the Town of Southport for year 2018, 2019, 2020, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Southport authorizes Kimberlee Balok Middaugh, Esq. as Town Attorney, to execute the Stipulation of Settlement and further authorizes the Town Attorney and the Town Supervisor to execute any documents or take any actions necessary to effectuate this settlement.

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

RESOLUTION 161-2017

AUTHORIZING THE SUPERVISOR TO APPLY FOR A STATE FARM COMMUNITY GRANT FOR THE COST TO INSTALL LIGHTING AT ELMER GOODWIN PARK

Resolution by: Hurley
Seconded by: Gunderman

WHEREAS, the Town of Southport desires to apply for financial assistance through the State Farm Community Grant, and

WHEREAS, the application proposes to assist with the cost to install lighting at Elmer Goodwin Park.

WHEREAS, the grant application requires that the applicant obtains the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport approves and endorses the State Farm Community Grant for assistance with the cost to install lighting at Elmer Goodwin Park, prepared and to be submitted by the Town of Southport.

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

Under Discussion was Winter Parking during snow or ice event. The Board felt that more information is needed so this will be tabled until the November 14, 2017 meeting.

RESOLUTION 162-2017

ACCEPTING PROPOSAL FROM HUNT ENGINEERS FOR ARCHITECTURAL/ENGINEERING SERVICES FOR A DOWNTOWN REVITALIZATION PROJECT

Resolution by: Hurley
Seconded by: Gunderman

WHEREAS, Hunt Engineers, Architects, Land Surveyors & Landscape Architect, DPC has provided the Town of Southport a proposal for a Feasibility Study for the Town of Southport Downtown Revitalization Project.

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 sign and enter into an Agreement with Hunt Engineers, Architects, Land Surveyors & Landscape Architect, DPC to provide a feasibility study for the Town of Southport Downtown Revitalization Project, for a sum not to exceed TWENTY-ONE THOUSAND DOLLARS AND 00/100 (\$21,000.00).

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

Next under Discussion was Recommendation from Town of Southport Planning Board to amend §525-33 Special Dimensional Requirements in the Bulk and Density Control Requirements with the proposed changes, to accept the amendment to the definitions for Agricultural Use in §525-5 and to accept the changes to the Use Regulation Table.

Deputy Supervisor Szerszen spoke in depth on this subject and stated that the Town is awaiting correspondence from New York State Agriculture and Markets regarding some questions pertaining to this. She stated the Board has two options, table this until they receive answers from NYS Agriculture and Markets and a full Board is present or schedule a Public Hearing. After further discussion, it was decided that this subject will be tabled until the November 14, 2017 meeting.

Lastly under Discussion was Recommendation from Code Enforcement to Amend Town Code §525-5 Definition of Kennel. Code Enforcement Officer Pete Rocchi stated that this was sent back to Code Enforcement for revisions and will be placed on the November 14, 2017 agenda for an update on the progress.

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on Proposed Amendment to §525-33 Special Dimensional Requirements.

Charles Wilson from 399 Widger Hill Road commented on road repairs/ditches on Widger Hill Road, Kate's Klean Agreement and the traffic signal at the Intersection of Rte. 328/14.

Ray Price from 752 Cypress Street stated he is having problems with his neighbors at 705 Cedar Street. He states they are repairing lawnmowers and vehicles out of their garage and the noise from this is becoming unbearable. He is questioning if there is a noise ordinance in the Town. He states he has contacted the Sheriff's Office and they told him to come to the Town Board Meeting and seek help because at this point, there is nothing the Sheriff's Office can do. He has also talked with Code Enforcement and the owner of 705 Cedar Street has been cited for unregistered vehicles and Code is awaiting the response at this time stated CEO Pete Rocchi. Deputy Supervisor Szerszen stated that she will look into this and check with Code Enforcement and the Sheriff's Office and try to come up with a solution.

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

The meeting was adjourned at 8:09 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk