

October 9, 2018

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 9, 2018.

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

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer Peter Rocchi, Highway Superintendent Steven Renko, 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	\$ 3,557.55
Fitzsimmons Lot Sales	\$ 825.00
Funds Turned to State & County Agencies	<u>\$ 14,050.20</u>
	\$ 18,432.75

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,849.80
	Building Permit Values	\$ 234,146.00
	Operating Permit Fees	\$ 50.00
	Site Plan 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 Szerszen seconded to accept the monthly reports as filed.

There was no Correspondence received.

Council Member Roman made a motion, Council Member Szerszen seconded to accept the minutes from September 11, 2018 Regular Meeting, September 18, 2018 Special Meeting and September 18, 2018 Tentative Budget Meeting.

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

RESOLUTION NO. 155-2018

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman  
Seconded by: Roman

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of October 2018, No. 538 through No. 597, not to exceed \$111,814.74, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 156-2018

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Szerszen  
Seconded by: Gunderman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of October 2018, No. 144 through No. 158, not to exceed \$52,346.52, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 157-2018

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Gunderman  
 Seconded by: Roman

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of October, No. 10, not to exceed \$7,858.00, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 158-2018

BUDGET MODIFICATIONS

Resolution by: Gunderman  
 Seconded by: Hurley

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

<b>Budget lines to be Modified</b>	<b>Prior Approved Budget Amt.</b>	<b>Amount of Requested Increase/Decrease</b>	<b>Revised Budget Amt.</b>	<b>Reason for Budget Rev.</b>
From: A8010.4 Zoning Contractual	\$ 3,000.00	(\$ 647.06)	\$ 2,352.94	
To: A1410.4 Town Clerk	\$ 8,000.00	\$ 647.06	\$ 8,647.06	Clerical Help
From: A1620.4 Blds. Contractual	\$ 195,000.00	(\$ 11,699.19)	\$ 183,300.81	
To: A1420.4 Attny. Contractual	\$ 36,000.00	\$ 11,699.19	\$ 47,699.19	Cell Phone Tower Attny.
From: A6460.4 Indust. Development	\$ 50,000.00	(\$ 8,252.80)	\$ 41,747.20	
To: A1620.2 Bldgs. Equip.	\$ 10,000.00	\$ 8,252.80	\$ 18,252.80	Office Equip.
From: A1355.4 Assessor Cont.	\$ 40,000.00	(\$ 2,265.89)	\$ 37,734.11	

To:	A3620.4	\$ 15,000.00	\$ 2,265.89	\$ 17,265.89	Code Violations
	Safety Inspec. (Code)				
From:	A6460.4	\$ 41,747.00	(\$ 9,676.67)	\$ 32,070.53	
	Ind. Development				
To:	A3620.4	\$ 17,265.89	\$ 9,676.67	\$ 26,942.56	Code Violations
	Safety Insp. (Code)				
From:	DA5130.2	\$ 240,000.00	(\$ 16,223.31)	\$ 223,776.69	
	Machinery-Equip.				
To:	DA5130.4	\$ 60,000.00	\$ 16,223.31	\$ 76,223.31	Repairs
	Machinery – Contr.				

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen

NOES: None

CARRIED.

**7:18 P.M. – PUBLIC HEARING** – for the purpose of hearing any and all public comment to consider the proposal to renew a Fire Protection Contract between the Town of Southport, on behalf of Fire Protection District No. 1 and the Southport Volunteer Firemen, Inc., which contract is to provide, among other things, that the Town of Southport, on behalf of Fire Protection District No. 1 shall pay to the Southport Volunteer Firemen, Inc., the sum of \$304,440.00 for the year 2019, \$310,440.00 for the year 2020, and \$316,640.00 for the year 2021 and to consider such other terms and conditions as may be agreed upon between the parties for the furnishing of fire protection in said district.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened the hearing for public comment.

No one wished to speak so the public portion of the Public Hearing was closed at 7:19 p.m.

Supervisor Sheen stated there was a minimal increase and he has reviewed the financials which are in order.

RESOLUTION NO. 159-2018

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH  
SOUTHPORT VOLUNTEER FIREMEN, INC.

Resolution by: Roman  
Seconded by: Szerszen

WHEREAS, this Town Board did on the 9<sup>th</sup> day of October, 2018, hold a public hearing for the purpose of considering the adoption of a contract for the Southport Volunteer Firemen, Inc., furnishing fire protection within Fire Protection District No. 1, all of which was done in accordance with the notice duly published as provided, and

WHEREAS, all persons desiring to be heard were then and there heard, and

WHEREAS, due deliberation having been made by this Town Board,

NOW THEREFORE BE IT RESOLVED, that this Town Board finds and determines that it is in the best interest of the residents of Fire Protection District No. 1 that the Town of Southport enter into a new contract with Southport Volunteer Firemen, Inc., at a yearly contract price as follows:

First Year (2019)	THREE HUNDRED AND FOUR THOUSAND, FOUR HUNDRED FORTY DOLLARS (\$304,440.00)
Second Year (2020)	THREE HUNDRED TEN THOUSAND, FOUR HUNDRED FORTY DOLLARS (\$310,440.00)
Third Year (2021)	THREE HUNDRED SIXTEEN THOUSAND, SIX HUNDRED FORTY DOLLARS (\$316,640.00)

and be it further

RESOLVED, that the Town Board of the Town of Southport does hereby authorize and direct the Town Supervisor on behalf of Town of Southport Fire Protection District No. 1 to enter into a contract with Southport Volunteer Firemen, Inc., the terms and conditions of that contract to be subject to the review and approval of the Attorney for the Town.

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

RESOLUTION NO. 160-2018

REAPPOINTING MARY JERRAM TO THE TOWN OF SOUTHPORT CEMETERY COMMISSION

Resolution by: Gunderman  
Seconded by: Roman

RESOLVED, that Mary Jerram be and she hereby is reappointed as a member of the Cemetery Commission of the Town of Southport, said term to expire November 1, 2021.

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

RESOLUTION NO. 161-2018

APPROVING PRELIMINARY BUDGET AND DIRECTING PUBLIC HEARING THEREON

Resolution by: Roman  
Seconded by: Szerszen

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, 2019 and ending December 31, 2019, 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, 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 7<sup>th</sup> day of November 2018, 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, Roman, Szerszen, Sheen  
NOES: None  
CARRIED.

RESOLUTION NO. 162-2018

APPOINTING THE TOWN AS LEAD AGENCY FOR THE RESTORE NY GRANT AWARD AND AUTHORIZING SUPERVISOR AND TOWN BOARD TO REVIEW AND APPROVE THE ENVIRONMENTAL REVIEW FOR THE RESTORE NY SITE FOR DEMOLITION OF BUILDINGS

Resolution by:           Gunderman  
Seconded by:           Szerszen

WHEREAS, the Town of Southport was awarded a Restore NY grant for the development of the site which includes parcels located at 1156 Broadway, and 989, 987, and 985 Sebring Avenue, Elmira, New York 14904, and

WHEREAS, for any project to be eligible for this grant funding, the State Environmental Quality Review (SEQR) process must be followed for actions taken on the site including demolition of existing structures, and

WHEREAS, the current owner of the site wishes to demolish the existing structures as the first step in development of the site, and

THEREFORE, BE IT 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 for review of actions taken related to development of the site which includes parcels located at 1156 Broadway and 989, 987, 985 Sebring Avenue, Elmira, New York 14904, including demolition of any structures, and be it further

RESOLVED, that pursuant to the State Environmental Review Act (SEQR) and in accordance with Restore NY grant awarded to the Town of Southport, the demolition of structures located at 1156 Broadway and 989, 987, and 985 Sebring Avenue, Elmira, New York 14904 is an Unlisted Action and the Town Board prepared a short environmental assessment form as required by SEQR and as lead agency the Town determined that the proposed action will not have a significant impact on the environment, and be it further,

RESOLVED, that the Town Board of the Town of Southport authorizes the Town Supervisor to execute the short environmental assessment form in all parts.

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

RESOLUTION NO. 163-2018

AUTHORIZING AGREEMENT WITH INSERO & CO. CPAS, LLP FOR AN AUDIT OF GENERAL PURPOSE FINANCIAL STATEMENTS OF THE TOWN OF SOUTHPORT AS OF AND FOR THE YEARS ENDING DECEMBER 31, 2018, 2019 AND 2020

Resolution by:           Gunderman  
Seconded by:            Hurley

WHEREAS, the Town Board of the Town of Southport has received a proposal from Insero & Co. CPAs, LLP, Certified Public Accountants, to conduct an audit of the financial statements of the Town of Southport as of and for the years ending December 31, 2018, 2019, and 2020.

WHEREAS, this Town Board has had an opportunity to discuss and deliberate upon the proposal,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Supervisor of the Town of Southport to enter into an agreement with Insero & Co. CPAs, LLC, Certified Public Accountants, to conduct an audit of the financial statements of the Town of Southport as of and for the years ending December 31, 2018, 2019, and 2020, at a cost not to exceed THIRTEEN THOUSAND NINE HUNDRED DOLLARS (\$13,900) for the year 2018, FOURTEEN THOUSAND TWO HUNDRED DOLLARS (\$14,200) for the year 2019, and FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500) for the year 2020.

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

RESOLUTION NO. 164-2018

APPOINTING RICHARD NICKERSON AS PART-TIME SEASONAL LABORER

Resolution by:           Hurley  
Seconded by:            Roman

WHEREAS, the Highway Superintendent has expressed the need to hire a Part-Time Seasonal Laborer/Equipment Operator No. 1.

NOW THEREFORE BE IT RESOLVED, that this Town Board authorizes the Highway Superintendent to hire Richard Nickerson as Part-Time Seasonal Laborer/Equipment Operator No. 1 at a rate of \$25.91 per hour, effective October 9, 2018.

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, Roman, Szerszen, Sheen  
NOES:           None  
CARRIED.

Under Resolutions was Increasing the use fee for Southport Community Center at Chapel Park, which will be tabled until the November 13, 2018 Regular Meeting.

RESOLUTION NO. 165-2018

AUTHORIZING SUPERVISOR TO SIGN STATEMENT OF VALUES FOR INSURANCE PURPOSES

Resolution by:       Roman  
Seconded by:       Szerszen

RESOLVED, that the Supervisor be and he hereby is authorized to sign a Statement of Values of articles of Town property and equipment, and be it further

RESOLVED, that a copy of such Statement of Values shall be filed with the Town Clerk.

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

RESOLUTION NO. 166-2018

APPOINTING GORDON MANCHESTER AS HIGHWAY EQUIPMENT OPERATOR NO. 1

Resolution by:       Gunderman  
Seconded by:       Hurley

WHEREAS, a vacancy has occurred in the Town of Southport Highway Department for the position of Equipment Operator No. 1.,

NOW THEREFORE BE IT RESOLVED, that Gordon Manchester be and he hereby is appointed as Equipment Operator No. 1 for the Highway Department of the Town of Southport, with a probationary period of 52 weeks effective October 29, 2018, and be it further

RESOLVED, that Gordon Manchester, shall receive an hourly salary in the amount of \$16.00 per hour as compensation for his duties and shall be entitled to receive any and all benefits available to any full-time employee of the Town of Southport, and be it further

RESOLVED, that said appointment be made pursuant to the terms and conditions of a contract between the Highway Employees and the Town of Southport dated December 12, 2017 and pursuant to the Civil Service Laws of the State of New York and the regulations promulgated by the Chemung County/City of Elmira Civil Service Commission.

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

Under Discussion was Health Insurance Coverage review for newly elected officials. This will be tabled until the November 13, 2018 Regular Meeting.

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on Health Insurance coverage for newly elected officials.

Charles Wilson from 399 Widger Hill Road commented on Seeley Creek and the amount of stone/gravel that is in it after the recent flooding.

William Meck from 1128 Country Lane thanked the Highway Department for their hard work during the flooding. He also inquired about extending the Chapel Park Ditch.

Jack Andrus from 1159 Woodbine Avenue commented on a parking issue on his street.

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

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

The meeting was adjourned at 8:04 p.m.

Respectfully Submitted,

Carolyn A. Renko  
Town Clerk