

December 11, 2018

Minutes of a Regular Meeting of the Town Board of the Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue, on December 11, 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, 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	\$ 1,899.07
Fitzsimmons Lot Sales	\$ 1,100.00
Funds Turned to State & County Agencies	<u>\$ 2,341.68</u>
	\$ 5,340.75

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 727.00
	Building Permit Values	\$ 164,376.00
	Operating Permit Fees	\$ 550.00

City of Elmira Animal Control
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.

There was no Correspondence received.

Council Member Gunderman made a motion, Council Member Roman seconded to accept the minutes of November 13, 2018 Regular Meeting.

Under Taxpayer's Comments, Agenda and Discussion items only, Charles Wilson from 399 Widger Hill Road spoke on Resolution #14, Authorizing the Supervisor to enter into an Agreement with Friends of the Chemung River Watershed, Inc. and Resolution #18, Authorizing the Supervisor to enter into a two-year Agreement with the County of Chemung to provide a resident Sheriff's Deputy for the Town.

RESOLUTION NO. 182-2018

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of December 2018, No. 671 through No. 727, not to exceed \$83,400.79, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 183-2018

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 December 2018, No. 180 through No. 201, not to exceed \$71,284.83, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 184-2018

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Roman
Seconded by: Szerszen

RESOLVED, that the Abstract of Light Fund Claim, No. 12, not to exceed \$8,301.21, has been audited and approved for payment by this Town Board

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

RESOLUTION NO. 185-2018

AUTHORIZING PURCHASE OF DIESEL AND GAS AT STATE PRICE

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase the necessary requirements of diesel and gas at the New York State bid contract price or less.

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

RESOLUTION NO. 186-2018

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ROBERT RIPLEY, SR., AS OVERSEER OF THE FITZSIMMONS CEMETERY

Resolution by: Gunderman
Seconded by: Roman

WHEREAS, the Southport Cemetery Commission previously requested that the Town of Southport appoint an Overseer of the Fitzsimmons Cemetery Extension, and

WHEREAS, the Southport Cemetery Commission previously recommended that Robert Ripley, Sr., be appointed the Overseer of the Fitzsimmons Cemetery Extension.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport authorizes the Supervisor to enter into an Agreement with Robert Ripley, Sr., as Overseer for the Fitzsimmons Cemetery Extension for the period of January 1, 2019 through December 31, 2019, and be it further

RESOLVED, that the Town Board of the Town of Southport agrees to compensate Robert Ripley, Sr., in the amount of TWO HUNDRED DOLLARS (\$200.00) per month, and that said compensation shall be issued in monthly checks payable to Robert Ripley, Sr.

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

RESOLUTION NO. 187-2018

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH
MCILROY MANAGEMENT & CONSULTING

Resolution by: Roman
Seconded by: Szerszen

RESOLVED, that the Supervisor of the Town of Southport be and he hereby is authorized to enter into an agreement with McIlroy Management & Consulting for accounting services for the Town of Southport commencing January 1, 2019 and terminating December 31, 2019, for the sum of NINE THOUSAND FOUR HUNDRED NINETY-TWO DOLLARS AND 00/100 (\$9,492.00) per annum, paid in twelve equal installments of SEVEN HUNDRED NINETY ONE DOLLARS AND 00/100 (\$791.00). The consultant will provide thirteen on site visits per year and telephone or email support as needed.

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

RESOLUTION NO. 188-2018

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH
ENVIRONMENTAL EMERGENCY SERVICES, INC.

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town of Southport needs to have available to it resources for flood warning services, as well as hazardous chemical information resources, and

WHEREAS, Environmental Emergency Services, Inc. (EES) provides such services to various municipalities,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize a contract with EES at an annual cost for 2019 of NINE HUNDRED DOLLARS (\$900.00) to procure from that corporation flood warning services as well as resources which the Town can utilize in connection with Towns obtaining information regarding hazardous chemicals and materials, and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to enter into an agreement with Environmental Emergency Services, Inc., after receipt by the Town of Southport of a copy of the review, compilation or audit, or a copy of the current financial report of EES, such review, compilation, audit or financial report to include a detailed statement as to the income and expenses, and be it further

RESOLVED, that the terms and conditions of this Agreement be subject to the review and approval of the Attorney for the Town.

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

RESOLUTION NO. 189-2018

ACCEPTING SCHOOL TRAFFIC OFFICERS CONTRACT

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, this Town Board has met with the School Traffic Officers of the Town of Southport and in doing so negotiated the terms of a public employee's contract for the School Traffic Officers of the Town of Southport for the fiscal year 2019, and

WHEREAS, the members of this Town Board and a majority of the School Traffic Officers of this Town have agreed upon the provisions to be contained in said employee's contract for such year.

NOW THEREFORE BE IT RESOLVED, that the School Traffic Officers containing the signatures of the members of this Town Board and the majority of the School Traffic Officers of the Town of Southport be and the same hereby is ratified in each and every aspect as contained therein, and the same is referred to as if set forth at length in this resolution; such 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. 190-2018

APPOINTING KAREN BACHMAN AS DEPUTY RECEIVER OF TAXES

Resolution by: Roman
Seconded by: Hurley

RESOLVED, that this Town Board hereby establishes the Office of Deputy Town Clerk as Deputy Receiver of Taxes and Assessments pursuant to the provisions of Section 20, Subdivision 3 (c), of the Town Law of the State of New York, as amended, and be it further

RESOLVED, that the Deputy Town Clerk as Deputy Receiver of Taxes and Assessments shall be appointed by the Receiver of Taxes and Assessments as provided by law.

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

RESOLUTION NO. 191-2018

ACCEPTING PROPOSAL OF HARTER SECREST & EMERY, LLP TO PROVIDE LEGAL COUNSEL TO THE TOWN OF SOUTHPORT EXTENDING THE SAME TERMS AND CONDITIONS AS SET FORTH IN THE 2018 PROPOSAL

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Town Board reviewed the Legal Service Proposal submitted by Harter Secrest & Emery, LLP for providing legal services to the Town of Southport, and

WHEREAS, the Town Board wishes to engage the law firm of Harter Secrest & Emery, LLP to provide legal services, extending the same terms and conditions set forth in the 2018 proposal.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby appoints Harter Secrest & Emery LLP as Special Counsel for the year 2019 pursuant to the terms previously set forth in the proposal dated November 23, 2016, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to execute all documents and take any action necessary to effectuate the engagement of Harter Secrest & Emery, LLP.

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

RESOLUTION NO. 192-2018

ACCEPTING PROPOSAL OF SAYLES & EVANS TO PROVIDE LEGAL COUNSEL TO THE TOWN OF SOUTHPORT

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Town Board reviewed Legal Services Proposals submitted by Sayles & Evans for providing legal services to the Town of Southport, and

WHEREAS, the Town Board wishes to engage the law firm Sayles & Evans to provide legal services, extending the same terms and conditions as set forth in the 2018 proposal, to include a 3% rate increase.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby appoints Sayles & Evans as General Counsel for the Town of Southport for the year 2019 pursuant to terms previously set forth in the 2018 proposal, to include a 3% rate increase, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to execute all documents and take any action necessary to effectuate the engagement of Sayles & Evans.

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

RESOLUTION NO. 193-2018

REAPPOINTING LEE DOUD AND LENORE JILSON TO THE TOWN OF SOUTHPORT CEMETERY COMMISSION

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that Lee Doud and Lenore Jilson are hereby reappointed as members of the Town of Southport Cemetery Commission, terms to expire 12/30/21.

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

RESOLUTION NO. 194-2018

ADOPTING A NON-DISCRIMINATION AND HARASSMENT IN THE WORKPLACE POLICY AS SET FORTH IN THE TOWN'S EMPLOYEE HANDBOOK

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town of Southport ("Town") currently has a Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace policy set forth in the Town's Employee Handbook, and

WHEREAS, on April 12, 2018, Governor Andrew Cuomo created the New York State Prevention of Sexual Harassment Law as part of signing into law the 2019 New York State Budget, and

WHEREAS, the new Prevention of Sexual Harassment Law mandates that all New York State employers, including the Town, adopt a policy that meets specific minimum standards established by that law, and

WHEREAS, the Public Sector HR Consultants LLC has prepared an amended Non-Discrimination and Harassment (including Sexual Harassment) in the Workplace that meets those minimum standards.

NOW THEREFORE BE IT RESOLVED, that the Town Board officially adopts the amended policy (as attached hereto) and will incorporate said policy into the Town's Employee Handbook.

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

RESOLUTION NO. 195-2018

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH FRIENDS OF THE CHEMUNG RIVER WATERSHED, INC.

Resolution by: Gunderman
Seconded by: Roman

WHEREAS, the Friends of the Chemung River Watershed, Inc., a local association has requested funding from the Town of Southport for developing and promoting the Chemung River as a community asset for potential recreation and business development and opportunities.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize and direct the Town Supervisor to enter into an agreement with the Friends of the Chemung River Watershed, Inc., for the assistance in developing and promoting the Chemung River as a community asset for potential recreational and business development opportunities at a cost not to exceed FIVE THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND 00/100 (\$5,750.00), for the year 2019, and be it further

RESOLVED, that the Supervisor, upon request of an invoice for said services, shall issue payment in the amount set forth above.

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

RESOLUTION NO. 196-2018

SETTING PUBLIC HEARING TO ADOPT LOCAL LAW NO. 4 OF 2018 INCREASING THE HIGHWAY SUPERINTENDENT 2019 SALARY

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Town Board of the Town of Southport will hold a public hearing on Wednesday, December 26, 2018 at 7:00 p.m., or as soon thereafter as it can be heard, for the purpose of hearing any and all public comment regarding a proposal to adopt Local Law No. 4 of 2018, increasing the Highway Superintendent 2019 salary, and be it further

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

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

RESOLUTION NO. 197-2018

REJECTING ALL PROPOSALS AND RE-ADVERTISE FOR THE NY MAIN STREET TECHNICAL ASSISTANCE GRANT FOR CEDAR STREET

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, by Resolution No. 111-2018 the Supervisor advertised for Request for Proposals for the NY Main Street Technical Assistance Grant for Cedar Street.

WHEREAS, the Supervisor of the Town of Southport has recommended that all proposals be rejected and the NY Main Street Technical Assistance Grant for Cedar Street be re-advertised.

NOW THEREFORE BE IT RESOLVED, that all previous proposals for the NY Main Street Technical Assistance Grant for Cedar Street be rejected and that the NY Main Street Technical Assistance Grant for Cedar Street be re-advertised, with proposals being accepted until 3:00 p.m. on January 7, 2019.

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

RESOLUTION NO. 198-2018

AUTHORIZING WITHDRAWAL OF FUNDS FROM THE RETIREMENT CONTRIBUTION
RESERVE FUND

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Town Board by Resolution No. 172-2017 did authorize the establishment of a Retirement Reserve Fund, the purpose of which is to cover any and all portions of the amount payable to the New York State Retirement System.

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 \$82,632.57 from the Retirement Contribution Reserve Fund, and be it further

RESOLVED, this resolution is subject to a permissive referendum.

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

RESOLUTION NO. 199-2018

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF CHEMUNG TO
PROVIDE A RESIDENT SHERIFF'S DEPUTY FOR THE TOWN

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Chemung County Sheriff's Office has proposed that the Town of Southport enter into a two year agreement with the County of Chemung effective January 1, 2019 and shall expire on December 31, 2020 to provide a full-time resident Sheriff's Deputy to the Town of Southport for the sum of FIFTY-FIVE THOUSAND SEVEN HUNDRED AND TWO DOLLARS AND 00/100 (\$55,702.00) per year.

WHEREAS, the Sheriff's Deputy be an employee of the Chemung County Sheriff's Office but will be available at dates and times determined by the Town of Southport, and

WHEREAS, the Chemung County Sheriff's Office will supply all uniforms and equipment required for the Resident Deputy.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport in regular session duly convened, authorize the Town Supervisor to enter into an Agreement with the County of Chemung to provide one full-time resident Sheriff's Deputy to the Town of Southport for a period of two years effective January 1, 2019 and shall expire on December 31, 2020 for an amount not to exceed FIFTY-FIVE THOUSAND SEVEN HUNDRED AND TWO DOLLARS AND 00/100 (\$55,702.00) per year, and be it further

RESOLVED, that said Agreement is contingent upon approval by the Chemung County Legislature.

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

RESOLUTION NO. 200-2018

AUTHORIZING PURCHASE OF ONE NEW AND UNUSED T650 T4 BOBCAT COMPACT TRACK LOADER

Resolution by: Hurley
Seconded by: Szerszen

WHEREAS, the Highway Superintendent has requested permission to purchase one new and unused T650 T4 Bobcat Compact Track Loader for 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 T650 T4 Bobcat Compact Track Loader.

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 the New York State General Municipal Law a new and unused T650 T4 Bobcat Compact Track Loader for the use of the Town of Southport Highway Department for a sum not to exceed SIXTY-SIX THOUSAND SEVEN HUNDRED FIVE DOLLARS AND 47/100 (\$66,705.47).

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

A bid opening was held on December 6, 2018 at 10:00 a.m. for a 2019 Ford F-350 XL Regular Cab 4 x 4 8.0' box. The following bid was submitted:

VanBortel Ford, Inc.
71 Marsh Road
East Rochester, NY 14445

Vehicle 1:	2019 F350 Ford Pickup w/plow per spec.	\$ 35,750.00
Vehicle 2:	2019 F350 Ford Pickup, incoming stock	\$ 36,000.00

RESOLUTION NO. 201-2018

AUTHORIZING PURCHASE OF A 2019 FORD F350 XL REGULAR CAB 4 X 4 8'0 BOX TRUCK

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Highway Superintendent has requested permission to purchase one new and unused 2019 Ford F350 XL Regular Cab 4 x 4 8'0 Box Truck for the 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 a 2019 Ford F350 XL Regular Cab 4 x 4 8'0 Box Truck,

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 2019 Ford F350 XL Regular Cab 4 x 4 8'0 Box Truck for the use of the Town's Highway Department for a sum not to exceed THIRTY-SIX THOUSAND DOLLARS AND 00/100 (\$36,000.00).

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

Under Discussion was Winter Parking, which will be tabled until the April 2019 Agenda.

Under Taxpayer's Request, Charles Collins from 436 Kinner Hill Road commented on the Friends of the Chemung River Watershed.

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

The meeting was adjourned at 7:41 p.m.

Respectfully Submitted,

Carolyn A. Renko
Town Clerk