

March 12, 2019

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 March 12, 2019.

Members Present: Supervisor Kathleen Szerszen, Council Members Glenn Gunderman, Daniel Hurley, Joseph Roman, Timothy Steed

Others Present: Attorney Kimberlee Balok-Middaugh, 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 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

**PUBLIC HEARING 7:00 P.M.** – for the purpose of hearing any and all public comment regarding a proposal to adopt Local Law No. 2 of 2019, Solar Energy.

Town Clerk Carolyn Renko read the Legal Notice that appeared in the Star Gazette and opened the Public Hearing at 7:03 p.m.

Charles Wilson from 399 Widger Hill Road spoke against Solar Energy.

No one else wished to speak so the public portion of the Public Hearing was closed at 7:04 p.m.

Council Member Steed explained the proposed Local Law regarding solar and that it is to protect the Town on any unchecked solar development.

Council Member Hurley stated he read through the proposed Local Law and felt it was well written.

RESOLUTION NO. 53-2019

LOCAL LAW NO. 2 OF 2019

LOCAL LAW NO. 2 OF 2019 FOR SOLAR ENERGY SYSTEMS IN THE TOWN OF SOUTHPORT,  
NEW YORK

Resolution by: Hurley  
Seconded by: Roman

WHEREAS, the Town of Southport Town Board wishes to amend and replace its zoning law for solar energy systems to promote and guide the development of these systems to benefit the safety and welfare of the residents and the community; and

WHEREAS, this proposed solar energy law is consistent with the Town of Southport Comprehensive Plan; and

WHEREAS, this proposed solar energy law was reviewed and approved by the Chemung County Planning Board in accordance with General Municipal Law 239-m; and

WHEREAS, the Town of Southport Planning Board reviewed and approved this proposed law;  
and

WHEREAS, this proposed Local Law No. 2 of 2019 establishes zoning requirements for solar energy systems in the Town of Southport, thereof in its final form having been upon the desks of members of the Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on March 13, 2018, before the Board upon public notice provided by law, and the said proposed Local Law having been read in its final form at this meeting; and

NOW, THEREFORE, BE IT RESOLVED, that said proposed Local Law No. 2 of 2019 for Solar Energy Systems in the Town of Southport, New York provides zoning regulations for solar energy systems within the Town of Southport, is hereby adopted and enacted, to wit:

Law No. 2 of 2019  
For Solar Energy Systems in the  
Town of Southport, New York

1. Authority

This Solar Energy Local Law is adopted pursuant to the Town of Southport Municipal Code and the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

## 2. Statement of Purpose

A. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of Southport by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- 1) To take advantage of a safe, abundant, renewable and non-polluting energy resource;
- 2) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- 3) To increase employment and business development in the Town of Southport, to the extent reasonably practical, by furthering the installation of Solar Energy Systems;
- 4) To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources, and;
- 5) To create synergy between solar and objectives outlined in the Comprehensive Plan at pp.26-27.

## 3. Definitions

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM:** A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

**FARMLAND OF STATEWIDE IMPORTANCE:** Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of state-wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

**GLARE:** The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM:** A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

**NATIVE PERENNIAL VEGETATION:** native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

**POLLINATOR:** bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

**PRIME FARMLAND:** Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

**ROOF-MOUNTED SOLAR ENERGY SYSTEM:** A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

**SOLAR ACCESS:** Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

**SOLAR ENERGY EQUIPMENT:** Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

**SOLAR ENERGY SYSTEM:** The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

- a. Roof-Mounted Solar Energy Systems
- b. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110 % of the electricity consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

**SOLAR PANEL:** A photovoltaic device capable of collecting and converting solar energy into electricity.

**STORAGE BATTERY:** A device that stores energy and makes it available in an electrical form.

#### 4. Applicability

A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town of Southport after the effective date of this Local Law, excluding general maintenance and repair.

B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.

D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and the Town of Southport Municipal Code.

#### 5. General Requirements

A. A Building permit shall be required for installation of all Solar Energy Systems.

B. The Planning Board is encouraged to condition its approval of proposed developments on sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically feasible over time.

C. Issuance of permits and approvals by the Planning Board and Code Enforcement Office shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”).

#### 6. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems:

##### A. Roof-Mounted Solar Energy Systems

- 1) Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
  - a. Solar Panels on pitched roofs shall be mounted with a maximum distance of [8] inches between the roof surface the highest edge of the system.
  - b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
  - c. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
  - d. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
- 2) Glare: All Solar Panels shall have anti-reflective coating(s).

- 3) Height: All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

#### 7. Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:

A. Glare: All Solar Panels shall have anti-reflective coating(s).

B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards in residential districts.

C. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.

D. Screening and Visibility.

- 1) All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the maximum extent practicable.
- 2) Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

E. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

#### 8. Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted through the issuance of a Special Use Permit within the Residential 1, 2, and 3, Agricultural Residential, Commercial Neighborhood, Commercial Regional and Industrial zoning districts, and subject to site plan application requirements set forth in this Section.

A. Applications for the installation of Tier 3 Solar Energy System shall be:

- 1) reviewed by the Planning Board for completeness. Applicants shall be advised within 30 business days from the submission date as to the completeness of their application or any deficiencies that must be addressed prior to substantive review.

- 2) subject to a public hearing to hear all comments for and against the application. The Town of Southport Planning Board shall require a notice printed in the Town's selected publication at least 5 days in advance of such hearing.
- 3) referred to the Chemung County Planning Board pursuant to General Municipal Law § 239-m

B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

D. Signage.

- 1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 2 square feet.
- 2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Glare. All Solar Panels shall have anti-reflective coating(s).

F. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

G. Tree-cutting. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible.

H. Maintenance Plan: Provide a maintenance plan of the proposed solar installation to address maintenance of ground cover, landscaping/buffers, fencing, etc. This maintenance plan shall be appropriate to maintain the expected character of the area.

I. Decommissioning

- 1) Solar Energy Systems that have been abandoned and/or not producing electricity for a period of six months shall be removed at the Owner and/or Operators expense and the site restored to preexisting conditions, which at the Owner's option may come from any security made with the Town of Southport, as set forth in Section 10(b) herein.

2) A decommissioning plan (see Appendix 2) signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:

- a. The cost of removing the Solar Energy System.
- b. The time required to decommission and remove the Solar Energy System any ancillary structures.
- c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System and the site restored to pre-existing conditions.

3) Security.

- a. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town's attorney, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2 % annually for the life of the Solar Energy System. The Planning Board shall have the discretion to reduce the decommissioning amount by the amount of the estimated salvage value of the Solar Energy System.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.

J. Site plan application. For any Solar Energy system requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
- 3) A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.



- 4) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- 6) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.
- 7) Zoning district designation for the parcel(s) of land comprising the project site.
- 8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- 9) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 10) Prior to the issuance of the building permit or final approval by the Planning Board or Code Enforcement Office, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

K. Special Use Permit Standards.

- 1) Lot size
  - a. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements of the underlying zoning district.
- 2) Setbacks
  - a. The Tier 3 Solar Energy Systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- 3) Height
  - a. The Tier 3 Solar Energy Systems shall comply with the height limitations in Appendix 1 depending on the underlying zoning district.
- 4) Lot coverage
  - a. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:

- I. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
  - II. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
  - III. Paved access roads servicing the Solar Energy System.
- b. Lot coverage of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.
- 5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.
- 6) Screening and Visibility.
- a. Solar Energy Systems smaller than 2 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
  - b. Solar Energy Systems larger than 2 acres shall be required to:
    - I. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to be submitted by the applicant.
    - II. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
      - i. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town Zoning Ordinance.

7) Agricultural Resources. For projects located on agricultural lands:

- 1) Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed 50% of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.
- 2) Tier 3 Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed an equivalent area on the lot equal to 20% of the total solar panel surface area with native perennial vegetation designed to attract pollinators.
- 3) To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
- 4) Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

L. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 45 days of the ownership change.

9. Safety

A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.

C. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town and any applicable federal, state, or county laws or regulations.

10. Permit Time Frame and Abandonment

A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 18 months, provided that a building permit is issued for construction. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Town of Southport Planning Board, within 18 months after approval, the applicant may request an extension of time to complete construction for a maximum of 180 days. If the owner and/or operator fails to perform substantial construction within that time period, the approvals shall expire. All site plan approvals shall remain valid as otherwise outlined within the Town of Southport Municipal Code.

B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 6 months, the town may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.

C. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

11. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Southport.

12. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

**APPENDIX 1: HEIGHT REQUIREMENTS**

The following table displays height requirements for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel.

**Height Requirements**

	<b>Tier 1 Roof-Mounted</b>	<b>Tier 2</b>	<b>Tier 3</b>
<b>Zoning District</b>			
Residential 1,2 & 3	2' above roof	10'	15'
Commercial Neighborhood/Regional	4' above roof	15'	20'
Industrial	4' above roof	15'	20'
Agricultural/Residential	2' above roof	15'	20'

**APPENDIX 2: EXAMPLE DECOMMISSIONING PLAN**

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at:  
[Solar Project Address]

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by [Town/Village/City], [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

1. The land lease, if any, ends and has not been renewed or assigned
2. The system does not produce power for 6 months or
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, shall restore the property to its condition as it existed before the Facility was installed. Restoration may include, but shall not be limited to:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

All said removal and decommissioning shall occur within 6 months of the Facility ceasing to produce power for sale.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 2,112.73
Fitzsimmons Lot Sales	\$ 1,375.00
Funds Turned to State and County Agencies	<u>\$ 270.27</u>
	\$ 3,758.00

Receiver of Taxes

Town and County Tax Collected \$ 640,187.28

Code Enforcement Office

Fees Collected:	Building Permit Fees:	\$ 502.00
	Building Permit Values	\$ 75,100.00
	Operating Permit Fees	\$ 700.00
	Site Plan Fees	\$ 75.00
	Variance Fees	\$ 300.00

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

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

There was no Correspondence received.

Council Member Gunderman made a motion, Council Member Hurley seconded to accept the minutes of February 12, 2019 Regular Meeting.

Under Taxpayer's Comments, Agenda and Discussion items only, no one wished to speak.

RESOLUTION NO. 54-2019

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Roman  
Seconded by: Gunderman

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of March 2019, No. 65 through No. 126, not to exceed \$107,440.98, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 55-2019

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by:           Gunderman  
Seconded by:           Hurley

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of March 2019, No. 33 through No. 55, not to exceed \$90,320.13, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 56-2019

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 March 2019, No. 2, not to exceed \$8,252.46, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 57-2019

RESCIND RESOLUTION 162-2018 LEAD AGENCY DESIGNATION FOR THE  
POINT REDEVELOPMENT PROJECT

Resolution by:           Gunderman  
Seconded by:           Steed

WHEREAS, the Town of Southport was awarded a Restore NY grant through Empire State Development for the development of the site which includes parcels located at 1156 Broadway, and 989, 987, and 985 Sebring Avenue, Elmira, New York 14904 (referred to as Point Redevelopment Project); and

WHEREAS, for any project to be eligible for this grant funding, the State Environmental Quality Review (SEQR) process must be followed, therefore, as part of this process, the Town Board of the Town of Southport was designated as Lead Agency, and

WHEREAS, since the developer is now initiating the site and construction plan and will need to work closely with the Town of Southport Planning Board, the Town Board is rescinding its Lead Agency designation and requesting to have the Town Planning Board to be designated as the Lead Agency for this project, and

THEREFORE BE IT RESOVLED, that the Town Board of the Town of Southport, County of Chemung, State of New York, hereby rescinds immediately its Lead Agency designation for the Point Redevelopment Project which consists of parcels located at 1156 Broadway, and 989, 987 and 985 Sebring Avenue, Elmira, New York, 14904, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport hereby requests that the Town of Southport Planning Board be designated as the Lead Agency for the Point Redevelopment Project.

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

RESOLUTION NO. 58-2019

AUTHORIZING TOWN OFFICIALS AND EMPLOYEES TO ATTEND THE ANNUAL SOUTHERN TIER CENTRAL REGIONAL LEADERSHIP CONFERENCE

Resolution by:       Gunderman  
Seconded by:       Roman

RESOLVED, that the Supervisor is hereby authorized to approve Town Employee's attendance at the annual Southern Tier Central Regional Leadership Conference on April 4, 2019, at Corning Community College, Corning, New York, and that their expenses therefore shall be a proper Town charge.

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



RESOLUTION NO. 59-2019

AUTHORIZING PINE CITY BAPTIST CHURCH TO HOLD AN EASTER PAGEANT AT  
CARL DRAXLER MEMORIAL PARK

Resolution by:           Gunderman  
Seconded by:           Roman

WHEREAS, Supervisor Kathleen Szerszen, has advised this Town Board that Reverend Horace H. Stoddard, a member and Co-Chairman of Pine City Baptist Church, in conjunction with the Chemung County Council of Churches has requested the use of Draxler Park on April 20, 2019 and April 21, 2019 at 6:30 a.m.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby approves the activity sponsored by Pine City Baptist Church, in conjunction with the Chemung County Council of Churches, and be it further

RESOLVED, that Pine City Baptist Church, in conjunction with the Chemung County Council of Churches must agree to indemnify and hold harmless the Town of Southport for any and all liability arising from the event so sponsored by said Churches.

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

RESOLUTION NO. 60-2019

REAPPOINTING JOHN ARIKIAN AS A MEMBER OF THE TOWN OF SOUTHPORT  
ZONING BOARD OF APPEALS

Resolution by:           Hurley  
Seconded by:           Steed

RESOLVED, that John Arikian is hereby reappointed to serve a term of five (5) years as a member of the Town of Southport Zoning Board of Appeals, term to expire April 1, 2024.

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

RESOLUTION NO. 61-2019

REAPPOINTING LARRY BERMAN AS A MEMBER OF THE TOWN OF SOUTHPORT PLANNING BOARD

Resolution by: Roman  
Seconded by: Gunderman

RESOLVED, that Larry Berman is hereby reappointed to serve a term of seven (7) years as a member of the Town of Southport Planning Board, term to expire April 1, 2026.

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

RESOLUTION NO. 62-2019

APPOINTING CHAD WEST AS A MEMBER OF THE TOWN OF SOUTHPORT PLANNING BOARD

Resolution by: Roman  
Seconded by: Gunderman

RESOLVED, that Chad West be and he hereby is appointed as a member of the Town of Southport Planning Board, to fill the unexpired term of Timothy Steed, term to expire April 1, 2020.

AYE: Gunderman, Hurley, Roman, Steed, Szerszen  
NOES: None  
CARRIED.

RESOLUTION NO. 63-2019

APPOINTING MICHAEL WOOD, CODY MARVIN, JONATHAN GUNDERMAN AND ZACHARY WOOD AS PART-TIME SEASONAL LABORERS

Resolution by: Roman  
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 1, 2019 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>
Michael Wood	Seasonal Laborer	\$ 14.85 pr/hr	4/1/19
Cody Marvin	Seasonal Laborer	\$ 13.10 pr/hr	4/1/19
Jonathan Gunderman	Seasonal Laborer	\$ 12.10 pr/hr	4/1/19
Zachary Wood	Seasonal Laborer	\$ 12.10 pr/hr	4/1/19

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

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

RESOLUTION NO. 64-2019

APPOINTING ADAM SHAYLOR AS PART-TIME SEASONAL LABORER

Resolution by: Gunderman  
Seconded by: Roman

WHEREAS, the Supervisor has advised this Town Board that the need exists for seasonal laborers in accordance with budgetary appropriations.

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>	<u>EFFECTIVE DATE</u>
Adam Shaylor	Seasonal Laborer	\$ 12.80 pr/hr	4/22/19

and be it further

RESOLVED, that the aforementioned individual shall not be entitled to any benefits as a result of his employment by the Town of Southport, including but not limited to health insurance, and be it further

RESOLVED, that the aforementioned individual commence his employment with the Town of Southport until such time as he has filed with the Town Clerk his appropriate Oath of Office as required by law.

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

RESOLUTION NO. 65-2019

AUTHORIZING SUPERVISOR TO ENTER INTO A SHARED SERVICES AGREEMENT WITH NYS DOT

Resolution by: Gunderman  
Seconded by: Hurley

WHEREAS, the New York State Department of Transportation is requesting municipalities to enter into shared service agreements to allow for assistance during times of emergencies when municipal resources related to highway services become exhausted, and

WHEREAS, with the shared services agreement in place the Town will be able to access State resources without the Governor declaring a state of emergency and services can be shared in a faster and more efficient manner.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby authorizes the Town Highway Superintendent to enter into the shared service agreement with the New York State Department of Transportation for highway related services, equipment, and material dated March 13, 2019.

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

RESOLUTION NO. 66-2019

ACCEPTING DONATION FOR THE SENIOR CITIZENS CENTER

Resolution by: Gunderman  
Seconded by: Hurley

RESOLVED, that the Town Board of the Town of Southport hereby accepts a \$500.00 donation from Joan VanGalder for the Southport Senior Citizens Center.

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

Under Discussion was Referral to Planning Board to Amend Chapter 464; Subdivision of Land, which will be tabled to the April Meeting.

Next under Discussion was Southport Recreation Association, which will also be tabled to the April Meeting.

RESOLUTION NO. 67-2019

AUTHORIZING THE SUPERVISOR TO ADVERTISE FOR REQUESTS FOR PROPOSALS FOR BOND RATING

Resolution by:           Gunderman  
Seconded by:           Roman

WHEREAS, the Supervisor has requested to advertise for proposals to secure a bond rating,

NOW THEREFORE BE IT RESOLVED, that the Supervisor be and she hereby is authorized to advertise for proposals for securing a bond rating.

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

Under Taxpayer's Comments, Mike Smith from 786 Cedar Street and the 14<sup>th</sup> District Legislator commented on securing the bond rating. He also asked the Town to request NYSDOT to do a traffic study on Christian Hollow Road because of excessive speeding.

Charles Wilson from 399 Widger Hill Road commented on Southport Recreation Association and an application that was scheduled to be heard at the Zoning Board of Appeals Meeting on March 20, 2019.

Lori Jones from 1582 Mt. Zoar Road spoke on behalf of Southport Business Association and stated that local businesses are very involved with the community and community events.

Council Member Gunderman made a motion, Council Member Roman seconded the motion to adjourn into an executive session to discuss proposed pending or current litigation.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen

NOES: None

CARRIED.

The meeting adjourned to executive session at 7:55 p.m.

The meeting reconvened at 8:23 p.m.

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

The meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Carolyn A. Renko  
Town Clerk