

August 13, 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 August 13, 2019.

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

Members Absent: Council Member Steed, Council Member Gunderman left at 7:05 p.m.

Others Present: Attorney Kimberlee Balok-Middaugh, Highway Superintendent Steven Renko, Code Enforcement Officer Peter Rocchi, Director of Recreation David Ellis, Town Clerk Carolyn Renko

The meeting was called to order by Supervisor 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

RESOLUTION NO. 107-2019

BOND RESOLUTION DATED AUGUST 13, 2019.

A RESOLUTION AUTHORIZING STREET RESURFACING IN AND FOR THE TOWN OF SOUTHPORT, CHEMUNG COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$700,000 AND AUTHORIZING THE ISSUANCE OF \$700,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF

Resolution by: Roman
Seconded by: Gunderman

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Southport, Chemung County, New York, as follows:

Section 1. Street resurfacing in and for the Town of Southport, Chemung County, New York, including curbs, gutters, sidewalks, drainage and costs incidental thereto, is hereby authorized at a maximum estimated cost of \$700,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$700,000 bonds of the Town, hereby authorized to be issued therefor, pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20 (c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of Southport, Chemung County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution is not substantially complied with an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. This resolution takes effect immediately.

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

Council Member Gunderman left the meeting at 7:05 p.m.

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,727.72
Funds Turned to State & County Agencies	<u>\$ 1,156.53</u>
	\$ 2,884.25

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 3,341.20
	Building Permit Values	\$ 274,523.00
	Operating Permit Fees	\$ 400.00

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

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

Council Member Roman made a motion, Council Member Hurley seconded to accept the minutes of July 9, 2019 Regular Meeting.

There was no Correspondence received.

Under Taxpayer's Comments, Agenda and Discussion items only, Charles Collins from 436 Kinner Hill Road commented on Discussion item #3 Winter Parking.

RESOLUTION NO. 108-2019

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Roman
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of August 2019, No. 407 through No. 472, not to exceed \$112,778.70, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 109-2019

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Roman
Seconded by: Hurley

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of August 2019, No. 137 through No. 163, not to exceed \$56,701.64, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 110-2019

APPROVING ABSTRACT OF LIGHT FUND CLAIM AND FIRE FUND CLAIM

Resolution by: Hurley
Seconded by: Roman

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of August 2019, No. 6, not to exceed \$7,450.34, has been audited and approved for payment by this Town Board and the Abstract of Fire Fund Claim submitted by the Town Clerk for the month of August 2019, No. 11, not to exceed \$9,720.00, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 111-2019

AUTHORIZING PURCHASE OF GASOLINE AT STATE BID PRICE

Resolution by: Roman
Seconded by: Hurley

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase gasoline at the established New York State bid contract price.

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

RESOLUTION NO. 112-2019

SETTING DATES FOR TOWN BOARD MEETINGS

Resolution by: Roman
Seconded by: Hurley

RESOLVED, that pursuant to Section 62 of the Town Law, as amended, that the Annual Meeting of the Town Board of the Town of Southport for the year 2019, insofar as the same is required, be held on December 30, 2019, and be it further

RESOLVED, that the date of the Organizational Meeting of the Town Board of the Town Board of the Town of Southport for the year 2020, insofar as the same is required, be held on January 2, 2020, and be it further

RESOLVED, the Tentative Budget Special Meeting be held on September 17, 2019, and the Preliminary Budget Public Hearing & Special Meeting be held on November 6, 2019, and be it further

RESOLVED, that said meetings will be held at the Town Hall, 1139 Pennsylvania Avenue in the Town of Southport.

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

RESOLUTION NO. 113-2019

AUTHORIZING SUPERVISOR AND THE TOWN JUSTICES TO APPLY FOR A 2019 JUSTICE COURT ASSISTANCE PROGRAM GRANT

Resolution by: Hurley
Seconded by: Roman

WHEREAS, the Chief Administrative Judge is entertaining applications for the next cycle of Justice Court Assistance Program Grants to assist in the operation of their Justice Courts, and

WHEREAS, the Town of Southport Town Justices are requesting up to the maximum amount available to the Town Justice Court to assist in the operation of their Justice Court,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Supervisor and the Town Justices to apply for a 2019 Justice Court Assistance Program Grant up to the maximum amount available, and be it further

RESOLVED, that in the event such grant is awarded to the Town of Southport, the Supervisor and Town Justices are hereby authorized and directed to accept such grant funds on behalf of the Town of Southport and to execute any documents necessary to allow the Town to accept such grant funds.

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

RESOLUTION NO. 114-2019

ACCEPTING RETIREMENT RESIGNATION FROM MARY DESOCIO AS PART-TIME COURT CLERK

Resolution By: Hurley
Seconded by: Roman

WHEREAS, Mary Desocio has submitted her retirement resignation as Part-Time Court Clerk for the Town of Southport, effective August 30, 2019.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the retirement resignation of Mary Desocio as Part-Time Court Clerk for the Town of Southport effective August 30, 2019.

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

RESOLUTION NO. 115-2019

RATIFYING APPOINTMENT OF AMY MASKER AS PART-TIME COURT CLERK

Resolution By: Roman
Seconded by: Hurley

WHEREAS, the position of Part-Time Court Clerk became vacant after the retirement resignation of Mary Desocio, effective August 30, 2019.

NOW THEREFORE BE IT RESOLVED, that the Town Board does authorize the Supervisor to hire Amy Masker, as part-time Court Clerk (\$15.66 pr/hr) in the Town of Southport Justice Court, effective August 5, 2019.

RESOLVED, that the aforementioned individual shall not be entitled to any benefits as a result of her employment by the Town, including but not limited to health insurance.

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

RESOLUTION 116-2019

AUTHORIZING PURCHASE OF A MECHANICAL FLEET DISPENSER WITH CARD READER
FROM BEAVERS PETROLEUM

Resolution by: Roman
Seconded by: Hurley

WHEREAS, the Highway Superintendent has requested permission to purchase a Mechanical Fleet Dispenser with Card Reader from Beavers Petroleum for use at 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 Mechanical Fleet Dispenser with Card Reader from Beavers Petroleum.

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 Mechanical Fleet Dispenser with Card Reader from Beavers Petroleum for use at the Town of Southport Highway Department for a sum not to exceed SEVENTY-THREE THOUSAND THREE HUNDRED FIFTY DOLLARS AND 00/100 (\$73, 350.00).

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

RESOLUTION NO. 117-2019

AUTHORIZING WITHDRAWAL OF FUNDS FROM THE HIGHWAY EQUIPMENT RESERVE FUND

Resolution by: Hurley
Seconded by: Roman

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 assist with the purchase of additional equipment to serve the residents of the Town of Southport, and

WHEREAS, the purchase of a Mechanical Fleet Dispenser with Card Reader is needed for the Town of Southport Highway Department.

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 \$50,350.00 from the Town's Highway Equipment Reserve Fund, for a Mechanical Fleet Dispenser with Card Reader.

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

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

RESOLUTION NO. 118-2019

RATIFYING AGREEMENT WITH FISCAL ADVISORS & MARKETING FOR SHORT TERM FINANCING

Resolution by: Roman
Seconded by: Hurley

WHEREAS, the Town of Southport wishes to enter into an Agreement with Fiscal Advisors & Marketing for services relating to providing financial advice related to the issuance of short-term and/or long-term debt for capital projects and prospective debt issuances.

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 enter into an agreement with Fiscal Advisors & Marketing, Inc. for services relating to providing financial advice related to the issuance of short-term and/or long-term debt for capital projects and prospective debt issuances, compensation to Fiscal Advisors as per the Fee Schedule, as outlined in Agreement.

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

RESOLUTION NO. 119-2019

BUDGET MODIFICATIONS

Resolution by: Hurley
Seconded by: Roman

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

Budget lines to be Modified	Prior Approved Budget Amt.	Amount of Requested Increase/Decrease	Revised Budget Amt.	Reason for Budget Rev.
From: DA5110.1 Personal Services	\$ 350,000.00	(\$1,500.00)	\$348,500.00	Overtime
To: DA5110.11 Personal Services OT		\$ 1,500.00	\$ 1,500.00	

From: A1620.1 Buildings	\$ 9,000.00	(\$9,000.00)		
From: A1990.4 Contingent	\$ 20,000.00	(\$5,210.00)	\$ 14,790.00	
To: A1420.4 Attorney	\$ 50,000.00	\$ 9,710.00	\$ 59,710.00	
To: A1440.4 Engineering	\$ 10,000.00	\$ 4,500.00	\$ 14,500.00	
From: A1990.4 Contingent	\$ 14,790.00	\$ (3,500.00)	\$ 11,290.00	
To: A9060.84 FLEX	\$ 6,000.00	\$ 3,500.00	\$ 9,500.00	
From: A1990.4 Contingent	\$ 50,000.00	\$ (30,000.00)	\$ 20,000.00	Care of Horses
From: A3650.4 Demolition	\$ 10,000.00	\$ (10,000.00)		
From: A7110.2 Parks Equipment	\$ 20,000.00	\$ (10,500.00)	\$ 9,500.00	
To: A8750.0 Agriculture & Livestock		\$ 50,500.00	\$ 50,500.00	

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

RESOLUTION NO. 120-2019

SETTING PUBLIC HEARING

Resolution by: Hurley
Seconded by: Roman

RESOLVED, that the Town Board of the Town of Southport, County of Chemung, New York, will hold a public hearing on September 10, 2019 at 7:00 p.m., or as soon thereafter as it can be heard, at the Town Hall, 1139 Pennsylvania Avenue, Elmira, New York, regarding proposed amendment to Chapter 464; Subdivision of Land.

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

Under Discussion was referral to the Planning Board to review Pawn Shops and Secondhand Dealer Businesses. This will be tabled until the September meeting.

Also under Discussion was Winter Parking, which will be tabled until the September meeting.

RESOLUTION NO. 121-2019

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH
SOUTHPORT RECREATION ASSOCIATION

Resolution by: Hurley
Seconded by: Roman

WHEREAS, the Southport Recreation Association has presented a proposal to provide a youth sports program to the Town of Southport, and

WHEREAS, the Town Board has reviewed that proposal, and

WHEREAS, the Town Board desires to enter into an agreement with the Southport Recreation Association for the provision of a youth sports program to the Town of Southport at an amount not to exceed FIFTEEN THOUSAND DOLLARS AND 00/100 (\$15,000.00),

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Town to enter into an agreement with Southport Recreation Association to provide to the Town of Southport, a youth sports program at an amount not to exceed FIFTEEN THOUSAND DOLLARS AND 00/100 (\$15,000.00), and that said contract shall be subject to the review and approval of the Attorney for the Town.

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

RESOLUTION NO. 122-2019

ACCEPTING QUOTE OF NELSON & STREETER FOR DRYWELL INSTALLATION

Resolution by: Roman
Seconded by: Hurley

WHEREAS, this Town Board finds and determines that the quote submitted by Nelson & Streeter for drywell installation is deemed to be the lowest responsible bid submitted therefore, as follows:

Nelson & Streeter
PO Box 184
Pine City, NY 14871

4" Deep Reusing existing Precast Rings	\$ 2,440.00/Each Drywell
Add for Supplying New Precast Ring	Add: \$500.00/Each Drywell
8" Deep Reusing Existing Precast Rings	\$ 5,150.00/Each Drywell
Add for Supplying New Precast Rings	Add: \$1,000.00/Each Drywell

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

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase such drywells, and after the same have been so purchased, payment therefore shall come on for regular audit before this Town Board.

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

Under Taxpayer's Comments, Charlene Cummings from 21 Dalrymple Avenue questioned if the Town will recoup the money that has been spent on caring for the horses.

Charles Wilson from 399 Widger Hill Road commented on mowing on Rte. 328.

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

The meeting was adjourned at 7:45 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk