

October 8, 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 October 8, 2019.

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

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 Kathleen Szerszen at 7:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Kathleen Szerszen

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 4,223.57
Fitzsimmons Lot Sales	\$ 1,900.00
Funds Turned to State & County Agencies	<u>\$ 15,129.68</u>
	\$ 21,253.25

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 3,532.00
	Building Permit Values	\$ 693,913.00
	Operating Permit Fees	\$ 300.00

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

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

There was no Correspondence received.

Council Member Gunderman made a motion, Council Member Steed seconded to accept the minutes from September 10, 2019 Special Meeting, September 10, 2019 Regular Meeting, and September 17, 2019 Tentative Budget Meeting.

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

RESOLUTION NO. 134-2019

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 October 2019, No. 536 through No. 589, not to exceed \$95,915.65, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 135-2019

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Steed
Seconded by: Gunderman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of October 2019, No. 182 through No. 200, not to exceed \$56,625.49, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 136-2019

APPROVING ABSTRACT OF LIGHT FUND CLAIM AND FIRE FUND CLAIM

Resolution by: Roman
Seconded by: Steed

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of October 2019, No. 8, not to exceed \$7,107.22, and Fire Fund Claim submitted by the Town Clerk for the month of October 2019, No. 12 & 13, not to exceed \$18,024.50, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 137-2019

REAPPOINTING LORI JONES TO THE TOWN OF SOUTHPORT BOARD OF ASSESSMENT REVIEW

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that Lori Jones be and she hereby is reappointed as a member of the Town of Southport Board of Assessment Review, said term to expire on November 1, 2024.

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

RESOLUTION NO. 138-2019

LOCAL LAW NO. 3 OF 2019

A LOCAL LAW OF THE TOWN OF SOUTHPORT, NEW YORK TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

Resolution by: Roman
Seconded by: Steed

WHEREAS, the Town of Southport wishes to enact a local law to allow the Town of Southport to override the tax levy limit established in General Municipal Law Section 3-c for the year commencing January 1, 2020, and

WHEREAS, this proposed Local Law No. 3 of 2019 to override the tax levy limit established in General Municipal Law Section 3-c, 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 October 8, 2019 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.

NOW THEREFORE BE IT RESOLVED, that said proposed Local Law No. 3 of 2019 to override the tax levy limit established in General Municipal Law Section 3-c, is hereby adopted and enacted, to wit:

Section 1: Legislative Intent

It is the intent of this local law to allow the Town of Southport to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c,

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Southport, New York, County of Chemung is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law for the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

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

RESOLUTION NO. 139-2019

REAPPOINTING MARTIN MASON TO THE TOWN OF SOUTHPORT CEMETERY COMMISSION

Resolution by: Hurley
Seconded by: Gunderman

RESOLVED, that Martin Mason be and he hereby is reappointed as a member of the Town of Southport Cemetery Commission, said term to expire on November 1, 2022.

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

RESOLUTION NO. 140-2019

APPROVING PRELIMINARY BUDGET AND DIRECTING PUBLIC HEARING THEREON

Resolution by: Gunderman
Seconded by: Roman

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, 2020 and ending December 31, 2020, 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 6th day of November 2019, at 6:00 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, Steed, Szerszen
NOES: None
CARRIED.

RESOLUTION NO. 141-2019

AUTHORIZING SUPERVISOR TO SIGN STATEMENT OF VALUES FOR INSURANCE PURPOSES

Resolution by: Roman

Seconded by: Steed

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, Steed, Szerszen

NOES: None

CARRIED.

RESOLUTION NO. 142-2019

REFERRAL TO TOWN OF SOUTHPORT PLANNING BOARD AND CHEMUNG COUNTY PLANNING BOARD
PROPOSED LOCAL LAW NO. 4 OF 2019

Resolution by: Roman

Seconded by: Gunderman

WHEREAS, the Town of Southport Town Board wishes to adopt a Wireless Telecommunication law to institute minimum standards to encourage the siting for wireless communications service facilities while preserving the health and welfare of the residents and the community; and

WHEREAS, in order to properly implement this new law, other portions of the Town of Southport's code and zoning laws require amendments; and

WHEREAS, these amendments relate to consultants and fees involving the Town Planning Board review and approval as set forth herein; and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board hereby refers the following Local Law No. 4 of 2019, as set forth herein, to Amend Chapters 464 and 525 of the Code of the Town of Southport for Consultants and Fees to the Town of Southport Planning Board for review pursuant to Section 525 Article XIV of the Code of the Town of Southport, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board, after completion of the Town of Southport Planning Board review, hereby authorizes the referral of this Local Law No. 4 of 2019, as set forth herein, to the Chemung County Planning Board pursuant to General Municipal Law Section 239-m; and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board, hereby schedules a public hearing for Local Law No. 4 of 2019, as set forth herein, on November 12, 2019 at 7:00 p.m., at the Town of Southport Town Hall.

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

RESOLUTION NO. 143-2019

REFERRAL TO TOWN OF SOUTHPORT PLANNING BOARD AND CHEMUNG COUNTY PLANNING BOARD
PROPOSED LOCAL LAW NO. 5 OF 2019

Resolution by: Roman
Seconded by: Steed

WHEREAS, the Town of Southport Town Board wishes to adopt a Wireless Telecommunication law to institute minimum standards to encourage the siting for wireless communications service facilities while preserving the health and welfare of the residents and the community; and

WHEREAS, in order to properly implement this new law, other portions of the Town of Southport's Code must be repealed and amendments made to the Use Regulation Table; and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board hereby refers the following Local Law No. 5 of 2019, as set forth herein, to repeal in its entirety Section 109, Antennas, of Chapter 525, Article IX and related sections of the Code of the Town of Southport and to amend the Use Regulation Table of the Code of the Town of Southport to the Town of Southport Planning Board for review pursuant to Section 525 Article XIV of the Code of the Town of Southport; and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board, after completion of the Town of Southport Planning Board review, hereby authorizes the referral of this Local Law No. 5 of 2019, as set forth herein, to the Chemung County Planning Board pursuant to General Municipal Law Section 239-m, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board, hereby schedules a public hearing for Local Law No. 5 of 2019, as set forth herein, on November 12, 2019 at 7:00 p.m. at the Town of Southport Town Hall.

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

RESOLUTION NO. 144-2019

REFERRAL TO TOWN OF SOUTHPORT PLANNING BOARD AND CHEMUNG COUNTY PLANNING BOARD
PROPOSED LOCAL LAW NO. 6 OF 2019

Resolution by: Gunderman
Seconded by: Steed

WHEREAS, the Town of Southport Town Board wishes to adopt a Wireless Telecommunication law to institute minimum standards to encourage the siting for wireless communications service facilities while preserving the health and welfare of the residents and the community; and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board hereby refers the following Local Law No. 6 of 2019, Code of the Town of Southport, Chapter 525, Article IX, Section 109, Wireless Telecommunication Services Facilities to the Town of Southport Planning Board for review pursuant to Chapter 525, Article XIV of the Code of the Town of Southport, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board, after completion of the Town of Southport Planning Board review, hereby authorizes the referral of this Local Law No. 6 of 2019, as set forth herein, to the Chemung County Planning Board pursuant to General Municipal Law Section 239-m, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board, hereby schedules a public hearing for Local Law No. 6 of 2019, as set forth herein, on November 12, 2019 at 7:00 p.m., at the Town of Southport Town Hall.

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

RESOLUTION NO. 145-2019

AUTHORIZING SUPERVISOR TO WRITE A LETTER IN SUPPORT OF COUNTY LEGISLATOR MICHAEL SMITH'S
REQUEST FOR A SPEED STUDY ON CHRISTIAN HOLLOW ROAD

Resolution by: Steed
Seconded by: Hurley

RESOLVED, that the Town Board authorizes Supervisor Kathleen Szerszen to write a letter of support of County Legislator Michael Smith's request for a speed study on Christian Hollow Road.

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

RESOLUTION NO. 146-2019

RATIFYING APPOINTMENT OF BRIAN STANTON AS ALTERNATE SCHOOL TRAFFIC OFFICER

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that pursuant to Section 208-A of the General Municipal Law, as amended, Brian Stanton be and he hereby is appointed Alternate School Traffic Officer on a part-time basis effective September 23, 2019, and that his duties be limited to acting as Alternate School Traffic Officer assisting at school crossings prior to the opening and closing of schools.

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

RESOLUTION NO. 147-2019

APPROVING CHANGE ORDER FOR LELAND STREET AREA PAVEMENT RESTORATION

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Town of Southport entered into an Agreement with Dalrymple Gravel & Contracting Company for the Leland Street Area Pavement Restoration, and

WHEREAS, the Town Board did agree to certain change orders that were needed in regards to this pavement restoration, which resulted in additional charges to the Town of \$47,647.25.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the additional payment of \$47,647.25 to Dalrymple Gravel & Contracting Company for change orders in regards to Leland Street Area Pavement Restoration.

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

RESOLUTION NO. 148-2019

SETTING HOURS FOR TRICK-OR-TREATING ON HALLOWEEN NIGHT

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Town of Southport does hereby declare the hours of trick-or-treating on Halloween night, October 31, 2019, be from 5:30 p.m. to 8:00 p.m.

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

RESOLUTION NO. 149-2019

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE
ELMIRA CITY SCHOOL DISTRICT

Resolution by: Hurley
Seconded by: Roman

WHEREAS, the Elmira City School District has presented a proposal to the Town Board to provide for the use of school facilities by 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 Elmira City School District effective July 1, 2019 through June 30, 2020, to provide for the use of school facilities at an amount not to exceed FOUR THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$4,500.00).

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with the Elmira City School District to provide for the use of school facilities by the Town of Southport at an amount not to exceed FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00), and that said contract shall be subject to the review and approval of the Attorney for the Town.

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

Under Taxpayer's Comments, Charles Wilson from 399 Widger Hill Road commented on the Southport Residential Deputy vehicle and mowing on Rte. 328.

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

AYES: Gunderman, Hurley, Roman, Steed, Szerszen

NOES: None

CARRIED.

The meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk