

March 11, 2020

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 11, 2020.

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	\$ 1,328.77
Funds Turned to State and County Agencies	<u>\$ 289.73</u>
	\$ 1,618.50

Receiver of Taxes

Town and County Tax Collected	\$ 292,689.38
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Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,414.40
	Building Permit Values	\$ 257,850.00
	Operating Permit Fees	\$ 650.00
	Site Plan Fees	\$ 75.00

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

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

Under Correspondence, Supervisor Szerszen read an email from Deborah Eames, a member of the Town of Southport Zoning Board of Appeals, thanking the town for letting her be a part of this board. Her term limit is up but she hopes to be able to service on another board at some point in time.

Supervisor Szerszen also commented on an email she received regarding NYSEG scams going on in our area.

Council Member Gunderman made a motion, Council Member Steed seconded to accept the minutes of January 14, 2020 Regular Meeting and February 11, 2020 Regular Meeting.

Under Taxpayer's Comments, Mike Smith from 786 Cedar Street and 14th District Legislator commented on Discussion Item #2 Governor Cuomo's proposed Accelerated Renewable Energy Growth and Community Benefit Act.

RESOLUTION NO. 53-2020

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Roman
Seconded by: Steed

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of March 2020, No. 60 through No. 114, not to exceed \$96,069.45, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 54-2020

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Gunderman

Seconded by: Steed

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of March 2020, No. 27 through No. 51, not to exceed \$91,415.17, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen

NOES: None

CARRIED.

RESOLUTION NO. 55-2020

APPROVING ABSTRACT OF LIGHT FUND CLAIMS

Resolution by: Hurley

Seconded by: Gunderman

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of March 2020, No. 1, not to exceed \$8,370.34, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen

NOES: None

CARRIED.

RESOLUTION NO. 56-2020

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

Resolution by: Steed
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 9, 2020, 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. 57-2020

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

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, Supervisor Kathleen Szerszen, has advised this Town Board that Reverend Horace H. Stoddard, a member and Co-Chairmen of Pine City Baptist Church, in conjunction with the Chemung County Council of Churches has requested the use of Draxler Park on April 11, 2020 and April 12, 2020 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 the 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. 58-2020

ACCEPTING RESIGNATION OF JAMES WAINWRIGHT AS ALTERNATE SCHOOL TRAFFIC OFFICER

Resolution by: Steed
Seconded by: Hurley

WHEREAS, James Wainwright has submitted his resignation as Alternate School Traffic Officer effective February 11, 2020.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of James Wainwright as Alternate School Traffic Officer.

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

RESOLUTION NO. 59-2020

RATIFYING APPOINTMENT OF RONALD GARRISON AS ALTERNATE SCHOOL TRAFFIC OFFICER

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that pursuant to Section 208-A of the General Municipal Law, as amended, Ronald Garrison be and he hereby is appointed Alternate School Traffic Officer on a part-time basis effective March 2, 2020, 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. 60-2020

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

Resolution by: Gunderman
Seconded by: Steed

RESOLVED, that Chad West is hereby re-appointed to serve a term of seven (7) years as a member of the Town of Southport Planning Board, term to expire April 1, 2027.

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

RESOLUTION NO. 61-2020

APPOINTING CHASE POTTER, JONATHAN GUNDERMAN AND MICHAEL WOOD AS PART-TIME SEASONAL LABORERS

Resolution by: Roman
Seconded by: Steed

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 March 30, 2020 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	\$15.85 per/ hr.	03/30/2020
Jonathan Gunderman	Seasonal Laborer	\$13.40 per/hr.	03/30/2020
Chase Potter	Seasonal Laborer	\$12.70 per/hr.	03/30/2020

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. 62-2020

AUTHORIZING THE PURCHASE OF A JOHN DEERE Z997R DIESEL W72 INCH 7 IRON PRO SIDE DISCHARGE MOWER

Resolution by: Roman
Seconded by: Steed

WHEREAS, this Town Board in approving the budget for fiscal year 2020 provides therein funds for the purchase of new equipment to replace old or outdated equipment for use by its Highway and Recreation Departments, and

WHEREAS, this Town Board has been advised by the Highway Superintendent that John Deere Company of Cary, NC has been awarded a contract PC68131 by the State of New York for the furnishing of a new and unused John Deere Z997R Diesel with 72 in. 7 Iron Pro Side Discharge Deck at a price established therein, and

NOW THEREFORE BE IT RESOLVED, that a purchase order to the said John Deere Company be and the same hereby is authorized for the purchase of one new and unused John Deere Z997R Diesel W 72 In. 7 Iron Pro Side Discharge Deck for the total amount not to exceed TWENTY THOUSAND SIX-HUNDRED EIGHTY-EIGHT DOLLARS AND 36/100 (20,688.36) and be it further

RESOLVED, that as a result of the award given by the State of New York competitive bidding as required by the General Municipal Law be and hereby is waived.

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

RESOLUTION NO. 63-2020

ISSUING A NEGATIVE DECLARATION UNDER SEQR FOR THE SALE OF TOWN PROPERTY AND DECLARING THE TOWN OF SOUTHPORT AS LEAD AGENCY

Resolution by: Roman
Seconded by: Steed

NOW THEREFORE BE IT RESOLVED, pursuant to the State Environmental Quality Review Act (SEQRA), 6 NYCRR, Part 617.6, the Town of Southport Town Board designates itself as lead agency for the review related to the sale of a portion of Laurentian Place; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport finds, based on the facts and information presented, that the sale of the Town surplus property referenced as a portion of Laurentian Place and more fully described below to Travis McDonald, residing at 433 Laurentian Place, Elmira, New York 14904 who is an adjacent property owner to subject property will not have an adverse impact on the environment; and

BE IT FURTHER RESOLVED that the surplus property is situate in the Town of Southport, County of Chemung, State of New York, bounded and described as follows: Beginning at a point situate in the southeasterly corner of lands now or formerly of Travis McDonald (Instrument #201902353) (Tax Map No. 100.17-3-18.2); thence S 15° 27' 00" W a distance of 57.04 feet to a point; thence S 76° 41' 00" W a distance of 521.78 to a point; thence N 08° 12' 12" W a distance of 50.20 feet to an iron pin set; thence N 76° 41' 00" E a distance of 544.75 feet to the point marking the place of beginning; and

BE IT FURTHER RESOLVED, that the Town Supervisor shall file a negative determination and that such determination be filed in accordance with SEQRA, 6 NYCRR, Part 617.12.

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

RESOLUTION NO. 64-2020

AUTHORIZING THE SALE OF A PROTION OF LAURENTIAN PLACE TO TRAVIS MCDONALD

Resolution by: Steed
Seconded by: Gunderman

WHEREAS, the Town of Southport currently owns a roadway known as Laurentian Place; and

WHEREAS, the property owners of the adjacent properties to the most easterly portion of Laurentian Place in the Town of Southport submitted a petition to the Highway Superintendent and the Town Board requesting the Town of Southport discontinue and abandon a portion of this roadway; and

WHEREAS, the Town Highway Superintendent has reviewed said petition and this portion of Laurentian Place, the dimensions of which are further described below and, in the survey, map dated December 19, 2019, made for Travis McDonald attached hereto; and

WHEREAS, the Town Highway Superintendent determined and filed an Order with the Town Clerk declaring said portion of Laurentian Place is unnecessary for highway purposes and therefore is to be discontinued and abandoned for public purposes pursuant to Highway Law section 207; and

WHEREAS, the adjacent property owners to this section of Laurentian Place have confirmed their consent as set forth in the petition to the sale of this section of Laurentian Place to Travis McDonald who has requested to purchase this section of Laurentian Place and who resides at the terminus of this section of Laurentian Place; and

WHEREAS, the Town of Southport Board wishes to sell this section of Laurentian Place to Travis McDonald; and

NOW, THEREFORE BE IT RESOLVED that the Town acknowledges the receipt of the Highway Superintendent's Order which has been filed in the Town Clerk's office and further declares this section of Laurentian Place as described below and in the survey map dated December 19, 2019, designated Job No. 19766, made for Travis McDonald attached hereto, as surplus property; and

BE IT FURTHER RESOLVED, that Town Board of Southport authorizes the sale of the surplus property situate in the Town of Southport, County of Chemung, State of New York, bounded and described as follows: Beginning at a point situate in the southeasterly corner of lands now or formerly of Travis McDonald (Instrument #201902353)(Tax Map No. 100.17-3-18.2); thence S 15° 27' 00" W a distance of 57.04 feet to a point; thence S 76° 41' 00" W a distance of 521.78 to a point; thence N 08° 12' 12" W a distance of 50.20 feet to an iron pin set; thence N 76° 41' 00" E a distance of 544.75 feet to the point marking the place of beginning; and

BE IT FURTHER RESOLVED that this surplus property shall be sold for market value of SIX-HUNDRED DOLLARS AND 00/100 (\$600.00) to Travis McDonald, residing at 433 Laurentian Place, Elmira, New York 14904; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to execute all documents necessary to complete the sale for this surplus property; and

BE IT FURTHER RESOLVED, that this resolution is subject to a permissive referendum pursuant to Town Law Section 64.

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

RESOLUTION NO. 65-2020

AUTHORIZING THE FILING OF A PETITION FOR LETTER OF ADMINISTRATION FOR THE ESTATE OF WILLIAM FREDERICK PEYTON

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Town of Southport Town Board wishes to petition Chemung County Surrogate's Court for Letters of Administration for the estate of William Frederick Peyton, a/k/a Frederick Peyton, in order to allow for the processing of claims that the Town has incurred related to the care of horses involved with a cruelty proceeding in the Town of Southport;

NOW THEREFORE, BE IT RESOLVED, that the Town of Southport Town Board authorized the filing of a petition for letters of administration for the estate of William Frederick Peyton, a/k/a Frederick Peyton, and the pursuit of related litigation in Chemung County Surrogate's Court to assist in the processing of claims including, but limited to, claims related to debt incurred by the Town of Southport for the care of horses owned by Mr. Peyton that were involved in an animal cruelty proceeding in the Town of Southport; and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board authorized the Town Supervisor to execute said petition and any other related documents required to pursue this matter and/or any related matter which results from this filing.

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

RESOLUTION NO. 66-2020

RATIFYING PAYMENT OF REGISTRATION FEE FOR COMMUNITY DEVELOPMENT SPECIALIST TO ATTEND THE REAL ESTATE DEVELOPMENT & REUSE-MARKETING & ATTRACTION CONFERENCE HELD FEBRUARY 25-28, 2020 IN BALTIMORE MARYLAND

Resolution by: Roman
Seconded by: Steed

RESOLVED, that the Community Development Specialist, Nichola Ostrander attended the Real Estate Development & Reuse Marketing & Attraction Conference held February 25-28, 2020 in Baltimore MD and, that her registration fee therefor shall be a proper town charge, and be it further

RESOLVED, that the Community Development Specialist shall personally pay all other fees and expenses incurred upon her attendance at the above conference.

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

RESOLUTION NO. 67-2020

EXTENDING HOURS OF CHAPEL PARK ON MAY 8, 2020 FOR USE OF FACILITIES BY THE GIRL SCOUTS OF AMERICA

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Girl Scouts of America, has advised the Town Board of the Town of Southport that a Girl Scout activity shall be held at Chapel Park in the Town of Southport on May 8, 2020,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves such activity sponsored by the Girl Scouts of America, and be it further

RESOLVED, that said Girl Scouts of America must file a Certificate of Insurance for proof of said coverage with the Town Clerk, and be it further

RESOLVED, that the Girl Scouts of America must agree to indemnify and hold harmless the Town of Southport for any and all liability arising from the event so sponsored by said group, and be it further

RESOLVED, that prior to use of the facilities in Chapel Park on May 8, 2020, the Pine City Fire Department must be informed of the event and the number of participants.

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

A bid opening was held on March 6, 2020 for Hot Bituminous Mix for Phase 2 Leland St. Area Pavement Restoration.

Bid	Bothar Construction	Dalrymple Gravel & Contracting
Base Bid	\$ 335,575.50	\$ 384,682.50
Alternate Deduct #1	\$ (38,040.00)	\$ (43,500.00)
Alternate Deduct #2	\$ (70,686.00)	\$ (83,787.00)
Alternate Deduct #3	\$ (35,145.00)	\$ (39,875.00)

Supplemental Bid Prices

U1 - Undercut/Replace	\$ 57.00/SY	\$ 95.00/SY
U2 - Top Hat Risers	\$ 445.00 Ea.	\$ 1,100.00 Ea.
U3 - 2" Milling	\$ 2.75/SY	\$ 2.50/SY
U4 - Tack coat	\$ 0.30/SY	\$ 0.25/SY
U5 - 2" Type 6F Top	\$ 8.00/SY	\$ 8.00/SY

RESOLUTION NO. 68-2020

ACCEPTING BID OF BOTHAR CONSTRUCTION FOR PHASE 2 LELAND ST. AREA PAVEMENT RESTORATION

Resolution by: Roman
 Seconded by: Steed

WHEREAS, this Town Board finds and determines that the bid submitted by Bothar Construction, LLC, is deemed to be the lowest responsible bid submitted therefore as follows:

Bothar Construction, LLC Estimated Bid Price: \$335,575.50
 170 East Service Rd.
 Binghamton, NY 13901

NOW THEREFORE BE IT RESOLVED, that said bid 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 bituminous asphalt products, and after the same has been so purchased, payment therefore shall com on for regular audit before this Town Board.

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

RESOLUTION NO. 69-2020

OPPOSING THE ADOPTION OF THE ACCELERATED RENEWABLE ENERGY GROWTH AND
COMMUNITY BENEFIT ACT

Resolution by: Roman
Seconded by: Steed

WHEREAS, New York State Governor Cuomo has proposed the Accelerated Renewable Energy Growth and Community Benefit Act, and,

WHEREAS, adoption of this act into law would eliminate the application to local governments for large scale “renewable energy” production facilities by prospective developers, and,

WHEREAS, adoption of this act into State law would eliminate approval of large scale “renewable energy” production facilities by local governments, and,

WHEREAS, adoption of this act into law would likely eliminate all local government input or public comment as the application is being considered by New York State, and,

WHEREAS, adoption of this act into law would likely eliminate all locally developed PILOT agreements or host community benefit agreements for these projects, and,

WHEREAS, since it is vital that all local entities retain their ability to determine best uses for limited spaces that might be used for development of residential, commercial and agricultural purposes, now therefore,

BE IT RESOLVED, that the Town of Southport is opposed to the adoption of the Accelerated Renewable Energy Growth and Community Benefit Act into New York State law, and

BE IT FURTHER RESOLVED, that the Town of Southport will be opposed to any such similar action on the part of the State, regardless of the size and scope of any proposed facility.

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

Under Taxpayer’s Comments, Charles Collins of 436 Kinner Hill Rd. commented on the horses that are under the current care of the Town of Southport.

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

The meeting was adjourned at 7:42 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk