

October 13, 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 October 13, 2020.

Members Present: Council Member Glenn Gunderman, Daniel Hurley, Joseph Roman, Timothy Steed

Members Present by Phone: Supervisor Kathleen Szerszen

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer Peter Rocchi, Town Clerk Carolyn Renko, Deputy Town Clerk Marianne Schrom

The meeting was called to order by Deputy Supervisor Joseph Roman at 7:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Joseph Roman

7:00 P.M. – PUBLIC HEARING – for the purpose of hearing any and all public comment regarding Local Law No. 4 of 2020, to Override the Tax Levy Limit for taxable 2021 year established in General Municipal Law.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened the hearing for public comment at 7:04 p.m.

Robert Deming from 327 Dry Run Road stated he was against overriding the tax cap.

No one else wished to speak, therefore the public portion of the public hearing was closed at 7:05 p.m.

RESOLUTION NO. 143-2020

LOCAL LAW NO. 4 OF 2020

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: Gunderman
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, 2021.

WHEREAS, this proposed Local Law No. 4 of 2020 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 held on October 13, 2020 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. 4 of 2020 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, 2021 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, 2021 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.

Presentation 7:05 p.m.: Emily Marino, Executive Director of Friends of the Chemung River Watershed.

7:20 P.M. – PUBLIC HEARING – for the purpose of hearing any and all public comment regarding proposed amendment to Article VI Winter Parking §497-19.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened the hearing for public comment at 7:20 p.m. No one wished to speak, therefore the public portion of the public hearing was closed at 7:23 p.m.

RESOLUTION NO. 144-2020

LOCAL LAW NO. 6 OF 2020
TO AMEND ARTICLE VI, WINTER PARKING § 497-19

Resolution by: Steed
Seconded by: Gunderman

WHEREAS, the Town of Southport wishes to amend Article VI, Winter Parking to further accommodate the parking concerns of residents while supporting the needs of the highway department for efficient and safe snow and ice removal, and

WHEREAS, Local Law No. 6 of 2020 to Amend Article VI, Winter Parking, § 497-19 Prohibited Winter Parking, thereof in its final form having been upon the desks of members of the Town Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been held on October 13, 2020 at 7:15 p.m. before the Town of Southport Town 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, the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts and enacts, Local Law No. 6 of 2020, to Amend Article VI, Winter Parking § 497-19 Prohibited Winter Parking, to wit:

LOCAL LAW NO. 6 OF 2020
TO AMEND ARTICLE VI, WINTER PARKING § 497-19

Section 1.

§ 497-19 Prohibited Winter Parking

In order to expedite the removal of snow and ice and to facilitate the cleaning of Town highways, the parking of motor vehicles shall be prohibited on all streets or a portion thereof within the Town beginning November 1st through April 1st between the hours of 2:00 a.m. and 7:00 a.m., except as follows:

- 1) On days with even numbers according to the calendar, on the side of any street on which the properties bear even street numbers.
- 2) On days with odd numbers according to the calendar, on the side of any street on which the properties bear odd street numbers.

Section II: Severability

The invalidity or unenforceability of any section, 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.

Section III. Repeal Prior Laws

This local law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10.

Section IV. Authority

This local law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10 and Town Law § 10.

Section III. Effective Date

This Local Law shall take effect upon adoption, publication and filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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	\$ 2,029.23
Fitzsimmons Lot Sales	\$ 2,050.00
Funds Turned to State and County Agencies	<u>\$ 18,448.77</u>
	\$ 22,528.00

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 2,201.00
	Building Permit Values	\$ 333,650.00
	Operating Permit Fees	\$ 500.00

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

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

Under Correspondence, Deputy Supervisor Roman read a letter to Supervisor Szerszen from Legislator Mike Smith congratulating the Town on being approved for the Community Development Fund Grant in the amount of \$3,333.33. This money was used to purchase defibrillators for Town buildings and landscaping at Veteran’s Memorial Park. Mr. Roman also read an email to Steve Renko, Highway Superintendent thanking him and his crew for the work they are doing on Monastery Road.

Council Member Gunderman made a motion, Council Member Hurley seconded to accept the minutes of September 8, 2020 Regular Meeting and September 15, 2020 Tentative Budget Meeting.

7:30 P.M. – PUBLIC HEARING – for the purpose of hearing any and all public comment regarding Local Law No. 5 of 2020 Cold War Veterans Exemption.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened the hearing for public comment at 7:30 p.m. No one wished to speak, therefore the public portion of the public hearing was closed at 7:31 p.m.

RESOLUTION NO. 145-2020

LOCAL LAW NO. 5 OF 2020
COLD WAR VETERANS EXEMPTION

Resolution by: Steed
Seconded by: Hurley

WHEREAS, the Town of Southport wishes to adopt Local Law No. 5 of 2020 to allow a Cold War Veterans Exemption for property taxes in accordance with New York State Real Property Tax Law § 458-b.

NOW THEREFORE BE IT RESOLVED, that the Town of Southport hereby schedules a public hearing for Local Law No. 5 of 2020 on October 13, 2020 at 7:30 p.m., or as soon thereafter as it can be heard, to wit:

LOCAL LAW NO. 5 OF 2020
COLD WAR VETERANS EXEMPTION

Section 1. Purpose.

(a) The purpose of this local law is to authorize a limited exemption from real property taxes for residential real property owned by veterans and their surviving spouses who rendered military service to the United States during the “Cold War” pursuant to Section 458-b of the Real Property Tax Law.

(b) Pursuant to subsection 2 (c)(ii) of § 458-b of the Real Property Tax Law, if a Cold War veteran receives the exemption under § 458 or 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible for this exemption.

Section 2. Term.

Pursuant to subsection 2 (c)(iii) of § 458-b of the New York State Real Property Tax Law, the exemption authorized shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to a ten-year limitation.

Section 3. Cold War Exemption.

(a) Pursuant to subsection 2 (a) of § 458-b of the Real Property Tax Law of the State of New York, and subject to the definitions, limitations and requirements of said § 458-b, the Town of Southport hereby adopts the qualifying residential real property exemption under subsection 2 (a)(ii) of § 458-b of the Real Property Tax Law of the State of New York, that is, an exemption in the amount of fifteen percent (15%) of the assessed value of such property; provided, however, that such exemption shall not exceed twelve thousand dollars (\$12,000) or the product of twelve thousand dollars multiplied by the latest state equalization rate of such property's assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

(b) Pursuant to subsection 2 (b) of § 458-b of the Real Property Tax Law of the State of New York, and subject to the definitions, limitations and requirements of said § 458-b, the Town of Southport hereby adopts the qualifying residential real property exemption under subsection 2 (b) of § 458-b of the Real Property Tax Law of the State of New York. Where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption, as permitted by subsection 2 (c)(iii), shall not exceed forty thousand dollars (\$40,000) or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, the latest class ratio, whichever is less.

Section 4. Effective Date:

This Local Law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this Local Law.

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

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

RESOLUTION NO. 146-2020

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman

Seconded by: Steed

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of October 2020, No. 422 through No. 485, not to exceed \$93,652.80, has been audited and approved by payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen

NOES: None

CARRIED.

RESOLUTION NO. 147-2020

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 2020, No. 156 through No. 175, not to exceed \$232,575.79, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Roman, Steed, Szerszen

NOES: None

ABSTAIN: Hurley

CARRIED.

RESOLUTION NO. 148-2020

APPROVING ABSTRACT OF LIGHT FUND CLAIMS AND FIRE FUND CLAIM

Resolution by: Steed

Seconded by: Gunderman

RESOLVED, that the Abstract of Light Fund Claims submitted by the Town Clerk for the month of October 2020, No. 8 & 9, not to exceed \$16,272.53, and Fire Fund Claim No. 12, not to exceed \$9,720.00, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen

NOES: None

CARRIED.

RESOLUTION NO. 149-2020

REAPPOINTING MADELYN BALOK TO THE TOWN OF SOUTHPORT CEMETERY COMMISSION

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that Madelyn Balok be and she hereby is reappointed to the Town of Southport Cemetery Commission, said term to expire November 1, 2023.

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

RESOLUTION NO. 150-2020

APPROVING PRELIMINARY BUDGET AND DIRECTING PUBLIC HEARING THEREON

Resolution by: Gunderman
Seconded by: Steed

RESOLVED, that the Tentative Budget, consisting of an estimate of revenues and expenditures, presented to the Town Board and 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, 2021 and ending December 31, 2021, 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 4th day of November 2020, 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. 151-2020

AUTHORIZING SUPERVISOR TO SIGN STATEMENT OF VALUES FOR INSURANCE PURPOSES

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Supervisor be and she 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. 152-2020

EXTENDING GIS AGREEMENT WITH CHEMUNG COUNTY FOR GIS SERVICES

Resolution by: Steed
Seconded by: Hurley

RESOLVED, that the Town Board of the Town of Southport in regular session duly convened, authorized the Town Supervisor to extend the GIS Agreement with Chemung County to provide GIS coordination and data sharing within the County and with neighboring counties until December 31, 2022.

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

RESOLUTION NO. 153-2020

AMENDING RESOLUTION NO. 133-93 INCREASING CHARGE FOR PHOTOCOPIES FROM FIFTEEN CENTS TO TWENTY- FIVE CENTS

Resolution by: Gunderman
Seconded by: Steed

WHEREAS, THE Town of Southport wishes to update its fee schedule and policy regarding access to public records and fees for photocopies and scanning for the public requests of records; and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport hereby implements and authorizes the following procedures and fee schedule for the reproduction of records in accordance to the New York Public Officer Law:

1. The Town Clerk is designated as the Records Management Officer.
2. All requests for records must be directed to the Records Management Officer (Town Clerk).
3. Such requests for records may be submitted in person at the Town Clerk's Office during normal business hours by completing and submitting the request form provided by the Clerk.
4. Such requests for records may be submitted on-line with the format provided at the Town of Southport's website.
5. Twenty-five cents per photocopy not in excess of nine inches by fourteen inches or actual costs of reproducing any other record.
6. The actual cost of reproducing the records may include the following:
 - a. The actual cost of storage device or media
 - b. The actual cost to Town of engaging outside professional service to prepare a copy of the record.
 - c. The administrative cost as set forth in Public Officer Law Section 87.
7. Upon request the Town will make records available for inspection and copying; however, the Town may deny access to certain records as set forth in the Public Officers Law.
8. The Town will inform the person making the request for documents of the estimated cost of preparing copies if more than two hours of a Town employee's time is needed or if an outside professional service would be retained to prepare a copy of the record.

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

RESOLUTION NO. 154-2020

AUTHORIZING TRANSFER OF FUNDS FROM BUILDING RESERVE TO THE RETIREMENT RESERVE AND
SETTING PUBLIC HEARING

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town of Southport Town Board created a Building Reserve Fund in accordance with General Municipal Law Section 6-c to fund future buildings, and

WHEREAS, funds in the Building Reserve Fund are in excess of the needs of the Town for future buildings, and

WHEREAS, due to the Town of Southport's continuing obligation to fund the Retirement Reserve Fund, the Town wishes to transfer funds from the Building Reserve Fund to the Retirement Reserve Fund, and

THEREFORE BE IT RESOLVED, Town Board of the Town of Southport, County of Chemung, State of New York hereby schedules a public hearing for November 10, 2020 at 7:00 p.m., or as soon thereafter as it can be heard, at the Town of Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York 14904 upon public notice provided by law for the purpose involving the authorizing of the transfer of moneys from the Building Reserve Fund to the Retirement Reserve Fund in the amount of ONE HUNDRED TWENTY THOUSAND DOLLARS AND 00/100 (\$120,000.00).

RESOLVED, the said directs and authorizes the Town Supervisor to transfer, deposit and secure the moneys from the Building Reserve Fund to the Retirement Reserve Fund of this Reserve Fund in accordance to law and this transfer is subject to a permissive referendum.

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

RESOLUTION NO. 155-2020

SETTING PUBLIC HEARING FOR ORDINANCE 1-2020 TO AMEND THE CODE OF THE TOWN OF SOUTHPORT CHAPTER 497, VEHICLE AND TRAFFIC, ARTICLE II, STOP AND YIELD INTERSECTIONS TO REMOVE YIELD SIGN ON CHAMBERLAIN STREET AND TO ADD STOP SIGNS ON HOLECEK AVENUE AT THE INTERSECTION OF HOLECEK AVENUE AND CHAMBERLAIN STREET

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Town Board of the Town of Southport will hold a public hearing on Tuesday, November 10, 2020, at 7:15 p.m., or as soon thereafter as it can be heard, for the purpose of hearing any and all public comment regarding Ordinance 1-2020 to amend the Code of the Town of Southport Chapter 497, Vehicle and Traffic, Article II, Stop and Yield Intersections to remove yield sign on Chamberlain Street (Section 497-4) and to add stops signs on Holecek Avenue at the intersection of Holecek Avenue and Chamberlain Street (Section 497-5).

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

Resolution #11 Authorizing sale of a 2010 Ford F350 (VIN #1FTWF3B5XAEB36708) previously declared surplus as per Resolution 48-2020, is tabled until the November meeting.

Under Discussion was Halloween Observance. Deputy Supervisor Roman stated the Town is waiting guidance from the Chemung County Executive's Office before making any decisions about trick-or-treating on Halloween.

RESOLUTION NO. 156-2020

THIRTY DAY EXTENSION FOR AUTUMNVIEW ESTATES SKETCH PLAN

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town Board of the Town of Southport received correspondence from the applicant of Autumnview Estates asking for a 30-day extension of time regarding the Autumnview Estates Sketch Plan.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport grants the 30-day extension regarding the Autumnview Sketch Plan.

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

Under Taxpayer's Comments, Richard Wilbur from 19 Autumnview commented on Autumnview Estates Sketch Plan.

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

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk