

November 10, 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 November 10, 2020.

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

Members Absent: Council Member Glenn Gunderman

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 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

7:03 PUBLIC HEARING – for the purpose of 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 (\$120,000.00).

Town Clerk Carolyn Renko read the Legal Notice that appeared in the Star Gazette and opened the hearing for public comment at 7:03 p.m. Supervisor Szerszen explained the reasoning behind this transfer.

There was no public comment, therefore the Public Hearing was closed at 7:04 p.m.

RESOLUTION NO. 160-2020

TRANSFER OF FUNDS FROM THE BUILDING RESERVE FUND TO THE RETIREMENT RESERVE FUND

Resolution by: Roman
Seconded by: Steed

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,

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.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport authorizes the Supervisor to transfer ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00) from the Building Reserve Fund to the Retirement Reserve Fund in accordance to law and this transfer is subject to a permissive referendum.

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

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,139.65
Funds Turned to State and County Agencies	\$ 4,183.10
	<u>\$ 5,322.75</u>

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,650.40
	Building Permit Values	\$ 378,654.00
	Operating Permit Fees	\$ 450.00
	Site Plan Fees	\$ 225.00

Justice Office
Recreation/Aging/Youth
Residential Deputy
Supervisor's Report

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

Under Correspondence, Supervisor Szerszen stated that the Town of Southport Christmas Parade and Christmas Land display is canceled this year due to COVID-19.

Council Member Steed made a motion, Council Member Hurley seconded the motion to accept the minutes of October 13, 2020 Regular Meeting.

Under Taxpayer's Comments, Agenda and Discussion items only, James Gensel asked about speaking on Autumnview Estates but it was decided to wait until Discussion.

RESOLUTION NO. 161-2020

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 November 2020, No. 486 through No. 540, not to exceed \$83,182.89, has been audited and approved for payment by this Town Board.

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

7:16 P.M. PUBLIC HEARING – for the purpose of removing a yield sign at Chamberlain Street and replacing it with two stop signs on Holecek Avenue.

Town Clerk Carolyn Renko read the Legal Notice that appeared in the Star Gazette and opened the hearing for public comment at 7:18 p.m. Supervisor Szerszen explained the reasoning behind this request.

There was no public comment, therefore the Public Hearing was closed at 7:19 p.m.

RESOLUTION NO. 162-2020

ORDINANCE NO. 2020-1

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF SOUTHPORT CHAPTER 497, VEHICLE AND TRAFFIC, ARTICLE II, STOP AND YIELD INTERSECTIONS, SECTION 497-5 YIELD INTERSECTIONS, TO REMOVE YIELD SIGN ON HOLECEK AVENUE AT THE EAST ENTRANCE OF HOLECEK AVENUE AT THE INTERSECTION OF CHAMBERLAIN STREET AND HOLECEK AVENUE AND SECTION 497-4 STOP INTERSECTION, TO ERECT STOP SIGNS ON HOLECEK AVENUE AT THE INTERSECTION OF CHAMBERLAIN STREET ON BOTH ENTRANCES OF HOLECEK AVENUE

Resolution by: Steed
Seconded by: Hurley

WHEREAS, the Town of Southport Town Board wishes to address safety concerns for the operations of Town maintenance vehicles at the intersection of Chamberlain Street and Holecek Avenue by making changes to the traffic control devices at said intersection; and

WHEREAS, a public hearing was held for this proposed ordinance on November 10, 2020 before the Town of Southport Town Board upon public notice as provided by law; and

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Southport, County of Chemung, State of New York that said proposed amendments to the Code of the Town of Southport Chapter 497, Vehicle and Traffic, Article II, Stop and Yield Intersections, Section 497-5 Yield Intersections, to Remove Yield Sign on Holecek Avenue at the East Entrance of Holecek Avenue at the Intersection of Chamberlain Street and Holecek Avenue and Section 497-4 Stop Intersection, to Erect Stop Signs on Holecek Avenue at the Intersection of Chamberlain Street on both entrances of Holecek Avenue is hereby ordained and enacted, to wit:

Section 1. The Code of the Town of Southport Chapter 497, Vehicle and Traffic, Article II, Stop and Yield Intersections, Section 497-5 Yield Intersections is amended in that yield sign on East Entrance of Holecek Avenue at the intersection of Holecek Avenue and Chamberlain Street is hereby removed.

Section 2. The Code of the Town of Southport Chapter 497, Vehicle and Traffic, Article II, Stop and Yield Intersections, Section 497-4 Stop Intersection is amended by erecting stop signs on Holecek Avenue at the Intersection of Chamberlain Street on both entrances of Holecek Avenue.

Section 3. Inconsistent Ordinances

All Ordinances inconsistent with any provision or provisions of this ordinance are hereby repealed.

Section 4. Effective Date.

This ordinance shall take effect immediately upon adoption and publication according to law.

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

RESOLUTION NO. 163-2020

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Steed
Seconded by: Roman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of November 2020, No. 176 through No. 196, not to exceed \$47,972.62, has been audited and approved for payment by this Town Board.

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

***Supervisor Szerszen asked that the minutes reflect work done to repair erosion adjacent to Hillside Drive. Work was done by the Town Highway Department with assistance from Chemung County Soil & Water District and the Town of Chemung. Costs for materials are noted on both the General and Highway Fund Abstracts.

RESOLUTION NO. 164-2020

AUTHORIZING PURCHASE OF SALT AT STATE BID PRICE

Resolution by: Hurley
 Seconded by: Steed

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase the necessary requirements of salt at the established State or County Bid contract price.

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

RESOLUTION NO. 165-2020

AUTHORIZING SUPERVISOR TO REQUEST COUNTY TO REASSESS MISCELLANEOUS PROPERTY CHARGES

Resolution by: Roman
 Seconded by: Steed

RESOLVED, that the Town Supervisor be and he hereby is authorized to request the County to reassess unpaid mowing, tree, and refuse removal charges for the Town of Southport on January 1, 2021 Town and County Tax Statements as follows:

SWISS Code	Tax Map ID	Property Owner Name	Total Charges
073600	99.18-5-16	Walter Gilbert	\$ 915.00
073600	109.10-3-1	Norbert Gehrig	\$ 975.00
073600	99.20-2-48	Gregory Granger	\$ 1,455.00
073600	109.08-4-54	Florence Beeman	\$ 925.00
073600	119.00-1-63	James Chilson-Purvis	\$ 400.00
073600	118.01-1-12.2	Jason Roosa	\$ 175.00
073600	99.14-2-17	Stephen Plouse	\$ 2,484.50
073600	99.13-2-45	David Brown	\$ 800.00
073600	99.14-1-39	Michael Avery	\$ 650.00
073600	99.14-1-48	Gaylee Guadarama	\$ 200.00
073600	110.05-1-5	Rocco F. Coppola	\$ 900.00
073600	99.18-6-4	Nora Starr	\$ 250.00
073600	109.07-2-41	R & J Apartments LLC	\$ 350.00
073600	99.20-2-10	Heidi Mitchell	\$ 250.00
073600	109.07-3-53	Scott Cornell	\$ 470.00
073600	100.09-4-59	Catherine Felker	\$ 900.00
073600	100.09-4-36	Heather R. Dallas	\$ 500.00

073600	100.09-2-58	Wade Cunningham	\$	250.00
073600	99.13-4-10	Brian Carr	\$	325.00
073600	99.13-4-11	Core Logic Real Estate LLC	\$	1,225.00
073600	99.18-2-23	Kevin LeClair	\$	350.00
073600	99.18-2-24	Kevin LeClair	\$	150.00
073600	99.18-2-25	James L. Hayward IV	\$	500.00
073600	99.18-1-48	Suntrust Mortgage Inc.	\$	250.00
073600	99.18-3-45	Steven Sambroski	\$	750.00
073600	109.08-2-21	Radha G. Khatoria	\$	350.00
			\$	16,749.50

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

RESOLUTION NO. 166-2020

PRELIMINARY BUDGET AS ADOPTED BUDGET FOR FISCAL YEAR 2021

Resolution by: Roman
 Seconded by: Steed

WHEREAS, this Town Board having on November 4, 2020, duly held a hearing on the preliminary budget approved by the Town Board and filed with the Town Clerk for the fiscal year commencing January 1, 2021 and having heard all persons desiring to be heard in this matter, and the matter of the budget of the Town for such fiscal year having been fully discussed and considered.

NOW THEREFORE BE IT RESOLVED, that the said preliminary budget approved and filed as aforesaid be and same hereby is adopted and established as the adopted budget of this Town for the fiscal year beginning January 1, 2021, and that such annual budget be adopted and entered in detail in the minutes of the proceedings of this Town Board, and be it further

RESOLVED, that the Town Clerk of this Town shall prepare and certify, as required by law, duplicate copies of said adopted budget hereby adopted and deliver one of such copies to the Supervisor of the Town, and that the Supervisor shall present such copy to the Board of Legislature of the County as required by law.

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

RESOLUTION NO. 167-2020

RATIFYING APPOINTMENT OF DONNA ENGLISH AS ALTERNATE SCHOOL TRAFFIC OFFICER

Resolution by: Hurley
Seconded by: Steed

RESOLVED, that pursuant to Section 208-A of the General Municipal Law, as amended, Donna English be and she hereby is appointed Alternate School Traffic Officer on a part-time basis effective September 24, 2020, and that her duties be limited to acting as Alternate School Traffic Officer assisting at school crossings prior to the opening and closing of schools.

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

RESOLUTION NO. 168-2020

APPROVING CHANGE ORDER FOR LELAND STREET AREA PAVEMENT RESTORATION

Resolution by: Roman
Seconded by: Steed

WHEREAS, the Town of Southport entered into an Agreement with Bothar Construction 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 \$16,536.35.

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 \$16,536.35 to Bothar Construction for change orders in regards to Leland Street Area Pavement Restoration.

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

7:34 P.M. – PUBLIC HEARING – for the purpose of amending Winter Parking § 497-22 (a) Penalties.

Town Clerk Carolyn Renko read the Legal Notice that appeared in the Star Gazette and opened the hearing for public comment at 7:34 p.m. Supervisor Szerszen explained the reason for this amendment.

There was no public comment, therefore the Public Hearing was closed at 7:45 p.m.

RESOLUTION NO. 169-2020

LOCAL LAW NO. 7 OF 2020

ARTICLE VI, WINTER PARKING § 497-22.1; PENALTIES

Resolution by: Roman
Seconded by: Hurley

WHEREAS, the Town of Southport wishes to implement and amend the penalty for violation of the Code of the Town of Southport Chapter 497, Vehicles and Traffic, Article VI, Winter Parking; and

WHEREAS, Local Law No. 7 of 2020 Chapter 497 Vehicles and Traffic, Article VI, Winter Parking, § 497-22.1, Penalties, 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 November 10, 2020 at 7:30 p.m., for 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, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts and enacts, Local Law No. 7 of 2020, Chapter 497, Vehicles and Traffic, Article VI, Winter Parking § 497-22.1, Penalties, to wit:

LOCAL LAW NO. 7 OF 2020

ARTICLE VI, WINTER PARKING § 497-22.1, PENALTIES

Section I. § 497-22.1. Penalties.

A violation of this section shall be punishable by a fine of Fifteen Dollars (\$15.00).

Section II. Repeal Prior Laws

All laws or ordinances inconsistent with any provision or provisions of this law are hereby repealed.

Section III. 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.

Section IV. Effective Date

This Local Law shall take effect upon adoption, publication and filing according to law.

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

RESOLUTION NO. 170-2020

AUTHORIZING WITHDRAWAL OF FUNDS FROM THE HIGHWAY ROAD REPAIR RESERVE FUND

Resolution by: Roman
Seconded by: Hurley

WHEREAS, the Town Board by Resolution No. 45-2009 did authorize the establishment of a Highway Road Repair Reserve Fund, the purpose of which is to assist the Town of Southport Highway Department in unanticipated repairs and/or maintenance to the Town Roads.

WHEREAS, the Town did perform maintenance and repairs on various Town roads.

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 \$15,00.00 from the Highway Road Repair Reserve Fund, for the maintenance and repair of various Town roads.

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

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

RESOLUTION NO. 171-2020

APPROVING PROPOSED SKETCH PLAN FOR THE AUTUMNVIEW ESTATES
PLANNED DEVELOPMENT DISTRICT (PDD)

Resolution by: Roman
Seconded by: Steed

WHEREAS, in accordance with the Town of Southport Code Chapter 525, Article 7, Planned Development District Provisions, Section 44 Application review and Approval Procedure, at the Town of Southport Board meeting held on July 14, 2020, the Town Board accepted the sketch plan for the “Autumnview Estates” Planned Development District (PDD) for consideration and referred the sketch plan to the Town of Southport Planning Board for review and the issuance of an advisory report, and

WHEREAS, the Town Board received correspondence from the Town Planning Board which stated that the Town Planning Board recommends that the Town Board accept the sketch plan; however, the correspondence did not include an advisory report outlining the criteria required in Town of Southport Code Chapter 525-44 (B) (4); and

WHEREAS, the Town Board referred this matter back to the Town of Southport Planning Board for an advisory report to address the criteria required in the Town of Southport Code Chapter 525-44 (B) (4); and

WHEREAS, the Town of Southport received an advisory report as required by the Town of Southport Planning Board, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby approves the proposed sketch plan for the “Autumnview Estates” Planned Development District (PDD).

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

RESOLUTION NO. 172-2020

REFERRING TO TOWN OF SOUTHPORT PLANNING BOARD FORMAL PLANNED DEVELOPMENT DISTRICT APPLICATION ALONG WITH FULL ENVIRONMENTAL ASSESSMENT FORM FOR AUTUMNVIEW ESTATES

Resolution by: Steed
Seconded by: Roman

WHEREAS, in accordance with the Town of Southport Code Chapter 525, Article 7, Planned Development District Provisions, Section 44 Application review and Approval Procedure, at the Town of Southport Board meeting held on July 14, 2020, the Town Board accepted the sketch plan for the "Autumnview Estates" Planned Development District (PDD) for consideration and referred the sketch plan to the Town of Southport Planning Board for review and the issuance of an advisory report; and

WHEREAS, the Town Board received correspondence from the Town Planning Board which stated that the Town Planning Board recommends that the Town Board accept the sketch plan; however, the correspondence did not include an advisory report outlining the criteria required in Town of Southport Code Chapter 525-44 (B) (4); and

WHEREAS, the Town Board referred this matter back to the Town of Southport Planning Board for an advisory report to address the criteria required in the Town of Southport Code Chapter 525-44 (B) (4); and

WHEREAS, the Town of Southport received an advisory report as required by the Town of Southport Planning Board and approved the proposed sketch plan for the "Autumnview Estates" Planned Development District (PDD); and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby acknowledges receipt of the formal application for the establishment of the "Autumnview Estates" Planned Development District (PDD) and the accompanying full environmental assessment form; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby refers said formal PDD application along with the full environmental assessment form to the Town of Southport Planning Board for further review, action and findings as required by Town of Southport Code Chapter 525, Article 7, Planned Development District Provisions, Section 44 (C), Section 45 and Section 46.

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

RESOLUTION NO. 173-2020

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

Resolution by: Roman
Seconded by: Steed

WHEREAS, in accordance with the Town of Southport Code Chapter 525, Article 7, Planned Development District Provisions, Section 44 Application review and Approval Procedure, at the Town of Southport Board meeting held on July 14, 2020, the Town Board accepted the sketch plan for the “Autumnview Estates” Planned Development District (PDD) for consideration and referred the sketch plan to the Town of Southport Planning Board for review and the issuance of an advisory report; and

WHEREAS, the Town Board received correspondence from the Town Planning Board which stated that the Town Planning Board recommends that the Town Board accept the sketch plan; however, the correspondence did not include an advisory report outlining the criteria required in Town of Southport Code Chapter 525-44 (B) (4); and

WHEREAS, the Town Board referred this matter back to the Town of Southport Planning Board for an advisory report to address the criteria required in the Town of Southport Code Chapter 525-44 (B) (4); and

WHEREAS, the Town of Southport received an advisory report as required by the Town of Southport Planning Board and approved the proposed sketch plan for the “Autumnview Estates” Planned Development District (PDD); and

WHEREAS, the Town Board of the Town of Southport, County of Chemung, State of New York acknowledged receipt of the formal application for the establishment of the “Autumnview Estates” Planned Development District (PDD) and the accompanying full environmental assessment form; and referred said formal PDD application along with the full environmental assessment form to the Town of Southport Planning Board for further review, action and findings as required by Town of Southport Code Chapter 525, Article 7, Planned Development District Provisions, Section 44 (C), Section 45 and Section 46; and

NOW BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York pursuant to the State Environmental Quality Review Act, 6 NYCRR, Part 617.6, declares this action to be a Type 1 and intends to designate itself as lead agency for said PDD application.

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

RESOLUTION 174-2020

REFERRAL TO TOWN OF SOUTHPORT PLANNING BOARD PROPOSED AMENDMENT
TO ZONING LAW SECTION 525-50

Resolution by: Steed
Seconded by: Hurley

WHEREAS, the Town of Southport Town Board wishes to allow the Town Board, in addition to the Planning Board, to engage the services of a consultant or expert for any review or approval process before the Town Board and to have such related costs for the consultant or expert charged to the applicant; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York wishes to have the following amendments to zoning law Section 525-50 of the Code of the Town of Southport as follows:

Section 525-50 of the Code of the Town of Southport is hereby amended to read:

The Planning Board and/or Town Board may require an applicant for any review, permit or approval to deposit in escrow a sufficient amount to pay for the reasonable and necessary fees and/or costs of any engineer, consultant or attorney designated by the Planning Board and/or Town Board to review such application. The fees and/or costs charged by such engineer, consultant or attorney in connection with such review will be charged against the sum deposited in escrow. Any amount remaining shall be returned to the applicant within 45 days of final action on the application.

BE IT FURTHER RESOLVED, that the Town of Southport hereby refers this proposed amendment set forth herein to the Town of Southport Planning Board for review in accordance with Section 525-148 of the Code of the Town of Southport.

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

Under Taxpayer's Comments, no one spoke.

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

The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk