

February 9, 2021

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 February 9, 2021.

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, 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

**PUBLIC HEARING 7:04 P.M.** – for the purpose of hearing any and all public comment in connection with a proposed order directing the repair or removal of an unsafe building located at 1551 Cedar Street, Tax Map Identification No. 109.08-02-40, Town of Southport, County of Chemung, State of New York for the provisions of Chapter 234 of the Municipal Code of the Town of Southport.

Town Clerk Carolyn Renko read the notice that appeared in the Star Gazette and asked if anyone wished to speak. The property owner was not present at the time of this hearing, nor was there anyone in attendance to speak on his behalf.

Code Enforcement Officer Peter Rocchi stated that there have been no repairs made to the building and it is in the same if not worse condition than before.

After no one wished to speak, the public portion of the public hearing was closed at 7:06 p.m.

RESOLUTION NO. 45-2021

ORDERING DEMOLITION AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING AT  
1551 CEDAR STREET

Resolution by: Roman  
Seconded by: Gunderman

WHEREAS, the Town of Southport Town Board held a public hearing in accordance to the Town of Southport, Town Code Chapter 234, Buildings, Unsafe, Article 1, Section 5 for the owner of said property and such persons having an interest in the property to contest the order of removal of the structure located at 1551 Cedar Street, Elmira, New York 14904 on February 9, 2021 at 7:00 p.m., and

WHEREAS, no one from the public appeared at said hearing and the Town Code Officer provided input in regard to the unsafe structure located at 1551 Cedar Street, Elmira, New York 14904, and

NOW THEREFORE BE IT RESOLVED, that after a public hearing held on February 9, 2021 at 7:00 p.m. at the Town of Southport Town Hall before the Town Board of the Town of Southport, County of Chemung, State of New York in accordance to Town of Southport Town Code Chapter 234, Buildings, Unsafe, Article I, the Town of Southport Town Board hereby determined to continue the order declaring the structure on the property located at 1551 Cedar Street, Elmira, New York, 14904 to be unsafe to the public and further ordering the structure to be secured, demolished, and removed by February 20, 2021, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board hereby orders that if the owner fails to comply with said order contained herein that the Town of Southport Town Board orders the Town Code Officer to arrange to have said structure to be secured, demolished and removed and the related costs, including allowable administrative costs, shall be assessed and removed and the related costs, including allowable administrative costs, shall be assessed against the land on which the building is located at the same time and in the same manner as general Town taxes in accordance with Town of Southport Town Code Chapter 234, Article I, Section 8.

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	\$ 851.92
Fitzsimmons Lot Sales	\$ 550.00
Funds Turned to State and County Agencies	<u>\$ 367.33</u>
	\$ 1,769.25

Receiver of Taxes

Town and County Tax Collected \$ 4,099,989.05

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 660.50
	Building Permit Values	\$ 126,900.00
	Operating Permit Fees	\$ 550.00
	Site Plan Fees	\$ 225.00

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.

**2020 ANNUAL REPORT OF THE TOWN CLERK:**

NYS Dept. of Agriculture & Markets for Dog Licenses	\$ 1,831.00
NYS Dept. of Environmental Conservation (DEC) for Conservation Licenses	\$ 43,098.31
NYS Dept. of Health for Marriage Licenses	\$ 810.00
Supervisor for Dog License & Clerk Fees	\$ 14,834.94
Supervisor for Fitzsimmons Cemetery	\$ 8,100.00
SUBTOTAL	\$ 68,674.25

**RECEIVER OF TAXES:**

Total Taxes Collected:	\$ 5,070,601.49
Total Penalty Collected:	\$ 6,880.39
Total Surcharge/Interest Collected:	\$ 0.00
Total Notice Fees Collected:	\$ 299.00
Total Duplicate & Overpayments:	\$ 6,206.11
Total Returned Check Fees:	\$ 0.00
Bank Interest Earned:	\$ 0.00
<b>TOTAL</b>	<b>\$ 5,083,986.99</b>

Total Direct Payments: \$ 186,062.02

Total Bounced Checks:	\$	2,043.68
Total Refunded/Applied Overpayments:	\$	6,206.11
Disbursements to Supervisor:	\$	1,558,156.79
Disbursements to County:	\$	3,331,520.73
Other Disbursements:	\$	0.00
Bank Service Charges:	\$	0.00
<b>TOTAL</b>	<b>\$</b>	<b>5,083,989.33</b>

Other Adjustments:	\$	2.34
<b>Bank Balance:</b>	<b>\$</b>	<b>0.00</b>

**2020 FITZSIMMONS CEMETERY EXTENSION REPORT:**

29 graves were sold during 2020 for a total of \$8,100.00.

**CODE ENFORCEMENT OFFICER 2020 ANNUAL REPORT:**

Permit & Site Plan Fees:	\$	21,764.75
Building Permit Values:	\$	3,885,673.09
Variance Fees:	\$	150.00
Operating Permit Fees:	\$	8,065.00

The following were issued or completed: 391 Total Building Permits; 4 New Homes; 3 New Commercial Buildings; 87 Fire Inspections/OP Permits; 307 Compliance Certificates; 422 Building Inspections; 67 Unlicensed Vehicles; 82 Garbage/Rubbish; 9 Vendor Cleaned Up; 108 High Grass; 38 Vendor Mowed; 1 Burning Violation; 1 Swimming Pool Violation; 34 NYS and Misc. Violations; 1 Appearance Ticket; 11 Logging Registrations; 12 Site Plan Applications; 2 Variance Applications; 8205 Miles Driven; 1466 Complaints/Inquires; Additional: COVID-19.

**2020 YEAR END YOUTH SERVICES/RECREATION/SENIOR CITIZEN REPORT:**

Approximately 1,259 sign-in's/participants/users at the Chapel Park Community Center, including those who came to weekly and monthly activities, meetings, special events, elections, gatherings and rentals.

**TOWN JUSTICE JOPSEH W. HOLLY 2020 ANNUAL REPORT:**

Total Collected by Justice Holly	\$	67,459.00
Amount Forwarded to Town of Southport Fiscal Officer	\$	58,639.00
Bail Pending	\$	2,500.00
Total Kept by the Town (both Judges)	\$	25,096.00

**TOWN JUSTICE STEVEN MILFORD 2020 ANNUAL REPORT:**

Total Collected by Justice Milford	\$	52,602.50
Amount Forwarded to Town of Southport Fiscal Officer	\$	52,346.50
Bail Pending	\$	200.00
Total Kept by the Town (both Judges)	\$	25,096.00

Council Member Gunderman made a motion, Council Member Roman seconded to accept the Annual Reports as filed.

Under Correspondence, Supervisor Szerszen stated that the Town received a Member Loyalty Award Check from Comp Alliance for the 2020-2021 fiscal year. She also stated that the Town was awarded the Justice Court Assistance Program Grant.

Council Member Roman made a motion, Council Member Steed seconded to accept the January 4, 2021 Organizational Minutes and the January 12, 2021 Regular Meeting minutes.

Under Taxpayer's Comments, Agenda and Discussion items only, Ruth Stoddard from 23 Autumnview Way joined remotely and commented on the Autumnview Estates project.

RESOLUTION NO. 46-2021

APPROVING ABSTRACT OF GENERAL FUND CLAIMS #14 OF 2020

Resolution by: Roman  
Seconded by: Gunderman

RESOLVED, that the abstract of General Fund Claims #14 of 2020, submitted by the Town Clerk, No. 642 through No. 650, not to exceed \$21,112.81, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 47-2021

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 February, No. 26 through No. 66, not to exceed \$62,594.15, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 48-2021

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 February, No. 10 through No. 32, not to exceed \$68,504.17, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 49-2021

APPROVING ABSTRACT OF FIRE FUND CLAIMS

Resolution by: Steed  
Seconded by: Roman

RESOLVED, that the Abstract of Fire Fund Claims submitted by the Town Clerk for the month of February, No. 1 through No. 4, not to exceed \$664,777.00, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 50-2021

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT FOR VEGETATION MANAGEMENT IN  
CHAPEL PARK WATERWAY AND BULKHEAD MEMORIAL

Resolution by:           Gunderman  
Seconded by:           Steed

WHEREAS, the Chapel Park Waterway and Bulkhead Memorial are in need of vegetation management, and

WHEREAS, Certified Lawn Care has submitted a proposal to provide a vegetation control plan in the Chapel Park Waterway and Bulkhead Memorial in April-May, June-July, August-September 2021 for a total of TWO THOUSAND TWO HUNDRED EIGHTY DOLLARS AND 00/100 (\$2,280.00).

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized and directed to enter into an agreement with Certified Lawn Care for vegetation management in the Chapel Park Waterway and Bulkhead Memorial, and be it further

RESOLVED, that this agreement be subject to the review and approval of the Attorney for the Town.

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

RESOLUTION NO. 51-2021

APPOINTING TROY DYGERT AS A MEMBER OF THE TOWN OF SOUTHPORT  
PLANNING BOARD

Resolution by:           Gunderman  
Seconded by:           Hurley

RESOLVED, that Troy Dygert be and he hereby is appointed as a member of the Town of Southport Planning Board, to fill the unexpired term of Dan Collins, term to expire April 1, 2024.

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

RESOLUTION NO. 52-2021

SEQR FOR SALE OF SURPLUS PROPERTY ON STACIA DRIVE

Resolution by:           Gunderman  
Seconded by:           Hurley

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 property that the Town is declaring surplus which is located between parcels 505 and 439 Stacia Drive in the Town of Southport being fifty feet wide running along Stacia Drive and one hundred twenty feet running easterly from Stacia Drive as more fully described on the attached survey map entitled "Map of Lands of Chester Street East of Stacia Drive" made by Twin Tiers Land Surveying, dated March 30, 2020, and designated as Job No. 20167 and to be sold to adjacent property owners as (1) Parcel A to Richard and Judy Winslow and (2) Parcel B to Fleming Rentals, LLC, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport finds, based on the facts and information presented, that sale of Town surplus property referenced herein on Stacia Drive in the Town of Southport will not have an adverse impact on the environment, 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. 53-2021

AUTHORIZING THE SALE OF TOWN SURPLUS PROPERTY ON STACIA DRIVE

Resolution by:           Roman  
Seconded by:           Gunderman

WHEREAS, the Town of Southport is hereby in possession of surplus land that is no longer needed for a Town purpose, and

WHEREAS, the said surplus property is located between parcels 505 and 439 Stacia Drive in the Town of Southport which is fifty feet wide running along Stacia Drive and one hundred twenty feet running easterly from Stacia Drive, and

WHEREAS, the owners of the adjacent property to the north and south each wish to purchase a portion of said property, and



NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York declares property located between parcels 505 and 439 Stacia Drive in the Town of Southport to be surplus property for which is not needed for a Town purpose, and

BE IT FURTHER RESOLVED, the Town of Southport Town Board authorizes the sale of property herein described to be sold by quit claim deed to adjacent property owners as follows: (1) Parcel A, as more fully described on the attached survey map entitled “Map of Lands of Chester Street East of Stacia Drive” made by Twin Tiers Land Surveying, dated March 30, 2020, and designated as Job No. 20167 to be sold to adjacent property owners to the south, Richard and Judy Winslow for the fair market value of Eighty Dollars and No Cents (\$80.00) and (2) Parcel B, as more fully described on the attached survey map entitled “Map of Lands of Chester Street East of Stacia Drive” made by Twin Tiers Land Surveying, dated March 30, 2020, and designated as Job No. 20167 to be sold to adjacent property owners to the north, Fleming Rentals, LLC for the fair market value of One Hundred and Twenty Dollars and No Cents (\$120.00), and

BE IT FURTHER RESOLVED, that the buyers of the property will pay costs associated with the sale of property described herein, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to execute all documents necessary to complete the sale for the property described herein; 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. 54-2021

AUTHORIZING TOWN SUPERVISOR TO ENTER INTO AN AGREEMENT WITH NICHOLA OSTRANDER FOR THE POSITION OF COMMUNITY DEVELOPMENT SPECIALIST

Resolution by: Roman  
Seconded by: Gunderman

RESOLVED, that the Supervisor of the Town of Southport hereby is authorized to enter into an agreement with Nichola Ostrander, an independent contractor who will serve as a Community Development Specialist for the Town of Southport.

RESOLVED, that this agreement shall run from February 11, 2021 through February 11, 2022. This agreement may be terminated by either party upon 30 days written notice to the other.

RESOLVED, that the Town Board agrees to compensate Nichola Ostrander in the amount not to exceed Sixty-Five Dollars (\$65.00) per hour for services rendered.

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

RESOLUTION NO. 55-2021

AUTHORIZING OSTRANDER CONSULTING TO APPLY FOR A USDA COMMUNITY FACILITIES DIRECT LOAN & GRANT FOR THE PURCHASE OF A HIGHWAY PLOW TRUCK

Resolution by: Gunderman  
Seconded by: Steed

WHEREAS, the Town of Southport desires to apply for financial assistance through the USDA Community Facilities Direct Loan & Grant, and

WHEREAS, Ostrander Consulting will apply for the USDA Community Facilities grant for the purchase of a new plow truck for the Town of Southport Highway Department.

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Southport is hereby authorized to sign the application for the USDA Community Facilities Direct Loan & Grant.

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

RESOLUTION NO. 56-2021

ADOPTING RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)

Resolution by: Gunderman  
Seconded by: Hurley

RESOLVED, by the Town Board of the Town of Southport that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein:

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

RESOLUTION NO. 57-2021

TRANSFER OF LICENSE TO OPERATE THE GREEN VALLEY MOBILE HOME PARK  
AT MORLEY PLACE AND BUDD STREET

Resolution by:       Gunderman  
Seconded by:       Roman

WHEREAS, the Town of Southport Town Board received notification from the owner of the Green Valley Mobile Home Park at Morley Place and Budd Street, Elmira, New York, that the mobile home park was being sold, the new owner is Blair F. Boyce. Green Valley Mobile Home Park is requesting that the current license for 2021 be transferred the new owner, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board authorizes the assignment/transfer of the current license for the Green Valley Mobile Home Park located at Morley Place and Budd Street, Elmira, New York, 14904 upon the sale of such mobile home park to the new owner, Blair F. Boyce, in accordance with Town of Southport Town Code Chapter 552 Section 9.

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

RESOLUTION NO. 58-2021

SCHEDULING PUBLIC HEARING IN ACCORDANCE WITH TOWN OF SOUTHPORT CODE CHAPTER 525,  
ARTICLE 7, PLANNED DEVELOPMENT DISTRICT PROVISIONS

Resolution by: Steed  
Seconded by: Hurley

WHEREAS, the Town Board of the Town of Southport is in receipt of the Town of Southport Planning Board's findings and recommendations regarding the formal application and accompanying full environmental assessment form for the "Autumnview Estates" Planned Development District, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby schedules a public hearing in accordance with the Town of Southport Code Chapter 525, Article 7, Planned Development District Provisions, Section 47 for March 9, 2021 at 7:00 p.m. or as soon thereafter as it can be heard at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, New York 14904.

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

Under Discussion was Public Employees Health Emergency Plan, which will be tabled until the March 9, 2021 meeting.

Under Taxpayer's Comments, Mike Smith from 786 Cedar Street commented on Flood Mapping in the Town of Southport.

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

The meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk