

October 12, 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 October 12, 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, Code Enforcement Officer Dale Balmer, Town Clerk Carolyn Renko, Deputy Town Clerk Marianne Schrom

The meeting was called to order by Supervisor 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 – 7:05 P.M. – for the purpose of considering a proposal to renew a Fire Protection Contract between the Town of Southport, on behalf of the Fire Protection District No. 1 and the Southport Volunteer Firemen, Inc., which contract is to provide, among other things, that the Town of Southport on behalf for Protection District No. 1, shall pay to the Southport Volunteer Firemen, Inc., the sum of \$323,000.00 for the year 2022, \$329,500.00 for the year 2023; and \$336,000.00 for the year 2024 and to consider other terms and conditions as may be agreed upon between the parties for the furnishing of fire protection in said district.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened the hearing for public comment.

No one wished to speak so the public portion of the Public Hearing was closed at 7:07 p.m.

RESOLUTION NO. 150-2021

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH
SOUTHPORT VOLUNTEER FIREMEN, INC.

Resolution by: Gunderman
Seconded by; Hurley

WHEREAS, this Town Board did on the 12th day of October, 2021, hold a public hearing for the purpose of considering the adoption of a contract for the Southport Volunteer Firemen, Inc., furnishing fire protection within the Fire Protection District No. 1, all of which was done in accordance with the notice duly published as provided, and

WHEREAS, all persons desiring to be heard were then and there heard, and

WHEREAS, due deliberation having been made by this Town Board,

NOW THEREFORE BE IT RESOLVED, that this Town Board finds and determines that it is in the best interest of the residents of Fire Protection District No. 1 that the Town of Southport enter into a new contract with Southport Volunteer Firemen, Inc., at a yearly contract price as follows:

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|--------------------|--|
| First Year (2022) | THREE HUNDRED TWENTY-THREE THOUSAND DOLLARS AND 00/100 (\$323,000.00) |
| Second Year (2023) | THREE HUNDRED TWENTY-NINE THOUSAND, FIVE HUNDRED DOLLARS AND 00/100 (\$329,500.00) |
| Third year (2024) | THREE HUNDRED THIRTY-SIX THOUSAND DOLLARS AND 00/100 (\$336,000.00) |

and be it further

RESOLVED, that the Town Board of the Town of Southport does hereby authorize and direct the Town Supervisor on behalf of Town of Southport Fire Protection District No. 1 to enter into a contract with Southport Volunteer Firemen, Inc., the terms and conditions of that contract to be subject to the review and approval of the Attorney for the Town.

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

HEARING – Licensing Hearing for Mobile Home Park owned by Cherry Lane Park, LLC located at 1170 Sherman Avenue.

Cherry Lane Park, LLC is owned by Ronald Fish, who was not present at this hearing. Attorney Michael Bruno was present, representing Mr. Fish and Cherry Lane Park, LLC, as well as Gary Fredericks, the property manager. Cherry Lane Park, LLC currently has no operating license.

Code Enforcement Officer Dale Balmer gave a detailed summary of events regarding Cherry Lane Park, LLC that has taken place over the last several months to multiple outstanding code violations.

Attorney Bruno spoke and asked the Board for more time to address the outstanding code violations. He stated they will prioritize the most critical violations, find a competent contractor to make the repairs needed and present this plan to the Town Board.

Gary Fredericks spoke and stated he has been working on making repairs and cleaning up the park since Mr. Fish purchased it from LKC Management, LLC in April of 2021.

Tina Moore from 1173 Sherman Avenue and Mary Davenport from 1157 Sherman Avenue spoke stating the trailer park is in bad shape and has not been taken care of properly in many years.

The Board discussed the matter at length and decided to continue the hearing at the November 9, 2021 Town Board meeting.

RESOLUTION NO. 151-2021

CONTINUATION OF LICENSING HEARING OF CHERRY LANE PARK, LLC

Resolution by: Roman

Seconded by: Hurley

WHEREAS, Cherry Lane Park, LLC purchased the mobile home park in the Town of Southport located at 1170 Sherman Avenue in April of 2021 from LKC Management LLC, and

WHEREAS, the Town of Southport was not informed of this purchase, therefore the Town of Southport Code Department sent correspondences to Cherry Lane Park, LLC regarding the necessity to meet certain code requirements, including the submission of an application for assignment of the mobile home park license from the previous owner, and

WHEREAS, Cherry Lane Park, LLC submitted an application for assignment of the mobile home park license, but did not meet the conditions as set forth by the town code, therefore, since Section 352-8 of the Town of Southport Code requires consent of the Town Board for the assignment of a mobile home park license, a hearing was scheduled for October 12, 2021 at 7 p.m. before the Town of Southport Town Board to determine if the assignment of the license would be approved, and

WHEREAS, the hearing was held on October 12, 2021 at 7 p.m. before the Town of Southport Town Board to determine whether the Board would consent to the assignment of the mobile home park license for Cherry Lane Park, LLC to authorize the park to operate and at such hearing the Town Code Officer provided information , including current code violations, to the Town Board regarding the condition of the mobile home park and such violations were shared with Attorney Michael Bruno, Cherry Lane Park, LLC representatives, Attorney Michael Bruno and Park Manager, Gary Fredericks, were heard regarding the state of the mobile home park and their related interests and requests for a resolution, and

NOW THEREFORE BE IT RESOLVED, the Town of Southport Town Board, County of Chemung, State of New York, hereby determined to continue the hearing for Cherry Lane Park, LLC mobile home park located at 1170 Sherman Avenue in the Town of Southport until the next Town Board Meeting on November 9, 2021 at 7 p.m. and hereby agreed, upon the request of Attorney Bruno on behalf of Cherry Lane Park, LLC, to allow Cherry Lane Park, LLC to submit a plan to address the Town's concerns and outstanding code violations for the Town of Southport Town Board's consideration on or before October 26, 2021.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen

NOES: None

CARRIED.

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

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| Town Clerk & Dog License Fees | \$ 2,308.82 |
| Fitzsimmons Lot Sales | \$ 800.00 |
| Funds Turned to State and County Agencies | <u>\$ 16,329.18</u> |
| | \$ 19,438.00 |

Code Enforcement Office

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|--------------------------------------|---------------|
| Fees Collected: Building Permit Fees | \$ 1,335.60 |
| Building Permit Values | \$ 630,534.00 |
| Operating Permit Values | \$ 150.00 |
| Site Plan Fees | \$ 75.00 |
| Variance Fees | \$ 150.00 |

City of Elmira Animal Control
Justice Office

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

Under Correspondence, Supervisor Szerszen read correspondence regarding a high-speed internet and broad band survey.

Council Member Gunderman made a motion, Council Member Hurley seconded to accept the minutes of September 14, 2021 Regular Meeting and September 21, 2021 Tentative Budget Meeting.

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

RESOLUTION NO. 152-2021

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of October 2021, No. 452 through No. 513, not to exceed \$105,252.00, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 153-2021

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Hurley
Seconded by: Steed

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of October 2021, No. 201 through No. 221, not to exceed \$38,343.31, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 154-2021

APPROVING ABSTRACT OF LIGHT FUND CLAIM AND FIRE FUND CLAIM

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of October 2021, No. 9, not to exceed \$9,245.92 and Fire Fund Claim No. 9, not to exceed \$6,812.62, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 155-2021

REAPPOINTING LEE DOUD TO THE TOWN OF SOUTHPORT CEMETERY COMMISSION

Resolution by: Roman
Seconded by: Steed

RESOLVED, that Lee Doud be and he hereby is reappointed to the Town of Southport Cemetery Commission, said term to expire November 1, 2024.

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

RESOLUTION NO. 156-2021

APPROVING PRELIMINARY BUDGET AND DIRECTING PUBLIC HEARING THEREON

Resolution by: Gunderman
Seconded by: Hurley

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, 2022 and ending December 31, 2022, 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 3rd day of November 2021, 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. 157-2021

AUTHORIZING SUPERVISOR TO SIGN STATEMENT OF VALUES FOR INSURANCE PURPOSES

Resolution by: Gunderman
Seconded by: Roman

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. 158-2021

AUTHORIZING PURCHASE OF ONE NEW AND UNUSED 2022 F-250 FORD PICKUP TRUCK

Resolution by: Hurley
Seconded by: Steed

WHEREAS, this Town Board did in approving the budget for fiscal year 2021 provided therein funds for the purchase of new equipment to replace old or outdated equipment for use by its Highway Department, and

WHEREAS, this Town Board believes it to be in the best interest of the Town of Southport and the Town of Southport Highway Department to purchase a new truck for said department,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the Town Highway Superintendent to purchase pursuant to New York State General Municipal Law from Ferrario Ford, a new and unused 2022 F-250 4 x 4 SD Regular Cab Pickup truck with plow mount for a sum not to exceed \$45,441.00 (FORTY-FIVE THOUSAND FOUR-HUNDRED FORTY-ONE DOLLARS AND 00/100).

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

RESOLUTION NO. 159-2102

APPOINTING IVAN PURIFOY AS FULL-TIME RECREATION DIRECTOR

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town Board of the Town of Southport has determined that the Recreation Director position should be filled by the hiring of a full-time employee in compliance with Civil Service requirements, and

WHEREAS, the eligible candidates have been interviewed.

NOW THEREFORE BE IT RESOLVED, that Ivan Purifoy hereby is appointed as Recreation Director effective November 15, 2021 for a probationary period of fifty-two weeks pursuant to Civil Service Examination and pursuant to the Civil Service Laws of the State of New York, and be it further

RESOLVED, that Ivan Purifoy shall receive an annual salary of FIFTY-TWO THOUSAND DOLLARS AND 00/100 (\$52,000.00) as compensation for his duties, and that Ivan Purifoy shall be entitled to and receive any and all benefits available to any full-time employee of the Town of Southport.

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

Under Discussion was Halloween hours. The Town Board opted out of setting specific hours and stated that residents can trick or treat at their own discretion.

Under Taxpayer's Comments, Charles Wilson from 399 Widger Hill Road spoke regarding the Recreation Director, street lighting and stated the Highway Superintendent is taking good care of Widger Hill Road.

George and Roxanne Disbrow from 617 Schuyler Avenue stated the property near them is in a deplorable condition and asked the Town to intervene.

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

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Carolyn Renko, Town Clerk