

December 14, 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 December 14, 2021.

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

Member Joined Remotely: Council Member Glenn Gunderman

Others Present: Attorney Kimberlee Balok Middaugh, Code Enforcement Officer Peter Rocchi, Recreation Director Ivan Purifoy, Recreation Attendant William Evans, Council Member Elect Daniel Williams, 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

Supervisor Szerszen introduced and welcomed the new Recreation Director Ivan Purifoy.

**Update on Cherry Lane Park, LLC** – Supervisor Szerszen and Code Enforcement Officer Peter Rocchi gave an update on the park progress since the last meeting. Mr. Rocchi stated that almost all of the code violations have been rectified with a few exceptions where they are waiting for parts. Attorney Bruno was in attendance representing the owner of the park and stated they are continuing to take action of cleaning up the park and still plan to renovate at least two trailers in the spring. He also stated the office at the park is now open Monday thru Friday, 10:00 a.m. to 2:00 p.m.

Council Member Gunderman asked if the two trailers had started being renovated, Attorney Bruno stated the contractor is unavailable until spring.

Council Member Steed questioned if there was an actual signed agreement with the contractor and Attorney Bruno stated that there was not that he had just spoken to him and had a verbal agreement.

Tina Moore who lives at 1173 Sherman Avenue stated she thinks the office should be open more than it is and that there is still debris laying around the park and feels nothing has changed.

Mary Davenport from 1157 Sherman Avenue stated nothing has changed and that the park is still in disrepair.

Thomas Aber from 1155 Sherman Avenue commented on the contractor's agreement.

Council Member Elect Dan Williams spoke and stated the Town Board members need to make the best decision for all of the residents of the Town, for which they represent.

Michael Smith from 786 Cedar Street stated that he feels the people living in the trailer park need to be housed somewhere with better living conditions.

RESOLUTION NO. 175-2021

DENY ASSIGNMENT PENDING INFORMATION NOT PROVIDED

Resolution by: Hurley  
Seconded by: Steed

WHEREAS, the hearing for the mobile home park owned by Cherry Lane Park, LLC was held on October 12, 2021 and November 9, 2021 before the Town of Southport Town Board to determine whether the Board would consent to the assignment of the mobile home park license to Cherry Lane Park, LLC; and

WHEREAS, at the Town of Southport Town Board meeting held on December 14, 2021, Attorney Bruno on behalf of Cherry Park, LLC discussed a proposed plan submitted to the Board to address the Board's concerns for repairs and renovations to the park upon which the assignment of the license would be contingent.

WHEREAS, after due deliberation by the Board, Council Member Hurley moved for a resolution that was seconded by Council Member Steed.

BE IT RESOLVED, that the assignment of the mobile home park license to Cherry Lane Park, LLC be denied.

AYES:  
NOES: Gunderman, Hurley, Roman, Steed, Szerszen  
CARRIED.

The matter of Cherry Lane Park, LLC will be tabled until the January 11, 2022 regular Town Board meeting.

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,380.93
Fitzsimmons Lot Sales	\$ 400.00
Funds Turned to State and County Agencies	<u>\$ 3,639.57</u>
	\$ 5,420.50

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,111.60
	Building Permit Values	\$ 178,200.00
	Operating Permit Fees	\$ 500.00
	Site Plan Fees	\$ 75.00

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

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

Council Member Steed made a motion, Council Member Hurley seconded to accept the minutes of November 9, 2021 Regular Meeting.

There was no Correspondence received.

Under Taxpayer's Comments, Daniel Williams, Council Member Elect and from 148 Mt. View Drive, Pine City, NY commented on resolution No. 12 Accepting bid of Frey & Campbell, Inc. for HVAC upgrade and entering into an agreement for services.

RESOLUTION NO. 176-2021

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Steed  
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of December 2021, No. 562 through No. 630, not to exceed \$62,888.79, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 177-2021

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Roman  
Seconded by: Steed

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of December 2021, No. 236 through No. 253, not to exceed \$52,737.63, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 178-2021

APPROVING ABSTRACT OF LIGHT FUND CLAIMS

Resolution by: Hurley  
Seconded by: Steed

RESOLVED, that the Abstract of Light Fund Claims submitted by the Town Clerk for the month of December 2021, No. 10 and 11, not to exceed \$20,145.76, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 179-2021

AUTHORIZING PURCHASE OF DIESEL AND GAS AT STATE BID PRICE

Resolution by: Steed  
Seconded by: Hurley

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase the necessary requirements of diesel and gas at the New York State bid contract price or less.

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

RESOLUTION 180-2021

APPOINTING KAREN BACHMAN AS DEPUTY RECEIVER OF TAXES

Resolution by: Steed  
Seconded by: Roman

RESOLVED, that this Town Board hereby establishes the Office of Deputy Town Clerk as Deputy Receiver of Taxes and Assessments pursuant to the provisions of Section 20, Subdivision 3 (c), of the Town Law of the State of New York, as amended, and be it further

RESOLVED, that the Deputy Town Clerk as Deputy Receiver of Taxes and Assessments shall be appointed by the Receiver of Taxes and Assessments as provided by law.

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

RESOLUTION NO. 181-2021

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL EMERGENCY SERVICES, INC.

Resolution by: Steed  
Seconded by: Hurley

WHEREAS, the Town of Southport needs to have available to it resources for flood warning services, as well as hazardous chemical information resources, and

WHEREAS, Environmental Emergency Services, Inc., (EES) provides such services to various municipalities,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize a contract with EES at an annual cost for 2022 of NINE HUNDRED DOLLARS (\$900.00) to procure from that corporation flood warning services as well as resources which the Town can utilize in connection with Towns obtaining information regarding hazardous chemicals and materials, and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to enter into an agreement with Environmental Emergency Services, Inc., after receipt by the Town of Southport of a copy of the review, compilation or audit, or a copy of the current financial report of EES, such review, compilation, audit or financial report to include a detailed statement as to the income and expenses, and be it further

RESOLVED, that the terms and conditions of 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. 182-2021

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH FRIENDS OF THE CHEMUNG RIVER WATERSHED, INC.

Resolution by: Steed

Seconded by: Roman

WHEREAS, the Friends of the Chemung River Watershed, Inc., a local association has requested funding from the Town of Southport for developing and promoting the Chemung River as a community asset for potential recreation and business development and opportunities.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize and direct the Town Supervisor to enter into an agreement with the Friends of the Chemung River Watershed, Inc., for the assistance in developing and promoting the Chemung River as a community asset for potential recreational and business development opportunities at a cost not to exceed FIVE THOUSAND DOLLARS AND 00/100 (\$5,000.00), for the year 2022, and be it further

RESOLVED, that the Supervisor, upon request of an invoice for said services, shall issue payment in the amount set forth above.

AYES: Roman, Steed, Szerszen

NOES: Gunderman, Hurley

CARRIED.

RESOLUTION NO. 183-2021

INTERMUNICIPAL AGREEMENT FOR ANIMAL CONTROL SERVICES BETWEEN THE TOWN OF SOUTHPORT AND THE CITY OF ELMIRA

Resolution by: Hurley  
Seconded by: Roman

WHEREAS, the City of Elmira has proposed to provide animal control services to the Town of Southport from January 1, 2022 through December 31, 2022 for the total cost of THIRTY-EIGHT THOUSAND, FORTY-EIGHT DOLLARS AND 20/100 (\$38,048.20) in twelve (12) monthly installments of THREE THOUSAND ONE HUNDRED SEVENTY DOLLARS AND 68/100 (\$3,170.68).

WHEREAS, the City of Elmira has agreed to a road officer available 24 hours a day, seven days a week to the residents of the Town of Southport for animal control services.

NOW THEREFORE BE IT RESOLVED, that the Town of Southport for said animal control for the period from January 1, 2022 to December 31, 2022 shall be in the amount of THIRTY-EIGHT THOUSAND, FORTY-EIGHT DOLLARS AND 20/100 (\$38,048.20), in twelve (12) monthly installments of THREE THOUSAND ONE HUNDRED SEVENTY DOLLARS AND 68/100 (\$3,170.68) in accordance with the provisions of this agreement.

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

Resolution #8 Accepting 2022 Highway Employee Contract will be tabled until the January 3, 2022 Organizational Meeting.

RESOLUTION 184-2021

INTERMUNICIPAL AGREEMENT FOR ASSESSOR SERVICES BETWEEN THE TOWN OF CHEMUNG AND THE TOWN OF SOUTHPORT

Resolution by: Steed  
Seconded by: Hurley

WHEREAS, the Towns recognize a need to share services with Chemung County to more efficiently utilize the tax dollars of our residents, and

WHEREAS, the participating Towns are in need of Assessor services, and

WHEREAS, the Town of Chemung has in its employ personnel qualified in Assessor Services.

NOW THEREFORE BE IT RESOLVED, that the Town of Chemung and the Town of Southport will enter into an Intermunicipal Agreement for Assessor Services, effective January 1, 2022 through December 31, 2022.

RESOLVED, that the Assessor will be available to the participating Towns on an as needed basis as determined by the Town and the Assessor.

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

Resolution #11 Authorizing Supervisor to enter into an Agreement with the County of Chemung to provide a Resident Sheriff's Deputy for the Town. This will be tabled until the January 3, 2022 Organizational Meeting.

RESOLUTION NO. 185-2021

ACCEPTING BID OF FREY & CAMPBELL, INC. FOR HVAC UPGRADE AND ENTERING INTO AN AGREEMENT FOR SERVICES

Resolution by:       Roman  
Seconded by:       Steed

WHEREAS, this Town Board finds and determines that the bid submitted by Frey & Campbell, Inc. for HVAC System upgrade to the Town of Southport Town Hall is deemed to be the lowest responsible bid, for a cost of FOUR-HUNDRED TWENTY-ONE THOUSAND, ONE HUNDRED DOLLARS AND 00/100 (\$421,100.00), and

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to enter into an Agreement with Frey & Campbell, Inc. for HVAC System upgrade at the Town of Southport Town Hall.

AYES:           None  
NOES:           Gunderman, Hurley, Roman, Steed, Szerszen  
NOT CARRIED.



RESOLUTION NO. 186-2021

TABLE ACCEPTING BID OF FREY & CAMPBELL, INC. FOR HVAC UPGRADE AND ENTERING INTO AN AGREEMENT FOR SERVICES

Resolution by: Hurley  
Seconded by: Steed

WHEREAS, Accepting the Bid of Frey & Campbell, Inc. for HVAC system upgrades at Town of Southport Town Hall, will be tabled until the January 11, 2022 meeting.

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

RESOLUTION NO. 187-2021

AMENDING RESOLUTION NO. 67-2021 ACCEPTING PROPOSAL FROM LABELLA ASSOCIATES FOR ENGINEERING SERVICES FOR HVAC SYSTEM UPGRADE AT SOUTHPORT TOWN HALL, INCREASING DESIGN FEE CHARGE

Resolution by: Roman  
Seconded by: Steed

WHEREAS, by Resolution No. 67-2021, the Town of Southport accepted a proposal from LaBella Associates for engineering services for HVAC System Upgrade at Southport Town Hall, at a cost not to exceed TWENTY-SEVEN THOUSAND DOLLARS AND 00/100 (\$27,000.00).

WHEREAS, it was determined that LaBella Associates did go over budget in the amount of EIGHT-THOUSAND EIGHT HUNDRED DOLLARS AND 00/100 (\$8,800.00) due to additional time spent in field documentation, documentation of mechanical systems and electrical design.

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 EIGHT THOUSAND EIGHT HUNDRED DOLLARS AND 00/100 (\$8,800.00) to LaBella Associates for additional design fee change in regards to HVAC System Upgrade at Southport Town Hall.

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

RESOLUTION NO. 188-2021

ENDING APPOINTMENT OF RICHARD NICKERSON AND DEAN MCKAY AS  
PART-TIME SEASONAL LABORERS

Resolution by: Roman  
Seconded by: Hurley

WHEREAS, Richard Nickerson and Dean McKay were hired as part-time Seasonal Laborers for the Town of Southport.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby ends the appointment of Richard Nickerson and Dean McKay as part-time Seasonal Laborers for the Town of Southport, effective 11/30/2021.

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

RESOLUTION NO. 189-2021

YEAR END BUDGET MODIFICATIONS AND AUTHORIZING SUPERVISOR TO MAKE ANY NECESSARY  
ADDITIONAL YEAR END BUDGET MODIFICATIONS

Resolution by: Steed  
Seconded by: Hurley

RESOLVED, that the Supervisor be and she hereby is authorized to make any necessary year-end budget modifications, and be it further

RESOLVED, that the following transfer of funds are as follows:

<b>Budget lines to be Modified</b>	<b>Prior Approved Budget Amt.</b>	<b>Amount of Requested Increase/Decrease</b>	<b>Revised Budget Amt.</b>	<b>Reason for Budget Rev.</b>
From: A1340.1 Budget. Personal Svc.	\$ 300.00	\$ (41.31)	\$ 258.69	
To: A1315.4 Bookkeeper Cont.	\$ (41.31)	\$ 41.31		
From: A1420.4 Attny. Cont.	\$ 46,902.33	\$ (7,889.00)	\$ 39,013.33	

<b>Budget lines to be Modified</b>	<b>Prior Approved Budget Amt.</b>	<b>Amount of Requested Increase/Decrease</b>	<b>Revised Budget Amt.</b>	<b>Reason for Budget Rev.</b>
To: A1450.4 Elections Cont.	\$ (7,889.00)	\$ 7,889.00		
From: A1340.1 Budget Personal Svc.	\$ 258.69	\$ (9.48)	\$ 249.21	
To: A3120.4 Police Cont.	\$ (9.48)	\$ 9.48		
From: A1420.4 Attny. Cont.	\$ 39,013.33	\$ (5,000.00)	\$ 34,013.33	
To: A7310.11 Rec. Maint.	\$ (2,906.03)	\$ 5,000.00	\$ 2,097.97	
From: A1420.4 Attny. Cont.	\$ 34,013.33	\$ (850.00)	\$ 33,163.33	
To: A8020.4 Planning Bd. Cont.	\$ (850.00)	\$ 850.00		
From: A1220.4 Supervisor Cont.	\$ 1,000.00	\$ (1,000.00)		
To: A8810.4 Cemetery Cont.	\$ (290.33)	\$ 1,000.00	\$ 709.67	
From: A1620.44 Bldg. Cont. Parking Lot	\$ 6,180.00	\$ (5,000.00)	\$ 1,180.00	
To: A9060.83 Dental/Vision	\$ (1,753.64)	\$ 5,000.00	\$ 3,246.36	
From: DA5110.4 Item I Road Repair	\$ 51,795.18	\$ (10,000.00)	\$ 41,795.18	
To: DA5142.4 Item IV Snow Removal	\$ (3,172.72)	\$ 10,000.00	\$ 6,827.28	

Budget lines to be Modified	Prior Approved Budget Amt.	Amount of Requested Increase/Decrease	Revised Budget Amt.	Reason for Budget Rev.
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From: DA5110.4 Item I Road Repair	\$ 41,795.18	\$ (15,000.00)	\$ 26,795.18	
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To: DA9060.81 Retiree Medical	\$ (14,964.14)	\$ 15,000.00	\$ 35.86	
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AYES: Gunderman, Hurley, Roman, Steed, Szerszen  
 NOES: None  
 CARRIED.

RESOLUTION NO. 190-2021

AUTHORIZING SUPERVISOR TO INCREASE 2021 HIGHWAY BUDGET TO REFLECT THE ACTUAL AMOUNTS RECEIVED AND SPENT FOR CHIPS

Resolution by: Roman  
 Seconded by: Hurley

WHEREAS, this Town has received Consolidated Highway Improvement Program (CHIP) Funds totaling \$201,650.00 in excess of the original appropriation pursuant to the Transportation Systems Assistance and Financing Act of 1981.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby appropriates such funds in the amount of \$201,650.00 to be used for local highway and street improvements as mandated by the Consolidated Highway Improvement Program, and be it further

RESOLVED, that this appropriation shall in no way be deemed to be an increase in the budgetary funds made available for the fiscal year of 2021.

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

Under Discussion was LED Light conversion and Moratorium on sticker stores. Both of these items were discussed by the Board.

Next under discussion was report from the Form Based Code Review Committee. Council Member Roman stated the committee met for the first time on December 6th and the first thing they will focus on is zoning. The next meeting for the committee will be January 3, 2022 at 6:00 p.m.

Under discussion was the report from the Bicentennial Committee. Council Member Roman stated the committee met for the first time this evening and that the timing of events was discussed. The next meeting will be held on January 11, 2022 at 6:00 p.m.

Lastly under Discussion was Annual Meeting. Supervisor Szerszen stated that the Annual Meeting Scheduled for December 29, 2021 at 6:00 p.m. is canceled.

Under Taxpayer's Comments, Michael Smith from 786 Cedar Street thanked Supervisor Szerszen for all her years of dedicated work for the Town of Southport.

Rodney Strange from 386 Rae crest Circle also thanked Supervisor Szerszen for her service to the Town.

Supervisor Szerszen thanked the Town Board members and residents for their support through her years of serving on the Town Board.

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

The meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk