

December 13, 2022

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 13, 2022.

Members Present: Supervisor Joseph Roman, Council Members Glenn Gunderman, Timothy Steed, Daniel Williams

Members Absent: Council Member Daniel Hurley

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

The meeting was called to order by Supervisor 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

**PUBLIC HEARING 7:05 P.M.** – regarding the proposed RESTORE NY grant application: Project Name: Bulkheads Square Rehabilitation Project. Project Property Address: 1151 Broadway, Elmira, NY 14904. Current Sq. Ft. of Building: 3,275. Status: Vacant. Activity: Rehabilitate, Demolition, or Reconstruction of the property. Use Category: Commercial.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star-Gazette and opened up the Public Hearing for comment at 7:05 p.m. No one wished to speak so the public portion of the public hearing was closed at 7:06 p.m.

Supervisor Roman gave a brief description of the property and the process of applying for this grant.

RESOLUTION NO. 170-2022

AUTHORIZING THE TOWN SUPERVISOR TO SUBMIT AN APPLICATION UNDER THE RESTORE NEW YORK COMMUNITIES INITIATIVE

Resolution by: Gunderman  
Seconded by: Williams

WHEREAS, the Town of Southport was made aware that the Empire State Development Corporation through the Restore New York Communities Initiative is seeking requests for funding proposals for the demolition, deconstruction, rehabilitation or reconstruction of vacant, abandoned, surplus or condemned commercial and/or residential properties.

WHEREAS, a former commercial building located at 1151 Broadway in the Town of Southport, New York is in need of demolition, rehabilitation or reconstruction, as it is a potentially prime site for commercial development.

WHEREAS, the Town Board of the Town of Southport is in support of this demolition, rehabilitation or reconstruction of the property at 1151 Broadway and for the Town of Southport to submit an application to the Empire State Development Corporation for a grant for the demolition, rehabilitation or reconstruction of the building at 1151 Broadway in the Town of Southport, New York.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, confirms that it is in the best interest of the Town of Southport and its residents for the Town of Southport to apply to Empire State Development Corporation for a grant under the Restore New York Communities Initiative for the purpose of demolition, rehabilitation or reconstruction of the building located at 1151 Broadway in the Town of Southport, New York, and be it further

RESOLVED, that the Town Board of the Town of Southport affirms its prior decision to authorize the Town Supervisor to submit the application to the Empire State Development Corporation for the Restore New York Communities Initiative for the purpose of demolition, rehabilitation or reconstruction of the building located at 1151 Broadway in the Town of Southport, New York.

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

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,417.93
Fitzsimmons Lot Sales	\$ 275.00
Funds Turned to State & County Agencies	<u>\$ 3,175.07</u>
	\$ 4,868.00

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 917.60
	Building Permit Values	\$ 263,300.00
	Operating Permit Fees	\$ 250.00
	Site Plan Fees	\$ 75.00

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

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

Under Correspondence, Supervisor Roman read a letter for NYS Department of Transportation regarding a speed study that was performed on Snowburg Road. He also read an email from Ivan Purifoy, Director of Recreation, regarding the Town of Southport Christmas Parade and opening of Christmas Land that was held on December 3, 2022.

Deputy Supervisor Szerszen commented on correspondence the Town received regarding the EFC sewer grant feasibility study for Mt. Zoar Area Sanitary Sewer Project.

Council Member Steed made a motion, Council member Gunderman seconded to accept the minutes of November 9, 2022 Regular Meeting.

Under Taxpayer's Comments, agenda items only to include Resolutions & Discussion, no one wished to speak.

RESOLUTION NO. 171-2022

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman  
Seconded by: Williams

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of December 2022, No. 580 through No. 641, not to exceed \$125,173.21, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 172-2022

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Williams  
Seconded by: Steed

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of December 2022, No. 221 through No. 235, not to exceed \$90,515.70, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 173-2022

APPROVING ABSTRACT OF LIGHT FUND CLAIMS

Resolution by:           Gunderman  
Seconded by:           Steed

RESOLVED, that the Abstract of Light Fund Claims submitted by the Town Clerk for the month of December 2022, No. 8 and 9, not to exceed \$67,478.41, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 174-2022

AUTHORIZING PURCHASE OF DIESEL AND GAS AT STATE PRICE

Resolution by:           Steed  
Seconded by:           Gunderman

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, Steed, Williams, Roman  
NOES:                   None  
ABSENT:                Hurley  
CARRIED.

RESOLUTION NO. 175-2022

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CYBERLINK COMPUTING, INC.  
FOR 2023 COMPUTER MAINTENANCE

Resolution by: Gunderman  
Seconded by: Williams

RESOLVED, that the Supervisor of the Town of Southport, be and he hereby is authorized to enter into an agreement with Cyberlink Computing, Inc., for computer maintenance for the Town of Southport employees commencing January 1, 2023 and terminating December 31, 2023, for the sum of TEN THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$10, 560.00) per annum, payable at a monthly rate of EIGHT HUNDRED EIGHTY DOLLARS AND 00/100 (\$880.00) due by the 15<sup>th</sup> of each month and the consultant shall devote no less than 127 hours and no more than 137 hours per year to its duties in accordance with this agreement. Any time underage or overage will be credited or billed at the rate of EIGHTY DOLLARS AND 00/100 (\$80.00) per hour at the expiration of this agreement.

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

RESOLUTION NO. 176-2022

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

Resolution by: Steed  
Seconded by: Gunderman

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 2023 of NINE HUNDRED DOLLARS AND 00/100 (\$900.00) to procure from that corporation flood warning services as well as resources which the Town can utilize in connections with Towns obtaining information regarding hazardous chemicals and materials, 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, Steed, Williams, Roman  
NOES: None  
ABSENT: Hurley  
CARRIED.

Resolution No. 7, Authorizing Supervisor to enter into an Agreement with Friends of the Chemung River Watershed, Inc., and Resolution No. 8, Intermunicipal Agreement for Animal Control Services between the Town of Southport and City of Elmira, will be tabled until the January 2023 meeting.

RESOLUTION NO. 177-2022

ACCEPTING HIGHWAY EMPLOYEE CONTRACT

Resolution by: Gunderman  
Seconded by: Williams

WHEREAS, the Town Board has met with the employees of the Highway Department of the Town of Southport and in doing so negotiated the terms of a public employee's contract for employees of the Highway Department of the Town of Southport for the fiscal year 2023, and

WHEREAS, the members of this town Board and a majority of the employees of the Highway Department of this Town have agreed upon the provisions to be contained in said employee's contract for such year.

NOW THEREFORE BE IT RESOLVED, that the Highway Employee's Contract containing the signatures of the members of this Town Board and the majority of the employees of the Highway Department of the Town of Southport be and the same hereby is ratified in each and every aspect as contained therein, and the same is referred to as if set forth at length in this resolution, such contract to be subject to the review and approval of the Attorney for the Town.

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

RESOLUTION NO. 178-2022

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CAPABILITIES, INC. FOR CLEANING SERVICES AT TOWN HALL AND SENIOR CENTER

Resolution by: Gunderman  
Seconded by: Steed

WHEREAS, Capabilities, Inc. submitted a quote to provide cleaning services to the Town Hall in the amount of ONE THOUSAND EIGHTY-TWO DOLLARS (\$1,082.00) per month and cleaning services to the Senior Center in the amount of FOUR HUNDRED FORTY-FOUR DOLLARS (\$444.00) per month, from January 1, 2023 through December 31, 2023.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with Capabilities, Inc. for cleaning services at the Town Hall and Senior Center from January 1, 2023 through December 31, 2023, and be it further

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

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

RESOLUTION NO. 179-2022

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

Resolution by:       Gunderman  
 Seconded by:       Steed

RESOLVED, that the Supervisor be and he 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: A1320.4 Audit	\$ 2,600.00	\$ (2,600.00)		
To: A1315.4 Bookkeeper	\$ 12,500.00	\$ 643.00	\$ 13,143.00	
To: A3510.4 Control of Dogs	\$ 38,000.00	\$ 49.00	\$ 38,049.00	
To: A5132.4 Highway Garage	\$ 25,995.00	\$ 954.00	\$ 26,949.00	
To: A5182.4 Intersection Lighting	\$ 8,300.00	\$ 954.00	\$ 9,254.00	
From: A1220.4 Supervisor Contractual	\$ 1,000.00	\$ (650.00)	\$ 350.00	

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To:	A1355.1	\$ 9,000.00	\$ 650.00	\$ 9,650.00
	Assessor Personal Services			
From:	A7110.2	\$ 22,000.00	\$ (12,518.40)	\$ 9,481.60
	Parks Equipment			
To:	A6772.44	\$ 8,000.00	\$ 195.25	\$ 8,195.25
	Programs for Aging			
To:	A7310.11	\$ 37,000.00	\$ 12,323.15	\$ 49,323.15
	Recreation Maint. P/R			
From:	A9010.8	\$ 86,200.00	\$ (28,444.59)	\$ 57,755.41
	NYS Retirement			
To:	A1620.4	\$ 203,000.00	\$ 18,574.23	\$ 221,574.23
	Buildings Contractual			
To:	A9040.8	\$ 10,000.00	\$ 1,704.61	\$ 11,704.61
	Worker's Compensation			
To:	A9060.81	\$ 66,500.00	\$ 8,165.75	\$ 74,665.75
	Medical Retirees			
From:	DA5110.1	\$ 396,000.00	\$ (40,000.00)	\$ 356,000.00
	Item I Personal Services			
To:	DA5110.4	\$ 281,303.60	\$ 40,000.00	\$ 321,303.60
	Item I Contractual			
From:	DA5130.2	\$ 340,000.00	\$ (58,500.00)	\$ 281,500.00
	Machinery			
To:	DA5130.4	\$ 110,000.00	\$ 40,000.00	\$ 150,000.00
	Machinery Contractual			



To: DA5142.11 \$ 23,000.00 \$ 1,000.00 \$ 24,000.00  
Snow Removal OT

To: DA5142.4 \$ 133,600.00 \$ 15,000.00 \$ 148,600.00  
Snow Removal Contractual

To: DA9010.8 \$ 44,000.00 \$ 2,500.00 \$ 46,500.00  
NYS Retirement

AYES: Gunderman, Steed, Williams, Roman

NOES: None

ABSENT: Hurley

CARRIED.

RESOLUTION NO. 180-2022

DECLARING SURPLUS

Resolution by: Gunderman

Seconded by; Williams

WHEREAS, the Highway Superintendent has advised this Town Board that certain highway equipment is no longer needed by the Highway Department and can be declared surplus.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby declaring the following surplus:

1. 2008 Ford F450 Regular Cab Truck (VIN 1FDXF46Y48EE54229)

AYES: Gunderman, Steed, Williams, Roman

NOES: None

ABSENT: Hurley

CARRIED.

RESOLUTION 181-2022

AUTHORIZING THE TOWN OF SOUTHPORT TO PARTICIPATE IN THE NYCLASS PROGRAM

Resolution by: Gunderman

Seconded by: Steed

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations (defined in Article 5-G, Section 119-n to include towns and villages, to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) or their respective functions, powers, and duties on a cooperative or contract basis, and

WHEREAS, the Town of Southport wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019, and

WHEREAS, the Town of Southport wishes to satisfy the safety and liquidity needs of their funds.

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Southport is hereby authorized to participate in the NYCLASS Program under the terms of the NYCLASS Municipal Corporation Agreement Amended and Restated as of March 28, 2019.

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

Under Discussion was update on 521 Schuyler Avenue. Code Enforcement Officer Pete Rocchi stated McDonald Excavating was the lowest quote for demolition which will be taking place in the next few weeks.

RESOLUTION NO. 182-2022

PROPOSED LOCAL LAW NO. 1 OF 2023 TO AMEND TOWN OF SOUTHPORT CODE CHAPTER 525, ARTICLE IX, SECTION 525-114 (A) AND (B) AND REFERRAL TO CHEMUNG COUNTY PLANNING BOARD

Resolution by:       Steed  
Seconded by:        Williams

WHEREAS, the Town of Southport wishes to amend the Town of Southport Code, Chapter 525, Article IX, Section 525-114 (A) and (B) titled Outside Storage of Certain Vehicles, Equipment and Materials, to address vehicles being stored outside which have extensive damage and are inoperable; 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 as set forth below to Town of Southport Code, Chapter 525, Article IX, Section 525-114 (A) and (B) are hereby proposed and referred to the Chemung County Planning Board and scheduled for a public hearing on January 10, 2022 at 7:00 p.m. or as soon thereafter as it can be heard.

PROPOSED LOCAL LAW NO. 1 OF 2023 TO AMEND TOWN OF SOUTHPORT CODE CHAPTER 525, ARTICLE IX, SECTION 525-114(B)

The Town of Southport Code Chapter 525, Article IX, Section 525-114(B) is hereby amended to read as follows:

A. Storage in front or side yards

(1) No ~~required~~ front yard or side yard in any district shall be used for the storage of any vehicles or for the storage of any parts or equipment for making repairs to any kind of vehicles.

(2) No ~~required~~ front yard setback or side yard setback in any district shall be used for the storage of any travel trailers, recreational vehicles, boats or boat trailers or snowmobiles, ATVs and associated trailers.

(3) All vehicle storage shall be within existing driveways and shall be in compliance with clear vision requirements at all times.

B. Storage of unregistered and unlicensed motor vehicles and/or parts.

(1) In any district, there shall be no outside storage of any unregistered, unlicensed or uninspected motor vehicles for a time period longer than 15 days in any calendar year.

(ADDED LANGUAGE)

(2) In any district, except at a vehicle repair shop or vehicle salvage yard operated in compliance with §525 Attachment 1, the Use Regulation Table, there shall be no outside storage of any vehicle which due to a motor vehicle accident, motor vehicle fire, intentional damage, mechanical failure, or any other factor is not operable or could not pass New York State inspection.

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

RESOLUTION NO. 183-2022

PROPOSED LOCAL LAW NO. 2 OF 2023 TO AMEND TOWN OF SOUTHPORT CODE CHAPTER 497, ARTICLE IV, SECTION 497-12

Resolution by:       Williams  
Seconded by:        Steed

WHEREAS, the Town of Southport wishes to amend the Town of Southport Code, Chapter 497, Article IV, Section 497-12 titled Prohibited Vehicles; Exemptions to address tractor-trailers and other similar heavy-duty vehicles being parking on private property in the Town. Often these trailers and vehicles are being used for storage and living quarters which are not compatible with the Use Regulation Table; 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 as set forth below to Town of Southport Code, Chapter 497, Article IV, Section 497-12 are scheduled for a public hearing on January 10, 2022 at 7:00 p.m. or as soon thereafter as it can be heard.

PROPOSED LOCAL LAW NO. 2 OF 2023 TO AMEND TOWN OF SOUTHPORT CODE CHAPTER 497, ARTICLE IV, SECTION 497-12

The Town of Southport Code Chapter 497, Article IV, Section 497-12 is hereby amended to read as follows:

497-12 PROHIBITED VEHICLES; EXEMPTIONS

- A. No motor vehicle, including vans, trucks, tractors, tractor-trailers, having a total weight in excess of 10,000 pounds (GVWR), shall travel or operate on any Town road in Residential 1, Residential 2, Residential 3, Commercial Neighborhood, Commercial Regional, and Industrial Zones.

(ADDED new language to Sub-Section B)

- B. No motor vehicle and/or trailers, including vans, trucks, tractors, tractor-trailers, having a total gross vehicle weight in excess of 10,000 pounds (GVWR), shall be parked on any public roadway or on private property for more than one hour in any zone.

(re-lettered C and D)

- C. No motor vehicle, including vans, trucks, tractors, tractor-trailers, having a weight in excess of 30,000 pounds (GVWR), shall travel or operate on any Town road in the AR Zone.
- D. The following vehicles are exempt:
  - (1) Municipal.
  - (2) Emergency.
  - (3) Local deliveries that are performing a delivery.
  - (4) Construction deliveries for a legitimate job.
  - (5) Vehicles owned by residents residing in the district used to travel to and from their property.
  - (6) Recreational vehicles, as long as they are in transit or parked off street and not obstructing the view of traffic entering or exiting a Town road.
  - (7) The designated operator of a semitractor trailer may park the truck tractor on the premises as long as it does not obstruct the view of oncoming traffic, is not parked in the Town right-of-way and remains parked when not in transit to work.
  - (8) Construction trailers only for the duration of a construction project

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

RESOLUTION NO. 184-2022

AUTHORIZING SUPERVISOR TO PURCHASE A CODE ENFORCEMENT SOFTWARE PROGRAM FROM IWORQ SYSTEMS INC.

Resolution by: Steed  
Seconded by: Williams

WHEREAS, the Town of Southport has determined that there is a need for new Code Enforcement Software, and

WHEREAS, iWorQ Systems Inc., has submitted a proposal and proposed agreement with the Town of Southport to supply a software program for Code Enforcement.

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized and directed to enter into an agreement with iWorQ Systems, Inc. for a new Code Enforcement Software program at a cost not to exceed FIVE THOUSANDS DOLLARS (\$5,000.00) annually.

RESOLVED. that such agreement shall be subject to the review and approval of the Attorney for the Town.

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

Lastly under Discussion was Cherry Lane Park. Supervisor Roman stated the Agreement between the Town and Cherry Lane Park is not being honored by Cherry Lane and a decision will be made in January on how to proceed.

Under Taxpayer's Comments, Tina Moore from 1173 Sherman Avenue commented on Cherry Lane Park.

Council Member Gunderman made a motion, Council Member Steed seconded the motion to adjourn into executive session to discuss proposed pending or current litigation and the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The meeting adjourned to executive session at 8:20 p.m.

The meeting reconvened at 9:10 p.m.

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

The meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Carolyn A. Renko, Town Clerk