

April 11, 2023

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 April 11, 2023.

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

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

The meeting was called to order by Supervisor Roman at 6:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Joseph Roman

PUBLIC HEARING 6:00 P.M. – for the purpose of hearing any and all public comment regarding Local Law No. 4 of 2023 to Amend Town of Southport Code Section 476-2 Income Limitation for Sliding Scale for Partial Exemption of Real Property Tax for Persons over 65 years of age.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened up the Public Hearing for comment at 6:04 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:05 p.m.

Supervisor Roman gave a brief description once again regarding this Local Law.

RESOLUTION NO. 65-2023

LOCAL LAW NO. 4 OF 2023 TO AMEND TOWN OF SOUTHPORT CODE SECTION 476-2 INCOME LIMITATION FOR SLIDING SCALE FOR PARTIAL EXEMPTION OF REAL PROPERTY TAX FOR PERSONS OVER 65 YEARS OF AGE

Resolution by: Gunderman
Seconded by: Williams

WHEREAS, the Town of Southport previously adopted the partial exemption for persons with limited income over the age of 65 years in accordance with New York State Real Property Tax Law Section 467; and

WHEREAS, the Town of Southport wishes to revise the sliding scale exemption as allowable by law; and

WHEREAS, that this Local Law No. 4 of 2023 to Amend Town of Southport Code Section 476-2 Income Limitation for Sliding Scale for Partial Exemption of Real Property Tax for Persons over 65 years of Age 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 duly held on April 11, 2023 at 6:00 p.m. before the 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, the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts Local Law No. 4 of 2023 to Amend Town of Southport Code Section 476-2 Income Limitation for Sliding Scale for Partial Exemption of Real Property Tax for Persons over 65 years of Age and is hereby enacted to wit:

Local Law No. 4 of 2023 to Amend Town of Southport Code Section 476-2 Income Limitation for Sliding Scale for Partial Exemption of Real Property Tax for Persons over 65 years of Age

Section 1. Title

Local Law No. 4 of 2023 to Amend Town of Southport Code Section 476-2 Income Limitation for Sliding Scale for Partial Exemption of Real Property Tax for Persons over 65 years of Age.

Section 2. Intent

To amend code to allow for an increased sliding scale exemption for senior citizens over 65 years of age to coincide with the increased income thresholds as allowed by New York State Property Tax Law Section 467.

Section 3. Town of Southport Code Section 476-2 Income Limitation.

The income limitation for such partial exemption provided in § 476-1 shall be a sliding scale system as follows, all of which is done in accordance with the provisions of § 467 of the Real Property Tax Law of the State of New York, and the Assessor is directed to administer this amendment in accordance with the provisions of § 467 of the Real Property Tax Law, as the same may be amended hereafter from time to time.

| Annual Income | Percentage Exempt |
|--------------------|-------------------|
| \$29,000 and under | 50% |
| \$29,001-\$29,999 | 45% |
| \$30,000-\$30,999 | 40% |
| \$31,000-31,999 | 35% |
| \$32,000-32,899 | 30% |
| \$32,900-\$33,799 | 25% |
| \$33,800-34,699 | 20% |
| \$34,700-35,599 | 15% |

| Annual Income | Percentage Exempt |
|-------------------|-------------------|
| \$35,600-36,499 | 10% |
| \$36,500-\$37,399 | 5% |

Section 4. 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 and Municipal Home Rules Law § 10.

Section 5. Inconsistent Laws

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

Section 6. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law, or the application thereof to any person, firm, or corporation or circumstance, is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law, or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State.

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

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

| | |
|---|--------------------|
| Town Clerk & Dog License Fees | \$ 2,268.76 |
| Funds Turned to State and County Agencies | <u>\$ 1,071.74</u> |
| | \$ 3,340.50 |

Receiver of Taxes

| | |
|-----------------------------|---------------|
| Town & County Tax Collected | \$ 423,129.89 |
|-----------------------------|---------------|

Code Enforcement

| | | |
|-----------------|------------------------|---------------|
| Fees Collected: | Building Permit Fees | \$ 961.80 |
| | Building Permit Values | \$ 228,600.00 |
| | Operating Permit Fees | \$ 550.00 |
| | Logging Registration | \$ 50.00 |

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

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

Under Correspondence, Supervisor Roman read a letter from Chemung County Attorney Hyder Hussain regarding change in sales tax proceeds.

Council Member Gunderman made a motion, Council Member Steed seconded to accept the minutes of March 7, 2023 Special Meeting and March 14, 2023 Regular Meeting.

Under Public Comments, Mike Smith from 786 Cedar Street spoke regarding the tax exemption for volunteer firemen and ambulance workers.

RESOLUTION NO. 66-2023

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 April 2023, No. 139 through No. 189, not to exceed \$110,809.15, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 67-2023

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Steed
Seconded by: Williams

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of April 2023, No. 45 through No. 67, not to exceed \$96,921.13, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 68-2023

APPROVING ABSTRACT OF FIRE FUND CLAIM AND LIGHT FUND CLAIM

Resolution by: Gunderman
Seconded by: Steed

RESOLVED, that the Abstract of Fire Fund Claim No. 8, not to exceed \$6,812.62 and Light Fund Claim No. 1, not to exceed \$3,269.25, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 69-2023

REAPPOINTING KEN DAWSON AS A MEMBER OF THE TOWN OF SOUTHPORT SEWER COMMISSION

Resolution by: Williams
Seconded by: Hurley

RESOLVED, that Ken Dawson be and he hereby is reappointed to serve a term of three (3) years as a member of the Town of Southport Sewer Commission, said term to expire on April 30, 2026.

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

RESOLUTION NO. 70-2023

RATIFYING APPOINTMENT OF JOHN HASTINGS AS A MEMBER OF THE
TOWN OF SOUTHPORT PLANNING BOARD

Resolution by: Williams
Seconded by: Hurley

RESOLVED, that John Hastings be and he hereby is appointed to serve a term of seven (7) years as a member of the Town of Southport Planning Board, said term to expire on April 1, 2030.

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

RESOLUTION NO. 71-2023

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH SOUTHERN TIER COUNSELING CENTER, LLC FOR AN EMPLOYEE ASSISTANCE PROGRAM

Resolution by: Williams
Seconded by: Hurley

WHEREAS, the Town of Southport and Southern Tier Counseling Center, LLC desires to enter into an agreement for services provided by their Employee Assistance Program, and

WHEREAS, the agreement provides for a cost of \$1,000.00 retainer fee/\$85.00 per employee/dependent per session.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby approves the agreement between the Town of Southport and Southern Tier Counseling, LLC providing services known as the Employee Assistance Program. The Town Board of the Town of Southport hereby authorizes the Supervisor to sign the contract agreement for the Employee Assistance Program commencing May 1, 2023 and terminating April 30, 2024, at a cost of \$1,000.00 retainer fee/\$85.00 per employee/dependent per session.

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

RESOLUTION NO. 72-2023

ENDING APPOINTMENT OF SANDY COLEMAN AS ALTERNATE SCHOOL TRAFFIC OFFICER

Resolution by: Williams
Seconded by: Hurley

WHEREAS, Sandy Coleman was hired as an Alternate School Traffic Officer for the Town of Southport.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby ends the appointment of Sandy Coleman as Alternate School Traffic Officer for the Town of Southport, effective April 11, 2023.

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

RESOLUTION NO. 73-2023

APPOINTING DAN BARTON AS PART-TIME SEASONAL LABORER

Resolution by: Steed
Seconded by: Hurley

WHEREAS, the Supervisor has advised this Town Board that the need exists for seasonal laborers in accordance with budgetary appropriations.

NOW THEREFORE BE IT RESOLVED, that the following seasonal laborer appointment be effective April 17, 2023 and that the individual be paid as any other Town Employee pursuant to the following schedule:

| <u>NAME</u> | <u>POSITION</u> | <u>COMPENSATION</u> | <u>EFFECTIVE DATE</u> |
|-------------|------------------|---------------------|-----------------------|
| Dan Barton | Seasonal Laborer | \$15.20 pr/hr | 04/17/2023 |

and be it further

RESOLVED, that the aforementioned individual shall not be entitled to any benefits as a result of his employment by the Town of Southport, including but not limited to health insurance, and be it further

RESOLVED, that the aforementioned commence his employment with the Town of Southport until such time as he shall have filed with the Town Clerk their appropriate Oath of Office as required by law.

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

The following were under Discussion and will be tabled until the May 9, 2023 meeting.

1. Referral from Town of Southport Planning Board Local Law No. 3 of 2023, a six-month extension of the temporary 12-month Moratorium for operating unlicensed retail businesses involving the transfer, distribution, or sale of cannabis within the Town of Southport.
2. Statewide Exemption for volunteer firefighters and ambulance workers.
3. Residential Deputy.

RESOLUTION NO. 74-2023

PROPOSED LOCAL LAW NO. 5 OF 2023
TO AMEND CHAPTER 402, PROPERTY MAINTENANCE

Resolution by: Williams
Seconded by: Steed

WHEREAS, the Town of Southport wishes to amend its Town Code for Chapter 402, Property Maintenance, § 402-6(A), Failure of owner or occupant to comply and § 402-7 (A), Penalties for Offenses, to allow for an administrative fee to be added to the property tax bill due to continued difficulty in collection of such fee; 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 amendment as set forth below to Chapter 402, Property Maintenance, § 402-6(A), Failure of owner or occupant to comply, and § 402-7, Penalties for offenses, is scheduled for a public hearing on May 9, 2023 at 6:00 p.m. or as soon thereafter as it can be heard.

PROPOSED LOCAL LAW NO. 5 OF 2023
TO AMEND CHAPTER 402, PROPERTY MAINTENANCE

Section 1. This local law shall be known as “Local Law No. 5 of 2023 To Amend Chapter 402, Property Maintenance” and Chapter 402, Property Maintenance, § 402-6, Failure of owner or occupant to comply, and 402-7, Penalties for offenses, are hereby amended to read as follows:

§ 402-6. Failure of owner or occupant to comply.

A. Upon default by the owner, lessee or occupant of fire notice received pursuant to § ~~402-4~~, the Town of Southport may cause such grass, brush, rubbish and weeds to be cut, trimmed and removed and such poisonous shrubs or weeds to be sprayed by the Town of Southport, or the Town may enter into a contract with an independent contractor to perform such work; and the total expense of said work, in addition to an administrative fee of \$100.00, will become a charge and lien on said property and shall be added to the tax bill for said property.

§ 402-7 Penalties for offenses.

A. ~~The owner or occupant shall, upon default of the notice received pursuant to § 402-4 and after the Town of Southport has acted pursuant to § 406-6A, § 402-6A, be assessed a surcharge in the amount of \$100 in addition to the cost of the cutting, trimming and/or removal of the grass, weeds, brush and other rank vegetation described in such notice.~~

A.B. Any violation of this article shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty, of the Code of the Town of Southport.

Section 2. Inconsistent Zoning Ordinances.

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

Section 3. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4. 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 and Town Law.

Section 5. Effective Date.

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

AYES: Gunderman, Hurley, Steed, Williams, Roman

NOES: None

CARRIED.

RESOLUTION NO. 75-2023

PROPOSED LOCAL LAW NO. 6 OF 2023
TO AMEND CHAPTER 431, SITE PLAN REVIEW

Resolution by: Williams

Seconded by: Steed

WHEREAS, the Town of Southport wishes to amend its Town Code for Chapter 431, Site Plan Review, § 431-5, Penalties for offenses, to properly reference the section of the Code for penalty enforcement; 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 amendment as set forth below to Chapter 431, Site Plan Review, § 431-5, Penalties for offenses, is scheduled for a public hearing on May 9, 2023 at 6:00 p.m. or as soon thereafter as it can be heard.

PROPOSED LOCAL LAW NO. 6 OF 2023
TO AMEND CHAPTER 431, SITE PLAN REVIEW

Section 1. This local law shall be known as “Local Law No. 6 of 2023 to Amend Chapter 431, Site Plan Review” and Chapter 431, Site Plan Review, § 431-5, Penalties for offenses, is hereby amended to read as follows:

§ 431-5. Penalties for offenses.

Any violation of this chapter shall be punishable as provided in ~~§525-78~~ Chapter 1, General Provisions, Article III, General Penalty, of the Code of the Town of Southport.

Section 2. Inconsistent Zoning Ordinances.

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

Section 3. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4. 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 and Town Law.

Section 5. Effective Date.

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

AYES: Gunderman, Hurley, Steed, Williams, Roman

NOES: None

CARRIED.

RESOLUTION NO. 76-2023

PROPOSED LOCAL LAW NO. 7 OF 2023
TO AMEND CHAPTER 431, SITE PLAN REVIEW

Resolution by: Williams

Seconded by: Steed

WHEREAS, the Town of Southport wishes to amend its Town Code for Chapter 431, Site Plan Review, § 431-6, Applicability; exceptions, to properly reference the subsections of the Code; 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 amendment as set forth below to Chapter 431, Site Plan Review, § 431-6, Applicability; exceptions, is scheduled for a public hearing on May 9, 2023 at 6:00 p.m. or as soon thereafter as it can be heard.

PROPOSED LOCAL LAW NO. 7 OF 2023
TO AMEND CHAPTER 431, SITE PLAN REVIEW

Section 1. This local law shall be known as “Local Law No. 7 of 2023 To Amend Chapter 431, Site Plan Review and Chapter 431, Site Plan Review, § 431-6, Applicability; exceptions, is hereby amended to read as follows:

§ 431-6. Applicability; exceptions.

A. All new land use activities within the Town shall require site plan review and approval before being undertaken except the following. Note that Subsections ~~A, B, D, G, H and I~~ 1, 2, 4, 7, 8, 9 may require the preparation and approval of a stormwater pollution prevention plan if they are determined to be land development activities as defined in § 425-9.

(1) Construction of one- or two-family dwelling and ordinary accessory structures and related land use activities.

(2) Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this chapter.

(3) Ordinary repair or maintenance or interior alterations to existing structures or uses.

(4) Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 1,000 square feet.

(5) Signs under 10 square feet.

(6) The sale of agricultural produce and temporary structures related to sale of agricultural product.

(7) Parking lots less than 1,600 square feet.

(8) Excavations for the purpose of extracting soil or material deposits less than 300 cubic yards.

(9) Construction of barns, silos, and customary agricultural structures under 10,000 square feet.

Section 2. Inconsistent Zoning Ordinances.

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

Section 3. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4. 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 and Town Law.

Section 5. Effective Date.

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

AYES: Gunderman, Hurley, Steed, Williams, Roman

NOES: None

CARRIED.

RESOLUTION NO. 77-2023

PROPOSED LOCAL LAW NO. 8 OF 2023
TO AMEND CHAPTER 245, ARTICLE I, § 245-10 (G) FEE

Resolution by: Williams
Seconded by: Steed

WHEREAS, the Town of Southport wishes to amend its Town Code for Chapter 245 Construction Codes, Uniform, Article I Administration and Enforcement for operating permit fees under § 245-10(G) to allow for such fees to be added to the property tax bill due to continued difficulty in collection of such fees; 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 Chapter 245 Construction Codes, Uniform, Article I Administration and Enforcement, § 245-10 Operating Permits, (G) Fee, scheduled for a public hearing on May 9, 2023 at 6:00 p.m. or as soon thereafter as it can be heard.

PROPOSED LOCAL LAW NO. 8 OF 2023
TO AMEND CHAPTER 245, ARTICLE I, § 245-10 (G) FEE

Section 1. This Local Law shall be known as “Local Law No. 8 of 2023 To Amend Chapter 245, Article I, § 245-10 Operating Permits, (G) Fee” and Chapter 245 Construction Codes, Uniform, Article I Administration and Enforcement, § 245-10 (G) Fee is hereby amended to read as follows:

G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 245-18 (Fees) of this article must be paid at the time submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit. If the fee is not paid on or within 60 days from the inspection date and Town conducts said inspection, such fee will become a charge and lien on said property and shall be added to the tax bill for said property.

Section 2. Inconsistent Zoning Ordinances.

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

Section 3. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4. 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 and Town Law.

Section 5. Effective Date.

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

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

RESOLUTION NO. 78-2023

PROPOSED LOCAL LAW NO. 9 OF 2023
TO AMEND CHAPTER 245, ARTICLE I, § 245-11 (E) FEE

Resolution by: Williams
Seconded by: Steed

WHEREAS, the Town of Southport wishes to amend its Town Code for Chapter 245 Construction Codes, Uniform, Article I Administration and Enforcement for fire-safety and property maintenance inspections fees under § 245-11(E) to allow for such fees to be added to the property tax bill due to continued difficulty in collection of such fees; 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 amendment as set forth below to Chapter 245 Construction Codes, Uniform, Article I Administration and Enforcement, § 245-11, Fire-safety and property maintenance inspections, (E) Fee, is scheduled for a public hearing on May 9, 2023 at 6:00 p.m. or as soon thereafter as it can be heard.

PROPOSED LOCAL LAW NO. 9 OF 2023
TO AMEND CHAPTER 245, ARTICLE I, § 245-11 (E) FEE

Section 1. This local law shall be known as “Local Law No. 9 of 2023 To Amend Chapter 245, Article I, § 245-11 (E) Fee” and Chapter 245 Construction Codes, Uniform, Article 1 Administration and Enforcement § 245-11 (E) Fee is hereby amended to read as follows:

E. Fee. The fee specified in or determined in accordance with the provisions set forth in § ~~245-18~~ (Fees) of this article must be paid at the time each inspection performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC. **If the fee is not paid on or within 60 days from the inspection date and Town conducts said inspection, such fee will become a charge and lien on said property and shall be added to the tax bill for said property.**

Section 2. Inconsistent Zoning Ordinances.

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

Section 3. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4. 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 and Town Law.

Section 5. Effective Date.

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

AYES: Gunderman, Hurley, Steed, Williams, Roman

NOES: None

CARRIED.

RESOLUTION NO. 79-2023

PROPOSED LOCAL LAW NO. 10 OF 2023
TO AMEND CHAPTER 431, SITE PLAN REVIEW

Resolution by: Williams

Seconded by: Steed

WHEREAS, the Town of Southport wishes to amend its Town Code for Chapter 431, Site Plan Review, § 431-16, Minor site plan approval; determination by Planning Board, to remove reference to District Regulations; 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 amendment as set forth below to Chapter 431, Site Plan Review, § 431-16, Minor site plan approval; determination by Planning Board, is scheduled for a public hearing on May 9, 2023 at 6:00 p.m. or as soon thereafter as it can be heard.

PROPOSED LOCAL LAW NO. 10 OF 2023
TO AMEND CHAPTER 431, SITE PLAN REVIEW

Section 1. This local law shall be known as “Local Law No. 10 of 2023 To Amend Chapter 431, Site Plan Review” and Chapter 431, Site Plan Review, § 431-16, Minor site plan approval; determination by Planning Board, is hereby amended to read as follows:

§ 431-16. Minor site plan approval; determination by Planning Board.

The Planning Board may conduct a public hearing on the site plan if considered desirable by a majority of its members, or if the site plan does not exceed the requirements of the ~~Schedules of District Regulations § 525-16~~ Use Regulation Table § 525-20 of Chapter 525, Zoning, of the Code of the Town of Southport, as that section may be amended from time to time, the Planning Board may elect to use § 239-m of New York State's General Municipal Law and render a determination of a "minor" site plan approval with or without modifications. If this does not occur, then the Planning Board will proceed to Article VI for continuation of a "major" site plan review.

Section 2. Inconsistent Zoning Ordinances.

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

Section 3. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4. 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 and Town Law.

Section 5. Effective Date.

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

AYES: Gunderman, Hurley, Steed, Williams, Roman

NOES: None

CARRIED.

Also under Discussion was Keyless Entry Town of Southport Buildings, which will also be tabled until the May meeting.

Last under Discussion was Cherry Lane Park, LLC. Attorney Michael Bruno who represents the owner of Cherry Lane Park, LLC spoke and stated they have identified a better plan to move forward which could possibly consist of replacing the trailers instead of repairing them. He will have 30-60 days to complete the plan and present it to the Town Board. This will be put on the May agenda for review.

Under Public Comment, Orian Jackson from 1559 Cedar Street stated she was a prior resident of Cherry Lane Park but her trailer burned down due to bad wiring so she had to move.

Tina Moore from 1173 Sherman Avenue also commented on Cherry Lane Park and the condition of the trailers.

Mary Davenport from 1157 Sherman Avenue stated she lived there for 30 years and the trailers at Cherry Lane Park have always been in bad shape.

Grace Gee from 1205 Sherman Avenue stated the trails are not in good shape at Cherry Lane Park.

Andy Patros from 1127 Pennsylvania Avenue commented on the noise and speed of cars traveling on Pennsylvania Avenue. He also commented on the Resident Deputy.

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

The meeting was adjourned at 7:03 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk