

May 9, 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 May 9, 2023.

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

Member Absent: Council Member Timothy Steed

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

The meeting was called to order by Supervisor Joseph 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 proposed Local Law No. 5 of 2023, Amendment to Chapter 402 Property Maintenance, §402-6 (A) and §402-7 (A) for collections of costs and fee as lien on property.

Town Clerk Carolyn Renko read the legal notice that appeared in the Elmira 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.

Attorney Balok-Middaugh gave a brief description once again regarding this Local Law.

RESOLUTION NO. 80-2023

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

Resolution by: Gunderman  
Seconded by: Hurley

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

WHEREAS, that Local Law No. 5 of 2023 To Amend Chapter 402, Property Maintenance having been in its final form 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 May 9, 2023 at 6:00 p.m. before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904, 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. 5 of 2023 To Amend Chapter 402, Property Maintenance and is hereby enacted to wit:

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

**PUBLIC HEARING 6:00 P.M.** – for the purpose of hearing any and all public comment regarding proposed Local Law No. 6 of 2023, to amend §431-5 Penalties for offenses, to properly reference section of Code for penalty enforcement.

Town Clerk Carolyn Renko read the legal notice that appeared in the Elmira Star Gazette and opened up the Public Hearing for comment at 6:07 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:08 p.m.

Attorney Balok-Middaugh gave a brief description once again regarding this Local Law.

RESOLUTION NO. 81-2023

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

Resolution by: Hurley  
Seconded by: Williams

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

WHEREAS, that Local Law No. 6 of 2023 To Amend Chapter 431, Site Plan Review, having been in its final form 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 May 9, 2023 at 6:00 p.m. before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904, 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. 6 of 2023 To Amend Chapter 431, Site Plan Review and is hereby enacted to wit:

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 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, Williams, Roman

NOES: None

ABSENT: Steed

CARRIED.

**PUBLIC HEARING 6:00 p.m.** – for the purpose of hearing any and all public comment regarding proposed Local Law No. 7 of 2023, to properly reference Subsections of Code in §431-6 (A) Applicability; exceptions.

Town Clerk Carolyn Renko read the legal notice that appeared in the Elmira Star Gazette and opened up the Public Hearing for comment at 6:08 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:09 p.m.

Attorney Balok-Middaugh gave a brief description once again regarding this Local Law.

RESOLUTION NO. 82-2023

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

Resolution by:           Gunderman  
Seconded by:           Hurley

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

WHEREAS, that Local Law No. 7 of 2023 To Amend Chapter 431, Site Plan Review, § 431-6, Applicability; exceptions having been in its final form 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 May 9, 2023 at 6:00 p.m. before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904, 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. 7 of 2023 To Amend Chapter 431, Site Plan Review, § 431-6, and is hereby enacted to wit:

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

**PUBLIC HEARING 6:00 p.m.** – for the purpose of hearing any and all public comment regarding proposed Local Law No. 8 of 2023, amendment to Chapter 245-10 (G) for collection of fee as lien on property.

Town Clerk Carolyn Renko read the legal notice that appeared in the Elmira Star Gazette and opened up the Public Hearing for comment at 6:10 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:11 p.m.

Attorney Balok-Middaugh gave a brief description once again regarding this Local Law.

RESOLUTION NO. 83-2023

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

Resolution by: Gunderman  
Seconded by: Williams

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

WHEREAS, that Local Law No. 8 of 2023 To Amend Chapter 245 Construction Codes, Uniform, Article I Administration and Enforcement for operating permit fees under § 245-10(G) having been in its final form 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 May 9, 2023 at 6:00 p.m. before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904, 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. 8 of 2023 To Amend Chapter 245 Construction Codes, Uniform, Article I Administration and Enforcement for operating permit fees under § 245-10(G) and is hereby enacted to wit:

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

**PUBLIC HEARING 6:00 p.m.** – for the purpose of hearing any and all public comment regarding proposed Local Law No. 9 of 2023, amendment to Chapter 245-11 (E) for collection of fee as lien on property.

Town Clerk Carolyn Renko read the legal notice that appeared in the Elmira Star Gazette and opened up the Public Hearing for comment at 6:11 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:12 p.m.

Attorney Balok-Middaugh gave a brief description once again regarding this Local Law.

RESOLUTION NO. 84-2023

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

Resolution by: Williams  
Seconded by: Hurley

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

WHEREAS, that Local Law No. 9 of 2023 To Amend Chapter 245 Construction Codes, Uniform, Article I Administration and Enforcement for fire safety and property maintenance inspections fees under § 245-11(E) having been in its final form 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 May 9, 2023 at 6:00 p.m. before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904, 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. 9 of 2023 To Amend Chapter 245 Construction Codes, Uniform, Article I Administration and Enforcement for fire safety and property maintenance inspections fees under § 245-11(E) and it is hereby enacted to wit:

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

**PUBLIC HEARING 6:00 p.m.** – for the purpose of hearing any and all public comment regarding proposed Local Law No. 10 of 2023, to remove reference to District Regulations 431-16 Minor Site Plan Approval.

Town Clerk Carolyn Renko read the legal notice that appeared in the Elmira Star Gazette and opened up the Public Hearing for comment at 6:13 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:14 p.m.

Attorney Balok-Middaugh gave a brief description once again regarding this Local Law.

RESOLUTION NO. 85-2023

LOCAL LAW NO. 10 OF 2023

TO AMEND CHAPTER 431, SITE PLAN REVIEW

Resolution by: Hurley  
Seconded by: Gunderman

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

WHEREAS, that Local Law No. 10 of 2023 To Amend Chapter 431, Site Plan Review, § 431-16, Minor site plan approval; determination by Planning Board, to remove reference to District Regulations having been in its final form 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 May 9, 2023 at 6:00 p.m. before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904, 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. 10 of 2023 To Amend Chapter 431, Site Plan Review, § 431-16, and it is hereby enacted to wit:

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

**Presentation – Tim Marshall, President Environmental Emergency Services.**

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,785.15
Funds Turned to State & County Agencies	<u>\$ 1,287.35</u>
	\$ 3,072.50

Code Enforcement

Building Permit Fees	\$ 2,147.80
Building Permit Values	\$ 201,600.00
Operating Permit Fees	\$ 350.00
Site Plan Fees	\$ 150.00

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

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

The minutes from April 11, 2023 Regular Meeting will be tabled until the June 13, 2023 meeting.

Under Correspondence:

1. Thank you note from Southport Business Association to Steve Renko and the Highway Department thanking them for removing the History of Southport Flags.

2. New York State Ambitious Housing plan – not moving forward at this time.
3. Chemung County Stormwater Annual Report – comment period open.
4. Town Hall HVAC (heating & air) project – will have a May 15, 2023 start date.

Under Public Comments, Andy Patros from 1127 Pennsylvania Avenue spoke on Town Board Meeting minutes and Public Hearing information that is on the website.

Tina Moore from 1173 Sherman Avenue spoke regarding Cherry Lane Park.

RESOLUTION NO. 86-2023

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by:           Gunderman  
Seconded by:           Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of May 2023, No. 190 through No. 249, not to exceed \$84,639.15, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 87-2023

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by:           Williams  
Seconded by:           Gunderman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of May 2023, No. 63 through No. 80, not to exceed \$56,391.75, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 88-2023

APPROVING ABSTRACT OF LIGHT FUND AND FIRE FUND CLAIM

Resolution by: Gunderman  
Seconded by: Hurley

RESOLVED, that the Abstract of Light Fund Claim No. 2, not to exceed \$5,887.24 and Fire Fund Claim No. 9, not to exceed \$9,720.00, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 89-2023

AUTHORIZING SOUTHPORT HISTORICAL SOCIETY TO PAINT A MURAL ON THE SOUTHPORT BASEBALL BUILDING AT CHAPEL PARK

Resolution by: Williams  
Seconded by: Gunderman

WHEREAS, the Southport Historical Society has requested permission to paint a mural on the Southport Baseball Building at Chapel Park.

WHEREAS, the design proposed will be created by art students from Broadway Academy under the direction of the art teacher and will recognize Clara Cook, who played women's softball and was inducted into the Metro-Elmira Sports Hall of Fame and is featured at the Baseball Hall of Fame in Cooperstown, NY.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby grants permission for the Southport Historical Society to paint a mural on the Southport Baseball Building at Chapel Park.

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

RESOLUTION NO. 90-2023

RESCINDING RESOLUTION NO. 73-2023, APPOINTING DAN BARTON AS PART-TIME SEASONAL LABORER

Resolution by: Williams  
Seconded by: Gunderman

RESOLVED, Resolution No. 73-2023, Appointing Dan Barton as Part-Time Seasonal Laborer, be and the same hereby is rescinded.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby rescind Resolution No. 73-2023.

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

RESOLUTION NO. 91-2023

ACCEPTING RESIGNATION OF MICHAEL HILLS AS ALTERNATE SCHOOL TRAFFIC OFFICER

Resolution by:       Williams  
Seconded by:       Gunderman

WHEREAS, Michael Hills has submitted his letter of resignation as an Alternate School Traffic Officer for the Town of Southport, effective May 12, 2023.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of Michael Hills as Alternate School Traffic Officer, effective May 12, 2023.

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

RESOLUTION NO. 92-2023

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

Resolution by:       Williams  
Seconded by:       Gunderman

WHEREAS, the Town of Southport enacted Local Law No. 1 of 2022 in April of 2022 titled a Temporary 12-Month Moratorium for Operating Unlicensed Retail Businesses Involving the Transfer, Distribution, or Sale of Cannabis to allow the Town of Southport to prevent unlicensed businesses in the Town from providing, distributing, or transferring cannabis as a “gift” to customers which may be based upon the conditional purchase of a product for sale, including but not limited to, an item such as a sticker or shirt and enacted a Town wide moratorium for the establishment of any unlicensed business that distributes, transfers, or sells cannabis to allow the Office of Cannabis Management to complete regulations and rules to oversee the licensing, cultivation, production, distribution, sale, laboratory testing and use of cannabis; and

WHEREAS, to date the New York State Office of the Cannabis Management has not finalized the rules and regulations related to the issuance of licenses to businesses for the legal sale of adult-use cannabis, therefore, the Town of Southport Town Board wishes to extend the 12-month moratorium for an additional six (6) months; and

WHEREAS, the Town of Southport Town Board is in receipt of approvals from the Town of Southport Planning Board and the Chemung County Planning Board; and

WHEREAS, that this 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, thereof 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 March 14, 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;

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts and enacts 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 is hereby adopted and enacted to wit:

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

Section 1. TITLE.

This local law shall be known as “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”.

Section 2. LEGISLATIVE INTENT

- A. Since the enactment of Local Law No. 1 of 2022, the New York State Office of the Cannabis Management has yet to finalize regulations to allow for the issuance of licenses to businesses to allow for the legal sale of adult-use cannabis or cannabinoid hemp licenses. Therefore, to prevent unlicensed businesses in the Town from providing, distributing, or transferring cannabis as a “gift” to customers which may be based upon the conditional purchase of a product for sale, including but not limited to, an item such as a sticker or shirt, the Town wishes to enact a Town wide moratorium for the establishment of any unlicensed business that distributes, transfers, or sells cannabis.
- B. During this additional six (6) month moratorium, the Town of Southport will continue to review and update its zoning code and regulations and monitor the adoption of the rules and regulations regarding licensure by the Office of Cannabis Management (OCM). The Town Board has deemed this an appropriate amount of time to study whether additional local action is necessary; the extent of such action; if such local action is necessary; provide the Town Board with the time to adopt the appropriate local rules and regulations to ensure comprehensive uniformity, fairness, and consistency in such regulations governing the time, place, and manner of the operation of licensed adult use cannabis retail dispensaries and/or on-site consumption cannabis businesses.

- C. The Town of Southport does hereby find a six (6) month extension of this moratorium is necessary and reasonable in order to afford the Town time to evaluate whether appropriate laws or ordinances should be enacted for the health, safety, and welfare of the Town residents and properly aligned with the Comprehensive Plan. A Six-month extension of this moratorium will prevent the establishment of unlicensed businesses related to distribution and/or consumption of cannabis. The health, safety and general welfare of the residents will be protected by the adoption of the moratorium pending the issuance of final regulations by the Town of Southport.
- D. The Town Board finds pursuant to 6 NYCRR 617.5(c) (30) that the adoption of this extension to the moratorium of land development or construction is a Type II action under the New York State Environmental Quality Review Act (“SEQR”) which has been determined to not have a significant impact on the environment.

Section 3. EXTENDED TERM FOR MORATORIUM

- A. Local Law No. 3 of 2023 shall be extended for an additional six (6) months through October 31, 2023.
- B. Except as otherwise amended herein, all provisions of Local Law No. 1 of 2022 shall remain in effect and be extended for an additional six (6) months through October 31, 2023.

Section 10. AUTHORITY

This moratorium 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 11. SUPERCESSION OF THE TOWN LAW

This local law is hereby adopted pursuant to Municipal Home Rules Law § 10. It is the intent of the Town Board, pursuant to Municipal Home Rules Law to supersede the following provisions of the New York State Town Law as it relates to zoning and planning determinations under the Town Law § 274-a and b, § 267-a and b, § 276 and § 277.

Section 12. INCONSISTENT LAWS

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

Section 13. 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 14. EFFECTIVE DATE

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

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



RESOLUTION NO. 93-2023

AUTHORIZING THE SUPERVISOR TO ACCEPT A QUOTE FOR ACCESS CONTROL TO TOWN OF SOUTHPORT TOWN HALL, HIGHWAY DEPARTMENT AND CHAPEL PARK

Resolution by: Williams  
Seconded by: Gunderman

WHEREAS, per Resolution No. 112-2021 the Town Supervisor was authorized to apply for funds allocated under the American Rescue Plan Act, and

WHEREAS, the Town Board feels that these funds would be beneficial for certain projects, within the Town to include keyless access control for all buildings in the Town of Southport, to include Town Hall, Highway Department and Chapel Park Community Center.

WEREAS, a quote was received from Teledair Communications for keyless access control to all buildings in the Town of Southport to include Town Hall, Highway Department and Chapel Park Community Center, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Town Supervisor to accept the quote of Teledair Communications to install keyless access control to all buildings in the Town of Southport to include Town Hall, Highway Department and Chapel Park Community Center, at a cost not to exceed FIFTEEN THOUSAND FIVE HUNDRED EIGHTY-FIVE DOLLARS AND 00/100 (\$15,585.00).

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

RESOLUTION NO. 94-2023

IMPLEMENTING A TRASH VOUCHER DISPOSAL PROGRAM FOR THE TOWN OF SOUTHPORT FOR THE YEAR 2023 IN CONJUNCTION WITH CHEMUNG COUNTY AND CASELLA

Resolution by: Gunderman  
Seconded by: Hurley

WHEREAS, the Town of Southport in previous years have provided Town residents the disposal of trash and/or refuse and would like to continue that program for the year 2023.

WHEREAS, the County of Chemung and Casella have provided the Town of Southport with 200 trash disposal vouchers to dispense to their residents on a first come, first serve basis.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the Town Supervisor to implement a Trash Voucher Disposal Program for 2023 that would allow residents of the Town to obtain vouchers from the Town Clerk's Office for the disposal of trash at the Chemung County Milling Station of up to 1,000 pounds per household free of charge, with the type of items to be disposed of to be determined in accordance with Chemung County and Casella. The Town residents who obtain a voucher would be responsible for the cost of disposing of any trash in excess of the 1,000 pounds permitted by the vouchers or items that carry additional charges for disposal.

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

RESOLUTION 95-2023

PROPOSED LOCAL LAW NO. 11 OF 2023  
TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER  
AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW

Resolution by:       Williams  
Seconded by:       Hurley

WHEREAS, the Town of Southport Town Board recognizes the importance of attracting and retaining quality volunteer firefighters and ambulance workers to provide essential services for the Town; and

WHEREAS, the Town of Southport Town Board wishes to adopt a local law to allow for real property tax exemptions as an incentive to retain and attract new volunteers for fire and medical emergencies as allowed for in accordance with Real Property Tax Law § 466-a;

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 on June 13, 2023, at 6:00 p.m., or as soon thereafter as can be heard, for proposed Local Law No. 11 of 2023 to provide real property tax exemptions for volunteer firefighters and volunteer ambulance workers pursuant to Section 466-a of the Real Property Tax Law.

PROPOSED LOCAL LAW NO. 11 OF 2023  
TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER  
AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW

Section 1. Intent.

The Town of Southport Town Board, County of Chemung, recognizes the importance of attracting and retaining quality volunteer firefighters and volunteer ambulance workers to provide essential services for the residents of the Town. Therefore, the Town enacts this Local Law to retain and attract new volunteers for said services for the health and safety of the Town residents by providing a real property tax exemption to qualifying volunteer firefighters and ambulance workers as set forth in New York State Real Property Tax Law § 466-a.

Section 2. Title.

This Local Law shall be entitled “Local Law No. 11 of 2023 Providing Real Property Tax Exemptions for Volunteer Firefighters and Volunteer Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law” to read as follows:

Volunteer Firefighters and Volunteer Ambulance Workers  
Property Tax Exemption

Section 3. Exemptions.

1. Grant of exemption.

An exemption of ten percent (10%) of assessed value of real property (“property”) owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Town of Southport, exclusive of special assessments, as long as eligibility requirements are met.

2. Eligibility requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance services provided that:

- a. The property is owned by the volunteer firefighter or volunteer ambulance worker, including property jointly with their spouse; and
- b. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker; and
- c. The property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not used exclusively for the applicant’s residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided for by this section; and
- d. The volunteer firefighter or volunteer ambulance worker resides in the Town of Southport, and the Town of Southport is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- e. The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an active enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; or otherwise qualifies under sections (3), (4), or (5), below; and
- f. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the Town of Southport for exemption from the Town of Southport tax, which is hereby established as two (2) years of volunteer service.

3. Grant of lifetime exemption.

Any eligible enrolled member who accrues more than 20 years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Town of Southport.

4. Un-remarried spouse of enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive the 10% exemption, as long as the deceased volunteer had been an enrolled member for at least five (5) years and had been receiving the exemption at some point in time prior to his or her death.

5. Un-remarried spouse of deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at some point in time prior to his or her death.

6. Application.

A volunteer firefighter or volunteer ambulance worker must, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor of the Town of Southport on a form as prescribed by the New York State Commissioner of Taxation and Finance. The local assessor shall maintain a copy of this Local Law, available upon request, as to the requirements of eligible individuals relating to this exemption.

7. Certification.

- a. The volunteer firefighter and volunteer ambulance worker organizations in the Town of Southport must annually make available to their members (including life members and un-remarried spouses of qualifying deceased members), upon request by the member (spouse of a deceased member), a certification of the member's eligibility for the exemption, which includes the number of years of services served by the enrolled member, a statement that the member is enrolled as of the date of the certification (or date of death), and such enrolled member's address of residence.
  - b. The requirements of this Law imposed upon volunteer firefighter and volunteer ambulance worker organizations, concerning certification of active members to assessor, can be fulfilled by the volunteer firefighter and volunteer ambulance worker organizations providing to the Town assessor an annual certified list of current active members, with name, address, and years of service. Nothing in this subsection shall be construed to limit an active member's ability to receive, upon request, an annual certification of eligibility.
  - c. The assessor of the Town shall have the duty and responsibility of receiving and filing of the certification(s) prior to granting the exemption provided by this Local Law.
8. Continuation of Eligibility Requirements.

- a. Active Members. The active member applicant shall maintain continual eligibility for the exemption by being a continuously active member of volunteer firefighter or volunteer ambulance worker organizations. An active member shall meet the requirements for active service as defined by each organization. Annual attestation by the organization is required to maintain this exemption.
  - b. Lifetime Exemption and Un-remarried Spouses. Members granted lifetime exemption and qualifying un-remarried spouses of deceased enrolled members need not provide annual re-certification, and the organizations shall have no annual obligation to re-certify such eligibility. Such applicants shall remain continuously eligible for the exemption annually so long as their eligibility status is unchanged. However, such applicants are deemed ineligible for the exemption and shall be required to notify the assessor and re-apply if there is any change in residential address, if they use any portion of the property for other than residential purposes, or if they are spouses of deceased members and become re-married.
9. No diminution of benefits.  
An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

Section 4. Severability.

If any clause, sentence, paragraph, section, or part of this Local Law is declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section, or part of this Local Law.

Section 5. Authority.

This local law is enacted by the Town Board pursuant to its authority under New York State Real Property Law § 466-a and its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10 and Town Law.

Section 6. Effective Date.

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

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

RESOLUTION NO. 96-2023

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF CHEMUNG TO PROVIDE A RESIDENT SHERIFF'S DEPUTY FOR THE TOWN

Resolution by: Williams  
Seconded by: Hurley

WHEREAS, the Chemung County Sheriff's Office has proposed that the Town of Southport enter into an agreement with the County of Chemung to provide a full-time resident Sheriff's Deputy to the Town of Southport, for the sum of THIRTY-TWO THOUSAND FOUR HUNDRED NINETY DOLLARS AND 00/100 (\$32,490.00) for the time period July 1, 2023 through December 31, 2023 and EIGHTY-FIVE THOUSAND DOLLARS AND 00/100 (\$85,000.00) for the time period January 1, 2024 through December 31, 2025.

WHEREAS, the Sheriff's Deputy will be an employee of Chemung County Sheriff's Office but will be available at dates and times determined by the Town of Southport, and

WHEREAS, the Chemung County Sheriff's Office will supply all uniforms and equipment required for the Resident Deputy.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport in regular session duly convened, authorize the Town Supervisor to enter into an Agreement with the County of Chemung to provide one full-time resident Sheriff's Deputy to the Town of Southport, for the sum of THIRTY-TWO THOUSAND FOUR HUNDRED NINETY DOLLARS AND 00/100 (\$32,490.00) for the time period July 1, 2023 through December 31, 2023 and EIGHTY-FIVE THOUSAND DOLLARS AND 00/100 (\$85,000.00) for the time period January 1, 2024 through December 31, 2025, and be it further

RESOLVED, that this Agreement is contingent upon approval by the Chemung County Legislature.

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

Next under Discussion was Cherry Lane Park. Supervisor Roman gave a brief update on the park. This will be tabled until the June meeting.

Under Public Comments, Mary Desocio from 1598 Pennsylvania Avenue spoke regarding drainage issues on her road.

Bonnie Balok, President of the Southport Historical Society, spoke regarding the mural that will be painted on the Southport Baseball Building.

Andy Patros from 1127 Pennsylvania Avenue commented on the Resident Sheriff's Deputy.

Council Member Hurley made a motion, Council Member Williams seconded the motion to adjourn into executive session to discuss proposed pending or current litigation.

The meeting was adjourned to executive session at 7:07 p.m.

The meeting reconvened at 7:25 p.m.

Deputy Szerszen provided the Board Members an update on the plow truck.

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

The meeting was adjourned at 7:27 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk