

December 12, 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 December 12, 2023.

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

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 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 6:02 P.M. – for the purpose of hearing any and all public comment regarding Ordinance 1-2023 to amend the Code of the Town of Southport, Chapter 497, Vehicle and Traffic, Article II, Stop and Yield Intersections, Section 497-4, Stop Intersections, to Erect a Stop Sign on Beckwith Road at the Intersection of Holden Road and Beckwith Road.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star-Gazette and opened up the Public Hearing for comment at 6:02 p.m.

James Colegrove from 14 Holden Road, stated he is the one who gathered the petitions from his neighbors and presented them to the Town Board regarding this and hopes the Board passes the ordinance.

No one else wished to speak. The public portion of the Public Hearing was closed at 6:04 p.m.

RESOLUTION NO. 168-2023

ORDINANCE 1-2023

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF SOUTHPORT, CHAPTER 497, VEHICLE AND TRAFFIC, ARTICLE II, STOP AND YIELD INTERSECTIONS, SECTION 497-4, STOP INTERSECTIONS, TO ERECT A STOP SIGN ON BECKWITH ROAD AT THE INTERSECTION OF HOLDEN ROAD AND BECKWITH ROAD

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town of Southport Town Board wishes to address safety concerns regarding the intersection of Beckwith Road and Holden Road, which were brought to the attention of the Town Board by area residents and the Town of Southport Highway Superintendent.

WHEREAS, a public hearing was held for this proposed ordinance on December 12, 2023 before the Town of Southport Town Board upon public notice as provided by law, 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 to the Code of the Town of Southport as Ordinance 1-2023, to amend the Code of the Town of Southport, Chapter 497, Vehicle and Traffic, Article II, Stop and Yield Intersections, Section 497-4, Stop Intersections, to Erect a Stop Sign on the West side of Beckwith Road at the Intersection of Holden Road and Beckwith Road is hereby ordained and enacted, to wit:

ORDINANCE NO. 1-2023

An Ordinance 1-2023, to amend the Code of the Town of Southport, Chapter 497, Vehicle and Traffic, Article II, Stop and Yield Intersections, Section 497-4, Stop Intersections, to Erect a Stop Sign on Beckwith Road at the Intersection of Holden Road and Beckwith Road

Section 1. The Code of the Town of Southport, Chapter 497, Vehicle and Traffic, Article II, Stop and Yield Intersections, Section 497-4, Stop Intersections is amended to include a stop sign to be erected at the West side of Beckwith Road facing north for traffic traveling in a southerly direction at the intersection of Holden Road and Beckwith Road.

Section 2. Inconsistent Ordinances. All Ordinances inconsistent with the above provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect immediately upon adoption and publication according to law.

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

Presentation by Chemung County Sheriff Bill Schrom

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,460.14
Funds Turned to State & County Agencies	\$ <u>3,078.61</u>
	\$ 4,538.75

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,536.20
	Building Permit Values	\$ 230,700.00
	Operating Permit Fees	\$ 615.00
	Site Plan Fees	\$ 300.00
	Variance Fees	\$ 150.00

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

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

Under Correspondence, Supervisor Roman commented on a letter he received from the Chemung County Youth Bureau and he thanked Council Members Gunderman and Williams for all the work they did for the Town of Southport Holiday Parade and lighting of Christmas Land.

Council Member Williams stated he met with Town resident Tom Farmer in regards to a drainage issue on his property.

Council Member Gunderman made a motion, Council Member Steed seconded to accept the minutes of November 14, 2023 Regular Meeting.

Under Public Comments, agenda and discussion items only, no one wished to speak.

RESOLUTION NO. 169-2023

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 December 2023, No. 608 through No. 668, not to exceed \$124,288.05, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 170-2023

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 December 2023, No. 203 through No. 218, not to exceed \$100,030.96, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 171-2023

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Gunderman
Seconded by: Williams

RESOLVED, that the Abstract of Light Fund Claims submitted by the Town Clerk for the month of December 2023, No. 10, not to exceed \$7,282.87, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 172-2023

AUTHORIZING PURCHASE OF DIESEL AND GAS AT STATE PRICE

Resolution by: Steed
Seconded by: Hurley

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

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

RESOLUTION NO. 173-2023

AUTHORIZING SUPERVISOR TO CLOSE THE TOWN OF SOUTHPORT ARPA CHECKING ACCOUNT

Resolution by: Williams
Seconded by: Steed

WHEREAS, the Supervisor has advised this Town Board that it is no longer necessary to maintain a checking account related to the ARPA Funds.

WHEREAS, said checking account located at JP Morgan Chase is no longer of use to the Town.

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Southport is authorized to close/terminate the aforementioned account and to sign any and all documents necessary to complete the process.

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

RESOLUTION NO. 174-2023

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CYBERLINK COMPUTING, INC.
FOR 2024 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, 2024 and terminating December 31, 2024, 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 15th 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, Hurley, Steed, Williams, Roman
NOES: None
CARRIED.

RESOLUTION NO. 175-2023

ACCEPTING PROPOSAL OF SAYLES & EVANS TO PROVIDE LEGAL COUNSEL TO THE TOWN OF SOUTHPORT

Resolution by: Williams
Seconded by: Steed

WHEREAS, the Town Board reviewed a proposal by Sayles & Evans for providing legal services to the Town of Southport, and

WHEREAS, the Town Board wishes to engage the law firm Sayles & Evans to provide legal services, as set forth in the initial letter of engagement at a rate of \$195.00 per hour.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby appoints Sayles & Evans as General Counsel for the Town of Southport for the year 2024 pursuant to terms previously set forth in the initial letter of engagement, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to execute all documents and take any action necessary to effectuate the engagement of Sayles & Evans.

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

RESOLUTION 176-2023

ACCEPTING 2024 SCHOOL TRAFFIC OFFICERS AGREEMENT

Resolution by: Gunderman
Seconded by: Williams

WHEREAS, this Town Board has met with the School Traffic Officers of the Town of Southport and in doing so negotiated the terms of a public employee's agreement for the School Traffic Officers of the Town of Southport for the fiscal year 2024, and

WHEREAS, the members of this Town Board and a majority of the School Traffic Officers of this Town have agreed upon the provisions to be contained in said employee's agreement for such year.

NOW THEREFORE BE IT RESOLVED, that the School Traffic Officers Agreement containing the signatures of the members of this Town Board and the majority of the School Traffic Officers 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 agreement to be subject to the review and approval of the Attorney for the Town.

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

RESOLUTION NO. 177-2023

ACCEPTING HIGHWAY EMPLOYEE CONTRACT

Resolution by: Steed
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 2024, 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, Hurley, Steed, Williams, Roman
NOES: None
CARRIED.

RESOLUTION 178-2023

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

Resolution by: Hurley
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 2024 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, Hurley, Steed, Williams, Roman
NOES: None
CARRIED.

RESOLUTION 179-2023

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

Resolution by: Gunderman
Seconded by: Williams

WHEREAS, the City of Elmira has proposed to provide animal control services to the Town of Southport from January 1, 2024 through December 31, 2024 for the total cost of THIRTY-EIGHT THOUSAND, EIGHT HUNDRED NINE DOLLARS AND 00/100 (\$38,809.00) in twelve (12) monthly installments of THREE THOUSAND TWO HUNDRED THIRTY-FOUR DOLLARS AND 08/100 (\$3,234.08).

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

NOW THEREFORE BE IT RESOLVED, that the Town of Southport for said animal control for the period from January 1, 2024 to December 31, 2024 shall be in the amount of THIRTY-EIGHT THOUSAND, EIGHT HUNDRED NINE DOLLARS AND 00/100 (\$38,809.00) in twelve (12) monthly installments of THREE THOUSAND TWO HUNDRED THIRTY-FOUR DOLLARS AND 08/100 (\$3,234.08) in accordance with the provisions of this agreement.

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

RESOLUTION 180-2023

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH KATES KLEAN COMPANY FOR CLEANING SERVICES AT TOWN HALL AND SENIOR CENTER

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, Kates Klean Company submitted a quote to provide cleaning services to the Town Hall in the amount of ONE THOUSAND ONE HUNDRED FIFTY DOLLARS AND 00/100 (\$1,150.00) per month and cleaning services to the Senior Center in the amount of FIVE HUNDRED TWENTY-THREE DOLLARS AND 00/100 (\$523.00) per month, from January 1, 2024 through December 31, 2024.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with Kates Klean Company for cleaning services at the Town Hall and Senior Center from January 1, 2024 through December 31, 2024, and be it further

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

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

RESOLUTION NO. 181-2023

BUDGET MODIFICATIONS

Resolution by: Steed
 Seconded by: Hurley

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

Budget lines to be Modified	Prior Approved Budget Amt.	Amount of Requested Increase/Decrease	Revised Budget Amt.	Reason for Budget Rev.
From: A1010.4 Town Bd. Cont.	\$ 1,000.00	\$ (923.01)		
To: A1315.4 Bookkeeper Cont.	\$ 13,000.00	\$ 860.00	\$ 13,860.00	
To: A6772.4 Programs Aging	\$ 4,000.00	\$ 63.01	\$ 4,063.01	
From: A6772.44 Aging	\$ 7,000.00	\$ (1,000.00)	\$ 6,000.00	
To: A8020.4 Planning Bd.	\$ 2,000.00	\$ 1,000.00	\$ 3,000.00	
From: A7450.4 Comm. Relations	\$ 5,000.00	\$ (4,000.00)	\$ 1,000.00	
To: A7310.4 Recreation	\$ 70,000.00	\$ 4,000.00	\$ 74,000.00	
From: A9010.8 State Retirement	\$ 95,000.00	\$ (\$12,100.00)	\$ 82,900.00	

Budget lines to be Modified	Prior Approved Budget Amt.	Amount of Requested Increase/Decrease	Revised Budget Amt.	Reason for Budget Rev.
To: A8540.4 Drainage	\$ 32,000.00	\$ 12,100.00	\$ 44,100.00	
From: A9060.81 Hospital & Med. Retirees	\$ 67,000.00	\$ (2,000.00)	\$ 65,000.00	
To: A7310.11 Parks Laborers	\$ 37,000.00	\$ 2,000.00	\$ 39,000.00	
From: DA9060.8 Hospital & Med.	\$ 210,000.00	\$ (5,000.00)	\$ 205,000.00	
To: DA5142.4 Snow Removal	\$ 132,000.00	\$ 5,000.00	\$ 137,000.00	
From: DA9060.8 Hospital & Med.	\$ 205,000.00	\$ (3,602.00)	\$ 201,398.00	
To: DA9010.8 NYS Retirement	\$ 50,000.00	\$ 3,602.00	\$ 53,602.00	
From: DA9060.8 Hospital & Med.	\$ 201,398.00	\$ (1,000.00)	\$ 200,398.00	
To: DA9030.8 Social Security	\$ 30,000.00	\$ 1,000.00	\$ 31,000.00	

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

RESOLUTION NO. 182-2023

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

Resolution by: Gunderman
 Seconded by: Williams

RESOLVED, that the Supervisor be and he hereby is authorized to make any necessary year-end budget modifications.

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

RESOLUTION NO. 183-2023

TOWN REQUIRING PILOT PURSUANT TO REAL PROPERTY TAX LAW 487 FOR DELAWARE RIVER SOLAR PROJECT PROPOSED AT 1309 MAPLE AVENUE

Resolution by: Williams
Seconded by: Gunderman

WHEREAS, the Town of Southport is in receipt of a written notification, dated October 31, 2023, from Delaware River Solar, as provided in accordance with Real Property Tax Law (RPTL) Section 487, stating its intent to construct one or more solar projects on 1309 Maple Avenue in the Town of Southport, and

WHEREAS, in order for the Town to preserve its right to require a contract for payments in lieu of taxes, accordingly to RPTL Section 487, the Town must respond to this letter within 60 days of receipt, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport, County of Chemung, State of New York, hereby wishes to preserve its legal right and require a contract for payments in lieu of taxes by the owner of property or the potential developer, Delaware River Solar and its affiliates, for a solar energy project located at 1390 Maple Ave., Elmira, New York, in the Town of Southport, and further hereby authorizes the Town Supervisor to provide written notification to Delaware River Solar in response to its letter dated, October 31, 2023, of the Town of Southport's intent to require a contract for payments in lieu of taxes for any solar project constructed upon property located in the Town of Southport at 1309 Maple Avenue, Elmira, New York prior to the expiration of the 60 days from receipt of said letter.

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

Under Discussion was recommendation from Town of Southport Planning Board to review §525-5 Agriculture, Definitions and §525-33 (7) (a) Special Requirements. This will be tabled to the January 9, 2024 Regular Meeting.

Next Under Discussion was Cherry Lane Park, LLC update. Attorney Michael Bruno spoke and stated they are still in compliance with the current agreement, which expires on 12/31/23 and has submitted the application to apply for a new mobile home park license for 2024. He also stated they are on the Zoning Board of Appeals agenda for 12/20/23 and the Planning Board agenda for 1/2/24 to move forward with the placement of new trailers on the property.

Council Member Steed confirmed when they will be going before the Zoning Board and Planning Board.

Council Member Williams questioned when the three remaining vacant trailers will be demolished and removed.

Council Member Hurley commented on the current signed agreement.

Supervisor Roman read a statement that he prepared in regards to his thoughts on Cherry Lane Park.

Council Member Gunderman stated he feels that before the remaining vacant trailers are removed, they need to be checked out by a rodent/pest control company to ensure that there are not problems for the neighbors like the last time when the 10 trailers were removed.

Supervisor Roman stated the Board has two options; to vote on a new agreement for 2024 now or schedule a special meeting to discuss after some additions are made to the agreement. The Board opted for a Special meeting which will be held on December 20, 2023 at 5:00 p.m.

Lastly under Discussion was Highway Message Boards. The board had a brief discussion regarding these.

Under Public Comment, Mike Smith from 786 Cedar Street spoke regarding Intranet issues on Sitzer Road and speed enforcement on Christian Hollow Road.

Andy Patros from 1127 Pennsylvania Avenue thanked Sheriff Bill Schrom for the presentation. He also spoke about the Town of Southport Newsletter, speeding on Pennsylvania Avenue, increasing the time limit of public comment from 3 to 5 minutes, Senior Center building, and Town Board meeting agendas.

Tom Aber from 1155 Sherman Avenue commented on the rodent problem in his neighborhood after the removal of vacant trailers at Cherry Lane Park and asked if the Town was going to reimburse residents for this expense. Supervisor Roman stated that it was the responsibility of the contractor who demolished and removed the trailers.

Tina Moore from 1171 Sherman Avenue commented on Cherry Lane Park, LLC and feels they are not meeting the agreement requirements.

Karen Clark from 1149 Sherman Avenue commented on Cherry Lane Park, LLC., that the sites were not graded and seeded after demolition.

Chris Lewis from 1155 Cadet Terrance commented on Cherry Lane Park, LLC and where the placement of the new trailers would be.

Council Member Steed made a motion, Council Member Williams seconded the motion to adjourn into an executive session to discuss 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 8:10 p.m.

The meeting reconvened at 8:32 p.m.

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

The meeting was adjourned at 8:33 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk

DRAFT