

May 14, 2024

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 14, 2024.

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

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 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 Local Law No. 2 of 2024, Town of Southport Best Value Competitive Bidding Law.

Town Clerk Carolyn Renko read the legal notice that appeared in the Elmira Star-Gazette and opened up the Public Hearing for comment at 6:02 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:03 p.m.

RESOLUTION NO. 78-2024

LOCAL LAW NO. 2 OF 2024
TOWN OF SOUTHPORT BEST VALUE COMPETITIVE BIDDING LAW

Resolution by: Gunderman
Seconded by: Mathews

WHEREAS, the Town Board of the Town of Southport wishes to allow the option to award certain purchase contracts, including contracts for services which are subject to competitive bidding under New York State General Municipal Law Section 103 on the basis of “best value” as defined in Section 163 of the New York State Finance Law which can allow for more cost efficiency over time and may possibly be served by awarding the lowest responsible bidder; and

WHEREAS, that this Local Law No. 2 of 2024, Town of Southport Best Value Competitive Bidding Law 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 May 14, 2024 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.2 of 2024, Town of Southport Best Value Competitive Bidding Law, and is hereby enacted to wit:

LOCAL LAW NO. 2 OF 2024
TOWN OF SOUTHPORT BEST VALUE COMPETITIVE BIDDING LAW

Section 1. Title. The title of this Local Law shall be known and cited as “Town of Southport Best Value Competitive Bidding Law.”

Section 2. Legislative Intent. New York State General Municipal Law Section 103 allows the Town to authorize by a Local Law for the award of certain purchase contracts, including contracts for service work, subject to competitive bidding under General Municipal Law Section 103, on the basis of “best value” as defined in Section 163 of New York State Finance Law or any state law superseding or amending said provision. The “best value” option may be used, for example, if it is more cost-efficient over time to award the goods or services to other than lowest responsible bidder or offerer if factors such as lower cost of maintenance, durability, higher quality, and longer product life can be documented. Even if the initial expenditure is higher, consideration is given to the total value over the life of the procurement resulting in a better value and long-term investment of public funds. In addition, this option can foster healthy competition to ensure that bidders will continue to strive for participation of small, minority- and women-owned businesses, and the development of environmentally preferable goods and services delivery methods. Best value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices and will reduce the time to procure such goods and services.

Section 3. Best Value. The Town Board may award purchase contracts after bidding, including contracts for services work, on the basis of “best value” as that term is defined in New York State Finance Law Section 163. “Best Value,” in accordance with New York State Finance Law, means the basis for awarding contracts for services to the offerer which optimizes quality, cost, and efficiency among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective, and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses, certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the Executive Law or service-disabled veteran-owned business enterprises as defined in subdivision one of section forty of the Veterans’ Services Law to be used in evaluation of offers for awarding of contracts for services.

Section 4. Authority and Purpose. This Local Law is adopted pursuant to Section 103(1) of the New York State General Municipal Law, which allows the Town to authorize the award of certain purchase contracts, including contracts for services, subject to competitive bidding under the General Municipal Law Section 103 on the basis of “best value” as defined in Section 163 of the New York State Finance Law.

Section 5. Applicability. The provisions of this Local Law apply to Town purchase contracts, involving an expenditure of more than \$20,000 and Town contracts for services involving an expenditure of more than \$35,000, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under state law from the “best value” option. If the dollar thresholds of New York State General Municipal Law Section 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

Section 6. Standards for Best Value. Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost, and efficiency among responsive and responsible bidders or offerers. The determination shall be based on an objective analysis of clearly described and documented criteria as they apply to the rating of bids or offers. Where possible, such determination shall also be based upon and include a quantifiable basis of the same. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance, proximity to the end use, if distance or response time is a significant term; durability, availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.

Section 7. Documentation. A quote or proposal for a purchase or contract covered by this Local Law received pursuant to standard bidding procedures may be awarded on either a best value or lowest responsible bidder standard. All information gathered in the course of the bidding procedures shall be filed with the documentation supporting the subsequent purchase or public works contract. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining the best value shall be thoroughly and accurately documented.

Section 8. Inconsistency. Any inconsistent provisions of the Town procurement policy as adopted prior to the effective date of this Local Law, or as amended thereafter, shall be deemed superseded by the provisions of this Local Law.

Section 9. 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 10. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

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

Presentation – Mike Smith spoke to the Board members about the new OSHA regulations for Volunteer Firefighters.

RESOLUTION NO. 79-2024

REQUEST TO OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) TO START RULE MAKING PROCESS OVER IN REGARDS TO OSHA RULE 1910.156, THE FIRE BRIGADE STANDARD

Resolution by: Williams
Seconded by: Hurley

WHEREAS, the Town of Southport, situated within Chemung County, State of New York, is home to two (2) Fire Districts and two (2) Fire Protection Districts;

WHEREAS, the Town of Southport is the home of three (3) all volunteer fire companies that have served the Town faithfully for decades;

WHEREAS, OSHA, the Occupational Safety and Health Administration, United States Department of Labor, has published significant changes to OSHA rule 1910.156, the Fire Brigade Standard, on February 5, 2024 converting the current Fire Brigade Standard to the proposed Emergency Response Standard which has the potential to dramatically change the face of the fire service in the United States, the State of New York, and the Town of Southport;

WHEREAS, the Town of Southport has serious concerns with the proposed changes that will have major implications for every firefighter in the Town of Southport through unfunded mandates and possible fines for noncompliance, along with liability the rule changes place on fire service organizations and municipalities;

WHEREAS, the Town of Southport believes the proposed changes are not economically and technically feasible for the volunteer fire service in present form and will cause our volunteer fire departments significant financial burden and hardships through increased costs for administration, training, equipment inspection and replacement and facility renovations;

WHEREAS, the Town of Southport believes the best service to taxpayers and the fire service community at large is for OSHA to start this rule making process over from the beginning.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport requests the following:

1. Requests OSHA extend the June 21, 2024 comment period for an additional forty-five (45) days so all fire service organizations and governmental bodies have ample time to comment on the 608 page document;
2. Requests OSHA and the Congress of the United States of America hold in-person public hearings on the proposed changes;
3. Requests OSHA remove the National Fire Protection Association (NFPA) standards (Twenty-one (21) standards being incorporated in whole or in part, and fourteen (14) other standards contributing to new requirements to varying degrees) from the proposed rule and continue these standards as voluntary consensus standards;

4. Requests OSHA provide clear definitions of “volunteer” and “employee” factoring in the various definitions found in the first responder community across the country to provide consistency in implementation of the proposed rule;
5. Requests OSHA start the rule making process on 1910.156 over giving the volunteer fire service who provide sixty-five (65) percent of firefighting services in the United States a formal seat at the rule making table;
6. Directs the Town Clerk of the Town of Southport to communicate these requests to OSHA and to County, State and Federal elected officials.

AYES: Gunderman, Hurley, Williams, Mathews, Roman

NOES: None

CARRIED.

Presentation – Community Development Specialist Nichola Ostrander from Ostrander Consulting spoke regarding New York State Pro-Housing Communities Program and NYS Parks & Recreation Grant.

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 2,424.16
Fitzsimmons Lot Sales	\$ 400.00
Funds Turned to State & County Agencies	<u>\$ 1,046.34</u>
	\$ 3,870.50

Code Enforcement

Building Permit Fees	\$ 1,555.65
Building Permit Values	\$ 284,435.00
Operating Permit Fees	\$ 250.00
Site Plan Fees	\$ 150.00
Variance Fees	\$ 300.00

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

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

Under Correspondence, Supervisor Roman gave an update from Southport Historical Society on the mural that will be painted on the Softball Building at Chapel Park and Supervisor Roman also read a memo from Code Enforcement regarding the joint review of Cherry Lane Park, LLC.

Lastly, Deputy Supervisor Szerszen gave an update on the Phoenix/Fairway Sewer Project.

Council Member Gunderman made a motion, Council Member Mathews seconded to accept the minutes of April 9, 2024.

Under Public Comments, Agenda and Discussion items only, no one wished to speak.

RESOLUTION NO. 80-2024

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman
Seconded by: Mathews

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of May 2024, No. 199 through No. 271, with the exception of No. 209, 229, 244, 245, 269, and 271, not to exceed \$161,466.98, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 81-2024

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Williams
Seconded by: Gunderman

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of May 2024, No. 209, 229, 244, 245, 269, 271, not to exceed \$8,163.47, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 82-2024

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 2024, No. 70 through No. 96, not to exceed \$44,352.77, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 83-2024

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Abstract of Light Fund Claim No. 3 & 4, not to exceed \$13,595.49, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 84-2024

APPROVING ABSTRACT OF FIRE FUND CLAIM

Resolution by: Gunderman
Seconded by: Mathews

RESOLVED, that the Abstract of Fire Fund Claim No. 6, not to exceed \$9,720.00, has been audited and approved for payment by this Town Board.

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

RESOLUTION No. 85-2024

ENDING APPOINTMENT ROY CLARK AS PART-TIME SEASONAL LABORER

Resolution by: Mathews
Seconded by: Gunderman

WHEREAS, Roy Clark was hired as a Part-Time Seasonal Laborer for the Town of Southport.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby ends the appointment of Roy Clark as Part-Time Seasonal Laborer for the Town of Southport, effective 4/23/2024.

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

RESOLUTION NO. 86-2024

APPOINTING IVAN PURIFOY AS PERMANENT FULL-TIME DIRECTOR OF RECREATION

Resolution by: Mathews
Seconded by: Hurley

WHEREAS, the Town Board of the Town of Southport has determined that the Director of Recreation should be filled by the hiring of a full-time employee in compliance with Civil Service requirements, and

WHEREAS, the Chemung County/City of Elmira Regional Civil Service Commission has certified to the Town of Southport the names of individuals who are eligible for appointment as Director of Recreation for the Town of Southport, and

WHEREAS, Ivan Purifoy was appointed to fill this position provisionally on November 15, 2021 and is reachable on the established list of Civil Service candidates,

NOW THEREFORE BE IT RESOLVED, that Ivan Purifoy hereby is appointed as Director of Recreation effective May 14, 2024 pursuant to Civil Service Examination Number 67084 and pursuant to the Civil Service Laws of the State of New York, and be it further

RESOLVED, that Ivan Purifoy shall receive an annual salary of FIFTY-FIVE THOUSAND ONE HUNDRED SIXTY-SEVEN DOLLARS AND 00/100 (\$55,167.00) as compensation for his duties, and that he shall be entitled to and receive any and all benefits available to any full-time employee of the Town of Southport.

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

RESOLUTION NO. 87-2024

APPOINTING PENNY PAGE AS A MEMBER OF THE TOWN OF SOUTHPORT PLANNING BOARD

Resolution by: Mathews
Seconded by: Gunderman

RESOLVED, that Penny Page is hereby appointed to serve a term of seven years as a member of the Town of Southport Planning Board, said term to expire April 1, 2027.

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

RESOLUTION NO. 88-2024

APPOINTING LIV LOVEJOY AS AN ALTERNATE MEMBER OF THE TOWN OF SOUTHPORT PLANNING BOARD

Resolution by: Gunderman
Seconded by: Williams

RESOLVED, that Liv Lovejoy is hereby appointed to serve a term of three years as an Alternate Member of the Town of Southport Planning Board, term to expire May, 2027.

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

RESOLUTION NO. 89-2024

APPOINTING TONI GRANGER AS A MEMBER OF THE TOWN OF SOUTHPORT BOARD OF ASSESSMENT REVIEW

Resolution by: Williams
Seconded by: Hurley

RESOLVED, that Toni Granger is hereby appointed to serve a term of three years as a member of the Town of Southport Board of Assessment Review, term to expire 9/30/2028.

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

RESOLUTION NO. 90-2024

APPOINTING MICKEY MASKER AS A MEMBER OF THE TOWN OF SOUTHPORT
BOARD OF ASSESSMENT REVIEW

Resolution by: Gunderman
Seconded by: Mathews

RESOLVED, that Mickey Masker is hereby appointed to serve a term of three years as a member of the Town of Southport Board of Assessment Review, term to expire 9/30/2027.

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

RESOLUTION NO. 91-2024

BUDGET MODIFICATIONS

Resolution by: Gunderman
Seconded by: Williams

Budget lines to be Modified	Prior Approved Budget Amt.	Amount of Requested Increase/Decrease	Revised Budget Amt.	Reason for Budget Rev.
From: A1990.4 Contingent	\$ 48,000.00	\$ (43,287.35)	\$ 4,712.65	Engineering Bdgt. Overage
To: A1440.4 Engineering	\$ 20,000.00	\$ 43,287.35	\$ 63,287.35	

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

RESOLUTION NO. 92-2024

BUDGET ADJUSTMENTS

Resolution by: Mathews
Seconded by: Williams

RESOLVED, that the Supervisor be and he hereby is authorized and directed to amend the following appropriations:

A4089	Federal Aid, Other	\$ 176,564.50
A1620.21	Building, Equipment – ARPA	\$ 176,564.50

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

RESOLUTION NO. 93-2024

ACCEPTING RESIGNATION OF MATTHEW RENKO AS EQUIPMENT OPERATOR #2

Resolution by: Gunderman
Seconded by: Williams

WHEREAS, Matthew Renko has submitted his resignation as Equipment Operator #2 for the Town of Southport Highway Department, effective May 16, 2024.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of Matthew Renko as Equipment Operator #2 for the Town of Southport Highway Department, effective May 16, 2024.

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

RESOLUTION NO. 94-2024

RESOLUTION PROHIBITING TOWN BOARD MEMBER RICHARD MATHEWS FROM PARTICIPATING IN ANY MATTERS INVOLVING THE TOWN COURT TO AVOID ANY POTENTIAL CONFLICTS OF INTEREST FOR THE TOWN COURT

Resolution by: Hurley
Seconded by: Williams

WHEREAS, the Town of Southport Board Member, Richard Mathews, is employed as a Lieutenant for the Chemung County Sheriff's Office and in this capacity he or other deputies whom he supervises may become involved in criminal cases which are under the jurisdiction of the Town of Southport Town Court; and

WHEREAS, Richard Mathews in the position of Town of Southport Board Member, as part of his duties, would be involved with approving the budget which includes funds allocated to the Town of Southport Town Court or potentially any other matters involving the Town Court operations and/or personnel; and

WHEREAS, the Justices for the Town of Southport Town Court could be perceived to have a conflict of interest with any criminal cases involving Lieutenant Richard Mathews or a deputy he supervises due to Mr. Mathew's position as a Town Board Member; therefore to avoid any perceived or actual conflict of interest for the Town Court, the Town of Southport Town Board, with the consent of Town Board Member Richard Mathews, wishes to prohibit Town Board Member Mathews from voting or participating in deliberations on any Town Court matters, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York, wishes to avoid any perceived or actual conflicts of interest for the Town of Southport Court with any criminal matters involving Town Board Member Richard Mathews while employed as a deputy for the Chemung County Sheriff's Department or any deputies he supervises and such potential conflicts of interest would impact the efficiency of court operations, therefore, the Town Board hereby prohibits Town Board Member Richard Mathews from voting or participating in deliberations on any court matters, including judicial salaries and the Town Court's budget. This prohibition would only apply while Town Board Member Richard Mathews is employed as a deputy with the Chemung County Sheriff's Office.

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

RESOLUTION NO. 95-2024

IMPLEMENTING A TRASH VOUCHER DISPOSAL PROGRAM FOR THE TOWN OF SOUTHPORT FOR THE YEAR 2024 IN CONJUNCTION WITH CHEMUNG COUNTY AND CASELLA

Resolution by: Mathews
Seconded by: Gunderman

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 2024.

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 2024 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, Mathews, Roman

NOES: None

CARRIED.

Under Discussion was ARPA Projects to include new truck for Code Enforcement and Splash Pad updates at Elmer Goodwin Park, both of these will be tabled until the June 11, 2024 meeting.

A discussion was held regarding updating the bathrooms at Town Hall. It was felt after painting and cleaning and waxing the floors, nothing else needs to be done to the bathrooms at this time.

Lastly was the repointing of bricks at Town Hall which will be placed on the June agenda, as we are still awaiting an estimate to do this.

Next was update on Cherry Lane Park, LLC. Supervisor Roman stated three trailers are to be demolished by end of June.

Under Public Comment, Andy Patros from 1127 Pennsylvania Avenue spoke regarding the May Planning Board Meeting, the proposed Byrne Dairy operating hours, and public information on the website.

William Cook from Sebring Avenue agrees with Andy Patros' comments and presented the Town Board with a petition against the Town allowing Aces & Eights and Sonbyrne Sales, Inc. to operate 24/7.

Dave Cleary from 59 Crestview Drive stated he feels the Byrne Dairy application is incomplete, thinks the Town Board should be Lead Agency on that project and is still awaiting a FOIL request.

Tina Moore from 1171 Sherman Avenue spoke via telephone about Cherry Lane Park, LLC.

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

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk