

December 10, 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 December 10, 2024.

Members Present: Supervisor Joseph Roman, Council Members Daniel Hurley, Daniel Williams, Rich Mathews, Kathleen Szerszen

Other Present: Attorney Kimberlee Balok-Middaugh, 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 – Supervisor Joseph Roman

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,617.28
Fitzsimmons Lot Sales	\$ 275.00
Funds Turned to State & County Agencies	<u>\$ 2,917.72</u>
	\$ 4,810.00

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,715.00
	Building Permit Values	\$ 210,090.00
	Operating Permit Fees	\$ 300.00

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

Council Member Mathews made a motion, Council Member Hurley seconded to accept the monthly reports.

Under Correspondence, Supervisor Roman commented on the following:

1. A letter stating the additional grant through EFC for the Phoenix/Fairway Sewer Project was denied.
2. A letter from Comp. Alliance stating the Town received the Safe Workplace Award for 2024 and enclosed a check for \$4,549.
3. The Town was approved to be a Pro-Housing Community.
4. Thanked Legislator Mike Smith for his part in the Disaster Plan training that was held at Town Hall for key Town of Southport Staff.

Council Member Hurley made a motion, Council Member Williams seconded to accept the minutes of November 12, 2024 Regular Meeting.

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

RESOLUTION NO. 190-2024

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Mathews
Seconded by: Williams

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of December 2024, No. 660 through No. 715, with the exception of No's. 666, 681, 685, 686, and 702, not to exceed \$125,717.82, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 191-2024

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Hurley
Seconded by: Szerszen

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of December 2024, No.'s 666, 681, 685, 686, 702, not to exceed \$4,823.90, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 192-2024

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Williams
Seconded by: Mathews

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of December 2024, No. 199 through No. 216, not to exceed \$134,948.63, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 193-2024

AUTHORIZING PURCHASE OF DIESEL AND GAS AT STATE PRICE

Resolution by: Mathews
Seconded by: Szerszen

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: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 194-2024

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CYBERLINK COMPUTING, INC.,
FOR 2025 COMPUTER MAINTENANCE

Resolution by: Hurley
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, 2025 and terminating December 31, 2025, for the sum of ELEVEN THOUSAND TWO HUNDRED TWENTY DOLLARS (\$11,220.00) per annum, payable at a monthly rate of NINE HUNDRED THIRTY FIVE DOLLARS AND 00/100 (\$935.00) 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-FIVE DOLLARS AND 00/100 (\$85.00) per hour at the expiration of this agreement.

Ayes: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 195-2024

ACCEPTING THE 2025 SCHOOL TRAFFIC OFFICERS AGREEMENT

Resolution by: Szerszen
Seconded by: Hurley

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 2025, 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: Hurley, Mathews, Williams, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 196-2024

ACCEPTING HIGHWAY EMPLOYEE CONTRACT

Resolution by: Mathews
Seconded by: Hurley

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 2025, 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: Hurley, Mathews, Williams, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION 197-2024

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

Resolution by: Williams
Seconded by: Szerszen

WHEREAS, the Town of Southport desires 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 2025 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: Hurley, Williams, Mathews, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION NO. 198-2024

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH MCILROY MANAGEMENT & CONSULTING

Resolution by: Mathews
Seconded by: Hurley

RESOLVED, that the Supervisor of the Town of Southport be and he hereby is authorized to enter into an agreement with McIlroy Management & Consulting for accounting services for the Town of Southport commencing January 1, 2025 and terminating December 31, 2025, for the sum of TWELVE THOUSAND SIX HUNDRED DOLLARS AND 00/100 (\$12,600.00) per annum, paid in twelve equal installments of ONE THOUSAND FIFTY DOLLARS AND 00/100 (\$1,050.00). The consultant will provide up to twelve on site visits per year and phone or email support as needed.

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

RESOLUTION NO. 199-2024

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

Resolution by: Hurley
Seconded by: Szerszen

WHEREAS, the City of Elmira has proposed to provide animal control services to the Town of Southport from January 1, 2025 through December 31, 2025 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, 2025 to December 31, 2025 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: Hurley, Mathews, Williams, Szerszen, Roman
NOES: None
CARRIED.

RESOLUTION 200-2024

A RESOLUTION AUTHORIZING THE PURCHASE OF A PLOW TRUCK IN AND FOR THE TOWN OF SOUTHPORT, CHEMUNG COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$320,000.00 AND AUTHORIZING, SUBJECT TO A PERMISSIVE REFERENDUM, THE ISSUANCE OF UP TO \$320,000.00 BONDS OF SAID TOWN TO PAY PART OF THE COST THEREOF

Resolution by: Hurley
Seconded by: Williams

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Southport, Chemung County, New York, as follows:

Section 1. The purchase of a plow truck in and for the Town of Southport, Chemung County, New York, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$320,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$320,000 bonds of the Town, hereby authorized to be issued therefor, pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph A of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Southport, Chemung County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

- Section 7. The validity of such bonds and bond anticipation notes may be contested only if:
- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
 - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
 - 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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

RESOLUTION NO. 201-2024

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

Resolution by: Szerszen
 Seconded by: Hurley

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

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: DA9060.8 Hospital & Medical	\$ 69,124.54	\$ (20,848.50)	\$ 48,276.04	
To: DA5130.4 Item III Machinery	\$ (4,931.43)	\$ 10,000.00	\$ 5,068.57	
To: DA9010.8 NYS Retirement	\$ (9,848.50)	\$ 9,848.50		
To: DA9060.84 FLEX/HRA	\$ (101.28)	\$ 1,000.00	\$ 898.72	
From: A9060.8 Hospital & Medical	\$ 29,136.86	\$ (20,926.16)	\$ 8,210.70	
From: A3650.4 Demo of Bldgs	\$ 12,085.35	\$ (10,000.00)	\$ 2,085.35	
To: A1110.4 Justice	\$ (1,041.54)	\$ 2,000.00	\$ 958.46	

To: A1315.4 Bookkeeper	\$ (1,905.69)	\$ 1,905.69	
To: A1355.4 Assessor Cont.	\$ (2,231.54)	\$ 2,231.54	
To: A1410.4 Town Clerk	\$ (159.03)	\$ 2,000.00	\$ 1,840.97
To: A1420.4 Attorney	\$ (2,904.17)	\$ 10,000.00	\$ 7,095.83
To: A6460.4 Ind. Development	\$ (760.00)	\$ 760.00	
To: A6772.4 Aging	\$ (28.93)	\$ 28.93	
To: A7310.11 Rec. Laborer	\$ (775.36)	\$ 2,000.00	\$ 1,224.64
To: A7310.4 Rec. Contractual	\$ (6,334.41)	\$ 10,000.00	\$ 3,665.59

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

RESOLUTION NO. 202-2024

APPROVAL OF THE 2025 AMENDMENT TO THE MUNICIPAL COOPERATIVE AGREEMENT FOR THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM

Resolution by: Hurley
 Seconded by: Mathews

WHEREAS, the Greater Tompkins County Health Insurance Consortium accepted the Town of Southport application to participate in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

WHEREAS, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans that requires any amendments or restatements thereto, shall be subject to Board review and upon

acceptance of any new Participant hereafter, and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by a majority vote by its municipal board, and

WHEREAS, the Town of Southport is in receipt of the proposed amended Agreement and has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the Amended Municipal Cooperative Agreement; and

NOW THEREFORE BE IT RESOLVED, that upon receipt and review of the amended Agreement, the Town of Southport Town Board approves at a meeting of this governing body held on December 10, 2024 and authorizes the Town Supervisor, Chief Elected Official, to sign the 2025 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium as recommended by the Board of Directors and execute all documents required to facilitate participation in the Consortium; and

BE IT FURTHER RESOLVED, that the Town of Southport must provide additional information to complete and activate its membership in the Greater Tompkins County Municipal Health Insurance Consortium (GTCMHIC); therefore the Town of Southport Town Board hereby designates Joseph Roman as the Delegate and Carolyn Renko as the Alternate to the GTCMHIC Board of Directors.

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

RESOLUTION NO. 203-2024

PROPOSED LOCAL LAW 1 OF 2025

LOCAL LAW 1 OF 2025, A SIX-MONTH MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS
AND COMMERCIAL ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF SOUTHPORT AND
REFERRAL TO TOWN OF SOUTHPORT PLANNING BOARD AND CHEMUNG COUNTY PLANNING
BOARD

Resolution by: Williams
Seconded by: Szerszen

WHEREAS, the Town of Southport wishes to review the Town Code and the Town's Comprehensive Plan to further understand how Commercial Solar Energy Systems and Commercial Energy Storage Systems will impact the Town, its residents, the agricultural community and landscape; and

WHEREAS, the Town of Southport, as part of its planning in preparation for this potential development in the Town of Southport, requires time to conduct such review; therefore, the Town Board

is enacting a moratorium to prohibit the development of Commercial Solar Energy Systems and Commercial Energy Storage Systems during this period of review; and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport, County of Chemung, State of New York hereby refers this proposed Local Law No. 1 of 2025, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport, to the Town of Southport Planning Board and to the Chemung County Planning Board for review; and

BE IT FURTHER RESOLVED, that the said proposed Local Law reads as follow:

LOCAL LAW NO. 1 OF 2025
A SIX-MONTH MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS AND COMMERCIAL
ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF SOUTHPORT

Section 1. Title.

This local law shall be known as “Local Law No. 1 of the Year 2025, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport”.

Section 2. Legislative Intent.

- A. It is the intent of this local law to impose a six-month moratorium for any development, installation, or creation of commercial solar energy systems or commercial energy storage systems, as defined herein, within the Town of Southport. The Town imposes this temporary moratorium on the issuance of building permits, special use permits, variances, site plan approvals, or any related review pursuant to a request for such commercial solar energy systems or commercial energy storage systems within the Town of Southport.
- B. The purpose of this moratorium is to allow the Town of Southport time to review its current zoning laws and comprehensive plan related to development for commercial solar energy and storage systems.
- C. In recent years, installation of solar energy and storage systems on properties has become more popular due governmental funding, tax incentives and provider options. The Town recognizes the importance of the use of this alternate clean type of energy and its potential to provide another source of energy use for residents. The Town seeks to preserve and protect agriculture use, aesthetics and natural resources of the Town and property values while understanding the impact this type of development will have on land use for the overall benefit of the Town.
- D. During the period for this moratorium, the Town Board intends to suspend land use regulations in the Town of Southport which conflict with the effect and intent of this local law.
- E. The Town Board finds pursuant to 6NYCRR 617.5(c) (30) that the adoption of a 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. Definitions.

“Commercial Solar Energy Systems” are defined, for the purpose of this local law, as any devise or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for the consumption on the property on which the device or devices reside.

"Commercial Energy Storage Systems" are defined, for the purpose of this local law, as any rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to store and provide electrical power primarily off site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for personal, residential and onsite use shall not be considered a commercial energy storage system and shall be specifically exempted from this moratorium.

Section 4. Scope of Controls.

- A. For a period of six (6) months from the effective date of this Local Law, the Town Board, Town Planning Board, Town Zoning Board of Appeals, and the Town Code (Zoning) Enforcement Officer shall not permit, accept, process, interpret, deliberate upon or approve any application for the installation, development, or creation of commercial solar energy systems or commercial energy storage systems, as defined herein, except as set forth in Section 5 of this Local Law.
- B. During the term of this moratorium the Town Board intends to develop, consider, and adopt changes to its comprehensive plan and local laws to allow for regulation of commercial solar energy systems and commercial energy storage systems.

Section 5. Relief from Provisions of This Local Law.

Should any owner of property affected by this local law suffer any unnecessary hardship and seek relief from this moratorium to enable such owner to obtain a permit for activity otherwise prohibited under this moratorium, such owner shall make application to the Town Board. Such request shall be taken under the procedural provisions of the existing Town of Southport zoning law in relation to appeals and shall be subject to a public hearing before the Town Board in accordance with these same procedures. It shall be within the discretion of the Town Board to grant, in whole or in part, or deny, the application for such relief from the terms of this moratorium. It shall be the burden of the applicant for such relief to demonstrate to the satisfaction of the Town Board, upon competent evidence that an unjust result and extraordinary hardship would occur to the applicant, if such relief is not granted, and such showing must demonstrate that the proposed activity for which relief is sought shall be consistent with the reasonable and orderly development of the Town. The unnecessary hardship shall not be the delay in the application process created by this local law.

Section 6. Penalties.

- A. Any person, firm, entity, or corporation that shall construct, reconstruct, relocate, enlarge, or alter any building or structure in violation of the provisions of this local law, or otherwise violate any provisions of this local law, shall be guilty of a violation and subject to a fine not less than \$250.00 and not more than \$1,000.00, or imprisonment for a term not to exceed fifteen (15) days, or both. Each day the violation continues shall be a separate offense.
- B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

Section 7. Enforcement.

This local law shall be enforced by the Code Enforcement Officer of the Town of Southport.

Section 8. 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 9. Supersession 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 Town Law § 274-a, § 274-b, § 267-a, § 267-b, § 276, and § 277.

Section 10. Inconsistent Laws.

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

Section 11. 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 12. Effective Date.

This local law shall take effect immediately upon filing with the New York State Secretary of State, and shall remain in force and effect for a period of six (6) months from the date of passage.

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

RESOLUTION NO. 204-2024

ACCEPTING QUOTE OF GREENSTAR SERVICES, INC. FOR TUCK AND POINT OF BRICKS AT TOWN HALL

Resolution by: Mathews
Seconded by: Williams

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 Tuck and Point of bricks at Town Hall, and

WHEREAS, a quote was received from Greenstar Services Inc. for Tuck and Point of bricks at Town Hall.

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 Greenstar Services, Inc. at a cost not to exceed NINE THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS AND 00/100 (\$9,165.00).

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

RESOLUTION NO. 205-2024

ACCEPTING QUOTE OF NEALLY-DEJONG COMPANY FOR CRUSHED STONE
WALKING TRAIL AT DRAXLER PARK

Resolution by: Hurley
Seconded by: Mathews

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 Phase I of a crushed stone walking trail at Draxler Park, and

WHEREAS, a quote was received from Neally-DeJong Company for Phase I of a crushed stone walking trail at Draxler Park.

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 Neally-DeJong Company at a cost not to exceed THIRTY-THREE THOUSAND THREE HUNDRED FIFTY DOLLARS AND 00/100 (\$33,350.00).

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

RESOLUTION NO. 206-2024

ACCEPTING QUOTE OF SILVERTOWN MOTORS & TRAILERS

Resolution by: Williams
Seconded by: Hurley

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 a new utility trailer for the Recreation Department, and

WHEREAS, a quote was received from Silvertown Motors & Trailers for a new utility trailer for the Recreation Department.

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 Silvertown Motors & Trailers at a cost not to exceed FOUR THOUSAND TWO HUNDRED ELEVEN DOLLARS AND 00/100 (\$4,211.00).

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

RESOLUTION NO. 207-2024

ACCEPTING QUOTE OF PREMIER LANDSCAPING, LLC FOR WATER LINE INSTALLATION AT CHAPEL PARK

Resolution by: Mathews
Seconded by: Williams

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 water line installation at Chapel Park, and

WHEREAS, a quote was received from Premier Landscaping, LLC for water line installation at Chapel Park.

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 Premier Landscaping, LLC at a cost not to exceed ONE THOUSAND EIGHT HUNDRED DOLLARS AND 00/100 (\$1,800.00).

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

Under Discussion, was Camping prohibitions within the Town of Southport, which will be tabled until January.

RESOLUTION NO. 208-2024

CANCELLING ANNUAL MEETING AND SETTING SPECIAL MEETING

Resolution by: Williams
Seconded by: Szerszen

RESOLVED, that the Annual Meeting scheduled for December 30, 2024 at 6:00 p.m., has been cancelled.

RESOLVED, that the Town Board of the Town of Southport will hold a Special Meeting on December 18, 2024 at 2:00 p.m., at the Town Hall, 1139 Pennsylvania Avenue, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to make proper publication and posting as required by law.

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

RESOLUTION NO. 209-2024

RESCHEDULING ORGANIZATIONAL MEETING

Resolution by: Mathews
Seconded by: Williams

RESOLVED, that the date of the Organizational Meeting originally set for January 2, 2025 at 10:00 a.m. has been changed to Tuesday, January 7, 2025 at 8:00 a.m.

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

Under Public Comments, no one wished to speak.

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

The meeting was adjourned at 7:13 p.m.

During the Executive Session of the Town Board the Request for Proposals for legal counsel to the Town were reviewed and discussed, there were three proposals to consider.

Council Member Mathews made a motion, Council Member Williams seconded to reconvene the meeting at 8:08 p.m.

RESOLUTION 210-2024

ACCEPTING PROPOSAL OF HARTER SECREST & EMERY, LLP TO PROVIDE LEGAL COUNSEL TO THE TOWN OF SOUTHPORT PLANNING BOARD AND ZONING BOARD OF APPEALS

Resolution by: Szerszen
Seconded by: Mathews

WHEREAS, the Town Board reviewed the Legal Service Proposal submitted by Harter Secrest & Emery, LLP for providing legal services to the Town of Southport, and

WHEREAS, the Town Board wishes to engage the law firm of Harter Secrest & Emery, LLP to provide legal services to the Town of Southport Planning Board and Zoning Board of Appeals.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby appoints Harter Secrest & Emery LLP as Special Counsel for the year 2025 pursuant to the terms set forth in the proposal dated October 29, 2024, 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 Harter Secrest & Emery, LLP.

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

RESOLUTION NO. 211-2024

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

Resolution by: Szerszen
Seconded by: Williams

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 \$215.00 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 2025 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: Williams, Mathews, Szerszen, Roman

NOES: Hurley

CARRIED.

Council Member Szerszen made a motion, Council Member Mathews seconded to adjourn the meeting.

The meeting was adjourned at 8:10 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk