

October 8, 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 October 8, 2024.

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

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer Peter Rocchi, Town Clerk Carolyn Renko

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

Moment of Silence – Supervisor Roman

PUBLIC HEARING 6:02 P.M. – for the purpose of considering the proposal to renew a Fire Protection Contract between the Town of Southport, on behalf of Fire Protection District No. 1 and the Southport Volunteer Firemen, Inc., which contract is to provide, among other things, that the Town of Southport, on behalf of the Fire Protection District No. 1, shall pay to the Southport Volunteer Firemen, Inc., the sum of \$352,000 for the year 2025, \$367,000 for the year 2026; and \$382,000 for the year 2027 and to consider such other terms and conditions as may be agreed upon between the parties for the furnishing of fire protection in said district.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened the hearing for public comment.

No one wished to speak so the public portion of the Public Hearing was closed at 6:03 p.m.

RESOLUTION NO. 156-2024

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH
SOUTHPORT VOLUNTEER FIREMEN, INC.

Resolution by: Williams
Seconded by: Hurley

WHEREAS, this Town Board did on the 8th day of October, 2024, hold a public hearing for the purpose of considering the adoption of a contract for the Southport Volunteer Firemen, Inc., furnishing fire protection within the Fire Protection District No. 1, all of which was done in accordance with the notice duly published as provided, and

WHEREAS, all persons desiring to be heard were then and there heard, and

WHEREAS, due deliberation having been made by this Town Board,

NOW THEREFORE BE IT RESOLVED, that this Town Board finds and determines that it is in the best interest of the residents of Fire Protection District No. 1 that the Town of Southport enter into a new contract with Southport Volunteer Firemen, Inc., at a yearly contract price as follows:

First Year (2025)	THREE HUNDRED FIFTY-TWO THOUSAND DOLLARS AND 00/100 (\$352,000.00)
Second Year (2026)	THREE HUNDRED SIXTY-SEVEN THOUSAND DOLLARS AND 00/100 (\$367,000.00)
Third year (2027)	THREE HUNDRED EIGHTY-TWO THOUSAND DOLLARS AND 00/100 (\$382,000.00)

and be it further

RESOLVED, that the Town Board of the Town of Southport does hereby authorize and direct the Town Supervisor on behalf of Town of Southport Fire Protection District No. 1 to enter into a contract with Southport Volunteer Firemen, Inc., the terms and conditions of that contract to be subject to the review and approval of the Attorney for the Town.

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

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 2,501.80
Fitzsimmons Lots Sales	\$ 275.00
Funds Turned to State & County Agencies	<u>\$ 9,679.70</u>
	\$ 12,456.50

Code Enforcement Officer

Fees Collected:	Building Permit Fees	\$ 2,389.00
	Building Permit Values	\$ 309,273.00
	Operating Permit Fees	\$ 100.00

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

Council Member Szerszen made a motion, Council Member Mathews seconded to accept the monthly reports as filed.

Under Correspondence, Supervisor Roman commented on the following:

1. Leaf raking and Trunk or Treat at Chapel Park that will be held October 26th.
2. The Town of Southport Christmas Parade will be held on 12/7/24 and a meeting regarding the parade will take place on October 23, 2024 at Chapel Park.
3. Fairway/Phoenix Sewer project update - Approval Article 16 permit from DEC is ready to go.

Council Member Mathews made a motion, Council Member Szerszen seconded to accept the minutes of September 10, 2024 Regular Meeting.

The minutes from September 24, 2024 Tentative Budget Meeting will be tabled to the November 12, 2024 meeting.

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

RESOLUTION NO. 157-2024

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Williams
Seconded by: Szerszen

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of October 2024, No. 542 through No. 605, with the exception of No.'s 554, 558, 560, 561, and 573, not to exceed \$80,390.26 has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 158-2024

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Hurley
Seconded by: Williams

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of October 2024, No.'s 554, 558, 560, 561, 573, not to exceed \$13,483.51, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 159-2024

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Hurley
Seconded by: Szerszen

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of October 2024, No. 152 through No. 176, not to exceed \$37,454.81, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 160-2024

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Mathews
Seconded by: Williams

RESOLVED, that the Abstract of Light Fund Claims submitted by the Town Clerk for the month of October 2024, No. 8, not to exceed \$6,600.14, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 161-2024

APPROVING PRELIMINARY BUDGET AND DIRECTING PUBLIC HEARING THEREON

Resolution by: Williams
Seconded by: Mathews

RESOLVED, that the Tentative Budget, consisting of revenues and expenditures, presented to the Town Board and the same has been modified by this Town Board be and the same hereby is approved as the Preliminary Budget for the fiscal year commencing January 1, 2025 and ending

December 31, 2025, as the same is set forth in detail therein and a copy filed in the Town Clerk's Office, where the same be available for inspection by any interested person during the office hours of the Town, and be it further

RESOLVED, that the Town Board shall hold a public hearing on the same Preliminary Budget in accordance with Section 108 of the Town Law, as amended, on the 6th day of November 2024, at 6:00 p.m., or as soon thereafter as it can be heard, at the Town Hall, 1139 Pennsylvania Avenue in said Town, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to cause notice of such public hearing to be published at least once in the official newspaper and to cause a copy of such notice to be posted on the sign board of the Town which shall be done at least five (5) days before the date specified for this meeting.

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

RESOLUTION NO. 162-2024

AUTHORIZING SUPERVISOR TO SIGN STATEMENT OF VALUES FOR INSURANCE PURPOSES

Resolution by: Williams
Seconded by: Hurley

RESOLVED, that the Supervisor be and he hereby is authorized to sign a Statement of Values of articles of Town property and equipment, and be it further

RESOLVED, that a copy of such Statement of Values shall be filed with the Town Clerk.

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

RESOLUTION NO. 163-2024

LOCAL LAW NO. 3 OF 2024, A SIX-MONTH EXTENSION OF THE TEMPORARY MORATORIUM FOR OPERATING UNLICENSED RETAIL BUSINESSES INVOLVING THE TRANSFER, DISTRIBUTION, OR SALE OF CANNABIS WITHIN THE TOWN OF SOUTHPORT

Resolution by: Williams
Seconded by: Mathews

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, the Town of Southport enacted Local Law No. 3 of 2023, Local Law No. 13 of 2023, and Local Law No. 1 of 2024 for six month extension of the temporary moratorium; and

WHEREAS, to date the Town of Southport is concerned with the lack of regulatory enforcement of unlicensed cannabis retail business as described in Local Law No. 1 of 2022, therefore; wishes to extend the moratorium for an additional six (6) months to also further review its zoning and code regulations related to this issue; and

THEREFORE BE IT RESOVLED, that the Town Board of the Town of Southport now refers this proposed extension of the moratorium, Local Law No. 3 of 2024, to the Town of Southport Planning Board and the Chemung County Planning Board; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York hereby schedules a public hearing to receive public comment for this Local Law No. 3 of 2024, A Six Month Extension of the Temporary Moratorium for Operating Unlicensed Retail Businesses involving the Transfer, Distribution, or Sale of Cannabis Within the Town of Southport on November 12, 2024 at 6:00 p.m. at Town of Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York 14904 and said Local Law is as follows:

Local Law No. 3 of 2024, A Six-Month Extension of the Temporary 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 2024, A Six-Month Extension of the Temporary 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, Local Law No. 3 of 2023, Local Law No. 13 of 2023 and Local Law No. 1 of 2024, the New York State Office of the Cannabis Management is still finalizing the issuance of licenses for businesses to allow for the legal sale of adult-use cannabis or cannabinoid hemp licenses. In addition, regulatory enforcement is lacking for the unlicensed cannabis retail business which are the subject of this local law. 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 continue 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 and enforcement 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 as described herein. 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. 1 of 2022 shall be extended for an additional six (6) months through April 30, 2025.

B. Except as otherwise amended herein, all provisions of Local Law No. 1 of 2022, Local Law No. 3 of 2023, Local Law No. 13 of 2023 and Local Law No. 1 of 2024 shall remain in effect and be extended for an additional six (6) months from adoption.

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 to 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 11. INCONSISTENT LAWS

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

Section 12. 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 13. EFFECTIVE DATE

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

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

RESOLUTION NO. 164-2024

SETTING PUBLIC HEARING FOR LOCAL LAW NO. 4 OF 2024
OVERRIDE TAX LEVY LIMIT FOR TAXABLE 2025 YEAR

Resolution by: Hurley
Seconded by: Szerszen

RESOLVED, that the Town Board of the Town of Southport, will hold a public hearing on Tuesday, November 12, 2024 at 6:00 p.m., or as soon thereafter as it can be heard, for the purpose of hearing any and all public comment regarding Local Law No. 4 of 2024, to Override Tax Levy Limit for taxable 2025 year established in General Municipal Law.

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

RESOLUTION NO. 165-2024

ACCEPTING QUOTE OF BALLAND FENCE COMPANY FOR FENCING AROUND PICKLEBALL COURTS
AT CHAPEL PARK

Resolution by: Williams
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 new fencing around pickleball courts at Chapel Park, and

WHEREAS, a quote was received from Balland Fence Company for new fencing around the pickleball courts 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 Balland Fence Company at a cost not to exceed THREE THOUSAND NINE-HUNDRED DOLLARS AND 00/100 (\$3,900.00).

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

RESOLUTION NO. 166-2024

REAPPOINTING LEE DOUD AND GRETCHEN HAM AS MEMBERS OF THE
TOWN OF SOUTHPORT CEMETERY COMMISSION

Resolution by: Hurley
Seconded by: Williams

RESOLVED, that Lee Doud and Gretchen Ham are hereby reappointed to serve a term of three years on the Town of Southport Cemetery Commission, terms to expire November 1, 2027.

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

There were no Budget Modifications (Resolution #11).

RESOLUTION 167-2024

ACCEPTING QUOTE OF FERRARIO AUTO TEAM FOR PURCHASE OF A NEW 2025 FRONTIER CREW CAB SV
4 X 4 TRUCK FOR CODE ENFORCEMENT

Resolution by: Mathews
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 items within the Town to include a new vehicle for Code Enforcement, and

WHEREAS, a quote was received from Ferrario Auto Team for a new 2025 Frontier Crew Cab SV 4 x 4 truck for Code Enforcement.

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 Ferrario Auto Team at a cost not to exceed THIRTY SEVEN THOUSAND, SIX HUNDRED FORTY FOUR DOLLARS AND 00/100 (\$37,644.00).

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

Under ARPA Discussion, the Comprehensive Plan was discussed and will be revisited at the November meeting.

Also under ARPA Discussion was repointing bricks at Town Hall and new truck Highway Department, both of which will be tabled to the November meeting.

RESOLUTION NO. 168-2024

ACCEPTING QUOTE OF A&W CONCRETE, LLC FOR RESTORATION OF THE VETERAN'S MEMORIAL AT FITZSIMMONS CEMETERY

Resolution by: Mathews
Seconded by: Szerszen

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 restoration of the Veteran's Memorial at Fitzsimmons Cemetery, and

WHEREAS, a quote was received from A&W Concrete, LLC for restoration of the Veteran's Memorial at Fitzsimmons Cemetery.

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 A&W Concrete, LLC at a cost not to exceed FIVE THOUSAND EIGHT HUNDRED EIGHT DOLLARS AND 00/100 (\$5,808.00).

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

Next ARPA discussion was Draxler Park walkway and new fence at Sterling Park, which will be tabled to the November Meeting.

RESOLUTION NO. 169-2024

ACCEPTING QUOTE OF ULINE FOR PURCHASE OF OUTDOOR GRILLS TO BE PLACED AT CHAPEL PARK AND DRAXLER PARK

Resolution by: Mathews
Seconded by: Szerszen

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 outdoor grills at Chapel Park and Draxler Park.

WHEREAS, a quote was received from Uline for outdoor grills for Chapel Park and 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 Uline at a cost not to exceed EIGHT HUNDRED SIXTY EIGHT DOLLARS AND 07/100 (\$868.07).

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

RESOLUTION 170-2024

SETTING HOURS FOR TRICK-OR-TREATING ON HALLOWEEN

Resolution by: Williams
Seconded by: Hurley

RESOLVED, that the Town of Southport does hereby declare the hours of trick-or-treating on Halloween night, October 31, 2024, be from 5:30 p.m. to 8:00 p.m.

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

Under Taxpayer's Comments, James Voorhees from 1170 Sherman Avenue stated the deed for Cherry Lane Park LLC was transferred to him.

Tom Aber from 1155 Sherman Avenue commented on Cherry Lane Park, LLC.

Karen Clark from 1149 Sherman Avenue commented on Cherry Lane Park, LLC.

Tina Moore from 1173 Sherman Avenue commented on Cherry Lane Park, LLC.

Council Member Szerszen made a motion, Council Member Williams 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 6:55 p.m.

Council Member Hurley made a motion, Council Member Williams seconded to reconvene the meeting at 7:40 p.m.

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

The meeting was adjourned at 7:40 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk

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