

April 8, 2025

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 April 8, 2025.

Members Present: Supervisor Joseph Roman, Council Members Daniel Hurley, Daniel Williams, Richard Mathews, Timothy Steed

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 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

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,758.55
Fitzsimmons Lot Sales	\$ 275.00
Funds Turned to State & County Agencies	<u>\$ 827.95</u>
	\$ 2,861.50

Receiver of Taxes

Town and County Tax Collected	\$ 324,860.50
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Code Enforcement

Building Permit Fees	\$ 1,288.00
Building Permit Values	\$ 226,683.00
Operating Permit Fees	\$ 750.00

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

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

Under Correspondence, Supervisor Roman read a note from Aletha Rollins, who thanked the Town for providing doggie waste bags at Chapel Park and enclosed a check for a donation towards the cost.

Council Member Steed made a motion, Council Member Williams seconded to accept the minutes of March 11, 2025 Regular Meeting.

RESOLUTION NO. 66-2025

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Williams
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of April 2025, No. 141 through No. 184, with the exception of No.'s 144, 145, 158 and 162, not to exceed \$82,828.87, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 67-2025

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Hurley
Seconded by: Steed

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of April 2025, No.'s 144, 145, 158 and 162, not to exceed \$22,240.81, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 68-2025

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Mathews
Seconded by: Williams

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of April 2025, No. 48 through No. 69, not to exceed \$63,098.30, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 69-2025

APPROVING ABSTRACT OF FIRE FUND CLAIMS

Resolution by: Steed
Seconded by: Hurley

RESOLVED, that the Abstract of Fire Fund Claims submitted by the Town Clerk for the month of April 2025, No. 8 & 9, not to exceed \$17,473.25, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 70-2025

RATIFYING RESIGNATION OF MICHELLE MURRAY AS DEPUTY TOWN CLERK FOR THE
TOWN OF SOUTHPORT

Resolution by: Mathews
Seconded by: Hurley

WHEREAS, Michelle Murray has submitted her resignation as Deputy Town Clerk for the Town of Southport, effective March 26, 2025.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of Michelle Murray as Deputy Town Clerk for the Town of Southport, effective March 26, 2025.

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

RESOLUTION NO. 71-2025

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH SOUTHERN TIER
COUNSELING CENTER, LLC FOR AN EMPLOYEE ASSISTANCE PROGRAM

Resolution by: Steed
Seconded by: Williams

WHEREAS, the Town of Southport and Southern Tier Counseling Center, LLC desires to enter into an agreement for services provided by their Employee Assistance Program, and

WHEREAS, the agreement provides for a cost of \$1,800.00 retainer fee/\$100.00 per employee/dependent per session.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby approves the agreement between the Town of Southport and Southern Tier Counseling, LLC providing services known as the Employee Assistance Program. The Town Board of the Town of Southport hereby authorizes the Supervisor to sign the contract agreement for the Employee Assistance Program commencing May 1, 2025 and terminating April 30, 2026, at a cost of \$1,800.00 retainer fee/\$100.00 per employee/dependent per session.

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

RESOLUTION NO. 72-2025

APPOINTING RICHARD SEELYE AS PART-TIME SEASONAL LABORER

Resolution by: Williams
Seconded by: Hurley

WHEREAS, the Supervisor has advised this Town Board that the need exists for a seasonal laborer for Fitzsimmons Cemetery in accordance with budgetary appropriations.

NOW THEREFORE BE IT RESOLVED, that the following seasonal laborer appointment be effective April 9, 2025 and that the individual be paid as any other Town Employee pursuant to the following schedule:

<u>NAME</u>	<u>POSITION</u>	<u>COMPENSATION</u>	<u>EFFECTIVE DATE</u>
Richard Seelye	Seasonal Laborer	\$ 20.00 pr/hr	04/09/2025

and be it further

RESOLVED, that the individual shall not be entitled to any benefits as a result of his employment by the Town of Southport, including but not limited to health insurance, and be it further

RESOLVED, that the aforementioned commence his employment with the Town of Southport until such time as he shall have filed with the Town Clerk his appropriate Oath of Office as required by law.

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

RESOLUTION NO. 73-2025

BUDGET ADJUSTMENTS

Resolution by: Steed
Seconded by: Mathews

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

A4089	Federal Aid, Other (ARPA)	\$ 92,227.91	
A1620.21	Building Equipment (ARPA)		\$ 92,227.91

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

RESOLUTION NO. 74-2025

AUTHORIZING SUPERVISOR TO APPLY FOR A MUNICIPAL PARKS AND RECREATION GRANT PROGRAM
(MPR) – NYS PARKS, RECREATION & HISTORIC PRESERVATION

Resolution by: Mathews
Seconded by: Steed

WHEREAS, the Town of Southport desires to apply for \$1,000,000.00 in financial assistance through the Municipal Parks and Recreation Grant Program (MPR) – NYS Parks, Recreation & Historic Preservation.

WHEREAS, the application proposes funding to assist the Town of Southport in the demolition and reconstruction of a new Community Center at Chapel Park.

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board approves and endorses the application for ONE MILLION DOLLARS AND 00/100 (\$1,000,000.00) through the Municipal Parks and Recreation Grant Program (MPR) – NYS Parks, Recreation & Historic Preservation to assist the Town of Southport with the costs related to the demolition and reconstruction of a new Community Center at Chapel Park, prepared and to be submitted by the Town of Southport.

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

RESOLUTION NO. 75-2025

AUTHORIZING THE SUPERVISOR TO APPLY FOR ENVIRONMENTAL PROTECTION FUND GRANTS
PROGRAM FOR PARKS, PRESERVATION AND HERITAGE (EPF)

Resolution by: Steed
Seconded by: Hurley

WHEREAS, the Town of Southport desires to apply for an Environmental Protection Fund Grants Program for Parks, Preservation and Heritage (EPF).

WHEREAS, the application proposes funding up to 50% of the total project cost, assisting the Town of Southport with demolition and reconstruction of a new Community Center at Chapel Park, and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts, and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board approves and endorses the application to the Environmental Protection Fund Grants Program for Parks, Preservation and Heritage (EPF), for funding up to 50% of the total project cost for the demolition and reconstruction of a new Community Center at Chapel Park, prepared and submitted by the Town of Southport.

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

RESOLUTION NO. 76-2025

LOCAL LAW NO. 3 OF 2025, 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: Hurley

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, Local Law No. 1 of 2024, and Local Law No. 3 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 2025, 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 2025, 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 May 13, 2024 at 6:00 p.m., or as soon after as it may be heard, 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 2025, 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 2025, 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, Local Law No. 1 of 2024, and Local Law No. 3 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. The moratorium as referenced herein and last extended by Local Law No. 3 of 2024 shall be extended for an additional six (6) months through October 31, 2025.
- B. Except as otherwise amended herein, all provisions of Local Law No. 1 of 2022 and Local law No. 3 of 2023, Local Law No. 13 of 2023, Local Law No. 1 of 2024, and Local Law No. 3 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, Williams, Mathews, Steed, Roman
NOES: None
CARRIED.

Council Member Williams stated that the Southport Business Association will be holding a Bowling Fundraiser on May 3, 2025 from 12:00 pm to 2:00 pm at Dixie Bowling Lanes. The money raised is for a scholarship for Town residents to go to summer cohesion.

Under Public Comments, Andrew Marshall from 244 Universal Avenue wants to buy a shipping container to put in the back of his property to be used as a shed/garage and was told by Code Enforcement this isn't allowed. Supervisor Roman will look into this and reach out to Mr. Marshall.

Jim Swift from 1552B Maple Avenue stated there is a trailer parked on the road at 1548 Maple Avenue that is full of garbage which blows all over the neighborhood, as well as trash and debris all over the property.

Dan Yager from 1540 Maple Avenue also has concerns about the truck full of garbage parked at 1548 Maple Avenue. He also questioned if he can run a business out of his home now that 1548 Maple Avenue isn't a church anymore.

Mr. Piper, the son of Mary Prettyman who lives at 1544 Maple Avenue also stated concerns about the trailer full of garbage at 1548 Maple Avenue because it blows all over his mother's property.

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

The meeting was adjourned at 6:40 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk