

September 15, 2026

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 September 15, 2026.

Members Present: Supervisor Joseph Roman, Council Members Daniel Hurley, Daniel Williams, Rich Mathews, Tim Steed

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer Pete Rocchi, Deputy Supervisor Kathleen Szerszen, Town Clerk Carolyn Renko, Deputy Town Clerk Marianne Schrom

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

Moment of Silence – Supervisor Joseph Roman

PUBLIC HEARING – 6:00 P.M. – for the purpose of hearing any and all public comment regarding the Comprehensive Plan Update.

The Public Hearing was postponed until the October 13, 2026 meeting.

PUBLIC HEARING – 6:00 P.M. – for the purpose of hearing any and all public comment regarding a cable television franchise agreement by and between the Town of Southport and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened up the Public Hearing for comment at 6:05 p.m. No one wished to speak so the public portion of the public hearing was closed at 6:06 p.m.

RESOLUTION NO. 105-2026

AUTHORIZING RENEWAL OF A FRANCHISE AGREEMENT BY AND BETWEEN THE TOWN OF SOUTHPORT AND SPECTRUM NORTHEAST, LLC, AN INDIRECT SUBSIDIARY OF CHARTER COMMUNICATIONS

Resolution by: Steed
Seconded by: Mathews

WHEREAS, an application has been duly made to the Board of the Town of Southport, County of Chemung, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. ("Charter"), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 95 Methodist Hill Drive, Rochester, NY 14623, for the approval of a renewal agreement for Charter's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission. The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

WHEREAS, a public hearing was held at the Town of Southport, New York on September 15, 2026 at 6:00 p.m. and the notice of the hearing was published in the Elmira Star Gazette on September 1, 2026.

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

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Southport hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Southport for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

BE IT FURTHER RESOLVED that the Board of the Town of Southport hereby confirms acceptance of this franchise renewal agreement.

AYES: Hurley, Williams, Steed, Roman
NOES: Mathews
CARRIED

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 2,440.68
Fitzsimmons Lot Sales	\$ 275.00
Funds Turned to State & County Agencies	<u>\$ 6,855.32</u>
	\$ 9,571.00

Code Enforcement Office

Building Permit Fees:	\$ 4,034.80
Building Permit Values	\$ 1,075,163.80

City of Elmira Animal Control
Justice Office
Recreation/Aging/Youth Services
Residential Deputy
Supervisor's Report

Council Member Williams made a motion, Council Member Hurley seconded to accept the monthly reports as filed. All in favor, with the exception of Council Member Mathews who voted no.

Under Correspondence, Council Member Williams stated he sent an email to Joel Pearson from Southern Tier Animal Control regarding dog control services for the Town and Mr. Pearson replied that he is not taking on any new municipalities at this time but will reevaluate at the end of year.

Council Member Mathews made a motion, Council Member Williams seconded to accept the minutes of August 11, 2026 Regular Meeting. All in favor, with the exception of Council Member Mathews who voted no.

Under Public Comments, Agenda and Discussion items only, Ira Manhoff from 834 Dutch Hill Road commented on Resolution #18, Proposed Local Law No. 3 of 2026, a Six-Month Extension of the Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport and Scheduling Public Hearing and Resolution #19, Proposed Local Law No. 4 of 2026, 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 and Scheduling Public Hearing.

RESOLUTION NO. 106-2026

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Steed
Seconded by: Williams

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of September 2026, No. 415 through No. 471, with the exception of No.'s 418, 419, 430, 431, 432, 433, not to exceed \$108,759.09, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 107-2026

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Williams
Seconded by: Steed

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of September 2026, No.'s 418, 419, 430, 431, 432, 433, not to exceed \$5,152.24, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 108-2026

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Hurley
Seconded by: Steed

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of September 2026, No. 148 through No. 174, not to exceed \$184,188.57, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 109-2026

APPROVING ABSTRACT OF FIRE FUND CLAIM

Resolution by: Hurley
Seconded by: Williams

RESOLVED, that the Abstract of Fire Fund Claim submitted by the Town Clerk for the month of September 2026, No. 12, not to exceed \$5,853.75, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 110-2026

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Steed
Seconded by: Mathews

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of September 2026, No. 8, not to exceed \$7,854.53, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 111-2026

POSTPONING AND RESCHEDULING PUBLIC HEARING

Resolution by: Williams
Seconded by: Steed

WHEREAS, the Town Board of the Town of Southport is waiting on recommendations from the Town of Southport Planning Board and Town of Southport Board of Appeals regarding the Comprehensive Plan Update.

RESOLVED, that the public hearing scheduled for September 15, 2026 at 6:00 p.m., regarding Comprehensive Plan Update was postponed due to the above.

BE IT FURTHER RESOLVED, that the public hearing has been rescheduled for October 13, 2026 at 6:00 p.m., or as soon thereafter as it can be heard.

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

RESOLUTION NO. 112-2026

RATIFYING APPOINTMENT OF KAYLEE SEMSKI AS DEPUTY TOWN CLERK

Resolution by: Hurley
Seconded by: Mathews

WHEREAS, the Town Supervisor has advised the Town Board that Kaylee Semska has agreed to be appointed full-time Deputy Town Clerk in the Code Enforcement Office and Assessor's Office.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby appoint Kaylee Semski as full-time Deputy Town Clerk in the Code Enforcement Office and Assessor's Office.

RESOLVED, that Kaylee Semski will receive an annual salary of \$37,000.00, as compensation for her duties and shall be entitled to and receive any and all benefits available to any full-time employee of the Town of Southport.

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

RESOLUTION NO. 113-2026

ACCEPTING RESIGNATION OF JOHN OGDEN AS PERMANENT SCHOOL TRAFFIC OFFICER

Resolution by: Steed
Seconded by: Williams

WHEREAS, John Ogden has submitted his resignation as Permanent School Traffic Officer for the Town of Southport, effective August 17, 2026.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of John Ogden as Permanent School Traffic Officer for the Town of Southport, effective August 17, 2026.

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

RESOLUTION NO. 114-2026

RATIFYING APPOINTMENT OF JOHN MAKOVITCH AS PERMANENT SCHOOL TRAFFIC OFFICER

Resolution by: Steed
Seconded by: Mathews

RESOLVED, that pursuant to Section 208-A of the General Municipal Law, as amended, John Makovitch be and he hereby is appointed Permanent School Traffic Officer, effective September 7, 2026 and his duties be limited to acting permanent School Traffic Officer and assisting at school crossings prior to the opening and closing of schools.

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

RESOLUTION NO. 115-2026

ENDING APPOINTMENT OF LOREN NORDIN AS LEAD CROSSING GUARD AND RATIFYING APPOINTMENT
OF ROBERT MAINES AS LEAD CROSSING GUARD

Resolution by: Mathews
Seconded by: Hurley

RESOLVED, that Loren Nordin will no longer hold the position of Lead Crossing Guard for the Town of Southport, effective September 7, 2026.

BE IT FURTHER RESOLVED, that Robert Maines will be appointed as Lead Crossing Guard for the Town of Southport, effective September 7, 2026.

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

RESOLUTION NO. 116-2026

RATIFYING APPOINTMENT OF FLOYD BARRETT AND RICHARD SABIN AS
ALTERNATE SCHOOL TRAFFIC OFFICERS

Resolution by: Steed
Seconded by: Williams

RESOLVED, that pursuant to section 208-a of the General Municipal Law as amended, Floyd Barrett (effective September 7, 2026) and Richard Sabin (effective September 8, 2026), be and they hereby are appointed Alternate School Traffic Officers and that their duties be limited to acting Alternate School Traffic Officers and assisting at school crossings prior to the opening and closing of schools.

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

RESOLUTION NO. 117-2026

REAPPOINTING LYNNE COLE-GOTT AS A MEMBER OF THE TOWN OF SOUTHPORT
BOARD OF ASSESSMENT REVIEW

Resolution by: Hurley
Seconded by: Mathews

RESOLVED, that Lynne Cole-Gott be and she hereby is reappointed to serve a term of five (5) years as a member of the Town of Southport Board of Assessment Review, said term to expire on September 30, 2031.

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

RESOLUTION NO. 118-2026

BUDGET MODIFICATIONS

Resolution by: Steed
 Seconded by: Mathews

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: A1450.4 Elections	\$ 30,000.00	\$ (10,000.00)	\$ 20,000.00	
To: A1420.4 Attorney	\$ 45,000.00	\$ 10,000.00	\$ 55,000.00	Over Appropriation
From: A3650.4 Demo. Of Bldg.	\$ 40,000.00	\$ (11,400.00)	\$ 28,600.00	
To: A1620.4 Shared Service Cont.	\$ 205,000.00	\$ 11,400.00	\$ 216,400.00	Over Appropriation
From: A3650.4 Demo of Bldg.	\$ 28,600.00	\$ (20,000.00)	\$ 8,600.00	
To: A3620.4 Code Enf.	\$ 31,000.00	\$ 20,000.00	\$ 51,000.00	Over Appropriation
From: A1440.4 Engineer	\$ 20,000.00	\$ (16,787.65)	\$ 3,212.35	
To: A9040.8 Worker's Comp.	\$ 12,000.00	\$ 16,787.65	\$ 28,787.65	Over Appropriation
From A3650.4 Demo of Bldg.	\$ 8,600.00	\$ (1,591.22)	\$ 7,008.78	
To: A8540.4 Drainage	\$ 39,000.00	\$ 1,591.22	\$ 40,591.22	Over Appropriation
From: A3650.4 Demo of Bldg.	\$ 7,008.78	\$ (3,000.00)	\$ 4,008.78	
To: A8810.1 Fitz. Cemetery		\$ 3,000.00	\$ 3,000.00	No funds budgeted

From: A3650.4	\$ 4,008.78	\$ (4,000.00)	\$ 8.78
Demo. Of Bldg.			
To: A9060.84	\$ 20,000.00	\$ 4,000.00	\$ 24,000.00 Over Appropriation
HRA			

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

RESOLUTION NO. 119-2026

BUDGET ADJUSTMENTS

Resolution by: Williams
Seconded by: Steed

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

- A2115 – Engineering Reimbursement \$ 8,244.82
- A1440.41 – Engineer Arbor Housing \$ 799.36
- A1440.42 – Engineer Dollar General \$ 7,445.46

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

RESOLUTION NO. 120-2026

DECLARING SURPLUS

Resolution by: Williams
Seconded by: Hurley

WHEREAS, the Highway Superintendent has advised this Town Board that certain highway equipment is no longer needed by the Highway Department and can be declared surplus.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby declare a 1996 10-wheel Volvo Dump Truck (VIN# 4V5JCBME1TR845257) as surplus.

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

RESOLUTION NO. 121-2026

DECLARING SURPLUS

Resolution by: Hurley
Seconded by: Mathews

WHEREAS, the Highway Superintendent has advised this Town Board that certain highway equipment is no longer needed by the Highway Department and can be declared surplus.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby declare a 2002 10-wheel Volvo Dump Truck (VIN# 4V5KC9GH22N332379) as surplus.

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

RESOLUTION NO. 122-2026

RESCHEDULING PRELIMINARY BUDGET MEETING

Resolution by: Steed
Seconded by: Williams

RESOLVED, that the date of the Preliminary Budget Meeting originally set for November 3, 2026 at 6:00 p.m., has been changed to Wednesday, November 4, 2026 at 6:00 p.m.

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

RESOLUTION NO. 123-2026

PROPOSED

LOCAL LAW NO. 3 OF 2026

A SIX-MONTH EXTENSION OF THE MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS AND
COMMERCIAL ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF SOUTHPORT

Resolution by: Steed
Seconded by: Mathews

WHEREAS, the Town of Southport wishes to review the Town Code and Zoning Laws along with 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 enacted a moratorium to prohibit the development of Commercial Solar Energy Systems and Commercial Energy Storage Systems in the Town of Southport with Local Law No. 1 of Year 2025, a Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport on February 11, 2025 and Local Law No. 4 of 2025, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Solar Systems within the Town of Southport was passed on October 14, 2025; and Local Law No. 1 of 2026, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport was passed on April 14, 2026; and

WHEREAS, the Town of Southport requires additional time to conduct such review; therefore, the Town Board wishes to extend the moratorium for an additional six months to prohibit the development of Commercial Solar Energy Systems and Commercial Energy Storage Systems during this period of review; and

BE IT 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 2026, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport on October 13, 2026 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:

PROPOSED

LOCAL LAW NO. 3 OF 2026, A SIX-MONTH EXTENSION OF THE 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. 3 of the Year 2026, A Six-Month Extension of the 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 to 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. Local Law No. 1 of Year 2025, a Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport was enacted on February 11, 2025 and Local Law No. 4 of 2025, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Solar Systems within the Town of Southport was passed on October 14, 2025 and Local Law No. 1 of 2026, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport was passed on April 14, 2026.

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. Except as otherwise amended herein, all provisions of Local Law No. 1 of Year 2025 shall be extended for an additional six (6) months from the date of adoption.
- C. 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. Exception.

Notwithstanding any provision hereof to the contrary, any person or entity that has been granted a Special Use Permit by the Town of Southport Planning Board for construction of a solar facility prior to the effective date of Local Law No. 1 of 2025 may continue such project and related activities while this Moratorium is in effect so long as all construction and supporting activities are conducted in accordance with all applicable laws and any conditions of the Special Use Permit.

Section 6. 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 7. 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 8. Enforcement.

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

Section 9. 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 10. 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 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 and shall remain in force and effect for a period of six (6) months from the date of passage.

AYES: Hurley, Williams, Mathews, Steed, Roman

NOES: None

CARRIED.

RESOLUTION NO. 124-2026

PROPOSED

LOCAL LAW NO. 4 OF 2026, 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, Local Law No. 1 of 2024, Local Law No. 3 of 2024, Local Law No. 3 of 2025, Local Law No. 5 of 2025, and Local Law No. 2 of 2026 for six-month extensions 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, and wishes to extend the moratorium for an additional six (6) months to update its comprehensive plan and further review its zoning and code regulations related to this issue; 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. 4 of 2026, 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 October 13, 2026 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:

PROPOSED

LOCAL LAW NO. 4 OF 2026, 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. 4 of 2026, 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, Local Law No. 3 of 2024, Local Law No. 3 of 2025, Local Law No. 5 of 2025, and Local Law No. 2 of 2026 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. 2 of 2026 shall be extended for an additional six (6) months.
- 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, Local Law No. 3 of 2024, Local Law No. 3 of 2025, Local Law No. 5 of 2025, and Local Law No. 2 of 2026 shall remain in effect and be extended for an additional six (6) months from adoption.

Section 4. 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 4. SUPERCESSION 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 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 5. 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.

Under Discussion was Cherry Lane Park. Supervisor Roman stated it is under consideration and review but there were no updates for the public at this time.

Under Public Comments, Tina Moore from 1173 Sherman Avenue commented on Cherry Lane Park.

Nicholas Cross from 725 Hopkins Street commented on speeding on his street as well as the apartments at 550 Spruce Street.

Nancy Butler from 730 Hopkins Street stated she supports all of Nicholas Cross' comments.

Hillery Millerd from 725 Hopkins Street also supported Nicholas Cross' comments.

Karen Clark from 1149 Sherman Avenue commented on the issues on Hopkins Street.

Robert Fivie from 811 Chamberlain Street states people are speeding on his street and is concerned about possible illegal activities at a neighbor's house.

Carol Lewis from S. Main Street asked if a Handicap Swing could be installed at Elmer Goodwin Park.

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

The meeting was adjourned at 6:55 p.m.

Council Member Mathews made a motion, Council Member Steed seconded to reconvene at 8:05 p.m.

Council Member Mathews made a motion, Council Member Steed seconded to adjourn the meeting at 8:06 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk