November 10, 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 November 10, 2026.

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.

PUBLIC HEARING 6:02 P.M. – for the purpose of hearing any and all public comment regarding the Comprehensive Plan Update.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened up the Public Hearing for comment.

Ira Manhoff from 834 Dutch Hill Road commented that there was nothing in the update regarding Data Centers.

No one else wished to speak so the public portion of the Public Hearing was closed at 6:05 p.m.

PUBLIC HEARING 6:07 P.M. – for the purpose of hearing any and all public comment regarding Local Law No. 5 of 2026, to Override Tax Levy Limit for taxable 2027 year established in General Municipal Law.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened up the Public Hearing for comment.

No one wished to speak so the public portion of the Public Hearing was closed at 6:08 p.m.

PUBLIC HEARING 6:09 P.M. – for the purpose of hearing any and all public comment regarding Local Law No. 6 of 2026, Amend Chapter 1, Article III, General Penalty Section 1-16, Penalties for Offenses.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette and opened up the Public Hearing for comment.

Tina Moore from 1173 Sherman Avenue questioned whether the reason for the amendment of penalties has anything to do with Cherry Lane Mobile Home Park.

No one else wished to speak so the public portion of the Public Hearing was closed at 6:12 p.m.

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	$ 1,774.63
Fitzsimmons Lot Sales	$ 1,100.00
Funds Turned to State & County Agencies	$ 2,410.87
	$ 5,285.50

Code Enforcement Office

Fees Collected:	Building Permit Fees	$ 7,582.31
	Building Permit Values	$ 1,641,758.28

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

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

Under Correspondence, Supervisor Roman read a note from the Southport Historical Society expressing their appreciation for repairs that were made at 1135 Pennsylvania Ave., this house is owned by the Town and is the current home to the Southport Historical Society.

Supervisor Roman also stated that the Inclusive Swing was installed at Elmer Goodwin Park.

Council Member Mathews stated that due to his recent retirement from the Sheriff's Office, he will no longer have any conflict with the Justice Court entries on the Abstracts.

Council Member Mathews made a motion, Council Member Steed seconded to accept the minutes of October 13, 2026 Regular Meeting and November 4, 2026 Preliminary Budget Meeting.

Under Public Comment, Agenda and Discussion items only, Ira Manoff commented on Resolution #7 Local Law No. 5 of 2026, A Local Law to Override Tax Levy Limit established in General Municipal Law Section 3-c and Resolution #11 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.

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RESOLUTION NO. 146-2026

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 November 2026, No. 525 through No. 574, not to exceed $182,856.22, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 147-2026

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Mathews
Seconded by: Hurley

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of November 2026, No. 197 through No. 222, not to exceed $55,657.97, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 148-2026

RESOLUTION TO ISSUE A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE TOWN OF SOUTHPORT COMPREHENSIVE PLAN UPDATE

Resolution by: Hurley
Seconded by: Steed

WHEREAS, as part of the process for adopting the updated Town of Southport Comprehensive Plan of 2026 in accordance with NYS Town Law section 272-a, the Town of Southport Town Board must complete an environmental review, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York, hereby declares itself as lead agency for adopting this updated comprehensive plan in accordance with State Environmental Quality Review Act (SEQRA), 6 NYCRR, Part 617.6 as a Type 1 action, and

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BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York, hereby approves Part 2 and Part 3 of the full environmental assessment forms as prepared and reviewed in accordance with SEQRA, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York, finds based on the facts and information presented, the updated comprehensive plan of 2026 will not have any significant adverse impact on the environment,

BE IT FURTHER RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York authorizes the Town Supervisor or his designee to file a negative declaration and that such determination shall be filed in accordance with SEQR 6NYCRR, Part 617.12.

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

RESOLUTION 149-2026

RESOLUTION TO ADOPT THE TOWN OF SOUTHPORT COMPREHENSIVE PLAN UPDATE

Resolution by: Hurley
Seconded by: Mathews

WHEREAS, the Town of Southport engaged in the process of preparing an updated comprehensive plan for the Town of Southport with the assistance of Southern Tier Regional Planning and Development Board in accordance with NYS Town Law Section 272-a; and

WHEREAS, the process involved the formation of a committee consisting of Town residents, Town Board members and Town Planning Board members who assisted in leading the process; and

WHEREAS, the Town held multiple public meetings throughout different locations of the Town to maximize the opportunity for input from the residents; and

WHEREAS, the Town Board of the Town of Southport wishes to adopt the proposed updated comprehensive plan to promote the health, safety, and welfare of the residents and to address the needs of the residents with future planning; and

WHEREAS, the Chemung County Planning Board reviewed and approved the Town's proposed updated comprehensive plan in accordance with General Municipal Law Section 239-m; and

WHEREAS, the Town Planning Board reviewed and approved the proposed updated comprehensive plan; and

WHEREAS, a public hearing having been duly held on November 10, 2026 before the Town of Southport Town Board upon public notice as provided by law, and

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WHEREAS, the Town of Southport Town Board completed the required environmental review and determined that the proposed updated comprehensive plan will not have any significant adverse impact on the environment; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York hereby adopts the proposed updated Town of Southport Comprehensive Plan of 2026 in accordance with NYS Town Law Section 272-a; and

BE IT FURTHER RESOLVED, that the comprehensive plan will be filed in the office of the Town Clerk and copy shall also be filed with the County Planning Board as required by law.

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

RESOLUTION NO. 150-2026

SEQR NOTICE OF INTENT TO ISSUE A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR LOCAL LAW NO. 5 OF 2026 TO OVERRIDE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

Resolution by: Steed
Seconded by: Mathews

WHEREAS, the Town of Southport Town Board wishes to adopt Local Law No. 5 of 2026 to Override the Tax Levy Limit Established in General Municipal Law Section 3-c, and

THEREFORE BE IT RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York, prior to passing Local Law No. 5 of 2026, to Override the Tax Levy Limit Established in General Municipal Law Section 3-c declares itself as lead agency pursuant to State Environmental Quality Review Act, 6 NYCRR, Part 617.6, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board finds, based on the facts and information presented, that Local Law No. 5 of 2026 will not have an adverse impact on the environment, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board authorizes the Town Supervisor or his designee to file a negative determination and that such determination shall be filed in accordance with SEQR 6 NYCRR, Part 617.12.

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

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RESOLUTION NO. 151-2026

LOCAL LAW NO. 5 OF 2026
A LOCAL LAW OF THE TOWN OF SOUTHPORT, NEW YORK TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

Resolution by: Steed
Seconded by: Mathews

WHEREAS, the Town of Southport wishes to enact a local law to allow the Town of Southport to override the tax levy limit established in General Municipal Law Section 3-c for the year commencing January 1, 2027.

WHEREAS, this proposed Local Law No. 5 of 2026 to override the tax levy limit established in General Municipal Law Section 3-c, thereof in its final form having been upon the desks of members of the Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on November 10, 2026 before the Board upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting.

NOW THEREFORE BE IT RESOLVED, that said proposed Local Law No. 5 of 2026 to override the tax levy limit established in General Municipal Law Section 3-c, is hereby adopted and enacted, to wit:

Section 1: Legislative Intent

It is the intent of this local law to allow the Town of Southport to adopt a budget for the fiscal year commencing January 1, 2027 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Southport, New York, County of Chemung is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2027 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

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Section 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law for 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 circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

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

RESOLUTION NO. 152-2026

SEQR NOTICE OF INTENT TO ISSUE A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR LOCAL LAW NO. 6 OF 2026, AMEND CHAPTER 1, ARTICLE III, GENERAL PENALTY SECTION 1-16, PENALTIES FOR OFFENSES

Resolution by: Mathews
Seconded by: Williams

WHEREAS, the Town of Southport Town Board wishes to adopt Local Law No. 6 of 2026, to Amend Chapter 1, Article III, Section 1-16, Penalties for Offenses, and

THEREFORE BE IT RESOLVED, that the Town of Southport Town Board, County of Chemung, State of New York, prior to passing Local Law No. 6 of 2026, to Amend Chapter 1, Article III, Section 1-16, Penalties for Offenses, declares itself as lead agency pursuant to State Environmental Quality Review Act, 6 NYCRR, Part 617.6, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board finds, based on the facts and information presented, that Local Law No. 6 of 2026 will not have an adverse impact on the environment, and

BE IT FURTHER RESOLVED, that the Town of Southport Town Board authorizes the Town Supervisor or his designee to file a negative determination and that such determination shall be filed in accordance with SEQR 6 NYCRR, Part 617.12.

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

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RESOLUTION NO. 153-2026

LOCAL LAW NO. 6 OF 2026
AMEND CHAPTER 1, ARTICLE III, GENERAL PENALTY SECTION 1-16, PENALTIES FOR OFFENSES

Resolution by: Williams
Seconded by: Steed

WHEREAS, the Town of Southport wishes to amend the current general penalty article to provide for additional enforcement options in the general penalty article within the Code of the Town of Southport; and

NOW THEREFORE 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 to amend the Code of the Town of Southport with this Local Law No. 6 of 2026, To Amend Chapter 1, Article III, Section 1-16, Penalties for Offenses on November 10, 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:

WHEREAS, that Local Law No. 6 of 2026, To Amend Chapter 1, Article III, Section 1-16, Penalties for Offenses in its final form having been upon the desks of members of the Town Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on November 10, 2026 at 6:00 p.m., before the Town of Southport Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904 upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts Local Law No. 6 of 2026, To Amend Chapter 1, Article III, Section 1-16, Penalties for Offenses, and is hereby enacted to wit:

LOCAL LAW NO. 6, TO AMEND CHAPTER 1, ARTICLE III, SECTION 1-16, PENALTIES FOR OFFENSES

Section 1. Chapter 1. General Provisions
Article III. General Penalty

§ 1-16. Penalties for offenses.

A. Unless otherwise specifically provided, any person or corporation convicted of any provision of the Code of the Town of Southport, rule or regulation or any specific provision or provisions thereof adopted by the Town Board as part of the Code of the Town of Southport shall be deemed an offense against such provision of this Municipal Code, rule, regulation, or provision thereof punishable by a fine not to exceed $250 or imprisonment of not more than 15 days, or both such fine and imprisonment; provided, however, that for the purpose of conferring jurisdiction upon courts and judicial officers generally such offense shall be deemed a violation and for such purpose only all provisions of law relating to violations shall apply to such offense.

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B. Second or subsequent convictions of the same offense within five years shall be deemed an unclassified misdemeanor, punishable by a fine not to exceed $1,000 and/or imprisonment of not more than one year, and for such purpose all provisions of law relating to misdemeanors shall apply to such offense.

[Amended 7-25-2006 by L.L. No. 1-2006 (Res. No. 141-2006)]

C. Every day during which a person fails to comply with any provision of the Code of the Town of Southport shall constitute a separate offense.

D. In addition to any other penalty imposed by the Code of the Town of Southport or any other local law, ordinance, or regulation, a person who violates any provision of the Code of the Town of Southport shall be subject to a civil penalty for each such violation not exceeding $250 for the first offense and $500 for each subsequent offense. Each day during which a person shall fail to comply with any provision shall constitute a separate offense. A civil penalty shall be enforceable and collectible in the name of the Town. In any such proceeding to collect a civil penalty, the Town shall be entitled to collect interest, costs and disbursements incurred in connection with such proceeding and in addition reasonable counsel fees inclusive of a charge to reimburse the Town for expenditures for attorneys employed or appointed by the Town. The Town, in its discretion, may seek a civil penalty or both a civil penalty and any applicable criminal penalty or other penalty as provided herein for any violation of the Code of the Town of Southport.

E. If any person or legal entity, including but not limited to a corporation or limited liability company, holding a permit or license granted pursuant to the Code of the Town of Southport and is determined by the code officer to be in violation of this Code related to the holding of such permit or a license, the Town may suspend or revoke such permit or license based upon the such violation. In addition, if any person or legal entity, including but not limited to a corporation or limited liability company, shall apply for a permit or license, or a renewal or reissue of a permit or license, such person shall pay to the Town any and all outstanding fines, civil penalties or other charges due the Town and unpaid on the date of application for such permit or license, renewal or reissue thereof, and upon making such payment to the Town Clerk or other officer, who shall issue such permit or license.

F. If any person or legal entity, including but not limited to a corporation or limited liability company shall perform an act or refrain to perform any act which constitutes a violation of any provision of the Code of the Town of Southport or of a lawful order of any board or agency or Code Enforcement Officer of the Town, then and in that event the Town may seek injunctive relief to compel such compliance. An action or proceeding may be instituted in the name of this Town in a court of competent jurisdiction to prevent, restrain, enjoin, correct, or abate any violation of the Town of Southport Code or to enforce any provision thereof. An action or proceeding may also be commenced in the name of this Town, in Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or abatement of the condition in violation of any provision of the Code of the Town of Southport and for the costs and disbursements, along with attorney's fees associated with any such action or proceeding.

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G. No remedy or penalty specified in this section or any other section of the Code of the Town of Southport shall be the exclusive remedy or remedy available to address any violation described in this section or any other section of the Code of the Town of Southport, and each remedy or penalty specified shall be in addition to and not in substitution for any federal, state or local law, ordinance, or limitation of the other remedies or penalties specified herein. Any remedy or penalty specified in this section or any other section of the Code of the Town of Southport may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified within the Town of Southport Code and any federal, state or local law or ordinance or any other section. In particular, but not by way of limitation, each remedy and penalty specified in this section and any other section shall be in addition to, and not in substitution for or limitation of, the penalties specified herein or in Subdivision (2) of § 382 of the Executive Law.

H. The penalties set forth in this section shall supersede all other penalty provisions for violations of the Code of the Town of Southport heretofore enacted, except those penalties mandated by statute. Furthermore, the Town Board may specify distinct penalty provisions for any chapter or article in the Code, as permitted by law.

[Amended 7-25-2006 by L.L. No. 1-2006 (Res. No. 141-2006)]

Section 2. Repeal Prior Laws.

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

Section 3. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 4. Authority

This local law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Municipal Home Rules Law § 10 and Town Law.

Section 5. Effective Date.

This Local Law shall take effect upon adoption, publication and filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

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RESOLUTION NO. 154-2026

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: Williams
Seconded by: Mathews

WHEREAS, the Town of Southport, as part of its planning in preparation for potential solar energy 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 further review to understand how Commercial Solar Energy Systems and Commercial Energy Storage Systems will impact the Town, its residents, the agricultural community and landscape; ; 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

WHEREAS, the Town Board is in receipt of the approval from the Town of Southport Planning Board and disapproval from the Chemung County Planning Board; and

WHEREAS, that 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 in its final form having been upon the desks of members of the Town Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on October 13, 2026 at 6:00 p.m., before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904 upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts Local Law No. 3 of 2026, A Six-Month Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Southport, and is hereby enacted to wit:

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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 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.

F. 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.

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"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.

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RESOLUTION NO. 155-2026

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 or 2026 for six-month extensions of the temporary moratorium; and

WHEREAS, the Town Board of the Town of Southport is in receipt of the approvals from the Town of Southport Planning Board and the disapproval from the Chemung County Planning Board; and

WHEREAS, Town of Southport Town Board wishes to extend this moratorium for an additional six (6) months, contrary to the Chemung County Planning Board's recommendation, because the Town Board is still concerned with the lack of regulatory enforcement of unlicensed cannabis retail business as described in Local Law No. 1 of 2022, and to allow further review and consideration of this issue as part of the review of the Town's zoning and code regulations related to this issue; and

WHEREAS, that 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 was in its final form having been upon the desks of members of the Town Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on October 13, 2026 at 6:00 p.m., before the Town Board at the Town of Southport Town Hall located at 1139 Pennsylvania Avenue, Elmira, N.Y. 14904 upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting; and

NOW THEREFORE, BE IT RESOLVED, the Town Board of the Town of Southport, County of Chemung, State of New York hereby adopts Local Law No. 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 is hereby enacted to wit:

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LOCAL LAW NO. 4 OF 2026, A SIX-MONTH EXTENSION OF THE TEMPORARY MORATORIUM FOR OPERATING UNLICENSED RETAIL BUSINESSES INVOVLING 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 from the date of adoption.

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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 Hom 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.

RESOLUTION NO. 156-2026

RATIFYING RESIGNATION OF AARON SMITH AS EQUIPMENT OPERATOR NO. 2 FOR THE TOWN OF SOUTHPORT HIGHWAY DEPARTMENT

Resolution by: Hurley
Seconded by: Steed

WHEREAS, Aaron Smith has submitted his resignation as Equipment Operator No. 2 for the Town of Southport, effective October 17, 2026.

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NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of Aaron Smith as Equipment Operator No. 2 for the Town of Southport, effective October 17, 2026.

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

RESOLUTION NO. 157-2026

RATIFYING APPOINTMENT OF CHAD PRESTON AS DEPUTY HIGHWAY SUPERINTENDENT

Resolution by: Hurley
Seconded by: Williams

RESOLVED, that Chad Preston be and he hereby is appointed as Deputy Highway Superintendent, effective October 17, 2026.

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

RESOLUTION NO. 158-2026

AUTHORIZING PURCHASE OF SALT AT STATE BID PRICE

Resolution by: Mathews
Seconded by: Williams

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase the necessary requirements of salt at the established State or County bid contract price.

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

RESOLUTION NO. 159-2024

AUTHORIZING SUPERVISOR TO REQUEST COUNTY TO REASSESS MISCELLANEOUS PROPERTY CHARGES

Resolution by: Williams
Seconded by: Hurley

RESOLVED, that the Town Supervisor be and he hereby is authorized to request the County to reassess unpaid mowing, tree, and refuse removal charges for the Town of Southport on January 1, 2027 Town and County Tax Statements as follows:

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SWISS Code	Tax Map ID	Property Owner	Total Charges
073600	100.09-1-16	Daniel Weed	$ 250.00
073600	108.00-1-3	Lakeview Loan Servicing LLC	$ 2,050.00
073600	108.02-1-10	Citizens Bank, N.A.	$ 350.00
073600	108.04-2-5	Cornelius M Hofman	$ 750.00
073600	109.06-1-20	Gerard Grasso	$ 350.00
073600	109.07-1-17	Wright Raymond L & Michele K	$ 325.00
073600	109.07-4-45	Majestic Rehab Properties, LLC	$ 450.00
073600	109.08-1-10	Mouas LLC	$ 1,100.00
073600	109.08-1-65	James Voorhees	$ 10,560.00
073600	109.08-1-84	Cherry Lane Park LLC	$ 825.00
073600	109.08-1-85	Cherry Lane Park LLC	$ 825.00
073600	109.08-1-87	Cherry Lane Park LLC	$ 325.00
073600	109.08-1-9	Mouas LLC	$ 1,100.00
073600	109.08-3-21	Akram Shaik Properties LLC	$ 1,225.00
073600	109.08-4-31	Zachery J Orr	$ 425.00
073600	109.08-5-14	Merle Eiffert	$ 425.00
073600	109.08-5-16	Susan Bowman	$ 750.00
073600	109.08-6-59	John Marston	$ 325.00
073600	109.09-5-13	Cusick Diane Estate	$ 350.00
073600	109.10-3-1	Gehrig Norbert Estate c/o Deval LLC	$ 650.00
073600	109.10-3-36	Dowden Tim M	$ 175.00
073600	109.10-3-40	Cady Ronda J	$ 500.00
073600	110.05-3-12	Trevor Keller	$ 250.00
073600	118.01-1-12.2	Jason Roosa	$ 500.00
073600	118.01-1-35	Jeffrey & Melinda Wickley	$ 850.00
073600	118.01-2-14	Edward & Shawna Bailey	$ 2,550.00
073600	99.10-2-46	Luke Constance	$ 925.00
073600	99.10-2-54	David & Suzanne Rowe	$ 250.00
073600	99.14-1-16	505-507 Bonaview LLC	$ 250.00
073600	99.14-1-21	Strickland Caitlyn V	$ 250.00
073600	99.14-1-49.2	Hopkins Place LLC	$ 600.00
073600	99.14-2-29	Mason Wayne E & Knickerbocker Wendy	$ 250.00
073600	99.14-2-34	Nisco Laurie & L/E Nisco Jeannine M	$ 650.00
073600	99.14-2-53	Angel Faican	$ 175.00
073600	99.18-1-17	John & Lisa Brennan	$ 750.00
073600	99.18-2-23	Curtis Payne Jr	$ 800.00
073600	99.18-2-47	American Capital RE LLC	$ 2,005.00
073600	99.18-3-14	Acre J & G LLC	$ 2,575.00
073600	99.18-3-40	American Capital RE LLC	$ 575.00
073600	99.18-3-56	Derico Nicholas Estate	$ 525.00

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073600	99.18-6-25	Starr Nora	$ 750.00
073600	99.18-6-4	Starr Nora	$ 750.00
073600	99.19-3-75	Keller Corey	$ 600.00
			TOTAL:
			$ 40,915.00

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

RESOLUTION NO. 160-2026

SPONSORING THE TOWN OF SOUTHPORT ANNUAL HOLIDAY PARADE AND APPOINTING THE TOWN AS LEAD AGENCY

Resolution by: Steed
Seconded by: Mathews

RESOLVED, that the Town of Southport agrees to sponsor a holiday parade on December 5, 2026 at 4:00 p.m., and act as lead agency for said parade.

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

RESOLUTION NO. 161-2026

BUDGET MODIFICATIONS

Resolution by: Mathews
Seconded by: Williams

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: A9040.8 W. Comp	$ 28,787.65	$ (18,000.00)	$ 10,787.65	
To: A7310.4 Rec. Cont.	$ 64,000.00	$ 18,000.00	$ 82,000.00	Overage Splash Pad
From: A9060.8 Hospital & Med	$ 245,000.00	$ (10,000.00)	$ 235,000.00	

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To:	A5132.4 Hway Garage Cont.	$ 15,000.00	$ 10,000.00	$ 25,000.00	Increase in Utilities
From:	A7450.4 Comm. Relations	$ 3,000.00	$ (3,000.00)		
To:	A1110.4 Justice Cont.	$ 8,000.00	$ 3,000.00	$ 11,000.00	
From:	A1990.4 Contingent	$ 55,000.00	$ (20,000.00)	$ 35,000.00	
To:	A1620.4 Buildings Cont.	$ 216,400.00	$ 20,000.00	$ 236,400.00	Repairs 1135 Penna. Ave.
From:	A3620.1 Code Per. Service	$ 120,000.00	$ (10,000.00)	$ 110,000.00	
To:	A1620.4 Buildings Cont.	$ 236,400.00	$ 10,000.00	$ 246,400.00	
From:	A1990.4 Contingent	$ 35,000.00	$ (12,000.00)	$ 23,000.00	
To:	A1420.4 Attorney	$ 55,000.00	$ 12,000.00	$ 67,000.00	
From:	A8510.4 Comm. Bea.	$ 5,000.00	$ (5,000.00)		
To:	A1420.4 Attorney	$ 67,000.00	$ 5,000.00	$ 72,000.00	
From:	A7510.4 Historian	$ 1,000.00	$ (1,000.00)	$	
To:	A1420.4 Attorney	$ 72,000.00	$ 1,000.00	$ 73,000.00	
From:	A6460.4 Ind. Dev.	$ 2,000.00	$ (2,000.00)	$	
To:	A1420.4 Attorney	$ 73,000.00	$ 2,000.00	$ 75,000.00	

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From:	DA9060.8 Hosp. & Med	$ 286,000.00	$ (7,300.00)	$ 278,700.00
To:	DA9040.8 W. Comp	$ 29,000.00	$ 7,300.00	$ 36,300.00
From:	DA9060.8 Hosp. & Med	$ 278,700.00	$ (30,000.00)	$ 248,700.00
To:	DA5130.4 Mach. Cont.	$ 110,000.00	$ 30,000.00	$ 140,000.00

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

RESOLUTION 162-2026

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 – ARPA $ 19,380.59
- A1620.21 – ARPA $ 19,380.59

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

RESOLUTION NO. 163-2026

Resolution by: Hurley
Seconded by: Steed

WHEREAS, the Town Board having on November 4, 2026, duly held a hearing on the preliminary budget approved by the Town Board and Filed with the Town Clerk for the fiscal year commencing January 1, 2027 and having heard all persons desiring to be heard in this matter, and the matter of the budget of the Town for such fiscal year having been fully discussed and considered.

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NOW THEREFORE BE IT RESOLVED, that the said preliminary budget approved and filed as aforesaid be and the same hereby is adopted and established as the adopted budget of this Town for the fiscal year beginning January 1, 2027, and that such annual budget be adopted and entered in detail in the minutes of the proceedings of this Town Board, and be it further

RESOLVED, that the Town Clerk of this Town shall prepare and certify, as required by Law, duplicate copies of said adopted budget hereby adopted and deliver one such copy to the Supervisor of the Town, and that Supervisor shall present such copy to the Board of the Legislature of the County as required by law.

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

Under Public Comments, Tina Moore from 1173 Sherman inquired about code violations at Cherry Lane Park.

Ira Manhoff of 834 Dutch Hill Road inquired as to why Resolution #2 (approving abstract of general fund claims) on the agenda was skipped and sought an update on the Animal Control Contract.

In response to above, Supervisor Roman stated that due to potential pending litigation, Cherry Lane Park cannot be discussed and that the Board is continuing to work on the Animal Control contract.

Council Member Mathews reiterated that due to his recent retirement from the Sheriff's Office, he no longer has any conflict with the Justice Court entries on the Abstracts which eliminates the need for a second approval of the general fund abstract.

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

The meeting was adjourned at 7:12 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk

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