

August 8, 2023

Minutes of a Regular Meeting of the Town Board of the Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue on August 8, 2023.

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

Member Absent: Council Member Glenn Gunderman

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

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

Moment of Silence – Supervisor Joseph Roman

Monthly Reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,985.26
Fitzsimmons Lot Sales	\$ 550.00
Funds Turned to State & County Agencies	<u>\$ 584.24</u>
	\$ 3,119.50

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 2,328.00
	Building Permit Values	\$ 191,900.00
	Operating Permit Fees	\$ 1,300.00
	Site Plan Fees	\$ 300.00

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

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

Council Member Williams made a motion, Council Member Steed seconded to accept the minutes of July 11, 2023 Regular Meeting and July 17, 2023 Special Meeting.

There was no Correspondence received.

Under Public Comments, Agenda and Discussion items only, Ruth Stoddard from 23 Autumnview Way commented on Discussion item #1, Autumnview Estates Subdivision.

RESOLUTION 119-2023

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Steed
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of August, 2023, No. 373 through No. 436, not to exceed \$98,109.75, has been audited and approved for payment by this Town Board.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 120-2023

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Steed
Seconded by: Williams

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of August 2023, No. 124 through No. 144, not to exceed \$288,293.16, has been audited and approved for payment by this Town Board.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 121-2023

APPROVING ABSTRACT OF LIGHT FUND CLAIMS

Resolution by: Williams
Seconded by: Hurley

RESOLVED, that the Abstract of Light Fund Claims submitted by the Town Clerk for the month of August, 2023, No. 5 & 6, not to exceed \$10,176.09, has been audited and approved for payment by this Town Board.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 122-2023

AUTHORIZING PURCHASE OF GASOLINE AT STATE BID PRICE

Resolution by: Steed
Seconded by: Williams

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase gasoline at the established New York State bid contract price

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 123-2023

AUTHORIZING SUPERVISOR AND TOWN JUSTICES TO APPLY FOR A 2023 JUSTICE COURT ASSISTANCE PROGRAM GRANT

Resolution by: Hurley
Seconded by: Williams

WHEREAS, the Chief Administrative Judge is entertaining applications for the next cycle of Justice Court Assistance Program Grants to assist in the operation of their Justice Courts, and

WHEREAS, the Town of Southport Town Justices are requesting up to the maximum amount available to the Town Justice Court to assist in the operation of their Justice Court,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Supervisor and the Town Justices to apply for a 2023 Justice Court Assistance Program Grant up to THIRTY THOUSAND DOLLARS AND 00/100 (\$30,000.00), and be it further

RESOLVED, that in the event such grant is awarded to the Town of Southport, the Supervisor and Town Justices are hereby authorized and directed to accept such grant funds on behalf of the Town of Southport and to execute any documents necessary to allow the Town to accept such grant funds.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 124-2023

SETTING DATES FOR TOWN BOARD MEETINGS

Resolution by: Steed
Seconded by: Williams

RESOLVED, that pursuant to Section 62 of the Town Law, as amended, that the Annual Meeting of the Town Board of the Town of Southport for the year 2023, insofar as the same is required, be held on December 27, 2023 and be it further

RESOLVED, that the date of the Organizational Meeting of the Town Board of the Town of Southport for the year 2024, insofar as the same is required, be held on January 2, 2024, and be it further

RESOLVED, that the Tentative Budget Special Meeting be held on September 19, 2023, and the Preliminary Budget Meeting Public Hearing and Special Meeting be held on November 1, 2023, and be it further

RESOLVED, that said meetings will be held at the Town Hall, 1139 Pennsylvania Avenue in the Town of Southport.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION 125-2023

ENDING APPOINTMENT DONNA TAYLOR AS PERMANENT SCHOOL TRAFFIC OFFICER

Resolution by: Hurley
Seconded by: Steed

WHEREAS, Donna Taylor was hired as a Permanent School Traffic Officer for the Town of Southport.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby ends the appointment of Donna Taylor as Permanent School Traffic Officer for the Town of Southport, effective August 8, 2023.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 126-2023

APPOINTING ROBERT MAINES AS PERMANENT SCHOOL TRAFFIC OFFICER

Resolution by: William
Seconded by: Steed

RESOLVED, that pursuant to Section 208-A of the General Municipal Law, as amended, Robert Maines, be and he hereby is appointed Permanent School Traffic Officer, effective August 28, 2023, and that 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, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 127-2023

AUTHORIZING THE TOWN OF SOUTHPORT TO PETITION THE CHEMUNG COUNTY ELMIRA SEWER DISTRICT AND THE CHEMUNG COUNTY LEGISLATURE TO EXTEND THE DISTRICT BOUNDARIES TO INCLUDE THE FAIRWAY-PHOENIX PROJECT AREA

Resolution by: Hurley
Seconded by: Steed

WHEREAS, the Town of Southport has received copies of written petitions requesting that certain lands located in the Fairway-Phoenix area of the Town of Southport, Chemung County, New York and as more particularly described in an engineering report by Fagan Engineers, 113 East Chemung Place, Elmira, New York, be included in the Chemung County Elmira Sewer District, and

WHEREAS, the Residents of the proposed district extension desires the Chemung County Elmira Sewer District and the Chemung County Legislature take such action as may be necessary to extend the district boundaries to include the Fairway-Phoenix Project area of the Town of Southport, and

WHEREAS, the expense occasioned by the expansion of the Chemung County Elmira Sewer District to include the Fairway-Phoenix Project area of the Town of Southport shall be assessed, levied and collected from the several lots and parcels of land within the district in proportion as nearly may be to the benefit which each lot or parcel of land in the district shall derive therefrom.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby ratify and affirm all of the aforesaid as more fully stated therein, and be it further

RESOLVED, that the Town Clerk of the Town of Southport be and hereby is authorized and directed pursuant to Section 253 of the County Law to execute a Petition of the extension of the Chemung County Elmira Sewer District into the Fairway-Phoenix Project area of the Town of Southport, and

RESOLVED, that the Town Clerk will forward the petitions of the Residents of the proposed extension to the Chemung County Legislature for their approval of the Sewer District Extension.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

RESOLUTION NO. 128-2023

BUDGET MODIFICATIONS

Resolution by: Hurley
Seconded by: Steed

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: A1220.4 Supervisor Contractual	\$ 1,000.00	\$ (500.00)	\$ 500.00	

To:	A1440.4	\$ 20,000.00	\$ 500.00	\$ 20,500.00	Mt. Zoar Sewer Study
	Engineer				
From:	A1990.4	\$ 40,000.00	\$ (20,000.00)	\$ 20,000.00	
	Contingent				
To:	A7310.4	\$ 50,000.00	\$ 20,000.00	\$ 70,000.00	Add'l Expenses
	Recreation Contractual				
From:	A7110.2	\$ 20,000.00	\$ (20,000.00)		
	Parks Equipment				
From:	A8510.4	\$ 10,000.00	\$ (10,000.00)		
	Community Beautification				
From:	A7310.2	\$ 7,000.00	\$ (4,000.00)	\$ 3,000.00	
	Youth Parks Equipment				
To:	A7310.12	\$	\$ 34,000.00	\$ 34,000.00	PR Summer Pk. Program
	Recreation Summer Parks				

AYES: Hurley, Steed, Williams, Roman
 NOES: None
 ABSENT: Gunderman
 CARRIED.

RESOLUTION NO. 129-2023

INCREASING REVENUES AND APPROPRIATIONS IN THE HIGHWAY FUND FOR CHIPS

Resolution by: Williams
 Seconded by: Steed

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

DA3501	CHIPS's (Consolidated Highway) from \$270,000 to \$600,000
DA5112.2	Capital Outlay from \$300,000 to \$600,000
A1440.4	Engineer from \$20,000 to \$32,000
A3902	State Aid Planning Studies from \$0 to \$12,000

AYES: Hurley, Steed, Williams, Roman
 NOES: None
 ABSENT: Gunderman
 CARRIED.

RESOLUTION NO. 130-2023

NOTICE OF INTENT FOR TOWN OF SOUTHPORT PLANNING BOARD TO BECOME LEAD AGENCY FOR ENVIRONMENTAL REVIEW OF AUTUMNVIEW ESTATES, LLC

Resolution by: Williams
Seconded by; Steed

WHEREAS, the Town of Southport Town Board is in receipt of the Notice of Intent from the Town of Southport Planning Board which is interested in acting as Lead Agency for the environmental review of the proposed action for Autumnview Estates, LLC to construct single family (major) subdivision located at Pennsylvania Avenue, Pine City, New York, Tax Map 108.00-1-34.11.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, County of Chemung, State of New York does not object to allowing the Town of Southport Planning Board to act as lead agency for action of Autumnview Estates, LLC as set forth in the Notice of Intent dated July 26, 2023.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

Under Discussion was Multi-Jurisdictional Hazard Mitigation Plan and Chemung & Tioga Watershed Discovery Base Level Engineering Project Update. Deputy Supervisor Kathleen Szerszen updated the Board members on these topics.

RESOLUTION NO. 131-2023

TOWN OF SOUTHPORT, NEW YORK

RESOLUTION IN OPPOSITION TO NEW YORK STATE SENATE BILL S-00139B AND ASSEMBLY BILL A-1358B

Resolution by: Steed
Seconded by; Williams

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Chemung County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, The Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Town Court of Southport is a vital service to our residents and the Chemung County community as a whole; and

WHEREAS, The Justices in Chemung County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, the Justices also preside nightly and on weekends and holidays, ensuring that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be considered for release, bail, or incarceration; and

WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Chemung County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State’s Commission on Judicial Conduct’s most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either “State-paid” judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State’s attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Town of Southport strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters’ rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

AYES: Hurley, Steed, Williams, Roman
NOES: None
ABSENT: Gunderman
CARRIED.

Under Public Comments, Andy Patros from 1127 Pennsylvania Avenue commented on preparing the public for the Town Board meetings.

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

Rich Mathews from 976 Hudson Acres Drive commented on Autumnview Estates and the Chapel Park ditch.

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

The meeting was adjourned at 7:00 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk