

August 9, 2016

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 August 9, 2016.

Members Present: Supervisor David Sheen, Council Members Glenn Gunderman, Daniel Hurley, Kathleen Szerszen, Joseph Roman

Others Present: Attorney Steven Barnstead, Code Enforcement Officer Peter Rocchi, Highway Superintendent David Bachman, Director of Recreation David Ellis, Recreation Attendant Robert Ripley, Deputy Town Clerk Marianne Schrom

The meeting was called to order by Supervisor David Sheen at 7:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Kathleen Szerszen

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 1,938.80
Funds Turned to State & County Agencies	<u>\$ 1,277.70</u>
	\$ 3,216.50

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,727.70
	Building Permit Values	\$ 305,275.00
	Operating Permit Fees	\$ 200.00
	Site Plan Fees	\$ 225.00
	Variance Fees	\$ 75.00

Justice Office
Recreation/Aging/Youth
Residential Deputy

Council Member Gunderman made a motion, Council Member Roman seconded to accept the monthly reports as filed.

There was no Correspondence received.

Council Member Roman made a motion, Council Member Szerszen seconded to accept the minutes of July 12, 2016 Regular Meeting.

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on Resolution #6, Authorizing the Supervisor to enter into an Agreement with the County of Chemung to provide a Resident Sheriff's Deputy for the Town.

RESOLUTION NO. 135-2016

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of August, 2016, No. 457 through No. 512, not to exceed \$70,919.76, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 136-2016

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of August, 2016, No. 138 through No. 154, not to exceed \$33,458.43, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 137-2016

AUTHORIZING PURCHASE OF GASOLINE AT STATE BID PRICE

Resolution by: Szerszen
Seconded by: Roman

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

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 138-2016

SETTING DATES FOR TOWN BOARD MEETINGS

Resolution by: Gunderman
Seconded by: Hurley

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 2016, insofar as the same is required, be held on December 29, 2016, and be it further

RESOLVED, that the date of the Organizational Meeting of the Town Board of the Town of Southport for the year 2017, insofar as the same is required, be held on January 3, 2017, and be it further

RESOLVED, that the September Regular Meeting be held on September 14, 2016, the Tentative Budget Special Meeting be held on September 20, 2016, and the Preliminary Budget Public Hearing & Special Meeting be held on November 2, 2016, and be it further

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

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

PUBLIC HEARING 7:15 P.M. – for the purpose of hearing any and all public comment in connection with a proposed order directing the repair or removal of an unsafe building located at 15 Kneale Road, Tax Map Identification Number 97.00-1-4.2, Town of Southport, County of Chemung, State of New York, pursuant to the provisions of Chapter 234 of the Municipal Code of the Town of Southport.

Attorney Barnstead read the legal notice that appeared in the Star Gazette and opened the Public Hearing for public comment at 7:17 p.m.

Code Enforcement Officer Peter Rocchi stated that the property remains unchanged. No action has been taken by the owner and the Town has cut the grass. He stated it remains in an unsafe condition and his recommendation is to raze the property.

The owner was not present, nor was any representative on his behalf to speak regarding the property.

After no one else wished to speak, the public portion of the public hearing was closed at 7:18 p.m.

RESOLUTION NO. 139-2016

ORDERING DEMOLITION AND REMOVAL OF A DANGEROUS AND UNSAFE BUILDING
LOCATED AT 15 KNEALE ROAD

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Building Inspector of the Town of Southport has heretofore filed with the Town Clerk of the Town of Southport a report containing his opinion regarding the dangerous and unsafe condition to the public of a certain property owned by Charles Comer, located at 15 Kneale Road, Pine City, New York, designated Tax Map Parcel Number 97.00-1-4.2, and

WHEREAS, there has heretofore been personally served upon Charles Comer a notice setting forth the particulars in which the building is unsafe or dangerous, and

WHEREAS, the Town Board upon notice to the aforementioned owner, conducted a hearing on August 9, 2016 at 7:15 p.m., at which time the public was given an opportunity to be heard,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby order the demolition and removal of a building located at 15 Kneale Road and owned by Charles Comer, Tax Map Parcel Number 97.00-1-4.2, as such building constitutes a dangerous and unsafe condition for the public of the Town of Southport, and be it further

RESOLVED, that such repairs or demolition shall commence within thirty days of the date of the service of the aforementioned owners and shall be completed within sixty days thereafter.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 140-2016

AUTHORIZING SUPERVISOR TO ADVERTISE FOR QUOTES FOR AN ASBESTOS EVALUATION AND FOR
DEMOLITION AT 15 KNEALE ROAD

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Supervisor be and hereby is authorized to obtain quotes for an asbestos evaluation and quotes for demolition of property located at 15 Kneale Road, Tax Map Identification Number 97.00-1-4.2, in the Town of Southport, Chemung County, New York.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 141-2016

AUTHORIZING SUPERVISOR AND THE TOWN JUSTICES TO APPLY FOR A 2016 JUSTICE COURT
ASSISTANCE PROGRAM GRANT

Resolution by: Roman
Seconded by: Szerszen

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 of 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 2016 Justice Court Assistance Program Grant up to the maximum amount available, 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: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 142-2016

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF CHEMUNG TO PROVIDE A RESIDENT SHERIFF'S DEPUTY FOR THE TOWN

Resolution by: Szerszen
Seconded by: Hurley

WHEREAS, the Chemung County Sheriff's Office has proposed that the Town of Southport enter into a two year agreement with the County of Chemung effective September 1, 2016 and shall expire on August 31, 2018 to provide a full-time resident Sheriff's Deputy to the Town of Southport for the sum of FIFTY THREE THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$53,560.00) for the year 2016 and FIFTY FIVE THOUSAND SEVEN HUNDRED TWO DOLLARS (\$55,702.00) for the year 2017, and

WHEREAS, the Sheriff's Deputy be an employee of the Chemung County Sheriff's Office but will be available at dates and times determined by the Town of Southport, and

WHEREAS, the Chemung County Sheriff's Office will supply all uniforms and equipment required for the Resident Deputy, except for a vehicle, which will be supplied by the Town of Southport.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport in regular session duly convened, authorize the Town Supervisor to enter into an Agreement with the County of Chemung to provide one full-time resident Sheriff's Deputy to the Town of Southport for a period of two years effective September 1, 2016 and shall expire on August 31, 2018 for an amount not to exceed FIFTY THREE THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$53,560.00) for the year 2016 and FIFTY FIVE THOUSAND SEVEN HUNDRED TWO DOLLARS (\$55,702.00) for the year 2017, and be it further

RESOLVED, that said Agreement is contingent upon approval by the Chemung County Legislature.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 143-2016

AUTHORIZING THE SUPERVISOR TO SUBMIT AN APPLICATION TO EMPIRE STATE DEVELOPMENT CORPORATION FOR A RESTORE NEW YORK COMMUNITIES INITIATIVE GRANT

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Town of Southport has been made aware that the Empire State Development Corporation through the Restore New York Communities Initiative is seeking requests for funding proposals for the demolition, deconstruction, rehabilitation or reconstruction of vacant, abandoned, surplus or condemned commercial and/or residential properties;

WHEREAS, a former commercial building measuring approximately .88 acres and located at 1156 Broadway, Elmira, New York, is in need of demolition as it is outmoded and unsafe due to not having been properly maintained by its current or former owner, the building is a detriment to the development of the property at 1156 Broadway, Elmira, New York;

WHEREAS, the property at 1156 Broadway, Elmira, New York, would be a potentially prime site for commercial development if the aforementioned building was no longer on the property.

WHEREAS, the Town Board of the Town of Southport is desirous of having the buildings at 1156 Broadway, Elmira, New York demolished and would aid in the future development of the parcel and the area surrounding the property at 1156 Broadway, Elmira, New York, and

WHEREAS, the current or former owner of the property at 1156 Broadway is attempting to develop the property but that the aforementioned buildings at 1156 Broadway, Elmira, New York and the cost of demolishing the same represents an impediment to such development.

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Southport is hereby authorized to sign the application to the Empire State Development Corporation for the Restore New York Communities Initiative.

AYES: Gunderman, Hurley, Szerszen, Sheen
NOES: None
ABSTAIN: Roman
CARRIED.

7:30 P.M. – PUBLIC HEARING - for the purpose of amending Chapter 497-7 Parking Prohibited in Designated Areas to remove No parking, standing, or stopping during school hours, 7:00 a.m. to 6:00 p.m. signs on the northwest side of Pennsylvania Avenue from the bridge at Dry Run Road to the property line of 1557 Pennsylvania Avenue during school hours, 7:00 a.m. to 6:00 p.m.

Attorney Barnstead read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:33 p.m.

No one wished to speak so the Public Hearing was closed at 7:34 p.m.

RESOLUTION NO. 144-2016

AMENDING TOWN OF SOUTHPORT MUNICIPAL CODE SECTION 497-7 PARKING PROHIBITED IN DESIGNATED AREAS TO REMOVE NO PARKING, STANDING OR STOPPING DURING SCHOOL HOURS, 7:00 A.M. TO 6:00 P.M. SIGNS ON THE NORTHWEST SIDE OF PENNSYLVANIA AVENUE FROM THE BRIDGE AT DRY RUN ROAD TO THE PROPERTY LINE OF 1557 PENNSYLVANIA AVENUE DURING SCHOOL HOURS, 7:00 A.M. TO 6:00 P.M.

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, on June 27, 1978 the Town Board passed Resolution No. 169-78 implementing Local Law No. 4 of the year 1978, prohibited parking in certain designated locations.

WHEREAS, residents in the area of Pine City School presented a petition to have certain no parking signs removed from Pennsylvania Avenue in the vicinity of Pine City School, and

WHEREAS, it is now proposed to specifically amend Vehicle & Traffic, Section 497-7, to remove no parking, standing, or stopping during school hours, 7:00 a.m. to 6:00 p.m. signs on the northwest side of Pennsylvania Avenue from the bridge at Dry Run Road to the property line of 1557 Pennsylvania Avenue during school hours, 7:00 a.m. to 6:00 p.m.

WHEREAS, this proposal was thereafter duly referred to the Town of Southport Planning Board for a report and recommendation, and

WHEREAS, the Town of Southport Planning Board recommended against the removal of these signs.

WHEREAS, as part of its investigation, the Town Board caused to be conducted a public hearing held on August 9, 2016 at 7:30 p.m., after due posting and publication of the same was made, and upon due deliberation and consideration,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby amend Vehicle & Traffic, Section 497-7, to remove no parking, standing, or stopping during school hours, 7:00 a.m. to 6:00 p.m., signs on the northwest side of Pennsylvania Avenue from the bridge at Dry Run Road to the property line of 1557 Pennsylvania Avenue during school hours, 7:00 a.m. to 6:00 p.m.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 145-2016

AUTHORIZING THE SUPERVISOR TO ADVERTISE FOR A PART-TIME, PER-DIEM
SEASONAL EQUIPMENT OPERATOR II

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Supervisor be and he hereby is authorized to advertise for hiring of a Part-Time, Per-Diem Seasonal Equipment Operator II for the Town of Southport, at a rate of \$15.08 to \$24.43 per hour, based on experience.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 146-2016

AUTHORIZING THE SUPERVISOR TO APPLY FOR A CONSOLIDATED FUNDING APPLICATION GRANT TO
INSTALL LIGHTING AROUND THE WALKWAY LOCATED AT ELMER GOODWIN PARK

Resolution by: Hurley
Seconded by: Szerszen

WHEREAS, NYS Consolidated Funding has made available certain grant monies,

WHEREAS, there is currently no lighting around Elmer Goodwin Park walkway, and

WHEREAS, the Supervisor has advised this Town Board that lighting around the Elmer Goodwin walkway would provide a safe environment and allow people to walk after dark on the walkway, and

WHEREAS, the proposed project is eligible for grant monies made available through NYS Consolidated Funding,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Town Supervisor to apply to NYS Consolidated Funding to place lighting around the Elmer Goodwin Park walkway, and be it further

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

AYES: Gunderman, Hurley, Szerszen, Sheen
NOES: None
ABSTAIN: Roman
CARRIED.

RESOLUTION NO. 147-2016

AUTHORIZING SUPERVISOR TO APPLY FOR A CONSOLIDATED FUNDING APPLICATION GRANT TO ESTABLISH A PUBLIC SANITARY SEWER INFRASTRUCTURE IN THE AREA OF LELAND STREET

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, the Town Board and Town Supervisor of the Town of Southport has investigated the feasibility of installing sewers within the area of Leland Street in the Town of Southport, and

WHEREAS, the Town Board of the Town of Southport is desirous of creating new jobs in the community, and

WHEREAS, the construction of a sewer construction project in subareas 6A and 6B to serve all or portions of Laurel, Cedar, Spruce, Hazel, Sycamore, Sheely, Sliter, Carter, Broadway, Cypress, and Thompson Streets and Pennsylvania Avenue, would aid current businesses and allow new development which would create new jobs, and

WHEREAS, grants are available through New York State to help fund business development projects, and

WHEREAS, the Town of Southport has decided to submit a Consolidated Funding Application for a 2016 Water Quality Improvement Project Program for partial funding of a sewer construction project.

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Southport is hereby authorized to sign the application for the Water Quality Improvement Project Program for \$200,000.00 to establish a public sanitary sewer infrastructure in the area of Leland Street.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
ABSTAIN: Roman
CARRIED.

RESOLUTION NO. 148-2016

AUTHORIZING EXTENSION OF TEMPORARY DWELLING AT 554 KINNER HILL ROAD

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, Anthony Cady has heretofore filed a request to temporarily live in an existing steel garage on a property located at 554 Kinner Hill Road, in the Town of Southport, Tax Map Identification No. 126.00-1-54 for a one year period to allow for the construction of a new residential dwelling for occupancy by the applicant at such location.

WHEREAS, the Building Inspector stated that 80% of the residence is complete and that the owner of such property requests an extension of six months to complete the construction.

NOW THEREFORE BE IT RESOLVED, that Anthony Cady be and he hereby is authorized to temporarily occupy the existing steel garage on property located at 554 Kinner Hill Road, Tax Map Identification No. 126.00-1-54 for an extension period of six months.

RESOLVED, that the Building Inspector be and hereby is instructed to serve upon said applicant a notice that this authorization shall no longer be effective after the expiration date without the express written consent of this Town Board.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO. 149-2016

BRUSH LOT AGREEMENT WITH S & M MCDONALD CONTRACTING

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Town of Southport maintains a brush lot on Bob Masia Drive in which Town residents may dump tree branches, brush and similar organic materials, and

WHEREAS, the Town Highway Superintendent has advised the Town Board that the brush lot is nearing its capacity and that the brush located on the brush lot needs to be ground up into mulch, and

WHEREAS, the Town Highway Superintendent has advised the Town Board that he would recommend to hire S & M McDonald Contracting for the grinding and removal of the brush currently located on the Town of Southport's brush lot located on Bob Masia Drive.

NOW THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Southport is authorized to enter into an agreement with S & M McDonald Contracting in an amount not to exceed NINE THOUSAND SIX HUNDRED DOLLARS AND 00/100 (\$9,600.00) for the purpose of grinding and removal of the brush currently located on the Town of Southport's brush lot located on Bob Masia Drive.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

7:45 P.M. – PUBLIC HEARING – for the purpose of hearing any and all public comment regarding the proposed amendment to Chapter 497 Vehicles and Traffic, Article IV Truck Exclusions, concerning the operation of trucks, trailers, and tractor trailers on streets or roads in the Town of Southport.

Attorney Barnstead read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:50 p.m.

Code Enforcement Officer Peter Rocchi stated that these amendments are to just clear up some loose ends after the zoning update was completed.

After no one wished to speak, the public portion of the public hearing was closed at 7:51 p.m.

RESOLUTION NO. 150-2016

AMENDING CHAPTER 497 VEHICLES AND TRAFFIC, ARTICLE IV TRUCK EXCLUSIONS

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the following amendments to the Town of Southport Municipal Code be and the same hereby is enacted and ordained:

CHAPTER 497: VEHICLES AND TRAFFIC

ARTICLE IV: Truck Exclusions

§ 497-10 Parking

A. No person shall park for more than one hour upon any Town street located in Zones Residential 1, Residential 2, Residential 3, Commercial Neighborhood, Commercial Regional, or Industrial the following vehicles: truck, tractor, trailer, semitrailer or recreational vehicle having more than four wheels and weighing 10,000 pounds as indicated on the registration for said vehicles.

B. Exceptions: Any of the said vehicles engaged in performing a business activity within the immediate vicinity.

§ 497-11 Truck route system. (1)

Town Truck Route System pursuant to § 1660 (a) 10 of the Vehicle and Traffic Law of the State of New York, as amended. The following streets or portions thereof are hereby designated, and they shall constitute, the Town Truck Route System:

- A. Northbound and southbound of Clemens Center Parkway/Arterial and south of the City of Elmira line to the intersection at Bulkhead.
- B. Rte. 14 south of Bulkhead intersection to the Pennsylvania State line.
- C. Rt. 328 south of Bulkhead intersection to the Pennsylvania State line.

§ 497-12 Prohibited vehicles; exemptions

- A. No motor vehicle including vans, trucks, tractors, tractor-trailers, having a total weight in excess of 10,000 pounds (GVWR) shall travel or operate on any Town road in Residential 1, Residential 2, Residential 3, Commercial Neighborhood, Commercial Regional, and Industrial zones.
- B. No motor vehicle including vans, trucks, tractors, tractor-trailers having a weight in excess of 30,000 pounds (GVWR) shall travel or operate on any Town road in the AR zone.
- C. The following vehicles are exempt:
 - (1) Municipal
 - (2) Emergency.
 - (3) Local deliveries that are performing a delivery.
 - (4) Construction deliveries for a legitimate job.
 - (5) Vehicles owned by residents residing in the district used to travel to and from their property.
 - (6) Recreational vehicle as long as they are in transit or parked off street and not obstructing the view of traffic entering or exiting a Town road.
 - (7) Designated operator of a semitractor trailer may park the truck tractor on the premises as long as it does not obstruct the view of oncoming traffic, is not parked in the Town right-of-way and remains parked when not in transit to work.

§ 497-13 Vehicles in excess of 10,000 pounds

Through traffic of vehicles in excess of 10,000 pounds (GVWR) that enter the Town from other than a Truck Route System and are just passing through must use the shortest distance to return to the designated Town truck Route System.

§ 497-14 Vehicles in excess of 10,000 pounds with points of destination

- A. Traffic of vehicles in excess of 10,000 (GVWR) pounds making a legitimate delivery or stop not on a Truck Route System must utilize the Truck Route System to the maximum potential of their destination or destinations.
- B. Exempt vehicles; municipal and emergency.

§ 497-15 Definitions

As used in this article, the following terms shall have the meanings indicated:

MOTOR VEHICLE

As used herein shall include any motorized vehicle lawfully permitted to operate on the highways of New York State.

POINT OF DESTINATION

The location on a given street where the driver is to load and/or unload any portion of his/her cargo.

SHORTEST ROUTE

That particular street or combination of intersecting streets which, when compared to any other available route or routes traverses the least distance as measured from the Truck Route System to the point of destination (or between other points of measurement as may be specifically provided for hereunder).

TRUCK ROUTE SYSTEM

Any particular, individual street or portion thereof as designated in § 497-11 above, which comprises any portion of the Truck Route System.

GROSS VEHICLE WEIGHT (GVWR)

The maximum operating weight of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen

NOES: None

CARRIED.

A bid opening was held on August 4, 2016 at 10:00 a.m., for Supplying and Laying of Bituminous Asphalt Products. The following bid was received:

Suit-Kote

20 Fairground Lane
Watkins Glen, NY 14891

FORM FOR SUBMISSION OF BID FOR MICRO SURFACING

SUPPLY AND LAYING OF BITUMINOUS MICRO SURFACING TREATMENT TO STREETS IN THE TOWN OF SOUTHPORT					
1) BID in this section provide for paving for SPECIFIED Town of Southport Roads. 2) QUANTITIES are provided for information and bidding purposes only. Actual pavement extents terminal ends, widths and thicknesses shall be determined and reviewed with the Contractor, and adjusted for actual field conditions prior to the start of work. <ol style="list-style-type: none"> 1. Tack coat estimate based on 0.10 gal/SY 2. Aggregate estimate based on 45 lbs/SY 3) Bidders acknowledge their visit to the site of the proposed work prior to submission of a bid. 4) Unit cost for micro surfacing treatment shall include labor, equipment and emulsion to distribute bituminous emulsion and aggregate, where directed by the OWNER.					
<u>P1. Leland Street, Town of Southport</u>					
This project begins at the intersection of CR79 - Broadway Ave and continues easterly approximately 2,110 feet to the intersection of Southport Street. The work requires the surface treatment be cut back into the intersection street to the point of tangency of the curb radius. Work crosses eleven (11) intersecting streets.					
PROJECT	LENGTH (FT)	WIDTH (FT)	QTY	C413.02 TYPE III UNIT PRICE	UNIT PRICE - Words
C413.P1	2,110	28 LF	175 TON	\$ 238.15 / TON	Two Hundred Thirty Eight Dollars and 15/100
C407.01	Tack Coat @ 0.10 g/sy		780 GAL	\$ 3.25 / GAL	Three Dollars and 25/100
	Mobilization		1 LS	\$ 1,000.00 / LS	One Thousand Dollars
	Crack Filling		300 GAL	\$15.00/GAL	Fifteen Dollars
P1 - TOTAL PROJECT COST				\$ 49,711.25	Forty Nine Thousand Seven Hundred Eleven Dollars and 25/100
<u>P2. Southport Street, Town of Southport</u>					
This project begins at the intersection of CR69 – Pennsylvania Ave and continues northwesterly approximately 1,300 feet to the City line. The work requires the surface treatment be cut back into the intersection street to the point of tangency of the curb radius. Work crosses four (4) intersecting streets.					
PROJECT	LENGTH (FT)	WIDTH (FT)	QTY	C413.02 TYPE III UNIT PRICE	UNIT PRICE - Words
C413.P1	1,300	28 LF	100 TON	\$ 238.15 / TON	Two Hundred Thirty Eight Dollars and 15/100
C407.01	Tack Coat @ 0.10 g/sy		780 GAL	\$ 3.25 / GAL	Three Dollars and 25/100
	Mobilization		1 LS	\$ 1,000.00 / LS	One Thousand Dollars
	Crack Filling		200 GAL	\$15.00/GAL	Fifteen Dollars
TOTAL PROJECT COST				\$ 30,350.00	Thirty Thousand Three Hundred Fifty Dollars

GRAND TOTAL OF PROJECT COST: \$ 80,061.25

RESOLUTION NO. 151-2016

REJECTING BID RECEIVED FOR BITUMINOUS MICROSURFACING TREATMENT OF TOWN ROADS

Resolution by: Szerszen
Seconded by: Hurley

WHEREAS, one sealed bid was received at the Town Hall and publically opened and read at 10:00 a.m. on Thursday, August 4, 2016, for bituminous microsurfacing treatment of Town roads.

Suite Kote

20 Fairground Lane
Watkins Glen, NY 14891
and

TOTAL \$80,061.25

WHEREAS, the Highway Superintendent of the Town of Southport has recommended that the bid be rejected,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby reject the bid for the bituminous resurfacing of Town Roads.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

RESOLUTION NO.152-2016

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH VESTAL ASPHALT FOR MICROSURFACING TOWN ROADS

Resolution by: Roman
Seconded by: Hurley

WHEREAS, the Town of Southport did go out for bids for microsurfacing of Town roads in the Town of Southport, and

WHEREAS, the Town of Southport only received one bid for the project from Suit-Kote in the amount of EIGHTY THOUSAND AND SIXTY ONE DOLLARS AND 25/100 (\$ 80,061.25), and

WHEREAS, the amount of the bid received was in excess of the amount that the Town of Southport desired to expend for such project and Suit-Kote could not assure the Town that the project would be completed within the time frames spelled out in the bid specifications, and

WHEREAS, the Town Board did reject all bids for the microsurfacing of roads in the Town of Southport, and

WHEREAS, the Town Supervisor has had conversations with the County of Chemung Highway Department and Vestal Asphalt Inc. who was awarded the bid to perform microsurfacing of road in the vicinity of the road what were being done in the Town of Southport and was advised by both that the Town of Southport could utilize the Chemung County bids for the purpose of microsurfacing of town roads.

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to enter into an agreement with Vestal Asphalt, Inc. in an amount not to exceed FIFTY FOUR THOUSAND SEVEN HUNDRED EIGHTY FIVE DOLLARS AND 00/100 (\$54,785.00) for the purpose of microsurfacing town roads.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

8:00 P.M. – PUBLIC HEARING – for the purpose of hearing any and all public comment regarding the proposed amendment to Section 525-5 to include rummage sales.

Attorney Barnstead read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 8:01 p.m. Code Enforcement Officer Peter Rocchi stated that this is to regulate the length and number of yard sales a resident can have per calendar year, and more clearly define the definition of a “yard sale”.

After no one else wished to speak, the public portion of the public hearing was closed at 8:02 p.m.

RESOLUTION NO. 153-2016

AMENDING TOWN OF SOUTHPORT MUNICIPAL CODE, CHAPTER 525, SECTION 525-5

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the following amendments to the Town of Southport Municipal Code be and the same hereby is enacted and ordained:

§ 525-5 FLEA MARKET:

A building or open area in which stalls or sales areas are set aside and rented or otherwise provided for at least five days per month, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Rummage sales and garage sales are not considered to be flea markets.

§525-5 YARD SALE

For the purposes of this article, the term “yard sale” shall mean and include all sales entitled “yard sale,” “garage sale,” lawn sale,” “attic sale,” “rummage sale,” or any other similar casual sale of tangible personal property whereby there is a display and offer for sale of any goods, wares or merchandise, on the premises of any residential lot within the Town of Southport, which goods, wares or merchandise offered for sale are the household furnishings or personal possessions of the persons conducting the sale and residing at the premises. The term “yard sale” shall not include household auctions or estate sales conducted by professional auctioneers.

§525-134

- A. The offer for sale by means of a yard sale of property which has been specifically acquired for resale, or the consignment of which has been accepted for display and offer for sale at a yard sale is specifically prohibited.
- B. A resident of the town may conduct sales commonly known as yard sales at the resident's dwelling, or at the dwelling of another resident of the town, under conditions specified herein below:
 - (1) Not more than three yard sales shall be held at any one dwelling during the calendar year.
 - (2) No person shall participate in, including having property sold at, more than three yard sales in the Town during the calendar year, regardless of whether such additional sale is held at the individual's dwelling or at the dwelling of another person.
 - (3) Yard sales shall be limited to two days in duration, which days must be consecutive, for a period of not more than ten hours each day. Inclement weather may extend the period of time equal to the days lost.
 - (4) No foods may be sold except as allowed by the Chemung County Health Department.
 - (5) The provisions of the Town of Southport Code Chapter 525-90, Signs, shall apply. Signs may be posted for a period not to exceed four consecutive days, including the day or days of the sale itself. All signs must be removed within 24 hours after the conclusion of the sale. Any signage placed on other than authorized property shall be subject to seizure without notice.

- (6) Yard sales conducted on the common area of apartment buildings and mobile home parks require a permission letter from the property manager.
- (7) A yard sale is not permitted in a business or commercial location, or anywhere that it is specifically prohibited by zoning, except as authorized under a valid business permit or site plan.

C. Violations: Any Violation of this article shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty, of the Code of the Town of Southport.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen
NOES: None
CARRIED.

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on public comment at all appointed board meetings.

Marshall Leljedal from 976 Pauline Avenue commented on how well the property is kept at Williams Construction on Pennsylvania Avenue, as well as speeding issues on his street.

8:15 P.M. – PUBLIC HEARING – for the purpose of hearing any and all public comment regarding a One-Year Moratorium on solar and wind energy development within the Town of Southport.

Attorney Barnstead read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 8:16 p.m. for public comment.

Charles Wilson from 399 Widger Hill Road asked if the solar moratorium was for someone putting it at their home or just commercial use.

After no one else wished to speak, the public portion of the public hearing was closed at 8:17 p.m.

Supervisor Sheen stated that the moratorium was referred to the Chemung County Planning Board and they made a recommendation that the Town needs to clearly define if the impact is on all solar and wind or just commercial, and how does the Town differentiate between residential and commercial.

RESOLUTION 154-2016

ONE YEAR MORATORIUM ON SOLAR AND WIND ENERGY DEVELOPMENT WITHIN THE
TOWN OF SOUTHPORT

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, concerns have been raised to the Town Board of the Town of Southport about the potential impact of commercial solar and wind farms in the Town of Southport, and

WHEREAS, the Town Board was asked to consider a six month moratorium on all new commercial solar and wind energy farms in the Town of Southport, and

WHEREAS, the Town Board did then refer the implementation of a six month moratorium on commercial solar and wind energy farms in the Town of Southport to the Town of Southport Planning Board and the Chemung County Planning Board for their report and recommendations, and

WHEREAS, the Town of Southport Planning Board has filed its report recommending the approval of a one year moratorium on commercial solar and wind energy farms in the Town of Southport, and

WHEREAS, the Chemung County Planning Board did report back to the Town Board recommending local determination and that the Town Board clearly define if the moratorium is on all solar and wind energy production or only on commercial solar and wind energy farms and if so, that the Town Board differentiate between commercial and residential solar and wind farms, and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Southport for a public hearing to be held by said Town Board on August 9, 2016 at 8:15 p.m. at the Southport Town Hall to hear all interested parties on a one year moratorium for commercial solar and wind energy farms in the Town of Southport, and

WHEREAS, notice of said public hearing was duly published in the Star Gazette, the official newspaper of the Town of Southport on July 29, 2016, and posted on the Town Hall Bulletin Board and town website on July 29, 2016, and

WHEREAS, a public hearing was duly held on August 9, 2016 at 8:15 p.m. at the Southport Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed one year moratorium for commercial solar and wind energy farms in the Town of Southport, and

WHEREAS, the Town Board of the Town of Southport did find that the proposed one year moratorium on commercial solar and wind energy farms would not have any significant environmental impact.

WHEREAS, the Town Board of the Town of Southport, after due deliberation, finds it in the best interest of the Town of Southport to implement a one year moratorium on all commercial solar and wind energy farms in the Town of Southport to allow for the Town of Southport to carefully review the impact of such solar and wind energy farms in the Town and to implement proper zoning requirements for solar and wind energy farms. More specifically, the implementation of this moratorium on the construction and installation of commercial solar and wind energy farms, in order to provide the Town a reasonable period of time to engage in the necessary studies, meetings, hearings, environmental review and other appropriate and necessary actions regarding oversight of the construction and installation of solar and wind energy farms. The Town recognizes the need to evaluate the impacts of these systems on the surrounding neighbors and street traffic, as well as other areas that have not been considered or recognized, and revise the Zoning Law, if necessary, to address any determined issues.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby declare a one year moratorium on the application for, and construction and installation of commercial solar and wind energy farms. This moratorium shall exclude any commercial solar or wind energy farm for which the Town's Code Enforcement Officer has already issued a building permit. For the period of one year immediately following the effective date of this resolution, the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department and the Zoning Administrator shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for the installation of a commercial solar or wind energy farm. This moratorium shall apply to all currently pending and future application for the installation of solar or wind energy farms, and be it further

RESOLVED, that for the purpose of this moratorium a commercial solar or wind energy farm, shall be defined as any solar or wind energy equipment that would be reasonably expected to generate more than one hundred twenty percent (120%) in total of the normal energy requirements of the improvements located on the parcel on which the equipment is located, and be it further

RESOLVED, that should any owner of property affected by this moratorium suffer any unnecessary hardship in the way of carrying out the strict letter of this moratorium, then the owner of said property may apply to the Town Board in writing for a waiver from strict compliance with this moratorium upon submission of proof of such unnecessary hardship. Mere delay in being permitted to make an application or waiting for a decision on the application for a site plan, variance or other permit during the period of the moratorium shall not be considered an unnecessary hardship, upon submission of a written application to the Zoning Officer by the property owner seeking a waiver from this moratorium, the Town Board shall, within thirty days (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town. The Town Board, within fifteen (15) days of the close of the public hearing, shall render its decision either granting or denying the application for variation from the strict requirements of this moratorium. If the Town Board determines that a property owner shall suffer an unnecessary hardship if this moratorium is strictly applied to a particular property, then the Town Board shall waive the application of this moratorium to the minimum extent necessary to provide the property owner relief from strict compliance with this moratorium and be it further

RESOLVED, that this moratorium shall take effect ten (10) days after the publication of the notice in the Star Gazette.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen

NOES: None

CARRIED.

Council Member Gunderman made a motion, Council Member Roman seconded to adjourn the meeting.

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Carolyn Renko
Town Clerk

Marianne Schrom
Deputy Town Clerk