

January 9, 2018

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 January 9, 2018.

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

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer Peter Rocchi, Highway Superintendent Steven Renko, Recreation Attendant Robert Ripley, Town Clerk Carolyn Renko, 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	\$ 959.32
Funds Turned to State & County Agencies	<u>\$ 736.68</u>
	\$ 1,696.00

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 371.00
	Building Permit Values	\$ 22,900.00
	Operating Permit Fees	\$ 550.00
	Site Plan Fees	\$ 75.00
	Variance Fees	\$ 75.00

Justice Office

Elmira City Animal Control

Recreation/Aging/Youth Services

Residential Deputy

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

Under Correspondence, Supervisor Sheen stated that the 2018 General Liability insurance rates went up less than 1% from 2017.

Supervisor Sheen reported on the award of the Leland Area Sanitary Sewer Grant in the amount of \$2,031,500.00. Mr. Sheen emphasized that this project and grant application success would not have happened without the persistence and long work hours of Deputy Town Supervisor Kathleen Szerszen. She worked with every entity to make this happen and the Town Board appreciates this.

Council Member Gunderman made a motion, Council Member Szerszen seconded to accept the minutes from December 12, 2017 Regular Meeting and December 27, 2017 Annual Meeting.

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on Resolution No. 12 Authorizing Supervisor to enter into an Agreement with Fagan Engineers for professional engineering services for the Leland Area Sanitary Sewer Project.

RESOLUTION NO. 28-2018

APPROVING ABSTRACT OF GENERAL FUND CLAIMS #13, 2017

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Abstract of General Fund Claims #13, 2017, submitted by the Town Clerk for the month of December 2017, No. 1459 through No. 1495, not to exceed \$7,812.59, has been approved for payment by this Town Board.

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

RESOLUTION NO. 29-2018

APPROVING ABSTRACT OF GENERAL FUND CLAIMS #1, 2018

Resolution by: Szerszen
Seconded by: Roman

RESOLVED, that the Abstract of General Fund Claims #1, 2018, submitted by the Town Clerk for the month of January 2018, No. 1 through No. 37, not to exceed \$124,657.93, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 30-2018

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS #13, 2017

Resolution by: Hurley
Seconded by: Roman

RESOLVED, that the Abstract of Highway Fund Claims #13, 2017, submitted by the Town Clerk for the month of December 2017, No. 219 through No. 227, not to exceed \$12,679.88, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 31-2018

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS #1, 2018

Resolution by: Szerszen
Seconded by: Roman

RESOLVED, that the Abstract of Highway Fund Claims #1, 2018, submitted by the Town Clerk for the month of January 2018, No. 1 through No. 3, not to exceed \$76,836.59, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 32-2018

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Abstract of Light Fund Claim #1, submitted by the Town Clerk for the month of January 2018, No. 1, not to exceed \$8,408.97, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 33-2018

AUTHORIZING SUPERVISOR TO MAKE TEMPORARY INVESTMENTS OF TOWN FUNDS DURING
FISCAL YEAR 2018

Resolution by: Roman
Seconded by: Hurley

RESOLVED, that pursuant to and in accordance with the provisions of Section 11 of the General Municipal Law, as amended, the Supervisor be and he hereby is directed to invest and reinvest accordingly therewith all such Town funds which are not needed for current use in the operation of Town Government, and be it further

RESOLVED, that the Supervisor shall cause a proper distribution to be made to the several Town accounts of the interest or income earned thereon and in proportion to such investments, and be it further

RESOLVED, that such time deposit account or certificate of deposit be secured by a pledge of obligations of the United States of America, or any obligation fully guaranteed or insured as to the interest and principle by the United States of America acting through an agency subdivision, department or division thereof, or obligations of the State of New York or obligations of any municipal corporation, school district, or district cooperation of the State of New York.

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

RESOLUTION NO. 34-2018

AUTHORIZING TOWN CLERK AND DEPUTY TOWN CLERKS TO ATTEND CHEMUNG/SCHUYLER MUNICIPAL
CLERKS ASSOCIATION MEETINGS FOR THE YEAR 2018

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the Town Clerk and Deputy Town Clerks are hereby authorized to attend the Chemung/Schuyler Municipal Clerks Association Meetings during the year 2018 and that their expenses therefore shall be a proper Town charge.

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

RESOLUTION NO. 35-2018

AUTHORIZING THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH NICHOLA OSTRANDER FOR THE POSITION OF COMMUNITY DEVELOPMENT SPECIALIST

Resolution by: Hurley
Seconded by: Roman

RESOLVED, that the Supervisor of the Town of Southport hereby is authorized to enter into an agreement with Nichola Ostrander, an independent contractor who will serve as a Community Development Specialist for the Town of Southport.

RESOLVED, that this agreement shall run from February 10, 2018 through February 9, 2019. This agreement may be terminated by either party upon 30 days written notice to the other.

RESOLVED, that the Town Board agrees to compensate Nichola Ostrander in the amount of TWENTY FOUR THOUSAND THREE HUNDRED SIXTY EIGHT DOLLARS AND 24/100 (\$24,368.24), payable in monthly installments of TWO THOUSAND THIRTY DOLLARS AND 69/100 (\$2,030.69) at an amount to be prorated for any partial month served, and that said compensation to be issued in monthly checks payable to Nichola Ostrander.

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

7:15 P.M. – PUBLIC HEARING – for the purpose of hearing any and all public comment regarding the proposed amendment to Chapter 192 Animals, adding Article IV Harboring of Dogs & Cats.

Supervisor David Sheen read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:16 p.m.

No one wished to speak so the Public Hearing was closed at 7:17 p.m.

Supervisor Sheen explained the code change is referring to limiting the number of dogs and cats in a residence except in an Agricultural Residential Zone. Council Member Roman felt that the code shouldn't be changed because of one specific issue that the Town had. Council Member Szerszen stated that having too many animals in a residential area creates a bad situation for people that live close together.

RESOLUTION NO. 36-2018

ORDINANCE
NO. 2017-2

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF SOUTHPORT CHAPTER 192 TO INCLUDE ARTICLE IV HARBORING OF DOGS AND CATS, AND SECTIONS 192-15, 192-16, 192-17, AND 192-18

Resolution by: Roman
Seconded by: Szerszen

WHEREAS, the Town of Southport Town Board wishes to address concerns related to the health and welfare of the Town residents and the harboring of a significant number of cats and/or dogs, and

WHEREAS, unsanitary conditions may be created for people and animals by harboring a significant number of dogs and/or cats especially outside of the agricultural district where more restrictions commonly exist on lot sizes, and

WHEREAS, the Town of Southport Town Board wishes to amend the Code of the Town of Southport Chapter 192 Animals by adding Article IV Harboring Dogs and Cats which includes Section 192-15 Definitions, Section 192-16 Prohibited Acts, Section 192-17 Enforcement, and Section 192-18 Penalties, and

WHEREAS, a public hearing was held for this proposed ordinance on January 9, 2018 before the Town of Southport Town Board upon public notice as provided by law.

NOW THEREFORE BE IT ORDAINED, by the Town Board of the Town of Southport, County of Chemung, State of New York that said proposed amendments to the Code of the Town of Southport Chapter 192 Animals by adding Article IV Number of Dogs and Cats, Section 192-15 Definitions, Section 192-16 Prohibited Acts, Section 192-17 Enforcement, and Section 192-18 Penalties, is hereby enacted, to wit:

Section 1. Article IV Harboring Dogs and Cats is added to Chapter 192 Animals to read as follows:

Article IV
Harboring Dogs and Cats

§192-15 DEFINITIONS

Owner – Any person, group of persons, or corporation owning, keeping or harboring a dog or dogs or cat or cats.

Cat – Means and includes both male and female cats whether or not neutered or spayed.

Dog – Means and includes both male and female dogs whether or not neutered or spayed.

§192-16 Prohibited Acts

Except within the Agricultural Residential zoning district, no owner may harbor, keep or own more than a total of five dogs or five cats or any combination thereof over the age of four months.

§192-17 Enforcement

This Article may be enforced as provided in §194-4 or by a Code Enforcement Officer for the Town of Southport.

§192-18 Penalties

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.

Section 2. Inconsistent Ordinances

All ordinances inconsistent with any provision or provisions of this ordinance are hereby repealed.

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption and publication according to law.

AYES: Gunderman, Hurley, Szerszen, Sheen
NOES: Roman
CARRIED.

RESOLUTION NO. 37-2018

AUTHORIZING SUPERVISOR TO MAKE ANY NECESSARY YEAR END BUDGET MODIFICATIONS

Resolution by: Roman
Seconded by: Hurley

RESOLVED, that the Supervisor be and he hereby is authorized to make any necessary year end budget modifications.

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

RESOLUTION NO. 38-2018

APPOINTING JEFFREY JUDSON AS RIGHT TO FARM COMMITTEE PERSON
FOR THE TOWN OF SOUTHPORT

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Right to Farm Local Law No. 2 of the Year 2006, Resolution No. 205-2006 was adopted on December 12, 2006 for the intent of recognizing farming as an essential enterprise and an important industry to enhance the economic base, natural environment and quality of life in the Town of Southport, and

WHEREAS, it is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town by resolving any disputes concerning agricultural practices and farm operations, and

WHEREAS, the Right to Farm Law provides for a dispute resolution committee to be composed of in part of a representative from the Town's Farming Community, and

WHEREAS, the Town Board of the Town of Southport believes it is in the best interest of the Town to appoint a Right to Farm Hearing Committee person and in order to maintain a viable farming economy in the Town of Southport.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby appoint Jeffrey Judson as the Right to Farm committee person, as a volunteer representative from the farm community through December 31, 2018 and said appointment will be on an annual basis subject to reappointment at the organizational meeting.

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

RESOLUTION NO. 39-2018

RATIFYING A GIS AGREEMENT WITH CHEMUNG COUNTY AND OTHER MUNICIPALITIES LOCATED IN CHEMUNG COUNTY FOR A GIS ENTERPRISE SERVER AND TO PARTICIPATE IN THE CHEMUNG COUNTY GIS CONSORTIUM, DATA SHARING WITHIN CHEMUNG COUNTY

Resolution by: Szerszen
Seconded by: Roman

An AGREEMENT among the following:

Chemung County, 203 Lake Street, Elmira, NY 14904
(hereinafter referred to as "County")
Chemung County Sewer District, 600 Milton St. Elmira NY 14904

Chemung County Soil and Water/Storm Water, 851 Chemung Street, Horseheads, NY 14845
City of Elmira, 317 East Church Street, Elmira, NY 14901
Elmira-Chemung Transportation Council, 400 East Church Street, Elmira, NY 14901
Elmira Water Board, 261 West Water Street, Elmira, NY 14901
Town of Ashland, 3663 Sixth Street, Wellsburg, NY 14894
Town of Baldwin, 622 Breesport No Chemung Rd. Lowman, NY 14894
Town of Big Flats, 476 Maple Street, Big Flats, NY 14814
Town of Catlin, 1448 Chambers Rd, Beaver Dams, NY 14812
Town of Chemung, 48 Rotary Rd Ext, Chemung, NY 14825
Town of Elmira, 1255 West Water Street, Elmira, NY 14905
Town of Horseheads, 150 Wygant Rd. Horseheads, NY 14845
Town of Southport, 1139 Pennsylvania Ave., Elmira, NY 14904
Town of VanEtten, PO Box 177, VanEtten, NY 14889
Village of Horseheads, 202 South Main Street, Horseheads, NY 14845

WHEREAS, the County has formed a GIS Consortium (Chemung County Geographical Information Systems (GIS) Consortium hereinafter known as the CCGC) to efficiently facilitate GIS coordination and data sharing within the County and with neighboring counties and

WHEREAS, the County has entered into a three year agreement with Environmental Systems Research Institute Inc. (ESRI) to provide all necessary GIS server software and server licensing and

WHEREAS, the County will house the servers and storage necessary for the CCGC and

WHEREAS, a major cost associated with the development of a geographic information system ("GIS") program is related to the development and maintenance of its spatial data; and

WHEREAS, the parties on this agreement have invested significant money and effort in the development and maintenance of GIS data; and

WHEREAS, the reuse and distribution of GIS data created by government agencies provides significant cost savings opportunities to other government programs/entities with limited technical and financial resources, and

WHEREAS, the CCGC is serious about obtaining the efficiencies and savings associated with the sharing of their respective GIS data and collaborating on the development of systems and applications pursuant to the terms described below.

NOW THEREFORE, in consideration of the mutual representations, covenants and agreements herein set forth, the parties, each binding itself, its successors and assigns, do mutually promise, covenant and agree as follows:

FIRST: The parties hereto agree to share digital GIS data with each other and other participating municipalities at no charge to the other party.

SECOND: The parties agree to membership in the CCGC and to abide by the bylaws set forth.

THIRD: The parties hereto agree that all digital GIS data will be shared except where restricted by security guidelines or data agreements with other agencies or private sector companies.

FOURTH: None of the parties hereto or other participating party will provide data to non-participating parties without entering into a Third Party Agreement restricting the redistribution and/or resale of said data.

FIFTH: None of the parties hereto nor any other participating party will provide data owned by other parties to this agreement to any third party agency or private sector company without written authorization from the CCGC.

Pursuant to the 1994 "Interlocal" agreement, the component municipalities contracted for the original digital tax map development, which was then copyright protected by the County. The County has provided ongoing digital tax map maintenance. Ownership of the tax maps for each municipality rests with both the County and each respective municipality. Neither the participating municipality or the County needs to get permission from the other in order to provide digital tax map files to a third party, however any provision of said tax map files to a third party will require the Third-Party Agreement mentioned in the Third covenant.

SIXTH: None of the parties hereto warrants the accuracy of any shared data and states that the data is provided on an "as is" basis.

SEVENTH: The term of this Agreement will commence on the date first entered above and will terminate on December 31, 2020, unless terminated earlier as provided herein.

EIGHTH: Any party may cancel this Agreement on ninety (90) days written notice to the other party. Any party canceling this agreement shall not be entitled to a full or partial refund of the current year commitment that has already been received by the CCGC.

NINTH: This Agreement shall not be enforceable unless signed by the parties and approved by the Office of the County Attorney.

TENTH: All notices given pursuant to this agreement shall be in writing and will be hand delivered, sent via US Postal Service or emailed and shall be effective on delivery to the CCGC.

ELEVENTH: This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, comments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

TWELFTH: Each party has agreed to provide financial support to the county (Appendix A) to help offset the cost of the ESRI software.

Appendix A

GIS Commitments		Annual 3 year Commitment 2018-2020
Organization	Address	
Chemung County Sewer District	600 Milton Street, Elmira	\$ 3,000.00
Chemung County Storm Water/Soil and Water	851 Chemung Street, Horseheads	\$ 2,500.00
City of Elmira	317 East Church Street, Elmira	\$ 4,000.00
Elmira-Chemung Transportation Council	400 East Church Street, Elmira	\$ 5,000.00
Elmira Water Board	261 West Water Street, Elmira	\$ 1,000.00
Planning Board	400 East Church Street, Elmira	\$ 2,000.00
Real Property Tax Office	210 Lake Street, Elmira	\$ 3,000.00
Town of Ashland	3663 Sixth Street, Wellsburg	\$ 500.00
Town of Baldwin	622 Breesport N Chemung Rd, Lowman	\$ 500.00
Town of Big Flats	476 Maple Street, Big Flats	\$ 1,000.00
Town of Catlin	1448 Chambers Rd, Beaver Dams	\$ 500.00
Town of Chemung	48 Rotary Rd. Ext. Chemung	\$ 500.00
Town of Elmira	1255 West Water St, Elmira	\$ 1,000.00
Town of Horseheads	150 Wygant Rd, Horseheads	\$ 1,000.00
Town of Southport	1139 Pennsylvania Ave, Elmira	\$ 1,000.00
Town of VanEtten	PO Box 177, VanEtten	\$ 500.00
Village of Horseheads	202 South Main St, Horseheads	\$ 1,000.00

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

RESOLUTION NO. 40-2018

AUTHORIZING SUPERVISOR TO ENTER INTO AN AGREEMENT WITH FAGAN ENGINEERS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE LELAND AREA SANITARY SEWER PROJECT

Resolution by: Gunderman
Seconded by: Roman

WHEREAS, the Town of Southport Town Board is requesting assistance in providing Engineering Services related to the Leland Area Sanitary Sewer Project, and

WHEREAS, Fagan Engineers has submitted a proposal to provide engineering services in relation to the Leland Area Sanitary Sewer Project.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport does hereby select Fagan Engineers of Elmira, New York, as the firm to provide for the Engineering Services for the Leland Area Sanitary Sewer Project, and be it further

RESOLVED, that the services shall be set forth in the Agreement submitted by Fagan Engineers, and be it further

RESOLVED, that the Supervisor of the Town of Southport is hereby authorized and directed to enter into an Agreement with Fagan Engineers for the provision of these services at a cost not to exceed TWO HUNDRED FIFTY TWO THOUSAND DOLLARS AND 00/100 (\$252,000.00), and be it further

RESOLVED, that the agreement with Fagan Engineers be subject to the review and approval of the Attorney for the Town.

AYES: Gunderman, Hurley, Roman, Szerszen, Sheen

NOES: None

CARRIED.

7:30 P.M. – PUBLIC HEARING – for the purpose of hearing any and all public comment regarding the proposed amendment to Article VI Winter Parking §497-19.

Supervisor David Sheen read the legal notice that appeared in the Star Gazette and opened the Public Hearing at 7:35 p.m.

Christa Heyward from 1243 Trescott Drive inquired about houses with no driveways or residences where there are a lot of cars which can't all fit in the driveway and some are parked on the road, where would they park. She suggested odd/even parking. Supervisor Sheen suggested possibly parking on the lawn and stated that odd/even parking is not currently working for the Town.

At 7:39 p.m., Supervisor Sheen read the proposed Ordinance regarding Winter Parking and then closed the public portion of the Public Hearing at 7:47 p.m.

Council Member Roman asked if anyone knew how many residences in the Town don't have driveways or the situation of too many cars to fit in the driveway.

Council Member Szerszen mentioned odd/even parking for these situations with too many cars or no driveway.

RESOLUTION NO. 41-2018

ORDINANCE
NO. 2017-3

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF SOUTHPORT ARTICLE VI WINTER PARKING,
CHAPTER 497-19 AND 497-24

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Town of Southport Town Board wishes to address concerns related to the efficient and safe removal of snow and ice from all streets within the Town, and

WHEREAS, in order to safely and effectively remove snow and ice for safe travel on all streets within the Town, vehicles cannot be allowed to park on said streets, and

WHEREAS, the Town of Southport Town Board wishes to amend the Code of the Town of Southport Article VI Winter Parking, Chapter 497-19, and

WHEREAS, a public hearing was held for this proposed ordinance on January 9, 2018 before the Town of Southport Town Board upon public notice as provided by law.

NOW THEREFORE BE IT ORDAINED, by the Town Board of the Town of Southport, County of Chemung, State of New York that said proposed amendments to the Code of the Town of Southport Article VI Winter Parking, Chapter 497-19 is hereby enacted, to wit:

Section 1. Article VI Winter Parking, Chapter 497-19 is amended to read as follows:

Article VI
Winter Parking

§ 497-19 Prohibited Winter Parking

In order to expedite the removal of snow and ice and to facilitate the cleaning of Town highways, parking of motor vehicles shall be prohibited on all streets or a portion thereof within the Town beginning November 1st through April 1st.

§497-24 Posting

The Highway Superintendent is directed to cause proper posting of signs giving notice of such prohibition against parking of motor vehicles as the same is required by §1683 of the Vehicle and Traffic Law of the State of New York, and in such form as is provided in the New York State Manual of Uniform Traffic Control Devices.

Section 2. Inconsistent Ordinances

All ordinances inconsistent with any provision or provisions of this ordinance are hereby repealed.

Section 3. Effective Date

This ordinance shall take effect immediately upon adoption and publication according to law.

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

RESOLUTION NO. 42-2018

AUTHORIZING WITHDRAWAL OF FUNDS FROM THE RETIREMENT CONTRIBUTION RESERVE FUND

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Town Board by Resolution No. 172-2017 did authorize the establishment of a Retirement Reserve Fund, the purpose of which is to cover any and all portions of the amount payable to the New York State Retirement System.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport, in regular session duly convened, does hereby authorize the withdrawal of \$118,539.00 from the Retirement Contribution Reserve Fund, and be it further

RESOLVED, this resolution is subject to a permissive referendum.

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

RESOLUTION NO. 43-2018

DESIGNATING AN AUTHORIZED REPRESENTATIVE IN REGARDS TO THE FAIRWAY-PHOENIX AREA WASTEWATER ENGINEERING PLANNING GRANT (#77131) AGREEMENT

Resolution by: Roman
Seconded by: Gunderman

WHEREAS, the Town Board submitted an application for a NYSDEC/NYSEFC Wastewater Engineering Study Grant for the Fairway-Phoenix Area through the Consolidated Funding Application (CFA)(on July 27, 2017, and

WHEREAS, the Town Board received notification on December 13, 2017 that the NYSDEC/NYSEFC selected the Town of Southport Application to receive up to \$12,000.00 for the purposes of performing an Engineering Study (Planning Grant #77131); and

WHEREAS, implementation of the planning grant will address questions about the cost, scope and impacts of potential wastewater facilities to serve the Fairway-Phoenix area near Maple Avenue, and

WHEREAS, the Town of Southport must identify a local contact authorized to sign a grant agreement with the NYS Environmental Facilities Corporation;

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town of Southport's obligations under the Engineering Planning Grant Agreement.

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

RESOLUTION NO. 44-2018

AUTHORIZING THE MINIMUM LOCAL MATCH FOR THE FAIRWAY-PHOENIX AREA WASTEWATER
ENGINEERING PLANNING GRANT (#77131)

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town Board submitted an application for NYSDEC/NYSEFC Wastewater Engineering Study Grant for the Fairway-Phoenix through the Consolidated Funding Application (CFA) on July 27, 2017, and

WHEREAS, implementation of the planning grant will address questions about the cost, scope and impacts of potential wastewater facilities to serve the Fairway-Phoenix area near Maple Avenue, and

WHEREAS, the Town Board received notification on December 13, 2017 that the NYSDEC/NYSEFC selected the Town of Southport Application to receive up to \$12,000 for the purposes of performing an Engineering Study (Planning Grant #77131) and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport authorizes and appropriates the minimum 20% local match as required by the Engineering Planning Grant Program for the Fairway-Phoenix Area Wastewater Engineering Planning Grant (#77131). Under the Engineering Planning Grant Program, this local match must be at least 20% of \$12,000. The maximum local share appropriated, subject to any changes agreed to by the Town Supervisor, shall not exceed \$3,000.00. The total estimated maximum project cost is \$15,000.00 (estimated total maximum project cost including any potential increases). The Town Supervisor may increase this local match through the use of in kind services without further approval from the Town of Southport.

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

RESOLUTION NO. 45-2018

SEQR TYPE II DETERMINATION
FAIRWAY-PHOENIX AREA WASTEWATER ENGINEERING PLANNING GRANT (#77131)

Resolution by: Gunderman
Seconded by: Hurley

WHEREAS, the Town Board submitted an application for a NYSDEC/NYSEFC Wastewater Engineering Study Grant for the Fairway-Phoenix Area through the Consolidated Funding Application (CFA) on July 27, 2017, and

WHEREAS, the Town Board received notification on December 13, 2017 that the NYSDEC/NYSEFC selected the Town of Southport Application to receive up to \$12,000 for the purposes of performing an Engineering Study (Planning Grant #77131), and

WHEREAS, 6 NYCRR Section 617.5 (c) (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law.

NOW THEREFORE BE IT RESOLVED, that the Town of Southport hereby determines that the proposed Fairway-Phoenix Area Wastewater Engineering Planning Study (#77131) which constitutes the collection of basic data and research, and conduct of concurrent environmental , engineering, economic, feasibility and other studies and preliminary planning necessary to the formulation of a proposal for action is a Type II action in accordance with 6 NYCRR Section 617.5 (c) (18 & 21) and is therefore not subject to review under 6 NYCRR Part 617.

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

Under Taxpayer's Comments, Charles Collins from 436 Kinner Hill Road commented on §525-33 Special Dimensional requirements in the Bulk and Density Control Requirements with the proposed changes, to accept the amendment to the definitions for Agricultural Use in §525-5 and to accept changes to the Use Regulation Table, which will be on February's agenda for discussion.

Richard Madl from 536 Liberty Street commented on the Fairway-Phoenix sewer engineering study and thanked the Town Board for their hard work regarding this.

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

The meeting was adjourned at 8:06 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk