

September 11, 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 September 11, 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, 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	\$ 2,999.59
Fitzsimmons Lot Sales	\$ 3,200.00
Funds Turned to State & County Agencies	<u>\$ 9,831.41</u>
	\$ 16,031.00

Code Enforcement Office

Fees Collected:	Building Permit Fees	\$ 1,752.15
	Building Permit Values	\$ 836,027.00
	Operating Permit Fees	\$ 350.00

Justice Office
Recreation/Aging/Youth
Residential Deputy
Supervisor's Report
Community Development Specialist

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

Council Member Szerszen made a motion, Council Member Roman seconded to accept the minutes of the July 10, 2018 and August 14, 2018 Regular Meetings.

There was no Correspondence received.

Under Taxpayer's Comments, Agenda and Discussion items only, no one wished to speak.

RESOLUTION NO. 147-2018

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of September 2018, No. 498 through No. 561, not to exceed \$104,726.65, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 148-2018

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Szerszen
Seconded by: Roman

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of September 2018, No. 132 through No. 143, not to exceed \$45,759.98, has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 149-2018

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of September 2018, No. 9, not to exceed \$7,787.52, has been audited and approved for payment by this Town Board.

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

Under Resolutions was Budget Modifications, which will be tabled until the October meeting.

RESOLUTION NO. 150-2018

AUTHORIZING SUPERVISOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF CHEMUNG TO COMPLETE A SCANNING PROJECT

Resolution by: Roman
Seconded by: Szerszen

WHEREAS, the Town of Southport and the County of Chemung entered into an intermunicipal agreement on April 1, 2016 for scanning and storing Town documents, and

WHEREAS, the said intermunicipal agreement is due to expire on May 31, 2019 and the Town of Southport wishes to extend this agreement through July 31, 2021, and

NOW THEREFORE BE IT RESOLVED, that the Town of Southport, County of Chemung, State of New York wishes to enter into an intermunicipal agreement dated August 1, 2018 with the County of Chemung that extends the agreement dated April 1, 2016 for scanning and storing additional documents at the continued cost of FIFTY-TWO DOLLARS AND 00/100 (\$52.00) per month for maintenance of the fiber connection, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport authorizes the Town Supervisor to execute the said intermunicipal agreement.

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 regarding Local Law No. 3 of 2018, to Override the Tax Levy Limit for taxable 2019 year established in General Municipal Law.

Supervisor Sheen read the legal notice that appeared in the Star-Gazette. He explained the reason for the Local Law and opened the hearing for public comment. No one wished to speak so the public portion of the public hearing was closed at 7:19 p.m.

RESOLUTION NO. 151-2018

LOCAL LAW NO. 3 OF 2018

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: Roman
Seconded by: Gunderman

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, 2019 and

WHEREAS, this proposed Local Law No. 3 of 2018 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 September 11, 2018 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. 3 of 2018 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, 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c,

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, 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

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

RESOLUTION NO. 152-2018

INTERMUNICIPAL SHARED SERVICES AGREEMENT WITH WEBB MILLS VOLUNTEER FIRE DEPARTMENT AND THE COUNTY OF CHEMUNG FOR THE RECONSTRUCTION PROJECT INVOLVING THE WEBB MILLS VOLUNTEER FIRE DEPARTMENT PARKING LOT

Resolution by: Roman
Seconded by: Szerszen

WHEREAS, the Webb Mills Volunteer Fire Department (Department) parking lot is in disrepair and the Department does not have the funds to make the substantial repairs as needed, and

WHEREAS, the Town of Southport (Town), to assist the Department, contacted NYS Senator Thomas O'Mara's Office for possible state aid and the County of Chemung (County) for assistance, and

WHEREAS, Senator O'Mara was able to obtain State Aid to Municipalities (SAM) Grant for this purpose and the County also agreed to assist with purchasing materials and assisting the Town with labor and equipment per the pre-existing shared services agreement, and

NOW THEREFORE BE IT RESOLVED, in order to secure the State Aid to Municipalities (SAM) Grant #9504, the Town Board of the Town of Southport, County of Chemung, State of New York, wishes to enter into an intermunicipal shared services agreement dated September 11, 2018 with Webb Mills Volunteer Fire department and the County of Chemung for the reconstruction project involving the Webb Mills Volunteer Fire Department parking lot, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southport authorizes the Town Supervisor to execute the said intermunicipal agreement and any other related documents that authorize the receipt of funding provided by the State Aid to Municipalities Grant (#9504).

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

Under Discussion was Local Law to change the Tax Assessment Grievance Day from the 4th Wednesday to the 4th Tuesday in May. The Assessor of the Town of Southport wishes to keep Grievance Day as is, therefore this will be removed from the agenda.

Next under Discussion was County-Wide Shared Services initiative. Supervisor Sheen and Council Member Szerszen explained this in detail.

7:39 PUBLIC HEARING – for the purpose of hearing any and all public comment regarding proposed amendment to §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 the changes to the Use Regulation Table.

Supervisor Sheen read the legal notice that appeared in the Star-Gazette and opened up the public portion of the Public Hearing for comment at 7:40 p.m.

Charles Collins from 436 Kinner Hill Road stated he didn't think any changes were needed and the Code should remain the same.

After no one else wished to speak, the public portion of the public hearing was closed at 7:50 p.m.

RESOLUTION NO. 153-2018

LOCAL LAW NO. 2 OF 2018

LOCAL LAW #2 IN THE YEAR OF 2018 TO AMEND CHAPTER 525 ZONING: ARTICLE II, INTERPRETATION; DEFINITIONS AND WORK USAGE, SECTION 525-5, DEFINITIONS; ARTICLE IV, USE DISTRICTS, SECTION 525-20, USE REGULATION TABLE (ATTACHMENT 1); ARTICLE V, BULK AND DENSITY CONTROL REQUIREMENTS, SECTION 525-33, SPECIAL DIMENSIONAL REQUIREMENTS

Resolution by: Hurley
Seconded by: Roman

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

Section 1. Chapter 525 Zoning: Article II, Interpretation; Definitions and Word Usage, Section 525-5, Definitions is hereby amended to read as follows:

§525-5 Definitions

AGRICULTURAL USE, GENERAL

The production, keeping or maintenance of plants and animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, lamas, alpacas, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees, forest products and forestry uses; and fruits of all kinds, including grapes, nuts, berries and vegetables, unless regulated by other sections of this chapter. Agricultural Uses shall not include vegetable or flower gardens where the produce is for personal use and the products are not for sale. (Refer to §525-33 Special requirements for restrictions)

AGRICULTURAL USE, COMMERCIAL

An AGRICULTURAL USE, GENERAL, that involves over 300 mammals and/or 1000 fowl or is a Concentrated Animal Feeding Operation (CAFO) as defined by the New York State Environmental Conservation Law. (Refer to §525-33 Special requirements for restrictions)

AGRICULTURAL USE, COMMERCIAL STABLE

Any use that involves horses, donkeys, mules, lamas, alpacas, or any similar animals for any related business purpose and/or for compensation, and/or incidental to the operation of any club, association or similar establishment. (Refer to §525-33 Special requirements for restrictions)

AGRICULTURAL USE, INDUSTRIAL

Any milk processing plant; feed storage supply facility; farm machinery or equipment sales and service facility; storage and processing facility for fruits, vegetables and other agricultural products; or similar use directly and customarily related to the supply and service of an agricultural use. Agricultural Use, Industrial, does not include on-farm production, preparation or marketing of crops, livestock and livestock products incidental to a General Agricultural Use or Commercial Agricultural Use. (Refer to §525-33 Special requirements for restrictions)

AGRICULTURAL USE, PERSONAL

Any AGRICULTURAL USE, GENERAL, with a maximum combined total of not more than 5 livestock animals, except for horses as set forth in 525-33(A)(3), and not more than 25 fowl and if the use includes the sale of agricultural products, plants and animals as defined in Agricultural Use, General, those agricultural products for sale must be produced on the lot and such agricultural products shall only be sold from a single on-site temporary roadside stand or off-site market. Except for the sale of animals as defined in Agricultural, Commercial Stable, as such use or related sale shall follow requirements for Agricultural, Commercial Stable. (Refer to §525-33 Special requirements for restrictions)

Section 2. Chapter 525 Zoning, Article IV, Use Districts, Section 525-20, Use Regulation Table (Attachment 1) is hereby amended as follows:

525-20
Attachment 1
Use Regulation Table

ACCESSORY USES	AR	R1	R2	R3	CN	CR	I	C
Accessory dwelling unit	S	SUP	S	S	S	S		
Day care – family home	P	P	P	P	P	P	P	P
Day care – group family home	P	P	P	P	P	P	P	P
Home occupation	S	S	S	S	S			
Cottage industry	SUP			SUP	SUP	SUP		
Agricultural Use, Personal	P	S						
Seasonal business	P				P		S	
GENERAL USES	AR	R1	R2	R3	CN	CR	I	C
Airport/heliport	S						S	
Agriculture, General	P						P	S
Agriculture, Commercial	S							
Agriculture, Commercial Stable	S							
Agriculture, Industrial	S				S	S	S	
Antenna	S						S	
Churches	S		SUP	SUP	SUP			
Club – rod and gun	P							
Club, membership	S				S	S		
Day-care center	S				SUP	S	S	
Extraction, private	P						P	S

Golf course, driving range	S							S
Kennel	SUP				SUP			
Nursing home, convalescent home	S			S	S	S		
Private school			S		S	S		
Public/government use	P	P	P	P	P	P	P	S
Public utility	S		S	S	S	S	S	S
Roadside stand	P	P	P	P	P	P		S
Stable, commercial	S							
Stable, private	P							

Section 3. Chapter 525 Zoning, Article V, Bulk and Density Control Requirements, Section 525-33, Special Dimensional Requirements is hereby amended as follows:

§ 525-33: Special requirements.

- A. Special requirements for each Agricultural Use identified and defined in §525-5 shall apply as follows:
 - 1) An Agricultural Use, General and Agricultural Use, Commercial Stable, shall have a minimum lot area of 7 acres except as otherwise prescribed by this section.
 - 2) The keeping or maintenance of animals or animal waste for any use on any parcel shall be not less than 150 feet from any residence located on another parcel.
 - 3) Any use that involves the keeping of horses, donkeys, mules, lamas, alpacas or similar animals requires a minimum lot area of one acre per said animal.
 - 4) Adequate shelter shall be provided to protect all animals on the site and adequate fencing shall be provided to secure and contain all animals on the site.
 - 5) An Agricultural Use, Commercial, shall have a minimum lot area as permitted by a Concentrated Animal Feeding Operation Permit issued by the New York State Department of Environmental Conservation, or as otherwise determined by site plan review.
 - 6) An Agricultural Use, Industrial, shall have lot sizes and minimum setbacks as required by site plan review.
 - 7) An Agricultural Use, Personal:
 - a) Within any R1 zoning district that involves animals shall have a minimum lot of 5 acres.
 - b) Within any AR zoning district that involves animals shall have a minimum lot of 3 acres.

Section 4. Inconsistent Zoning Ordinances.

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

Section 5. Effective Date.

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

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

Mark Watts from Chemung County Soil and Water Conservation District made a presentation regarding Stream Management Program.

Under Taxpayer's Comments, Eleanor Ackerson from 768 Laurel Street commented on the condition of her road and the sewer project.

Jack Andrus from 1159 Woodbine Avenue commented on a parking issue and was inquiring about signage.

Susan Noto from 760 Laurel Street commented on the new signs that were placed for Winter Parking.

Charles Collins from 436 Kinner Hill Road commented on Section 525-33 Special Dimensional Requirements in the Bulk and Density Control Requirements and definitions for Agricultural Use in 525-5.

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

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

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Carolyn A. Renko
Town Clerk