

Regular Meeting

December 11, 2007

Minutes of a Regular Meeting of the Town Board of the Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue on December 11, 2007.

Members Present: Supervisor David J. Sheen, Council Members Etta Dewey, Glenn Gunderman, Joseph Roman, Kathleen Szerszen

Other Town Officials Present: Attorney Steven Barnstead, Code Enforcement Officer Peter Rocchi, Highway Superintendent David Bachman, Assessor Bruce Stanko, Deputy Town Clerk Debbie Miller

The meeting was called to order by the Supervisor at 7:00 P.M. EST 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	\$ 1,509.89
	Fees to State & County Agencies	6,866.36
	Fitzsimmons Cemetery Lot Sales	2,200.00
Code Enforcement Officer	Building Permits	326.80
	Special Permits	-0-
	Site Plans	-0-
	Variances	225.00

Humane Society (S.P.C.A.)
Police Report
Justice Office Reports
Youth Services/Recreation/Aging

Motion was made by Council Member Gunderman, seconded by Council Member Dewey, that the Monthly Reports be accepted and filed.

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

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Correspondence was received as follows:

1. Letter to Supervisor David J. Sheen from NYS Carol Ash Commissioner of State Historic Preservation Officer RE: a matching grant of \$103,895.00 has been awarded for the Southport Recreation Improvement project
2. Letter to David J. Sheen from A.L. Clarke & Associates RE: Resignation of Ann L. Clarke as Planning Consultant to the town

Supervisor Sheen recognized Boy Scout Leader Bill Hughes and his Boy Scouts from Troop 43 of Pine City. The boys are working on communication badges which require them to attend a Town Board meeting. Supervisor Sheen thanked them for being there.

7:15 P.M. - PUBLIC HEARING - regarding adopting Local Law No. 2 of the year 2007 for Stormwater Management and Erosion and Sediment Control in the Town of Southport to include Article III Administration and Enforcement of said Stormwater and Erosion and Sediment Control Law

RESOLUTION NO. 191-2007

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 December 2007, No. 914 through No.996 , in the amount of \$164,832.25 has been audited and approved for payment by this Town Board.

AYES: Dewey, Gunderman, Roman, Szerszen, Sheen

NOES: None

CARRIED.

7:15 P.M. - PUBLIC HEARING - regarding adopting Local Law No. 2 of the year 2007 for Stormwater Management and Erosion and Sediment Control in the Town of Southport to include Article III Administration and Enforcement of said Stormwater and Erosion and Sediment Control Law

Attorney Barnstead read the legal notice that appeared in the Star-Gazette and opened the hearing to public comment. No one wished to be heard. Attorney Barnstead closed the public portion of the public hearing at 7:20 p.m.

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RESOLUTION NO. 192-2007

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that the abstract of Highway Fund Claims submitted by the Town Clerk for the month of December 2007, No. 337 through No. 358 , in the amount of \$43,645.08 has been audited and approved for payment by this Town Board.

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

RESOLUTION NO. 193-2007

AUTHORIZING PURCHASE OF FUEL OIL AT STATE PRICE

Resolution by: Roman
Seconded by: Dewey

RESOLVED, that the Highway Superintendent be and he hereby is authorized to purchase the necessary requirements of fuel oil at the New York State bid-contract price or less.

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

RESOLUTION NO. 194-2007

AUTHORIZING SUPERVISOR TO SIGN STATEMENT OF VALUES

Resolution by: Dewey
Seconded by: Roman

RESOLVED, that the Supervisor be and he hereby is authorized to sign a Statement of Values of articles of Town property and equipment, and be it further

RESOLVED, that a copy of such Statement of Values shall be filed with the Town Clerk.

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

RESOLUTION NO. 195-2007

12-11-2007 -4- Regular Meeting

NOTICE OF INTENT TO BECOME LEAD AGENCY TO ADOPT LOCAL LAW NO. 2 OF
THE YEAR 2007 FOR STORMWATER MANAGEMENT AND EROSION AND SEDIMENT
CONTROL IN THE TOWN OF SOUTHPORT TO INCLUDE ARTICLE III
ADMINISTRATION AND ENFORCEMENT OF SAID STORMWATER AND EROSION
AND SEDIMENT CONTROL LAW

Resolution by: Gunderman
Seconded by: Szerszen

WHEREAS, this Town Board has proposed and enactment of a proposed Local Law No. 2 of the year 2007 for Stormwater Management and Erosion and Sediment Control in the Town of Southport to Include Article III Administration and Enforcement of said Stormwater and Erosion and Sediment Control Law, and

WHEREAS, the project constitutes and unlisted action pursuant to the New York State Environmental Quality Review Act and the regulations promulgated thereunder, and

WHEREAS, the anticipated impact of the proposed project is of primary significance to the Town of Southport,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby finds that the action being considered is primarily of local significance, and be it further

RESOLVED, that the Town Board of the Town of Southport has the broadest power for investigation of the impacts of the proposed action, and be it further

RESOLVED, that the Town board of the Town of Southport has the greatest capability for providing the most thorough environmental assessment of the proposed action, and be it further

RESOLVED, that the Town Board of the Town of Southport in consideration of the review procedures involved and the review of the proposed action considers the environmental review process to be an important one and therefore hereby declares itself as the lead agency for the purposes of compliance with the New York State Environmental Quality Review Act and the regulations promulgated thereunder.

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

12-11-2007 -5- Regular Meeting

NOTICE OF INTENT TO BECOME LEAD AGENCY TO ADOPT LOCAL LAW NO. 3 OF
THE YEAR 2007 TO AMEND THE CODE OF THE TOWN OF SOUTHPORT TO INCLUDE
A LAW CONCERNING ILLICIT DISCHARGE DETECTION AND ELIMINATION

Resolution by: Szerszen
Seconded by: Dewey

WHEREAS, this Town Board has proposed an enactment of a proposed Local Law No.3 of the year 2007 to amend the code of the Town of Southport to include a Law Concerning Illicit Discharge Detection and Elimination, and

WHEREAS, the project constitutes an unlisted action pursuant to the New York State Environmental Quality Review Act and the regulations promulgated thereunder, and

WHEREAS, the anticipated impact of the proposed project is of primary significance to the Town of Southport,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby finds that the action being considered is primarily of local significance, and be it further

RESOLVED, that the Town Board of the Town of Southport has the broadest power for investigation of the impacts of the proposed action, and be it further

RESOLVED, that the Town board of the Town of Southport has the greatest capability for providing the most thorough environmental assessment of the proposed action, and be it further

RESOLVED, that the Town Board of the Town of Southport in consideration of the review procedures involved and the review of the proposed action considers the environmental review process to be an important one and therefore hereby declares itself as the lead agency for the purposes of compliance with the New York State Environmental Quality Review Act and the regulations promulgated thereunder.

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

12-11-2007 -6- Regular Meeting

AUTHORIZING HIGHWAY SUPERINTENDENT TO ADVERTISE FOR
BIDS FOR SEA WALL RETAINING BLOCKS

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Highway Superintendent be and he hereby is authorized to advertise for bids for Sea Wall Retaining Blocks, and be it further

RESOLVED, that such sealed bids shall be publicly opened at the Town Hall on January 3, 2008, at 10:00 A.M. EST.

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

RESOLUTION NO. 198-2007

AUTHORIZING HIGHWAY SUPERINTENDENT TO ADVERTISE FOR
PRE-CAST CONCRETE DRYWELLS

Resolution by: Gunderman
Seconded by: Roman

RESOLVED, that the Highway Superintendent be and he hereby is authorized to advertise for bids for Pre-Cast Concrete Drywells, and be it further

RESOLVED, that such sealed bids shall be publicly opened at the Town Hall on January 3, 2008, at 10:05 A.M. EST.

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

RESOLUTION NO. 199-2007

12-11-2007 -7- Regular Meeting

AUTHORIZING HIGHWAY SUPERINTENDENT TO
ADVERTISE FOR BIDS FOR TREE REMOVAL

Resolution by: Gunderman
Seconded by: Dewey

RESOLVED, that the Highway Superintendent be and he hereby is authorized to advertise for sealed bids for tree removal services for 2008, and be it further

RESOLVED, that such bids shall be publicly opened and read by this Town Board on January 3, 2008, at 10:10 A.M. EST.

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

RESOLUTION NO. 200-2007

REAPPOINTING S.WILLIAM TANNER AS A MEMBER OF THE TOWN OF SOUTHPORT
BOARD OF ASSESSMENT REVIEW

Resolution by: Gunderman
Seconded by: Szerszen

RESOLVED, that S. William Tanner be and he hereby is reappointed as a member of the Board of Assessment Review of the Town of Southport, term to expire on September 30, 2012.

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

Motion was made by Council Member Roman, seconded by Council Member Dewey to accept the resignation of Clairmont Ham in his position as a member of the Town of Southport Board of Appeals.

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

Motion was made by Council Member Szerszen, seconded by Council Member Roman to accept the resignation of Sidney Shepherd in his position as a member of the Town of Southport Board of Appeals.

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

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7:30 P.M. - PUBLIC HEARING - regarding adopting Local Law No. 3 of the year 2007 to amend the code of the Town of Southport to include a law concerning Illicit Discharge Detection and Elimination

Attorney Barnstead read the legal notice that appeared in the Star-Gazette and opened the public hearing to comment.

Quentin Halm of 824 Hazel St. asked what the law meant.

Attorney Barnstead explained that the law establishes methods for controlling improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the municipal separate storm sewer system (MS4).

Raymond Hayes of 911 Spruce Street asked if the law would affect farmers.

Highway Superintendent David Bachman said that it is intended for residential areas of the town.

Attorney Barnstead asked if anyone else would like to be heard. No one else spoke. The public portion of the hearing was closed at 7:40 p.m.

RESOLUTION NO. 201-2007

SETTING SPECIAL MEETING WITH TOWN BOARD, PLANNING BOARD AND BOARD OF APPEALS OF THE TOWN OF SOUTHPORT

Resolution by: Gunderman
Seconded by: Dewey

RESOLVED, that the Town Board, Planning Board and Board of Appeals of the Town of Southport will hold a special meeting on January 21, 2008, at 6:00 P.M. EST. to discuss proposed changes of the municipal code.

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

Discussion of property located at 1535 Maple Avenue owned by Alice Calabrese was brought before the Town Board from the November 13, 2007 meeting.

Susan Calabrese daughter of Alice Calabrese spoke on her mothers behalf. She stated that the sale of the property is still pending.

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Council Member Gunderman said that the violations Mrs. Calabrese was cited for, such as the porches, have been taken care of and he would like to see the matter closed.

Council Member Roman asked Code Enforcement Officer Pete Rocchi if he was satisfied with the condition of the property, relating to the violations that the Town Board has dealt with in the past.

Mr. Rocchi stated that the immediate dangers (porches) have been removed. The siding has been repaired on the front portion of the house and painted. The roofing has been cited, due to complaints that were brought against it. That is the only thing lacking.

Council Member Roman asked if the roof was still an outstanding issue.

Mr. Rocchi stated that the roof is in need of repair, but the immediate dangers have been addressed and adequately taken care of.

Council Member Roman asked if the issue is the roof, does it necessitate Town Board involvement opposed to standard practice between Code Enforcement and the property owner.

Supervisor Sheen said he has seen the condition of the roof. The roof is draped with a tarp and does not know how it will survive the winter.

Supervisor Sheen said he does not want to establish precedence but doesn't know how he can get away from not doing it. His opinion was if the owner wants to leave the tarp on the roof then that would be the homeowners concern. But if the roof collapses then he would have serious problems with that.

Attorney Barnstead added, for the most part the house is secure, but if the roof collapses then that would be a safety concern. At this point, to the community in general, the safety of the house is minimal. To anyone entering the property the roof would still be a concern. The main concern is dealing with the safety of the community as a whole; for the most part the owners have resolved that issue. The biggest issue for the Town is making sure that the community is being protected.

Council Member Roman reiterated that he is looking for what the standard practice is in the Town.

Susan Calabrese said that there is no serious roofing issue. There is a small divot on the roof and the only reason the tarp is covering the whole section is so the water won't run into the divot and create a major problem.

Supervisor Sheen answered, from what you have said it won't take much to repair the roof.

Susan Calabrese said it is not a major concern.

Supervisor Sheen said he was led to believe that it needed a new roof.

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Susan Calabrese said that the roof has three layers of shingles and needs to be replaced, but only one small problem area.

Supervisor Sheen asked what it would take to repair the problem.

Susan Calabrese did not know. Her mother had intentions to repair the roof but because there was a potential buyer for the house they decided to tarp the roof. The new owner has plans of replacing the roof.

Council Member Roman asked what the expectation of the Code Enforcement Officer in the Town if a resident places a tarp over their roof. What is standard policy practice.

Code Enforcement Officer Rocchi said that it depends on the severity of the damage. Ultimately the repairs must meet the property maintenance code standards that have been adopted by the Town.

Council Member Roman commented that the original concern of the property were safety issues. As he sees it the Town Board no longer needs to be involved since the main issue has been resolved. He would like to leave it up to the property owner and the Code Enforcement Office to follow the standard practice of the Town to fix the roof.

Council Member Dewey agreed with Council Member Roman that the history has been the safety issue and has been clarified and she has no problem with leaving it up to the owner and the Code Enforcement Office.

Supervisor Sheen reiterated that he is concerned about setting a precedence but he is willing to leave it between the home owner and the Code Enforcement Office. Time will tell what will happen with the roof.

Council Member Dewey asked that by the May Town Board meeting if Susan Calabrese hasn't recurred, then allow her the opportunity for a break in the weather so she can make her repairs and let the Code Enforcement Office handle it.

Council Member Szerszen made a motion, Council Member Dewey seconded to bring the issue back to the Town Board to review the condition of the property at the May meeting.

AYES: Dewey, Gunderman, Szerszen

NOES: Roman, Sheen

CARRIED.

A proposed tree policy was on the agenda for discussion. Highway Superintendent David Bachman explained once a tree has been removed from the town right-of-way the owner is prohibited from planting a tree back in the right-of-way. Once a tree is planted in the right-of-way they become the responsibility of the Town and also a serious liability of the Town if they are not taken care of in a timely manner. There are a number of issues with trees in right-of-ways such as visibility issues at intersections, roots uprooting sidewalks, interference with infrastructure. Mr. Bachman would like to see a code in place that prohibits the planting of trees in road right-of ways.

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Attorney Barnstead asked if Mr. Bachman was looking at it as an ordinance or policy.

Mr. Bachman said he would like to discuss that with him.

Attorney Barnstead said the Highway Superintendent has control over the Town right-of-ways and he can regulate what is put in there. If you would like it to be an ordinance then you have to go through the process of passing an ordinance or it can be discussed as a policy.

A proposal from RJD consulting was presented to the Town Board for computer service to the Town. The total amount of the contract price is \$5,460.00 which is within the procurement policy of the town.

Supervisor Sheen asked if anyone would like to discuss the contract.

Council Member Roman brought up the thought of looking into website and e-mail services of an outside professional sometime in the future since RJD Consulting does not provide that service.

Supervisor Sheen agreed that the Town needs a website developer and it should be a priority to get proposals in the upcoming year.

Discussion was held regarding a special permit application of William Pedrick to allow mechanical work to be performed by tenants at warehouse facilities located at 801-809 Hazel Street. A site plan was approved and a recommendation from the Town of Southport Planning Board was to approve the application with the following limitations:

Hours of operation per Planning Board

Monday – Thursday	7:00 a.m. to 9:00 p.m.
Friday	7:00 a.m. to 11:00 p.m.
Saturday	9:00 a.m. to 11:00 p.m.
Sunday	9:00 a.m. to 9:00 p.m.

Attorney Barnstead explained that there have been some concerns raised with regards to the special permit dealing with the ability of the applicant to make the request because he is not the owner of the property. Attorney Barnstead checked the ownership of the property located at 801-809 Hazel Street. It appears that the properties at 801-803 Hazel Street are owned by Lela Pedrick, 805-809 are owned by William Pedrick and his wife Christine. Correspondence was received from an Attorney of a prior owner of the property which was Mr. Pedricks Father indicating that the property was owned by Mr. William Pedrick, his sister and a step-brother. Based on Attorney Barnstead's review he questioned the letter stating they are the owners of the property because his review of the public record showed that Lela Pedrick is the owner of 801-803 Hazel Street. At the meeting William Pedrick provided Attorney Barnstead with a copy of a Power of Attorney from Lela Pedrick to himself which gives him the authority to act on her behalf and also a letter from Lela Pedrick indicating that she is giving William Pedrick the authority to act with regards to 801-803 Hazel Street. Theses documents allow William Pedrick to make decisions and make applications to the Town concerning this property.

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Other questions were raised concerning the application and some terminology that was used in the application. The original application form did indicate the properties affected by this were strictly one tax map parcel No. 109.06-2-86 listed as 803 Hazel Street. Although the correspondence received by Mr. Pedrick did say that he was wishing to involve 801-809 Hazel Street. There is an inconsistency between the letter and the application both signed by Mr. Pedrick. There is also a statement within the application that he was the legal uncontested ownership of the property at that time. We now have the legal paper work from Lela Pedrick that gives him the authority to act. The question is whether the applicant should be Lela Pedrick as the owner of the property or William Pedrick as stated on the application.

Council Member Roman asked if a technicality can be revised.

Attorney Barnstead explained that the Town ordinance with regards to special permits does not necessarily require that the applicant be the property owner. There is no actual requirement under the special permit ordinances for the Town or in the State laws. It is up to the Board whether they think it is a severe enough technicality to necessitate a denial or postponement of the passage of a resolution. There is no absolute requirement that would upset the application.

Council Member Gunderman had a question regarding the Public Notice for the Public Hearing being the wrong address of 801-809 Hazel Street and on the application states 803 Hazel Street.

Attorney Barnstead said 801-809 Hazel Street was included in the legal notice so the residents of that area were put on notice as to the properties that would potentially be affected minimizing the technicality of a lesser nature.

Other concerns that were raised were as follows:

1. The addresses published would be inclusive to all owners.
2. Planning Board acted to approve 801-809 Hazel Street
3. Is there an obligation of the applicant to correct the application paper work
4. Concerns about a house being included
5. Concern about lease contract being included in the special permit with the possibilities of it being renegotiated
6. Hours of operation
7. Property lines
8. Power of Attorney

Attorney Barnstead concluded that the Town Board has discretion in the decision making process because the Planning Board can only give a recommendation. The Town Board has the ultimate decision.

12-11-2007 -13- Regular Meeting

RESOLUTION NO. 202-2007

GRANTING SPECIAL PERMIT TO WILLIAM PEDRICK TO ALLOW MECHANICAL WORK TO BE PERFORMED BY TENANTS AT HIS WAREHOUSE FACILITIES LOCATED AT 801 HAZEL STREET TAX MAP NO. 109.06-2-1, 803 HAZEL STREET TAX MAP NO. 109.06-2-86 AND 805 HAZEL STREET TAX MAP NO. 109.06-2-85

Resolution by: Gunderman

Seconded by: Szerszen

WHEREAS, upon receipt, the Town Clerk of the Town of Southport referred the application of William Pedrick for a special permit to allow mechanical work to be performed by tenants at his warehouse facilities located at 801 Hazel Street (Tax Map No. 109.06-2-1), 803 Hazel Street (Tax Map No. 109.06-2-86) and 805 Hazel Street (Tax Map No. 109.06-2-85) Town of Southport, Chemung County, New York, to the Town of Southport Planning Board for its review, investigation, and recommendation as required by the Zoning Code of the Town of Southport, as amended, and to the Chemung County Planning Board for its review, investigation, and recommendation as required by the General Municipal Law of the State of New York, as amended, and

WHEREAS, based upon review and discussion with the applicant, the Planning Board of the Town of Southport on December 3, 2007, recommended that the Town Board approve such special permit for William Pedrick to allow mechanical work to be performed by tenants at his warehouse facilities located at 801 Hazel Street (Tax Map No. 109.06-2-1), 803 Hazel Street (Tax Map No. 109.06-2-86) and 805 Hazel Street (Tax Map No. 109.06-2-85) in the Town of Southport, including all conditions imposed by Planning Board Resolution No. 24-2007PB, but not limited to, its holding a public hearing, wherein the public was given the opportunity to speak with regards to said application after based upon review and discussion with the applicant, and

WHEREAS, the Town Board declares that this action is an unlisted action and will not have a potentially significant effect on the environment.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southport hereby recommends, that the special permit be granted to William Pedrick to allow mechanical work to be performed by tenants at his warehouse facilities located at 801 Hazel Street (Tax Map No. 109.06-2-1), 803 Hazel Street (Tax Map No. 109.06-2-86) and 805 Hazel Street (Tax Map No. 109.06-2-85), Town of Southport, County of Chemung, New York, be granted with the following stipulations:

1. That no auto sales be allowed; and
2. That the hours of operation be between 7:00 A.M. and 9:00 P.M., Monday through Friday, Saturday 9:00 A.M. and 5:00 P.M. and no Sunday hours; and
3. That tenants with a legitimate business be allowed to perform light mechanical work in a non-production capacity; and
4. That individuals be allowed to perform mechanical work on their own private property; and

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5. That the information on the application for the special permit is to be corrected to reflect the Special Permit as recommended by the Town of Southport Planning Board; and
6. That there will be no trash outside the building at any time; and
7. That there will be no illegal activities on the premises at any time; and
8. That there will be no loud activities such as, but not limited to, music, revving motors, burnouts, etc.; and
9. That no alcohol or illegal drugs are allowed on the premises; and
10. That there will be no storing of flammable liquids; and
11. That there will be no inoperable or unlicensed vehicles left outside the building overnight; and
12. That there will be no build-up of trash inside the building; and
13. That there will be no spray painting on the premises; and
14. That there will be no maintenance or work performed on vehicle outside the building; and
15. That the premises will be kept clean and safe at all times; and
16. That any vehicle elevated "up in the air" must be properly supported with secondary devices; and
17. That all standard safety protocols will apply; example: safety glasses, appropriate attire, gloves as required, etc.; and
18. That no vehicles other than those of the Lessees' will be in the building at any time; and
19. That the Lessees will be responsible for all clean-up repair to the building resulting from their activities, of the activities of their guests
20. That no torches of any kind are allowed on the premises without prior approval and attendance during use of the Lessor; and
21. That no individual will be allowed on the premises except the Lessees and their guests

RESOLVED, that this special permit shall become null and void and the same revoked in each and every instance if William Pedrick shall cause such activity to be conducted in any manner other than as set forth in this resolution, and that said special permit is also issued upon the express condition that such activity be conducted in strict conformity with any and all provisions of applicable laws, rules and regulations, including, but not limited to the Town of Southport Municipal Code, and in the event of such revocation such premises shall be used only as provided by the Zoning Ordinance and Municipal Code of the Town of Southport; any use of such premises for any other use than as authorized by this special permit and the Zoning Ordinance and Municipal Code of the Town of Southport shall be deemed a violation thereof, after notice of such revocation shall have been served personally or by registered mail on said applicant, and be it further

RESOLVED, that any alterations to the structure in which such activity is conducted must be made in conformity with the requirements of not only the Zoning Ordinance of the Town of Southport, but also the Building Code of the State of New York, as amended, and the granting of this special permit does not in any way change the provisions contained in either law or ordinance, and be it further

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RESOLVED, that in the event the activity allowed by this special permit shall not be conducted in accordance herewith for a continuing period of one year, this special permit shall become null and void without any further action by this Town Board.

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

Council Member Szerszen went over a list of projects that have been worked on over the year.

Supervisor Sheen added that the Town tax rate has decreased 24% in the past four years.

Quentin Halm of Hazel Street said that he was pleased to see that there was a positive outcome to William Pedricks request for a special permit.

Susan Calabrese thanked everyone on the Town Board for their help.

Linda Sturch of 1004 Smith Street asked when Smith Street and McHenry Street sewer project would be completed.

Supervisor Sheen responded that the original design was to go down the back of the arterial. New York State would not allow it to happen, so the project had to be redesigned. When the project went out for bid it came over bid. At this point the Town had to work with the State for more funding. Now the project has started and the odd side of Pennsylvania Avenue has been completed. Sycamore Circle will be next on the agenda. Next spring the job will be completed.

Raymond Hayes of Spruce Street had concerns about junk cars being on Spruce Street

Code Enforcement Officer Pete Rocchi said that the owner has already been cited.

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

The meeting was adjourned at 9:32 P.M.

Respectfully submitted,

Carolyn A. Renko
Town Clerk

Debbie Miller
Deputy Town Clerk

12-11-2007 -16- Regular Meeting