

REGULAR MEETING JUNE 1, 2005

A regular meeting of the Mayfield Town Board was held on Wednesday, June 1, 2005 at the Village Hall 13 North Main Street. The meeting was called to order at 6:30 PM by Supervisor Carol Hart.

The Pledge of Allegiance was led by Supervisor Hart.

PRESENT

Carol Hart, Supervisor
Lois Montanye, Councilwoman
Walter Ryan, Councilman
Doug Hill, Councilman
Kathy Sieg, Councilwoman

OTHERS PRESENT: Karen Smith, Aaron Howland, Nancy Hampton, Betty Tabor Historian, James Cownie, David Huckans, Fred Blowers, Dona Haydon, Stephen Hathaway, Jack Putman, Roy Town, Barbara Phillips, Ray Cichy, Marcia Buchner, Kathy Baker, Russ Van Valkenburgh, Chris Fonda, Mike Anich Leader- Herald, Tom Ruliffson Highway Superintendent, Michael O'Brien, Terry Collins, Alan Mikucki, Terry Collins, Joanne Pepe, Mrs. Giroux, Mrs. Hennessy, Myrna Hallenbeck, Jennifer Shaad-derby

PUBLIC-

Russell Van Valkenburgh 552 Peninsular Heights Rd- approached the board about a request he had made to the Highway Superintendent last year regarding the ditches along Perigue Road to Penninsular Heights that need to be dug. The work has not been done yet. Also garbage is being dumped on the sides of the road and requested a no dumping sign be put up.

Karen Smith Lakeside Drive- questioned how the six year plan is different from the normal way and if it still makes sense to continue with all the discrepancies their seems to be, feels it is a terrible system.

Fred Blowers – Blowers Road- questioned if the 6 year plan means some places are going to be raised every year for the 6 years.

Kathy Baker- Kunkel Point Road- stated her road was paved last year but needs the ditches dug, road is very narrow and has bottomed out several times with her car.

Aaron Howland- Warren Road- has a concern on the zoning document as his business is in a non conformant area and if his business should burn then he can't rebuild.

Terry Collins- 552 Vandenburg Point Road- questioned if they went through a reassessment last year to get to 100% now a reassessment this year how much above 100% do we need to get. Also questioned if the town board has any recourse.

Kathy Sieg Councilwoman stated she felt the town went into this last year with good intentions.

Supervisor Hart reported that the Chambers of Commerce would be hosting a "town meeting" with some of the topic being assessments, at FMCC on June 9th.

There will be a public hearing on June 13th at 2PM & 7 PM at the County Supervisor's meeting on the referendum for county wide assessing.

Roderick Macintosh- Vandenburg Point Rd- stated he doesn't have a problem with the assessment but does have a problem with the tax rate.

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Michael O'Brien- 118 Boblin Marina Drive- questioned why the town of Northampton froze their assessments and why can't we do this. Also questioned what benefit other than the \$5.00 per parcel the town gets.

Dave Huckans- 158 Eden Lane- stated the town can't look at this until after July 1st and criticized Jack Putman chairman of the Board of Assessment for having an agriculture exemption on his property.

Jack Putman- 700 St Hwy 29A- stated he is the chairman of the Board of Assessment and a farmer and explained what the agriculture exemption is. And feels he has an assessment just as high as some of the lakefront properties.

DEPARTMENT REPORTS

HIGHWAY- Tom Ruliffson Highway Superintendent reported he will be starting to pick up the garbage along side of the road. Also the garbage truck needs some major repairs and will cost in excess of \$1,000.

The Highway Committee will meet to review the state bid on the new garbage truck.

Tom Ruliffson Highway Superintendent questioned when the equipment needs to be delivered to the town beach. Also had done a survey of the dead trees at the beach and was awaiting approval from HRBRRD to cut the trees.

MUNICIPAL BUILDING- Supervisor Hart reported that the floor plans had been submitted to the fire district and was awaiting word back from the district.

BEACH- Councilman Ryan reported that the safety plan had been revised by Councilman Hill and submitted to the Dept of Health for the beach.

RESOLUTION # 86 APPROVE STAFF FOR THE TOWN BEACH

On motion by Councilman Ryan and seconded by Councilwoman Sieg the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board approves the appointment of the following as staff for the town beach for 2005.

Sue Warner	director	\$410. Weekly
Desiree Harnish	Head Lifeguard	\$10.00 per hour
Sarah Brand	Lifeguard	\$9.25 per hour
Megan Olds	Lifeguard	\$9.25 per hour
Megan Toohey	Lifeguard	\$9.25 per hour
Joseph Tychostop	Lifeguard	\$9.25 per hour
Stephen Tychostop	Lifeguard	\$9.25 per hour
Jessica Cichy	Lifeguard	\$9.25 per hour
Danielle Ferry	Lifeguard	\$9.25 per hour
Nicole Wicksell	Lifeguard	\$9.25 per hour
Kayla Gottobed	Lifeguard	\$9.25 per hour

Councilman Ryan reported that the grant for the beach is progressing fast and needs to be filed by June 30th.

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RESOLUTION # 87 ISSUE NEGATIVE DECLARATION PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATIVE TO ADOPTION
OF THE TOWN OF MAYFIELD ZONING LAW

On motion by Councilman Ryan and seconded by Councilman Hill the following
resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

WHEREAS, the Town Board of the Town of Mayfield (hereinafter the "Town Board") is
considering adoption of its first comprehensive zoning law (the "Zoning Law") pursuant
to authority granted to it by the Town Law and the Municipal Home Rule Law;

WHEREAS, on May 4, 2005, the Town Board accepted the Final Report of the Town of
Mayfield Zoning Commission;

WHEREAS, pursuant to the State Environmental Quality Review Act codified at Article
8 of the New York Environmental Conservation Law and 6 NYCRR Part 617
("SEQRA") the Town Board characterized the adoption of the Zoning Law as a SEQRA
Type I Action and caused to be prepared a Full Environmental Assessment Form dated
June 1, 2005 (thereafter the "FEAF") relative to the adoption of the Zoning Law;

WHEREAS, the Town Board has reviewed part I of the FEAF and deemed same
adequate and complete relative to the adoption of the Zoning Law;

WHEREAS, the Town Board has prepared Part 2 of the FEAF relative to adoption of the
proposed Zoning Law;

WHEREAS, the Town Board is the only SEQRA "Involved Agency", as that term is
defined by the SEQRA regulations at 6NYCRR 617.2 (s)

WHEREAS, the Town Board desires to make its determination of significance for the
adoption of the Zoning Law in accordance with the SEQRA regulations at 6 NYCRR
617.7;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN
OF MAYFIELD AS FOLLOWS:

1. Based upon a thorough examination and analysis of the FEAF and review of the
SEQR regulations at 6 NYCRR 617.7 and based further on the Town Board's knowledge
of the Zoning Law and such further investigation of its environmental effects as the Town
Board has deemed appropriate, the Town Board finds as follows:

A. the adoption of the Zoning Law will not cause a substantial adverse change in
existing air quality, ground or surface water quality or quantity, traffic or noise levels or a
substantial increase in potential for erosion, flooding, leaching or drainage problems;

B. the adoption of the Zoning Law may have a small to moderate positive impact
on water resources by regulating lakeshore development;

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C. the adoption of the Zoning Law will not cause the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any residence or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

D. the adoption of the Zoning Law will not cause the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR 617.14(g);

E. the adoption of the Zoning Law will not cause the creation of a material conflict with the Town of Mayfield's current plans or goals as officially approved or adopted;

F. the adoption of the Zoning Law will not cause the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character,

G. the adoption of the Zoning Law may have a small to moderate positive impact of preserving aesthetic resources important to the community;

H. the adoption of the Zoning Law will not cause a major change in the use of either the quantity or type of energy;

I. the adoption of the Zoning Law will not cause the creation of a hazard to human health;

J. the adoption of the Zoning Law will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

K. the adoption of the Zoning Law may have a small to moderate positive impact of preserving agricultural resources;

L. the adoption of the Zoning Law may have a small to moderate positive impact of preserving open space and recreational opportunities;

M. the adoption of the Zoning Law may have a small to moderate positive impact by promoting efficient traffic circulation and adequate parking,

N. the adoption of the Zoning Law may have a small to moderate positive impact of regulating noise and odor impacts;

O. the adoption of the Zoning Law will not cause the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the adoption of the Zoning Law;

P. the adoption of the Zoning Law will not cause the creation of a material demand for other actions that would result in one of the above consequences;

Q. the adoption of the Zoning Law may have a small to moderate positive impact allowing for reasonable growth and development within the physical limitations of the land, preserving the natural and scenic qualities of the land and enhancing the appearance of the Town of Mayfield;

R. the adoption of the Zoning Law may have a small to moderate positive impact by facilitating efficient and adequate provision of public facilities and services, promoting pedestrian safety and protecting the natural resources;

S. the adoption of the Zoning Law may have a small to moderate positive impact by allowing for reasonable growth and development, promoting the design and use of land and buildings to maintain the existing neighborhoods and sense of community,

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promoting the retention and creation of local employment opportunities, preserving the natural and scenic qualities of the land, enhancing the appearance of the Town of Mayfield and protecting the character of the Town of Mayfield;

T. the adoption of the Zoning Law will not cause changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment and

U. the adoption of the Zoning Law is not one of two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

2. The Town Board has considered, for the purpose of determining whether the enactment of the Zoning Law may cause any of the impacts listed in paragraph 1 hereinabove, reasonably related long-term, short-term, indirect and cumulative impacts, including other simultaneous or subsequent actions which are: included in any long-range plan of which the enactment of the Zoning Law is a part; likely to be undertaken as a result thereof; or are dependent thereon.

3. The Town Board has further considered the significance of any likely consequence of the enactment of the Zoning Law in connection with; its setting, its duration, its irreversibility; its geographic scope, its magnitude; and the number of people affected.

4. Based upon the foregoing investigation of the potential environmental impacts of the enactment of the Zoning Law Action and considering both the magnitude and importance of any environmental impact therein indicated, the Town Board makes the following additional findings and determinations with respect to the Action:

A. The Action constitutes a "Type 1 Action" as defined by the SEQRA regulations at 6 NYCRR 617.2 (ai);

B. The Action will result in no significant environmental impacts and therefore is one which will not have a significant effect on the environment. Therefore, the Town Board hereby determines that the enactment of the Zoning Law will not have a significant effect on the environment, and the Town Board will not require the preparation of an "Environmental Impact Statement" with respect to the enactment of the Zoning Law; and

c. As a consequence of the foregoing, the Town Board has decided to prepare a "Negative Declaration" with respect to the enactment of the Zoning Law.

5. The Supervisor is hereby authorized to file a Negative Declaration with respect to the Action in the main office of the Town, to publish notice of Negative Declaration in the statewide Environmental Notice Bulletin and to provide a copy of the "Negative Declaration" to any person that requests a copy.

6. This Resolution shall take effect immediately.

CORRESPONDENCE

Letters from Dave Agee & Mr. House regarding the assessment issue were received.

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RESOLUTION # 88 AUTHORIZE SUPERVISOR HART TO SIGN CONTRACT FOR PORTA POTTIES

On motion by Councilman Ryan and seconded by Councilwoman Montanye the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board authorizes Supervisor Hart to sign the contract with Adirondack Septic for 3 porta potties to be used at the town beach from 6/05 to 9 /05.

REMINDERS

June 15th 7:00 PM Public hearing on Zoning Document at Village Hall

Possible town meeting- July 16th 9AM at Mayfield High School Auditorium

RESOLUTION # 89 SET SPECIAL MEETING FOR JULY 16, 2005

On motion by Councilman Ryan and seconded by Councilwoman Sieg the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board approves to set a special meeting on Saturday, July 16, 2005 at 9:00 AM at the Mayfield Central High School Auditorium

RESOLUTION # 90 AUTHORIZE SUPERVISOR HART TO SIGN MVP HEALTH INSURANCE

On motion by Councilwoman Sieg and seconded by Councilman Ryan the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board approves to authorize Supervisor Hart to sign MVP Health Insurance contract to include a student rider policy.

SPRING CLEAN UP figures were submitted and the dates of September 15- 17 will be the fall clean up days.

Councilman Hill requested the town board meet with the town attorney to discuss the town's options regarding the six year plan and other assessment issues. A suggestion by Councilman Ryan was to have a representative from Real Property also attend the meeting in July.

PUBLIC/ OTHER

Russell Van Valkenburgh – stated he doesn't feel that we have anyone watching over the assessment department and didn't feel people were treated nicely when trying to get answers from the department.

Joanne Pepe- Questioned if the town couldn't throw this out and start over.

Roy Town- questioned how the town of Northampton froze their assessments.

Marcia Buchner- questioned who the assessor is accountable to. Also how long the assessor is appointed for.

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Dave Huckans- reminded the people of the June 9th meeting at FMCC and also asked if the town board would contact before the June 15th meeting 3 attorneys that have trial experience in tax law.

Mike O'Brien – questioned if the public would be given answers the questions they had earlier given at the June 15th meeting.

Barbara Phillips- questioned if there was any basis in family income for paying of taxes.

Mike O'Brien – questioned if county sales tax was raised would it help on the county taxes.

RESOLUTION # 91 MOVE INTO EXECUTIVE SESSION

On motion by Councilman Ryan and seconded by Councilwoman Montanye the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board approves to move out of Regular session and into executive session at 8:54PM for the purpose of personnel.

RESOLUTION # 92 MOVE OUT OF EXECUTIVE SESSION

On motion by Councilwoman Montanye and seconded by Councilman Hill the following resolution was ADOPTED 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

RESOLVED that the Mayfield Town Board approves to move out of executive session and back into regular session at 9:27 PM.

On motion by Supervisor Hart and seconded by Councilwoman Sieg the meeting was adjourned at 9:28 PM 5 AYES (Hart, Montanye, Ryan, Hill, Sieg) 0 NAYS

Respectfully Submitted;

Dorothy Hart, Town Clerk