

TOWN OF URBANA  
REGULAR BOARD MEETING  
March 15, 2011

The Urbana Town Board held its regular meeting on Tuesday, March 15, 2011 at 7:00 p.m. in the Town Hall, 8014 Pleasant Valley Road, Bath, New York.

PRESENT:	Gordon Lanphere	Supervisor
	Joe Carroll	Councilman
	Paul Martuscello	Councilman
	Jim Presley	Councilman
	Barb Yahn	Councilwoman
	Mary Farmer	Clerk

OTHERS PRESENT: John Jensen, James Draper, Bethany Draper, Pat French, Scott Sprague, Bub Robinson, Anne Green, Tom Pietsch, Nancy Snyder, Brian Snyder, Larry Foster, Michael Hanna, Paul Wilson, Steve Veley, Cindy Tallo, Jim Keena, Carla Ridge and Mary Perham.

Supervisor Lanphere opened the Public Hearing on the Town Dog Law at 7:01. There were no questions or comments. The Public Hearing was closed at 7:04 and opened the regular meeting.

***Public Comment***

No public comment.

***Minutes***

On motion by Councilman Presley, seconded by Councilman Carroll and carried, all voting Aye to approve the minutes of February 15, 2011.

***New Business***

**Keuka Maid**

Supervisor Lanphere reported there is nothing new with the eviction process other than Mr. Pfunter's attorney's appealing the eviction. Councilman Martuscello asked if there has been a hearing date set and Mr. Lanphere said nothing has been scheduled yet.

***Curtiss Building Committee Presentation***

Scott Sprague started with an overview of the committee's duty and presented a power point presentation for a Curtiss Civic Center. Councilman Martuscello added that the Town of Big Flats is the envy of Chemung County who spent over \$1,000,000.00 on a new community center and will be adding a gym and auditorium. He added that Robert Newlin from Big Flats would gladly accept phone calls if anyone would like more information. Mr. Martuscello will supply the number. Councilman Carroll thanked the committee for their hard work and Supervisor Lanphere asked the community to give us their ideas. Councilwoman Yahn also thanked everyone and thought there were some great ideas.

Nancy Snyder, S. Valley Road, Hammondsport asked about the sale of the current Town Hall. Supervisor Lanphere said there have been a couple of inquiries who have expressed interest. He said the Town would not take the first offer but would instead make sure we get the best price. He said there is a lot to do and the Town will not rush to do anything. Supervisor Lanphere added the Town will benefit from owning the Curtiss School building.

Tom Pietsch, Fish Hatchery Rd. Bath asked again about extra personnel to help run the school building. Councilman Martuscello said one possibility might be a shared services agreement with the school to have Don Gardiner take care of things.

There was discussion about the two other offers for the school. One offer was from Carmen Kramer and one from Peter Krog partnering with Arbor Development for another housing project

which would continue to leave the property off the tax rolls. It was discussed that there would be more revenue generated by selling the current Town Hall than the Curtiss property would produce.

***Parks & Recreation***

Councilwoman Yahn explained that the NYS Department of Health has new standards and has changed our summer program to now operate as a camp. She explained that she met with the representatives from Pulteney and Wayne and they need to back to their Boards with the new information. The program will not move forward without their commitment and added this should not be a big financial change for the program. Mrs. Yahn explained how town budgets have already been established and then to change things halfway through is not reasonable. Councilman Martuscello suggested the Towns stand up to the State like the County Clerks did regarding the issuing of licenses to illegals.

***J. O'Connell & Associates***

Gary Rouleau spoke to the Board about NYS and Federal grants. He explained there are new guidelines regarding shared services and how the governor wants shared services, consolidation and dissolutions. He said there are economic development (EFP) grants available with a tentative deadline of September 1<sup>st</sup>. He said there are NYSERTA grants available for energy efficiency that might be good for the Curtiss School. Mr. Rouleau said a lot of grants support 501C3's and Mr. Martuscello noted how easy it would be to set one up.

There was dialogue about the waterfront park and the grants which have been submitted and not funded. Councilman Carroll asked if we should scale back on the requested amount in order to get some of the funding. Mr. Rouleau agreed and said he would bring NYS Parks & Rec representative, Laurie Moore back in June with the new guidelines.

***Town of Urbana Dog Law***

On motion by Councilman Martuscello, seconded by Councilwoman Yahn and carried, all voting Aye to approve the Town of Urbana Dog Law.

**Chapter 47**

**Dogs**

**Article I**

**Dog Control**

- § 47.1 Purpose
- § 47.2 Statutory Authority
- § 47.3 Title
- § 47.4 Definitions
- § 47.5 Prohibited Actions
- § 47.6 Licensing of Dogs
- § 47.7 Enforcement
- § 47.8 Penalties
- § 47.9 Interference with Officers

**ARTICLE I**

[Amended and Adopted 01-18-2011 as L.L. No.1 – 2011]

**§ 47-1. Purpose**

The Town Board of the Town of Urbana finds that uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons and damage to property and has created nuisances within the Town. The purpose of this article is to protect the health, safety, and well-being of persons and property by imposing restrictions on the keeping and running of dogs within the Town.

**§ 47-2. Statutory Authority**

This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

**§ 47-3. Title**

The title of this article shall be the “Dog Control Law of the Town of Urbana”.

**§ 47-4. Definitions**

Used as in this Article, the following words shall have the following respective meanings:

Dog – Male and Female, licensed and unlicensed, members of the species *Canis familiaris*.

Dog Control Officer – A dog control enforcer on or after January 1, 1980.

Owner – The person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog, unless the dog is or has been lost and such loss was promptly reported to the Dog Control Officer and a reasonable search has been made. If a dog is not licensed, the term “owner” shall designate and cover any person or persons, association, corporation who or which, at any time, owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought, or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging violation of this article shall be held and deemed to be the “owner” of such dog for the purpose of this article. In the event that the “owner” of any dog found to be in violation of this Article shall be under eighteen (18) years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violations of the Article.

Town – The Town of Urbana

**§ 47-5. Prohibited Actions**

It shall be unlawful for any owner of any dog in the town to permit or allow such dog to:

- A. Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such person. For the purpose of the Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual loud howling, barking, crying, or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- C. Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property without the consent or approval of the owner thereof.

- D. Chase, jump upon or at, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- E. Habitually chase, run along side of, or bark at motor vehicles, motorcycles, or bicycles while on a public street, highway, or upon private property without the consent or approval of the owner of such property.
- F. Create a nuisance by defecating, urinating, or digging on public property or on private property without the consent of the owner of such property.

**§ 47-6. Licensing of Dogs**

- A. All dogs in the Town of Urbana must be licensed by the Town Clerk by the age of 4 months and are required to present a Certificate of Rabies at the time of licensing or the renewal of an existing license.
- B. All dogs must carry an identification tag.
- C. All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.
- D. Fees for licensing of Dogs: The fee for a spayed or neutered dog will be \$7.50 (which will include the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unsprayed or unneutered dog will be \$15.50 (which will include the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board if deemed necessary.
- E. The fee for a replacement tag will be \$3.00 per tag.
- F. A ten dollar (\$10.00) late fee shall be assessed for a renewal received after the tenth day of the following month of which the license is due.
- G. Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to owners of all dogs found to be un-renewed or unlicensed at the time of the enumeration.
- H. The Town of Urbana will issue Purebred licenses with a fee of \$30.00 plus a fee of \$3.00 for each unsprayed/unneutered dog and \$1.00 for each spayed or neutered dog to be assessed for the purpose of carrying out animal population control up to 10 dogs; \$60.00 for 11-25 dogs, and \$100.00 for 26 or more.
- I. Service dogs. The Town of Urbana will require a license for all guide dogs, service dogs, hearing dog or detection dog.
- J. The Town of Urbana does not allow the licensing of dogs by an animal shelter. The shelter must send the adoptive dog owner to the Town Clerk of the Town or City in which the dog will be harbored for licensing.
- K. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing by mail, the appropriate fee must accompany the forms. There will be no refund of fees.

**§ 47-7. Enforcement**

- A. The dog control officer or any peace officer shall seize any unlicensed dog, whether on or off the owner's premises, any dog not identified and which is not on the owners premises. Such dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law. The dog control officer or peace officer may also investigate and report to a Town Justice of the Town any dangerous dog, as described by Article 7 of the Agriculture and Markets Law and see that the order of the Town Justice in such case is carried out.
- B. The dog control officer or peace officer having reasonable cause to believe that a person has violated the Article shall issue and serve upon such person an appearance ticket for such violation.
- C. Any person who observes a dog in violation of this Article may file a complaint under oath with a Town Justice of the Town, specifying the nature of the violation, the date thereof, a description of the dog, and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this article.

**§ 47-8. Interference with officers**

- A. No person shall hinder, harass, resist or oppose the Dog Control Officer, peace officer or other person(s) authorized to administer or enforce the provisions of this Article in the performance of the officer's duties under the Article.

**§ 47-9. Penalties for offenses**

- A. Fees for seizure of dogs. The fee for seizure and impoundment of dogs in violation of this law or the Laws of New York State Department of Agriculture and Markets are as follows: First Offense: The same impoundment and euthanasia fees per animal that are charged to the Town for such services; Second Offense: \$60 plus the impoundment and euthanasia fees per animal.
- B. Any person convicted of a violation of this Article shall be liable to a civil penalty not to exceed fifty dollars (\$50) for the first violation, not exceeding seventy five dollars (\$75) for the second violation and not exceeding one hundred dollars (\$100) for each subsequent violation.
- C. Each week's continued violation shall constitute a separate violation.
- D.

***Mooring Request***

On motion by Councilman Carroll, seconded by Councilman Martuscello and carried, all voting Aye to deny Mr. Kingham's request to moor his sail boat off the future park property. The Board suggested Mr. Kingham contact Brian Snyder at Village Shores Marina and that if there is an opportunity to moor at that site in the future, the Board will contact him.

***Chamber of Commerce Palette Sponsorship***

On motion by Councilman Presley, seconded by Councilman Carroll and carried, all voting Aye to sponsor an artist for the 2011 Palettes of Keuka.

***I-86 Travel Guide Request***

On motion by Councilman Presley, seconded by Councilman Carroll and carried, all voting Aye not to advertise in the guide.

***Supervisor's Report and Abstract***

On motion by Councilman Martuscello, seconded by Councilman Presley and carried, all voting Aye to approve the February 2011 Supervisor's Report and the March 2011 Abstracts.

***Other Business/Public Comment***

Councilman Martuscello talked to the Board about past board members impersonating town officials. He would like old board members to inform the current Board what they are doing as a common courtesy. Mr. Martuscello said they have no right soliciting money on behalf of the Town and that there was never an offer made to Town officials to buy lake front property. He recommends that all work being done by previous town officials discontinue immediately. Councilwoman Yahn suggested that had the Town Board been behind the request, there would have been a better chance of getting the funding.

Steve Veley, Coryell Rd., Wayne, commented that he is not for the purchase of the Curtiss School but the presentation was good and had very good information. His concern is that any money the Town has should go for the kids and to keep the summer program running. Councilwoman Yahn reiterated that at this point we have no idea about what, if any, it will increase the operating expenses for the program. She also said the Town of Urbana needs to be respectful of the other towns involved. Councilman Carroll said that Supervisor Lanphere and Councilwoman Yahn just brought this information back from a meeting they attended and no decisions can be made at this time because there is not enough information.

Village Trustee, Larry Foster, talked to the Board about the problems with off street parking in the village. Mr. Foster asked if the Town would be willing to sell the old town barn to the Village. Supervisor Lanphere told him the Town Board has already talked about a parking lot on this site. Councilman Martuscello suggested it be sold and put on the tax rolls, Councilman Carroll recommended the property be maintained no matter what is done with it and Supervisor Lanphere said he would look into it.

Bub Robinson, Mitchellsville Hill Rd., Bath had questions regarding the percentage of tax decrease he should have seen on his tax bill. The Board explained how the Town tax did go down but the county tax has been increasing. Mr. Robinson also asked the Board to get microphones because he can not hear them.

With no further business, on a motion of Councilman Martuscello, seconded by Councilman Presley, the meeting was adjourned at 8:32 p.m. Carried unanimously.

Respectfully submitted,

Mary M. Farmer  
Town Clerk