

**TOWN OF URBANA  
REGULAR BOARD MEETING  
April 16, 2013**

The Urbana Town Board held its Regular Meeting Tuesday, April 16, 2013 at 6:30 p.m. in the Town Hall, 8014 Pleasant Valley Road, Bath, New York.

PRESENT:	John Webster	Supervisor
	John Jensen	Councilman
	Jim Presley	Councilman
	Tom Chadwick	Councilman
	Christine Kolo	Councilwoman
	Mary Farmer	Town Clerk

OTHERS PRESENT: Lucinda Whitney, Anne Green, Don Patione, Gary Vogt and Lance Locey.

Supervisor Webster opened the meeting at 6:34 p.m. and immediately opened the **Public Hearing for a Moratorium on fracking.**

Lucinda Whitney spoke and said she has 230 acres that has been in her family for three generations and she would like the freedom of choice in regards to gas drilling. There were no other comments. At 6:35 pm on motion by Councilman Chadwick, seconded by Councilwoman Kolo and carried, all voting Aye to close the Public Hearing.

Supervisor Webster explained the reason for the new flat screen TV in the board room. The court had an opportunity to apply for state grant money and chose to apply for a television and DVD player for jury selection training and two new computers for the Court Clerk's. The court was awarded the grant.

**Minutes**

On motion by Councilman Jensen, seconded by Councilman Presley and carried, all voting Aye to approve the Minutes of March 19, 2013.

On motion Councilman Presley, seconded by Councilman Chadwick and carried, all voting Aye to approve the Minutes of March 25, 2013.

**Abstracts**

On motion by Councilwoman Kolo, seconded by Councilman Chadwick and carried, all voting Aye to approve the April 2013 Abstracts except #778.

On motion by Councilman Jensen, seconded by Councilwoman Kolo and carried, all voting Aye to approve April 2013 Abstract # 778. Councilman Presley abstained.

**Accounting Transfers**

On motion by Councilwoman Kolo, seconded by Councilman Chadwick and carried, all voting Aye to approve the following accounting transfers.

Debit:	A3021	NYS JCAP 2013 Court Grant	\$758.52
Credit:	A1110.40R	NYS JCAP 2013 Court Grant	\$758.52

**Jeremy Fields**

Supervisor Webster has heard nothing from Mr. Fields.

**Parks Advisory Committee Report**

Committee members set flags on the trail from Champlin Beach to Main Street and Councilmen

Jensen and Chadwick walked the trails with a DEC representative. The Committee wants the main trails to be bicycle and ADA accessible. The Board discussed the possibility of property exchange with the Hammondspport School and it was noted that SCIDA believes ARC grant may possibly be available.

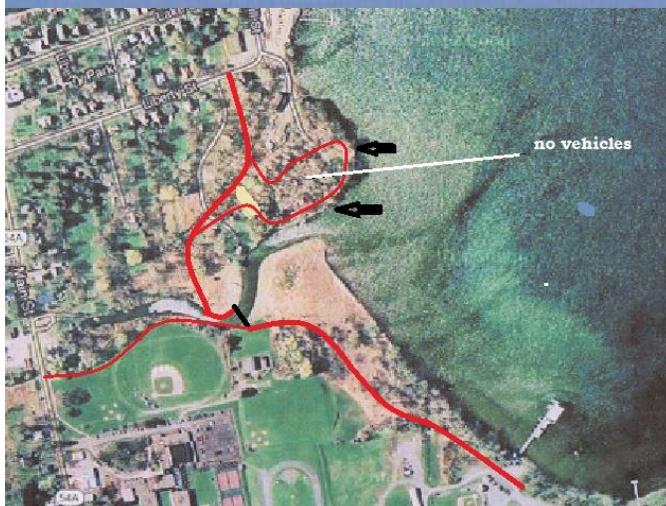
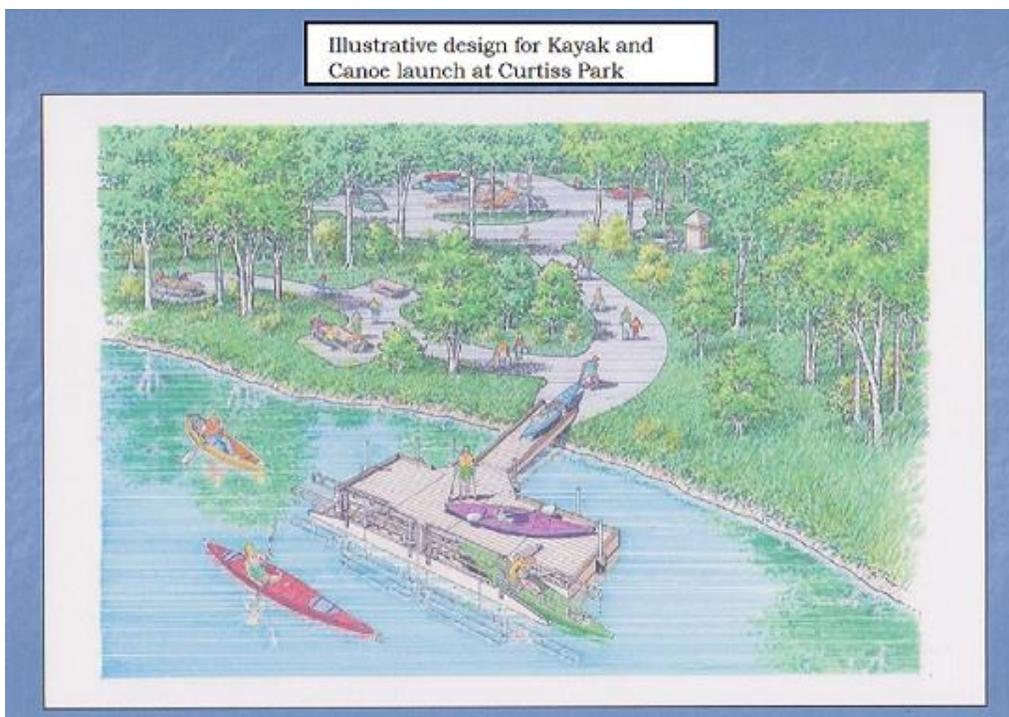
**Parks Advisory Committee April Report and Recommendations:**

*Since our regular March meeting the Committee has met to map the proposed Curtiss Park Trails. A group marked the trail south of the stream with stakes and flags (noting coordinates and distances). Tom Chadwick and I reviewed the trail and bridge location with a DEC rep. The trails north of the stream will be marked as weather permits.*

*At our April meeting, the Committee discussed facilitating kayaks and canoes in Curtiss Park. This illustration shows an accessible kayak/canoe launch. We also discussed limitations on cars & trucks. If cars and trucks come into the inlet area, it might become a parking lot & turn around. By limiting vehicles the park can be more natural and peaceful as intended. Also with such a restriction, only carry-in crafts will be launched here.*

*The consensus of the committee is:*

- 1) that such a public kayak/canoe facility be included in Curtiss Park.*
- 2) That cars be allowed only in a designated parking areas north of the old RR bed.*
- 3) It is also the committee's recommendation that all the primary trails (red lines) be ADA accessible and that the 'Village to Champlin' trail (including bridge) be suitable for bicycle traffic as well. (bolder red line)*



### **Road Use Agreements**

Supervisor Webster talked about the presentations by Hunt and Delta Engineers' and asked the Board for their opinions. The consensus of the Board was to accept Delta.

On motion by Councilwoman Kolo, seconded by Councilman Presley and carried, all voting Aye to approve hiring Delta Engineers when the Town is ready to begin the process.

### **Sewer System Placement**

Attorney Ryan talked about the Village of Hammondsport requesting potential placement of sand filters in Curtiss Park. Mr. Ryan said that private donations were made to purchase real property specifically for a park and no other purpose. He said by allowing it to be something else would be a breach of representation due to the Town Board at the time of solicitation, accepted it under those terms.

### **MEMO FROM ATTORNEY RYAN**

*To: TO: TOWN BOARD MEMBERS OF  
THE TOWN OF URBANA  
FROM: JOHN J. RYAN, JR. ESQ  
RE: REAL PROPERTY MATTERS  
DATED: April 8, 2013*

*This Memo addresses several real property matters which were mentioned at the Board's regular March, 2013 meeting.*

- 1. At the presentation of the Advisory Park Committee report by Board Member, Jensen, a request was made to research the legality and the process of the Town and School District exchanging ("swapping") real property. General Municipal Law Section 72-h authorizes a Town to exchange real property with a school district. The exchange can be made with or without any payment. The terms and conditions of the exchange must be approved by the Town Board and the Board of Education. If an exchange is agreed to, then surveys of the parcels would need to be prepared. Thereafter, quit claim deeds would be exchanged between the Town and the School District.*
  
- 2. Curtiss Park. There is discussion in the minutes of the Park Advisory Committee pertaining to the possibility of allowing the Village to locate sand filters within the Park. The funds used to purchase the Park property came from private donors who made gifts to the Town based upon the Town's expressed representation that the monies would be used to purchase real property which would be dedicated as a public park. By accepting these donations, the Town, through its Board, expressly assumed an obligation that the funds be used for the acquisition of real property which would then be held in trust for use by the public as a park. To permit a use which is not compatible with the purpose of a public park would be a breach of the Town's specific representation to the public and, more specifically, the generous donors. Given the foregoing history, it is my legal opinion that the Town Board should not permit any use which is not directly related to enhancing the nature, character and quality of the Park. To do so could expose the Town to legal actions by one or more of the donors seeking return of their donation on the ground of the Town's misrepresentation in soliciting the funds and the Town's breach of its fiduciary duty to use the land for public park purposes.*

On motion by Councilman Chadwick, seconded by Councilman Jensen and carried, to support Attorney Ryan's opinion and not permit any use which is not directly related to enhancing the

nature, character and quality of the Park in Curtiss Park, all voting as follows:

Supervisor Webster	Aye
Councilman Jensen	Aye
Councilman Presley	Aye
Councilman Chadwick	Aye
Councilwoman Kolo	Aye

#### **Additional Park Property Discussion**

Councilman Chadwick added that Attorney Ryan will take the deeds of Depot Park and Champlin Beach and render an opinion at the May 21, 2013 meeting.

#### **Highway Storage Barn**

Councilman Chadwick and Superintendent Buckley met with the builders who suggested a lighter material be used instead of the original bid specs. The material stretches better and tighter allowing a longer life span and the cost will be less. The price will be reduced by \$4,500 with a new total of \$95,144.

On motion by Councilman Presley, seconded by Councilwoman Kolo and carried, all voting Aye to amend the specs on the original bid for the lighter material, authorize Superintendent Buckley to sign the changed bid specs and approve the 20% down payment be made.

#### **Park Use Permit – Russell Deuel**

On motion by Councilman Jensen, seconded by Councilman Chadwick and carried, all voting Aye to approve the Park Use Permit for Mr. Deuel's wedding on August 10, 2013.

#### **Park Use Permit – Curtiss Museum Seaplane Homecoming**

Tabled until the May meeting.

#### **Hammondsport Chamber – Palettes of Keuka**

On motion by Councilman Presley, seconded by Councilman Chadwick and carried, all voting Aye to approve sponsoring a palette for \$150. Councilman Jensen recused himself due to his association with the Chamber.

#### **KWIK Resolution**

**2013 – 4**

#### ***A Resolution of the Keuka Watershed Improvement Cooperative***

#### ***Authorizing a KWIC Contingency Plan for the Absence of the Watershed Manager***

The Keuka Watershed Improvement Cooperative Board of Directors enacted this Resolution on February 25, 2103

I, Mary Farmer, Town Clerk, of the Town of Urbana, 8014 Pleasant Valley Rd., Bath, NY 14810, do hereby certify that the following resolution was adopted at a meeting of the Town Board held on April 16, 2013, and is incorporated in the original minutes of said meeting.

WHEREAS, In the absence of the Watershed Manager a plan is needed for the Implementation of the KWIC Wastewater Management Program.

RESOLVED: That KWIC enter into a contingency plan with the approval of the Town of Urbana and the Yates County Soil and Water Conservation District for employee time, travel and compensation.

RESOLVED: That the KWIC Clerk be and hereby is directed to forward certified copies of this resolution to the appropriate KWIC Officials.

On motion by Councilman Chadwick, seconded by Councilman Jensen and carried, to authorize a KWIC contingency plan for the absence of the Watershed Manager, all voting as follows:

Supervisor Webster	Aye
Councilman Jensen	Aye
Councilman Presley	Aye
Councilman Chadwick	Aye
Councilwoman Kolo	Aye

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Mary M. Farmer

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Date

#### **Excess Highway Equipment**

On motion by Councilman Chadwick, seconded by Councilman Presley and carried, all voting Aye to declare the following equipment excess:

1. 1990 Volvo 6 wheeler equipped with a sanding unit.
2. 1996 Volvo 10 wheeler dump truck.
3. Emyre chipper spreader Serial # K5125.

#### **Fire District Lease**

On motion by Councilman Presley, seconded by Councilman Jensen and carried, all voting Aye to approve the updated Fire District Lease.

#### **Little League Lease**

The Board will revisit this at the next meeting. Attorney Ryan will add to the lease that if the Little League ceases to provide baseball services, it will be considered a material breach and the lease will be void.

#### **Public Input**

Village Trustee Anne Green said in regards to the concerns about sand filters in Curtiss Park that the filters would not interfere with a traditional park.

Lance Locey asked that the Board keep Keuka Water Sports in mind in regards to the Seaplane Homecoming.

With no further business, on a motion by Councilman Chadwick, seconded by Councilman Presley, the meeting was adjourned at 7:32 p.m. Carried unanimously.

Respectfully submitted,

Mary Farmer  
Town Clerk