

TOWN OF URBANA
REGULAR BOARD MEETING
April 19, 2011

The Urbana Town Board held its regular meeting on Tuesday, April 19, 2011 at 7:00 p.m. in the Town Hall, 8014 Pleasant Valley Road, Bath, New York.

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

OTHERS PRESENT: Dick Leonberger, Bub Robinson, Jordan Burdick, Pete Yartym, Pete Swarthout, James Stone, John Jensen, Tomas Klaseus, Dick Frey, Don Patoine, Jered Fletcher, Trina Fletcher, Nellie Tobias, Brian Snyder, Catherine Rees, Gary Vogt, Larry Foster, Scott Kolo, Christine Kolo, Anne Green, Steve Veley, Bev Webster, Carla Ridge, John Webster and Lance Locey.

Public Comment

Pete Yartym asked questions about zoning on the Curtiss School and Depot properties. He also questioned the use of the old town barn. Mr. Yartym wanted to know if the law suit the Town has against the school regarding the vote was still in effect. Councilman Carroll and Supervisor Lanphere explained how the Town is exempt from zoning and as a result there will not be an issue in the future of what the Town can do with the Curtiss building. They explained that no one has been left in the dark about anything and that there is no law suit going on. They explained the Town's position on the wording of the ballot and the Town is not against a vote but would like the wording correct as to what the people should be voting on. They also explained that an Article 78 allows for a third party to look at the situation and to make an objective decision. There is no law suit involved and the petitioners should stop spreading such rumors. If anyone is causing taxpayer's money to be spent it is the petitioner's. Had the sale gone through, the school would have \$300,000.00 cash and now the school will end up with nothing due to the NYS budget being passed.

Councilman Carroll talked about the contract the Town has with the school and that the Town hired a lawyer to look out for the Town's interests and the interests of the residents. Supervisor Lanphere said he has talked to several people who signed the petition and said they were lied to about what it is they were voting on. Councilwoman Yahn said the issue will be going to a vote and the only concern is the wording on the referendum. Bub Robinson said he has lived here 75 years and this is the first time the Town has ever sued the school. John Webster also asked about a law suit and again the Board explained this is not a law suit. Councilwoman Yahn again said they just want a third party to answer some questions.

Gary Vogt had some general concerns regarding the process, lack of openness and no opportunity to voice opinions in regards to two meetings where there were short notices to the public. Councilwoman Yahn explained that the Board is elected to run the business of the town and sometimes there are deadlines beyond their control. She added that everyone works and have time constraints and some people have children so scheduling can be challenging. There is no malicious intent. There is never a time when the Board doesn't want the public present other than executive sessions.

Several questions were asked about how just the Town of Urbana's residents could vote and the Board explained that it would be an advisory vote which is illegal. Councilman Carroll talked about how three townships are voting on an issue that involves only the Town of Urbana's residents.

John Webster asked questions about the court matter and whether or not the money being spent on legal fees is a legal expenditure. Supervisor Lanphere explained that like any legal matter the Town has the authority to do what is necessary for the good of the Town and its resident's. He added that the Board is protecting their interests in regards to the contract with the school. Councilwoman Yahn said the Board is not standing in the way of a vote and they want a judge to make the decision. She added the Board is not the cause of the delay. All four Board members present stated they would never sue the school.

Councilman Carroll talked about the governor's budget passing and how the school is going to have to pay back the profit to the state regardless of who purchases the building. He said there might be a possibility that because the contract acceptance pre-dated the budget being passed, the money would stay with the school. Mr. Carroll said he would look into it.

Christine Kolo asked questions about available grant money in this economy and Councilman Carroll outlined several different funding sources where there is currently money available for several projects for the purchase and renovations of the Curtiss building. Mr. Vogt added that there was a substantial number of community members against the idea and the Board is not listening. Councilwoman Yahn said the Board is impressed by the petitions and 703 of the 961 were valid signatures which is 15% of what the school said was considered a qualified voter in the district.

Minutes

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

The approval for the April 1, 2011 minutes was tabled.

New Business

Keuka Maid

No report other than it is still being held up in court by Mr. Pfunter's attorney.

NYS Department of Health –

Tom Klaseus, Department of Health representative addressed the Board regarding wastewater treatment laws and its relationship to KWIK. He gave the history of how the new laws came to be and the reasons for requiring licensed engineers for systems. There was a lengthy discussion.

American Legion

Jim Stone from the American Legion made a request to the Board for ~650 grave side flags. He explained how the Legion, like everyone else, is struggling to make ends meet and he had heard of a law which allows towns the capacity to purchase the flags if they wish to do so.

On motion by Councilman Presley, seconded by Councilman Carroll and carried, all voting Aye to reimburse the Legion for the flags in the amount of \$540.00 plus \$35.00 shipping charges.

Greyton H. Taylor Memorial Drive

Residents from Greyton H. Taylor Memorial Drive addressed the Board about problems that exist with the length of the name of the road. They explained how several data bases, specifically state databases, can not handle the name of the road because it is so long and they don't always receive their mail. Now that mail is handled by machines in Rochester instead of by hand in Hammondsport where the postmasters know everyone it is more difficult to receive mail. Mr. Fletcher gave a brief history of the Bully Hill and how it got its name. Supervisor Lanphere said he will look into the matter and to keep it on the agenda for next month.

Cemetery Maintenance Proposal

On motion by Councilman Presley, seconded by Councilman Carroll and carried, all voting Aye to accept the proposal from Elwood Hilligus.

Chamber of Commerce Directory

On motion by Councilman Carroll, seconded by Councilwoman Yahn and carried, all voting Aye to approve a basic listing in the Chamber's Directory.

Councilwoman Yahn thanked John Jensen, Chamber President, for purchasing the art supplies for the summer recreation program again this year.

Wedding Request

On motion by Councilman Presley, seconded by Councilman Carroll and carried, all voting Aye to approve the non-exclusive use of Depot Park for Ashley Barber's wedding ceremony on Saturday, October 8, 2011.

Supervisor's Report

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

April Abstract

On motion by Councilwoman Yahn, seconded by Councilman Carroll and carried, all voting Aye to approve the April 2011 Abstracts.

Other

Councilwoman Yahn, Parks & Recreation Chair informed the Board that The Town of Pulteney has agreed to a specific dollar amount for their participation in the summer recreation program and the Town of Wayne agreed but will restrict the number of children they will cover and have some other pending issues.

Mrs. Yahn explained that the committee is on target for completing the sixty page application now due to the NYS Department of Health. She said the program will only run during the day and that the swim program will remain separate. There will be two registration forms and forms will go home with children from school. There will be ads in the Shopper for grandparents who may use the program as well. The Town of Urbana will fully fund their portion, the Town of Pulteney will fund above the normal amount and the Town of Wayne will fund a lower amount than normal. There will not be a drop in opportunity because the program does not qualify for a drop in status under the new regulations.

Village Trustee Larry Foster asked the Board about creating a parking lot at the old town barn due to the ongoing problems with off street parking in the village. Mr. Foster and the Board discussed the ideas of a joint venture. Supervisor Lanphere said he will talk to Superintendent Buckley about the contents of the barn and the idea of demolition and to put this on the agenda for May.

John Webster had additional questions about the summer recreation program and other various topics such as logging concerns, moratoriums on future road use by drillers all of which Councilman Carroll reported are already being worked on by the Town Board.

With no further business, on a motion of Councilman Presley, seconded by Councilman Carroll, the meeting was adjourned at 8:48 p.m. Carried unanimously.

Respectfully submitted,

Mary M. Farmer
Town Clerk