

TOWN OF URBANA BOARD MEETING
September 22, 2009

The Urbana Town Board held its regular meeting on Tuesday, September 22, 2009 at 7:00 p.m. in the Town Hall, 8014 Pleasant Valley Road, Bath, New York.

PRESENT:	Gordon Lanphere	Supervisor
	Connie Cook	Councilwoman
	Paul Martuscello	Councilman
	Jim Presley	Councilman
	Barb Yahn	Councilwoman
	Mary Farmer	Clerk
	Dave Buckley	Highway Superintendent

OTHERS PRESENT: Nancy Snyder, Brian Snyder, Lance Locey, Terry Bretherton, Joe Carroll, Ed and Delia Stull, Luther Perkins, Larry Foster, Tammy Catherman, Charlie Egresi and Randy Robinson.

Supervisor Lanphere opened the Meeting at 7:00 p.m.

Approval of Minutes

On motion by Councilman Presley, seconded by Councilwoman Cook and carried, all voting Aye, to approve the Minutes of August 18, 2009 with J. O'Connell & Associates.

On motion by Councilwoman Cook, seconded by Councilman Presley and carried, all voting Aye, to approve the Minutes of August 18, 2009 Regular Board Meeting.

On motion by Councilman Presley, seconded by Councilwoman Yahn and carried, all voting Aye, to approve the Minutes of September 15, 2009.

Readopt Chamber of Commerce Building

On motion by Councilwoman Cook, seconded by Councilwoman Yahn and carried, all voting Aye to approve contract negotiations between Attorney Reed and John Jensen, Chamber President regarding a building contract. Councilman Presley abstained from the vote due to his position on the Chamber Board.

Brian Snyder

Mr. Snyder introduced himself and addressed the Board regarding the possibilities of waterfront development in the Champlin Beach area and his concerns about the Town's commitment to one individual, Lance Locey.

Mr. Snyder explained that he spends approximately \$30,000 in taxes and together with his mortgage spends over \$100,000 each year to run his business at Village Shores Marina. He said that he's heard that the Town is going to accept around \$40,000 in payments from Mr. Locey and that it's unacceptable for the Town Board to decide what to do with Town land for a 20-25 year lease. He explained how a business like this would affect his business. Mrs. Snyder noted that the area from Champlin Beach to the west is considered wetlands, that it's very shallow and shouldn't be developed. She said that if the Board wants to develop the waterfront then the public should have an opportunity for input.

There was a very lengthy discussion between the Board and the public about the proposed project and the legality of the Town choosing one person without opening it up for proposals. There were concerns brought up about Mr. Locey not being in compliance in regards to already approved permits and the possibility of future problems. Councilman Martuscello said according

to Attorney Reed and NYS, The Town is not required to subject this project to permissive referendum. Councilman Martuscello and Councilman Presley stated that it's too late for discussion and that the Board has already passed a Resolution committing the development proposal to Mr. Locey.

Councilman Martuscello noted reasons he voted for Mr. Locey as a preferred developer:

1. Mr. Locey was already granted permission to do his project in 2005 by the Town Board.
2. Public input was solicited by our Park Committee which studied the park land for six months and recommended commercial development of the same property and Mr. Locey approached us months ago in February to fill that need.
3. Mr. Locey's use of the Town boat launch is a source of complaints from the community so this option would resolve that issue.
4. Mr. Locey provides his boats and equipment for use by our summer youth program one morning each summer.

Charlie Egresi

The Board again discussed the possible sale of Town property to Mr. Egresi. Mr. Egresi has a non-conforming lot and by selling him the land, it would create a conforming piece of property. Supervisor Lanphere will speak to Mr. Egresi and will locate the most current survey of the Town's land to help move the process along.

Bob Hicks - Mr. Hicks was not in attendance.

Lance Locey – Came to collect his letter of commitment from the Board.

To Whom It May Concern:

On July 21, 2009 the Town Board for the Town of Urbana passed a resolution designating Lance Locey as a preferred developer of the Town's lake front property and dock west of Champlin Beach and east of the inlet on Keuka Lake. Mr. Locey has eighteen months to develop the abovementioned waterfront property as an operating location of his existing "Keuka Watersports" business and a boat marina.

It should be emphasized this letter is not a lease, but a commitment to Mr. Locey that the Town of Urbana will be working with him to develop his business at the above location.

In addition this project will be subject to various regulatory processes and permits. This letter does not supersede or interfere with other governmental entities or their requirements. Examples would be the Town of Urbana Planning Board's Site Plan Review or NYS DEC permitting.

In addition even though the Town Board favorably received Lance Locey's operating proposal regarding his business, the following issues among others need to be negotiated and finalized before any lease is completed:

- *Parking lot usage*
- *Dock decking & piling repairs*
- *June 2010 Progress Review*
- *Location of Fire Department*
- *Removal of Keuka Maid*
- *Shared dock & facilities with other Tour Boats*
- *Boat Launch location*

The Town Board looks forward to working with Lance Locey, who the Town Board had approved for a similar project in 2005 and who also operates two other businesses in our community.

The Urbana Town Board

Keuka Maid

Supervisor Lanphere reported that the eviction proceeding is scheduled for the Urbana Town Court on Monday, September 28, 2009.

There was an extended discussion regarding safety concerns on the Town dock and on the Keuka Maid. The dock is unsafe and closed to the public, anyone on the dock except the Fireman or Bob Hicks will be considered trespassing. Supervisor Lanphere will talk to Mayor Cummings about Village Police including the Champlin Beach area in their regular rounds.

Bob Perry, Dog Control Officer

On motion by Councilwoman Cook, seconded by Councilman Martuscello and carried, all voting Aye to accept Bob Perry's dog enumeration proposal.

Parks & Rec

Councilwoman Yahn said there is nothing to report until the budget workshops start.

Park Planning

There was an activity report submitted.

Railroad Property Transfer Resolution

Supervisor Lanphere explained the situation with the tracks on Main Street and the need to give NYS Department of Transportation a piece of property in order to have them removed. The Board decided not to pass the Resolution due to litigation on the property. It was tabled for the next meeting.

Parking Lot Configuration

On motion by Councilman Presley, seconded by Councilwoman Cook and carried, all voting Aye to complete the construction of the parking lot including the added space to the east, west and south of the existing parking lot.

There was conversation about the lighting for the parking lot and Randy Robinson, Planning Board Chairman, employed at Philip's, offered the idea of Philips supplying the Town with bulbs for testing feedback. Supervisor Lanphere will contact Randy to set up an appointment.

Town Clerk Fees

The Town Clerk turned in local shares of \$1,951.36 of the \$5,807.50 generated for August 2009.

Highway Department Proposal

On motion by Councilman Presley, seconded by Councilman Martuscello and carried, all voting Aye to approve the equipment replacement purchase of a 2010 Ford One Ton Dump Truck for \$31,868.24 (at government bid), \$20,000 less than retail pricing.

On motion by Councilwoman Cook, seconded by Councilman Presley and carried, all voting Aye to approve the August 2009 Abstracts.

On motion by Councilwoman Cook, seconded by Councilwoman Yahn and carried, all voting Aye to approve the August 2009 Supervisor's Report.

There were no public comments. At 9:00 Councilwoman Yahn made a motion to enter into Executive Session for discussion of current or pending litigation, seconded by Councilman Martuscello and carried, all voting Aye.

At 9:21 the Regular Meeting re-opened.

Corinna Martin's Deed

On motion by Councilman Presley, seconded by Councilman Martuscello and carried, all voting Aye to have Attorney Reed verify Corinna Martin's Deed.

Resolution 9-09

People's Convention to Reform New York

Whereas, tough economic times and New York State's tremendously high tax burden are causing families and businesses to struggle, while state government has been paralyzed by question of gubernatorial succession, leadership fighting and political dysfunction; and

Whereas, our State Constitution was originally meant to be a vibrant, living and breathing document, reflective of the times in which we live that holds up to the political dynamic of the day; and

Whereas, our current state Constitution was adopted 115 years ago in 1894 and modified at a constitutional convention in 1938 and at various other times by legislative action; and

Whereas, our state, our nation and the world have changed dramatically in the past forty-two years as the information age has transformed communications, business and government in ways that could not even have been imagined when our state constitution was adopted; and

Whereas, recent events in state government involving gubernatorial succession, legislative stalemates and appointments to statewide elected offices have exposed flaws and weaknesses in our current constitution on these issues; and

Whereas, families and businesses have been forced to cut back, while New York State government continues to spend beyond its means and force unfunded mandates on already overburdened local governments and taxpayers; and

Whereas, in the face of the most challenging economic environment since the Great Depression, the reform state government, as evidenced by recent Quinnipiac University and Siena College Research polls, showing more than 60 percent of voters supporting a People's Convention to Reform New York; and

Whereas, the people must act now to thwart the dysfunction in Albany, and convene a People's Convention to take New York State government back; and

Whereas, members of the state Legislature have introduced "The People's convention to Reform New York Act", which grants the people the opportunity to hold a constitutional convention, establishes a procedure for the non-partisan election of delegates, restricts political parties, campaign committees and special interests' influence over delegates, and requires state or local elected officials and officers or party officials to vacate their post upon being elected delegate; and

Whereas, while the Constitution empowers the elected delegates to set the convention agenda for "The People's Convention to Reform New York", we ask that the delegate consider government reforms such as a state spending cap and property tax cap, restrictions on unfunded mandates, debt reform, an absolute ban on backdoor borrowing, public authorities reform, a clear line of succession to the governorship and lieutenant governorship and elections to fill elected state office vacancies; and no, therefore, be it

Resolved, that this Legislative Body pause in its deliberations to acknowledge the need for true state government reform and urge the immediate passage and chaptering of the "People's Convention to Reform New York Act", which will allow for the creation of a more accountable and responsive state government by the people to serve the people; and be it further

Resolved, that a copy of this Resolution, suitable engrossed, be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly, and to the Minority Leaders of the Assembly and Senate.

On motion by Councilman Martuscello, seconded by Councilwoman Cook and carried, to endorse Brian M. Kolb's resolution on the People's Convention to Reform New York, voting as follows:

Town Supervisor Lanphere	<u>Aye</u>
Councilwoman Cook	<u>Aye</u>
Councilman Martuscello	<u>Aye</u>
Councilman Presley	<u>Aye</u>
Councilwoman Yahn	<u>Aye</u>

Mary M. Farmer
Urbana Town Clerk

September 22, 2009
Date

With no further business, on a motion by Councilman Presley, seconded by Councilwoman Cook, the meeting was adjourned at 9:27 p.m. Carried unanimously.

Respectfully submitted,

Mary M. Farmer
Town Clerk