

**TOWN OF URBANA  
REGULAR BOARD MEETING  
October 21, 2014**

The Urbana Town Board held its regular meeting on Tuesday, October 21, 2014 at 6:30 p.m., in the Town Hall, 8014 Pleasant Valley Road, Bath, New York.

PRESENT:	John Webster	Supervisor
	Edward P. Stull	Councilman
	John Jensen	Councilman
	Tom Chadwick	Councilman
	Jim Presley	Councilman
	Mary Farmer	Town Clerk

OTHERS PRESENT: Wade Stopka, Alzina Turner, Anne Green, Lance Locey and Ron Leonard.

Supervisor Webster opened the meeting and Public Hearing for a Moratorium on Fracking at 6:31. There were no comments. At 6:32 on motion by Councilman Chadwick, seconded by Councilman Presley and carried, all voting Aye to close the Public Hearing.

**Minutes**

On a motion by Councilman Presley, seconded by Councilman Jensen and carried, all voting Aye to approve the minutes of September 16, 2014.

On motion by Councilman Jensen, seconded by Councilman Stull and carried, all voting Aye to approve the minutes of October 7, 2014. Councilman Presley abstained.

On motion by Councilman Presley, seconded by Councilman and carried, all voting Aye to approve the minutes of October 14, 2014.

**Abstracts**

Councilman Chadwick gave a report to the Board regarding the work being done on the Depot. Mr. Chadwick believes the project is 50% completed. Councilman Chadwick recommended the Board pay Mr. Wilkinson the amount of the invoice on the Abstract.

On motion by Councilman Chadwick, seconded by Councilman Jensen and carried to approve the October Abstracts all voting as follows:

Supervisor Webster	Aye
Councilman Chadwick	Aye
Councilman Stull	Nay
Councilman Jensen	Aye
Councilman Presley	Aye

**Accounting Transfer**

On motion by Councilman Presley, seconded by Councilman Stull and carried, all voting Aye to approve the transfer of \$35,000 to support compensation for the Waterfront Revitalization Study.

**Parks Advisory Committee Report**

**URBANA PARKS ADVISORY COMMITTEE**

October 8, 2014

Old Business Discussed:

Waterfront Revitalization Grant: Ingalls/Larson has been chosen to be the contractor. Nine months to completion. Proposal in my office if anybody wants to see it.

There is a Waterfront Advisory Committee (WAC) mentioned, who will be on that committee?

School land exchange: No change at this time.

Wambold ROW: may not receive ROW if bicycles are included.

If a condition of the ROW is no bikes, the suggestion was made to send a letter to Mr. Wambold to determine if there was any way he would allow bikes. If not we should relocate the bridge on Town land and be prepared for a greater cost. This should be determined when we go into discussion with the planners this year.

Curtiss Park update Rezoning of "Park land" in Town & Village: No action by Town Board

American Legion: Someone want to volunteer to scout this option?

Vince hiked this area. It is a little drier than the area directly behind the museum but there would still need to be a portion with boardwalk. See #9 below.

"Trailhead" at Town Hall; Grant proposal asking for \$5,000. Grant writer didn't understand limits to grant. Town Board OK'd decommission of wells.

Discussion about use of existing water line to provide a water source to the Trailhead. It was determined that it would be best not to provide water there at this time. The same with the electric line. If electric was needed solar was discussed as an option.

Bridge across Cold Brook: May need to find alternate location. Bridge about 20' longer. Note: Bridge in Penn Yan (Outlet Trail) about 115 feet long across outlet.

Liberty Street Parking may get blacktop.

Rep. Tom Reed's staff plans on meeting with DEC in July about wetland behind museum.

This is an option that should be included in the upcoming planning discussions.

Parking ordinance for Town / Village being drafted.

Recommendations: No overnight parking at Town Parks or Parking Lots. Overnight defined by the same hours used by the Village during the winter months. The exception would be the parking lot on Liberty St & Mill St during the winter when there is no overnight parking on Village streets. No construction parking or staging unless approved by Town Board. The parking of trucks at Champlin is mentioned every meeting.

Triad Trail needs work.

New Business:

Curtiss Park: needs work; removal of old debris from being used as "work site". Also vegetation needs to be cut back. Trail building ???

Will the Town get any fill from the Village street project? There could have been a lot that got moved out of the Village.

Triad Trail needs to be cut into hillside in some areas to complete trail. Difficult to walk in some areas.

Would we be eligible for Steuben County work force to build trail?

Recommendation made to create a line item in the budget for Parks & Trails. For materials, maintenance, and improvements. Boat launch fees.

Next Meeting:

Date: Nov 12, 2014

Respectively submitted,

David C. Oliver

Chairman, Urbana Parks Advisory Committee

The Parks Advisory Committee did not receive the Community Foundations Keuka Area Grant to construct the trailhead at the Town Hall but has been offered a challenge grant from two individuals from the Community Foundation for the project. The Committee will begin a donation campaign.

#### **Local Law 2014 - 6 Docking Ordinance**

**BE IT ENACTED:** That Section 37-4(B) of the Code of the Town of Urbana, New York is hereby amended to read as follows:

Section 37-4(B): No person shall moor a water vessel in the boat dock area in Depot Park between the hours of 2:00 a.m. and 4:00 a.m. Any violation of this law shall be punishable by a fine of up to \$250 and/or 15 days in jail.

This local law shall take effect upon adoption by the Town Board and upon filing with the New York State Secretary of State.

#### **Local Law 2014 - 7 Parking Ordinance**

##### **Regulating the parking of certain motor vehicles, and trailers on designated parcels owned by the Town**

**BE IT ENACTED:** That Chapter 101 of the Code of the Town of Urbana, New York is hereby amended by adding a new Article to be numbered II to read as follows:

#### **ARTICLE II PROHIBITED PARKING**

Section 101-2: The purpose of this Local Law is to regulate the parking of motor vehicles, tractors, tractor trailers, trailers, recreational vehicles and campers on the following designated Town owned parcels.

Section 101-3: Definitions. The following terms shall have the meanings indicated in this Section:

A. Motor vehicle - as defined by New York State Vehicle and Traffic Law Section , now and as hereinafter amended.

B. Tractor-as defined by New York State Vehicle and Traffic Law section 151-a, now and as hereafter amended;

C. Trailer-any vehicle not propelled by its own power drawn on a public highway by a tractor or motor vehicle.

Section 101-4: Designated regulated areas and prohibited activities.

A. No person shall park a tractor, trailer, tractor trailer, camper, or recreational vehicle in the Town park known as Champlin Park in the Town of Urbana, N.Y. without prior written permission from the Town Supervisor or the Town Clerk.

B. No person all park a motor vehicle, tractor, trailer, tractor trailer, camper or recreational vehicle between the hours of 2:00 a.m. and 4:00 a.m. in the Town's park known as Depot Park except this prohibition shall not apply to the area within the Park designated as the boat launch area, which area shall be subject to the prohibitions set forth in subparagraph C herein below.

C. No person shall park a tractor, trailer, tractor trailer, camper or recreational vehicle in that portion of Depot Park designated as the boat launch area. No person shall park a motor vehicle within the boat launch area unless there is attached to the vehicle a boat trailer.

Section 101-5: Any violation of Article II of Chapter 101 shall be punishable by a fine of up to \$250 and/or 15 days in jail.

This local law shall take effect upon adoption by the Town Board and upon filing with the New York State Secretary of State.

\*\*Attorney Ryan will talk to Judge Hewson in regards to bench warrants issued for a violation, not just misdemeanors.

#### **Local Law 2014 – 8 Steep Slope**

##### **AMENDING SECTION 88-15 OF THE CODE**

##### **OF THE TOWN OF URBANA, NEW YORK**

**BE IT ENACTED** that Section 88-15 of the Code of the Town of Urbana, New York is hereby amended as follows:

Section 1. Subsection "B" of Section 88-15 is deleted in its entirety and the currently lettered subsections "C" and "D" are re-lettered to read: "B" and "C".

Section 2. A new Subsection lettered "D" is added to read as follows:

"D. For projects within the Critical Slope Overlay District the Planning Board shall conduct a review using the following criteria. For projects not in the Critical Slope Overlay District that contain slopes greater than 15%, the Planning Board, upon making a determination that the proposed project may have a negative effect on aesthetic view corridors, affect runoff and/or soil retention, or result in erosion both during and after such project, may require such review.

**1. Critical Slope Overlay District Intent and Purpose.**

The purpose of this subsection is to control construction on steep slopes. This subsection is intended to regulate individual and subdivided lots to protect the health, safety and welfare of the general public by maintaining and protecting the natural terrain, waterways, wetlands and vegetative features and provide safe building sites by preventing surface erosion, creep and sudden slope failure, preserve farmland and open space, prevent flooding, storm water runoff and preserving areas of wildlife habitat.

**2. Critical Slope Overlay District Definitions.**

As used in this subsection, the following terms shall have the meaning indicated:

**CERTIFIED FORESTER**

A professional forester certified by The Society of American Foresters (has a certification program (SAFCF)) or a NYS Department of Environmental Conservation Cooperating Consulting Forester.

**CERTIFIED PROFESSIONAL**

Licensed professional engineer, CPESC - certified professional in erosion and sediment control or certified landscape architect.

**CRITICAL SLOPE OVERLAY DISTRICT (Overlay District)**

The Critical Slope Overlay District is any area within the Town of Urbana as shown on the Keuka Lake Watershed Map, now and as hereinafter amended, to contain a slope of 15% or greater.

**SOIL DISTURBANCE**

Preparing land for construction or reconstruction, such as, but not limited to, clearing, grading and filling, and/or the building of structures, driveways, retaining walls and/or drainage systems.

**A. MINOR SOIL DISTURBANCE**

Soil disturbance of 300 square feet or less.

**B. MAJOR SOIL DISTURBANCE**

Soil disturbance greater than 300 square feet.

**STEEP SLOPES**

Ground areas with a slope of 15% or greater.

**TIMBER HARVESTING**

The removal of 20 percent or more of existing trees with a breast height diameter in excess of six inches from any parcel or tract of land greater than 43,560 square feet (1 acre).

**3. Site Plan approval required; exempt activities.**

**A.**

It shall be unlawful to create any soil disturbance, other than an exempt activity as set forth in this subsection, in the Critical Slope Overlay District in the Town of Urbana or outside the Overlay

District upon determination of the Planning Board unless and until a Site Plan Review application is approved by the Planning Board pursuant to the requirements of this subsection.

B.

It shall be unlawful to conduct commercial or private timber harvesting in the Critical Slope Overlay District in the Town of Urbana unless and until a Site Plan Review containing a timber harvesting plan from a certified forester is granted by the Planning Board pursuant to the requirements of this subsection. Such a plan shall be prepared in a manner as to protect aesthetic view corridors, prevent runoff and erosion and insure soil retention both during and after timber harvesting.

C.

Exempt activities. The following activities on steep slopes do not require a Site Plan Review.

(1) Any planting or installation of landscape materials which does not require disturbance of existing terrain.

(2) Emergency situations, as determined by the Town Code Enforcement Officer, where the disturbance on steep slopes is necessary to protect persons or property from imminent danger.

(3) Farming activities using sound management practices as defined by the Sound Agricultural Practices Guidelines of the New York State Department of Agriculture and Markets, now and as hereinafter amended.

(4) If the slope of the site can be documented as less than 15%, no review is required.

(5) Routine and emergency construction, maintenance or repair of public highways by authorized municipal personnel.

(6) Town water and sewer installations.

(7) Installation of approved septic system(s) with erosion control plans.

(8) Construction, maintenance or repair of public utilities.

(9) Routine repair and maintenance of an existing driveway, but not to include reconstruction.

**4. Critical Slope Review Procedure.**

A. Minor soil disturbance(s).

The Code Enforcement Officer is hereby designated to administer and implement this subsection for minor soil disturbances. The Code Enforcement Officer, at his or her discretion, with the advice of the Highway Superintendent, where needed, may determine that a Site Plan Review should be required.

B. Major soil disturbance(s).

The Planning Board is hereby designated to administer and implement this subsection by granting or denying a Site Plan for all residential, commercial or agricultural construction, whether on a single lot or in connection with a subdivision application.

C. An application for a Site Plan Review for projects subject to these plan review requirements shall be made on forms furnished by the Town Clerk and shall include the following information:

(1) Six copies of a site plan drawn at a scale of not less than one inch equals 30 feet, prepared by a licensed professional engineer, certified landscape architect or licensed surveyor, or CPESC - certified professional in erosion and sediment control or equivalent, showing the lot or lots containing steep slopes and the following:

(a) All existing and proposed natural or artificial drainage courses.

(b) The proposed location of all structures, including drainage, septic systems, wells, waterlines, and driveways.

(c) The location of the proposed area of soil disturbance and its relation to adjacent properties, together with buildings, structures, roads, affected trees and affected wetlands, if any, within 100 feet of the boundaries of said area.

(d) Existing topography of the proposed area of soil disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of soil disturbance if determined necessary by the Planning Board, in order to fully evaluate the application.

(e) Proposed final contours and proposed surface materials or treatment at a maximum contour interval of two feet.

(f) An erosion control plan showing the proposed area of soil disturbance and temporary and permanent erosion control measures. (All erosion control practices must comply with New York State standards and specifications of erosion and sediment control.)

(g) Storm water management providing the detail of any surface or subsurface runoff for sizing of drainage structures (i.e., culverts and diversions).

(2) Any special reports deemed necessary by the Planning Board to evaluate the application, including but not limited to, geologic or hydrologic studies or capacity evaluation.

(3) A written narrative explaining the nature of the project, including any future development proposals for the property and whether alternative locations exist for the proposed activity.

(4) New York State SEQR law will be followed as required by Part 617, State Environmental Quality Review, of the regulations of the Department of Environmental Conservation.

(5) All requirements of New York State Phase II storm water regulations will be met if the project exceeds one acre of construction disturbance.

(6) The application shall be accompanied by:

Fees for engineers' and attorneys' services, if required by the Planning Board, in an amount determined by the Planning Board as sufficient to defray the estimated costs of such services rendered to the Town in connection with the application. The applicant shall deposit with the Town Clerk the amount estimated to reimburse the Town for such costs. Any amount remaining after payment to the Town for the services rendered shall be returned to the applicant upon final approval or upon withdrawal if the application is withdrawn.

D. The Planning Board may refer each application to the Steuben County Soil and Water Conservation District or other certified professional for review, who may submit a written report to the Planning Board. This report may contain the following items:

(1) A recommendation on whether the submission is complete and contains sufficient information for the Planning Board to perform a proper review of the submission.

(2) A recommendation of approval, disapproval or approval with conditions of the application.

E. In a building lot or development situation that requires material removed from the site or hauled in over Town roads, the Highway Superintendent shall review the engineered plan before work commences. In some cases it may be necessary to haul material in or out during certain times of day or year.

F. During its review of the application the Planning Board shall:

(1) Review the application to determine that the requirements of this subsection have been satisfied and that the application is complete.

(2) Review each complete application and approve, approve with conditions or deny the application, in accordance with this subsection, within 60 days of the receipt of a complete application as determined by the Planning Board.

(3) If deemed necessary, require posting of a performance bond or other security as a condition of approval, the amount of such bond or other security to be set by the Town Board.

G. The Planning Board shall conduct a Public Hearing on any proposed site plan subject to this review procedure.

H. In granting approval of a site plan involving a steep slope review, the Planning Board shall find that the following conditions have been met:

- (1) The proposed activity is in accordance with the legislative intent and purpose stated in this subsection.
- (2) The proposed activity will preserve and protect existing streams, lakes, floodplains and wetlands and promote sound development to protect open space.
- (3) The proposed activity will not adversely affect existing or proposed drainage structures, wells, or sewage disposal systems.
- (4) The proposed activity will not adversely affect any Town roads and adjacent properties.
- (5) The proposed activity will not adversely affect any scenic view corridors within the Town.

I. After a site plan involving a steep slope review is approved:

- (1) All approvals and related permits shall expire on completion of the work specified therein and approved thereby. Unless otherwise indicated, the approved permit shall be valid for a period of one year from the date of issuance. The Planning Board may grant a six-month extension of this period.
- (2) Following completion of the work, the applicant shall submit an as-built survey or plan to prove that the work was completed in accordance with the approved site plan and related permit(s). Such plan shall be signed by the certified professional and/or certified forester responsible for its preparation and shall verify that the work has been completed in accordance with the requirements of the approved site plan and related permit(s)."

Section 3. This Local Law shall become effective upon adoption by the Town Board and its filing with the New York State Secretary of State.

On motion by Councilman Stull, seconded by Councilman Presley and carried, all voting Aye to schedule a Public Hearing for Local Law 2014 – 6 Docking Ordinance, Local Law 2014 - 7 Parking Ordinance and Local Law 2014 – 8 Amending Section 88-15 Steep Slope Law for November 18, 2014 at 6:30.

#### **Fee Schedule**

On motion by Councilman Stull, seconded by Councilman Jensen and carried, all voting Aye to approve the following fee schedule changes which will take effect January 1, 2015.

### **Town of Urbana Building Department Fee Schedule**

Project Cost	Fee	Allotted hours*
\$1.00 - \$2,500	\$55.00	3
\$2,501- \$25,000	\$75.00	4.5
\$25,001 - \$50,000	\$110.00	7
\$50,001 - \$75,000	\$145.00	9
\$75,001 - \$100,000	\$180.00	11
\$100,001 - \$\$150,000	\$220.00	14
\$150,001 - \$250,000	\$360.00	23
\$250,001 - \$500,000	\$650.00	41
\$500,001 - \$1,000,000	\$1,190.00	75
\$1,000,001 - \$5,000,000	\$3,600.00	227
\$5,000,001 - \$25,000,000	10,800.00	682
In Excess of \$25,000,000	To be negotiated	

#### **Plan Review and Inspections during Construction**

Any project exceeding the allotted hours will be billed at a rate of \$20.00 per hour. To be paid in full prior to issue of C of O.

**Late Filing Fee**

Any project that is started prior to the issuance of the required permit or inspection report will be charged a late filing fee in the amount of 125% of the permit fee.

**Other Permits**

Zoning Permit & Certificate of Zoning Compliance	\$20.00
Floodplain Development	\$40.00
Demolition Permit	\$55.00
Area Variance	\$110.00
Use Variance	\$110.00
Special Use Permit	\$110.00
Subdivisions	\$55.00 per lot created
Camper Permit	\$20.00
Building Permit Renewal	\$55.00 or ½ the original whichever is larger
Sign Permit	\$40.00
Excavation Permit	\$55.00
Site Plan Review (concept)	\$20.00
Site Plan Review (hearing)	\$55.00
Dock Permit	\$60.00

**Watershed Fees**

New Construction	\$175.00
Replacement System	\$175.00
Modification of System	\$50.00
Replacement Dwelling	\$100.00
Permit Renewal	\$30.00
After the Fact	\$350.00
Re-Inspection	\$30.00
Major Repair	\$50.00
Property Transfer (Septic Inspection)	\$60.00

\* Allotted Hours = All administrative functions including but not limited to: plan review, meetings with contractors, engineers, architects and required inspections.

**Lance Locey – Keuka Watersports**

Mr. Locey submitted a proposal to operate a floating rental dock business at Champlin Beach as he has for the past two years.

On motion by Councilman Stull to accept the proposal as presented, seconded by Councilman Jensen, the motion was carried all voting as follows:

Councilman Stull	Aye
Councilman Presley	Aye
Councilman Jensen	Aye
Supervisor Webster	Aye
Councilman Chadwick	Nay

**Wine Country Classic Boat Show Agreement**

The boat show representatives asked that the Town Board review the original agreement drawn up in 2003 ago but never ratified. The Town Board had a discussion about the agreement and made the decision to let the process stay as it has been.

**Inter-municipal Agreements**

On motion by Councilman Presley, seconded by Councilman Jensen and carried, all voting Aye to increase the rate of pay for the Building/Watershed Inspector and Zoning Officer’s positions 3% and draw up new agreements.

## **Drug & Alcohol Testing Policy**

On motion by Councilman Stull, seconded by Councilman Presley and carried, all voting Aye to adopt the new policy.

### **DRUG AND ALCOHOL TESTING POLICY FOR EMPLOYEES OTHER THAN THOSE REQUIRING A COMMERCIAL DRIVER'S LICENSE**

Section 1 - Purpose.

The purpose of this policy is to establish a basis for when a Town employee, other than an employee with a commercial driver's license, can be required to submit to drug and/or alcohol testing and to establish a procedure for such testing.

Section 2 - Definitions.

a. Accident. Accident means any occurrence involving a Town employee while performing Town work resulting in damage to any property or injury or death to any Town employee or any other person.

b. When such be applicable, the definitions contained in the Town's Drug and Alcohol Testing Policy for employees and job applicants requiring a commercial driver's license are incorporated herein by reference and made a part hereof.

Section 3 - Testing.

The Town may require an employee to submit to drug and alcohol tests following an accident as defined in Section 2 a. hereinabove and/or upon a reasonable suspicion that the employee is under the influence of an illegal drug or alcohol. An employee who refuses or fails to submit to a drug and/or alcohol test as directed, or whose result is positive for the drug or alcohol test, may be subject to discipline up to and including discharge consistent with New York State Civil Service regulations. A refusal to take or submit to a drug or alcohol test will be treated as a positive result.

Section 4 - Method of Testing.

The method of testing and test results shall be in accordance with the method and test results as set forth in the Town's policy for employees and job applicants requiring a commercial driver's license.

Section 5 - Program Confidentiality.

The results of all individual drug and alcohol tests will be kept in a secure location with controlled access. All individual test results are confidential. The release of an employee's test results will only be given in accordance with the employee's written authorization or as otherwise required by federal law or regulation.

### **Rescind Tax Cap Override Law**

On motion by Councilman Jensen, seconded by Councilman Chadwick and carried, all voting Aye to hold a Public Hearing on December 9, 2014 at 6:30pm for the purpose of rescinding the Tax Cap Override Law.

### **Approve John Webster's Attendance at Personnel Management School**

On motion by Councilman Presley, seconded by Councilman Jensen and carried, all voting Aye to approve Mr. Webster's attendance on November 14, 2014.

### **Other**

Supervisor Webster wanted the Board to be aware of issues with Domainit.com and the new emails. Erich Miller is looking into other prospects. Mr. Webster will come back with an update at the next meeting.

Councilman Stull had some questions about Water District 2 Extension; Anne Green had budget and county sharing questions, and Ron Leonard had concerns about the restrooms at the Depot not remaining open longer. He has witnessed some unpleasant situations and is looking for support from the Town.

Councilman Stull made a motion to enter into executive session to discuss a personnel matter. Supervisor Webster would rather not without Attorney Ryan present stating executive session cannot be entered into for just any personnel reasons. Councilman Presley seconded the motion to enter into executive session, all voting Aye at 8:20

At 8:27 on motion by Councilman Presley, seconded by Councilman Jensen and carried, all voting Aye to close the executive session and reopen the regular Board Meeting.

With no further business, on a motion by Councilman Stull, seconded by Councilman Presley, the meeting was adjourned at 8:28pm. Carried unanimously by all present.

Respectfully submitted,

Mary M. Farmer  
Town Clerk