

**TOWN OF URBANA
REGULAR BOARD MEETING
November 19, 2013**

The Urbana Town Board held its Regular Meeting Tuesday, November 19, 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
 Terry Bretherton Town Historian

OTHERS PRESENT: Lance Locey, Anne Green, Steve Veley and Edward P. Stull.

Supervisor Webster opened the meeting at 6:34.

Minutes

On motion by Councilwoman Kolo, seconded by Councilman Chadwick and carried, all voting Aye to approve the minutes of October 15, 2013.

On motion by Councilman Presley, seconded by Councilman Jensen and carried, both Board members voted Aye to approve the minutes of October 29, 2013.

Abstracts

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

Accounting Transfer

On motion by Councilman Presley, seconded by Councilman Jensen and carried, all voting Aye to approve the following transfer:

Debit:	A202	Money Market	\$ 7,000.00
Credit:	A1620.210	Highway Storage Barn	\$ 7,000.00
Debit	A5132.430	Garage-Miscellaneous Supplies	\$ 250.00
Credit	A5132.410	Garage Telephone	\$ 250.00
Debit	B8010.400	Zoning-Contractual	\$ 250.00
Credit	B8010.100	Zoning-Personal Services-Secretary	\$ 250.00

Old Business

Park Advisory Committee

Urbana Parks Advisory Committee Nov. Report

Nov. 13, 2013

Committee members present: John, Tom, Lee, Dave L, Dave O., Rachel

The meeting was attended by members of the Finger Lakes Boating Museum. Ed Wightman, Museum President, told the committee of their general plans for a museum in the old Taylor Wine Buildings being donated by Mercury Aircraft. He stated part of their long term plans include the desire for lake access on the Town property near Champlin Beach. The museum would like to teach and offer non-motorized historic boating in the area between the Town Pier

and the inlet. They would like to put a storage building on Town property, Northwest of the Little League Field and West of wetlands for these boats. They would then use small trailers to move them to the shore by path or boardwalk through the wetland area. They would also like to moor an antique 39ft Launch at the pier when the dock is repaired. They would expect to pay dock rent.

It was the consensus of the committee that depending on the final detailed plans, these things could be consistent with our recommendations thus far; as long as their use of the pier was not exclusive, and if the storage building was modest in size, located outside of the future trail system, and doesn't interfere with recreational uses of the park.

The committee also discussed using another Towns Park Use policy as a template for an Urbana Policy. The committee will be emailed the other policy so they can make notes for our meeting in Dec. (which will be Dec. 4th)

*John Jensen, Chair
Urbana Parks Advisory Committee*

New Business

Schedule Moratorium Public Hearing

On motion by Councilwoman Kolo, seconded by Councilman Chadwick and carried, all voting Aye to schedule a Public Hearing on December 3, 2013 at 6:30pm for the purpose of a Moratorium on fracking.

Capital Reserve for the A Fund

2013 – 8

RESOLUTION ESTABLISHING A CAPITAL RESERVE FUND FOR CONSTRUCTION, RENOVATION AND REPAIR OF NEW OR EXISTING TOWN BUILDINGS, OTHER TOWN STRUCTURES AND LAND ACQUISITION

The Town Board of the Town of Urbana, NY duly convened in regular session, does hereby **RESOLVE** as follows:

- Section 1. Pursuant to Section 6-C of the General Municipal Law, there be and hereby is established a Capital Reserve Fund for the future construction, renovation, repair of new or existing Town buildings and other Town structures and land acquisition.
- Section 2. Such Fund is to be known as the Town of Urbana Capital Reserve Fund.
- Section 3. That out of the surplus monies, if any, of said Town on hand in the year 2014 and not otherwise appropriated, the minimum sum of \$5,000.00 be and the same hereby is appropriated for the Town of Urbana Capital Reserve Fund and the Town Supervisor is hereby authorized, empowered and directed to transfer from surplus funds of the Town the minimum sum of \$5,000.00 to the Fund.
- Section 4. Such additional sums as may hereafter be appropriated shall become part of the Fund.
- Section 5. The monies in the Fund shall be deposited in a separate bank account in Five Star Bank.
- Section 6. The Supervisor, in his/her discretion, may invest the monies in the Fund in

the manner provided in Section 11 of the General Municipal Law of the State of New York. Any interest earned or capital gains realized of the monies so deposited or invested shall accrue and become part of the Fund.

Section 7. No expenditure shall be made from the Fund except by authorization of the Town Board of the Town of Urbana pursuant to the provisions of Section 6-C of the General Municipal Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

On motion by Councilman Chadwick, seconded by Councilman Jensen, Resolution 2012 -8 passed, all voting as follows:

Councilman Chadwick	Aye
Councilman Jensen	Aye
Councilman Presley	Aye
Councilwoman Kolo	Aye

Zoning Law Changes

Supervisor Webster and Town Board Members:

There are several sections of the Town Zoning Code result in reoccurring problems for both the public and those charged with the administration of the code. I would suggest that the Town Board consider using the "off season" to amend the code to eliminate future problems. Sample areas of concern are as follows:

*(2) Special permit uses. The following are temporary and/or conditional uses contingent on securing a special use permit in **each case from the Zoning Board of Appeals**. (The code was amended effective 7-21-1998 and empowered the planning board to grant special use permit, yet references to the ZBA are still scattered throughout the code book).*

105-45. Enforcement.

*A. This chapter shall be enforced by the **Code Enforcement Officer**. (A Code Officer generally administers NYS Fire & Building codes. A Zoning Officer administers zoning codes).*

ARTICLE II: Use Regulations (The permitted types of uses in the various districts in the Town have not been updated since 1987. For example, the types of uses that have been taking place in the Industrial District since the inception of the code are actually not permitted by the current wording of the code).

ARTICLE III: Area and Bulk Regulations

(There are a few problems, mostly in the Residential District along the lake, that are constant problems. For example, anyone building or replacing steps to a structure is required to seek a variance. This adds up to three months to the permitting process. A simple change exempting stairs and landings not to exceed a specific size would solve this problem. In addition, the setback from the road is 20 feet on one side and 30 feet on the other which also results in a variance requirement. 20 feet on both sides would be a good compromise).

105-29. Off-street automobile parking.

There is very little available parking in the Residential Districts along the lake. A large number of potential parking in being used for storing boats and/or trailers which often further encroach into the roadway. This section should be amended to prohibit such activity).

105-34. Signs. (We have a new sign law yet there is still a section regulating signs within the zoning code).

105-49. Fees. These have not been adjusted in many years. The costs associated with a administering a project should be borne by the applicant, not the general public.

105-56. *Advisory opinions of Planning Board.*

(This section of code is probably the one that causes the greatest amount of grief to all that are affected by it. The solution is to continue to allow the Planning Board the right to send an opinion to the ZBA but it has to be done in a manner that does not hold up a variance hearing. There is also a clause that requires the ZBA chairman to hold a meeting in order to set the date for a public hearing. This is in conflict with other sections of code, adds to the time required for receiving a decision and should be stricken from the code.)

The above is an overview of the types of issues that should be addressed and will assist the public without compromising the code. Ideally this can be accomplished prior to the "busy season" in the spring.

*Respectfully,
Bob Magee*

Code Officer, Bob Magee spoke to the Board about the changes to the codes in order to make the process easier for applicants. The Board discussed the changes and agreed that Mr. Magee should continue to make changes and update the Town Codes. Attorney Ryan will review, the Planning Board will review and then a public hearing will be held sometime in March. There was also Board agreement in regards to creating a specific "Parks Zoning" section in the Town Code.

ADA Policy

On motion by Councilwoman Kolo, seconded by Councilman Jensen and carried, all voting Aye to adopt the Americans with Disabilities Act Policy below.

Town of Urbana

Americans with Disabilities Act (ADA) Policy

It is the policy of the Town of Urbana to fully comply with the provisions and spirit of the ADA and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs will be conducted so as not to discriminate unlawfully against person with disabilities. This also extends to prohibit discrimination based on a person's relationship or association with a disabled individual. Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the operations of a program.

Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position and not any disabling condition. Pre-employment physical exams will only, be requested when in compliance with the law. The Town of Urbana intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave and all other forms of employment compensation or advantage.

The Town of Urbana has designated The Town Supervisor, 8014 Pleasant Valley Rd., Bath, NY 14810, 607-569-3743 as Person to Accept Discrimination Claims and Monitor Compliance to monitor efforts to ensure the municipality's compliance with the ADA, and to receive complaints of discrimination against disabled persons. Any person who believes they are a

victim of discrimination can direct a written complaint to this person. This procedure is not intended to restrict an individual's right to make a complaint to a federal or state agency.

The Town of Urbana policy is to investigate all such complaints thoroughly and promptly. To the fullest extent practical, the Town of Urbana will keep complaints and their resolutions confidential. If an investigation confirms that discrimination has occurred, the Town of Urbana will take corrective action, including any discipline that is appropriate up to and including immediate termination of employment of the offender. The Town of Urbana will cooperate with any state or federal agency in the investigation of any complaints.

This directive is for municipal use only and does not apply in any criminal or civil proceeding. The municipal policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this directive will only form the basis for municipal administrative sanctions. Violations of law will form the basis for civil and criminal sanction in a recognized judicial setting.

Equal Employment Opportunity Policy

On motion Councilman Chadwick, seconded by Councilman Presley and carried, all voting Aye to adopt the Anti-discrimination Policy Below.

Town of Urbana Equal Employment Opportunity Policy

The Town of Urbana is an Equal Opportunity Employer. Discrimination on the basis of race, color, sex, religion, age, national origin, marital status, sexual orientation and domestic violence victim status, disability or military status will not be tolerated.

This policy applies to all terms and conditions of employment, including but not limited to employment advertising, hiring, placement, compensation, training, promotion, demotion, termination, layoff, transfer, disciplinary actions, leave of absence or any other benefits. Discrimination based on any of the above is strictly prohibited and any supervisor, administrator or employee who engages in or tolerates such behavior is subject to disciplinary action in accordance with the Civil Service Law, collective bargaining agreements or any other applicable State or Federal Laws.

If an employee believes that he or she has encountered violations of this policy, the employee may advise his or her Department Head. In addition, an employee can file a written complaint with the Town Supervisor, 8064 Pleasant Valley Rd., Bath, NY 14810, who is the Person Designated to Accept Complaints within (30) calendar days of the incident. Retaliation against the complainant will not be tolerated. False accusations will be treated as a disciplinary offense and will result in the same level of punishment as would be administered to one who engages in such behavior.

The Town of Urbana's policy is to investigate all such complaints. If an investigation confirms that a violation has occurred, the Town of Urbana will take corrective action, including any discipline that is appropriate up to and including immediate termination of employment of the offender.

Don Howard Appointment as Fire Commissioner

On motion by Councilman Jensen, seconded by Councilwoman Kolo and carried, all voting Aye to Appoint Don Howard as Fire Commissioner from 1/1/14-12/31/18.

Urbana Pier Removal

Supervisor Webster said that he had a conversation with Deputy Highway Superintendent Tim Slayton about removing the dock or just the top of the dock over the winter months if the highway staff has time. Councilman Jensen would like a plan in place for the pier before any removal takes place. Mr. Jensen asked if this would mean repairing the pier or building a new pier. The Board unanimously agreed they are not ready to make a decision about removing any part of the pier without a plan.

Surplus Equipment

Bob Magee submitted a request to purchase old computer equipment that has sat unused for two years. On motion by Councilman Presley, seconded by Councilman Chadwick and carried, all voting Aye to declare the equipment surplus and give to Mr. Magee.

Other New**Public Input**

Terry Bretherton said that he had a public safety concern in regards to a stone building on Pleasant Valley Rd. that looks like it could possibly fall towards the road. Mr. Webster said he would have the Building Inspector follow up on Mr. Bretherton's concern.

With no further business, on a motion by Councilman Presley, seconded by Councilwoman Kolo, the meeting was adjourned at 7:25 p.m. Carried unanimously by all present.

Respectfully submitted,

Mary M. Farmer
Town Clerk