

TOWN OF URBANA
REGULAR BOARD MEETING
December 27, 2011

The Urbana Town Board held its regular meeting on Tuesday, December 27, 2011 at 7:00 p.m. in the Town Hall, 8014 Pleasant Valley Road, Bath, New York.

PRESENT: Gordon Lanphere Supervisor
 Paul Martuscello Councilman
 Barb Yahn Councilwoman
 Mary Farmer Town Clerk
ABSENT: Jim Presley Councilman

OTHERS PRESENT: Norm Hann, John Jensen, John Webster, Joe Carroll, Luther Perkins, Bub Robinson, Randy Robinson, and Charlie Egresi.

Supervisor Lanphere opened the meeting at 7:08 pm.

On motion by Councilman Martuscello, seconded by Councilwoman Yahn and carried, all voting Aye to approve the minutes of December 6, 2011.

Appointment of New Board Member

On motion by Councilwoman Yahn, seconded by Councilman Martuscello and carried, all voting Aye to appoint John Jensen as a Town Council member effective immediately taking the seat of Councilman Joe Carroll. Supervisor Lanphere read a letter from Councilman Carroll announcing his resignation from the Town Board as of December 26, 2011. Councilman Carroll resigned from the Board due to relocating his residence to a different township.

Public Hearing on Farm Winery Zoning

Supervisor Lanphere open the Public Hearing on Farm Winery Zoning

Councilman Martuscello gave a brief overview of the proposed additions to the Zoning Codes. Randy Robinson, Planning Board Chairman offered information that the Planning Board has never turned down a special use application. There was further discussion about removing Residential Districts from the proposed changes.

FARM WINERY---as specified in NYS Alcohol Beverage Control Article 6, Section 76-a. In summary a farm winery is an operation which is authorized to produce and sell no more than 150,000 gallons of wine or approximately 63,078 9-liter cases. In addition to wine, a farm winery is authorized to produce and sell grape juice and other grape related products like jellies and jams as well as retail trade gifts, wine related tourists products and wine-making products and supplies from its retail tasting rooms. SEE Section 76- a, for details.

VINEYARD---5 or more acres plantings of grapevines. Includes land preparation, i.e. Tiling, vines and installation of trellis.

At 7:35 pm Supervisor Lanphere closed the Public Hearing and reopened the Regular Board Meeting.

On motion by Councilman Martuscello, seconded by Councilman Jensen and carried, to approve the changes to the Zoning Codes for Farm Wineries for all Districts except for Residential voting as follows:

Town Supervisor Lanphere	<u>AYE</u>
Councilman Martuscello	<u>AYE</u>
Councilman Jensen	<u>AYE</u>
Councilwoman Yahn	<u>AYE</u>

Public Comment – Bub Robinson asked questions about public comments not being entered into the minutes.

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Supervisor Lanphere said Judge Hewson doesn't think the argument will be heard in Urbana Court again.

Park Use Applications

On motion by Councilman Martuscello, seconded by Councilwoman Yahn and carried, all voting Aye to approve the Park Use Permits for the Wine Country Classic Boat Show on July 20, 2012 at 3pm through July 22 at 3pm. and the Curtiss Museum's Seaplane Homecoming on September 14, 2012 at 12 noon through September 16, 2012 at 12 noon.

Prior Written Notice Policy

On motion by Councilman Martuscello, seconded by Councilman Jensen and carried, all voting Aye to approve the Prior Written Notice Policy.

Prior Written Notice Policy

Notice of Highway Defects

This policy provides for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks and culverts in the Town of Urbana.

Be it enacted by the Town Board of the Town of Urbana.

Section 1. No civil actions shall be maintained against the town or town superintendent of highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given to the town clerk or town superintendent of highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert, unless written notice thereof, specifying the particular place, was actually given to the town clerk or town superintendent of highways and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2. The town superintendent of highways shall transmit in writing to the town clerk within ten days after the receipt thereof all written notices received pursuant to this local law and subdivision 2 of section 65-a of the Town Law. The town clerk shall cause all written notices received pursuant to this local law and subdivision 2 of section 65-a of the Town Law, to be presented to the town board within ten days of the receipt thereof or at the next succeeding town board meeting whichever shall be sooner.

Section 3. This local law shall supersede in its application to the Town of Urbana subdivisions 1 and 3 of section 65-a of the Town Law.

Section 4. This local law shall take effect immediately upon its filing in the office of the Secretary of State.

Please note that Town Law 65-a, Subdivision 4, requires the Town Clerk to keep a separate indexed record of all such notices received. In the event of litigation, the Town will be expected to demonstrate compliance with this provision.

On motion by Councilman Martuscello, seconded by Councilman Jensen and carried, all voting Aye to approve the Workplace Violence Prevention Policy.

Workplace Violence Prevention Policy

Purpose

The Town of Urbana is committed to the safety and security of our employees. Workplace violence presents serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of Urbana property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

The Town of Urbana is committed to protecting all people from violence or the threat of violence against employees, customers, or vendors. Any Town employee, customer, or vendor may not use violence or the threat of violence while performing work, conducting business, or visiting Town premises. All employees will participate in the annual Workplace Violence Prevention Training Program.

Scope of Policy

This Policy applies to all Town employees and all personnel in a contractual or other business relationship with the Town including, for example, applicants, temporary employees, independent contractors, vendors, consultants, volunteers and visitors. Depending on the extent of the Town's exercise of control, this Policy may be applied to the conduct of non-employees with respect to treatment or Town employees in the workplace. This Policy applies with equal force on Town property as it does at Town-sponsored events, programs, and activities which take place off Town premises.

Policy Objectives

By adopting and publishing this Policy, it is the intention of the Town to:

- 1. Provide safety education for employees so they know what conduct is not acceptable, what to do if they witness or are subjected to workplace violence, and how to protect themselves.*
- 2. Inform employees about notification procedures established by the Town which will enable any employee who believes (s) he is the victim of workplace violence to submit a complaint which will be investigated by the Town.*
- 3. Secure the workplace with lighting, metal detectors, and alarm systems, where appropriate.*
- 4. Where applicable limit the amount of cash on hand.*
- 5. Provide field staff with cell phones, require them to prepare a daily work plan, and inform a contact person of their location throughout the day. Keep employer-provided vehicles properly maintained.*
- 6. Instruct employees not to enter any location where they feel unsafe.*
- 7. Take threats seriously. Respond to reports by individuals. Call 911 where there is threat of bodily harm.*

Definitions

1. *Crime of Violence or Violence: Includes any degree of murder, voluntary manslaughter, and aggravated rape, rape, mayhem, especially aggravated robbery, robbery, burglary, aggravated assault, assault, physical or verbal threats and battery.*
2. *Weapon: Includes an explosive or an explosive weapon, a machine gun, a short barrel rifle or shotgun, a handgun, a firearm silencer, a switchblade knife or any other type of knife, or knuckles or any other implement for infliction of bodily injury, serious bodily injury or death that has no common lawful purpose.*
3. *Bullying: Workplace bullying is the repeated less a favorable treatment of a person by another or others, which may be considered unreasonable and inappropriate workplace practice. Workplace bullying is behavior that can intimidate, offend, degrade or humiliate an employee.*
4. *Work Site: Includes all Town property, owned or operated by the Town or in a Town vehicle.*
5. *Reporting: An employee who witnesses an incident of violence or threatening Language or conduct must promptly report the incident to his or her supervisor or the Risk Manager.*
6. *Discipline: An employee who violates this Policy by engaging in violent conduct or bringing a weapon into the workplace may be subject to discipline, up to and including reprimand, fine, suspension, demotion or termination.*

Policy

The Town of Urbana has a strong commitment to its employees to provide a safe, healthy and secure work environment. The Town expects employees to maintain a high level of productivity and efficiency. The threat of violence, occurrence of violence and the presence of weapons in the workplace during work hours or otherwise are inconsistent with these objectives. The Town expects all employees to report to the work site without possessing weapons and to perform their job without violence toward any other individual. Likewise, employees will perform their job without being subject to workplace violence.

Examples of Prohibited Activities

The Town of Urbana specifically prohibits the following and will routinely discipline an employee, up to and including termination for any of the following:

1. *Use, possession, sale of any weapon*
2. *Storing any weapon in desk, locker, vehicles, lunch box, tool kit, bag' purse or any other method of concealing on the work site or other Town location.*
3. *Refusing to submit to an inspection for the presence of weapon, when requested by Town.*
4. *Refusing to sign a statement to comply with the Town's Policy on Workplace Violence.*
5. *Refusing to participate in an investigation pertaining to allegations or suspicion that violence has or is likely to occur or an investigation pertaining to the carrying of a weapon by the employee or a co-employee.*
6. *Verbal or physical threats, threatening gestures or statements.*
7. *Fighting*
8. *Bullying*

Examples of Protected Activity

Includes but may not be limited to;

1. *Complained/reported a problem with discrimination, including sexual harassment and all other categories (race and national origin, age, gender, pregnancy, disability' and religion).*
2. *Complained/reported safety issues.*
3. *Requested accommodations of a disability.*
4. *Filed workers compensation claim.*
5. *Served as a witness at an unemployment hearing.*
6. *Were a whistleblower.*
7. *Refused to violate the law or a code ethics.*
8. *Sued the Town under certain laws such as the discrimination laws, whistleblower laws, and benefit-related laws.*
9. *Any good faith communication that discloses or demonstrates an intention to disclose information that may evidence either 1) an improper governmental activity or 2) any condition or the public if the disclosure that may significantly threaten the health or safety of employees was made for the purpose of remedying that condition.*

Procedures

Note that the confidentiality of the employee making the good faith disclosure will be maintained, unless it becomes necessary to disclose the identity to conduct a thorough investigation, to comply with the laws and to provide the accused individual(s) their legal rights of defense. All reports of illegal and dishonest activities should be promptly submitted to the supervisor, department head, elected official or Personnel Department. At any time before the complaint is fully resolved, the complainant may submit a request to the responsible supervisor, department head, elected official, the Risk Manager or the Personnel department to take interim actions to protect the complainant against any adverse action. The Department in which the employee is working, the Risk Manager or the Personnel Department is responsible for investigating and coordinating any Corrective action.

EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy shall be January 1, 2012. The Town of Urbana shall ensure that this Policy is adequately disseminated and made available to all employees of the Town. In addition, copies of this Policy and Complaint Form shall be maintained in the Administrative Code and employee Bulletin Board, found on the intranet.

PROHIBITION AGAINST RETALIATION

Retaliation is strictly prohibited as put forth in the Non-Retaliation Policy of Town of Urbana. Complaints of retaliation should be brought directly to a supervisor, the Risk Manager or the Personnel Department.

Fire Commissioner Appointment

On motion by Councilman Martuscello, seconded by Councilmen Jensen and carried, all voting Aye to reappoint Bill Yahn as Fire Commissioner.

Accounting Transfer

December 27, 2011

Accounting Transfers:

Debit:	A1990.400	Contingent Account	\$370.00
Credit:	A1110.110	Personal Services: Justice	10.00
	A1330.100	Personal Services: Tax Collector	10.00
	A1340.100	Personal Services: Budget Officer	10.00
	A1355.100	Personal Services: Assessor	10.00
	A1620.430	Buildings: Telephone	300.00
	A3510.100	Personal Services: Dog Control	10.00
	A4020.100	Personal Services: Registrar	10.00
	A5010.100	Personal Services: Highway Superintendent	10.00
Debit:	B1990.400	Contingent Account	\$25.00
Credit:	B8010.130	Personal Services: Zoning Officer	10.00
	B8010.400	Contractual: Zoning	15.00

Supervisors Report

On motion by Councilman Martuscello, seconded by Councilwoman Yahn and carried, all voting Aye to approve the November 2011 Supervisor's Report.

Abstracts

On motion by Councilman Martuscello, seconded by Councilwoman Yahn and carried, all voting Aye to approve December 2011 Abstracts # 2. Councilman Jensen abstained.

Other business/Input

Supervisor Lanphere read a resignation letter from Rick Watson, Zoning Board of Appeals Chairman whose term was ending and wasn't looking to be reappointed.

The Board discussed the amount of money Mr. Egresi spent in hopes of being able to purchase a small piece on property from the Town to make his property compliant. After a brief discussion the Board felt in operating on a good faith effort they would reimburse Mr. Egresi for his investment. On motion by Councilwoman Yahn, seconded by Councilman Martuscello and carried, all voting Aye to reimburse Mr. Egresi \$1100.00.

Bub Robinson had comments about legal fees incurred by the school district concerning the Curtiss School.

With no further business, on a motion of Councilman Martuscello, seconded by Councilman Jensen, the meeting was adjourned at 8:05 p.m. Carried unanimously.

Respectfully submitted,

Mary M. Farmer
Town Clerk