

TOWN OF URBANA
Regular Board Meeting
December 15, 2015

The Urbana Town Board held its regular meeting on Tuesday, December 15, 2015 at 6:30p.m., at the Town Hall, 8014 Pleasant Valley Rd., Bath, New York.

PRESENT: Tom Chadwick Councilman
John Webster Supervisor
Alzina Turner Councilwoman
John Ryan Attorney
Mary Farmer Town Clerk

ABSENT: Councilman Stull

OTHERS PRESENT: Doug Robinson, Bee Keck, Ron Leonard, Mary Jo Savino, Lance Locey and Bob Magee.

Public Hearing for Dog Control Law

There were no comments. On a motion by Councilman Chadwick, seconded by Councilman Presley and carried, all voting Aye to close the Public Hearing.

Minutes

On a motion made by Councilwoman Turner, seconded by Councilman Chadwick and carried, all voting Aye to approve the minutes of November 17, 2015.

Abstracts

On a motion made by Councilman Presley, seconded by Councilman Chadwick and carried, all voting Aye to approve the December 15, 2015 Abstract's.

Accounting Transfers

On a motion by Councilman Presley, seconded by Councilwoman Turner and carried, all voting Aye to approve the following accounting transfers.

Debit: DB5110.410	Contractual	\$7,000.00
Credit: DB5142.400	Snow Removal Contractual	\$7,000.00

Property Maintenance Law First Review

Zoning Officer Bob Magee reviewed the updates to the law with the Board. There were some concerns about the misdemeanors portion of enforcement. Attorney Ryan will review the law and the Board will review at the December 28th meeting.

Accepting Credit Cards

Supervisor Webster asked for Board approval to move forward with the credit card application pending conditions that the application is complete and Mary Farmer, John Webster and Attorney Ryan accept the conditions.

On motion by Councilwoman Turner, seconded by Councilman Presley and carried, all voting Aye to approve moving forward with the credit card company with the conditions.

Dog Control Law SEQR

Based on the answers to the short form SEQR questions, a motion was made by Councilman Presley, seconded by Councilman Chadwick and carried, to direct Supervisor Webster to check the box that indicates the proposed action will not result in any adverse environmental impact and to sign the SEQR all voting as follows:

Councilman Chadwick	Aye
Councilwoman Turner	Aye
Councilman Presley	Aye
Supervisor Webster	Aye

Adoption of Updated Dog Control Law Local Law # 2

On motion by Councilman Chadwick, seconded by Councilwoman Turner and carried to adopt Local Law #2 of 2016 Dog Control Law all voting as follows:

Councilman Chadwick	Aye
Councilwoman Turner	Aye
Councilman Presley	Aye
Supervisor Webster	Aye

AMENDED DOG CONTROL LAW

**Chapter 47
Dogs
Article I
Dog Control**

- § 47.1 Purpose
- § 47.2 Statutory Authority
- § 47.3 Title
- § 47.4 Definitions
- § 47.5 Prohibited Actions
- § 47.6 Licensing of Dogs
- § 47.7 Enforcement
- § 47.8 Penalties
- § 47.9 Interference with Officers

ARTICLE I

[Amended and Adopted 01-18-2011 as L.L. No. 1 – 2011]

§ 47 - 1. Purpose

The purpose of this article is to protect the health, safety, and well-being of persons, property and dogs by imposing restrictions within the Town. Any licensed or unlicensed dog found uncontrollable, showing unlawful behavior, causing physical harm to persons, has damaged property or created any nuisance within the Town will be found in violation.

This article is also a means to promote and educate owners for the welfare of the dog. To protect and ensure the condition of animals and how they are kept does not cause unwarranted stress for the residents, property or dog.

§ 47 - 2. Statutory Authority

This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law And the Municipal Home Rule Law of the State of New York.

§ 47 - 3. Title

The title of this article shall be the “Dog Control Law of the Town of Urbana”.

§ 47 - 4. Definitions

Used as in this Article, the following words shall have the following respective meanings:

Dog – male and female, licensed and unlicensed, members of the species Canis Familiaris.

Dog Control Officer (DCO) – Person appointed by the Town of Urbana for the purpose of enforcing Article 7 of the NYS Ag & Market Law and this Local Law upon adoption.

Owner – The person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog, unless the dog is or has been lost and such loss was promptly reported to the Dog Control Officer and a reasonable search has been made. If a dog is not licensed, the term “owner” shall designate and cover any person or persons, association, corporation who or which, at any time, owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought, or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this article, shall be held in and deemed to be the “owner” of such dog for the purpose of this article.

In the event that the “owner” of any dog found to be in violation of this Article shall be under eighteen (18) years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violation of the Article.

Town – The Town of Urbana

§ 47 - 5. **Prohibited Actions**

It shall be unlawful for any owner of any dog in the town to permit or allow such dog to:

- A. Run at large unless the dog is accompanied by its owner or a responsible person and under the full physical control of such person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual loud howling, barking, crying, whining, or conducting itself in such a manner so as to cause stress to the animal and unreasonably and habitually disturb the comfort of any resident.
- C. Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property without the consent or approval of the owner.
- D. Chase, jump on or at, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such a person in reasonable apprehension of bodily harm or bodily injury.
- E. Habitually chase, run alongside of, or bark at motor vehicles, motorcycles, or bicycles while on a public street, highway, or upon private property without the consent or approval of the owner of such property.
- F. Create a nuisance by defecating, urinating, or digging on public property or on private property without the consent of the owner of such property.
- G. Limit the chaining and kenneling to no more than 12 hours per day. Any dog currently used as a hunting dog is exempt from this limitation. This code also requires any tether be at least 15 feet long attached in a way to prevent injury, strangulation or entanglement with other objects. No dogs will be tethered with any choke or prong collar.
- H. Residents will be advised that the Town of Urbana will take action regarding dogs left out in extreme weather. For more details see Article 26 section 535-b of the NYS Ag & Market Cruelty Law – Appropriate shelter for dogs left outdoors.

§47-6. **Licensing of Dogs**

- A. All dogs in the Town of Urbana must be licensed by the Town Clerk by the age of 4 months and are required to present a Certificate of rabies at the time of licensing or the renewal of an existing license.
- B. All dogs must wear a Town issued identification tag.

- C. All dog licenses will be for a period of one year and will expire at the end of the month one year from date of issue.
- D. Fees for licensing of Dogs: The fee for a spayed or neutered dog will be \$10.00 (which will include the assessment of \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$20.00 (which will include the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board if deemed necessary.
- E. The fee for a replacement tag will be \$3.00 per tag.
- F. A twenty dollar (\$20.00) late fee will be charged for a renewal received after the last day of the month it is due. If the license remains unpaid by the last day of the following month of which it was originally due, an appearance ticket will be issued.
- G. Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to owners of all dogs found to be un-renewed or unlicensed at the time of the enumeration.
- H. The Town of Urbana will not issue Purebred or Kennel Licenses. All dogs will be licensed individually as per the system stated above.
- I. Service dogs. The Town of Urbana will require a license for all guide dogs, service dogs, hearing dog or detection dog which reside in the Town.
- J. The Town of Urbana does not allow the licensing of dogs by an animal shelter. The shelter must send the adoptive dog owner to the Town Clerk of the town or City in which the dog will be harbored for licensing.
- K. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing by mail, the appropriate fee and certificate of rabies, if required, must accompany the forms. There will be no refund of fees.

§ 47-7. Enforcement

- A. The dog control officer or any peace officer shall seize any unlicensed dog, whether on or off the owner's premises and any dog without identification which is not on the owners premises. Such dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law. The dog control officer or peace officer may also investigate and report to a Town Justice of the Town any dangerous dog, as described by Article 7 of the Agriculture and Markets Law and enforce the order of the Town Justice.
- B. The dog control officer or peace officer having reasonable cause to believe that a person has violated this Article shall issue and serve upon such person an appearance ticket for such violation.
- C. Any person who observes a dog in violation of this Article may file a complaint under oath with a Town Justice of the Town, specifying the nature of the violation, the date thereof, a description of the dog, and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this article.

§ 47-8. Interference with officers

- A. No person shall hinder, harass, resist or oppose the Dog Control Officer, peace officer or other person(s) authorized to administer or enforce the provisions of this Article in the performance of the person's duties under the article.

§ 47-9. Penalties for offenses

- A. Fees for seizure of dogs. The fees for seizure and impoundment of dogs in violation of this law, the New York State Agriculture and Markets Law and the regulations of New York State Department of Agriculture and Markets are as follows:

First Offense: The same impoundment and euthanasia fees per animal that are charged to the Town for such services; Second Offense: \$60 plus the impoundment and euthanasia fees per animal. These fees will be reviewed periodically by the Town Board and may be changed by a resolution of the Town Board if deemed necessary.

- B. Any person convicted of a violation of this Article shall be liable to a civil penalty not to exceed fifty dollars (\$50) for the first violation, not exceeding seventy five dollars (\$75) for the second violation and not exceeding one hundred dollars (\$100) for each subsequent violation. These fees will be reviewed periodically by the Town Board and may be changed by a resolution of the Town Board if deemed necessary.
- C. Each week's continued violation shall constitute a separate violation.
- D. Failure to appear in court may result in a Bench Warrant.

Parks Advisory Committee Report

Monthly Report to Town Board December 15, 2015

Members present: Mary Farmer, Tom Chadwick, Ed Wightman, Dave Luppino, Dave Oliver, Lee Dickson, Bee Keck

- 1. Waterfront Revitalization Grant : we did a review of the 29 items listed on the Waterfront Master Plan and have taken what we feel are the top items that should be addressed as soon as possible.

- 1. 1. Remove and Replace the Champlin Beach Pier with a New Pier
2. Facilitate the Return of an Excursion Boat at the Champlin Beach Pier
Because of the nature of #1 & #2 they should go together
- 2. 5. Develop a 'Waterfront Center' in the Champlin Beach Area
16. Develop Public Restroom Facilities
Because of the nature of #5 & #16 they should go together
- 3. 3. Improve the Champlin Beach Area Parking
- 4. 6. Develop Waterfront Trails Connecting Champlin Beach, Curtiss Park, and Depot Park
This would include development of Curtiss Park and the bridge across the inlet
- 5. 14. Redevelop the Corner of Liberty Street and Mill Street
- 6. 9. Develop a Public Ice Skating Rink

- 2. "Trailhead" at Town Hall;
 - a. Construction complete on 1st stage; pavers (hardscape) & Kiosk
 - b. Final Landscaping and benches in Spring 2016. Plan on dedication to Town on April 23rd at the conclusion of next "Downhill Hike", rain date of April 30th.
- 3. Wetland behind museum.
 - a. FOIL request received 9-31-15 (Army Corp- USDA Wetland Reserve Program)
 - i. Project description: 6 acres of ponds, 2000 feet of level ditches and 4 acres of seeding (in short). Keeping this project in mind may eventually provide a means of making the connecting trail from the museum to the RR ROW more affordable.
- 4. Curtiss Park
 - a. Grading plan [Steuben Soil & Water] was done on Oct. 17/18 weekend. More work in spring of 2016
 - b. Application submitted to Design Connect for Spring 2016
- 5. Rails to Trails
 - a. Design Connect final presentation was Dec. 6th. Copy available.

The "Friends" group would like to see the development of the rails to trails project since the county has started the process to remove the rails. With all the brush being cleared, once the rails are removed the problem of brush regenerating should be addressed or there will be more work for the town. This project has been talked about

in the community and with the start by the county there is generally a lot of misconception of what the project would entail. The Cornell Design Connect group has provided a primary feasibility plan for the “Friends” group which will be available to the board. I believe that this plan offers a point in which dialogue can be initiated with the adjacent landowners of the railroad right of way which should be started as soon as possible.

Respectively submitted,
David C. Oliver
Chairman, Urbana Parks Advisory Committee

Review Park Use Guidelines

The Board discussed different events that use the parks and the associated fee structure. It was decided to leave it as it is and look at each application on a case by case request.

Mary Jo Savino, Keuka Water Taxi

Ms. Savino submitted a conceptual proposal for the Depot building. The Board will review the proposal and will discuss it further at a later date.

Conference Approval

On motion by Councilwoman Turner, seconded by Councilman Chadwick and carried, all voting Aye to approve attendance for John Webster, Jim Presley and Nichole Dresser at the NYC Association of Towns Conference in February.

Councilwoman Turner has asked that all employees who attend trainings and conferences submit a report and supply all certifications received.

Lakefront Revitalization, Parks and Trails Advisory Committee

On motion by Councilman Presley, seconded by Councilwoman Turner and carried, all voting Aye to appoint the following Advisory Committee Members:

Councilman Presley	Chairman
Mary Farmer	Town Resident
Ed Wightman	Business Owner
Tom Chadwick	Alternate with full voting rights for all positions except Councilman Presley’s

The Village, Chamber, School and Friends will appoint members at their next scheduled meetings.

Assessor Agreement

Supervisors from Urbana, Wayne and Pulteney and Dave Oliver, Assessor met to discuss an Inter-Municipal Agreement between the three towns for the Assessors position. Supervisor Webster will bring the Agreement back for Board review.

Grant Status Report

Supervisor Webster reported that the Town only received \$350,000 of the \$888,000 requested. This money will be used specifically on the pier and in getting a tour boat. Supervisor Webster said they are working on getting estimates.

Speed Limit Reduction Request

The Board discussed the request and it was decided that they didn’t want to proceed in researching the idea. Supervisor Webster will write a letter to Mr. Goldman.

Other

The Board discussed an issue where someone has been logging and dropping logs in the stream near Glen Brook Road. The logs are causing a blockage in the stream which could add to more challenges in that area. Attorney Ryan will look into the liability issue and will work with Tim Slayton, Mike Slowinski and Bob Magee.

The Board talked about the Depot rental and how they would like to be able to rent to a retail establishment.

On a motion made by Councilman Presley, seconded by Councilman Chadwick and carried, all voting Aye

to move forward and submit an application to the Village Planning Board.

Mary Jo Savino spoke to the Board about the public meeting process. She asked if there could be public input at the beginning and at the end of the meetings on agenda items. The Board agreed.

Ron Leonard asked questions about the grant money and the process of when and how the Town receives the money. Mr. Leonard asked how the dock builder and tour boat operator will be chosen. Supervisor Webster said he and Councilman Presley are working with Hunt Engineers to get specifications done in order to send out RFP's.

With no further business, on motion by Councilman Chadwick, seconded by Councilman Presley, the meeting was adjourned at 7:40pm. Carried unanimously by all present.

Respectfully submitted,

Mary M. Farmer
Town Clerk