

**TOWN OF URBANA
Regular Board Meeting
June 16, 2015**

The Urbana Town Board held its regular meeting on Tuesday, June 16, 2015 at 6:30p.m., at the Town Hall, 8014 Pleasant Valley Rd., Bath, New York.

PRESENT: John Webster Supervisor
 Edward P. Stull Councilman
 Tom Chadwick Councilman
 Jim Presley Councilman

ABSENT: Alzina Turner Councilwoman

OTHERS PRESENT: Doug Robinson, Jamie Johnson, Paul Albee, Lance Locey, Tim Steed, Chris Bond and Mary Jo Savino.

Minutes

On a motion made by Councilman Stull, seconded by Councilman Chadwick and carried, all voting Aye to approve the minutes of May 19, 2015.

Abstracts

On a motion made by Councilman Chadwick, seconded by Councilman Stull and carried, all voting Aye to approve the June 2015 Abstracts (except # 171)

On motion made by Councilman Chadwick, seconded by Councilman Stull and carried, all voting Aye to approve Abstract # 171. Councilman Presley abstained.

Old Business

Fireworks Policy

Town of Urbana Fireworks Display Permit

Fee _____ Permit number _____

Property Owner's name _____

Resident's name, if different _____

Property Address _____

In addition to the requirements found on the following pages the Town of Urbana requires these additional things be done.

1. You will notify in writing all residents within a 1/2 mile radius of the event location.
2. 911, the Hammondsport Fire Department and the Hammondsport Ambulance Corps will be notified in writing of the event.
3. The permit will be issued to the property owner or the resident of the property with written owners consent.
4. The fireworks display may not commence before 10:00 a.m. and must be finished by 10:30 p.m.
5. It is the responsibility of the permit holder to make sure that the permitted event complies with all New York State and local statutes, rules and regulations.

Approved by _____ Date _____

Permits for Fireworks Displays (Explanation)

Under §405 of Penal Law, towns are required to review applications for permits for display of fireworks within the town. This provision and accompanying regulations of the Department of Labor has made significant changes in permitting requirements. Attached is the application prepared by the Department of labor which reflects changes in state law and regulations'

Formerly, §405 authorized the issuance of permits only for "public displays" of fireworks. The section was amended to allow individuals to obtain permits for displays at private events. Additionally, the person in charge of the fireworks display must now have state certification. 12 NYCRR 61-2.1 thru 61-2.7. These certification requirements are administered and enforced by the state Commissioner of Labor. A single, state certified pyrotechnician must have overall responsibility for the fireworks display ensuring that the display conforms to required standards. The operator has sole responsibility for authorized assistants. If these assistants are not certified pyrotechnician to qualify as an authorized assistant, the person must be at least 18 years old, be trained in the performance of the tasks assigned and educated with regard to safety hazards. The application display permit is required to identify the certified operator and state his certificate number. Additionally, assistants must be named along with their certificate number, if certified, and their age.

New regulations to protect the public have replaced prior provisions. The Department Labor regulations 12 NYCRR 61-2.8 provide that every outdoor fireworks show must be conducted in accordance with National Fire Protection Association (NFPA) §1123, in addition to the requirements of §405 of the Penal Law.

Chapter 4 of §1123 provides safety requirements for the display of fireworks and aerial shows and equipment. It also includes provisions regarding the storage and transportation of fireworks. Thus, the provisions of the NFPA, as incorporated into the Department of labor regulations, provide specific provisions regarding the firing of explosives and pyrotechnics and their transportation and storage. Section 1123 also requires a site plan that must include the dimensions of display site and location of discharge sites, spectator viewing areas, parking areas and the associated separation distances.

Section 1126 of the NFPA regulates indoor displays of fireworks and provides standards for the use of pyrotechnics in relation to any theatrical, musical or similar production before a proximate audience. This section also includes storage requirements, transportation requirements and requirements regarding the actual discharge of fireworks.

The NFPA requirements are available on a viewing only basis at the NFPA website (www.nfpa.org). Under §405 of the Penal Law, the permit application, as detailed in the attached permit application, must include the name of the body sponsoring the display and the names of people in charge, their certificate numbers and identification of any individuals assisting in the display and their qualifications. Also, the permit must include the date and time of the day when the display is to be held; the location of the display; the number and kind of fireworks to be discharged; and the manner and place of storage of the fireworks prior to display. Also, the permit must include a diagram of the grounds on which the display is to be held including the location of all buildings, highways and other means of transportation, the lines behind which the audience will be restrained and the location of all nearby trees, telegraph and telephone lines or other overhead obstructions. Significantly, the permit authority - in this case the town - may require other information necessary to protect people or property.

As a condition of granting the permit, the town must require an adequate bond or indemnity insurance policy, of which coverage may not be less than \$1 million for the payment of damages to any people resulting from the fireworks display. The town should ensure that the terms of the bond or indemnity policy covers it and its officers and employees from any liability.

The town, as permit authority, has discretion to determine whether the applicant has satisfied all of these requirements.

REQUEST FOR FIREWORKS DISPLAY PERMIT
Town, Village or City of
Ref: NY State Penal Law, Article 105.00

Application Date: _____

(A) Sponsor of the show

Name: _____

Address: _____

Phone: _____ Contact Person: _____

Display Company

Company Name: _____

Address: _____

Phone: _____ Contact Person: _____

NYS Dept. of Labor Explosives License# _____ Expires: _____

Operator - Name of the certified pyrotechnician who will be in charge of the display

Name	Certificate #	Expires
_____	_____	_____

Authorized Assistants: Names of the individuals who are authorized by the operator to work on the show, identified either by their certificate number and expiration date, if they are certified, or by their age and phone number, if they are not certified.

Name	Certificate # / Age	Expires / Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Continue on a separate sheet, if necessary).

(B) Display Date/Time: _____ Expected Duration: _____

(C) Display Location: _____

(D) Display Content: _____

(E) How will fireworks be stored prior to display: _____

(F) Rain Date for display: _____

(G) If rained out, how will fireworks be stored: _____

- (H) For outdoor displays not before a proximate audience, attach a diagram of the area where the display will take place, showing location where the fireworks will be discharged from, the location of, and distance to: all buildings, highways, lines of communications, location of the audience, trees, overhead obstructions or other structures or devices that could be affected by the display or fallout from it.
- (I) Proof of Insurance or Bond (Minimum Two Million Dollars). Please attach a copy of the policy certificate or other proof of insurance or bond conditioned for payment of all damages which may be caused to a person(s) or to property by reason of the display so permitted and arising from any action of the permittee, its assistants, agents, employees, contractors or subcontractors or any materials used by any of said persons. The insurance certificate or bond must name the Town of Urbana, N.Y., its officers and employees as additional insureds on a primary basis.
- (J) For Indoor displays, in addition to the information provided above, include a written plan for how you intend to use the pyrotechnics as required by the New York State Penal Law 405.10. That plan shall be submitted at least five days prior to the performance and include:
- In addition to the State Licenses and Certificates already included in this application, proof of Federal ATF Licenses if required.
 - Proof of experience of the pyrotechnician in charge.
 - Proof of experience with the types of devices being used and a description of duties of any authorized assistant.
 - Point of assembly of the pyrotechnic devices.
 - Manner and place of storage of pyrotechnic materials and devices.
 - Material Safety Data Sheets (MSDS) for the pyrotechnic materials to be used, Certification that set, scenery, and rigging materials are inherently flame-retardant or have been treated to achieve flame retardancy.
 - Certification that all materials worn by performers in the fallout area during the use of pyrotechnic effects are inherently flame-retardant or have been treated to achieve flame retardancy.
 - For indoor displays attach a diagram of the area where the display will take place, showing location where the fireworks will be discharged from, the location of, and distance to the audience, the location of sprinklers and the fallout radius for each pyrotechnic device used, a copy of the approved permit and plan shall be kept on site and available for review. Any significant changes to the plan shall be approved prior to the performance.
- (K) The applicant/permittee must comply with all applicable federal, state and local laws, regulations, and rules including New York State Penal Law Section 405.00 and the regulations of the National Fire Protection Association as they pertain to outdoor and indoor fireworks shows/displays.
- (L) I attest that the information contained in this permit application is accurate, true and complete to the best of my knowledge, and I understand that false statements made in this permit application are subject to the applicable versions of the NYS Penal Law. The permit cannot be transferred or assigned.

Signature of Applicant

Date

On motion by Councilman Presley, seconded by Councilman Chadwick and carried, all voting Aye to approve the purchase and installation of the key pad locking system. It will be set to open at 5AM and close at 1AM.

Speed Limit Changes

Resolution 2015 – 4

County Road 88 Speed Limit Increase

On motion by Councilman Stull, seconded by Councilman Presley and carried, to request the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a Raised maximum speed at which vehicles may proceed on County Route 88 (Pleasant Valley Rd.), a Steuben County Highway between Hammondsport Village limit and State Route 54. All voting as follows at a regular Town Board meeting held on June 16, 2015:

Supervisor Webster	Aye
Councilman Stull	Aye
Councilman Presley	Aye
Councilman Chadwick	Aye

Resolution 2015 – 5

South Valley Rd. Speed Limit Decrease

On motion by Councilman Stull, seconded by Councilman Presley and carried, to request the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a Lower maximum speed at which vehicles may proceed on South Valley Rd., a Town Highway between County Road 88 (Pleasant Valley Rd.) and State Route 54. All voting as follows at a regular Town Board meeting held on June 16, 2015:

Supervisor Webster	Aye
Councilman Stull	Aye
Councilman Presley	Aye
Councilman Chadwick	Aye

Chamber of Commerce Main Street Grant

Councilman Presley asked the Board for a letter of support for the Chamber and its effort in applying for the Main St. Grant. On motion by Councilman Presley, seconded by Councilman Stull and carried, all voting Aye to approve a letter of support.

Hunt Engineers

Tim Steed and Chris Bond from Hunt Engineers addressed the concerns of some of the Board members regarding the pier estimate and what the Town received for the cost associated with what was delivered. Mr. Steed and Mr. Bond reiterated that they would like a good working relationship with the Town. They reviewed what the Town originally asked them to provide in regards to the condition of the pier, repair vs replacement, and noted the report is at a grant level of estimation such as including prevailing wage, a woman owned business etc... Mr. Steed offered Hunt's help in strengthening the report for the grants being written and will contact the IDA personally to offer their help.

Parks Advisory Report

There was no discussion.

Beautification Committee Request

The Beautification Committee has sent the Town notification that they can no longer take care of cutting the lawn on the corner of State Route 54 and Main where the Hammondsport sign is located. They will maintain the sign and the landscaping around it. Superintendent Buckley has already agreed to the highway crew taking care of it.

On motion by Councilman Presley, seconded by Councilman Stull and carried, all voting Aye to approve taking responsibility for the mowing on the corner of State Route 54 and Main St.

Jim Mitchell Resignation

On motion by Councilman Chadwick, seconded by Councilman and carried, all voting Aye to accept Mr. Mitchell's resignation from the Planning Board. The Board thanks him for his years of service and for being an outstanding member of the Planning Board.

Appoint Pete Swarhout to the Planning Board

On motion by Councilman Presley, seconded by Councilman Stull and carried, all voting Aye to appoint Pete Swarhout to the Planning Board to fulfill the term until September 30, 2015.

Park Use Permit for Relay of Life – Russell Pennise Memorial Fishing Derby

On motion by Councilman Chadwick, seconded by Councilman Stull and carried, all voting Aye to approve the non-exclusive permit for July 10th – July 12th.

Board of Assessment and Review

On motion by Councilman Stull, seconded by Councilman Presley and carried, all voting Aye to have Attorney Ryan research and draft a local law increasing the BAR from a three to five member board.

Summer Recreation Donations

On motion by Councilman Stull, seconded by Councilman Presley and carried, all voting Aye to accept the donations received in the amount of \$2,220.

Other

- 50% of the Towns roads were damaged in the last storm with an estimate of ~ \$150,000 - \$200,000 in repairs needed. Crow's Nest alone will need \$30,000-\$40,000 in materials to repair. The Town might need to use CHIP's money and FEMA money is still due.
- Councilman Stull thanked Doug Robinson and the highway crew for a great job done during and after the storm.
- Note from Jeff Grimsman - Supervisor Webster acknowledged the letter but has put it in Dave Buckley's mail box as it concerns road issues.
- Mary Jo Savino – Keuka Water Taxi, introduced herself to the Board and told them about her new business that will transport people, pets, provisions and equipment on Keuka Lake. The services will include deliveries of pizza, cottage supplies, and in-town shopping purchases.
- Lance Locey – Keuka Watersports talked to the Board about adding a pontoon boat or two for lake cruises and reminded the Board of his original dock proposal of a 200 slip floating dock system. Mr. Locey would like to pursue the option if it becomes part of the waterfront plan.

At 7:55pm on motion by Councilman Presley, seconded by Councilman Stull and carried, all voting Aye to enter into executive session for the purpose of a real estate discussion.

At 8:48pm on motion by Councilman Stull, seconded by Councilman Presley and carried, all voting Aye to close the executive session.

With no further business, on motion by Councilman Chadwick, seconded by Councilman Stull, the meeting was adjourned at 8:50pm. Carried unanimously by all present.

Respectfully submitted,

Mary M. Farmer
Town Clerk