

**Urbana Town Board Meeting
Board Meeting
February 11, 2020**

The Urbana Town Board held its regular meeting on Tuesday, February 11, 2020 at 6:30 p.m. at the Town Hall, 8014 Pleasant Valley Road, Bath, New York.

PRESENT: Jim Presley Deputy Supervisor
Mary Farmer Councilwoman
David Shaw Councilman
David Luppino Councilman
Deanna Tompkins Town Clerk

ABSENT: Edward Stull Supervisor

Others Present: Jack Young, Calvin Laning, Dave Oliver

Deputy Supervisor Jim Presley called the meeting to order at 6:30 p.m.

Pledge of Allegiance

Public Hearing on Local Law#1 of 2020

On a motion made by Councilwoman Farmer, seconded by Councilman Luppino and carried, all voting Aye to open the Public Hearing on Local Law #1 of 2020 at 6:32 p.m.

Comment: David Oliver is in favor.

On a motion made by Councilman Shaw, seconded by Council man Luppino and, carried all voting Aye to close the Public Hearing on Local Law #1 of 2020 at 6:32 p.m.

On a motion made by Councilwoman Farmer, seconded by Councilman Luppino and carried, all voting Aye to approve the Board minutes from January 21, 2020.

On a motion made by Councilman Shaw, seconded by Councilman Luppino and carried, all voting Aye to approve the Board Minutes from January 28, 2020.

On a motion made by Councilman Luppino, seconded by Councilman Shaw and carried, all voting Aye to approve Abstract #2 of 2020 with the exception of the three invoices for voucher #1153.

On a motion made by Councilwoman Farmer, seconded by Councilman Shaw and carried, all voting Aye to approve paying Attorney Ryan's Invoice. It was not listed on the abstract.

On a motion made by Councilwoman Farmer, seconded by Councilman Luppino and carried, to approve paying the three invoices for voucher #1153, Deputy Supervisor Presley Abstained.

On a motion made by Councilwoman Farmer, seconded by Councilman Shaw and carried, all voting Aye to approve the following Accounting Transfer:

A Fund

| | | |
|----------------|--------------|----------|
| From: A599 | Fund Balance | \$164.00 |
| To: HA8397.220 | Pier Grant | \$164.00 |
| From: A599 | Fund Balance | \$ 41.00 |
| To: HA8397.230 | Pier Grant | \$ 41.00 |
| From: A599 | Fund Balance | \$698.00 |
| To: HA8397.230 | Pier Grant | \$698.00 |

On a motion made by Councilman Shaw, seconded by Councilman Luppino and carried, all voting Aye to accept the Department Reports.

Public Input on Agenda Items

None

Pier Project Update:

Test holes will be drilled on February 12, 2020. The reason for the drilling is so that Meagher Engineering knows the footing needed in order to get a closer cost for the project.

Bridge Project Update

On a Motion made by Councilwoman Farmer, seconded by Councilman Luppino and carried, all voting Aye to appoint David Oliver as the lead person on the Bridge Project.

On a motion made by Councilman Shaw, seconded by Councilman Luppino and carried, approving a future donation from Friends of Hammondsport for the handicap Kayak launch, all voting as follows:

- . Councilwoman Farmer: Abstain
- Deputy Supervisor Presley: Aye
- Councilman Luppino: Aye
- Councilman Shaw: Aye

Approve Basis of Design Document

February 11, 2020

**RESOLUTION #7 TO APPROVE
MEAGHER ENGINEERING, PLLC 2020 BASIS OF DESIGN**

Motion by: Councilwoman Farmer

BE IT RESOLVED that the Town of Urbana Board approves Meagher Engineering, PLLC’s Basis of Design with the mutual understanding that details can be adjusted.

Seconded by: Councilman Luppino

| | AYE NAY | |
|--------------|----------|--|
| Farmer | 1 | |
| Luppino | 1 | |
| Presley | 1 | |
| Shaw | 1 | |
| Stull | absent | |
| Total | 4 | |

**RESOLUTION #8 TO APPROVE PAYMENT
TO RAY M. TEETER, P.E. FOR GEOTECHNICAL SERVICES**

Motion by: Councilwoman Farmer

BE IT RESOLVED that the Town of Urbana Board accepts the proposal and approves payment to Ray M. Teeter, P.E. Consulting in the sum of \$800 for coordinating performance test boring services. Any supplemental charges in addition to the \$800 will be approved separately.

Seconded by: Councilman Luppino

| | AYE | NAY |
|--------------|--------|-----|
| Farmer | 1 | |
| Luppino | 1 | |
| Presley | 1 | |
| Shaw | 1 | |
| Stull | Absent | |
| Total | 4 | |

Set Public Meeting for Waterfront Project

On a motion made by Councilman Luppino, seconded by Councilman Shaw and carried, all voting Aye to set the public meeting for the Waterfront Project on Thursday, February 27 at 6:00 p.m.

Bonding for Waterfront Project

The goal is to have a bond resolution at the regular board meeting on March 17, 2020.

Grader

On a motion made by Councilman Luppino, seconded by Councilman Shaw and carried all voting Aye to rescind the following motion that was made on October 15, 2020:

On a motion made by Councilman Presley, seconded by Councilman Stull and carried, all voting Aye to approve a 7 year lease program for the Grader with \$60,000 down. The \$60,000 will be taken from the Equipment Reserve fund. When we sell grader the money will be put back in the reserve fund.

On a motion made by Councilman Farmer, seconded by Councilman Luppino and carried, all voting Aye to approve the new contract for the same grader, lease to buy 60,000 on the following roll call vote

Councilwoman Farmer: Aye
 Deputy Supervisor Presley: Aye
 Councilman Luppino: Aye
 Councilman Shaw: Aye

Condo Law

Dave Oliver and Attorney Ryan will work on a Condo Law for next month's regular meeting.

Adopt Local Law #1 of 2020

LOCAL LAW NO. 1 OF 2020

**A LOCAL LAW ADDING A NEW CHAPTER NUMBERED 46
“OFFICE OF TOWN CONSTABLE”
TO THE CODE OF THE TOWN OF URBANA, NEW YORK**

BE IT ENACTED by the Town Board of the Town of Urbana, New York, as follows:

Section 1. A new Chapter numbered 46 titled Office of Town Constable is added to the Town Code to read as follows:

§ 46-1 Title.

This chapter shall be known and may be cited as the “Office of Town Constable of the Town of Urbana, New York.”

§ 46-2 Purpose.

The purpose of this chapter is to establish the Town of Urbana as a constabulary and to create the office of Town Constable as authorized by § 2.10 of the Criminal Procedure Law of the State of New York and § 20, Subdivision 1, of the Town Law of the State of New York, to perform such duties at the direction of the Town Supervisor, Town Board, Designee, and/or Town Justices for the Justice Court of the Town of Urbana as allowed by the laws of the State of New York.

§ 46-3 Persons designated as peace officers.

Notwithstanding the provisions of any general, special or local law or charter to the contrary, only the following persons shall have the power of and shall be peace officers of the Town of Urbana.

A. The Town Constable shall be a constable, peace officer provided such designation is not inconsistent with local law and the office of the Town Constable shall be an appointed position.

B. Upon appointment of a constable, or any peace officer, the Town must provide name, date of birth, rank or title, official station and whether he or she is employed full-time or part-time to the New York State Division of Criminal Justice Services, Albany, New York, pursuant to Executive Law § 845 on a semiannual basis (January and July).

§ 46-4 Powers and duties.

A. The powers and duties of a town constable/peace officer are derived from two sources: Urbana Town Code; and Criminal Procedure Law, § 2.20 of the State of New York.

B. Town Constables shall have the following powers:

- (1) Make warrantless arrest pursuant to § 140.25 of the Criminal Procedure Law;
- (2) Use physical force and deadly physical force in making an arrest or preventing an escape pursuant to § 35.30 of the Penal Law of the State of New York;
- (3) Carry out warrantless searches whenever such searches are constitutionally permissible and acting pursuant to their special duties;
- (4) Issue appearance tickets pursuant to Subdivision 3 of § 150.20 of the Criminal Procedure Law of the State of New York, when acting pursuant to their special duties;
- (5) Issue uniform appearance tickets pursuant to Article 27 of the Parks, Recreation and Historic Preservation Law pursuant to § 100.25 of the Criminal Procedure Law and of the Vehicle and Traffic Law whenever acting pursuant to their special duties;
- (6) Issue a uniform navigation summons and/or complaint pursuant to § 19 of the Navigation Law whenever acting pursuant to their special duties;
- (7) Issue a uniform appearance tickets pursuant to Article 71 of the Environmental Conservation Law whenever acting pursuant to their special duties;
- (8) Possess and take custody of firearms not owned by the peace officer, for the purpose of disposing of guarding, or any other lawful purpose, consistent with his or her duties as a peace officer;
- (9) Exercise any other power which a peace officer is otherwise authorized to exercise by any general, special or local labor charter, rule, regulations judgment or order whenever acting pursuant to

his or her special duties, provided such power is not inconsistent with the provisions of the Penal Law, or this chapter;

(10) At the direction of the Town Supervisor, Town Board, or designee, appear in Town Justice Court to keep order. This will include monitoring the weapons screening program and security of the courts;

(11) Serve civil, legal and criminal papers, including subpoenas or orders on behalf of the Town Supervisor, Town Board and Town Justices, or designee;

(12) At the direction of the Town Supervisor or Town Board maintain order at Town Board meetings and additional Town functions as needed; and

(13) Perform or assist with required security functions at Town Hall, including alarm response and building security and perform other duties as directed by the Town Supervisor, Town Board, designee and/or Town Justices as allowable by law.

C. For the purposes of this section a peace officer (Town Constable) acts pursuant to the specialized nature of his/her special duties when performing the duties of his/her office, pursuant to the specialized nature of his/her employment, whereby he/she is required or authorized to enforce any general, special or local law or charter, rule, regulation, judgment or order.

D. Town Constable/peace officers may not execute search warrants or warrants of arrest; and

E. Town Constables/peace officers, pursuant to Criminal Procedure Law § 2.20, except for certain arrests, and the prevention of escapes, may exercise such Town Constable/peace officers' powers only while engaged in the duties set forth in this chapter.

§ 46-5 Qualification, Compliance.

The minimum qualification for the position of a Town Constable/peace officer shall be a high school diploma and a minimum of one year full or part-time police or peace officer experience or a retired police or peace officer of not more than 5 years. He/she shall have a valid New York State driver's license. The person appointed or re-appointed as Constable must comply with the provisions of Section 25-a of the Town Law, if applicable.

§46-6 Training.

Town constables/peace officers must be trained and at all times maintain compliance with § 2.30 of the Criminal Procedure Law of the State of New York.

§ 46-7 Severability.

If any paragraph, section, sentence or portion of a sentence of this chapter shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

§ 46-8 Defense and indemnification.

A constable, whether or not acting pursuant to his special duties, who lawfully exercises any of the powers conferred upon him or her pursuant to § 2.30 of the CPL shall be deemed to be acting within the scope of his or her public employment for purposes of defense and indemnification rights and benefits that he or she may be otherwise entitled to under provisions of § 50-K of the General Municipal Law, § 17 or § 18 of the Public Officers Law, or any other applicable section of law.

Section 2. This Local Law shall take effect immediately upon its filing in the Office of the New York State Secretary of State.

On a motion made by Councilwoman Farmer, seconded by Councilman Luppino and carried, all voting Aye to approve Local Law #1 of 2020.

Mowing contract

Will review to see if it needs to go out for bid.

Public input on Non Agenda Items

None

Executive Session for Real Estate

On a motion made Councilwoman Farmer, seconded by Councilman Luppino and carried, all voting Aye to enter into executive session at 7:38 pm.

On a motion made Councilman Luppino, seconded by Councilwoman Farmer and carried, all voting Aye to come out of executive session at 7:53 p.m.

On a motion made by Councilman Luppino, seconded by Councilwoman Farmer and carried, all voting Aye to close the meeting at 8:19 p.m.

Respectfully Submitted,

Deanna Tompkins,
Town Clerk