

**Urbana Town Board Meeting
Regular Board Meeting
October 15, 2024, 2024 - 6:30 p.m.**

PRESENT:	Dave Durepo	Supervisor
	David Luppino	Deputy Supervisor
	Ed Stull	Councilperson
	Mary Farmer	Councilperson
	Emery Cummings	Councilperson
	Tammie Nelson	Bookkeeper
	Deanna Tompkins	Town Clerk

OTHERS PRESENT: Theresa Stopka, Nichole Dresser, Shelly Fisher, Douglass Schuckers, Lyn Crouse, Jeff Crouse, Tammy Catherman, Ellen White, Carly McConnell, Chris McConnell, Janet McConologue, Dan Bornhoff, Pam Bornhoff, Jason Fuller, Meghan Schlock, Robert Schlock, Terry Betherton, Martin Ellis, Brian Markham, Alan Locey, Ray Zaun, Geoffrey Grimsman, Bill Spies, Alan Carpenter, Robert Crane.

Open Meeting

Supervisor Durepo opened the meeting at 6:30 p.m.

Pledge of Allegiance

Minutes: September 10, 2024

On a motion made by Councilperson Cummings, seconded by Deputy Supervisor Luppino and carried, all voting Aye to approve the minutes from September 10, 2024.

Abstract #10 of 2024

On a motion made by Deputy Supervisor Luppino, seconded by Councilperson Stull and carried, all voting Aye to accept abstract #10 of 2024.

Accept Department Reports

On a motion made by Councilperson Stull, seconded by Councilperson Farmer and carried, all voting Aye to accept the department reports.

Public Hearing on Local Law #4

Town of Urbana Local Law No. 4 of 2024

A Local Law to Amend Sections 101-4 and 101-5 of the Town Code to
Prohibit Parking of Motor Vehicles, Motor Boats
and Trailers of Any Kind on Designated Property
Owned by the Town

BE IT ENACTED by the Town Board of the Town of Urbana, N.Y. to wit:

Section 1 Section 101-4(B) of the Town Code is amended to read as follows:

B. No person shall park a motor vehicle, tractor, trailer, tractor trailer, camper or recreational vehicle between the hours of 2:00 a.m. and 4:00 a.m. in the Town parks known as Curtiss Park and Depot Park except this prohibition shall not apply to the area within Depot Park designated as the boat launch area, which area shall be subject to the prohibitions set forth in Subsection C hereinbelow.

Section 2 Section 101-4 of the Town Code is amended to add two new subparagraphs to read as follows:

D. When signs are displayed in a Town public parking lot, giving notice thereof, no motor vehicle, boat or any type of trailer shall be parked for a continuous period not longer than the maximum period of time prescribed by the signage. The maximum periods for Town public parking lots are:

- (1) Boat launch lot within the gated area of the town boat launch sixteen (16) hours.
- (2) Town parking lot at the corner of Liberty and Mill Streets seventy-two (72) hours.

E. Parking of motor vehicles, motor boats and trailers of any kind is prohibited on any parcel or part thereof owned by the Town when a “No Parking” notice has been affixed to the parcel or portion thereof.

F. The Town Board may, by resolution, employ an individual or individuals, preferably a town employee(s), to enforce the parking regulations at special events at property owned or controlled by the Town.

Section 3. Section 101-5 of the Town Code is amended to read as follows:

101-5 Penalties.

A. A violation of Section 101-4 (A), (B) or (C) shall not constitute a crime, but rather a

Violation as defined in Section 101-3. Any person, upon conviction of any one of said subsections, shall be fined an amount not to exceed \$100 for the first offences and an amount not to exceed \$200 for the second or any subsequent offense reoccurring within a consecutive twelve-month period. Additionally, such person shall be subject to imprisonment for a term not to exceed 15 days for each offense or both such fine and imprisonment. The Court may issue a warrant for a person's arrest in the same manner as in a misdemeanor case. The continuation of any offense against the provisions of this article, shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

- B. A violation of Section 101-4(D) or (Ed) shall constitute a parking violation and upon conviction of any on any one said subsections, a person shall be fined an amount not to exceed \$100.00.

Section 4. Effective Date

This Local Law shall take effect upon adoption by the Town Board and the filing of this Local Law with the New York State Secretary of State.

Public Hearing on Local Law #5

Town of Urbana Local Law No. 5 of 2024

A local law overriding the property tax cap for the fiscal year commencing January 1, 2025.

Be it hereby enacted by the Town Board of the Town of Urbana, County of Steuben, as follows:

Section 1. Legislative Intent. It is the intent of this local law to allow the Town of Urbana to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2. Authority. This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override. The Town Board of the Town of Urbana, County of Steuben, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconditional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause,

sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which said judgment or order shall be rendered.

Section 5. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

Wine Country Classic Boat Show Approval

On a motion made by Councilperson Stull, seconded by Deputy Supervisor Luppino and carried, all voting Aye to approve Wine Country Classic Boat's application for exclusive use of Depot Park on July 16, 2025-July 20, 2025.

Old Business

Discussion about Bids for renting the Depot Building

There was a brief discussion about the bids for Depot Park. Councilperson Farmer and Supervisor Durepo will meet with the candidates to get an understanding for the proposals.

Grant Update

Grants Summary 10-11-2024

Completion of Bridge and Boardwalk [Awarded]

C1001174 \$911,421 \$227,855 Town & \$683,565 State

Final payment received by DOS (1-26-24)

Final payment to vendors still to be determined (10-11-2024)

Curtiss Park Accessibility Improvements [Awarded]

C1002046 \$1,260,992 \$315,248 Town & \$945,774 State.

RFP's 10-01-2024. RFP walk through scheduled Oct. 8th.

Final phase of boardwalk bump-out and transition on either end delayed by DEC PERMITTING DELAY which also delays railing finish.

New York Forward [Awarded March 1, 2024]

\$4,500,000 no match (for Town projects)

Go to hammondsporturbananyf.com for information.

The Town will focus on Lakefront projects. Six projects are being outlined.

#1 Fluffy's Park at Champlin Beach
#2 Pier

#3/73 votes
#1/99 votes

#3 Bathrooms Champlin/Fire Pavilion

#5/65 votes

#4 Depot Park

#4/68 votes

#5 Curtiss Park/Liberty St (modified by exempting the Liberty St Parking lot)

#7/ 58 votes

#6 Rails to Trails (Village)

#2/81 votes

Public review on Sept. 11th resulted in all of the Town projects scoring at the top of the overall list.

NOTE: The Rails to Trails scored second after the Pier but it did not make the cut because the IDA doesn't feel that there is a good trailhead on either end. The recommendation was that Curtiss Park would be a good place for a "trailhead" but the two parcels in the hands of Bretherton make that a non-starter. Again, no real support for the trail. If the Town were to exercise eminent domain on those parcels you would get something that the public is asking you to do.

ARC Grant Application [Pending]

\$160,000 \$80,000 Town \$ \$80,000 Federal

Contact with the federal funding has been made and our contact person is Eva. They still require information and it is being sent in as available.

CFA application 2024 for Pier: submitted 7-30-2024

CFA application 2024 for Depot Park: submitted 7-30-2024

Police Discussion

The board had a brief discussion about the Village of Hammondsport Police Department Report for the Town of Urbana.

Approve Local Law #4 of 2024

On a motion made by Deputy Supervisor, seconded by Councilperson Farmer and carried, all voting Aye to approve Local Law #4 of 2024, A Local Law to Amend Sections 101-4 and 101-5 of the Town Code to Prohibit Parking of Motor Vehicles, Motor Boats and Trailers of Any Kind on Designated Property Owned by the Town.

Approve Local Law #5 of 2024

On a motion made Councilperson Farmer, seconded by Councilperson Stull and carried, all voting Aye to approve Local Law #5 of 2024, A local law overriding the property tax cap for the fiscal year commencing January 1, 2025.

Comments from the Public on Old Business

New Business

Lyn and Jeff Crouse: Code Complaint Not Being Addressed on Back Valley Road

To: Urbana Town Supervisor: Dave Durepo

Urbana Town Board: Dave Lupino, Ed Stull, Emery Cummings, Jr., Mary Farmer

Zoning Board: Marvin Rethmel

Town of Urbana Code Enforcement Department: Chuck Cagle

Town of Urbana Lawyer: Rich Buck

Town Clerk: Deanna Tompkins From: Jeffrey & Lynda Crouse

Date: October 15, 2024

RE: Code Violations

Code violations at the following location: 8059 Back Valley Rd., Hammondsport, NY

In 2005, we purchased our home on a nice residential road. There was no junkyard at 8059 Back Valley Road. By 2017, we were concerned about the escalating accumulation of junk cars, dismantled vehicles and related trash. The situation became so intolerable that a formal code violation complaint was made May 5, 2021. Since that time the Town of Urbana has been negligent in overseeing the complete dismantling of the non-permitted junkyard.

According to the state of New York, an application for a license and a certificate of approved location, pending an environmental review, must be attained. Additionally, such junkyard restrictions apply: cannot be on property smaller than 10 acres or within 500 feet of private residences and must be enclosed by an eight-foot fence.

According to the Town Board of the Town of Urbana, 3-29-2016, Chapter 78, property maintenance, #-1 purpose states:

"Multifamily premises, commercial premises, single-family residences, vacant lots and land shall be maintained in conformity with the provision of this chapter. It is the intent of the Town of Urbana not only to protect the health, safety and welfare of its residents but also to protect property values of adjoining property owners whose values may decline due to the failure of any person to properly care for his/her property." Letters "B," "C,11 "E," and "H" are specifically applicable.

Additionally, under #78-3. General regulations, the following applies:

Unless otherwise stated, persons, as defined herein, shall be responsible with the following regulations:

A. A person shall maintain all and every part of the premises, and structures thereon, which he or she owns, or is in control of the premises, in good repair and in a clean, sanitary and safe condition, free from litter, rubbish, solid waste, debris and junk and in accordance with the provisions set forth in this chapter.

Furthermore, #78-5. Enforcement states: "A. The Town of Urbana Code Enforcement Officer is charged with the duty of administering and the enforcing this chapter." Additionally, sub letters "B," "C," "D," and "E" have not been enforced to the extent of the regulations.

Also, NYS Property Maintenance _Code, section2, standard clearly states: "Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premise, and no vehicle at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled "

As of this date, October 15, 2024, there has been no resolution to correct this flagrant violation. Our property value has diminished, our health, safety and welfare have been ignored, and environmental concerns disregarded.

Our patience has worn out, waiting for three and a half years (many "30 day remedy to correct notifications"). It is time that the Town of Urbana takes action. Attached for your records is a time line of events and pictures.

Town of Urbana tax payers,

Lynda O. Crouse Jeffrey C. Crouse

Geoffrey and Jill Grimsman Upland Rainwater Run-Off Damage to Personal Property

Oct. 11, 2024

From:

Jill & Geoffrey Grimsman
– Owners 2 Pulteney St.
Hammondsport, NY
plus adjoining properties as shown on Aerial Map

To:

The Town of Urbana Supervisor, Board & Highway Dept. Supervisor Robinson, Town of Urbana

Attorney Rich Buck,

NOTE: We request this correspondence to be distributed and officially entered on record during the upcoming Town Board Meeting Oct. 15, 2024. We invite it to be read aloud in session.

SUBJECT of CONCERN(S): Upland Rainwater Run-off Damage to Personal Property including *NEW DIGGING* causing DIRECT and IMMEDIATE THREAT to our RESIDENCE, Downstream Flow Directed into Privately Owned Gully and Culvert, with Run-off Directly Diverted onto and Crossing Private Property – All NOT-Deeded, NOT per Owner-Agreement. Solutions sought to end Established Cycle of Repeated Damage ASAP.

We are *again* requesting that the above listed “subject: of Town and-to-Village-managed rain run-off fed onto and crossing our private property in numerous places causing repeated damage to our property to also spill mud/stone slurry onto Village of Hammondsport streets downhill / downstream be addressed as a fully recognized agenda item for this upcoming meeting. With regard to the matter being passed to “the county” for oversight/advisement as we were told following the Sept. 10, 2024 meeting, it is critical to note that this *NEW DIGGING* occurred WITHIN Hammondsport Village Limit (NOT Town of Urbana territory), AND very likely preceded any meeting with “the county”. Some of these *NEW DIGGING* road shoulder/embankment “cuts” are DIRECTLY UPHILL from our RESIDENCE (photos attached).

We learned during the Oct. 9, 2024 Village of Hammondsport Board meeting that a “private meeting” is to take place on Oct. 29, 2024 involving Eric Rose, Steuben Co. Public Works Commissioner, Jeff Parker Steuben Co. NYS Soil & Water Rep., and Chris McConnell Hammondsport DPW Supervisor. We could assume that Dave Robinson will be involved as well but do not know. We have not been invited to this Oct. 29, 2024 “private meeting”. In that ALL of the matters at hand have to do with BOTH Town and Village as per run-off management along our downslope/lake side of Greyton H. Taylor Drive property line, with damage and threat of damage occurring in almost the ENTIRE LENGTH of that line, we insist that we be consulted, and satisfied in all methods of restoration and prevention of FUTURE SAFETY RISK, DANGER OR DAMAGE.

Again, it is important to recognize that this repeated damage-causing run-off-condition is NOT caused or contributed by specific features of our property and there would be NO runoff damage to our property or spill-over onto streets resulting from ambient rainfall on our property AT ALL as the entire matter is the current vectoring of run-off from upstream/uphill onto and crossing our property.

The primary detail of note is that our PRIVATELY-OWNED GULLY is NOT part of either the Town of Urbana or the Village of Hammondsport municipal drainage system. There is no suggestion of any such arrangement in our abstract with possible exception to the culvert under/beneath the Pulteney Street road bed. All of the upland gully (serving as the primary drainage route from Greyton Taylor Drive) spanning from Pulteney Street to Greyton Taylor Drive is our private property.

- Please reference attached photos and Aerial Map for fully compiled information as of Oct. 10, 2024

At this juncture:

- We seek an IMMEDIATE STOP to ANY unapproved-by-owner digging on our property by the Town of Urbana from hereto forward.
- We seek the abandonment and FULL restoration of unapproved-by-owner embankment spillway cuts with specific immediacy to the NEW DIGGING "cuts" DIRECTLY above our RESIDENCE (see photos).
- We seek the abandonment of the Village of Hammondsport-located culvert vectoring runoff into our privately-owned gully adjacent to our RESIDENCE (on SW side).
- We have just confirmed via FOIL Request that there are NO AGREEMENTS on record between the Village of Hammondsport and PREVIOUS owners of our property regarding run-off vectoring within Hammondsport.
- There are NO AGREEMENTS between ourselves the current owners and the Village of Hammondsport regarding run-off vectoring within Hammondsport.
- We have just confirmed via FOIL Request that there are NO AGREEMENTS on record between the Town of Urbana and PREVIOUS owners of our property regarding run-off vectoring within Urbana.
- There are NO AGREEMENTS between ourselves the current owners and the Town of Urbana regarding run-off vectoring within Urbana.

We strongly recommend and have in the past for a surveyed placement of an ENTERING VILLAGE OF HAMMONDSPORT sign for the purposes of delineating jurisdiction as well as general public benefit. There is NO sign at present and past placement (since removed by Village) was not accurately positioned.

- We recommend the re-crowning of Greyton H. Taylor Memorial Drive to shed water toward the upland/ditch side and the enhancement of said ditch to vector to an existing 36" culvert in proximity to the intersection of Pulteney St. and Greyton T. Dr. With Grant money being sought for drainage elsewhere within the Village Limit, this proven repeated silt stone overspill sector would most certainly warrant inclusion. Throwing the brunt of a poorly developed drainage "system" on we the property owners has run its course. We as taxpayers deserve to be protected from run-off as much as anyone in the community and insist it be so in an equitable manner.
- Please reference our letter submitted Sept. 6, 2024 for photos and additional info as may be needed.
- Please reference attached photos and Aerial Map for fully compiled information as of Oct. 10,

2024 Attached Reference:

- NYS Drainage Law Publication

(searchable pdf - enter "municipal" for specific text)

<https://ecommons.cornell.edu/server/api/core/bitstreams/0d4547e8-3a6c-496f-be8f-945101a43710/content#:~:text=blacktopping%2C%20paving%2C%20grading%2C%20improvements,a%20pipe%2C%20ditch%20or%20drain.>

Please advise.

Thank you.

Jill, Geoffrey Grimsman
(910) 520-3802

Approval of new front door at the Town Office

This will be moved to next month. The money will come out of renovations and repairs.

Motion to go to Public Hearing on November 19th for LL #6

On a motion made Councilperson Farmer, seconded by Councilperson Cummings and carried, all voting Aye to go to public hearing for LL #6.

Prior Written Notice

Notice of Highway Defects

Local Law No.6 of the Year 2024

A local law providing 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 five 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 five 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, 2 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.

Budget Review and Discussion

Comments from the Public on New Business

Bill Spies commented that the Town is spending too much money and we are going to kill the golden goose.

On a motion made Councilperson Stull, seconded by Councilperson Farmer and carried, all voting Aye to go into Executive Session at 9:11 pm for Lease discussion, contract negotiations with Meagher Engineering

On am motion made by Councilperson Stull, seconded by Deputy Supervisor Luppino and carried, all voting Aye to come out of Executive Session at 9:55 pm.

On a motion made by Supervisor Durepo, seconded by Councilperson Farmer and carried, all voting Aye to pay Meagher Engineering.

With no further business, on a motion made by Councilperson Stull, seconded by Councilperson Farmer and carried, all voting Aye to close the meeting at 10:00 pm.

Respectfully Submitted,

Deanna Tompkins
Town Clerk