

TOWN BOARD
Regular Meeting
December 08, 2021

A regular meeting of the Oneonta Town Board was held on December 08, 2021 with the following members present:

Council Member: Brett Holleran
Council Member: Patricia Jacob
Council Member: Randy Mowers
Council Member: Patricia Riddell Kent
Supervisor: Robert Wood
Town Clerk: Ryan F. Pereira

Others present: Rob Panasci, Town Attorney; Jim Hurtubise, Hwy. Supt.; Michelle Catan; Jim Rowe; Billy & Justen Golinski; Kim Fierke; Dave Rowley; Steve Kent.

Supervisor Wood read the following statement:

“I want to welcome Ryan Pereira to his first meeting as Town Clerk. In just his first few days he has demonstrated that he willing and anxious to learn the responsibilities of the job and he will serve our residents well for many years to come.

Kim Fierke and Skylar Thompson will be joining the board next month and I am sure they will be enthusiastic board members dedicated to our community and helping guide it into the future.

Since this is our last meeting of the year, I want to take a minute to thank Pat Jacob for her eight years of serving on the town board. She has been an asset on many projects in the Town.

I also want to thank Randy Mowers for his service on the board and to wish him the best in his new role as Supervisor. He has taken on this role because of his dedication to the town that he has called home for his entire life.

Brett and Trish, I want to say it has been a pleasure working with both of you, and that I know you will continue to work hard for the residents of the Town.

Jim Hurtubise, it has been really great working with both you and your father. You both have brought great improvements to the town’s roads. Your job is very difficult and has a tremendous amount of responsibility. Very few people know what it takes to do your job. Please extend my thanks to all of your highway workers for me as well.

Lastly, I want to thank the voters of the Town that gave me the opportunity serve our residents for the last fourteen years. I was very fortunate to have inherited a town that was in good financial standing and I believe I am leaving it in as good or maybe a little better condition. We have accomplished several projects that will ensure the people of the town get the services they want at a reasonable cost and set the stage for continued growth in the future.”

Councilwoman Riddell Kent read the following statement:

“I have served with Patricia Jacob for 8 years. Everything Patricia has done in her town service and decision making has been focused on her caring for our community and its children, and for our children’s future. It was a pleasure to serve with her.”

PUBLIC HEARING – Proposed Local Law #3-2021 for Opt-out of Cannabis Sales

Motion was made by Jacob, seconded by Riddell Kent to open the public hearing.

VOTE – Ayes 5, Nays 0

Motion Carried

Statements were offered by both Councilwomen Riddell Kent and Jacob, urging the Board take pause and delay decision until the Office of Cannabis Management (OCM) conclude their findings. Both members shared similar views and support a “wait and see” stance. Full statements shall be entered into the record and filed along with the Local Law.

Councilwoman Riddell Kent:

“Marijuana is an addictive drug. We need to do best to do our part as Town Board members not to expose kids.

Earlier this year in New Jersey, nearly 70% of municipalities opted out of all six categories of adult-use marijuana licenses that were outlined in the state’s legislation.

To date, the NYS Cannabis Control Board, that began meeting in Oct 2021, has issued no guidance on the licensing of retail marijuana businesses.

The delayed state guidance has had a direct effect on local government decision making. Municipalities that have made the decision to opt out frequently cite the lack of clarity on the licensing requirements and other regulations for marijuana retail businesses. Municipalities feel that they are being forced to make a decision with incomplete information.

Does this Town Board actually want to opt in before the Cannabis control board finishes meeting?? Changes and regulations are continually evolving.

The Town's leadership (anyone who votes against opting out) has put this board in a bad position to regulate this without prior regulations put in place and no clear path forward. It's putting the cart before the horse by not developing zoning regulations first.

Is this board going to take a reactive approach instead of a proactive one? There needs to be due diligence on the Town's part on siting. Current zoning code doesn't address cannabis anywhere.

Clifton Park Town Supervisor was quoted in a TV news interview:

"I don't think it's a good way to go about economic development; we're always promised these programs, how municipalities will generate an incredible amount of revenue from these new businesses. It never or very rarely pans out, and we end up with buyers' remorse." Lake George also voted unanimously to opt out in order to preserve family friendly community.

It takes time to update zoning code. The Marijuana Control Board just started meeting. The regulatory process should be easy to follow and understand. We shouldn't be discussing without a path forward."

Councilwoman Jacob:

"I feel strongly that the Town of Oneonta needs to opt out of the Retail Dispensary License and On-Site Consumption License Provisions of the Marijuana Regulation and Taxation Act. Given that once you opt in, you cannot opt out, I feel that this Board needs to take the time to learn more about what this Act will mean for the town.

The Marijuana Control Board has just started meeting. There are no concrete findings yet for us to review. If we opt out, we can always opt in at a later date. That option is open to us, whereby if we opt in, we are locked in regardless if we later decide that this was a bad decision. I feel there is no need for our municipality to be forced to make a decision with incomplete information.

Current zoning code doesn't address cannabis and it takes time to do this. This process should be clear before we jump into something that we have not fully vetted. Given we are a Town of two colleges and many young people, I think that we need to make sure this will not be a harmful process. Money should not be the deciding factor. I vote to opt out."

Supervisor Wood believes that with proper zoning laws, the town may facilitate equitable regulation of the sale of cannabis.

Motion was made by Jacob, seconded by Riddell Kent to close the public hearing.

VOTE – Ayes 5, Nays 0

Motion Carried

Motion was made by Jacob, seconded by Riddell Kent to approve Local Law #3-2021.

VOTE – Ayes 2, Nays 3 (Holleran, Mowers, Wood)

Motion Denied

PETITIONERS

Justen Golinski expressed approval and interest in seeing cannabis oriented businesses operating within the town.

Michelle Catan voiced support for the ability of town businesses to prosper in the face of new State legislation regarding cannabis sales, and felt delay could mean missed opportunities.

Julie Dostal submitted the following statement in writing:

"Thank you for allowing me to submit written input into today's public hearing on the sale and on-site consumption of recreational cannabis. I am commenting in writing

because I live with a person in a high-risk health category and there are historically high rates of COVID currently being reported in our county.

To date, more than 400 New York localities in more than 50 New York Counties have made the decisions to opt out. (Rockefeller Institute Opt Out Tracker) Others are still holding hearings. Many have cited that they opted out in order to observe the creation of regulations and guidance from the Office of Cannabis Management (OCM). The work of OCM has only just begun.

Opting out can be temporary. Doing nothing is permanent. Either is an acceptable choice under the law. Pausing gives communities the opportunity to observe and provide feedback while regulations are developed. And, once the regulations are complete, the decision to opt-in is still available.

Since I last spoke, the OCM has begun their work on regulations. In early observations, it appears that this newly formed office will be inclined to a more permissive regulatory environment. For some, this is an excellent development, for others it is not. They expanded home grow limits for both consumers of medical marijuana and for caregivers of consumers. They have also published their intent to increase the percentage of THC that is permissible in CBD products. Many more regulations are to come.

More than 400 New York communities have decided to at least take the opportunity to wait and see. No doors have been closed by doing so.

Thank you for the opportunity to be an active participant in government. And, as always, I appreciate the work that you do on behalf of our community.”

Julie Dostal, 3860 State Hwy 23, Oneonta, NY

COMMITTEE REPORTS

Highway/Water & Sewer

Motion made by Riddell Kent, seconded by Jacob to accept the letter of intent from the Highway Superintendent James Hurtubise, for purchase of a new vehicle for the Highway Department.

1-2021 International CV515 SFA	\$ 66,457.00
Viking-Cives Plow/Body PKG	<u>\$ 87,513.00</u>
Total:	\$ 153,970.00

VOTE – Ayes 5, Nays 0

Motion Carried

The Board thanked High. Supt. Hurtubise and crew for their continued efforts, hard work, and readiness for the upcoming winter season.

Public Safety

Nothing to report

Facilities, Technology, Parks

Councilman Holleran inquired as to the status of the Porta-Johns and garbage containers, as it pertains to billing. High. Supt. Hurtubise and Councilman Mowers informed the board that all containers have been removed from Fortin Park.

Supervisor Wood addressed Councilwoman Riddell Kent’s question about outsourcing the website, and asked if a complete list of interested parties be compiled for handling of website maintenance. Wood assured the Board that the list will included all parties, large and small, and likely taken up at the next meeting.

Legislative

Motion made Jacob, seconded by Riddell Kent to update the Town’s Smoking Policy, submitted into record and published.

Policy Statement:

The town of Oneonta is committed to providing a high quality of life for everyone who makes use of its outdoor facilities and patronizes its outdoor events.

Therefore, the use of any tobacco products, cannabis products, or vaping of any kind, is NOT allowed on any Town-owned or leased property; or any present or future parks, pavilions, recreation areas, playgrounds, trails, boat launches, and events under the jurisdiction of the Town of Oneonta, including, but not limited to; Town Hall and all offices, Fortin Park, Otego Creek Access Site, Lawn Park Pool, West Oneonta Playground and the Oneonta Susquehanna Greenway.

Tobacco products are defined as any manufactured product containing tobacco and/or nicotine, including, but not limited to; cigarettes, cigars, pipes/pipe tobacco, snuff, snus, chewing or dipping tobacco, bidis, kreteks, dissolvable tobacco products, and electronic nicotine devices (ENDS), such as electronic cigarettes, and vape pens including vaping devices that do not include nicotine.

Cannabis or herbal cigarettes are defined as any product made primarily of cannabis or other herb or combination of herbs and intended to be smoked as in like manner that tobacco is smoked, including, but not limited to; as a cigarette, cigar, pipe filler or (ENDS).

VOTE – Ayes 5, Nays 0

Motion Carried

Human Resources and Public Benefit

Nothing to report

ATTORNEY

Nothing to report

CODE ENFORCEMENT

Unsafe Structures

Motion was made by Wood, seconded by Riddell Kent to deem: the retaining wall at 8 Hubbell Ave, the houses at 115 Valley St. and 133 Southside Drive, as unsafe and allow the Code Enforcement to pursue matters further.

VOTE – Ayes 5, Nays 0

Motion Carried

MISCELLANEOUS

Mobile Home Park Renewals

Motion made by Mowers to approve permit renewals for the following: Lantern Hill, Evergreen Terrace, Byam’s Trailer Court, Peaceful Flats, and Melody Village. Oneida Village Mobile Home Park will be approved upon delivery of Fire Dept. affirmation.

VOTE – Ayes 5, Nays 0

Motion Carried

Local Waterfront Revitalization Plan

Motion made by Holleran, seconded by Jacobs to award consulting contract to Elan Planning & Design LLC.

VOTE – Ayes 5, Nays 0

Motion Carried

Resolution for Assessor

Motion made by Holleran, seconded by Jacob that notice of resolution shall be published.

Resolution for County Coordinated Assessing

Whereas, the Town of Oneonta has a vacancy in the position of assessor, and

Whereas, Otsego Real Property Services has appropriate staff to provide such services, and

Whereas, New York State encourages shared services between different levels of government with the intention of saving taxpayers money,

Therefore, be it resolved, that the Town of Oneonta wishes to enter into an agreement with Otsego County to provide staff to undertake the responsibilities of assessment for the town under the state plan for County Coordinated Assessing. This plan is subject to approval of a contract with the county by the Town Board. This resolution is subject to permissive referendum within thirty days.

VOTE – Ayes 5, Nays 0

Motion Carried

Climate Smart Communities Task Force (update)

Councilwoman Riddell Kent reported on \$5,000 grant utilization. If EV charging station costs exceed \$5,000, our plan B will be to create a Town Fund to utilize the grant money on any future Town Clean Energy projects. She reported their Community Solar Launch Event will be held via Zoom on December 14th at 5:30pm. It fulfills an action item as we work towards our Town’s

Bronze Certification. She thanked Councilwoman Patricia Jacob for planning to remain on the Task Force after her term on the board ends.

Susquehanna SPCA Renewal Agreement

Motion made by Mowers, seconded by Holleran to renew agreement with new fee increases, processing and boarding fees by \$10.00, from \$30.00 to \$40.00.

VOTE – Ayes 5, Nays 0

Motion Carried

SHIRJ Service Agreement

Motion made by Holleran, seconded by Riddell Kent that Super Heroes in Ripped Jeans (SHIRJ), will serve as secondary shelter dogs.

VOTE – Ayes 5, Nays 0

Motion Carried

Assoc. of Towns

Motion made by Wood, seconded by Holleran to appoint Randal I. Mowers as voting delegate, approve “Newly Elected Official School” virtual training, (01/06-01/07), for; Kim Fierke, Skylar Thompson, Randal I. Mowers, and Ryan F. Pereira. Approved and authorized also was the Assoc. of Towns NYC Trip, (02/20-02/23), to be attended by Randal I. Mowers.

VOTE – Ayes 5, Nays 0

Motion Carried

Audit of Books

The Board shall audit the books at the close of the January 5th Organizational Meeting.

APPROVAL OF MINUTES

Motion was made by Riddell Kent, seconded by Jacob to approve the November 10th and 29th, 2021, minutes.

VOTE – Ayes 5, Nays 0

Motion Carried

BILLS

Motion was made by Riddell Kent, seconded by Holleran to approve the following bills:

Clerk:	Approved Expenses / Voucher #	#2021 914-985 / 2022 001-007
	General (1)	\$ 44,499.28
	Highway (3)	\$ 96,927.52
	St Lighting (7-17)	\$ 2,736.17
	Highway Garage (20)	\$ -
	Fire Protection (25)	\$ -
	WESD (8)	\$ 1,945.02
	WSSD (9)	\$ 645.74
	SSD (10)	\$ 999.29
	WWD (11)	\$ 1,915.72
	PWD (12)	\$ 186.37
	SSWD (23)	\$ 272,531.57
	T&A (99)	\$ 1,136.37
	CDBG (26)	\$ -
		<u>\$ 423,523.05</u>

Approval of an additional \$67.93 for equipment purchased by Bob Quackenbush in Highway Department.

VOTE – Ayes 5, Nays 0

Motion Carried

Budget Modifications

Motion made by Jacob, seconded by Mowers to approve budget modifications to zero out accounts.

ADJOURNMENT

Meeting adjourned 20:30.

Respectfully submitted,

Ryan F. Pereira
Town Clerk