



Town of Oneonta TOWN BOARD

Regular Meeting Minutes
December 20, 2023
07:00pm

The regular meeting of the Oneonta Town Board was held on December 20, 2023, with the following members present:

Supervisor:	Randal I. Mowers
Town Board Member:	Skylar J. Thompson
Town Board Member:	Patricia Riddell Kent
Town Board Member:	Brett Holleran
Town Board Member:	Kim Fierke
Town Clerk:	Ryan F. Pereira (Absent) Joe Camarata (Clerk Pro Temp)
Town Attorney:	Robert Panasci

Other present: James A. Hurtubise, Supt. of Highways; Michele Catan, County Rep.; Judy Carrington; Dorothy Carrington; Victoria Andritz; Mrs. Mary Ann James; Barbara Brown; Ron Bettiol; Jim Rowe; Ryan & Jenn Ashforth; Denise Wist; Andrea Lister; Walter Schmitt; Mike Schmitt; Tom Rowe; Tom Armao; David Koehn; Jenny Koehn; Susan Blass; Ed Blass; Theresa Cyzeski; John Dudek; Heather Babbitt; Peter Hill; Eileen Hill; Sharon Corrado; Gorden Huckins; Doris Farone; Bruce Downie; Leon Brown; Anne DeSimone; Frank DeSimone; Ryan Harlem; Rich Harlem; Theresa DeSantis.

"Privilege of the floor." (3 Minutes)

Theresa DeSantis addressed the Board stating she believed the "Tent, Camper Law" proposed by the Board to discourage the activity considering the increasing homelessness in the area, citing case law, may violate individuals' constitutional rights on its merit.

Theresa Cyzeski, care to inform the Town Board of a recent meeting, items and discussion held by the City of Oneonta, concerning ideas for annexation areas of the town. Supervisor Mowers thanked Mrs. Cyzeski, and stated he had seen the recordings of the meetings, 2311.21, which are available online.

Supervisor Mowers stated the State of Emergency for Richards Ave. was extended further allowing residents access to aid made available with the help of various participating agencies, coordinated through Family Services and Town Hall.

David Koehn, landlord of a house on Madison Ave., reported damage to his house as well. Supervisor Mowers suggested that Mr. Koehn contact the town Codes Dept. to arrange a site visit.

Presentation:

Paul Bischoff; presenting for OHS Creek Naming Project; details available here: <https://www.wikiloc.com/walking-trails/oneonta-lazy-leopard-creek-153689203>

The Town Board wholly endorsed the naming project.

Committee Reports

Highway, Water & Sewer

Southside Water Update: Progress is being made on installation of meters into homes and businesses alike.

RESOLUTION 2023-0108 Motion made by Holleran, seconded by Thompson;
Whereas the Board will vote to authorize on the execution of the agreement, subject to review by town counsel;
Whereas the culvert works by the town, on Blanchard Ave., will be reimbursed by funding made available by the Bridge NY grant program.

VOTE Aye (5) BH SJT MOTION CARRIED

RESOLUTION 2023-0109 Motion made by Riddell Kent, seconded by Holleran;
Whereas the Board will vote to authorize the expenditure of funds, not to exceed 10k dollars;
Now, therefore be it resolved a "bucket" truck from the City of Oneonta will be purchased.

VOTE Aye (5) PRK BH MOTION CARRIED

Town attorney addressing the "Camper, Tent Law" proposed by the Town Board, and referring to a comment from Theresa DeSantis from the November meeting regarding case law; "I went through and read the law about the case that's been cited. There are two cases that were cited both in California. We do not, New York State does not have to apply the law of California, and there is one case the New York State Court of Appeals, which is the highest court in New York, had looked at this case related to a person that was released from prison, regarding whether his homelessness was sufficient to detain him. And they said, yes, there was more to it, but the point is, one, New York State looked at it and decided that the person could be detained, Part 1. Part 2, this law is not about criminalizing homelessness; it's about trying to find a way to enforce laws, so that somebody that is homeless, that is mentally ill, the police then have some tools that are available to them. You don't have to send this for 239 referrals because it's not a zoning law, it's an enforcement tool. It is not part of the comprehensive plan, again, because it's not a zoning law. Those are the laws associated with this, that's why we were doing it. It was more to address and define the way to help people that are homeless and see if we can get them off the streets."

Member Fierke added that the Legislative Committee was looking at the issue as it pertains to environmental impact; refuse and wastewater.

RESOLUTION 2023-0110 Motion by Thompson, seconded by Holleran;
Whereas the Board will vote to enact 2023 Local Law#03 to convert tax map parcel numbers 287.00-1-20.02/287.00-1-38.00/287.00-1-35.02/287.00-1-35.01/287.00-1-54.00/287.00-1-53.00/287.00-1-20.03/284.00-1-84.00, from residential to commercial, RA-40 into a B-2.

VOTE Aye (3) Nay (2) PRK KF SJT BH MOTION CARRIED

Member Riddell Kent; "I gave very serious consideration to this B-2 zone change request. No conceptual plans were brought to the board for consideration. There's no identified project behind this B-2 request to support it.

I feel the safest course and best practice would be doing the Comprehensive Plan and Zoning Code update first which would lay a legal foundation by fostering public engagement in the future vision of this area.

Towns have zoning and Comprehensive Plans for a reason, and they need to be updated before the Town Board considers any further zone changes. Piece meal fashion seems irresponsible to me and rezoning one property can have effects on other properties. Comprehensive Planning should NOT be reactive, but rather proactive.

Now that we are undertaking a new Comprehensive Plan update, the usual protocol is a moratorium on zone changes until the residents/public have a chance to weigh in on their vision for our community. It was my hope we would have followed that process before moving forward...for well thought out development. I do support business and my votes have reflected this in the past, but if we don't follow the comp plan it becomes a meaningless document.

I'm voting no on the zone change because a more inclusive and thoughtful process wasn't followed through beforehand."

Member Fierke echoed Riddell Kent's statements, citing that without having been provided a clear path forward to warrant a zone change, made it difficult to vote yes.

RESOLUTION 2023-0111 Motion by Thompson, seconded by Fierke;
Whereas the Board will vote to approve of Super Heroes Humane Society as secondary animal shelter.
VOTE Aye (5) SJT KF MOTION CARRIED

RESOLUTION 2023-0112 Motion by Fierke, seconded by Thompson;
Whereas the Board will vote to authorize the Supervisor to sign the Oneonta Fire Protection contract with the Oneonta City Fire Department;
Whereas the amount agreed to in the budget will be a five-year term contract with an increase of \$50,000 per year of the contract.
VOTE Aye (5) KF SJT MOTION CARRIED

RESOLUTION 2023-0113 Motion by Thompson, seconded by Holleran;
Whereas the Board will vote to authorize the Supervisor to sign the Oneonta Fire Ambulance Service contract with the Oneonta City Fire Department;
Whereas the intermunicipal contract will cost \$30,000 dollars per year, concurrent with the Oneonta Fire Protection contract.
VOTE Aye (4) Nay (1) SJT SJT BH MOTION CARRIED

Walter Schmitt, West Oneonta Fire Dept. Chief; "In the deal with the ambulance contract; which was brought up seven years ago in Town Board meeting, and then played off since, as the outgoing Supervisor told him (referring to Michael Schmitt), that it cost taxpayers in the West Oneonta Fire District about \$200,000 just for 2021. Now, I've been complaining about it for a long time. Everything is based on its town district. There are two fire districts in Oneonta, and when they took 65 percent out of the city ambulance ride, they deducted it from the Town Fire contract. It all went to the Town Fire District and not West Oneonta, almost half of the calls are in West Oneonta Fire District. Thanks to the Plains of Parish. Where's our money?" Chief Schmitt went on to say, "We were also told we were going to be involved with it this time. I haven't heard a thing yet until tonight. On another note, you keep going on about the Comprehensive Plan, you haven't done a third of what was in the last plan. So, what good does it do to make a new one. That's it."

RESOLUTION 2023-0114 Motion by Holleran, seconded by Riddell Kent;
Whereas the Board will vote to approve a transfer of funds from the general fund to the swimming pool reserve of \$25,000.
VOTE Aye (5) BH PRK MOTION CARRIED

RESOLUTION 2023-0115 Motion by Thompson, seconded by Fierke;
Whereas the Board will vote to approve a transfer of funds from the general fund to the highway garage reserve of \$25,000.
VOTE Aye (5) RM BH MOTION CARRIED

RESOLUTION 2022-0116 Motion by Holleran, seconded by Thompson;
Whereas the Board will vote to approve a transfer of funds from the West End Sewer District Savings to the West End Sewer Reserve of \$30,000.
VOTE Aye (5) BH SJT MOTION CARRIED

RESOLUTION 2023-0117 Motion by Thompson, seconded by Holleran;
Whereas the Board will vote to approve a transfer of funds from the Southside Sewer District Savings to the Southside Sewer District Reserve of \$30,000.
VOTE Aye (5) SJT BH MOTION CARRIED

RESOLUTION 2023-0118 Motion by Thompson, seconded by Holleran;
Whereas the Board will vote to approve a transfer of funds from the Woodland Water District Savings to the Woodland Water District Reserve of \$10,000.

VOTE Aye (5) SJT BH MOTION CARRIED

RESOLUTION 2023-0119 Motion by Thompson, seconded by Fierke;
Whereas the Board will vote to approve a transfer of funds from the Plains Water District Savings to the Plains Water District Reserve of \$10,000.

VOTE Aye (5) SJT KF MOTION CARRIED

RESOLUTION 2023-0120 Motion by Thompson, seconded by Holleran;
Whereas now, therefore be it resolved; the Town Board approves the payment of the bills.

VOTE Aye (5) SJT BH MOTION CARRIED

RESOLUTION 2023-0121 Motion by Riddell Kent, seconded by Thompson;
Whereas now, therefore be it resolved; the Town Board shall accept the Minutes of the November 08th meeting.

VOTE Aye (5) PRK SJT MOTION CARRIED

RESOLUTION 2023-0122 Motion made by Thompson, seconded by Holleran;
Whereas now, therefore be it resolved; the Town Board meeting be adjourned.

VOTE Aye (5) SJT BH MOTION CARRIED

"Privilege of the floor." (3 Minutes)

Richard Harlem and Robert Harlem both thanked the Board for passing the Zone change.

Respectfully submitted,



Ryan F. Pereira
Town Clerk