

TOWN BOARD
Regular Meeting
August 8, 2018

A regular meeting of the Oneonta Town Board was held on August 8, 2018 with the following members present:

Councilman: Randy Mowers
Councilwoman: Patricia Riddell Kent
Councilman: Brett Holleran
Councilwoman: Patricia Jacob
Supervisor: Robert Wood
Town Clerk: Cheryl L. Shackelton

Others present: Rob Panasci, Town Attorney; Steve Kent; Jody Zakrevsky; Lisa Barr; Molly Swain; Kristina Turecheck; Donna Cahill; Andrea Lister; Barbara Mykytyn; Peter Hudiburg; Alicia Pagano; Colleen McKinney; Adrian Kuzminski; Teresa DeSantis; Katie & Dennis Higgins; William Huston; Louise Corsover; Jan Mulroy; Vicky Lentz; Barbara & George Stoehr; Fred Lanfear; Charles Maffei; Cynthia Beach; Andrew Capra; Dan Brignoli; Dick & Mary Breuninger; Marjorie Pietrafacc; Sharon & Steve McCarthy; Laura Malloy; Ronald Barton; Harold & Linda Butler; Thomas Collier; Keith Shue; Cathy McNulty; Colleen Blacklock; Rose Anne Pirone; Betty Powell; Mary Powell; David Hutchison; Jean Kohler; T. Smith; Dan Taylor; K. Nelson-Bowne; Edmond Rinnovy Kan; Annemarie Hosnedl; H. Rodriguiz; Nicholas & Stacy Sinstack; Kay VanDusen; Art Rorick; Barry Berman; Christopher Weston; Doug Slater; Paul & Barbara Lilly; Claire Swantak; Julie Anne Swantak; Rob Lishansky; Karen Edelstein; Irene Weiser; Danny Lapin; Arley Lau; Katherine O'Donnell; Marion Karl; John Davis; John Frankl; Michael Stolzer; Rachel Soper; Kevin Corkery; Walter Schmitt; and Michael Schmitt; Mary Rab; Rick Lent; and Suzy Winkler.

PETITIONERS

Decompressor Station - Jody Zakrevsky, Chief Executive Officer of Otsego Now was present explaining his office's \$3 million grant application for a natural gas decompression site in the Pony Farm Industrial Park, with an estimated cost of \$17 million. He said large institutions like SUNY Oneonta, Hartwick College, Fox Hospital and other major local entities experience inadequate gas during cold snaps. He said 'we have an energy problem in this county'; and repairing or replacing the gas line is not a viable plan.

The following people spoke in opposition:

- Lisa Barr, East Street, Oneonta – The IDA should've taken this to the people first; we don't need them; we can't afford them; they lie about jobs; what they bring is harm; they block us from exploring and using other energy sources; this all means 'fracking'.
- William Huston, Acting Director of 'Stop the Bomb Trucks Coalition' – Specifically concerned about bulk-haul tube trailers used in fuel tank service; no special regulations exist recognizing the unique hazards these trailers present to communities; the only reason they're allowed on our roads is because the DOT has issued a 'special permit'; they are extremely dangerous; don't let them in your town.
- Dennis Higgins, Otego – Don't want this creature, regardless of the price; it's going in the wrong direction; need to come up with a 21st Century alternative.
- Molly Swain, Oneonta – Has traveled to Hungary, which is about the size of our area and they have solar energy; they have fields of solar panels; we have open areas that could be used for solar fields to power our energy.

- Annemarie Hosnedl, Oneonta – Has heard that Corning Glass on River Street plans to put in a solar field on their property; the City and Town should explore this.

Ellen Pope with Otsego 2000 – Colleges and hospital should look into retro-fitting; should explore alternatives such as geo-thermal and solar energy; had this been a proposal to the CFA for geo-thermal systems you would have this room applauding you; need to explore reducing our demand; can guarantee we aren't going to attract the large companies because we don't have the attributes large cities can offer; need to look at small scale manufacturing and focus on the food, beverage and farming industry, and education and medical science.

- Susie Winkler, Burlington Flats – Won't be able to believe or depend on what we've been told; have been given misleading information by the IDA; she read a statement from Karin Yomboro, Dolgeville resident regarding her experiences with XNG and the Manheim Energy Center; Yomboro alleges that XNG hasn't kept their word on many issues; as well as inconsistencies with their original proposal; she urges the board to not make any decisions without observing and talking to local people that are impacted; she invited the board to call her and set up a meeting.

- Peter Hudiburg – Need to look at the global situation; scientists have been warning about the increase in CO2 leading to global warming; we are witnessing very abrupt climate disruptions from the higher temperatures; is the responsibility of the institutions to retrofit their buildings.

Alisha Pagano, Unadilla – Family has lived in this county since 1819; is Town Board's responsibility to support the community in all the best possible ways; efforts and decisions you make today will affect the future of our children; we're in a very critical moment in the history of our globe; must move toward sustainable energy and eliminate actions to continue using fracked gas; urged the board to use wisdom in decision making.

Colleen Blacklock, Oneonta – Concerned that decompression station could open the doors to fracking; concerned about long term affects on community health and property values; doesn't like the feel of it.

Fred Lanfear, Oxford – Complimented Jody Zekrevsky on his presentation, but felt Zekrevsky is confused over the issue; compared smoking cigarettes with breathing fracked gas and fossil fuels; how many wake up calls do we need; urged board to be careful in their decision making.

- Irene Wiser, Councilwoman in Town of Caroline – In 2015 NYSEG told them that because of gas shortage there could be no more development and that a new pipe line was needed; the town insisted on a non-pipe and non-wire alternative for their gas & electric shortage; the Public Service Commission ordered NYSEG to report the actual pressure drop during the cold snap this past winter; her town also submitted a 'rate' case to the PSC and because of their initiative working with the NYSEG and the PSC, Con-Ed has now proposed a non-pipe alternative for their entire service area; she gave her contact information so board members could discuss this with her.

- Karen Edelstein, Town of Lansing – Important globally; NYSERDA has designated the county as a 'clean energy community' and it is incumbent upon this board to honor that designation; we need a 21st century solution that doesn't include fossil fuels.

- John Davis, Cooperstown – A very obvious solution is to have these institutions sit down right now figure out how ways to save energy; like Jimmy Carter said 'wear more sweaters'.

Theresa Winchester, Butternuts – Concerned about this project; questioned their planning for a pipeline running from Norwich to Oneonta with taxpayers money for the past two years, that's not going to happen and now there's a grant application using obscure figures just to get it in before the deadline; would have more respect for this project had the IDA waited another to get their act together.

Dave Hutchison, Oneonta – Offered to sit down with the IDA to discuss geo-thermal; it's beginning to be used in the area; the institutions should think about geo-thermal for their heating; however, not good for heavy industry.

- Keith Shue – The Town of Oneonta Town Code, Section 103-8- says that ‘In all districts, uses not specifically listed as permitted shall be deemed to be prohibited’; the Industrial District does not list gas injection, gas storage, or gas distribution facilities as permitted uses; therefore they are prohibited unless a variance is issued; the PSC has jurisdiction in these matters; this calls for the need of genuine planning; we need to figure out together how to grow without fossil fuels.

- Supervisor Wood answered that ironically, it is allowed in residential districts because it is a public utility use however, not in the industrial district; we are all very interested in finding alternatives.

Michael Stolzer, Oneonta – Very discouraged with the IDA’s poor planning in trying to solve a problem when in the meantime creating a bigger problem; concerned about deceptive measures the industry has used in the past, for example the Manheim plant that was to be used as fill station, instead was turned into a pipeline ‘feed’; violations that go unchecked; the county should also use their knowledge and resources to help resident’s and businesses switch their energy sources to renewables; due diligence is a must. Also, for the record, Lou Alstadt does not approve of this project.

Katherine O’Donnell, Oneonta – The difference between a ‘decompressor’ station and a ‘compressor’ station should be explained to the public; there’s substantial documentation on what a ‘compressor’ stations on community health, particularly elders; IDA made the case that this system is needed because the interruptible (SUNY Oneonta, Fox Hospital, Lutz Feed) experience a month of difficulty in the winter; NYSEG data reveals on average there are only 3-5 days when the temperatures go below 0 degrees.

-Gary Koutnik, County Representative City of Oneonta – We’ve established that it’s not likely we’re going to attract heavy industry; and there are only 3-5 interruptible days, then we do not need this; need a program in the high schools that would train students in the hospitality and public service industry.

- Joanne Gardner, Hartwick – Please talk to the people in Manheim; 100-160 trucks drive by her house 24 hours per day; has witnessed 2 accidents with XNG trucks; the best prospective college students are going to want to attend a college that’s innovative and uses renewables, not one that uses fracked gas.

- Art Rorick, Oneonta – Agrees with all prior speakers; is opposed to the decompressor station; the IDA has a lot of work to do and shouldn’t be in existence; is a big waste of taxpayers money; let businesses be businesses and let free markets dictate; can smell fumes from Lutz Feed and the asphalt plant all the time; is an obligation of three largest users of natural gas to work on reducing their usage or utilize other short term alternatives such as propane or electric energy resources.

- Rose Anne Pirone, Oneonta – Agrees with all prior speakers; Being a retired teacher, ‘it sounds like a lot of back homework assignments were not done; and before we proceed they should be done’.

- Laura Malloy, Laurens – Commented on the responsibility of the Town Board; be very careful in the weighing this and long term plans; be kind to the community, our children, and your successors; keep the health of the community in mind; take into account the redistribution of expenses incurred by the institution could be a redistribution to the expenses of individual members of the community.

Rachel Soper, Oneonta – Distributed the following information giving a sense of how this company operates: a picture of the \$18 million compressor station in Forest Lake, PA where the CNG trucks are coming from; article how XNG started running that operation without an air permit, as well as other violations; a mechanic’s lean filed against XNG because they didn’t pay the company that built Forest Lake and Manheim; a \$3.2 million mechanical station for the CNG trucks (like what the IDA is proposing for Oneonta); the PSC ruling that they do have jurisdiction on mechanical projects; report by NYSEG saying they’re prepared to do phase 2 of

the mechanical station by adding more trucks; IDA minutes showing the projected price anywhere from \$1.3 to \$17 million; what are they really planning for; obtained the winter supply plan from NYSEG for the last three years and it showed that no customers were interrupted five or more days prior to the deadline; this whole project is being rationalized that SUNY doesn't want to pay for backup oil on less than five days a year; I feel there's an agenda here and I'm very worried; she urged the board to look through these documents and said she's really angry about this and hopes it's never allowed.

- Joan Tepperdy, Meredith – Emphasize the economic benefit of conservation and retrofitting buildings; that's the direction we must go in; take the long view.

- Jody Zakrevsky – We need a long term solution; we're interested in learning about alternative solutions; the Otsego County Conservation Association is helping him with a more comprehensive approach to energy in this county.

- Councilwoman Jacob - Stated that she was disturbed by the lack of public information and the fact that the IDA worked with NYSEG, Senator Seward, the colleges and hospitals, but never involved the town board in which this project was to be situated. The meeting minutes of March 22, 2018, Tom Armao explained that the only short-term solution is a CNG station, but this is a "real strategic problem". Why did the IDA delay involving the town if they recognized that this would be an issue? You have many alternatives in a sustainable way; why didn't you look to the community for answers?

- Councilwoman Riddell Kent – Stated that she thought a decompressor station would be an activity prohibited in our zoning.

- Supervisor Wood - The Town of Oneonta has a very comprehensive anti-fracking law passed in 2013; we are all interested in alternatives.

Resolution to Divert Hazardous Trucks - Dave Hutchison speaking on behalf of Otsego 2000 and the City Environmental Board was present urging the board to adopt a resolution to divert hazardous trucks carrying high volume compressed natural gas to interstate highways. He asked the board to write letters to Acting Attorney General Barbara Underwood asking her to take immediate action to divert CNG tractor-trailers to interstate highways. She needs help from the public and the towns stating they are unhappy with trucks going through their town.

- Councilwoman Riddell Kent – In favor of a town board resolution to be sent to the Attorney General's office; it would show them that the town is concerned with safety;

- Attorney Panasci – Stated that Items 1-11 are more of an opinion than fact; asked if they wanted to ban interstate truck traffic; the board can simply send a letter to the Attorney General stating they're unhappy with the truck traffic going through the town and ask her to look into it.

- Supervisor Wood – Questioned the 80 trucks per day as stated in the resolution; Hutchison was not sure where this figure came from; somewhat disagrees with the resolution and welcomed any board member to submit a letter to the Attorney General; questioned whether it's appropriate for a town board to try to restrict truck traffic on a state road.

- Councilwoman Jacob – Has already written a letter to the acting Attorney General stating that not only is this a safety issue, but it's costing taxpayers a lot of money degrading the road, as well as emergency services; there is an alternative that's safer and more appropriate.

- Keith Shue – Asked if the board had any objections to the last paragraph of the resolution which states: "NOW THEREFORE: To avoid the serious risk of harm and loss to Otsego County citizens and visitors, we call upon XNG to immediately divert its CNG tractor trailers which are en route to Manheim to interstate highway. FURTHER, we call upon our New York governor, state agencies and legislators to act to resolve this significant safety issue for New Yorkers".

- Danny Lapin, County Representative, City of Oneonta – This resolution is under consideration by the county board; it's worth submitting a request; it's not a regulatory mandate; the county's emergency services department has had to respond to multiple roll over accidents; county would

like to work collaboratively with XNG to find an alternative route because we didn't have the opportunity to do so when we should have.

- Supervisor Wood – This is much more likely to be a county issue because it involves the entire county; belongs at the county level rather than town level.

- Danny Lapin – Agrees in part, however working together as a coalition would be stronger; with this many incidents we need to take a good hard look at it; appreciates and trusts the town's jurisdiction in looking into it.

- Ronald Barton, Otego – Worked as an inspector for New York State Dept. of Transportation (DOT) for 25 years; suggested flooding DOT with hundreds of letters; that will get them down here; you don't want these trucks going through your neighborhoods; they are not properly inspected; XNG is not a safe company.

The Board was in agreement to draft a new resolution with Attorney Panasci's approval.

Reinhardt Propane Project Application

- Andrew Capra, West Oneonta – expressed concern regarding Reinhardt's plan to install two new 30,000 gallon propane tanks at their business in the hamlet of West Oneonta. He questioned why there was no public hearing and why residents were not notified by the town. He said that in 1990 at a public hearing held by the town planning board, a similar application to install an 18,000 gallon tank was denied because of safety concerns; he questioned when the law requiring a public hearing changed; he also questioned Code Officer Neske's transmittal letter to the Planning Board stating that this expansion is 'allowable by previous variance and site plan approval'; asked when a previous variance and site plan approval were done and was there a public hearing. He stated that the planning board relies on the Code Officer's recommendations to render their decisions. He said that he has submitted a FOIL request for a copy of the previous variance and site plan review, but hasn't received them as yet; the project has been started; is very concerned about the safety of individuals in the West Oneonta community; there are other ways and more appropriate places for this type of business.

- Teresa DeSantis, West Oneonta – very disappointed with the town's handling of Reinhardt's application; asked the town to rescind the May 7, 2018 Planning Board approval based on the fact that they didn't have background information from the file.

- Attorney Panasci – Said their only option would be to appeal the decision to the Zoning Board of Appeals (an Article 78 proceeding).

- Danny Lapin – There is a 30-day statute of limitations on Article 78 proceedings.

- Kevin Corkery, West Oneonta – Asked for the Town Board's opinion on the situation; asked if anyone sees an ethical issue here; always felt Reinhardt was a good neighbor, but that trust has gone away.

- Councilman Holleran – Questioned if the Planning Board might have acted differently had they had the previous information.

COMMITTEE REPORTS

Highway/Water & Sewer - Councilwoman Riddell Kent gave the following report and recommendations:

Training – Motion was made by Riddell Kent, seconded by Mowers to authorize Highway Superintendent Hurtubise to attend the annual Association of Towns Superintendent of Highways conference in Verona, NY, Sept. 17-20, 2018.

VOTE – Ayes 5, Nays 0 Motion Carried

West End Stormwater Retrofit Project, Contract No. 1 – Westgate Plaza

The following seven bids were received: Bothar Construction \$957,697; Delaware Bulldozing \$489,650; Procon Contracting \$688,000; Tweedie Construction \$713,530; Upstate Company \$680,500; ZMK Construction \$712,000; CFI Construction \$511,000.

Motion was made by Mowers, seconded by Riddell Kent to approve the following resolution subject to change order to be received:

WHEREAS, The Board of the Town of Oneonta (“Town”) has issued solicitations for sealed bids for the construction of the West End Stormwater Retrofit Project – Contract 1 – Westgate Plaza (“Project”) as set forth in the bid documents prepared by Lamont Engineers P.C.; and

WHEREAS, Lamont Engineers P.C. has reviewed the submitted bids for Contract No. 1 and has identified Delaware Bulldozing Corp., of Bloomville, New York as the lowest responsive and responsible bidder and has recommended that the Town Board award Contract No. 1 in the amount of four hundred eighty-nine thousand six hundred fifty and 00/100 Dollars (\$489,650); and

WHEREAS, the Town Board may issue the Notice of Award for Contract No. 1, attached hereto as Exhibit A, upon review and approval of the low bid and Engineer’s recommendation.

NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby award Contract No. 1 – Westgate Plaza to Delaware Bulldozing Corp. in the amount of four hundred eighty-nine thousand six hundred fifty and 00/100 Dollars (\$489,650), and be it further

RESOLVED, that the Town Board authorizes and directs the Supervisor to execute the related contract documents necessary to implement the intent of the foregoing resolutions in a form acceptable to Lamont Engineers P.C. and the Counsel for the Town as appropriate.

VOTE – Ayes 5, Nays 0 Motion Carried

Proposed Highway Garage – Engineering Services

The board discussed Lamont Engineers proposal to perform professional engineering and planning services for planning, design, and development of a new highway garage. Attorney Panasci questioned the complexity of the project. Councilwoman Riddell Kent suggested getting another proposal. The Board agreed to table this until next month.

Public Safety – Supervisor Wood reported as follows:

Unsafe properties –

The board held hearings on August 6, 2018 for the following properties to determine whether to affirm orders to secure, or repair, or demolish:

14 Jackson Avenue, Tax Map 299.07-2-37, owner Sylvia L. Compton

3 Canal Street, Tax Map 287.19-4-42.00, owner Jessica McLean

238 West Street, Tax Map 288.09-1-20.00, owner Kevin F. Mulholland

115 Valley Street, Tax Map 301.11-1-5.00, owner Braden D. & Kathy S. Ward

Motion was made by Jacob, seconded by Mowers to affirm the ‘order to repair’ for 14 Jackson Avenue and 115 Valley Street; and further to give 238 West Street an additional 30 days to complete the required work.

VOTE – Ayes 5, Nays 0 Motion Carried

Facilities, Technology, Parks - Councilman Holleran reported as follows:

- Possibly the lifeguards are cleaning the town pool incorrectly causing the water loss; will look into this further
- The court office air conditioner was recently cleaned and serviced; might want to think about replacing the units; Councilman Mowers suggested this for JCap monies

Human Resources and Public Benefit – Nothing to report

Legislative – Nothing to report

ATTORNEY

Nothing to report

CODE ENFORCEMENT

Nothing to report

MISCELLANEOUS

Motion was made by Mowers, seconded by Jacob to authorize Councilwoman Riddell Kent to attend the ‘Introduction to Government Accounting’, Oct. 23-25, 2018 at SUNY Oneonta, at a cost of \$85.00

VOTE – Ayes 5, Nays 0 Motion Carried

PETITIONERS

Walt Schmitt and Michael Schmitt, of the West Oneonta Fire Department were present to inform the board that their new emergency alert siren has been installed at the back edge of the town’s property, as previously approved at the May 9th meeting.

APPROVAL OF MINUTES

Motion was made by Jacob, seconded by Mowers to approve the July 11, 2018 minutes.

VOTE – Ayes 5, Nays 0 Motion Carried

BILLS

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

General	\$55,824.43	530,536-541,544,548-559,561,563-566,582,583,595,596, 598-601,605
Highway	\$12,022.29	541,567-571,573-575,583-590,601,602
Street Lights	\$3,741.72	555,561,606
Trust & Agency	\$2,537.55	532-535,545,593,594,604
DISTRICTS:		
WESD	\$5,731.21	531,542,543,560,562,576,579,591,592,597
WSSD	\$792.07	531,542,560,562,579,592,597
SSD	\$1,930.36	531,542,560,576,579,592,597
WWD	\$3,214.00	531,542,543,560,562,572,577-581,592,597,603
PWD	\$458.01	531,542,560,592
SS Water Dist.	\$14,542.11	546,547

VOTE – Ayes 5, Nays 0 Motion Carried

The meeting was adjourned at 10:10 pm.

Respectfully submitted,

Cheryl L. Shackelton
Town Clerk