

TOWN BOARD  
Regular Meeting  
July 13, 2016

A regular meeting of the Oneonta Town Board was held on July 13, 2016 with the following members present:

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

Absent: Councilman Michael Stolzer

Others present: Jim Hurtubise, Hwy. Supt.; Andrew Stammel, Co. Rep.; Steve Kent; Robert Peebles; Sharon Corrado; Charlotte Georgia; and Joseph Rufrano.

**PETITIONERS**

Sharon Corrado was present to answer questions regarding how the upcoming Revolutionary War reenactment scheduled for September at Fortin Park is going to be funded. Ms. Corrado said the town would be responsible for \$2800.00 in costs that could be raised by soliciting sponsorships from local businesses. The board was unaware of any costs to the town since Ms. Corrado hadn't mentioned it when she introduced the idea to the board. After a lengthy discussion the Board was in agreement to send letters to local businesses soliciting donations for the event; and also to verify event particulars with Attorney Panasci as far as the park's restrictive covenants. County Representative Andrew Stammel stated that this is the type of event that bed tax goes for; and that applications come out in February.

County Representative Stammel also reported that the 'Health Study Resolution' would hopefully be voted in August. He also said that the county board members had received the PACE resolution from the Town of Oneonta, but it had not been discussed at the last meeting.

**COMMITTEE REPORTS**

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

The Town of Oneonta will receive \$19,711.05 from the PAVE NY initiative. The funding is being administered by the NYS DOT as part of its \$21.1 billion 5-year Capital plan. Highway Supt. Hurtubise said he has not received details on as yet. Councilwoman Jacob said she would like to discuss East Street with him and show him areas of concern.

Young Sommer LLC agreement - Motion was made by Holleran, and seconded by Jacob to approve an agreement between Young Sommer LLC and the Town of Oneonta entitled "Contract for Legal Services – Creation of Southside Water Districts", which provides for the

detailed design and contemplated construction of a water system to serve the Southside Water Districts, for the duration of the project.

VOTE – Ayes 4, Nays 0      Motion Carried

Hodgson Russ agreement – Motion was made by Jacob, seconded by Holleran to approve a contract between Hodgson Russ LLP as bond counsel to the Town of Oneonta for the Southside Water District and the issuance of obligations by the Town to finance Southside Water District. Discussion: Supervisor Wood stated that the cost of these services would be paid for by the water districts and not the town.

VOTE – Ayes 4, Nays 0      Motion Carried

Public Safety – Supervisor Wood gave the following report and recommendations:

- The Public Safety committee has been reviewing the ‘Constable Handbook of Policies and Procedures’;

- Constable vest purchase – Motion was made by Riddell Kent, seconded by Jacob to authorize the purchase of a bulletproof vest for the Town Constable, not to exceed \$1400.00

VOTE – Ayes 4, Nays 0      Motion Carried

- Unsafe Structure, 2825 Co. Hwy. 8 – One bid to secure the unsafe dwelling and garage at 2825 Co. Hwy. 8 was received and opened on July 11<sup>th</sup>. The property is up for auction on August 12<sup>th</sup>. Supervisor Wood left a message with the bank, but they have not called back. The board was in agreement to table decision on the bid.

Parks & Recreation – Councilwoman Riddell Kent gave the following update and recommendations:

Next committee meeting is scheduled for August 8<sup>th</sup> @ 3pm

OWL House & Grounds committee:

- OWL requested the Town consider a sign for Fortin Park along County Highway 47; the Highway Committee will address this;
- OWL has been reminded to keep cars out of the large hanger areas during their events;
- OWL is planning an Arbor-like garden. Job Corps will do the masonry work to repair side steps to meet code requirements. Catskill Center for Independence will help with a ‘Minnesota Ramp’ (floating ramp) to provide handicapped accessibility at front porch. They are looking at rebuilding the bell tower with donated materials. The roof, interior painting, rear deck cleaning and staining projects have all been completed. Code Office Neske will offer guidance on a few remaining aspects. Councilwoman Riddell Kent expressed her appreciation of OWL’s improvement to the property.

Community and Health – Councilwoman Riddell Kent gave the following update:

June 14, 2016 Fire Commissioner meeting:

- Don Lamanna and Mike Butler completed their training and were reimbursed;
- The Commission needs 2 consultants for 2 different jobs. One will be the 5<sup>th</sup> member and will consult with the City and the Town (Meg Hungerford and Russ Southard represent the City and Mike and John Peachin represent the Town). The 2<sup>nd</sup> consultant will advise the Commission on the Town establishing its own Fire Dept.;

- The Comptroller has a calculation procedure. The Commission has exceeded percentage paid to the City. It's a governance guideline. Apparently the Commission has been paying more than they are supposed to.

July 12, 2016 Fire Commissioner meeting:

- Johna Peachin and Mike Butler met July 12<sup>th</sup> with Meg Hungerford, Russ Southard, and Asst. Fire Chief Jim Maloney. Fire Commissioners submitted 3 names and the City submitted 4 names of people to serve as a consultant, a neutral body, to examine the contract. Each one these 7 people will receive a letter and will have 4 weeks to answer. A consultant will be chosen from those that respond a week after the deadline.
- The Commission will need to borrow \$50,000 (maximum allowable) to cover the cost. Resolution unanimously approved to pass a "Budget Note";
- Bob Peebles suggested the Commission post meeting agendas on their website;
- Councilwoman Riddell Kent spoke as a town resident suggesting that on the advice of the Comptroller's office, two Commissioners might consider requesting receipts from City Hall for Fire Dept. related purchases, as well as following up with the Fire Chief so see those purchases. She also suggested that they establish a rapport with these people; and meet with other Fire Commissions that have set up Fire Depts. to obtain feedback on costs.

### **Zoning Map Amendment - 23 Southside-B2 to HDD**

Planning Board recommendations – The Town Planning Board recommended approval of the proposed zoning map amendment since it is a continuation of the HDD district along State Highway 23 on Southside. The County Planning Dept. determined there are no county wide impacts, and noted that the conversion from B2 to HDD is compatible with the surrounding land uses.

Motion was made by , seconded by to set a public hearing for August 10, 2016 at or about 7:15pm to consider a local law that would amend the zoning map of the Town of Oneonta on State Highway 23 Southside (east of Lantern Hill Mobile Home Park to the town line), from B2 (General Business) to HDD (Highway Development District).

VOTE - Ayes 4, Nays 0      Motion Carried

### **Amend Regulations in HDD zones to improve buffers**

Planning Board recommendations – The Town Planning Board recommended approval of the proposed zoning regulation amendment. The County Planning Dept. determined there are no county wide impacts, and noted that the proposed amendment supports the recommendation in the 2014 Comprehensive Plan to "require 'buffers' to adjoining properties be done prior to the construction of the project."

The board discussed the merits of a 30' buffer versus a 50' buffer, as well as the height of buffers. Supervisor Wood said the new law would require site plan review before any site preparation can be done, thereby protecting residents by leaving existing vegetation in place. The new law as presented also requires notification of the adjoining property owners. These two changes offer significant improvement in the protection of the residents. Joe Rufrano, a resident and business owner on Southside said his experience with the Planning Board is that they are

very diligent in their review and in making reasonable determinations. Councilman Holleran suggested that the width of the buffer could be scaled to relate to the size of the property.

Motion was made by, seconded by to set public hearing for August 10, 2016 at or about 7:20pm to consider a local law that would amend the zoning regulations in HDD zones (Highway Development Districts) to improve buffers.

VOTE – Ayes 4, Nays 0 Motion Carried

### **MISCELLANEOUS**

Town Health Officer – Motion was made by Jacob, seconded by Holleran to reappoint Dr. Nicholas Tarricone as Local Health Officer for the Town of Oneonta, a 4-year term expiring July 13, 2020.

VOTE – Ayes 4, Nays 0 Motion Carried

State legislation regarding ‘Zombie’ properties – Senator Seward forwarded information regarding new “zombie property” legislation. The following is an outline of what the legislation provides:

- Codification of Dept. of Financial Services Best Practices to require maintenance by banks, credit unions and other servicers;
- Enactment of an Expedited Foreclosure Process for Vacant and Abandoned Property;
- Establishment of an Abandoned Property Data Base/1-800-hotline;
- Changes to protect Defendant Related to Notice of Foreclosure Action;
- Changes to the Settlement Conference to Codify Case Law and Create Protections for Pro Se Defendant; and
- Local Preemption

Thank you regarding professionalism by town lifeguards – Kathy Jones of Ceperley Avenue wrote a letter thanking the town lifeguards for their “calm, caring and very professional” attention to her 4-year grandson after a fall at the pool.

### **APPROVAL OF MINUTES**

Motion was made by Jacob, seconded by Riddell Kent to approve the June 8, 2016 minutes.

VOTE – Ayes 4, Nays 0 Motion Carried

### **BILLS**

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

General	\$46,359.81	441,446,453,460-462,465,468-477,482-494,496-499,507, 510-515,531,533,534,541
Highway	\$57,054.02	446,454,477,484,499-506,515-528,535
Street Lights	\$3,382.60	512,531
Trust & Agency	\$4,976.47	444,445,449-452,467,539,540
DISTRICTS:		
WESD	\$5,389.21	443,447,448,455,463,464,466,478-480,495,508,530,532, 536-538,542

WSSD	\$1,338.11	443,447,448,456,466,478-480,495,508,530,532,537,538,542
SSD	\$2,103.06	443,447,448,457,466,478-480,495,508,536-538,542
WWD	\$3,381.91	443,447,448,458,463,464,466,478-481,495,508,529,536-538,542
PWD	\$7,109.81	443,447,448,459,466,478-480,495,508,509,538

VOTE – Ayes 4, Nays 0      Motion Carried

The meeting was adjourned at 8:25pm.

Respectfully submitted,

Cheryl L. Shackelton  
Town Clerk