

TOWN BOARD  
Special Meeting  
September 16, 2020

A special meeting of the Oneonta, Town Board was held on September 16, 2020 via ZOOM with the following members present:

Councilman: Brett Holleran  
Councilwoman: Patricia Jacob  
Councilman: Randy Mowers  
Councilwoman: Patricia Riddell Kent  
Supervisor: Robert Wood  
Town Clerk: Sara Robinson

Others Present; Rob Panasci Town Attorney, Todd Scanlon, Brian Bordinger, Joe Harmer, Luisa Montanti, Ed Bordinger, Angela Silvernail, Joe Brigluglio ,Jon Anderson, Greg Harlem

**PUBLIC HEARING ON FACE MASK LOCAL LAW**

Supervisor Wood stated this new law is proposed in response to multiple complaints that town residents have made to town officials. We have received many calls stating that “I was shopping at blank, and people were in there without wearing masks.” We have always followed up with management and they have always tried to be compliant. The purpose of this law is to offer support to owners and management of businesses in the Town by providing another tool for them to use in enforcement. This law would allow them to say that this is a town regulation. Our goal, as always is compliance.

I want to address some of the concerns that have been brought up.

The first two pages, Section 54-1 Findings and Purpose details the reason we are proposing this law. NYS and the Governor have imposed regulations through a series of Executive Orders that require local governments to enforce these Executive Orders. Today we have no method to enforce them.

Section 54-3A when anywhere on public property masks are required when unable to maintain social distancing from someone other than a member of the same household.

No one will be patrolling streets looking for people who are not wearing masks. However just this morning we did receive a complaint of 200+ persons gathered in Fortin Park with little distancing or use of masks. Each individual should have the right to determine if they want to go without a mask until they jeopardize the safety of others. It is well documented that face masks significantly reduce the spread of COVID-19.

Section 54-3B Private Property is there because by definition many places where the public may be admitted is private property. These include: business and professional offices, retail and personal service establishments, restaurants, child care facilities, places of public accommodation, private clubs and religious establishments. This does not refer to your home.

This section also addresses public areas of residential properties. We feel this is necessary in the event of a large residential gathering without masks or social distancing in effect. This is the situation that has already occurred and led to the outbreak at SUNY Oneonta. There are rental properties in the Town that are occupied by students who live off campus. We have had very few problems with these properties. However, the law needs to have a provision to address large gatherings in residential areas. Town residents have nothing to fear from this regulation in terms of what they do on their own property unless they exceed the state recommendations for gatherings or are otherwise behaving in a manner that could be unsafe for our community. I doubt anyone attending this meeting has any desire to cause harm to other residents of the Town.

Finally, Section 54-6A states:

This law may only be enforced during the time that a Declaration of Emergency is issued by the New York State Governor due to an epidemic or disease outbreak that is communicable through droplet contact or airborne transmission.

When the emergency declaration is lifted by the State the law is not applicable.

In proposing this law, our only goal is to help keep our community safe. We all saw the effect of students returning to the Oneonta campus and how quickly the infection spread. We are very fortunate that the outbreak does not appear to have spread into our general population.

All of the Town Board members want our area businesses and schools to return to a “normal” condition as soon as possible. Regulation like this could certainly help speed that process. It is presented with the best of intentions.

I am going to establish rules for this public hearing.

Speakers will be limited 2 minutes.

If there is any use of profanity you will be muted and the next speaker will start.

Motion was made by Mowers to open the public hearing. Seconded by Jacob.

Councilman Mowers stated that he had received a lot of calls from residents that were opposed.

Attorney Panasci stated that the intent of the law is not to increase current standards but rather, to create an enforcement mechanism.

Several people spoke in opposition;

Luisa Montanti of the Southside Mall spoke in favor. She stated that most people in the mall not wearing masks are trying to start a fight. This local law would be helpful for Southside Management to enforce mask wearing.

Councilman Holleran stated that he has a conflict of interest because he owns a campground business; and he does not want to be the police.

Todd Scanlon had concerns. He asked if family gatherings have to wear masks. Supervisor Wood stated no, because you are a family unit. Todd Scanlon also was concerned about drug use and needles in Hem Street Park. He thinks that we have more important issues that need to be addressed than masks.

Brian Bordinger stated that he doesn't understand why we are trying to be so quick to push this through.

Joe Briguglio asked because he is a business owner, whose job is it to enforce this? If there is a large gathering. Is he going to be cited for non-compliance? Supervisor Wood stated his interpretation is no but, he thinks it would depend on NYS complicity.

Jon Anderson stated he understands what we are trying to do, it is to protect people. His concern is NYS already has a law in effect and it has the provisions to enforce it. Where is the enforcement? We have a Constable and Code Enforcement Officer. We don't have the manpower to enforce it. Is there a phone number to call if its 11:00PM? Supervisor Wood stated yes, there is a phone number to call on the town website. It goes to his office and he will get a voice recording via his email and take appropriate action.

Joe Harmer is concerned that it is too easy to file a complaint of 10 or more people gathering without masks.

Attorney Panasci stated, that it would have to be investigated by enforcement before any tickets are issued.

Angela Silvernail asked if this is supposed to be tool for business owners to enforce mask wearing, it sounds like it would make a lot of people happy if the private property clause was removed.

Supervisor Wood stated that does not give us any advantage when there is a group of younger people in a residence which is what started the outbreak at the college. We would have no ability then.

Greg Harlem stated if the state already has a seat belt law, when is the town going to create a seat belt law? The state already has a law for mask wearing. It seems very repetitive.

Councilwoman Riddell Kent stated that we are vulnerable because of SUNY students and the spread of the virus.

Councilman Holleran stated that there was very little community spread.

Councilwoman Jacob stated that we have removed private residences from the law; the law is to give businesses a tool to help them deal with the issue of masks; and masks do help reduce the spread.

Supervisor Wood stated that it takes the heat off of business owners.

Attorney Panasci suggested that the board readdress the law and propose changes. If significant

changes are made, the board will need to have another public hearing.

Motion was made by Wood to table the public hearing until Sept 30<sup>th</sup> @ 7:00PM. Seconded by Mowers.

VOTE; AYES 5 NAYS 0

Motion Carried