

TOWN BOARD  
Regular Meeting  
February 8, 2017

The regular meeting of the Oneonta Town Board was held on February 8, 2017 with the following members present:

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

Others present: Rob Panasci, Town Attorney; Jim Hurtubise, Supt. of Highways; Steve Kent; Andrew Stammel, Co. Rep.; Troy Turley; Jamille Turley; DJ Turley; and Michael Kite.

**PETITIONERS**

DJ Turley and Michael Kite of Boy Scout Troop #66 introduced themselves and said they were working toward their 'Citizenship' badge.

**COMMITTEE REPORTS**

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

Sewer truck – Motion was made by Riddell Kent, seconded by Jacob to approve the budgeted expense of \$24,484 to have the sewer jet truck tank rehabbed and placed on a newer truck chasis; all as a cost saving measure.

VOTE – Ayes 5, Nays 0      Motion Carried

Outside User Agreement – Motion was made by Riddell Kent, seconded by Jacob to authorize the town to enter into a 'First Amendment to Outside User Agreement' with Martin and Brenda Patton (Cooperstown All Star Village), at 4158 State Highway 23 (Tax Map # 287.00-1-33.00) as an 'outside user' in the West End Sewer District.

Discussion: Supervisor Wood said the amendment allows for the installation of a 'Flow Meter' to record actual sewer flows, rather than being billed based on water readings, since much of their water usage goes on the baseball fields and not in the sewer.

VOTE – Ayes 5, Nays 0      Motion Carried

Facilities, Technology, Parks

Into the Streets – Councilman Holleran reported that he would be submitting the 'Into the Streets' application for a workday at Fortin Park cleaning up brush and trash and touch-up painting at the grove pavilion. Councilwoman Jacob suggested again the possibility of a mural on the maintenance building. Holleran said this could be a separate project through the High School art department.

Facebook Page/Policy – Councilman Holleran reported that the internship director from Hartwick College and the social media director from Southside Mall met with the committee to discuss creating a town ‘Facebook’ page. Holleran said he plans to meet with City and County personnel and Destination Oneonta to obtain input for drafting a suitable policy. The board discussed the pros and cons of having a college intern versus a local technology company create and update the webpage. Councilwoman Jacob felt an intern would be more ‘in tune’ and ‘creative’ to attract public attention.

OWL/Fortin House & Grounds – Councilwoman Riddell Kent reported that OWL is doing great work and coming along nicely on the Fortin house. They have:

- Installed new flooring; demolished the bathroom; and removed the kitchen island;
- Applied for new grants;
- Will install a fence in front of the house; and
- Setting a timeline for opening.

#### Legislative

Solar Permitting Local Law – Councilwoman Jacob reported that the committee is working on a ‘Solar Permitting’ local law. Attorney Panasci will have input at the next committee meeting on March 8<sup>th</sup>. In the meantime, Supervisor Wood will gather necessary details.

#### **ATTORNEY**

Attorney Panasci recommended renumbering Local Law #3 of 2016 (Amendment to Section 94.2 ‘Established Committees’) for filing purposes with the Department of State. Motion was made by Wood, seconded by Mowers to renumber Local Law #3 of 2016 ‘Established Committees’ to Local Law #2 of 2017.

Discussion: Councilwoman Riddell Kent requested to have ‘Parks’ as a stand-alone committee. Attorney Panasci said that this action is to readjust numbers, not to make amendments to what has already been approved.

VOTE – Ayes 4, Nays 1 (Riddell Kent)

Motion Carried

Southside Water District – Attorney Panasci and the board discussed the acquisition (by Eminent Domain) of an easement on private property owned by Springbrook to accommodate construction and long-term maintenance of the Southside municipal water system. Supervisor Wood will meet again with Springbrook personnel to further discuss taking over the property. If Springbrook is not agreeable, town needs to be able to move forward with the project. Motion was made by Wood, seconded by Riddell Kent to approve the following resolution:

#### **In the matter of the acquisition of certain easements and or fee acquisitions for use in public project:**

WHEREAS, the Town of Oneonta is engaged in a public use project to construct, operate and maintain a municipal water system (the "Project");

WHEREAS, the Town Board has previously reviewed, considered and approved the plans and schematics for the Project, which requires the Town to acquire easements or fee acquisitions of real property to accommodate construction and long term maintenance of the Project's water system;

WHEREAS, the Town Board has determined that a community solution to municipal water on Southside Drive is in the best interest of the Town of Oneonta and, as a result, that the contemplated acquisition is in the best interests of the health, safety and welfare of the Town, as it is in the public's best interest that the Project be properly constructed and maintained;

WHEREAS, the Town Board has endeavored and will continue to endeavor to acquire the below identified property necessary for the Project by voluntary compliance with the land owner, but the Town Board acknowledges that voluntary compliance may not be achieved for this necessary acquisition requiring the Town to exercise its powers of Eminent Domain;

Owner: Springbrook NY, Inc.

Easement/Fee Simple Interest

Tax Parcel: 300.00-3-43.00

Square Footage: 174,240

WHEREAS, the Town Board has determined that the above contemplated acquisition is minor in nature, only affecting small portions of the individual property, and therefore the individual acquisition by Eminent Domain would be *de minimis* in nature so that the public interests will not be prejudiced by the acquisition of those property interests for construction of the Project;

WHEREAS, the Town Board of the Town of Oneonta had previously complied with the mandates of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617)("SEQRA") for the Project; and

WHEREAS, pursuant to the terms of SEQRA, the Town Board has determined that its findings and determinations are consistent with the prior Negative Declaration and there are no negative adverse impacts;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ONEONTA, OTSEGO COUNTY, NEW YORK:

THAT THE Town Board of the Town of Oneonta hereby determines that if voluntary compliance to acquire the property in furtherance of the Project has not been practicable or would prejudice the Project, the Town of Oneonta and its legal agents are authorized to acquire the lands or interests by use of Eminent Domain; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town of Oneonta and its legal agents to make offers of reasonable compensation to acquire the lands or interests that cannot be practically acquired by voluntary compliance;

IT IS FURTHER RESOLVED, that the Town Clerk and the Attorney for the Town are hereby directed to take such actions as are necessary to implement this resolution.

VOTE: Ayes 5, Nays 0

Motion Carried

### **CODE ENFORCEMENT**

Training – Motion was made by Holleran, seconded by Jacob to authorize Paul Neske and Dave West to attend the 2017 STBOA training on Feb. 22<sup>nd</sup> in Sidney, at a cost of \$70.

VOTE – Ayes 5, Nays 0

Motion Carried

### **MISCELLANEOUS**

Deputy Town Clerk – Motion was made by Holleran, seconded by Jacob to permanently appoint Denise Erbe as Deputy Town Clerk.

Discussion: Supervisor Wood stated that Erbe has fulfilled the 12-month probationary period as required by County Civil Service.

VOTE – Ayes 5, Nays 0

Motion Carried

Cornerstone renewal agreement – Motion was made by Holleran, seconded by Riddell Kent to enter into a two-year agreement (02/15/2017 – 01/21/2019) with Constellation Energy Resources, LLC to supply electricity at a fixed price of \$0.04707/kWh.

VOTE – Ayes 5, Nays 0

Motion Carried

Town Logo/Seal – Supervisor Wood said there has been some community interest in redesigning the town's logo, however people have requested more time. The board agreed to extend deadline to April 7<sup>th</sup>.

Fire Commissioner Meeting update – Councilwoman Riddell Kent reported that the next Town of Oneonta Fire Commissioner meeting would be Tues., Feb. 14<sup>th</sup> at Elm Park Church.

Supervisor Wood said he has been writing an editorial piece for the Daily Star on the background of the Town of Oneonta Fire District, as well as ongoing issues and negotiations, etc.

### **Informational:**

MEGA informational meetings – Attorney Panasci said the amount of pushback from utilities is unbelievable and that customers will save substantially, but the town needs to get the word out. Councilman Mowers suggested a mass mailing. The board discussed sending out a postcard notice that would reach the most residences using the voter enrollment list as suggested by Councilman Holleran. Councilwoman Jacob drafted a simplified, condensed notice and asked for board input.

County Representative - Andrew Stammel gave the following county update:

- There have been many committee chair changes;
- The Strategic Plan committee is looking at the bigger picture;
- NYSEG has approved the solar farm;
- County is switching to 'Enterprise Fleet' to save money;
- Still using Onondaga County for purchasing; and
- The Richfield Springs project (for the less fortunate) is only connected to the county through social services.

Councilman Holleran asked if the IDA has had any discussions on the Pony Farm Industrial Park. Stammel said those discussions have ‘gone cold’ at this point and time. Attorney Panasci stated that even though the IDA considers the developable site ‘shovel ready’, any potential project would require Planning Board review. Holleran asked Stammel to let the IDA know that the town doesn’t want to be left out, as it appears to be lately.

Supervisor Wood asked Stammel if he was aware of Governor Cuomo’s plan to require counties to develop new, voter-approved efficiency plans. He is attempting to make AIM funding contingent upon the Legislature’s approval of the proposed efficiency mandate. It was agreed that towns already work together efficiently to bring a high level of service to residents.

**APPROVAL OF MINUTES**

Motion was made by Jacob, seconded by Riddell Kent to approve the January 11, 2017 minutes.  
VOTE – Ayes 5, Nays 0                                        Motion Carried

**BILLS** – Motion was made by Riddell Kent, seconded by Mowers to approve the following bills and budget modifications:

2016 Bills:

General	\$19,816.55	992,993,994,995,998,1001,1002,1003,1004
Highway	\$5,732.68	999,1001

DISTRICTS:

WESD	\$55.04	996,997
WSSD	\$49.12	996
WWD	\$704.21	2016-996,997,1000

2017 Bills:

General	\$24,902.42	27,34,37-40,43,46,47,51,53-61,65,70,74,78-80,82,84,87
Highway	\$27,036.74	27,34,48-50,52,53,66-73,81,89
Street Lights	\$4,309.95	60,61
Trust & Agency	\$1,238,739.45	30-33,36,44,45,76,77

DISTRICTS:

WESD	\$4,890.55	28,29,35,41,62-64,75,83,85,86,88
WSSD	\$997.12	28,29,35,41,75,83,85,86,88
SSD	\$1,701.90	28,29,35,41,75,83,85,86,88
WWD	\$3,238.35	28,29,35,41,42,75,83,85,86,88
PWD	\$612.63	28,29,35,41,75,85,88

2016 Budget Modifications:

General Account		Highway Fund	
14404.01.026	99,986	51424.03.413	5,697
14404.01.027	25,136	51424.03.414	-5,697
19904.01	-10,690		
19972.01	29,644		

35104.01	150
71102.01	-473
71104.01	473
83104.01	9,506
599.01	153,732
914.01	153,732
	-
917.01	153,732
VOTE – Ayes 5, Nays 0	Motion Carried

The meeting was adjourned at 8:15pm.

Respectfully submitted,

Cheryl L. Shackelton  
Town Clerk