

TOWN BOARD
Regular Meeting
November 13, 2019

A regular meeting of the Oneonta Town Board was held on November 13, 2019 with the following members present:

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

Others present: Rob Panasci, Town Attorney; Jim Hurtubise, Hwy. Supt.; Steve Kent; Walter Schmitt Jr, Mike Schmitt, Kristin Kulow, Terra Butler, Joan Puritz, Katherine O'Donnell, Andrea Lister, Molly Swain, Arley Lau, Julie Polulich

2020 BUDGET

Motion made by Jacob to re-open the public hearing on 2020 budget. Seconded by Riddell Kent.

VOTE – Motion Carried Ayes 5, Nays 0

No one was present to speak about the budget.

Motion made by Jacob to close the public hearing. Seconded by Riddell Kent.

VOTE – Motion Carried Ayes 5, Nays 0

Motion made by Mowers to approve the 2020 budget. Seconded by Holleran.

VOTE – Motion Carried Ayes 5, Nays 0

PETITIONERS

Superheros in Ripped Jeans presented a proposed contract to become the secondary dog shelter for the town. Attorney Panasci stated that he had concerns that the proposal was in the form of a lease, he is willing to work with their attorney.

COMMITTEE REPORTS

Highway/Water & Sewer –

SEQR highway garage- Motion was made by Riddell Kent, seconded by Holleran as follows:

In the Matter of the Declaring a Negative Declaration
Under State Environmental Quality Review Act for
The Construction of the Town's Highway Garage

WHEREAS, the Town Board of the Town of Oneonta in cooperation with the Town of Oneonta Highway Superintendent have determined that the Town Highway Department requires a new highway garage; and

WHEREAS, the Town Board of the Town of Oneonta has caused to be prepared a Short Environmental Assessment Form (EAF) pursuant to the mandates of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617); and

WHEREAS, the Town Board has duly considered the contents of the EAF.

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

THAT THE Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them.

THAT THE Town Board hereby declares that the construction of the Town Highway Garage will not impact the environment and issues a negative declaration under SEQRA thereby complying with the mandates of the State Environmental Quality Review Act.

VOTE – Motion Carried Ayes 5, Nays 0

Bond resolution highway garage- Motion was made by Jacob, seconded by Riddell Kent, to wit;

BOND RESOLUTION DATED NOVEMBER 13, 2019

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW HIGHWAY GARAGE IN THE TOWN OF ONEONTA, OTSEGO COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,100,000 OF THE TOWN OF ONEONTA, OTSEGO COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Oneonta, Otsego County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the construction of new highway garage, including any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purpose (hereinafter referred to as the “purpose”) for the foregoing purpose. The maximum cost of said purpose will not exceed \$2,973,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose as follows: (a) with moneys to be applied by the Town from the General Fund, the Flood Act, the Building Capital Reserve Fund and the Building Reserve in the aggregate amount of approximately \$873,000, and (b) by the issuance of serial bonds in an amount not to exceed \$2,100,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 11(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 23.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town had issued a Negative Declaration under the State Environmental Quality Review Act determining that the construction of a new highway garage, including necessary site work and the

acquisition and installation of equipment, machinery and apparatus for the foregoing purpose, will not have a significant effect on the environment.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(a) (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(b) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law.

VOTE – Ayes 5, Nays 0 Motion Carried

Award contract #1 Building Construction-

The following bids were received:

1 – Plank, LLC	\$2,248,000.00
2 – Beebe Construction/Daniel Buck	\$2,084,000.00
3 – Andrew R. Mancini Associates, Inc.	\$1,917,000.00
4 – Richard W. Wakeman, Inc.	\$2,110,594.00
5 – Upstate Companies	\$2,061,000.00

Motion made by Jacob. Seconded by Holleran to award the contract to Andrew R. Mancini Associates, Inc. for the base bid plus additive alternate #1 for the amount of \$1,993,000.00

VOTE – Ayes 5, Nays 0 Motion Carried

Award contract #2 Electrical-

The following bids were received:

1- Cornalli Electric	\$239,700.00
2- McCarthy Electric	\$178,865.00
3- Harold R. Clune Electric	\$308,800.00
4- Blanding Electric, Inc.	\$222,000.00
5- Schuler-Haas Electric Corp.	\$178,900.00
6- A. Treffeisen & Son	\$224,800.00

Motion made by Mowers. Seconded by Jacob to award the contract to McCarthy Electric Corp. for the base bid of \$178,865.00.

VOTE – Ayes 5, Nays 0 Motion Carried

Award contract #3 HVAC-

The following bids were received:

1.- J&K Plumbing & Heating Co. Inc.	\$398,000.00
2.- Piccirilli-Slavik	\$347,000.00
3.- A. Treffeisen & Son	\$448,300.00
4.- Avolio Bros.	\$352,514.00
5.- RMB Mechanical Schenectady	\$483,710.00

Motion made by Kent. Seconded by Jacob to award the contract to Piccirilli-Slavik for the base bid of \$347,000.00.

VOTE – Ayes 5, Nays 0 Motion Carried

Award contract #4 Plumbing-

The following bids were received:

1.- J&K Plumbing & Heating Corp. Co. Inc.	\$180,000.00
2.- Piccirilli-Slavik	\$142,000.00
3.- A. Treffeisen & Son	\$148,300.00
4.- United Plumbing	\$115,912.00
5.-Avolio Bros.	\$127,330.00
6.- S&H Mechanical	\$ 73,000.00

Motion made by Holleran. Seconded by Mowers to award the contract to S & H Mechanical for the base bid of \$73,000.00.

VOTE – Ayes 5, Nays 0 Motion Carried

Motion was made by Riddell Kent, seconded by Jacob that the Town Board certifies that the following town sewer and water accounts are delinquent for the year 2019, and submits same to the Otsego County Treasurer for collection:

West End Sewer District	\$37,743.86
West Street Sewer District	\$ 730.95
Southside Sewer District	\$ 2,235.26
Woodland Water District	\$10,480.56
TOTAL:	\$51,190.63

VOTE – Motion Carried Ayes 5, Nays 0

Report on survey for sewer East End- Wood stated that letters were sent. 5 were returned undeliverable. 10 were negative. 4 were interested. He will explore the options for the interested parties.

Public Safety – Did not meet. A letter was received by a resident about 133 Southside Drive. Several violations were found by code.

Facilities, Technology, Parks – Did not meet.

Human Resources and Public Benefit- A letter was received from County Highway Superintendent Brimmer stating that the request for a speed limit reduction was forwarded to the State for review.

Legislative

Motion was made by Holleran, seconded by Mowers to adopt the Marriage License Fee Waiver as follows:

WHEREAS, Governor Cuomo signed legislation (S.3756/A.55) waiving the state fee for marriage licenses for active duty member of the U.S. armed forces or their spouses; and

WHEREAS, the bill gives local governments freedom to waive the fees they charge for marriage certificates for active duty service members or spouses; and

WHEREAS, the Town of Oneonta wishes to waive the fees they charge for marriage certificates for active duty service members or spouses;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Oneonta hereby waives the fees for marriage certificates for active duty service members of the U.S. armed forces or their spouses.

VOTE – Ayes 5, Nays 0 Motion Carried

PUBLIC HEARINGS

Motion was made by Mowers to set the public hearing for zone change in East End for December 11th at 7:00PM. Seconded by Holleran.

VOTE – Motion Carried Ayes 5, Nays 0

ATTORNEY

Attorney Panasci stated that the town has one tax grievance that is in litigation. He will update the board as necessary.

CODE ENFORCEMENT

Motion was made by Mowers to approve the request for budgeted items, books and software. Seconded by Jacob.

VOTE – Motion Carried Ayes 5, Nays 0

MISCELLANEOUS

Climate Smart Communities

Motion made by Wood, seconded by Jacob that

WHEREAS, the Town of Oneonta (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town of Oneonta, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:

- 1) Build a climate-smart community.
- 2) Inventory emissions, set goals, and plan for climate action.
- 3) Decrease energy use.
- 4) Shift to clean, renewable energy.
- 5) Use climate-smart materials management.
- 6) Implement climate-smart land use.
- 7) Enhance community resilience to climate change.
- 8) Support a green innovation economy.
- 9) Inform and inspire the public.
- 10) Engage in an evolving process of climate action.

VOTE – Motion Carried Ayes 5, Nays 0

Motion was made by Riddell Kent to approve the health insurance policy for town employees for 2020. Seconded by Jacob.

VOTE – Motion Carried Ayes 5, Nays 0

Motion was made to approve the contract with PDQ for the main copier. Motion was made by Mowers. Seconded by Riddell Kent.

VOTE – Motion Carried Ayes 5, Nays 0

Motion was made to approve the Susquehanna SPCA by Riddell Kent. Seconded by Jacob.

VOTE – Motion Carried Ayes 5, Nays 0

Motion was made by Wood to approve the Supervisor to attend the AOT Annual Meeting and Training School 2/16-19/2020. Seconded by Mowers.

VOTE – Motion Carried Ayes 5, Nays 0

Motion was made by Riddell Kent to approve the town clerk to attend NYS Town Clerks Association 12/9/19. Seconded by Jacob.

VOTE – Motion Carried Ayes 5, Nays 0

Motion was made by Mowers to approve the town clerk to attend the Newly Elected Training School 1/15-17/2020 in Albany, NY. Seconded by Riddell Kent.

VOTE – Motion Carried Ayes 5, Nays 0

PETITIONERS

Town resident Andrea Lister stated that she is concerned with people seeming to speed on Richards Avenue.

APPROVAL OF MINUTES-

Motion made by Jacobs. Seconded by Riddell Kent to approve the minutes for October 9, 2019.

VOTE – Ayes 5, Nays 0 Motion Carried

BILLS

General	\$46,629.47	787,800-802,804,810-818,820,822,825-831,833-838,851,852,857,865
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Highway	\$50,272.28	802,839-848,852-856,866
Street Lights	\$3,768.22	831,834
Trust & Agency	\$813.28	789-792,806-808,863,864
Highway Gar.	\$5,279.49	822
Fire Protection	\$384,544.33	824
CDBG	\$78,322.22	787A,787B
DISTRICTS:		
WESD	\$7,645.12	788,803,805,809,819,832,858-860,862,867
WSSD	\$1,651.18	788,803,805,819,858,859,862,867
SSD	\$2,441.88	788,803,805,809,819,832,858,862,867
WWD	\$3,375.50	788,803,805,809,819,832,849,850,858,861,862
PWD	\$590.02	788,803,805,819,862
SS Water Dist	\$21,690.15	793-799,821,823

Motion was made by Jacobs. Seconded by Mowers to approve bills.

VOTE – Ayes 5, Nays 0 Motion Carried

Respectfully submitted,

Sara Robinson
Town Clerk