

TOWN BOARD
Special Meeting
November 1, 2018

A special meeting of the Oneonta Town Board was held on November 1, 2018 with the following members present:

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

Others present: Steve Kent; Johna Peachin; Ron Peters; Erica LaBuz; Virginia Lee; WKTV; and Whitney Bashaw of The Daily Star.

PUBLIC HEARING – 2019 PRELIMINARY BUDGET

Motion was made by Jacob, seconded by Riddell Kent to open the public hearing.

The following people spoke:

Ron Peters – I assume the town board is conversant with the court regarding the filings (affidavits, memorandums, and final result); quoted from the judge's decision on page 3 where he says the tax payers within the Fire District pay for present services, whereas all the taxpayers in the town will pay for future services; for those of you who had great difficulty coming to grips with the unfairness, I hope this third party is sufficient to tell you that the past is unfair.

Johna Peachin – I don't see anything in the budget that addresses the expenses of setting up the Fire Protection District; I am reading from Supervisor Wood's affidavit to the court – "In order to continue providing fire protection services to residents of properties after dissolution the town will have to establish a fire protection district. The town will have to create a fire protection district by motion of the board. However, before the resolution can be prepared and approved the town will need to retain a licensed engineer or surveyor to prepare maps defining the area of the proposed district to be presented with the motion. In addition to the maps, the town needs to prepare a plan and report the services to be provided; including the cost of the average household. Until the contract is finalized it is impossible to establish a cost"; Wondering if you have this proposal in the budget, if any of these steps have been taken and if you've addressed these costs; and if this hasn't been done yet, then how is it possible that it's on tonight's agenda; or is the affidavit either false or maybe a misunderstanding at the time you made this statement. Supervisor Wood stated that these items have been taken care of.

Erica LaBuz – Most homes in my West End neighborhood are assessed in the low \$100 thousands; I think that also means our average incomes are lower than people that live in the Woodhaven Development, Highland Heights Development, or The Plains; we are paying according to the information that has been presented, we're paying for the ambulance and fire services; I'm asking the board to be fair to us in the West End because we are also your constituents and we have been subsidizing people not in the West End; you have an opportunity now to make changes; I know people want changes because taxes are just too high; Mr. Hannigan's example at the hearing was very good - he took 4 people sitting in the front row and said three are paying for fire and ambulance and the fourth is getting a free ride; you should pay attention to that.

Supervisor Wood asked what they based their budget on; did you have a contract?

Peachin – All five fire commissioners voted on the budget; We were in court on the 22nd and negotiated for a 1 year extension of the current contract for \$1.1 million. You spent \$30 thousand more of our dollars than we needed to because you negotiated the worse contract that was presented yesterday at their meeting. It was \$1.122 million with the COLA that was agreed to by Mayor Herzig and City Attorney Merzig in court on Monday.

Supervisor Wood – We were never offered any numbers in court.

Peachin – We had that budget and we presented it to you; they were willing to exchange it with you and do any allocation. That was the agreement that we got in the hallway outside of court with them; we presented and it's there for you take or you can pay the \$30,000 more, your choice.

Supervisor Wood – We're going to use the formula that we established because we feel that the items incorporated into the formula were fair and reasonable.

Peachin – The court has said that you should be putting this on the whole town wide and if you're going say Judge Coccoma made a mistake, that's a problem.

Supervisor Wood – We're going to follow the advice of our attorney.

Peachin – That's shown really, really good results because that decision was an absolute embarrassment to the town board and a waste of taxpayers' money.

Supervisor Wood – No, your conduct has been an embarrassment; the way you have conducted yourselves through this entire process; meetings with almost no public notice; no public input; and ignoring the wishes of the people.

Peters – We were not arbitrary and capricious, as you claimed.

Peachin – Is it fair for the fire protection district to pay for the entire contract.

Supervisor Wood – Yes, because whenever that door opens up and a truck rolls out for a fire it's a fireman; and whenever the truck rolls out for an EMS call it's a fireman and those calls are billed and that cost is covered.

Peachin - Judge Coccoma ruled on this.

Peters – You don't know what you're talking about.

Motion was made by Jacob, seconded by Riddell Kent to close the public hearing.

VOTE – Ayes 5, Nays 0 Motion Carried

Local Law to Override Tax Levy Limit – Motion was made by Jacob, seconded by Mowers to set a public hearing for November 14, 2018 at 7:15 pm regarding a local law to override the tax levy limit.

VOTE – Ayes 5, Nays 0 Motion Carried

Formation of Fire Protection District – Motion was made by Jacob, seconded by Riddell Kent to set a public hearing for November 14, 2018 at 7:00 pm to consider forming the Town of Oneonta Fire Protection District.

VOTE – Ayes 5, Nays 0 Motion Carried

Motion was made by Riddell Kent, seconded by Holleran to authorize the City of Oneonta Fire Department to continue to provide services to the Town of Oneonta residents on behalf of the Town due to the dissolution of the Town of Oneonta Fire District under the same terms and conditions of the contract entered into by the Fire District.

Summary and History of Court Action Against TOFD – Supervisor Wood read the following for the record:

The town board has entertained the Town of Oneonta Fire Commissioners on several occasions listening to their demands that the town change the allocation of ambulance charges increasing it

to a level equivalent to 75% of the cost of the fire contract. The town board repeatedly asked the commissioners to provide us with an authoritative finding that the current contracts were unfair or unjust as they maintained. No such finding was ever provided.

Since the town refused to alter the allotment without a finding, the commissioners decided to vote to dissolve.

The town board recognized that the Fire District was created out of an overwhelming sense of need by town residents and we felt that it was not in the best interests of Town residents to dissolve the district. That is why we instituted the court action asking that they be enjoined from dissolving for one year. Cooler heads could potentially prevail and the district could have continued.

Fire districts have the ability to create a fire department that a town board lacks.

The court ruled that we did not have standing to bring the action enjoining the commission from dissolving. We reluctantly accepted that finding.

Prior to the last three years a formula had been used to determine the amount of the contract. For the last three years the cost of the contract was an arbitrary amount. During those three years the commissioners were unable to agree with either the city or amongst themselves about what should be in the formula.

On the day of the decision the supervisor met with the mayor and representatives of the city and negotiated modifications to the formula that had been used in the past and a five year agreement was reached. That agreement is now between the City and Town of Oneonta Fire Protection District. In the future the agreement and will handled by the Town Board.

VOTE – Ayes 5, Nays 0 Motion Carried

Planning/Zoning School – Motion was made by Riddell Kent, seconded by Holleran to authorize Michael Stolzer to attend the 2018 Planning and Zoning School in Schoharie, NY on November 10, 2018.

VOTE – Ayes 5, Nays 0 Motion Carried

The meeting was adjourned at 7:15 pm.

Respectfully submitted,

Cheryl L. Shackelton
Town Clerk