

TOWN BOARD  
Regular Meeting  
November 10, 2021

**DRAFT- SUBJECT TO TOWN BOARD REVIEW**

A regular meeting of the Oneonta Town Board was held on November 10, 2021 with the following members present:

Councilman: Randy Mowers  
Councilwoman: Patricia Riddell Kent  
Councilman: Brett Holleran  
Councilwoman: Patricia Jacob  
Supervisor: Robert Wood  
Town Attorney: Robert Panasci

Others present: Julie Dostal, Wendy S. More, Mike Schmitt, Andrea Lister, Steve Kent

**PETITIONERS:** Wendy More, a resident of Oneida Street approached the board. Wendy stated that she lives next to Macs Barber Shop. She was bringing a complaint to the board about Lou Bassett. Wendy spoke on serious safety concerns and threats that have been posed by Lou.

**PUBLIC HEARING- Proposed Local Law #2-Fair Housing**

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

Supervisor Wood stated that we have been audited by the Office of Community Renewal for the Custom Electronics grant. There is a finding that we need to have a local law for fair housing. Supervisor Wood found one for the City of Norwich and adapted it. Supervisor Wood stated that the purpose of this law is to ensure that the town residents are not subject to discrimination of any kind as far as housing.

Motion was made to adopt the local law for fair housing by Jacob. Seconded by Riddell Kent.

VOTE – Ayes 5, Nays 0      Motion Carried

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

VOTE – Ayes 5, Nays 0      Motion Carried

**PUBLIC HEARING- Re-Open the 2022 Budget**

Motion was made to re-open the public hearing on the 2022 Budget by Jacob. Seconded by Holleran.

Councilwoman Riddell Kent stated that the board had an extensive discussion at the November 3<sup>rd</sup>. public hearing. She thanked Supervisor Wood for his work on the budget, However councilwoman Riddell Kent maintained that her point is since we need to exceed the tax cap to pay the city for fire and ambulance, she would like to minimize the impact to taxpayers by delaying the trade-in of our 2017 loader, or by trimming the other areas the board discussed. Next year, it's possible with more ambulance rides and subsequent revenue, we'll see a decrease in our town cost. Trading in the 2017 loader next year would be a better time. Councilwoman

Riddell Kent stated that she remains concerned about people struggling on fixed incomes and that she does not want to price people out of living in the town.

Councilman Holleran stated that he agreed with Councilwoman Riddell Kent that cuts should be the first course of action however, Supervisor Wood made a good point about why we need the override.

Motion was made to approve the 2022 budget by Mowers. Seconded by Jacob.

VOTE – Ayes 4, Nays 1 (Riddell Kent)      Motion Carried

### **COMMITTEE REPORTS**

#### **Highway, Water & Sewer-**

Motion was made to approve Change Order #3, Layne Christiansen decrease of -6,665.00 by Riddell Kent. Seconded by Jacob

VOTE – Ayes 5, Nays 0      Motion Carried

Motion was made to approve the Water and Sewer delinquents in the amount of \$52,501.17 to be submitted to the Otsego County Treasurer for collection by Riddell Kent. Seconded by Holleran.

VOTE – Ayes 5, Nays 0      Motion Carried

Councilwoman Riddell Kent conveyed thanks to Highway Superintendent Hurtubise for the placement of the speed sign from the Upper West Street neighborhood. It is definitely working.

Public Safety – Did not meet.

#### **Facilities, Technology, Parks**

Councilwoman Jacob reported that that she met with OHS track coach Dan Forbes along with the highway supervisor Jim Hurtubise, Councilwoman Riddell Kent and park caretaker Steve Kent at Fortin Park to talk about a one way traffic pattern for large events so there won't be two way traffic on a narrow road.

#### **Human Resources and Public Benefit –**

##### **Legislative –**

Opt out of marijuana sales- Councilwoman Jacob stated if we don't opt out, you are automatically in. If you don't opt in, you can opt in any time. If we don't allow dispensaries farmers can still grow. Let's see what happens with other towns first.

Attorney Panasci stated his concern is that municipalities opted out of solar programs because it was what others did. It was a mistake. There is zoning and rules to regulate. You could do it as business district only. The law has to be passed by Dec 31<sup>st</sup>.

Councilman Holleran asked, if we opt in, how long we have to think about zoning. Attorney Panasci stated that a moratorium could be passed. Is a dispensary in the town, what the town wants?

Councilman Holleran stated if the mayor and the city go along with it and if a dispensary is purchased in the city, people can walk right into the town.

Julie Dostal made the following comment: I walk over vomit to get to my office in the City. That does not happen in the town.

Councilman Holleran stated say we opted in and allowed it and there is no current zoning, what happens?

Attorney Panasci stated a moratorium, put a pause on the location.

Councilwoman Jacob stated, why not pause?

Attorney Panasci stated because as a developer, they look at where they can make money.

Councilwoman Riddell Kent reiterated and stated that it is important to be clear, this is not the marijuana of the 80's and 90's, which was about 4-6% THC. These new products can be up to 99% pure THC. She listed societal costs that legalized marijuana create would far outweigh the tax revenue. Societal costs include: paying for increased emergency room visits, medical care and addiction treatment for the uninsured, more victims of drugged driving accidents, increased crime and a negative impact on health from second hand smoke, workplace accidents and lost productivity. Councilwoman Riddell Kent stated that she has concerns for the safety of our children. Will these marijuana dispensaries and consumption lounges change the character of our town.

Councilman Mowers stated, they allow heroin needles, they'll even help you fill the syringe and make sure it doesn't have fentanyl and you're worried about marijuana.

Attorney Panasci stated, if you opted out of alcohol, look at the societal costs.

Councilwoman Jacob stated, why not watch others enforcement

Attorney Panasci stated his biggest concern is the town losing out. If you opt out and three dispensaries go to the City of Oneonta, you lose.

Town resident Andrea Lister stated that a moratorium sends a message that you're leary.

Attorney Panasci stated that a moratorium does not mean that you're opting out.

Councilwoman Riddell Kent stated the next board can opt in at some point, if they decide to.

Supervisor Wood stated that it can be voted on Dec 8<sup>th</sup>. Supervisor Wood also stated that you won't see a ton more usage other than what we already have through legalization.

Supervisor Wood stated, look at the alcohol board regulations, this will be regulated the same way.

Councilwoman Riddell Kent stated that she wants to maintain our town the way it is.

Motion was made to set a public hearing for December 8<sup>th</sup> @ 7:00pm to opt out of marijuana sales by Riddell Kent. Seconded by Jacob.

VOTE – Ayes 5, Nays 0      Motion Carried

## **ATTORNEY**

## **CODE ENFORCEMENT**

## **MISCELLANEOUS**

Assessor Vacancy-Supervisor Wood stated that he had a visit from someone that is interested in the assessor's position. Councilwoman Riddell Kent stated that she reached out to this applicant to consider applying. Councilwoman Riddell Kent stated that the person is extremely qualified and is currently serving as an elected Assessor and is also a realtor who is well known, knowledgeable and respected. Supervisor Wood stated that he has been looking into having the county handle our town assessments.

Website Proposals-Supervisor Wood stated that he was contacted by Susan O'Handley. She is interested in offering her website services for consideration. Supervisor Wood stated that she does not have experience with municipal websites. Councilwoman Riddell Kent stated that she reached out to Susan O'Handley because she was recommended to her. Susan handles other websites such as the Chamber of Commerce and the Animal Shelter. Councilwoman Riddell Kent suggested that the committee discuss further with her what they are looking for. Supervisor Wood stated that we have been considering Revize as they handle municipalities and he is referring it to the committee to handle. Councilman Mowers stated that they would get right on it.

Motion was made by Holleran to approve the Sewer Contract with the City of Oneonta by Holleran. Seconded by Mowers.

VOTE – Ayes 5, Nays 0      Motion Carried

Climate Smart Communities Update- Councilwoman Jacob stated that we are 70 points into the 120 and have earned a \$5,000 grant and we are now a Clean Energy Community. Supervisor Wood stated that the grant money could go towards the design of the charging stations.

Motion was made by Riddell Kent to surplus the old Constable vehicle. Seconded by Jacob.

VOTE – Ayes 5, Nays 0      Motion Carried

In an email sent to the Supervisor Wood on November 10<sup>th</sup>, Justice Farrell requested that his comments be included in the minutes of the Town Board meeting. SF is Justice Farrell's statement and SR is Supervisor Wood's response to those comments.

SF: I heard the 2022 budget vote is tomorrow, and the Court never got the opportunity to sit down with the entire Board to offer our budget requests, etc.

The Court, in the past, has always had the opportunity, but not this year. We received a memo stating that the budget requests had to be in by a certain date but received no follow-up.

SR: It is not clear why the court did not receive notice to appear at the scheduled review time. It is at about the same time every year, if they did not receive notice all they had to do was ask when they were to appear. All other departments appeared. The board approved all requested budget items even without the court being present.

SF: I fully understand the protocol and timeline do not allow you to entertain our requests, however, I would like to mention a few items of concern.

Christine has been a fully trained court clerk for 13 years and received the same salary as Paul who was less qualified. I think bumping up her salary is a glaring omission.

SR: Christine has been a good employee for 15 years. She was not allowed to do court clerk duties until recently when we appointed her to a full-time position. When the full-time position opened up the board authorized the justices to hire someone at a salary of \$29,250. The justices went ahead and made an offer to a Paul at the rate of \$32,500. Far beyond what the board approved. The justices have repeatedly demanded that the board increase the wages for their staff. This is direct conflict with the fact that the court has fallen from 116

out of 1204 courts to 846 in terms of the funds they bring in. The court revenue has fallen from \$177,000 in 2010 to less than \$45,000 in 2020. That certainly seems to indicate a reduction in activity and makes it hard to justify additional funds and staff. The town has a responsibility to provide adequate staff for the court. We have in the past and will continue to do so.

SF: Lastly, it's my understanding that one elected official is the only elected official getting a raise. If that indeed is the case that is not fair, equitable or decent. What is good for one should be good for the others.

SR: The town board is absolutely the determining body for salaries. The one person whom was granted a raise, is the highway superintendent who works full-time and has taken on additional duties. Part-time elected officials should be working for the public, not for the money. Full time elected officials who are able to perform their duties fully and capably should be compensated. There are other elected positions that the board did not feel merited increased salaries. In order to be fair, we decided that only the Highway Super was deserving this year.

SF: I am looking forward to the new year where picking winners and losers is replaced with being impartial, even-handed and principled.

SR: The Town Board has been fair and does not pick winners or losers. We decide as a group, what is appropriate within the regulations allowed us by NYS law. Disagreements will surely arise; however, we do what we believe is in the best interest of the taxpayers as a board. That is what we are elected to do.

**APPROVAL OF MINUTES-** Motion was made by Jacob to approve the minutes from October 13<sup>th</sup> and November 3<sup>rd</sup>. Seconded by Riddell Kent

VOTE – Ayes 5, Nays 0      Motion Carried

**BILLS** Motion was made by Mowers to approve the following bills. Seconded by Riddell Kent.

VOTE – Ayes 5, Nays 0      Motion Carried

<b>Clerk:</b>	Approved Expenses / Voucher #822-900		
	General	\$ 69,553.96	
	Highway	\$ 124,849.15	
	St Lighting	\$ 2,673.55	
	Highway Garage	\$ -	
	Fire Protection	\$ 398,194.33	
	WESD	\$ 179,451.91	
	WSSD	\$ 37,387.88	
	SSD	\$ 93,042.73	
	WWD	\$ 892.16	
	PWD	\$ 122.22	
	SSWD	\$ 325,336.03	
	T&A	\$ 3,209.75	
	CDBG	\$ -	
		<u>\$ 1,234,713.67</u>	

The meeting was adjourned at 8:50 pm.

Respectfully submitted,

Sara Robinson