



Town of Oneonta TOWN BOARD

Regular Meeting Minutes
May 11th, 2022
07:00pm

The regular meeting of the Oneonta Town Board was held on May 11th, 2022, @07:00pm, with the following members present:

Town Board Member:	Patricia Riddell Kent	(PRK)
Town Board Member:	Brett Holleran	(BH)
Town Board Member:	Kim Fierke	(KF)
Town Board Member:	Skylar J. Thompson	(ST)
Supervisor:	Randal I. Mowers	(RM)
Town Clerk:	Ryan F. Pereira	(RFP)
Town Attorney:	Robert Panasci	[ABSENT]

Others present: James A. Hurtubise II, Superintendent of Highways; Michelle Catan, County Representative; Wendy S. More; Walter Schmitt; Charles Maffei; Gary Maffei; Bridgette Shepardson; Dale Webster; Theresa Cyzeski; Walter Schliermann; Steve Kent.

Committee Discussion:

Councilwoman Riddell Kent's statements:

Highway/Water & Sewer
West Oneonta Water and Sewer Outreach.

Dale Webster of West Oneonta raised his concern about the Town Board members going door to door to survey West Oneonta residents on water and sewer services because he is concerned the board is mostly biased. He said he would be more comfortable with students going door to door because they are impartial. He also said mailing the survey would be the best way to have people not feel pressured with someone at their door. Councilwoman Riddell Kent echoed that concern stating mailing a survey would be her preference. A mailing allows them time to talk with others in their household.

Gary Maffei suggested the survey letter be available to West Oneonta residents on Primary Election Day when they come into vote.

Riddell Kent asked Supervisor Mowers what is the status of the Bellamy Change Order 3 for Southside Water District. Has the Town received an invoice? RM said the Town has not received an invoice. She noted it requires a vote before paying.

Riddell Kent read an update on Southside Water District that she requested from Lamont Project Manager Jodie, and read as follows:

1. Contract for Piping: Bellamy will be returning in 2-4 weeks to finish restoration and install the last service on Swart Hollow Road.
2. Contract for Well Site construction: Lamont is finalizing the Well Control Building and piping to the wells and will be submitting the plans to the NYS Department of Health this month. Letters are being sent to all of the property owners around Fortin Park to notify them of the SRBC application and give them a chance to comment on the permit application. Once the letter receipts are sent to SRBC, they will finish their technical review of the pump testing.
3. Admin: We are working with EFC to extend the maturity date of the funding. Just an administrative procedure. Supervisor Mowers added he has done this.

PRK thanked Highway Supervisor Hurtubise and the Highway Crew for the great job on cleaning up debris from the heavy snowstorm in April.

Public Safety

Riddell Kent said she received an email from a neighbor of 115 Valley Street, listing the ongoing safety concerns and code violations at said property. Riddell Kent said she forwarded the email to the Town Code Officer and the Town Board. Riddell Kent brought a motion to the floor for a vote requesting the board support the Code Officer to take further action to address the ongoing code violations at this property as well as 133 Southside Drive. She included the Chestnut St. property that Councilman Holleran requested. Supervisor Mowers said a vote is not necessary. He will be speaking to the Code Officer to handle things.

Riddell Kent addressed Gary Maffei and Bridgette Shepardson's requests that the Town Board update the Town Code to set decibel limit for fireworks to 70 decibels. Riddell Kent said she looked at the code and didn't find any decibel limits for fireworks. She would support the Legislative Committee to move forward with work on updating the Town Code on this to present to Town Board.

Facilities, Technology, and Parks

PRK reported Climate Smart Communities Task Force earned \$5,000 in grant money that the Town

received in January of 2022. The Task Force was working on possibly using it to help add an EV Charging Station in the town. Supervisor Mowers has been looking into water conserving toilets for Town Hall. Riddell Kent said that is an idea worth looking into because it looks like we won't need to spend the money on EV Charging Stations since there are companies that cover these design costs. She said she would approach the Climate Smart Communities Task Force with the Supervisor's suggestion and make sure this falls under the Grantor's guidelines. RM said he will send the information on these toilets to her to share with the Task Force.

Nothing to report for: Legislative, Human Resources, Attorney, or Code Enforcement

RESOLUTION 2022-33 Motion was made by Riddell Kent, seconded by Fierke to accept an outreach survey concerning possible water and sewer services to the residents of West Oneonta. Mailings for such not to exceed \$300.00, and digital links to said survey to be posted on the website.

VOTE - Ayes 5, Nays 0 RK KF Motion Carried

RESOLUTION 2022-34 Motion was made by Holleran, seconded by Fierke to accept a bonding resolution for up to 500k for highway paving and general maintenance.

VOTE - Ayes 5, Nays 0 BH KF Motion Carried

RESOLUTION 2022-35 Motion was made by Riddell Kent, seconded by Thompson to approve the upgrade of the highway department's radios, funding will be sought through the ARPA grant program.

VOTE - Ayes 5, Nays 0 PRK ST Motion Carried

RESOLUTION 2022-36 Motion was made by Holleran, seconded by Thompson to approve the "Contract for Assessment Services" hereby hiring and retaining County Real Property Tax Service Office for said services and appointing Pamela Dyn-Gohde to act as the Town's sole assessor.

CONTRACT FOR ASSESMENT SERVICES

THIS AGREEMENT made this 12th day of May, 2022

BETWEEN:

OTSEGO COUNTY, a municipal corporation with offices located at 197 Main Street, Cooperstown, New York 13326, (hereinafter referred to as the "County");

and

TOWN OF ONEONTA, a municipal corporation with offices located at 3966 ST HWY 23, West Oneonta, New York, 13861, (hereinafter referred to as the "Town").

WITNESSETH:

WHEREAS, RPTL 1537 authorizes municipalities which have adopted a local law providing for a single appointed assessor to enter into an agreement with other municipalities, including Counties, for assessment services; and

WHEREAS, the County Real Property Tax Service Office employs staff members who are qualified to serve as the sole appointed assessor for towns; and

WHEREAS, the Town has requested that the County enter into a municipal cooperation agreement pursuant to General Municipal Law Article 5-G to provide for an employee of the County Real Property Tax Service Office to provide assessment services to the Town, and the County is willing to provide such services by assigning an employee of the County Real Property Tax Service Office to act as the Town's sole assessor.

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. The Town hereby hires and retains the County to provide assessment services to the Town, and the County agrees to provide assessment services to the Town, in the manner provided by Real Property Tax Law, Section 1537. The Town shall designate a qualified member of the County Real Property Tax Service Office staff to act as the sole appointed assessor for the Town in connection with this contract. See attached Assessor job description for additional clarification of duties.

In the event that the designated assessor is unable to perform his or her duties, the Town shall appoint an acting assessor as stipulated in the

Real Property Tax Law, Section 314. Such appointment shall be from the County's qualified staff.

2. In consideration of the assessing services to be provided by the County under this agreement, the Town agrees to pay the County a fee of Ten Dollars for 2022, per parcel contained in the completed final assessment roll, with the total amount, for that year, due under this contract, to be paid on or before August 1, each year.

3. The term of this agreement shall be for one year and includes the following time period:

January 1, 2022- December 31, 2022

Based upon a tentative parcel count of 2692, in the 2022 Assessment Roll resulting in annual fee of \$26,920.00.

4. Notwithstanding any other provisions of this agreement, either party may elect to terminate this agreement upon 30 days prior written notice to the other party.

5. In addition to the sums to be paid to the County pursuant to paragraph 3 of this agreement, the County agrees to be solely responsible for payment of all expenses, costs and charges incurred by the County in the performance of this agreement on behalf of the Town, including but not limited to charges for mileage, telephone, photocopying, postage, and other similar charges. It is further understood and agreed by the parties that the Town shall be solely responsible for providing adequate office space and furnishings as well as all expenses necessary for the normal conduct of business when employee designate is working in the Town including telephone, photocopying, postage, and other similar charges.

6. In the absence of gross negligence by the County in the provision of the assessment at issue the Town shall be solely responsible for all costs and expenses, including but not limited to attorneys' fees and professional appraisal costs, arising out of the assessing services provided by the County under this agreement including small claims, Article 7 proceedings or Article 78 proceedings or any other litigation concerning this function of the County. In addition, and again in the absence of gross negligence by the County in the provision of the assessment at issue, in the event that the County employee providing the assessing services is required to appear and or testify in any court proceeding relative to the assessing services provided hereunder the Town agrees to reimburse the County for the actual costs thereof.

7. The Town agrees to defend, indemnify, and save harmless the County from any and all claim(s) arising out of services performed by the Town hereunder, including those specifically arising out of negligent acts or omissions of Town officers, employees, and agents (if applicable), including any costs for legal services and the defense of any said claims.

8. The County agrees to defend, indemnify, and save harmless the Town from any and all claim(s) arising out of services performed by the County hereunder, including those specifically arising out of the negligent acts or omissions of the County, its officers, employees, and agents (if applicable), including any costs for legal services and the defense of any said claims.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

Municipality: Town of Oneonta

Randal Mowers, Supervisor

Otsego County Board of Representatives

David T. Bliss, Chair

VOTE - Ayes 5, Nays 0

BH SI Motion Carried

RESOLUTION 2022-37 Motion was made by Riddell Kent, seconded by Fierke to accept pay rate increases for pool employees.

VOTE - Ayes 5, Nays 0

PRK KF Motion Carried

RESOLUTION 2022-38 Motion was made by Riddell Kent, seconded by Holleran to approve Building and Codes Item Request A3620.4, Conference attendance June1-3, 2022 STBOA@ Tioga, NY. Not to exceed \$750.00 including conference, lodging, and mileage.

VOTE - Ayes 5, Nays 0

PRK BH Motion Carried

RESOLUTION 2022-39 Motion was made by Holleran, seconded by Riddell Kent to approve payment of the bills.

Abstract#	5	Dates 4/15/22-5/11/22		
		Friday - Wednesday		
GeneralChecking				
Fund		PrePaid	ToBePaid	TotalPrePaid/ToBePaid
General	1	\$ 51,088.47	\$ 39,673.79	\$ 90,762.26
Highway	3	\$ -	\$ 44,629.00	\$ 44,629.00
St Lights #1	7	\$ -	\$ 1,614.40	\$ 1,614.40
St Lights #2	14	\$ -	\$ 168.96	\$ 168.96
St Lights #3	15	\$ -	\$ 598.44	\$ 598.44
St Lights #4	16	\$ -	\$ 34.33	\$ 34.33
St Lights #5	17	\$ -	\$ 164.70	\$ 164.70
Highway Garage	20	\$ -	\$ -	\$ -
Fire Protection	25	\$ -	\$ 433,029.00	\$ 433,029.00
Subtotal		\$ 51,088.47	\$ 519,912.62	\$ 571,001.09
DistrictChecking				
WESD	8	\$ 6,205.16	\$ 2,836.93	\$ 9,042.09
WSSD	9	\$ 1,860.36	\$ 800.05	\$ 2,660.41
SSD	10	\$ 2,487.14	\$ 1,438.60	\$ 3,925.74
WWD	11	\$ 1,240.20	\$ 753.42	\$ 1,993.62
PWD	12	\$ 621.44	\$ 190.71	\$ 812.15
SSWD	23	\$ -	\$ -	\$ -
District Subtotal		\$ 12,414.30	\$ 6,019.71	\$ 18,434.01
TrustandAgencyChecking				
T & A	99	\$ 774.52	\$ 202.35	\$ 976.87
		\$ 774.52	\$ 202.35	\$ 976.87
CDBG				
CDBG Grants	26	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
Totals		\$ 64,277.29	\$ 526,134.68	\$ 590,411.97
Clerk: Approved Expenses / Voucher #				272-336
		General	\$ 90,762.26	
		Highway	\$ 44,629.00	
		St Lighting	\$ 2,580.83	
		Highway Garage	\$ -	
		Fire Protection	\$ 433,029.00	
		WES	\$ 9,042.09	
		WSS	\$ 2,660.41	
		SSD	\$ 3,925.74	
		WWD	\$ 1,993.62	
		PWD	\$ 812.15	
		SSW	\$ -	
		T&A	\$ 976.87	
		CDBG	\$ -	
			\$ 590,411.97	

VOTE - Ayes 5, Nays 0

BH PRK Motion Carried

RESOLUTION 2022-40 Motion was made by Riddell Kent, seconded by Thompson to accept the minutes of April 13th, 2022.

VOTE – Ayes 5, Nays 0

PRK SJ Motion Carried

Petitioners: Wendy S. More, 11 Oneida St.; Gary Maffei, 2968 Co Hwy 8, “Oneonta Neighbors”; Bridgette Shepardson, 3996 St Hwy 23; Theresa Cyzeski, 3996 St Hwy 23; Charles Maffei, 2968 Co Hwy 8; Dale Webster, West Oneonta; Michelle Catan, 484 Gifford Hill Rd.; Erica LaBuz*.

*(written statement)

Town of Oneonta Board Meeting
May 11, 2022

Town of Oneonta residents pay property taxes for the plowing of town roads by town employees trained to plow with proper plowing equipment. This winter, Murdock Avenue was plowed by an unskilled, unqualified, untrained resident who used a Jeep with a plow attachment. On February 25, 2022, I informed you by email with photo attachments that Murdock Avenue was being plowed by this guy. This was the second time I observed him plowing the street. No one checked out the situation. He was not told that only town highway department employees plow town streets.

Because of his lack of skill and qualifications, he pushed snow onto Rite Aid property. When he ran out of room on the grass, he pushed snow onto the sidewalk between the Rite Aid driveway and the adjacent property. Rite Aid's snow removal contractor maintains this sidewalk and keeps it clear of snow so that it is walkable all winter long. The snow pile that this resident created was too large to be removed. This created a public safety issue for the neighborhood.

The Rite Aid entrance is busy with cars and delivery trucks entering and exiting during business hours. School kids walk home on this sidewalk from their bus stop on the corner. A public safety concern should have been sufficient reason for the town to respond to the actions of this guy. I gave you his address so you could contact him. Also, it took him hours to complete his plowing task. If someone had taken the time to respond promptly, you could have caught him in the act of plowing.

Because you ignored this plowing predicament, this guy continued to plow every time it snowed. I provided photos again on March 9 and 12. These photos showed that he plowed Murdock Avenue from the Chestnut Street corner to the Madison Avenue corner. He impeded the flow of traffic on the street and sometimes blocked the Rite Aid entrance. When the snow melted, the lawn was a mess with piles of gravel, mud and torn up grass. The strip of lawn between the street and sidewalk is now mud. With the winter storm warning for April 19, I emailed photos to you on April 18 showing the lawn damage and requested that he be asked not to plow. The town ignored this request and on April 19 he was plowing again. This time he obstructed the sidewalk to the south of the Rite Aid entrance with snow.

In March, Mr. Holleran informed me that Mr. Hurtubise told him that he was not able to do anything about this situation because there was no shoveling ordinance. A shoveling ordinance is not required to tell an unskilled, unqualified, untrained guy that only town employees plow town streets. It is not fair that this West End neighborhood was subjected to this amateur who had no concern for public safety, property damage and the flow of traffic. We paid taxes for the street to be plowed by town employees. The residents of this neighborhood were astounded that this plowing was permitted to continue for at least 5 snowstorms. We do not want a repeat performance next winter season.

Thank you for reviewing this issue. Submitted by Erica LaBuz.
May 11, 2022

RESOLUTION 2022-41 Motion was made by Thompson, seconded by Riddell Kent to adjourn.

❖ Meeting adjourned 09:30pm.

SJ PRK Motion Carried

Respectfully submitted,



Ryan F. Pereira
Town Clerk