

TOWN BOARD  
Regular Meeting  
June 9, 2021

A regular meeting of the Oneonta Town Board was held on June 9, 2021 with the following members present:

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

Others present: Rob Panasci, Town Attorney; Teresa DeSantis, Eileen McClafferty, William Starna, Ellen Blaisdell, Peter Exton, Jody Zakrevsky, William Clemons, Jon Anderson, Kate Waltz, Jay Waltz, Ashley Camarata, Chad Hall, Aimee Vogel, Luke Ygito, Dave Rowley, Stacey Platt, John Platt, Gina Utter, Chris Utter

**PETITIONERS**

Katrina VanZandt-Destination Oneonta Presentation, Jody Zakrevsky-Presentation, Eileen McClafferty, William Starna, Ellen Blaisdell, William Clemons, Kate Waltz, Jay Waltz, Ashley Camarata, Dave Rowley, Stacey Platt, John Platt, Gina Utter, Chris Utter

Town residents of East Street and areas surrounding were present to express their concerns about a race track at 617 East St. belonging to Edward Thompson.

Ellen Blaisdell approached the town board and stated that she has lived at her home for 25 years. Across the road from Ed Thompsons property. She has enjoyed her property but it stopped with Mr. Thompsons construction of an illegal moto cross track in his field, and the very disruptive loud noise of dirt bike riding which continues for hours. She asked the town board to restore her rights as a property owner to enjoy her property. Ellen Blaisdell further stated that they race for hours on weekdays before 6PM to after dark spewing noise, exhaust fumes and dust, all in the watershed area. Ellen also stated that the dirt bike riding and continuous noise changes the character of the neighborhood. It diminishes her rights as a property owner and those of her neighbors. It diminishes the value of her property. She asked that the town code be enforced and stop this activity.

William Clemons approached the board and stated that he resides at 888 Wilber Lake Road. William further stated that peace and serenity has recently been compromised by the development and use of a moto cross track. When in use, the noise from that track is overwhelming to the senses and destroys the peace and serenity of the valley. William stated that he finds it difficult to sit on his deck and enjoy a good book or listen to the sounds of birds on his property when the moto cross track is in use. The track is a clear violation of Ch. 103-9, Ch. 103-12, Ch. 101-11 and Ch. 61-1. William stated that he believes the reason that the codes exist is to protect the majority of citizens from the self-indulgent behavior of a willful minority. Codes

are valuable in that, they set a standard for residents which provide for the safety and quality of life which all citizens are entitled.

Ashley Camarata approached the board. Ashley stated that she resides at 794 Wilber Lake Road. Ashley asked the town board the following questions- 1.)How is this use, prohibited under the towns zoning ordinance, being allowed when we are zoned as a residential/agricultural district? 2.) Even if a motocross track was permitted, why was a special use permit not applied for? 3.) According to Ch. 101-11 of the Watershed Protection Overlay District, why has a site plan review not been conducted by the Town of Oneonta Planning & Zoning Board since this would be considered a new activity. 4.) Is the Town of Oneonta and City of Oneonta aware of the potential liability of contaminating the groundwater for the City of Oneonta drinking supply when this land is clearly in the Watershed Protection overlay district. She reminded everyone of code 101-4 that defines discharge.

Peter Exton approached the town board to complain about loud dirt bike noise that is destroying the once peaceful character on their neighborhood. Peter stated that when bikers are riding, a cloud of red dust forms above the track at the south end, where the track rounds the corner of watershed woods. The town code says that residents are entitled to peaceful, quiet and comfortable neighborhoods, undisturbed by any annoying or obnoxious noise emanating from any source (61-1). Peter asked the town board to enforce the code and to shut down the track and return the neighborhood to the character to which we are entitled by Town Law-a peaceful, quiet place.

Eileen McClafferty approached the town board. Eileen resides at 667 East Street. Eileen stated that she was present to implore the town board to do its due diligence in enforcing the town code as it relates to the construction of and noise from the moto cross track. She stated that by doing so, the board will be adhering to its code and reestablishing the peace and tranquility, and character of the neighborhood we all call home.

William Starna of Upper East Street approached the town board and stated that on any given day, except inclement weather, there are two or three or sometimes larger numbers of motorbikes on the track , running weekdays from about 4pm until dark and on weekends for much longer periods of time. On a weekend and on other weekdays, a half dozen riders are on the track and private vehicles parked on the field. There are yet unsubstantiated rumors that bike riders have learned about the moto cross track through social media and those who wish to use the track are asked to sign waivers of liability. Chapter 103, Article 3 & 103-12 of the town zoning code for an R-80 district lists permitted uses. By the plain words of the chapter, the constructed moto cross track is a prohibited use and therefore, a violation of the code. He further stated Ch. 101-11 of the Watershed Protection Overlay districts and Ch. 61-1 of the code, the noise ordinance. He stated that this brings us to the efforts of nearby families to get some form of assistance from town officials in protecting the character of the neighborhood and the value of their property in the face of the violations of the zoning code and the frequent and continuing noise and disruptions from the moto cross track. He stated that calls have been made to the town constable and code enforcement officer on a number of occasions to protest both the presence of the motocross track and the noise it generates. The CEO initially told one of the neighbors that his

responsibility in enforcing the noise ordinance was limited to measuring the sound decibels and that the town supervisor was charged with enforcing Ch. 61 and 61-1 just mentioned. On May 26<sup>th</sup> an email was received from the town supervisor that the CEO's statement was in error, nothing more was offered. As for measuring sound levels in a face to face conversation with Mr. Thompson that the CEO had given him the go ahead to continue operating his motocross track and that the decibel measurement did not indicate a violation. None of the nearby families were informed of the CEO's okay nor the results of his measurement assuming it has any validity. On June 1<sup>st</sup> after enduring three hours of the roar of the multiple bikes on the motocross track, a call was made to the CEO asking him to drive up so he could assess the track for himself and the disruption it inflicted upon the neighborhood. The CEO stated that the supervisor had instructed him not to respond to complaints "after hours" However, there is nothing in article 3&29 of the NYS Town Law that gives the supervisor power or authority to issue instruction but more important, no matter what the CEO was told by the supervisor, he is obligated to act on his own authority and enforce the zoning codes. The result of this confusion is an obvious unequal enforcement of the town code, or no enforcement at all and a failure of the town to protect its citizens. The town board and CEO need to promptly exercise their powers and find Mr. Thompson's motocross track a violation of the regulations of the water overlay district, and a violation of the noise ordinance and shut it down permanently.

Jeff & Jane Griswold of 652 East Street submitted a letter to the board stating that they wish to express their concern regarding an undisclosed development in the reservoir district of a motor bike racing course. They further stated that it has immediate adverse effects on the health and wellbeing of the immediate neighborhood and having potential on going long term adverse effects on the public health and safety of all citizens using the Oneonta water supply. They stated that their main concerns are the degree and duration of the noise and the effects on the health and safety of all residents who may be impacted.

Margaret Clemons of 874 Wilber Lake Road submitted a letter to the town board. She stated that late last summer they started to notice the noise from multiple dirt bikes. The nonstop sound of dirt bikes racing around the track has ruined the quiet of their lovely country neighborhood. At times it is not just annoying but almost debilitating in its resolve to end our sense of peace and quiet. She further stated that the Town of Oneonta maintains zoning laws to prevent this exact thing from occurring and now the town must act to enforce these laws. No one has the right to disturb the peace and quiet of another, let alone an entire neighborhood.

Dorothy Strachman who resides on Lower Cross Road also submitted a letter that addresses her concerns about the construction of a dirt bike track in the neighborhood. Dorothy asked if a permit should have been applied for. She stated that she believes that this would have an impact on the character of the neighborhood and would also negatively affect property values.

Stacey and John Platt were present. They stated that the track is used by friends and family. John stated that the mini bikes have a stock exhaust under 100 decibels. John also stated that the bikes are not going for as long as the residents say. Stacey stated that the purpose is to teach an eight year old how to ride, she stated that her daughter wants to race.

Supervisor Wood stated that codes require a special use permit in RA 80 districts and the owner will be notified.

## **COMMITTEE REPORTS**

Highway, Water & Sewer- Motion was made by Mowers to set the rates for WWD, SSSD, WSSD, WESD. Seconded by Holleran.

VOTE – Ayes 5, Nays 0      Motion Carried

### **Water and Sewer Rates for 2021**

Woodland Water Rate: \$8.69/1000

Southside Sewer Rate: \$8.70/1000

West St Sewer Rate: \$5.50 residential, \$7.35 commercial/1000

West End Sewer Rates: \$6.60/1000

Motion was made by Riddell Kent to approve the highway agreement. Seconded by Holleran.

VOTE – Ayes 5, Nays 0

Motion Carried

### **AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS**

2021

AGREEMENT between the Highway Superintendent of the Town of Oneonta, Otsego County, New York and the undersigned members of the Town Board.

Pursuant to the provisions of section 284 of the Highway Law, we agree that moneys levied and collected in the town for the repair and improvement of highways and received from the state of New York for state aid for the repair and improvement of highways, shall be expended as follows:

1.) GENERAL REPAIRS: The sum of 185,000.00 shall be set aside to be expended for primary work and general repairs upon 44.10 miles of town highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof.

2.) PERMANENT IMPROVEMENTS: The following sum shall be set aside to be expended for the permanent improvement of town highways.

A.) East Street: 21' x 4500 commencing at Lower Reservoir N. to Peebles Hill Rd; there shall be expended not over the sum of \$90,000

Type: Asphalt Overlay Type 6 Top. Thickness: 1.5" Width: 21 feet

B.) Peebles Hill Rd: 20" x 2112, commencing at Gifford Hill Rd.; there shall be expended not over the sum of \$40,000.00

Type: Asphalt Overlay 1.5" Type 6 Top. Thickness: 1.5". Width: 20 feet

C.) Highland Terrace/ Balmoral Dr.: 21' x 2985', commencing at State Rt. 23 there shall be expended not over the sum of 51,000.00

Type: Pugmill Binder & Chip Seal      Thickness: 2.5" Width: 21 feet

Motion was made by Holleran to approve change order 2.1 for the amount expended beyond the allowance in the project for \$555. Seconded by Riddell Kent.

VOTE – Ayes 5, Nays 0

Motion Carried

Motion was made by Holleran to approve Delaware Engineering to prepare a CFA at the cost of \$1500 for the East End Water/Sewer project. Seconded by Mowers.

VOTE – Ayes 5, Nays 0

Motion Carried

Motion was made by Jacob to approve Lamont Engineers to prepare a CFA to replace the towns water meters, GIGP & planning grant for \$2500. Seconded by Riddell Kent.

VOTE – Ayes 5, Nays 0

Motion Carried

Motion was made by Jacob to approve Lamont Engineers to prepare a CFA for a GIGP grant proposal for \$3500 to plan to replace and upgrade the Woodland water tank. Seconded by Riddell Kent.

VOTE – Ayes 5, Nays 0

Motion Carried

Motion was made by Mowers to award the sidewalk replacement for County Route 8 in West Oneonta to American Concrete and Frame for \$21,350. Seconded by Jacob.

VOTE – Ayes 5, Nays 0

Motion Carried

#### Public Safety –

#### Facilities, Technology, Parks

Councilman Mowers stated that peewee football approached him and would like to use the park. Councilman Holleran stated that we need to address the parking.

#### Human Resources and Public Benefit –

#### Legislative –

### ATTORNEY

### CODE ENFORCEMENT

### MISCELLANIOUS

Motion was made by Jacob. Seconded by Mowers to approve the contract with Destination Oneonta for 2021. Seconded by Mowers.

VOTE – Ayes 4, Nays 1 (Riddell Kent)

Motion Carried

Supervisor Wood stated that we were notified that the City of Oneonta is undertaking a site plan review for Hawk Hill Solar Project-a proposed 5MWatt solar array with associated access drives,

equipment pads, electrical equipment and fencing to be installed on property located on Suncrest Terrace in the City of Oneonta. The City of Oneonta Planning Commission indicated its intent to serve as the lead agency. The Town of Oneonta has no objection to the city taking lead agency but wish to remain an involved agency.

Councilwoman Jacob stated that Supervisor Wood was given a resolution for a unified solar permit. Attorney Panasci stated that a public hearing needs to be scheduled for July 14<sup>th</sup> at 7:00PM. It will also give Paul Neske time to review it.

Motion was made to set a public hearing for July 14<sup>th</sup> at 7:00PM by Jacob. Seconded by Riddell Kent.

VOTE – Ayes 5, Nays 0                      Motion Carried

The Otsego County Board of Representatives adopted the Otsego County Hazard Mitigation Plan by resolution May 5, 2021. The HMP was previously approved by the Federal Emergency Management Agency and the NYS Department of Homeland Security and Emergency Services after meeting all mitigation requirements in the agency reviews. As a multi jurisdiction plan it is required to be adopted by resolution. Adoption of the Hazard Mitigation Plan qualifies the municipality to be eligible for multiple funding resources available through FEMA and has other planning and community development benefits.

Motion was made by Jacob to approve the adoption of the hazard mitigation plan. Seconded by Holleran.

VOTE – Ayes 5, Nays 0                      Motion Carried

Jody Zakrevski-Otsego Now and Chad Hall-President of IOXUS did a presentation.

Motion was made by Jacob to approve Supervisor Wood to sign and submit the pre application for the IOXUS small cities grant. Seconded by Mowers.

VOTE – Ayes 5, Nays 0                      Motion Carried

IOXUS is proposing a battery line. The grant would add 10+ jobs next year and could add 50+ in the next 18-24 months.

Motion was made by Jacob to approve the green rate for MEGA CCA. Seconded by Wood.

VOTE-Ayes 2              Nays 3              Motion not carried

Wood-Aye

Jacob-Aye

Holleran-Nay

Mowers-Nay

Riddell Kent-Nay

Motion was made by Wood to approve the grid mix rate for MEGA CCA. Seconded by Jacob.

VOTE – Ayes 2              Nays 3              Motion not carried

Wood-Aye

Jacob- Aye

Holleran-Nay

Mowers-Nay

Riddell Kent- Nay

Motion was made by Holleran to approve the general code supplementation & reprint of code books in the amount of \$1720. Seconded by Jacob.

VOTE – Ayes 5, Nays 0                      Motion Carried

**APPROVAL OF MINUTES**

Motion was made by Riddell Kent to approve the May 12, 2021 minutes. Seconded by Jacob.

VOTE – Ayes 5, Nays 0                      Motion Carried

**BILLS**

Motion was made to pay the following Bills by Jacob. Seconded by Riddell Kent.

VOTE – Ayes 5, Nays 0                      Motion Carried

<b>Clerk:</b>	<b>Approved Expenses / Voucher #</b>	<b>386-470</b>
	General \$ 42,263.65	
	Highway \$ 65,898.71	
	St Lighting \$ 2,339.99	
	Highway Garage \$ 7,223.40	
	Fire Protection \$ -	
	WESD \$ 11,291.48	
	WSSD \$ 1,678.99	
	SSD \$ 2,968.57	
	WWD \$ 3,813.19	
	PWD \$ 672.70	
	SSWD \$ 397,309.88	
	T&A \$ 1,552.60	
	CDBG \$ -	
	<b>\$ 537,013.16</b>	

The meeting was adjourned at 9:45 pm.

Respectfully submitted,

Sara Robinson