

TOWN BOARD
Regular Meeting
October 13, 2021

A regular meeting of the Oneonta Town Board was held on October 13, 2021 with the following members present:

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

Others present: Jon Anderson, Ronald Bettiol, Julie Dostal, Skylar Thompson, Mike Schmitt, Jon McMannes, Rich Amo, Vivian Spezio, Teresa Beltrose, Michelle Catan, Jim Rowe, Sandra Rowe, Jennifer Hill

PUBLIC HEARING 7:00PM- Zoning Map Amendment

Rick from All Star Village stated that the property is PDD. The plan is to have more room for staff. Supervisor Wood asked Rick if they have started getting the design in place for traffic. Rick stated that he does have the plans for the crossing system. He has to do some engineering with it then it will need to go to DOT.

Ron Bettiol approached the board and asked about the proposed project. He asked if it would be more usable as commercial rather than PDD, then you could zone that whole side of the road rather than just spot zoning, then you could zone all the way down to the church and up and around. Supervisor Wood stated that he and some of the board members discussed this initially and felt that because Marty is doing this with adjacent use they were comfortable with it. As far as zoning it the whole way down, he thinks we are open to that.

Jim Rowe approached the board. Jim stated that he owns a 0.05 acre lot. He asked if this will make his taxes go up. Supervisor Wood stated that he does not see it making his taxes go up. Jim asked if his piece of property would fall under the zoning. Supervisor Wood stated no. Councilman Holleran asked Rick if the house will remain or will it be replaced. Rick stated that they are trying to keep the house.

Motion was made by Holleran to close the Public Hearing. Seconded by Riddell Kent.
VOTE – Ayes 5, Nays 0 Motion Carried

PUBLIC HEARING 7:15PM- Input on Marijuana Sales in the Town of Oneonta

Julie Dostal from LEAF approached the board. Julie stated that communities around the state are being asked to make a huge decision regarding the sale and commercialization of cannabis. They have been asked to make this decision without even being given access to complete information. With the December 31st deadline approaching, a growing number of communities around the state have made the decision to press the pause button. They have voted to opt out, at least until the regulations related to the sale, commercialization, and consumption of marijuana come out. Pausing on the opt in gives communities the opportunity to observe and provide feedback while regulations are developed. And, once the regulations are complete, the decision to opt in is still available. However, opting in now is a permanent decision. And, as an aside, in the states that currently have the option to opt out, between 60-80% of all municipalities took that option. So, questions that we do not know the full answer to are things such as: but not limited to): How will marijuana be advertised? Will those advertisements be visible to children? What, if any, are the limits on potency? Will highly potent products that are potentially attractive to children, such as gummies, lollipops, and cookies be permitted? What percentage of our budget will actually result from cannabis sales? In Colorado it's less than 1%. What measures will be put in place to assist communities if the costs related to the harms of cannabis exceed the income from sales. What kind of accountability and enforcement mechanism will be in place for dispensaries, and or consumption sites. The laws related to medical use became more permissive as time went on. What options will a municipality have if the adult use law becomes more permissive over time. Most of you know me and you know that I have a pretty firm opinion about commercialized cannabis. But, I am not here to re-litigate that. In my role with LEAF, my desire is to increase protection in my

COMMITTEE REPORTS

Highway/Water& Sewer- Motion was made by Mowers to approve change order 1- Tweedie Construction for \$15,120. Seconded by Holleran.

Jacob- Aye
Riddell Kent- Aye
Mowers- Aye
Holleran- Aye
Supervisor Wood- Aye
AYES-5 NAYS-0 Motion Carried

Supervisor Wood stated that the change order for Tweedie Construction is because the NYS Dept. of Health requires that a fence be placed at a minimum distance. When he and Jim were at the tank site looking at the tanks, Jim stated that it will be hard to push snow and mow with the fence in its current position. The additional fencing is to push the fence back so that they will be able to mow and maintain.

Councilwoman Riddell Kent asked Supervisor Wood if he feels that we are still going to come in at budget and asked if he was nervous about it. Supervisor Wood stated that he is nervous about it. He does not think this will break the budget but we won't know until we get the final design in. however, this will not make or break it. He stated that he cannot guarantee until we get the bid out and then we do have options after that. Joey had spoken to the NYS Dept of Health and they want to see this project completed and can offer additional funding. Supervisor Wood stated that there is an excess of \$400,000 in the budget which was what the estimate for the well house was. Councilwoman Riddell Kent asked if Supervisor Wood knew when this was going to go up for bid. Supervisor Wood stated that Jodi was expecting to get the results of the well quality test either today or tomorrow.

Motion was made by Mowers to approve change order 2- Bellamy Construction for \$36,000. Seconded by Wood.

Jacob- Aye
Riddell Kent- Aye
Mowers- Aye
Holleran- Aye
Supervisor Wood- Aye
AYES-5 NAYS-0 Motion Carried

Supervisor Wood stated that Change Order 2 for Bellamy Construction is for rock drilling. This is a fixed price. This is for the pipe that goes parallel to Southside Drive. Highway Superintendent Hurtubise stated that this is a 200 ft. section that goes underneath the swart hollow creek to join the line above it.

Supervisor Wood stated that he wanted to mention we are considering bonding for road work. We will discuss it more at the public hearing.

Public Safety- Supervisor Wood stated that he signed Constable Robinson up for reduced light training.

Facilities, Technology, Parks- Holleran stated that NYSEG had come through and was taking down old utility poles. He mentioned the possibility of using them for the park as they last a long time.

Human Resources and Public Benefit – Motion was made by Riddell Kent to appoint Christine Vadney as permanent, full time assistant court clerk. Seconded by Holleran.

VOTE – Ayes 5, Nays 0 Motion Carried

ATTORNEY- Remote Meetings-Supervisor Wood stated that we will look at things on a week by week, month by month basis.

Legislative – Nothing to report.

CODE ENFORCEMENT –

MISCELLANEOUS- Motion was made by Holleran to approve the 2022-2024 Transportation Agreement Proposal. Seconded by Mowers.

VOTE – Ayes 5, Nays 0 Motion Carried

Motion was made by Mowers to set the public hearing for a local law permitting the Town of Oneonta to override the tax levy limit on Nov 3, 2021 at 7:00PM. Seconded by Holleran.

Jacob- Aye

Riddell Kent- Aye

Mowers- Aye

Holleran- Aye

Supervisor Wood- Aye

AYES-5 NAYS-0 Motion Carried

WHEREAS, General Municipal Law Section 3-c outlines the limits of a permissible tax levy; and

WHEREAS, the Town has prepared a proposed Local Law to override the tax levy limit; and

WHEREAS, the Town Board has reviewed and considered the proposed Local Law; and

NOW, THEREFORE, BE IT RESOLVED that the proposed Local Law is ready for consideration by the Town Board; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish notice of said hearing, and to post copies of such notice in the manner provided by law.

Motion was made by Mowers to set the public hearing for the 2022 Budget on Nov 3, 2021 at 7:05PM. Seconded by Holleran.

VOTE – Ayes 5, Nays 0 Motion Carried

Motion was made by Holleran to set the public hearing for the Fair Housing Local Law on Nov 10, 2021 at 7:00PM. Seconded by Riddell Kent.

VOTE – Ayes 5, Nays 0 Motion Carried

Supervisor Wood stated that the fire contract with the City of Oneonta came up this year, as it does every year. When it was originally presented to us it went up just under \$200,000. We made some adjustments in it by annotating the schedule on some of the equipment purchases that they made which brought it down to \$155,000. Under the tax cap the Town of Oneonta can increase the taxes. We have to look at cumulative tax levies for the highway fund, general fund, lighting districts and the fire district because the fire district is now part of our budget. Under the tax cap law we were able to increase the tax levy by \$65,000. The \$155,000 increase in the fire district is \$90,000 over the tax levy. This will result in approximately a 37 cent increase in tax rate. On a \$100,000 home it would be \$37. The budget as proposed right now has no increase in general or highway funds. There has been no increase in highway taxes for four years. We have not had an increase in the general fund levy in three years. This is essentially paralyzing the government's ability to provide services. The formula was affected by a couple of different things this year which was out of our control. One of which was COVID. The city lost about \$380,000 in annual revenue. Which resulted in almost 90,000 because we pay 38% of that which comes back as a credit to us. It was beneficial to us to have that included in the town budget. It was one of the reasons that he resisted in every way possible. If the fire district were to go up that much on their own, it is a somewhat minimal impact to the budget. No one wants to see their taxes go up. That is a highly prized service. It is impairing the town's ability to perform its duties, which is the purpose of having the public hearing for the tax levy override. Town tax rates as projected right now go down 2 cents per thousand because of increase of evaluation. Even though with no increase to the tax levy the tax rate will decline.

EV Charging Stations- Supervisor Wood stated that he met with representatives from NYSEG. They have grant money available to municipalities that pay for getting the electric supply to the charging stations. We would need to contact a qualified engineer and get a design in place and then get on the list with them. DEC and NYSRTA also have grants.

Motion was made by Mowers. Seconded by Riddell Kent to approve the zoning change for tax map #287.00-1.55.00, 4147 St. Hwy. 23 from RA-40 to PDD/R/C.

VOTE – Ayes 5, Nays 0 Motion Carried

APPROVAL OF MINUTES- Motion was made by Riddell Kent to approve the September 8th Minutes. Seconded by Holleran.

VOTE – Ayes 5, Nays 0 Motion Carried

Motion was made to approve the October 4th Special Meeting Minutes. Seconded by Riddell Kent. Seconded by Holleran.

VOTE – Ayes 5, Nays 0 Motion Carried

BILLS-Motion was made by Riddell Kent to approve the following bills. Seconded by Holleran.

VOTE – Ayes 5, Nays 0 Motion Carried

Clerk:		Approved Expenses / Voucher # 726-821	
		General	\$ 70,290.59
		Highway	\$ 10,086.96
		St Lighting	\$ 2,552.42
		Highway Garage	\$ 10,375.61
		Fire Protection	\$ -
		WESD	\$ 1,390.23
		WSSD	\$ 575.37
		SSD	\$ 404.34
		WWD	\$ 766.75
		PWD	\$ 9,372.53
		SSWD	\$ 463,895.98
		T&A	\$ 4,085.73
		CDBG	\$ -
			<u>\$ 573,796.51</u>

The meeting was adjourned at 8:45pm.

Respectfully submitted,

Sara Robinson
Town Clerk