

TOWN BOARD
Regular Meeting
June 13, 2018

A regular meeting of the Oneonta Town Board was held on June 13, 2018 with the following members present:

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

Others present: Rob Panasci, Town Attorney; Jim Hurtubise, Hwy. Supt.; Steve Kent; Andrew Stammel, Co. Rep.; Jordan Clements; Judy Pangman; Jody Zakrevsky; Arley & Alex Lau; Molly Swain; Wayne Chambers; Frank Bevins; Ken Bain; Karlene & Steve DiGiglio; Dave Rowley; Michael Schmitt; Al Rubin; Michele Catan; Johna Peachin, and Ronald Peters

PETITIONERS –

Jordan Clements, District Manager of the Otsego County Soil & Water Conservation District (SWCD) presented an Inter-Municipal Agreement involving Otsego County, SWCD, Otsego County Highway Department and all municipalities within Otsego County. The purpose of the agreement is to develop a countywide stream maintenance program. It would be five-year program, beginning January 1, 2019 and ending December 31, 2023. The County would provide initial funding not to exceed \$250,000 for equipment; and provide funding for two operators through the County Highway Department. The municipalities would allocate \$2.00/person each year based on population; \$10,500.00 for Town of Oneonta. Each municipality would submit their top five issues/projects that would then be prioritized by a committee comprised of SWCD and the municipalities. If after the five years SWCD decides not to continue the contract all equipment would be sold with proceeds going back to the county; and the maintenance fund would be reimbursed to the participating Towns based on their contribution minus expenses. Highway Supt. Jim Hurtubise said the program would be beneficial for areas such as Butler Creek, West Street, Charlotte Creek at Fortin Park. Clements said that with the extreme weather changes we've had, everyone needs to be proactive and be invested in this initiative. Supervisor Wood said the board will consider the proposal.

Clements also mentioned that SWCD now has hydro seeding equipment available for use by towns; SWCD will train town employees to operate the equipment. SWCD also has a forester on staff for use by towns as needed.

Re-Application for Shared Planning Grant w/City for Riverfront Revitalization –

Judy Pangman, City of Oneonta Engineer discussed resubmitting the joint City/Town planning grant application for the Local Waterfront Revitalization Program. She said she is trying to get more sources for funding. It is a \$60,750 grant with the City and Town's share being \$5,625 each. She identified City infrastructure near the river as possible projects: multi-use trails along the Susquehanna River; connect Neawha Park to Lettis Highway; better connections with New Island and the Greenway. The Board was in agreement that pedestrian traffic from the City to Southside needs to be addressed. Supervisor Wood said that connecting Fortin Park to other areas would be beneficial, as well.

Motion was made by Jacob, seconded by Riddell Kent to support the City's grant application and

commit to 25% of the local share costs.

VOTE – Ayes 5, Nays 0 Motion Carried

Jody Zakrevsky, Chief Executive Officer of Otsego Now was present to request that the town hold a public hearing on the New York State CDBG Economic Development/Small Business grant. This is a \$750,000 grant for Custom Electronics to create 50 new jobs. Zakrevsky said if Custom Electronics fulfills everything, it would become a ‘forgivable’ grant, however, if Custom Electronics does not fulfill the terms of the application and fails to repay the grant, CDBG could seek reimbursement from the Town, but the Town would be able to seek repayment from Otsego Now.

Motion was made by Holleran, seconded by Jacob to set a public hearing for July 11, 2018 at 7:00pm to address the CDBG grant application for Custom Electronics.

Discussion: The board expressed that they fully support Custom Electronics.

VOTE – Ayes 5, Nays 0 Motion Carried

Zakrevsky also mentioned that Otsego Now is looking for a building with 10,000 feet of storage space; also that TentR is looking for an additional 15 employees.

Wayne Chambers, Bevins Road – Mr. Chambers stated that when the town took over Bevins Road years ago, they put in storm sewers that drain to the back of their properties causing erosion and standing water issues. He went on to say the town wants him to sign an easement for the placement of a fire hydrant on his property in connection with the Southside Water District. He expressed concern that his property would be on the end of the line.

Arley Lau, School House Lane – Presented a proposal to close School House Lane, from 21 School House Lane to 31 School House Lane on July 28, 2018, 3-7pm for a neighborhood block party/barbeque. Everyone in the neighborhood approved and signed off. Supervisor Wood stated that the only issue the town would have would be public safety and advised her to contact the fire department.

Motion was made by Holleran, seconded by Riddell Kent to close School House Lane, from #21-31 on July 28th, from 3-7pm. The town highway department will furnish barricades.

VOTE – Ayes 5, Nays 0 Motion Carried

Town of Oneonta Fire District (TOFD) – Alan Rubin, TOFD Commissioner read a statement stating the commissioner’s view/opinion on the current contract. He states:

- the issue is related to having a fair allocation of the charges for fire and ambulance services;
- the problem is that the fire contract is carrying the burden of costs for both fire and ambulance service, an issue that is clearly unfair to TOFD residents;
- overall town ambulance contract for \$24,000 needs to be increased, while the TOFD contract needs to be decreased to cover fire protection only;
- TOFD residents will realize a decrease for fire protection while West Oneonta residents will have an increase;
- to make this change the town would be required to override the tax cap.
(Rubin’s statement on file in the Town Clerk’s office).

Supervisor Wood responded to Mr. Rubin’s comments asking if the commissioners think there is a problem with the current arrangement and the contracts that have been in effect for the last 40

years. Ms. Peachin responded that the current agreements are unfair and that residents of the West Oneonta Fire District get EMS services subsidized by the Oneonta Fire District. The city claims that is not the case because the contract with the Fire District does not necessarily include ambulance costs and, in any event the fire district receives credit for ambulance billing from West Oneonta responses. There was discussion about that issue and whether it is accurate or just an opinion of some of the fire commissioners.

Supervisor Wood stated that town attorney Panasci had contacted an attorney at the NYS Comptroller's office and asked if the town were to assume additional cost for EMS services would there be a transfer of function? Mr. Panasci confirmed that it would not be a transfer of function as there is already a contract for ambulance service with the town and in order to have a transfer of function, the change in obligations is required. Supervisor Wood stated that he found it difficult to support a large tax increase for residents of the Town based solely on the fire commissioner's opinion, which is not supported by the legal requirements as confirmed by Mr. Panasci.

Ms. Peachin stated that she too has been working with some people at the Comptroller's office and that she was anticipating an audit and review of the current contracts and the fairness of those contracts. Ms. Peachin said it was a transfer of function and said even if it's not, it does not impact the tax cap and she said she would provide an opinion from the State Comptrollers' Office. Ms. Peachin agreed to provide the Town Board with the information she was due to receive concerning the fairness of those contracts and the result of an audit she had persuaded an auditor from the comptroller's office to initiate. Mr. Rubin stated that we all want the same thing and the fire commissioner's and the town board, need to present a united front to the city in the negotiations. Councilman Holleran asked if there was a way that we could get a one year extension on the current contract so details of a change in allocation could be worked out. Ms. Peachin indicated that unless the commissioners had something in writing that the town board was willing to accept a larger ambulance contract (which would reduce the fire contract amount) they are prepared to dissolve the fire district and let the town board work out a contract as fire protection district. Attorney Panasci stated that should the commissioners dissolve the fire district that would allow for a transfer of function. He also stated that they would have to have an adequate plan for protecting town residents prior to dissolution. Ms. Peachin stated that the fire district's attorney would not allow them to sign the contract so they would not agree to the same terms for a one year extension. Mr. Panasci asked Ms. Peachin if she was threatening to dissolve the Fire District if the Town Board didn't agree to their demand of paying the ambulance contract. She would not provide a direct answer.

Attorney Panasci also stated that time is running out as the town budget process starts in late August with a budget presented by the end of September. Councilwoman Jacob stated that we all want a resolution to this issue and that is in the best interest of our constituents to have the services of a full time paid department available.

Attorney Panasci stated that he has researched this and it is not illegal for fire and ambulance to be one contract. He advised the board think about the following issues:

- if it's a tax cap issue, what are you going to do; and
- consider whether you support the commissioner's position that fire and ambulance contracts should be separate.

COMMITTEE REPORTS

Highway/Water & Sewer - Councilwoman Riddell Kent gave the following report and recommendations:

Sewer/Water rates – Motion was made by Riddell Kent, seconded by Holleran to approve the following sewer and water rates for 2018:

West End Sewer:	Operations & Maintenance - \$6.60/1000 gallons
West Street Sewer:	Operations & Maintenance - \$6.70/1000 gallons other \$5.50/1000 gallons resident
Southside Sewer:	Bond Repayment - \$87.00 Operations & Maintenance - \$6.15/1000 gallons
Woodland Water:	Operations & Maintenance - \$8.69/1000 gallons
VOTE – Ayes 5, Nays 0	Motion Carried

New highway garage update – Supervisor Wood reported that some minor asbestos was found in the old highway garage therefore, abatement costs should be very reasonable.

Motion was made by Mowers, seconded by Holleran to authorize Lamont to draft a complete set of drawings for the construction on a new highway building.

VOTE – Ayes 5, Nays 0 Motion Carried

Sidewalks County Highway 8, West Oneonta – Highway Supt. Hurtubise met with the West Oneonta Baptist Church pastor and has agreed to reconstruct and realign the sidewalk on County Highway 8 (in front of the church) to allow for additional parking. Hurtubise will need to get the County Highway Dept.'s approval as well.

Picnic tables for Hemstreet Park – Councilman Mowers was in attendance at the recent 'Citizen Voices' meeting where Pickett Building Supplies volunteered to donate three pressure treated picnic tables to the town's Hemstreet Park.

VOTE – Ayes 5, Nays 0 Motion Carried

Westgate WQIP Grant – Motion was made by Riddell Kent, seconded by Holleran to approve bid documents for the Westgate WQIP (Water Quality Improvement Program) grant.

VOTE – Ayes 5, Nays 0 Motion Carried

Public Safety - Supervisor Wood gave the following report:

TASER policy – Attorney Panasci and NYMIR have reviewed the policy and recommend approval. Councilwoman Jacob recommended the following change: Item 5 Medical Attention, Subsection D, 1st sentence to read – 'All persons who have been the subject of an electronic control device deployment shall be evaluated by EMS personnel.'

Motion was made by Jacob, seconded by Holleran to approve the 'Electronic Control Devices' Policy and Procedures, with the change to Section 5 'Medical Attention', Subsection C as follows: 'All persons who have been the subject of an electronic control device deployment shall be evaluated by EMS personnel.'

VOTE – Ayes 5, Nays 0 Motion Carried

133 Southside Dr. update – Supervisor Wood reported that the property has been cleaned up of debris; Paul has been working with the owner to secure the house. The owner has indicated that he is considering demolishing the house.

1031 Swart Hollow Rd. – Ken Bain owner of 1031 Swart Hollow Road was present to report on a complaint that was filed with Code Enforcement. He said he's working on an addition that would store his equipment. He is also working on cleaning up other debris that is strewn about

his property. Supervisor Wood said that he is making progress and that the Code Officer will continue to monitor the situation.

Facilities, Technology, Parks

Shared Planning Grant w/City for Lower Reservoir Trail will be discussed at the July meeting.

Human Resources and Public Benefit – Nothing to report

Legislative – Nothing to report

ATTORNEY

Nothing to report

CODE ENFORCEMENT

STBOA Training – Motion was made by Jacob, seconded by Holleran to authorize Paul Neske, Dave West and Shane Mattice to attend STBOA training on June 13, 2018 in Big Flats, NY, as budgeted for.

VOTE – Ayes 5, Nays 0 Motion Carried

MISCELLANEOUS

Approval of contract with Destination Oneonta – Motion was made by Jacob, seconded by Holleran to approve the 2018 contract with Destination Oneonta and forward the \$10,000 contribution as budgeted for.

VOTE – Ayes 5, Nays 0 Motion Carried

Lifeguards and salaries:

<u>Lifeguards</u>	<u>Position</u>	<u>Salary</u>	<u>Year Hired</u>	<u>WSI</u>
Madison Miller	Head Guard	\$12.50	2013	Yes
Abigail Picinich	Assistant Head Guard	\$12.50	2014	No
Stephanie Havens	Lesson Supervisor	\$12.50	2011	Yes
Michelle Rossi	Lifeguard/ Lesson Aide	\$ 11.40	2018	No
Frank Microni	Part Time Lifeguard / Lesson Aid	\$12.50	1992	No
Taylor Microni	Lifeguard / Lesson Aide	\$11.40	2016	No
Theresa DiMartin	Part Time Lifeguard	\$11.40	2010	No
Cole Platt (as long as he passes)	Part Time Lifeguard/ Lesson Aide (super sub)	\$10.40	2018	No

Kylie McKee (as long Part Time Lifeguard/ as she passes)	\$10.40	2018	No
Lesson Aide (super sub)			
Maria Farrell (as long Part Time Lifeguard/ as he passes)	\$10.40	2018	No
Lesson Aide (super sub)			

***Minimum wage is \$10.40 because of costs of certifications and time of getting certified, we have deemed it important to pay lifeguards above minimum wage as long as they are not a sub. My three top guards make the max salary, plus Frank since he has been an employee for 25 years.

Subs \$10.40

Motion was made by Jacob, seconded By Riddell Kent to approve the above lifeguards and salaries.

VOTE – Ayes 5, Nays 0 Motion Carried

Water Training – Motion was made by Mowers, seconded by Jacob to approve water training for Jim Hurtubise, John Renwick, and Terry Harkenreader on June 14th in Sidney.

VOTE – Ayes 5, Nays 0 Motion Carried

ARC Grant Application - Motion made by Riddell Kent, seconded by Mowers to authorize Supervisor Wood to submit a pre-application to the Appalachian Regional Council for a grant of \$150,000 for the Southside Water Districts. If the pre-application is accepted the town would have the engineers complete the full application.

VOTE – Ayes 5, Nays 0 Motion Carried

TAP Grant - Motion was made by Riddell Kent, seconded by Mowers to authorize Supervisor Wood to initiate a federal Transportation Alternatives Program (TAP) grant that could provide funding for a complete system of sidewalks for the Southside/Route 23/28 corridor. This would likely be done in conjunction with the City of Oneonta and support from NYS Department of Transportation.

VOTE – Ayes 5, Nays 0 Motion Carried

PETITIONERS

Steve & Karlene DiGiglio, 269 Southside Drive expressed concern that The Holiday Inn Express elevation did not seem to match the drawings provided to the Town Planning Board. They also questioned whether adequate buffering was provided per site plan. Issue was referred to Code Enforcement.

Additional Fire District discussion before the close of the meeting - Ms. Peachin back tracked on her statement about the Comptroller providing an opinion about the tax cap issue. She said the person at the Comptroller's office agreed with her that the deal is unfair and she was going to send an email and Ms. Peachin would forward it on Thursday, June 21st.

APPROVAL OF MINUTES

Motion was made by Jacob, seconded by Riddell Kent to approve the May 9, 2018 minutes.

VOTE – Ayes 5, Nays 0 Motion Carried

BILLS

Motion was made by Riddell Kent, seconded by Holleran to approve the following bills:

General	\$70,535.39	352,353,355,356,362-371,373-380,382-394,397,399,401-403, 423-429,440-442
Highway	\$95,062.47	353,380,395,396,400,404-423
Street Lights	\$3,926.91	391,397
Highway Gar.	\$2,525.00	445
Trust & Agency	\$3,683.22	348-351,359-361,436,438,439
DISTRICTS:		
WESD	\$6,929.92	347,354,357,358,372,381,398,430-432,437,443
WSSD	\$1,545.43	347,354,358,372,381,398,430,437,443
SSD	\$2,633.98	347,354,358,372,381,430,432,437,443
WWD	\$3,967.33	347,354,357,358,372,381,398,433-435,437,443,444
PWD	\$723.16	347,354,358,372,381,437,444
SS Water Dist.	\$12,793.10	446

VOTE – Ayes 5, Nays 0 Motion Carried

The meeting was adjourned at 9:55 pm.

Respectfully submitted,

Cheryl L. Shackelton
Town Clerk