

TOWN BOARD
Regular Meeting
August 10, 2016

A regular meeting of the Oneonta Town Board was held on August 10, 2016 with the following members present:

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

Others present: Rob Panasci, Town Attorney; Jim Hurtubise, Hwy. Supt.; Steve Kent; Joseph Rufrano; Russ Southard; Tom Armao; Jon Anderson; David Hutchinson; Phil Konstantine; Louise Gava; Ron Feldstein; and Gene Salerni.

COMMITTEE REPORTS

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

- Mid-Sept. the town will receive \$86,353.54 from CHIPS and \$19,711.05 from the PAVE NY initiative;
- After the big rain on August 2nd, Highway Supt. Hurtubise noted that the road work done previously held up well.

Personnel

Employee Handbook – Motion was made by Holleran, seconded by Jacob to make the following changes and additions to the Employee Handbook: repeal the ‘Sexual Harassment Policy’ and replace with ‘Policy Against Sex Discrimination and Sexual Harassment’; and add ‘Social Media Guidelines’, and ‘Ban of Weapons in the Workplace’ policies (as attached).

Discussion: Supervisor Wood said the policies came as a recommendation from the town’s insurance agent.

VOTE – Ayes 5, Nays 0 Motion Carried

Public Safety - Supervisor Wood gave the following report and recommendations:

New phone – Motion was made by Jacob, seconded by Riddell Kent to authorize the purchase of a new phone for the Constable.

VOTE – Ayes 5, Nays 0 Motion Carried

Parks & Recreation - Councilwoman Riddell Kent gave the following update and recommendations:

- Because of safety concerns, ‘No Parking’ signs will be installed near the hanger/pavilion area, as well as locking the gate to keep people from driving near the pavilions and playground;

- The kids soccer field near the hanger pavilion will be moved closer to the large soccer field to free up that area and separate parking for hanger events and soccer;
- Councilwoman Riddell Kent will work on a sign for Fortin Park to be placed on Youngs Road and Co. Hwy. 47; OWL plans to have a sign there , as well;
- Highway Supt. Hurtubise will install 'No Parking' signs from the Fortin house down into the park to address emergency egress issues.

OWL House & Grounds committee:

- The roofer at the Fortin house is repairing the bell and tower using left over materials, as well as soliciting donations for the repairs; then it will be reattached to the Fortin house.

Community and Health - Councilwoman Riddell Kent gave the following update:

June 14, 2016 Fire Commissioner meeting:

- Johna Peachin is working with The Bank of Cooperstown on the budget note, which is the loan for the extra amount due the City this year;
- Fire Commissioners and City sent out RFP's to nine individuals for the Task Force with a return date of August 15th; four have responded (with one decline and one requesting more information);
- Task Force meeting dates will be posted to their website.

PUBLIC HEARINGS

- Zoning Map Amendment -23 Southside-B2 to HDD
- Amend Regulations in HDD zones to improve buffers

Motion was made by Riddell Kent, seconded by Jacob to open both public hearings.

VOTE – Ayes 5, Nays 0 Motion Carried

Dave Hutchinson asked if the board has considered pedestrians and bikers along Southside. Supervisor Wood answered that the town has applied for a Consolidated Funding grant that would cover approximately half the cost of a bike/pedestrian sidewalk along the primary section of Southside.

Buffer Comments

Jon Anderson, Southside Drive – said he would like to rewind time, so the proposed 'buffer law' would have afforded him the protection needed when the Courtyard Marriott was being constructed. The Marriot removed all vegetation up to the rear property lines of Southside Drive residents, leaving them with no barrier in between. Mr. Anderson said he can see in the Marriot's windows and they can see in his, as well as lights shining all night. A buffer was planted eventually, however it took years to provide any privacy. He said homeowners need more protection and rights and felt that the proposed 30' buffer might not be adequate when it comes to a big project like the Marriott.

Karlene DiGiglio, 269 Southside Drive spoke on behalf of herself and several neighbors who couldn't attend. She said she came home from work one day to find all the trees along the property line gone. She and her neighbors now deal with lights and noise. She said they feel like they don't matter.

Supervisor Wood explained the background of the two amendments and said he felt they were a good trade off to encourage development as we proceed with the Southside Water District, as well as to afford residents on Southside Drive additional protection with appropriate buffer requirements.

Phil Konstantine, 577 Southside Drive – asked why not a 50’ buffer versus the proposed 30’?

Joe Rufrano, 329 Southside Drive – there isn’t a number that’s going to fit all parcels; understands both sides; the Planning Board watches out for residents’ best interests.

Supervisor Wood stated that back in August 2015 Joseph Rufrano petitioned the board to rezone the B2 zone on State Highway 23 Southside, east of Lantern Hill Mobile Home Park to the town line, to HDD as recommended in the 2014 Comprehensive Plan. The Town Planning Board recommended approval of the proposed zoning map amendment since it is a continuation of the HDD district along State Highway 23 on Southside. The County Planning Dept. determined there are no county wide impacts, and noted that the conversion from B2 to HDD is compatible with the surrounding land uses.

Supervisor Wood then addressed the proposed buffer law saying it would give the Planning Board discretion and more latitude in addressing each unique site plan application, thereby giving the residents the appropriate/adequate protection they need. He added that the key components of the new law are notification of adjoining property owners and the requirement of site plan review before any site preparation, thereby protecting residents by leaving existing vegetation in place. The Town Planning Board recommended approval of the proposed zoning regulation amendment. The County Planning Dept. determined there are no county wide impacts, and noted that the proposed amendment supports the recommendation in the 2014 Comprehensive Plan to “require ‘buffers’ to adjoining properties be done prior to the construction of the project.”

Councilman Stolzer asked if maintenance of buffers is addressed in the new law. Attorney Panasci answered that the Code Officer would address and enforce any buffer issues.

Zoning Map Amendment Comments

Phil Konstantine, Southside Drive – expressed the sentiment that “sometimes residents’ get the short end of the stick”.

Motion was made by Riddell Kent, seconded by Stolzer to close the public hearings.

VOTE – Ayes 5, Nays 0 Motion Carried

Councilman Stolzer responded that maybe the town needs to consider a social network for discussions. The board agreed to discuss this suggestion further.

Supervisor Wood stated that the HDD district differs from the B2 in that it allows for multiple uses on a single parcel. He said development comes at a price for some, but on the other hand it is that development that has kept the town tax rates low; and everyone benefits from that.

The Board was in agreement that the buffer law needs to be adopted sooner than later; and amendments can be made down the road, if need be.

Buffer Law

SEQR – Motion was made by Holleran, seconded by Jacob to declare a negative declaration under SEQR for the amendment to the zoning regulations to improve buffers in HDD zones.

VOTE – Ayes 5, Nays 0 Motion Carried

Motion was made by Stolzer, seconded by Jacob to adopt a local law that would amend the zoning regulations to improve buffers in HDD zones (as attached).

VOTE – Ayes 5, Nays 0 Motion Carried

Zoning Map Amendment

SEQR – Motion was made by Riddell Kent, seconded by Holleran to declare a negative declaration under SEQR for the zoning map amendment on State Highway 23 Southside (east of Lantern Hill Mobile Home Park), from B2 (General Business) to HDD (Highway Development District).

VOTE – Ayes 5, Nays 0 Motion Carried

Motion was made by Holleran, seconded by Jacob to adopt a local law that would amend the zoning map of the Town of Oneonta on State Highway 23 Southside (east of Lantern Hill Mobile Home Park), from B2 (General Business) to HDD (Highway Development District) (as attached).

VOTE – Ayes 5, Nays 0 Motion Carried

ATTORNEY

Home Depot settlement – Motion was made by Jacob, seconded by Wood to authorize the settlement between Home Depot and the Town by lowering the 2017 assessment to 4.5 million for four years; and then increase it to 5.3 million in 2020.

VOTE – Ayes 5, Nays 0 Motion Carried

CODE ENFORCEMENT

Conference – Motion was made by Holleran, seconded by Stolzer to grant permission to Code Officer Neske to attend the NYS Fire Marshalls and Inspectors Conference in Liverpool, NY, Sept. 6-9, 2016 at a cost not to exceed \$800.00, as budgeted.

VOTE – Ayes 5, Nays 0 Motion Carried

MISCELLANEOUS

MEGA (Municipal Electric and Gas Alliance) – Agreement to administer CCA (Community Choice Aggregation) – Louise Gava, Ron Feldstein, and Gene Salerni were present representing MEGA (Municipal Electric & Gas Alliance). Ms. Gava gave a presentation at the June 8th town board meeting on how MEGA and CCA work. Supervisor Wood said MEGA could benefit the town by purchasing power in bulk, thereby saving residents money. Also, the town can specify if they want green power and/or brown power pricing so residents would have a choice. He added that the president of IOXUS in the Town of Oneonta has managed a Community Aggregation project in Australia. Attorney Panasci asked if there would be a liability on the

town's part if the community at large is opposed to the project. Ms. Gava said there is no obligation; the resolution just provides MEGA the opportunity to move forward. Councilman Stolzer asked if residents could get renewable energy at a lower price than currently paying. Ms. Gava said that remains to be seen. Supervisor Wood stated that the town would qualify for a \$50,000 'Clean Energy Communities' grant by meeting the following criteria:

- 1) Streamline local approval of solar (adopt NYS standard);
- 2) Energy training for code officer;
- 3) Community Choice Aggregation; and
- 4) Electric car and charging station.

Ms. Gava said the Town of Oneonta is the first community to sign with MEGA and hopefully this will create a 'snowball' affect. The Town of Unadilla will be addressing it at their next meeting; Councilman Stolzer volunteered to attend as an advocate. Ms. Gava said that MEGA has a timeline (end of 2017), as well as a minimum aggregation size they need to hit to move forward. She said that the next step in the process is to determine the best education plan.

Motion was made by Councilman Holleran, seconded by Councilwoman Jacob to adopt the following resolution; and further to authorize Supervisor Wood to sign the "Community Choice Aggregation Administration Agreement":

**RESOLUTION REGARDING THE EXPLORATION OF A COMMUNITY CHOICE
AGGREGATION PROGRAM AND ENTERING INTO AN ADMINISTRATION
AGREEMENT WITH THE MUNICIPAL ELECTRIC AND GAS ALLIANCE (MEGA)**

WHEREAS, the New York State Public Service Commission ("NYSPSC"), on April 21, 2016, adopted an Order authorizing cities, towns and villages within the State to create Community Choice Aggregation ("CCA") Programs, by themselves or in concert with other municipalities (hereinafter "NYSPSC Order Authorizing CCAs"); and

WHEREAS, establishing a Community Choice Aggregation Program allows a municipal government to aggregate the energy supply needs of its residents and businesses, and to negotiate and enter into energy supply contracts with Energy Service Companies ("ESCOs") on behalf of these citizens to obtain lower-cost energy prices, often at a fixed or predictable cost, as well as environmental benefits, and opportunities to pursue community-based energy initiatives; and

WHEREAS, Town of Oneonta seeks to explore CCA as a potential opportunity for energy consumers within the Town of Oneonta because of the potential benefits a CCA would produce for residential and small business owners, through the joint, aggregated provision of energy supplies and value-added services at better prices due to the market power of the aggregation; and

WHEREAS, the NYSPSC Order Authorizing CCAs specifically states that municipalities are permitted to engage a third party CCA Administrator to assist in the development and implementation of a CCA Program, including the eventual solicitation and management of energy supply agreements for CCA customers; and

WHEREAS, the Municipal Electric and Gas Alliance ("MEGA"), a not-for-profit Local Development Corporation established in New York State, seeks to create one or more regional CCA(s) to aggregate customers from multiple municipalities throughout a given region in the

State, which will enable MEGA to leverage a broad customer base to obtain competitively priced energy contracts thereby yielding greater savings and other benefits to CCA customers; and

WHEREAS, MEGA contemplates supporting the creation and implementation of these regional CCAs, in accordance with the NYSPSC Order Authorizing CCAs, in its capacity as a third-party CCA Administrator for those municipalities seeking to form CCAs; and

WHEREAS, MEGA further seeks to provide information, advice, public outreach, consumer education assistance, support for competitive bid solicitation, competitive supplier selection and monitoring of New York State regulations to municipalities considering forming a CCA; and

WHEREAS, MEGA, since its inception in 1998, has gained the experience necessary to perform the services of CCA Administrator, having successfully managed energy procurement aggregation programs for hundreds of New York State municipalities, saving taxpayers millions of dollars through competitive public bidding of energy supplies and services; and

WHEREAS, MEGA's generic plans for procurement of energy supply reflects an understanding of CCA opportunities for the Town of Oneonta, as well as market and regulatory conditions representing the best practices in the industry; and

WHEREAS, Town of Oneonta seeks to engage MEGA as the CCA Administrator, to assist in its efforts to better understand, educate the public on, and develop a Program to enable, a CCA; and

WHEREAS, MEGA would be engaged by the Town of Oneonta as a provider of professional services requiring special and technical skills, expertise and knowledge, therefore the contract for these services is exempt from competitive bidding requirements contained in New York General Municipal Law § 103; and

WHEREAS, in the event Town of Oneonta decides to authorize a CCA, Town of Oneonta is interested in joining together with other CCAs in its region, through the MEGA aggregation, to leverage a broader customer base to obtain cost savings and other benefits for residents;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor/Mayor/Administrator is hereby authorized to sign a Community Choice Aggregation Administration Agreement with MEGA, which incorporates the following terms:

1. Town of Oneonta will retain MEGA to assist with efforts to explore the potential benefits to this community of creating a CCA here, and in educating the public and local officials on CCAs. As CCA Administrator MEGA will assist the community in exploration of Town of Oneonta's potential participation in a CCA Program and development of plans for the implementation of the CCA Program, as required by the NYSPSC Order Authorizing CCAs.
2. In the event Town of Oneonta opts to proceed with the creation of a CCA, MEGA would serve as Town of Oneonta's CCA Administrator throughout the formation and implementation of the CCA Program.

3. Prior to Town of Oneonta taking the steps required to pass a local law authorizing CCA, MEGA will assist Town of Oneonta in CCA Program development, including informational and educational campaigns required to inform Town of Oneonta's decision to create the CCA, and in development of CCA Program documents and plans which comply with NYSPSC regulations, in accordance with the terms set forth in the CCA Administration Agreement between MEGA and the Town of Oneonta.
4. Town of Oneonta agrees that, should it ultimately decide to adopt a Local Law to authorize and create a CCA, it will continue to engage MEGA's services as Administrator of the new CCA, in accordance with the terms of the Agreement.
5. As CCA Administrator, following the Town of Oneonta's creation of a CCA, MEGA will assume responsibility for the organization and implementation of the CCA, by preparing and soliciting Requests for Proposals ("RFP"s) seeking energy suppliers willing to enter into Energy Supply Agreements ("ESA"s), negotiating such agreements in accordance with the terms of this agreement and/or other local enactment by Town of Oneonta, and overseeing implementation, cancellation, renewal, and review of ESAs throughout the life of the CCA.
6. While MEGA, as CCA Administrator, will assume responsibility for operation of the CCA and will comply with all relevant provisions of State law, including the NYSPSC Order Authorizing CCAs, Town of Oneonta understands that it is ultimately responsible for ensuring its CCA is compliant with State regulations, as stated by the NYSPSC in its Order Authorizing CCAs. MEGA and Town of Oneonta intend for there to be a relationship of cooperation and transparency which ensures that all sides are able to fulfill their obligations under the law, the NYSPSC Order, the CCA Administration Agreement, and any other local law enacted or contract adopted by the Town of Oneonta regarding the CCA.

AND BE IT FURTHER RESOLVED THAT, by adopting this resolution and signing the CCA Administration Agreement, Town of Oneonta is in no way obligating itself to proceed with the formal creation of a CCA. If Town of Oneonta determines to proceed with the creation of a CCA, Town of Oneonta would be required to adopt a local law to do so, and would at that time need to comply with all standard procedural requirements for local law adoption, including the State Environmental Quality Review Act (SEQRA), and with the NYSPSC Order Authorizing CCAs.

VOTE – Ayes 5, Nays 0 Motion Carried

Ms. Gava congratulated the board as being the first to sign on; and said that the Department of Public Service will be very excited.

Jeep bid – Motion was made by Holleran, seconded by Riddell Kent to accept the bid of \$2200.00 for the 2004 Jeep Cherokee.

VOTE – Ayes 5, Nays 0 Motion Carried

Informational:

- 'No Parking' signs have been installed on Miles Ave.

- Board discussed the bid/purchase of a Chevy Volt electric car, per the aggregated mini-bid through OGS (Office of General Services). Councilman Holleran suggested looking into a Nissan Leaf. Board in agreement to drive the Chevy Volt before proceeding further.

APPROVAL OF MINUTES

Motion was made by Jacob, seconded by Riddell Kent to approve the July 13, 2016 minutes.

VOTE – Ayes 5, Nays 0 Motion Carried

BILLS

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

General	\$59,815.45	548,549,551,552,555-561,566-573,575,577,579-582,596, 600-602,604-607,609,614
Highway	\$14,417.12	549,582-593,597-600,603,608
Street Lights	\$3,632.95	575,601
Trust & Agency	\$3,397.86	544-547,562,612,613
DISTRICTS:		
WESD	\$3,483.23	543,550,553,563,564,574,576,578,594,595,611
WSSD	\$782.75	543,550,563,564,574,578,611
SSD	\$1,644.30	543,550,563,564,574,576,578,595,611
WWD	\$2,737.53	543,550,553,554,563-565,574,578,611
PWD	\$862.58	543,550,563,564,578,610,611

VOTE – Ayes 5, Nays 0 Motion Carried

The meeting was adjourned at 9:00 pm.

Respectfully submitted,

Cheryl L. Shackelton
Town Clerk