

TOWN BOARD
Regular Meeting
December 13, 2017

The regular meeting of the Oneonta Town Board was held on December 13, 2017 with the following members present:

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

Others present: Rob Panasci, Town Attorney; James Hurtubise, Supt. of Highways; Steve Kent; Walter Schmitt; Michael Schmitt; Dan Lapin, OCCA; Nicole Dillingham, Otsego 2000; Keith Schue, Otsego 2000 Attorney; David Hutchison; Virginia Lee; Russ Southard; Lizabeth Shannon; and Erica LaBuz.

PETITIONERS

Danny Lapin, of the Otsego County Conservation Association (OCCA), Nicole Dillingham and Keith Schue, of Otsego 2000 were present to discuss the XNT (Express Natural Gas) truck traffic through Otsego County.

Dan Lapin stated that the (SEQR) review for XNG's permit process was done incorrectly and asked the town board to pass a resolution encouraging DEC (NYS Dept. of Environmental Conservation) to initiate a new review.

Background on the issue is as follows:

XNG has been using trucks to transport large quantities of compressed natural gas (CNG) from fracking sites in Pennsylvania to injection sites located on existing gas pipelines. Two years ago XNG built a fueling station at Manheim, NY to extract gas from the Iroquois pipeline for delivery to end users. XNG applied for a special use permit with the Town of Manheim and completed the required SEQR review. Reportedly, XNG's application disclosed plans for extraction of gas and delivery to end users only, which would involve 8-45 trucks per day leaving the facility. However, reports suggest that the trucks may increase to as many as 143 tractor trailers carrying huge quantities of compressed natural gas make round trips every day from Pennsylvania to Manheim for insertion into the pipeline.

Nicole Dillingham and Keith Schue, of Otsego 2000 were present urging the town board to request that the Attorney General investigate this matter. They stated the use of single lane roads poses a dangerous hazard to others on the road, as well as residents living along the routes; adding that XNG had four accidents in less than one year. They said their goal is mitigation and that this operation should be subjected to new environmental and safety review including all municipalities impacted by the operation. They stated that their purpose is to make XNG use interstate highways.

Town Attorney Panasci stated that XNG is complying with state law. He said this is not a SEQR issue because XNG completed the SEQR requirement to obtain their special use permit with the Town of Manheim.

Virginia Lee, stated that community effort can be a successful way to bring action to protect its' citizens and the environment, as they did with the 'fracking' issue.

Walt Schmitt, West Oneonta Fire Chief stated: these XNG trucks are safe, safer than fuel trucks delivering fuel oil and cars carrying gas cans and barbeque grill propane tanks; "are barking up the wrong tree". Russ Southard, who works in the gas business, has seen demonstrations of these trucks and they are safe, he says. Dave Hutchison, of the City of Oneonta Environmental Board stated that the Environmental Board recently passed a resolution stating "Whereas XNG utilized a SEQR that was not appropriate for current operation, the City of Oneonta Environmental Board request that a SEQR process be performed that includes all communities along the Route 205 corridor and demand the XNG use the interstate highways for the virtual pipeline."

Supervisor Wood stated: DOT studies showed truck traffic at 27/day in 2014 and 49/day in 2017; the town cannot regulate truck traffic on a public roads; and that he has no objection to writing to the Attorney General expressing the town's concern. Attorney Panasci suggested that a FOIL (Freedom of Information) request for XNG's special use permit be submitted to the Town of Manheim first. Councilwoman Jacob and Councilwoman Riddell Kent were in agreement that this is a public safety hazard. Councilman Holleran stated that the board needs to first act on fact versus conjecture. Councilwoman Jacob will submit a FOIL request to the Town of Manheim.

COMMITTEE REPORTS

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

Snow & Ice Contract with County – Motion was made by Holleran, seconded by Jacob to enter into a 3-year contract (October 1, 2017 - Sept. 30, 2020) with Otsego County for the control of snow and ice on County roads, pursuant to Section 135A of the Highway Law.

Discussion: It was noted that an insurance clause was added with the county named as an additional insured.

VOTE – Ayes 5, Nays 0 Motion Carried

Public Safety- Supervisor Wood reported that the public safety committee will meet on the 1st Mon. of month (except January's will be Jan. 8th).

133 Southside Drive – Supervisor Wood explained that the company hired by Fannie Mae to demolish the garage and shed at 133 Southside Drive left debris strewn down the bank at the rear of the property. He has contacted Fannie Mae's contact in Colorado, but has gotten nowhere. It is an unsightly mess and residents are expressing concern. The board agreed to have the Code Enforcement Officer issue a violation and court appearance notice.

Facilities, Technology, Parks – Councilman Holleran reported as follows:

- The Building Committee continues to look into the Casella garbage contract and rental of garbage container rental at Fortin Park;

- Presented the idea of a Town sponsored annual paper shredding day at a cost of \$750; the board will take this into consideration.

Legislative – Attorney Panasci will have a ‘Complete Streets’ policy ready for adoption at the January meeting.

Human Resources and Public Benefit – Motion was made by Riddell Kent, seconded by Mowers to adopt the following Health Insurance resolution:

Eligibility Policy -

All full time employees working at least 30 hours a week year round will be eligible to participate in the Town of Oneonta’s health insurance plan. Employees will be eligible for coverage on the first of the month following their date of hire. In the event that the employee terminates service, the health insurance coverage will be carried to the end of the month of said termination.

Health Insurance Coverage -

The Town of Oneonta carries one health insurance plan. Open enrollment for this plan is the month of November for a December 1st effective date.

Employees who enroll in health insurance will pay 11% of the premium.

All premiums will be withheld from the employee’s paycheck on a pre-tax basis unless the employee opts out of the Section 125 plan.

The Town of Oneonta reserves the right to make revisions to the aforementioned as needed.

Health Savings Account/Health Reimbursement Account -

Employees under the age of 65 enrolled in the health insurance will receive an HSA contribution at the rate of 80% of the annual deductible.

Payments into the HSA will be made in installments, 50% January 1 and the balance June 1st.

Should this prove to be a financial hardship on an employee due to expenditures from the deductible exceeding available funds, the Town of Oneonta may issue payment of the remaining HSA funds earlier.

It is understood that any unused funds in the HSA at the end of the coverage period will be the assets of the employee.

Employees age 65 and older will have an HRA account with funds available up to 80% of the annual deductible. HRA accounts are set up each coverage period with no roll over of funds from a previous coverage period.

The Town of Oneonta reserves the right to make revisions to the aforementioned as needed.

Retirees -

Employees of the Town of Oneonta who retire will be eligible to continue their health insurance coverage through COBRA. The retiree will be responsible for paying the entire premium. There will be no contribution towards the premium from the Town of Oneonta. There will also be no HSA or HRA contribution. Premiums are due from the retiree by the 1st of the month for the upcoming month’s coverage.

A retiree is defined as an employee who retires from town service at eligible retirement age as per NYS rules.

VOTE – Ayes 5, Nays 0 Motion Carried

MISCELLANEOUS

Organizational Meeting – Motion was made by Jacob, seconded by Riddell Kent to set the Organizational Meeting for Jan. 3 2018 at 6:30pm.

VOTE – Ayes 5, Nays 0 Motion Carried

Mobile Home Park renewals – Motion was made by Mowers, seconded by Holleran to approve the following Mobile Home Park renewal applications for the year 2018: Lantern Hill, Peaceful Flats, Byam's Trailer Court, and Oneida Village.

VOTE – Ayes 5, Nays 0 Motion Carried

Court Grant application – Motion was made by Jacob, seconded by Holleran to include a magnetometer at cost of \$3,846.50 in the Unified Court Grant application.

VOTE – Ayes 5, Nays 0 Motion Carried

Direct Energy gas – Motion was made by Jacob, seconded by Riddell Kent to authorize Supervisor Wood to enter into a 2-year contract with Direct Energy/MEGA for natural gas at a fixed rate of \$4.217/therm.

VOTE – Ayes 5, Nays 0 Motion Carried

Newly Elected School – Motion was made by Jacob, seconded by Riddell Kent to authorize Councilman Mowers to attend the 2018 Newly Elected Training School, January 10-12, in Albany, NY.

VOTE – Ayes 5, Nays 0 Motion Carried

APPROVAL OF MINUTES

Motion was made Jacob, seconded by Riddell Kent to approve the November 8, 2017 minutes.

VOTE – Ayes 5, Nays 0 Motion Carried

FISCAL RESOLUTIONS

Motion was made by Riddell Kent, seconded by Wood to adopt the following resolution:

RESOLUTION AUTHORIZING TOWN SUPERVISOR TO EXPEND FUNDS FROM THE TOWN HALL RESERVE FUND OF THE TOWN OF ONEONTA SUBJECT TO PERMISSIVE REFERENDUM.

The Town Board of the Town of Oneonta, duly convened in regular session, does hereby resolve pursuant to the provisions of section 6-c of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Oneonta be and he hereby is authorized and directed to transfer from the Town Hall Reserve Fund of the Town of Oneonta, duly established on 01/23/2005, to the Town Hall Capital Improvement expense item in the Annual Budget for the year 2017, \$170,000 of the principal and accumulated interest in said Reserve Fund to engage the apparent lowest qualified bidders to perform the following work:

Replace the roof on the Town of Oneonta Town Hall

Replace the boiler in the Town of Oneonta Town Hall

This resolution shall be subject to a permissive referendum, as permitted by law.

VOTE – Ayes 5, Nays 0 Motion Carried

Motion was made by Riddell Kent, seconded by Mowers to adopt the following resolution:

RESOLUTION ESTABLISHING THE “REPAIR AND IMPROVEMENT OF FACILITIES RESERVE FUND OF SEWER DISTRICT NO. 3 SOUTHSIDE SEWER DISTRICT OF THE TOWN OF ONEONTA UNDER SECTION 6-C OF THE GENERAL MUNICIPAL LAW

The Town Board of the Town of Oneonta, duly convened in regular session, does hereby resolve as follows:

SECTION 1. That there be and hereby is established a capital reserve fund in the amount of \$10,000 for the future repairs to or improvement of the facilities of Sewer District No. 3 the Southside Sewer District

SECTION 2. Such fund is to be known as the “Repair and Improvement Reserve Fund of Sewer District No. 3 Southside Sewer of the Town of Oneonta.”

SECTION 3. That out of the surplus moneys of said District now on hand for the year 2017 and not otherwise appropriated, the sum of \$10,000 be and the same hereby is appropriated for the “Repair and Improvement of Facilities Reserve Fund of Water District No. 3 of the Town of Oneonta,” and the Supervisor of the Town is hereby authorized, empowered and directed to transfer from surplus funds of said District the sum of \$10,000 to the fund.

SECTION 4. Such additional sums as may hereafter be appropriated shall become part of the fund.

SECTION 5. The moneys in the fund shall be deposited in a separate bank account in the bank the town has designated as depository for that year.

SECTION 6. The Supervisor in [his/her] discretion, may invest the moneys in the fund in the manner provided in section 6-f of the General Municipal Law of the State of New York. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become a part of the fund.

SECTION 7. No expenditure shall be made from the fund except by authorization of the Town Board of the Town of Oneonta pursuant to the provisions of section 6-c of the General Municipal Law of the State of New York.

SECTION 8. This resolution shall take effect immediately.

VOTE – Ayes 5, Nays 0 Motion Carried

BILLS/BUDGET MODIFICATIONS

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

General \$319,266.93 833,837,844-847,849-854,857-875,877,879,885-891,894,896,

		897,919,920,924,930
Highway	\$17,741.22	854,887,891,892,898-919
Street Lights	\$4,076.36	877,879
Highway		
Gar.	\$3,107.50	853
Pony Farm	\$418.46	923
Town Hall		
Cap.	\$13,880.00	880
Trust &		
Agency	\$4,838.07	835,836,840-843,856,928,929
DISTRICTS:		
WESD	\$11,902.90	834,838,839,848,855,876,878,881,882,895,921,922,927
WSSD	\$1,132.45	834,838,839,855,876,878,881,895,921,927
SSD	\$2,774.81	834,838,839,855,876,881,893,895,921,922,925,927
WWD	\$3,545.66	834,838,839,848,855,876,881,883,884,895,921,922,926,927
		834,838,839,855,876,881,921,927
PWD	\$683.01	

Budget Modifications

General Account		Highway Account	
3989.4	1645	51104.03.415	8500
1990.4	-1645	51104.03.417	-8500
71101.01	380	51301.03	16500
71104.01	-380	51421.03	-16500
80904.01	1563	51304.03.463	2700
19904.01	-1563	51304.03.464	-2700
16802.01	925	51424.03.414	4302
16804.01.470	-925	51424.03.446	-4302
VOTE – Ayes 5, Nays 0		Motion Carried	

The meeting was adjourned at 8:40 pm.

Respectfully submitted,

Cheryl L. Shackelton
Town Clerk