

**TOWN OF ONEONTA
LOCAL LAW NO. 1 OF THE YEAR 2026**

**A LOCAL LAW ADDING A NEW CHAPTER 65 TO THE TOWN CODE
ENTITLED “PROFESSIONAL CONSULTATION FEES”**

Be it enacted by the Town Board of the Town of Oneonta as follows:

Section 1. A new chapter shall be added entitled “Professional Consultation Fees”

There shall be a new chapter added to the Town Code entitled “Professional Consultation Fees,” which shall read as follows:

PROFESSIONAL CONSULTATION FEES

§ 65-1 Professional Fees.

- A. The Town of Oneonta Town Board, Planning Board, Zoning Board of Appeals and Code Enforcement Officer, in the review of any pending application, may request permission from the Town Supervisor to refer said application to such engineering, legal, environmental consultant and/or professional(s) retained by the Town Board, as shall be deemed reasonably necessary to enable the review of such application as required by law. Upon receipt of such request, the Town Supervisor shall determine whether to approve the use of professional consultation services and to establish an escrow account as deemed reasonably necessary to enable the review.
- B. The applicant shall reimburse the Town for the cost of professional consultant services reasonably necessary to enable the Town to review such application. In no event shall the applicant’s responsibility be greater than the actual cost to the Town of such professional consultant services.
- C. Charges made by such consultants shall be in accord with charges usually made for such services in the Otsego County, New York region.
- D. In the event that an application is required to be reviewed by more than one Board, to the extent practicable, all such Boards shall use the same consultant. In all instances, the Town shall attempt to avoid duplication of consultant reports or services wherever practicable in order to minimize the cost of such consultants to the applicant.

§ 65-2 Escrow Accounts.

- A. At the time of submission of an application, or immediately thereafter, an escrow account shall be established, from which withdrawals shall be made to reimburse the Town for the costs of professional consultants’ services. Upon establishment of an escrow account, the applicant shall provide funds to the Town for deposit into such account in an amount to be determined by the Town based upon:
 - 1. The costs of professional consultant services in connection with comparable applications in the Otsego County, New York region; and

2. The nature and complexity of the application with the decision of the Town to be final and conclusive on the applicant.
- B. Expenditures from the escrow account shall be made by the Town as follows:
1. The professional consultants employed by the Town shall provide an itemized voucher to the Town as to the monetary value of their services rendered on each project.
 2. The Town shall review and audit all vouchers and shall determine whether such professional consultant expenses are reasonable in amount and necessarily incurred by the Town in connection with the review and consideration of applications.
 3. Upon receipt of a request by the applicant, the Town shall supply copies of such vouchers to the applicant reasonably in advance of audit and approval, appropriately redacted where necessary to shield legally privileged communications between Town officials or employees and the Town's professional consultants.
 4. In the event of request, the applicant shall be entitled to be heard by the Town on reasonable advance notice regarding expenditures from the escrow account.
 5. After audit and approval of such vouchers by the Town, the Town may make payments from the escrow account.
 6. If the escrow account is depleted prior to completion of the review of the application, the applicant shall replenish the escrow account upon request by the Town. The amount of replenished funds shall be determined by the Town and shall be reasonably necessary to enable it to continue to review the application and such funds shall be based on the costs for professional consultant services as are reasonably similar to such costs for comparable applications in the Otsego County, New York region.
 7. A building permit or other permit or approval being sought by the applicant shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Town.
 8. Any unexpended funds in an applicant's escrow account after the payment of all professional consultants' fees shall be returned to the applicant upon request to the Town for the same.

Section 2. Remainder

Except as hereinabove amended, the remainder of the Town Code of the Town of Oneonta shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or

circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.