

PLANNING AND DEVELOPMENT COMMITTEE MEETING

March 4, 2019

Chairman Tesoriero called the meeting to order at 6:39 p.m. in the 2nd floor Common Council Chambers of City Hall.

MEMBERS PRESENT: Councilor Tesoriero, Councilor Corradino and Councilor McBrearty.

OTHERS PRESENT: Councilor Hill; Councilor Gosek; Councilor Wilmott; William Barlow, Mayor; Kevin Caraccioli, City Attorney; Deborah Coad, City Chamberlain; Tom Kells, Commissioner of Public Works; Justin Rudgick, Director of Community & Economic Development.

MEDIA PRESENT: Steve Yablonski, Oswego Daily News; Matthew Reitz, Palladium Times.

A motion to approve the minutes of February 19, 2019 was made by Councilor McBrearty and seconded by Councilor Corradino; minutes were approved by a unanimous vote.

I. OLD BUSINESS: There was no old business.

II. NEW BUSINESS:

1. Mayor William J. Barlow requests approval of amendments to the City Plumbing Code regarding water meter bypasses and other amendments. Mayor Barlow says this goes back to his State of the City Address where he talked about all the good things being done at the Wastewater Plant and the Water Plant and our ability to lower the sewer rates and now we're shifting focus to water. He says one of the things he identified in that speech was that we found larger commercial users using bypasses on their meters. He says what a bypass does is the water runs through the pipe, the pipe runs through the meter, the meter registers it and that's how the City knows how to bill you based on usage. He says some people have installed a bypass which takes another tube that goes around the meter and they close off the pipe that runs the water into the meter and that way water is running through into the building without being registered through the meter and that way the City can't bill you for what you're using. He says some of these people are doing it just because they don't want to pay what they rightfully owe but, after researching, the Health Department required some places like nursing homes to have a bypass because if they have to change up the meter the building still needs water, so certain facilities don't have to remove the bypass. He says in order to get around that the City can issue meter locks out of the Code Enforcement Office, we will be purchasing these meter locks. He says the Plumbing Inspector will go around to our commercial users to install these locks and if you have to use your bypass you have to provide notification in writing to the Plumbing Inspector and he will come unlock the

bypass/lock it again. He says it also implements a fine if caught using a bypass without putting it in writing for any reason. He says there is a fine of \$1,000 for the first time you are caught and a \$5,000 fine every time thereafter. He says we may want to look at those (numbers) as he is not sure if they are harsh enough. He says the other change is to mandate administering the plumbing test twice a year, once in January and once in July, so no one is waiting on the test to become licensed in the City. Councilor Tesoriero asks if there is a bypass, is there any way that we could issue them to meter the bypass. Mayor Barlow says that is another addition to the lock route but if you mandate the business to meter the bypass then they have to go buy another meter and as you know they can cost anywhere between \$2,000 - \$6,000 and I don't know if we want to mandate that additional charge on them. Councilor Tesoriero says he was a plumbing inspector at one time and asks if it says that it is the Plumbing Board's responsibility to administer the test. Mayor Barlow says yes it does. Miles Becker asks if the legal term for that is "theft of services." Kevin Caraccioli says that's what we're taking care of. Councilor Hill says we are talking about theft and is there a criminal penalty that goes along with the financial penalty or is this just a fine and it seems that these fines aren't strong enough if it is a crime. Kevin Caraccioli says it is an issue that we have looked at, it is clearly designed as a civil penalty. He says for it to be a criminal act there is an intent. He says you could argue that putting the bypass in is evidence of that. He says there are some facilities that are mandated to have that in place. He says it certainly can be a potential criminal act but we would have to create a law that points to it. He says he looked through the plumbing code and did not find it directly beyond that it is a job for law enforcement and the City Attorney's office to prosecute. He says anytime you are taking a service away from the government that the severity of the crime actually increases so for now this bypass is the first step and that it will hopefully stop this practice. He says if it does not he thinks we should modify a local law that makes it a criminal act we can prosecute locally. He says for now this is the civil route we are taking and recommending to the council.

COMMITTEE DECISION: Councilor McBrearty made a motion to forward a favorable recommendation to the Full Council authorize the requested approval of amendments to the City Plumbing Code regarding water meter bypasses and other amendments Councilor Corradino seconded the motion, unanimous approval.

THE MAYOR'S OFFICE WILL PREPARE THE RESOLUTION.

2. The Zoning and Planning Office requests discussion regarding the New Cingular Wireless Special Use Permit for a Wireless Telecommunication facility at 300 East Albany Street. Kevin Caraccioli says this seems like an issue that will never go away. He says this is simply to report that the Planning Board did review this at the meeting last week with a favorable recommendation given back to the council. Councilor Tesoriero says he had two calls in regards to this and once it was it explained to them they had no issues. He says that for people who don't know this is at the speedway and there is plenty of room out there and it's not going to impede anything and he supports it.

COMMITTEE DECISION: Councilor Corradino made a motion to forward a favorable recommendation to the Full Council to authorize the request discussion regarding the New Cingular Wireless Special Use Permit for a Wireless Telecommunication facility at 300 East Albany Street. Councilor McBrearty seconded the motion, unanimous approval.

THE RESOLUTION THAT WAS PART OF THE MEETING WILL BE FORWARDED TO THE FULL COUNCIL.

A motion to adjourn the meeting was made at 6:55 p.m. by Councilor McBrearty. A second was made by Councilor Corradino, and was unanimously approved.

Respectfully Submitted,

Brooke Fitzgerald
Recording Secretary