

The Otsego Town Board held a Regular Monthly meeting on the 8th day of March 2017 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Meg Kiernan	Supervisor
Thomas Hohensee	Councilperson
Carina Franck	Councilperson
Bennett Sandler	Councilperson
Joseph Potrikus	Councilperson

Also Present:

John Schallert	Highway Superintendent
Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

Supervisor Kiernan called the meeting to order and asked everyone to please rise for the Pledge of Allegiance.

MOTION by Councilperson Hohensee, seconded by Councilperson Franck, to accept the February 8th minutes as presented.

MOTION CARRIED: All were in favor.

Supervisor Kiernan read correspondence received since last meeting.

Councilperson Potrikus read the guidelines for public comments.

Supervisor Kiernan opened the floor for comments.

Carl Wenner of Oaksville, wanted to confirm Councilperson Potrikus's last months comment stating that residents are afraid to speak out, was true. Business owners have told him that they are afraid that if they speak out their businesses may suffer. His personal feeling was that if their business means more to them than their rights they should stay home. He challenged the Board to imagine how things would be if everyone minded their own business instead of minding everybody else's.

Chris Kegelman of Tripp Hill gave a power point presentation entitled "The Town That Doesn't Care". The video showed extensive flooding on the Kegelmans property from a torrential rain storm that lasted approximately 2 hours on February 25th. He attributed the cause of the flooding to the Town Highway Department redirecting the natural flow of water to empty into his parent's pond. The driveway is now washed out, the pool and out buildings are full of mud, and a river ran through the basement ruining the furnace.

Brain Kegelman of Tripp Hill stated that the Boards current strategy is to "Say Nothing. Do Nothing". He called the Highway Superintendent three times to come and look at the damages. Kegelman claimed that Tripp Hill was under 2feet of water for over 12 hours. Culverts are plugged with rocks and gravel. The Highway Crew came and graded Murdock Rd. but never cleaned out the culverts. He wants the culverts replaced back to their original size which was 12" in diameter. Kegelman wanted to know if the Board was going to remain silent when the road washes out and people are not able to travel over it.

Joan Kegelman stated that they are the victims in this situation and are treated like they have done something wrong for trying to protect their property. We teach our children to treat others with respect and in a way we would want others treat us, if you make a mess, clean it up, and finally "play fair". She wondered what each of the Board Members would do if this were to happen to them. She felt the Board's actions have been irresponsible and illegal. She invited the Board Members to view the devastation and damage done to their property as a result of the Towns Highway Superintendents discission to replace the culvert with a larger one and redirect the water.

Dale Davidson Goose Street, submitted pictures of flooding to her property which she contributed to a culvert that was replaced with a much larger one located above her property. The velocity of water was increase faster then what her culvert could handle. She respectfully requested that the culvert under her driveway be exchanged for a much larger one to prevent future flooding in her cellar and ruining her furnace again.

John Phillips Fly Creek complained that he was criticized as Planning Board Chairman for calling for one MOTION to deem the Blackbird Hollow application complete and schedule a Public Hearing instead of asking for two separate MOTIONS. To avoid a possible procedural error he corrected the MOTION to read as two separate MOTIONS. The complaint came from Tom Huntsman. Last night Planning Board Chairman Tom Huntsman called for the application complete and scheduled a Public Hearing as one MOTION. Procedures are not being followed.

Richard Sternburg, West Ridge Rd. was upset with comments made by a Councilperson at the January meeting explaining why he did not feel Dr. Tom Huntsman should be Chairman of the Planning Board. Sternburg took great exception with one comment in particular made by this Councilperson, that physicians do not have enough time. He found that the Councilperson that made that comment who is a private business owner in this community, certainly has a possibility of conflict of interest as he must have emergencies that would take him

away from Council business. Difference is as a physician; Dr. Huntsman can't always schedule his time. He feels this Councilperson needs to make an apology to the physicians in the community, Dr. Huntsman specifically.

Ann Carr Tripp Hill Rd., stated that she is a neighbor of the Kegelmans and sympathizes with them. She asked the Board "What about us? What does she and her husband along with four other neighbors do if the road becomes impassable?" She hoped that Board would pursue a solution that will satisfy everyone.

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee, to close the floor for public comments.

MOTION CARRIED: All were in favor.

Supervisor Kiernan gave a financial report. The Board discussed the following balances in the various accounts:

General Savings: \$ 4,692.22	General Checking: \$ 429,816.02
Highway Savings: \$ 7,823.89	Hwy Checking: \$ 490,298.77
Building Reserve Fund: \$179,699.99	Hwy Equipment Fund: \$ 263,978.43

MOTION by Councilperson Potrikus, seconded by Councilperson Sandler, to accept the financial report.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to pay the following invoices, as corrected, and make the necessary transfers.

GENERAL: #41-#53	\$ 3,576.55
HWY: #32-#48	\$14,798.86

MOTION CARRIED: All were in favor.

Dog Control Officer Thomas Steele reported answering 2 running at large calls.

Planning Board member Rosemary Craig, discussed applications the Planning Board is currently reviewing. She informed the Board that the Planning Board plans on working on definitions for first lot split, Mother in Law apartment, and porches.

ZEO Ed Hobbie reported issuing the following since January 1st:

Site Plan Review: 2	ZBA: 1	Subdivision: 2
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Councilperson Potrikus asked if anyone had come forward requesting to be considered for the ZBA or Planning Board alternate vacancy. Supervisor Kiernan responded that there is only one vacancy and that is the Planning Board alternate and no there has been no further response. Councilperson Franck stated that she had been approached and suggested to the inquiring individual to send a letter of interest to the Town Board.

MOTION by Councilperson Potrikus to appoint John Phillips to the Planning Board alternate vacancy.

There was no second. MOTION DIES.

MOTION by Councilperson Potrikus to go into Executive Session to discuss Town Board reasons for not appointing John Phillips to the Planning Board alternate vacancy.

There was no second. MOTION DIES.

Supervisor Kiernan, Councilperson Sandler, Councilperson Hohensee, and Councilperson Franck made it clear that this topic had already been discussed at great lengths in Executive Session and felt it did not need to be revisited.

Councilperson Potrikus argued that he did not remember such discussion. He thought it pathetic that we have a Board that is intolerant of somebody who may have a different view on things. He felt Phillips met the qualifications of a Planning Board member. He attends all the meetings. He meets all the criteria for training. In the past people have been chosen to serve on the Planning Board that have no idea what the Planning Board does and yet a man who is completely qualified is turned down. He felt that in any other definition that would be discrimination.

The Board discussed the benefits of site plan applications submitted electronically. There would still be a paper copy for the file but having it electronically would make it easier for members to review prior to the meeting. Further discussion was tabled until next month.

Superintendent of Highway report was given by Highway Superintendent John Schallert. The need for a larger

salt shed was discussed along with creating a retention pond, moving the sand pile, and moving Willow Avenue through George Chandler's right-of-way through the Town's Highway property on Cemetery Road. Supervisor Kiernan gave a copy of the Town's insurance company's highway inventory list and asked Schallert update it. She suggested that the highway and general inventory be video taped.

Schallert submitted pick-up truck bids for the Board to review.

Robert Green Auto & Truck Inc.	Dodge 2500 Tradesman Regular w/plow	\$31,015.93
Hoselton Chevrolet, Inc.	Chevy Silverado 2500HD w/plow	\$31,039.18
Beyer of Morristown LLC	Dodge Ram w/plow	\$31,058.52
Van Bortel Chevrolet Inc.	Chevy Silverado 2500HD without/plow	\$26,086.75

MOTION by Councilperson Hohensee, seconded by Councilperson Franck, to accept the lowest bid which was offered by Robert Green Auto & Truck Inc.

MOTION CARRIED: All were in favor.

Schallert asked permission to send the 2010 Ford pick-up truck, 2008 stainless steel dump box, and sander to auction.

MOTION by Councilperson Hohensee, seconded by Councilperson Sandler, to authorize the Highway Superintendent to send the 2010 Ford pick-up truck, 2008 stainless steel dump box and sander to auction.

MOTION CARRIED: All were in favor.

The Board discussed holding a Tire Day for all residents. It was decided to hold it on May 20th.

The topic of Dale Davidson's culvert replacement was discussed. Schallert was not in favor of changing it out for a larger one. He felt that should be the homeowner's responsibility. Town Attorney Michelle Kennedy, felt Davidson's case maybe different because:

- The Town has the owners permission
- The culvert is in the Towns right-of-way and
- No one down stream is adversely impacted

Kennedy also thought is relevant that the velocity of the water was increased do to the replacement of a much larger culvert just above her.

It was concluded that as a compromise maybe Davidson would be willing to pay for the culvert and the highway crew put it in.

Councilperson Franck brought to Schallert attention that she had received a letter from Town resident Alex Kleban who was concerned when he saw the town plow truck illegally cross over St. Hwy. 28 from Day Road to Johnston Road. Schallert said that the plow truck cannot make the right hand turn without leaving a pile of snow in the middle of St. Hwy. 28. That is why the plow truck pushes the snow straight across St. Hwy. 28.

Councilperson Franck reported that the next Safety Training meeting will be May 2nd at 5:00PM. All Town employees are required to attend. Topics that will be covered are Right to Know, Sexual Harassment, and Work Place Violence.

Supervisor Kiernan stated that she has five people that have volunteered to be on the Demolition of Historical Structure Committee.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to appoint Cindy Falk, Shirlee Rathbone, Tom Heitz, Steve Purcell, and Ronald Jennings to the Demolition of Historical Structure Committee.

MOTION CARRIED: All were in favor.

Supervisor Kiernan suggested that two people from each Board review the different districts, permitted uses, and whether or not the districts need to be increased. Planning Board member Rosemary Craig agreed to report back to the Planning Board. Councilperson Franck and Supervisor Kiernan volunteered to serve from the Town Board. Supervisor Kiernan will e-mail ZBA Chairman Greg Crowell to let him know.

Supervisor Kiernan informed the Board that she plans to do press release advertising for a Village Library Appointee vacancy. The position starts June 1st.

Supervisor Kiernan discussed with the Board whether or not to petition the State to consider replacing the blinking light in the Fly Creek Hamlet, with a traffic light. In the winter visibility is poor at best with snowbanks in the way and a traffic light would allow for more parking in front of the apartment house on the corner. She asked the Board members to get feedback from residents on whether or not they would prefer a traffic light.

Supervisor Kiernan announced that there would be a School Budget Presentation by the Cooperstown School Superintendent at the April meeting.

Councilperson Potrikus wanted the Board to know that his comments to the Town Board at the January meeting were not meant to attack, insult or denigrate anyone. He felt the comments from the Town Board were directed at him personally and not about the content in which he spoke. The attacks he made about Tom Huntsman were not about him personally but about the methodology that they as a Town Board have gone through to appoint someone to a position. His concern was for the applicant and anyone coming to a public hearing or meeting only to find that the Chairman could not make it do to his professional obligation. Councilperson Potrikus felt the Chairman has an obligation to the Planning Board. Another statement of contention was when Councilperson Hohensee and Councilperson Franck's commented that they represent not some but all the constituents of the Town. Councilperson Potrikus before going further assured the Board that he was not attacking anyone. He reminded the Board that three years ago not one of the Board members represented him while the Town Supervisor insulted him, and not one of the Board members listened to the constituents at a public hearing and went ahead and voted to remove Storage Units as a Special Permitted Use. Attorney Zamilus stated that night "they have just completely ignored an entire voting block".

Attorney Michelle Kennedy felt it important to point out to Councilperson Potrikus that his comments were not completely factual. Attorney Doug Zamilus was representing the applicant for the Storage Units and most of the people in the room were there to support the Fly Creek Cider Mill, which was not going to be affected by outcome of the Boards decision.

Councilperson Potrikus accused the Town Board of failing to listen to residents when they do not agree with what is being said.

Councilperson Franck assured Councilperson Potrikus that she does listen to people and values their opinions. Each Board member votes after weighing the facts and listening to constituents. She felt that Councilperson Potrikus represents a different opinion and that's okay but because she did not vote the same way does not mean she was not listening to the constituents.

Councilperson Hohensee told Councilperson Potrikus that just because a comment is made by one of the Board members does not mean the other Board members feel the same way nor should they apologize for comments made by Board members. Councilperson Hohensee went on to say that he did not feel anyone on the Board ridiculed or attacked him in any way. Each member felt they needed to respond to his comments which were directed at them. He urged the Board not to take comments made personally.

MOTION by Councilperson Hohensee, seconded by Supervisor Kiernan, to go into Executive Session to discuss the Bissell Litigation and for Attorney Client privilege.

MOTION CARRIED: All were in favor. (9:43PM)

MOTION by Councilperson Hohensee, seconded by Councilperson Potrikus, to come out of Executive Session.

MOTION CARRIED: All were in favor. (10:45PM)

MOTION by Councilman Sandler to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 10:45PM.

Respectfully Submitted,
Pamela Deane/Town Clerk