

The Otsego Town Board held a regular monthly meeting on the 13<sup>th</sup> day of April 2016 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 regular 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 minutes of March 9<sup>th</sup> as presented.

MOTION CARRIED: Supervisor Kiernan, Councilpersons Franck, Hohensee, and Sandler voted yes. Councilperson Potrikus abstained.

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee, to accept the minutes of March 17<sup>th</sup> as presented.

MOTION CARRIED: All were in favor

Supervisor Kiernan summarized the content of correspondence received since the Town Board's March meeting.

Supervisor Kiernan read a letter of notification from NYS Liquor Authority stating that Portabello's Restaurant is reapplying for their liquor license.

MOTION by Councilperson Hohensee, seconded by Councilperson Sandler, to allow Portabello's Restaurant to continue the process of reapplying for their liquor license with no objections from the Town Board.

MOTION CARRIED: All were in favor.

Supervisor Kiernan opened the floor for comments.

Fly Creek resident Carl Wenner encouraged members of the Town Board to read Jefferson Lies. This is a book where the author researches tales that have tainted Thomas Jefferson's character, and disproves them one by one. After finishing the book Wenner described Jefferson's character equal to George Washington. In closing Wenner challenged the Board to read the book and see if they conclude that they were wrong about him. He also encouraged them to be guarded against being lied to and to be mindful in how they do business.

Supervisor Kiernan closed the floor for comments.

Supervisor Kiernan introduced Bruce Shipman. Shipman requested permission from the Board to place a Memorial Marker at the Adams Cemetery on County Highway 26, for David Shipman who he claims was an inspiration to James Fennimore Cooper and his novels. He handed off literature confirming his claim.

It was the consensus of the Board to review the literature Shipman submitted and will decide at the May meeting whether or not to approve the marker or if this is a decision that should be made by the Fly Creek Historical Society.

Supervisor Kiernan gave a financial report. Balances are as follows in the various accounts:

General Savings: \$ 4,686.94	General Checking: \$ 433,273.88
Highway Savings: \$ 7,815.09	Hwy Checking: \$ 697,508.29
Building Reserve Fund: \$154,482.02	Hwy Equipment Fund: \$ 253,171.98

MOTION by Councilperson Hohensee, seconded by Councilperson Franck, to accept the financial report as presented.

MOTION CARRIED: All were in favor.

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

GENERAL:	# 61-# 76	\$ 4,703.38
HWY:	# 264-#290	\$ 14,749.55

MOTION CARRIED: All were in favor.

Planning Board member Scottie Baker reported on applications the Planning Board is currently reviewing.

Planning Board Member Edward Hobbie asked for clarification of the Heirloom Barn definition. He went on to ask what do you do when the applicant has established their application through the heirloom barn law and they do not adhere to external appearance and historic preservation?

Phillips claimed that the intent of the Heirloom Barn Law, which allows old barns and buildings to be used for commercial use regardless of what district they are in, was to give people a reason and a resource to restore their historic building. Phillips showed pictures of barn transformations with exterior changes.

Councilperson Franck asked the Planning Board Members how their Board would determine if a proposed Special Permitted Use should be allowed under the Heirloom Barn Law.

Planning Board Member Edward Hobbie replied that public comments during a Public Hearing play a big part in their decision.

Supervisor Kiernan stated that the definition of "Heirloom Barn" needs to be taken into account by the Planning Board while conducting site plan review.

Highway Superintendent report was given by Highway Superintendent John Schallert. All truck, box, sander and plow bids have been rejected. Attorney Michelle Kennedy explained guidelines and parameters of writing and accepting a bid.

Schallert stated that he has not yet received confirmation from the State on the amount of CHIP's money the Town will be given. Roads under consideration for repairs under the CHIP's project are Willey Town, Christian Hill and Wedderspoon Hollow.

Councilperson Potrikus report under Building and Grounds that he has received an estimate from Don Campbell of \$4,400.00 for a water treatment system for the new highway garage on Cemetery Rd.. Highway Superintendent John Schallert felt addressing the water line that freezes every winter was a priority. He felt that the problem could be corrected in-house. He also agreed to cut the black top away from the Town Building.

The Board reviewed briefly the results of the County Codes Safety Inspection. Councilperson Potrikus disagreed with the County (a municipality), charging the Town (another municipality), \$100 for the Inspection. He also felt their violation comments were vague. He plans to speak to County Representative Andrew Marietta.

Councilperson Franck reported that the next Safety Committee Meeting will be held Monday May 2<sup>nd</sup> at 4:00pm at the Town Building.

Councilperson Franck shared that when there is a complaint or controversial application before the ZBA or Planning Board, residents quite often send a letter of concerns or suggestions to a member of the Town Board or Planning Board or ZBA. She thought it would be more effective if all members of the appropriate board received the letter of concern.

Councilperson Sandler, who is in charge of Communications, agreed to talk to the Town's website technician to see about creating a distribution list. For example, anyone wishing to e-mail the Planning Board would simply select Planning Board and their comment would be sent to all Planning Board

Members. The same would hold true of all Boards, Departments and Committees, making it more user friendly and efficient.

Supervisor Kiernan reported receiving a letter of interest from Lawrence Hammond Jr. to serve on the Board of Assessment review. Hammond was the only response she received.

MOTION by Councilperson Potrikus, seconded by Councilperson Franck to appoint Lawrence Hammond Jr. to the Board of Assessment Review Board term ending October 1<sup>st</sup> 2018.

MOTION CARRIED: All were in favor.

Supervisor Kiernan reported receiving a letter from the Library Board asking that the Town Board appoint Amanda Chase to fill Deb Daltons position on the Library Board. This would be a three-year term ending in 2018.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to appoint Amanda Chase to the Library Board.

MOTION CARRIED: Supervisor Kiernan, Councilpersons Franck, Sandler and Hohensee voted yes. Councilperson Potrikus voted no. Councilperson Potrikus wanted it on record that he was not voting against the appointment of Amanda Chase, but the process. He felt that since taxpayers are required to pay a library tax as a separate line item on their property tax bill, they should be given an opportunity to comment on who is appointed to the Library Board.

Supervisor Kiernan raised the concern of several historic buildings in the town being demolished and a need for some sort of policy in place to protect the remaining historic building.

Planning Board Member Edward Hobbie agreed and listed several changes and demolitions of historic buildings in the area.

MOTION by Councilperson Potrikus, seconded by Councilperson Franck, to authorize Town Attorney Michelle Kennedy to draft a Local Law #1 for a Moratorium addressing the demolition of historic buildings.

MOTION CARRIED: All were in favor.

Supervisor Kiernan asked for comments from the Board relating to the literature given to them at the March meeting concerning elected vs appointed Highway Superintendent position.

Councilperson Franck admitted that until she was on the Town Board she had no idea how involved the Highway Superintendent position was, nor did she feel that most voters understand it either. The largest part of the Town Budget falls on the Highway Superintendent. She was in favor of putting the position to a referendum.

A short discussion followed weighing the pros and cons. Highway Superintendents that are appointed may be required to work a 40 hour week depending on their agreement with the Town or City Board. Elected are not.

Further discussion was tabled until the May meeting. Supervisor Kiernan agreed to gather job description information and salaries offered by other Towns.

Councilperson Potrikus stated that MSNBC has chosen the Fly Creek Cider Mill as a broadcast location, asking residents who their Presidential Candidate preference is. He felt it might be nice if the Board congratulated the Fly Creek Cider Mill for being picked as a sight for national coverage.

Supervisor Kiernan offered to place a letter of congratulation to the Michaels in the Cooperstown Crier.

Councilperson Potrikus found it amazing that in Ithaca one can go into a medically supervised building, shoot up heroin, and have a medical professional monitor the individual doing illegal drugs but residents in the Town of Otsego cannot legally rent out space in their barn. He thinks the Board needs to revisit the fact that an opportunity for people to offer storage units has been eliminated from the Land Use Law.

Councilperson Sandler pointed out that "Self-Storage Units" were banned from RA -2 but "Commercial Storage, Enclosed" is allowed in the GB-1 district and Warehouse and Storage in the GB-2 district.

Councilperson Franck felt it was time to revisit the Comprehensive Plan and see if it still represents the vision people in the area want. Planning Board Member Scottie Baker thought it valuable to start looking at clarifying definitions before the Planning Board is faced with another crisis. She was referring to the definition for "Storage Units" and the Heroux application. Councilperson Franck agreed and felt the law needs to be less vague so people clearly know upfront what they are allowed or not allowed to do with their property. The Board is hoping that their meeting with Ted Fink from Green Plan at 6:00PM May 11<sup>th</sup> will be informative and helpful in fine-tuning the Comprehensive Plan and Land Use Law. Members of the Planning Board and ZBA are invited.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to go into Executive Session to discuss the Bissell pending litigation mater, and the Kegleman post litigation mater.

MOTION CARRIED: All were in favor. (9:35PM)

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

MOTION CARRIED: All were in favor. (10:11)

Attorney Ryan Miosek addressed the Board. He told the Board that Brian Kegelman came to his house two weeks ago. He will not be representing Kegelman. He warned the Board that he has heard from another engineer that the engineer report the town was given is flawed. The law clearly protects people from towns taking their property. When you divert water through someone's property you must pay for an easement. The town can't change the ditching back to the way it originally was because the easement by prescription has been abandoned. In closing Miosek stated that he does not want to see a nasty litigation and advised the town to do the right thing and pay Kegelman for the easement. In the mean time he plans to go to Kegelman and tell him the Board needs more time.

The Board thanked Miosek for his comments.

MOTION by Councilperson Sandler, to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 10:20PM.

Respectfully Submitted,  
Pamela Deane/Town Clerk