

The Otsego Town Board held a Regular Monthly meeting on the 9<sup>th</sup> day of May 2018 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

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

Also Present:

|                    |                        |
|--------------------|------------------------|
| William Hribar Sr. | 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 Sandler, to accept the March 14<sup>th</sup> minutes as presented.

MOTION CARRIED: All were in favor. Councilpersons Franck and Potrikus abstained.

Supervisor Kiernan read correspondence received since the last regular meeting. Some of the correspondences read were:

- A letter from Otsego County Highway Superintendent letting the Town Board know that their request for a speed limit on Aungers Rd was denied by NYS D.O.T. and the Town was to remove the existing 10mph sign.
- A Basic Service proposal from Lamont Engineers of \$1,250 for the sizing of a replacement culvert on Tripp Hill and preparing of a Joint Application for the Permit.
- A letter from Fire Police Captain John Phillips thanking Highway Superintendent Bill Hribar Sr. and his crew for an outstanding effort to prepare the roads for the 5K and 10K Cider Mill Run on April 21<sup>st</sup>

Supervisor Kiernan opened the floor for comments.

Ellen Pope hoped the Town Board would consider removing Section 3.15 entitled Heirloom Barns and Buildings from the Town's Land Use Law. Among other things it pits neighbor against neighbor.

Dale Davidson admitted that she was not that familiar with the Town Land Use Law, especially Section 3.15 that addresses the re-purposing of Heirloom Barns and Buildings. She felt Section 3.15, the way it is currently written, causes too much controversy and, she also requested that it be removed.

Barbara Toby supported Residential Zoning and was in favor of the Town Board repealing Section 3.15.

Wayne Mellor was in favor of the Town Board repealing Section 3.15. He questioned the law referring to 60 year old barns as being historic. He further felt that when you put commercial in a residential area the property values of the residential properties go down.

Kathy Chase reminded the Town Board that this is the 7<sup>th</sup> year that she has come to point out the obvious deficiencies in Town's Land Use Law Section 3.15 Heirloom Barns and Buildings. She faulted that Town Board for letting the 6-month Moratorium expire without making even one single change that would protect the Town's residential neighborhoods from commercial intrusion. Fly Creek resident and former Fly Creek Planning Board Chairman insists time and time again that site plan review will ensure that all will be well with any proposed use of this law. The Hickory Grove application is a perfect example of site plan failing miserably. Their approval included a 3 story, 30ft by 125ft addition, 21 suites, a restaurant and bar and outside swimming pool, which was allowed to be open until 11:00 pm, all in a residential neighborhood. Another example of the process not working was Fly Creek Cider Mill application asking for a special permitted use (under the Heirloom Barn), craft beverage manufacturing business. Nowhere in the law has she been able to find such a permitted use, which means it should be strictly prohibited according to Section 1.04 of the Land Use Law. In closing she encourages the Town Board to remove Section 3.15 Heirloom Barns and Buildings. She pointed out that to be eligible to apply for a Special Permitted Use in a barn that is only 60 years old it means most of the barns in the town qualify. The same goes for Buildings 110 years of age or older.

Chris Hage stated that the discussion for removing Section 3.15 from the Land Use Law has been discussed on and off for over 1 year and he thought it makes sense to repeal it for now and reinstate it once wording that is favorable to all has been proposed.

Carl Wenner stated that he heard that one of the employees at the Town Highway cursed profusely at an employee at Ben Funk. Wenner thought that unacceptable. In response to the Heirloom Barn section of the Town Land Use Law pitting neighbors against neighbors, he felt neighbors would always disagree. Section 3.15 has only been used three times. He did not think the Town Board should be in the middle or take it upon themselves to decide what's wanted and what isn't.

Supervisor Kiernan closed the floor for comments.

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

General Savings: \$ 4,700.84  
Highway Savings: \$ 7,838.52  
Building Reserve Fund: \$176,336.07

General Checking: \$ 403,178.15  
Hwy Checking: \$ 525,093.59  
Hwy Equipment Fund: \$ 333,519.23

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

MOTION CARRIED: All were in favor.

MOTION by Councilperson Sandler seconded by Councilperson Hohensee, to pay the bills and make the necessary transfers.

GENERAL: #65-#79 \$ 3,783.09  
HWY: #90-#110 \$ 16,331.81

MOTION CARRIED: All were in favor.

Dog Control Officer Tom Steele gave his report. Since last meeting he has taken 1 dog to the Susquehanna Animal Shelter and answered 1 possible dog bite.

Councilperson Franck stated that the Planning Board discussed applications now currently being reviewed. There was a full house attending the Fly Creek Cider Mill Public Hearing. The Michaels are seeking a Special Permit to operate a Craft Beverage Manufacturing Business. No vote was taken. Franck's final comment was that she thought the Heirloom Barns and Building section of the Land Use Law is poorly written but has good intentions. The way the law is now written creates Spot Zoning. The Town Land Use Law already offers many Special Permitted Uses that people can take advantage of. She was of the opinion that if you have a law that is controversial and problematic it should be removed.

Councilperson Potrikus did not want Section 3.15 rescinded. The Town has a revenue problem and he felt by taking away the incentive to re-purpose an old barn you potentially take away revenue sources.

Supervisor Kiernan commented that there are plenty of jobs available and not enough people to fill them.

Town Attorney Michelle Kennedy felt that a financial return certainly needs to be realized on a property. People are not going to hold commercial properties and realize no return, like the Hickory Grove Property. It's a matter of scale and generally she thought it best to try to work with the applicant to work out a realistic scale factoring in where the proposed project is going to be located. How can the Planning Board do SEQRA without knowing the scale. The Planning Board and ZBA need to be willing to take a stand.

Kathy Chase reminded the Town Board that most houses and camps in the town are older than 110 years and qualify for a special permit under the Heirloom Barn and Building Section of the law. The way the law is written now barns only need to be 60 years of age which will include metal buildings and pole barns and most of the barns in the town.

Supervisor Kiernan felt strongly that the law was too vague and the Planning Board struggles too much with the way the law is written. For those reasons she thought it necessary to rescind the Section .15 of the Land Use Law.

Councilperson Potrikus adamantly disagreed. He wanted to know what happened to the committee process. Now all of a sudden, out of the blue, there is talk about rescinding the Heirloom Barn and Building section of the law.

Councilperson Hohensee stated that history has shown this section of the law pitting neighbor against neighbor. The Town Board tried fixing the problem by passing a 6-month Moratorium. No solution to the problem happened during that time. The Planning Board struggles with the law with the way it is written. The Students worked on the wording but it turned out not to be as easy as anyone thought.

Supervisor Kiernan asked when do residents become important in the conversation.

Town Attorney Michelle Kennedy stated that the law requires minimum impact on neighbors and a SEQRA review. When scheduling a Public Hearing it should be clear what is being proposed. If those three things are in place then the criteria should be clear and the Planning Board should be able to make a determination

MOTION by Councilperson Franck, seconded by Supervisor Kiernan to schedule a Public Hearing to be held on June 13<sup>th</sup> at 7:00PM to hear public comment on the removal of Section 3.15 Heirloom Barns and Buildings. Also the Board directs Town Attorney Michelle Kennedy to amend the Town of Otsego Land Use Law by omitting the Heirloom Barn provision.

MOTION CARRIED: Supervisor Kiernan, Councilperson Sandler, Hohensee and Franck voted yes. Councilperson Potrikus voted no.

Councilperson Sandler shared his findings concerning fuel consumption of the Town and Highway Buildings. They were as follow:

|                 |                            |                            |
|-----------------|----------------------------|----------------------------|
| • Town Building | <u>2016/17</u><br>873 gal. | <u>2017/18</u><br>878 gal. |
|-----------------|----------------------------|----------------------------|

- Highway Building                      2,200 gal.                                      2,570 gal.

Highway Superintendent William Hribar Sr. gave his report. He informed the Town Board that they were able to clear 2/3 of the banks along the Town roads with the Boom Mower he rented and he was pleased with the results. For those who had complained earlier in the meeting that the boom mower left the sides of the road looking unsightly, Hribar assured them that after a month's time and the vegetation will have grown back and you won't even notice all the cut tree trunks the boom mower left behind.

Hribar requested permission from the Town Board to hire two people to mow the Town cemeteries. Their answer was sorry, but there is no money in the budget.

Hribar presented a list of roads he would like to recondition under the CHIP's Program: They were as follow:

- Bed Bug Hill Rd.
- Pheonix Mill Rd.
- Roses Hill Rd.
- Hoke Rd.
- Donlan Rd.

Hribar informed the Town Board that there is a culvert that needs repair on Tripp Hill above the Keglman residences. The water has been going around the culvert making holes in the road.

Hribar asked that the Town Board to consider replacing the existing salt shed.

After a short discussion the Town Board decided to schedule Tire Day for June 16<sup>th</sup>. Supervisor Kiernan will draft fliers and do a press release with the paper.

Councilperson Sandler reported on the Watershed Committee activity. Septic System Inspections have started.

Councilperson Hohensee stated that the mandatory yearly meeting required for all Town Employees to attend on Sexual Harassment, Right to Know and Work Place Violence will be held at the Town Building on Tuesday, May 22<sup>nd</sup>. Also he wanted the Town Board to know that the Highway Employees have completed their chain saw classes with Robert Satriano. Supervisor Kiernan will make sure all certificates for those completing the training are documented and filed.

After a short discussion Supervisor Kiernan and Councilperson Potrikus decided to meet with engineers that answered the Town Board's RFP to discuss traffic flow and water drainage for the Highway Garage located on Willow Avenue.

Councilperson Sandler stated that he registered for the CFA Workshop on May 17<sup>th</sup> through the Mohawk Valley Regional Economic Council. He will be looking for grants that may help with future projects such as a new salt shed.

Town Attorney Michelle Kennedy informed the Town Board that Lamont Engineering talked to DEC and the Town will not be able to replace the culvert on Tripp Hill near the Keglman residents, in kind.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, authorizing the Town Supervisor to sign the Proposal Agreement with Lamont Engineers whereby Lamont Engineers agrees to provide the correct sizing of the culvert to be replaced on Tripp Hill and prepare a Joint Permit Application to be submitted to DEC.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Franck to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:32PM

Respectfully Submitted,  
Pamela Deane/Town Clerk