

The Otsego Town Board held a regular monthly meeting on the 13th day of May 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

Prior to the regular meeting Town Board Members along with various Planning Board Members met with Ted Fink, owner of Greenplan, to discuss ways of gathering, reviewing and utilizing information in updating the Town's Comprehensive Plan and Land Use Law.

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 April 13th as presented.

MOTION CARRIED: All were in favor.

Supervisor Kiernan shared correspondence received since the Town Board's April meeting. Some of the letters read are summarized as follow:

- A letter from County Attorney Ellen Coccoma, informing the Town Board that the County will be building a 190ft cell tower and a 12ft x 31ft equipment shed on Roses Hill in the Town of Otsego, to improve their public safety communications network (911 system). She further stated that while the County wants to cooperate with the Town and its applicable laws and regulations the County has concluded that with respect to this project, that it is exempt from the Town's Land Use Regulations.
- Letters from residents Kathleen Chase, Cheryl Zamelis, and Debra Creedon all expressing their disapproval for the manner in which the Planning Board Chairman conducted the Planning Board Public Hearing on the Blackbird Hollow application on May 3rd. Numerous hours were spent in preparation for the meeting and in some cases traveling a great distance only to hear there would be a 3 minute limit for those wishing to speak and a Chairman that was more interested in watching the time on his phone than listening to what was being said.
- A letter from NYS stating that those having a STAR exemption on their property for the 2015-2016 school taxes will stay in the STAR program. Those purchasing a new home after March 2, 2015 will not be eligible for the STAR school property tax exemption but may register with NYS for the Personal Income Tax Credit/Check Program.
- A copy of a DRAFT letter from County Codes Director Anthony Gentile, to James Giombetti, owner of the B&B Ranch on Bed Bug Hill, stating that he has determined that his property is in compliance with the original Special Permit.
- A letter of notification from the Fly Creek Cider Mill & Orchard, Inc. stating that they are reapplying to the NYS Liquor Authority to operate their farm winery.

MOTION by Councilperson Hohensee, seconded by Councilperson Sandler, that the Town Board has no objection of the Fly Creek Cider Mill & Orchard reapplying for their liquor license to operate their farm winery.

MOTION CARRIED: All were in favor.

Supervisor Kiernan opened the floor for comments.

Charlotte (Schatzi) Hall felt that in theory the Heirloom Barn Law is a good idea but the language is vague and needs to be addressed. Neighbors listened quietly during the monthly meetings while the Planning Board was reviewing the Blackbird Hollow project. They were told then that they would get their chance to speak at the Public Hearing. When the Public Hearing rolled around residents were only given 3 minutes to speak. In most cases they were not able to finish what they had spent hours

preparing to say. The Chairman showed no interest in what anyone had to say. He was more occupied with his phone, making sure no one went over their time limit. The last time this project was approved the Planning Board set a closing time for the pool at 11:00PM. She questioned how 11:00PM closing time for the pool still falls within the law, which states "minimal impact on neighbors". The latest any pool in the area closes is 7:00PM and none are in a residential area. Another point she raised was when the Town Board introduced the idea of a sewer district in the same area as the Blackbird Hollow Project everyone was heard. There was no time limit or limit to how many times one could speak.

Sheila Ross asked the Board that while reviewing the Comprehensive Plan they might want to think about minimum acreage and a law more user friendly for businesses.

Councilperson Franck stated that going through the Land Use Law and Comprehensive Plan is a huge process which the Board has barely started.

Planning Board Member Scottie Baker came to Planning Board Chairman John Phillips' defense. She thought Phillips was under a lot of pressure to keep the meeting under control and was also mindful of all the other applications that still needed to be reviewed that night.

Planning Board Chairman John Phillips stated that there were 44 people in the room that night. Everyone got his or her full say. Some of the letters were read the month before. The Planning Board adjourned at midnight. Phillips pointed out that there is a Resolution that was passed by the Town Board limiting public comments to five minutes.

Councilperson Franck noted that there is a difference between a public comment period during a Town Board meeting and public comments during a Public Hearing.

Thomas Chase wanted it known that his wife Cathy raced through her speech that she spent days on, leaving out some points in order to finish within the time limit.

Councilperson Hohensee let the Planning Board know that he personally appreciates all the work the Planning Board does but wondered how the Planning Board arrives at determining minimum impact.

Supervisor Kiernan closed the floor for comments.

Supervisor Meg Kiernan introduced town resident Sal Furnari. Furnari expressed his dismay with all the garbage along all the roads within the town. He suggested that the Board initiate a Town of Otsego clean up day as the Town of Hartwick has done. Maybe the highway employees could spend one day a month picking up trash along the road. Possibly signs with an anti-litter slogan could be put up throughout the town prompting people to be more thoughtful.

Councilperson Franck thanked Furnari for his concern and comments and offered to help in anyway she could.

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

General Savings: \$ 4,686.94	General Checking: \$ 421,518.78
Highway Savings: \$ 7,815.09	Hwy Checking: \$ 703,617.80
Building Reserve Fund: \$154,500.94	Hwy Equipment Fund: \$ 253,202.38

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

MOTION CARRIED: All were in favor.

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

GENERAL: # 61-# 74	\$ 3,031.82
HWY: # 291-#314	\$ 84,034.87

MOTION CARRIED: All were in favor.

Dog Control Officer Thomas Steele report delivering 2 strays to the Susquehanna Animal Shelter and answering a possible dog negligence complaint. The complaint turned out to be unfounded.

Planning Board member Edward Hobbie reported on applications the Planning Board is currently

reviewing.

Highway Superintendent John Schallert gave his report. Schallert reported receiving several request for a town tire day. The town has had them in the past but not in the last five or six years. He also informed the Board that he has been looking at the state bid for equipment and he plans to purchase a new rake. The cost of the rake will be \$5,000.00.

Schallert told the Board that he has been approached by George Chandler who has a fifty foot right-of-way on the southern end of the Town Highway property on Cemetery Road, to move Willow Ave over to the right-of-way and Chandler in turn would sign the right-of-way back over to the town. Chandler does not like driving his vehicles through the mud in front of the highway garage where Willow Ave. currently is located. NYSEG would have to raise their power lines and the road would be built to Donovan Specifications.

After a short discussion Schallert agreed to come up with a cost estimate and contact adjoining property owner Walter Dusenbery and his wife Irene, to see if they have any objections.

Councilperson Sandler reported on Watershed Committee activity. Linden and Sylvia Summers are the only remaining landowners whose septic system does not comply. Attorney Michelle Kennedy asked for authorization to pursue a lawsuit against the Summers.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, authorizing Town Attorney Michelle Kennedy to pursue litigation against Linden and Sylvia Summers.

MOTION CARRIED: All were in favor.

Councilperson Sandler reported that the Watershed Committee met with NYS D.O.T who have agreed to continue using a *Finale Herbicide Product* along NYS 80 along Otsego Lake to control unwanted vegetation. They anticipate applying two applications over the summer. Last year the town contributed one quarter of the cost. NYS D.O.T. plans to use Round Up on the areas where poison ivy is present, given there is no known organic product that can kill it. The Watershed Committee is going to look for volunteers to manually remove the poison ivy to avoid NYS D.O.T.'s application of Round Up.

Councilperson Franck reported that the Safety Committee met on May 2nd. They took the violations the town was charged with and compared them with the safety courses that were given to Town Board Members and Highway Employees, to see if the violations have been abated. Daily Log Reports and procedures are being kept and followed and all highway employees are wearing/utilizing proper safety gear. Councilperson Hohensee prepared a report that was sent to the Department of Labor addressing each cited violation and safety course that has been given and courses that are scheduled. Councilperson Franck publicly thanked highway employee Michael Thayer for scheduling and recording safety courses given to highway employees by Otsego County Safety Administrator Bob Satriano. The third quarterly Safety Committee Meeting is scheduled for Monday, August 1st, 2016

Supervisor Kiernan asked the Board their feeling about the Historical Marker Bruce Shipman would like to place in Adams Cemetery on County Highway 26. After a short discussion it was the consensus of the Board to refer Shipman back to the Fly Creek Historical Society for their input and recommendation.

Town Attorney Michelle Kennedy submitted a Moratorium on the demolition of Historic Buildings in the Town of Otsego, which was reviewed by the Board.

MOTION by Councilperson Franck, seconded by Councilperson Potrikus, to schedule a Public Hearing on the proposed Moratorium as amended on June 8th at 7:00PM.

MOTION CARRIED: All were in favor.

Supervisor Kiernan reported researching the salaries of those serving as appointed Highway Superintendents which she received from the Association of Towns. The average salary through out the state is \$73,000.00 plus benefits. The Board discussed the advantages and disadvantages of making the position appointed. Supervisor Kiernan agreed to gather job descriptions from various towns, for the highway superintendent position, to be reviewed at the June meeting.

The Board discussed the need to have all locks changed. The Town Clerk will see to it that it is done.

MOTION by Councilperson Potrikus, seconded by Councilperson Sandler, to go into Executive Session to discuss the Kegelman litigation.

MOTION CARRIED: All were in favor. (9:22PM)

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

MOTION CARRIED: All were in favor. (9:40PM)

MOTION by Councilperson Sandler to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:42PM.

Respectfully Submitted,
Pamela Deane/Town Clerk