

The Otsego Town Board held a regular monthly meeting on the 8<sup>th</sup> day of June 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 Public Hearing to order. After presenting proof of publication Kiernan explained that the purpose of the Public Hearing was to give the public an opportunity to comment on the proposed Local Law #1 of 2016 establishing a six month Moratorium on the Demolition of Historic Structures in the Town of Otsego.

John Phillips stated that he was sensitive to preserving historic structures given that he has restored many of them over the years however he had the following concerns:

- That there should be a minimum size limit listed in the moratorium. Structures smaller than the minimum requirement such as possibly an old chicken coop would be exempt from the moratorium.
- That there should be a wavier given to anyone with a financial hardship.
- The statement in the proposed law whereby the Planning Board, ZBA or Zoning Enforcement Officer shall not consider the approval of a Site Plan, Variance or Zoning Permit that would result in the Demolition of a Historic Structure. Phillips felt applications could still be reviewed but the proposed demolition included in the application would be contingent upon the outcome of the moratorium.

With no more question from the public Supervisor Kiernan closed the Public Hearing.

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

MOTION by Councilperson Potrikus, seconded by Councilperson Franck, to accept the minutes of May 11<sup>th</sup> as presented.

MOTION CARRIED: All were in favor.

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

- A letter from Highway Employee Michael Thayer stating that he is resigning as Deputy Highway Superintendent for personal reasons and will no longer be doing any administration duties such as fuel reports, bidding of equipment and managing the highway crew. He ended by thanking the Board for their past support.
- Kathy Chase expressed her disapproval of John Phillip's conduct as the head of the Planning Board. He opened the Planning Board meeting mentioning he had a letter from her regarding Blackbird Hollow and that the letter was of no significance because this was an amended application and that there would be no public hearing on the proposal. In the letter Chase was asking the Planning Board to apply the terms of the Heirloom Barn Law, especially as it applies to the impact on the neighbors. Her final objection was the 5-page resolution of approval the applicant submitted with the application conveniently dated June 7<sup>th</sup>, 2016 and ready for Planning Board Chairman John Phillip's signature. She asked the Town Board if this is standard operating procedure.

Supervisor Kiernan opened the floor for comments.

Doug Hastings stated that he attended the last Planning Board meeting and listened on while the Planning Board reviewed Black Bird Hollow's amended application. Some of the Planning Board members clearly expressed significant concerns with this entire amended proposal including the project already approved, which they felt, clearly did not conform to the law. The applicant's representative repeatedly told the Planning Board that the approval given in 2014 couldn't be changed. Planning

Board Attorney James Ferrari stated that the application for a modification was essentially a new application, effectively re-opens this entire matter before the Planning Board and the Board could place any number of conditions in order to comply with the Heirloom Barn Law. Hastings respectfully encouraged the Town Board to strongly urge the Planning Board to use their full authority and discretion in determining whether such a proposal is truly consistent with the Heirloom Barn Law.

Virginia Hasting has been hearing from residents that the neighbors attending the Black Bird Hollow Public Hearing are perceived as rude and obnoxious, interruptive and disruptive. She referenced also the Planning Board minutes, which insinuated the same. Most of what is being proposed will have a tremendous impact on the neighborhood and the neighbors are only asking for a voice. She spent 10 1/2 hours on the road, \$80 at the copy shop, and hours drafting poster board displays only to find she would only be given 3 minutes to speak. There seemed to be more focus on the fact residents were annoyed with the 3 minute limit rather than the content of what residents' had to say.

Richard Schallert stated that he and his family would like to donate approximately 6 acres located on Bissell Rd. from his late parent's estate, to the Town to be used as a Town Park similar to Forest of a Dozen Dads in Middlefield. The property borders Fly Creek. If the Town Board were to accept the gift of land the family had two stipulations. The Town would put up a monument with their parents name on it and the Schallert Family would be allowed to camp on the property.

The Board decided to table their discussion until they had a chance to walk the property.

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

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| General Savings: \$ 4,686.94        | General Checking: \$ 369,244.51   |
| Highway Savings: \$ 7,815.09        | Hwy Checking: \$ 594,056.23       |
| Building Reserve Fund: \$154,500.94 | Hwy Equipment Fund: \$ 253,202.38 |

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

MOTION CARRIED: All were in favor.

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

|                    |              |
|--------------------|--------------|
| GENERAL: # 76-# 95 | \$ 4,405.94  |
| HWY: # 315-#337    | \$ 33,798.98 |

MOTION CARRIED: All were in favor.

Dog Control Officer Thomas Steele reported receiving 1 call since last meeting.

Planning Board member Edward Hobbie reported on applications the Planning Board is currently reviewing. He felt the Planning Board failed miserably with the Black Bird Hollow application and the approval the Planning Board gave, does not adhere to the "Heir Loom Barn" section of the Land Use Law. No exterior prints of the building were ever approved by the Planning Board and signed by the Planning Board Chairman only the Site Plan.

Planning Board Chairman John Phillips, explained that Black Bird Hollow was in 2014, approved for a 36 room Inn but chose to have 21 rooms instead, and a restaurant with a 68 seating capacity all within the same footprint of the same building formally known as the Hickory Grove Inn. They are now asking to amend their 2014 application to 36 rooms and a restaurant with a 32 seating capacity.

Town Attorney Michelle Kennedy agreed with Planning Board Attorney James Ferrari, that this new application presented by Black Bird Hollow should not be treated as an amended application, but a new application and the Planning Board may, in its discretion, place conditions on any approval so long as the conditions conform to the Land Use Law. She also was in disagreement that the Black Bird Hollow was ever approved for 36 rooms.

Phillips thought it would be helpful if he and Attorney Kennedy could sit down and review the file at her convenience. At this point everyone seems to be confused as to what was approved in 2014. Kennedy suggested that Planning Board Attorney James Ferrari also be included. Another suggestion Kennedy had was to look through the file quickly after the meeting.

Highway Superintendent John Schallert did not have anything new to report. Schallert agreed to cut the

pavement away from the Town Building.

Councilperson Franck was concerned with the continuation of daily safety log reports being filled out now that highway employee Michael Thayer has resigned as Deputy. Schallert assured her they would be taken care of. Councilperson Franck handed off the Safety Documentation Binder to Supervisor Kiernan.

Councilperson Potrikus reported meeting with County Code Enforcement Director Anthony Gentile to discuss the charge of inspection fees to municipalities. He was in full agreement that municipalities be exempt and promised to see what he could do to change that. He would like to attend the next Town Board meeting to give a 10-minute explanation of what the Code Enforcement Office is about. The Board thought that was a great idea.

The Town Board discussed the proposed Moratorium on the Demolition of Historic Buildings in the Town of Otsego.

MOTION By Councilperson Hohensee seconded by Councilperson Potrikus designating the Local Law #1 Moratorium on the Demolition of Historic Buildings in the Town Of Otsego as a Type II action under SEQRA.

MOTION CARRIED: Supervisor Kiernan voted aye. Councilperson Sandler voted aye. Councilperson Franck voted aye. Councilperson Potrikus voted aye. Councilperson Hohensee voted aye.

Supervisor Kiernan certified the importance of honoring the Fly Creek Historical Society's request to preserve or document historic structures before demolition by adopting the proposed moratorium. Without the moratorium demolition could be imminent. For that reason the Board entertained the adoption of the moratorium with the amendments to Article 7 changing the title to relief and ending the provision after the word law, striking the wording that follows the word law.

MOTION by Councilperson Franck, seconded by Councilperson Sandler to adopt Local Law #1, a Moratorium on the Demolition of Historic Structures of the Town of Otsego, as amended.

MOTION CARRIED: Supervisor Kiernan voted aye. Councilperson Sandler voted aye. Councilperson Franck voted aye. Councilperson Potrikus voted aye. Councilperson Hohensee voted aye. Moratorium will take effect immediately for six months.

The Town Board discussed putting to a referendum the change of the Highway Superintendent position from elected to appointed.

MOTION by Councilperson Franck, seconded by Councilperson Sandler to schedule a Public Hearing for Local Law #2 changing the Highway Superintendent position from elected to appointed on July 13<sup>th</sup> at 7:00PM.

MOTION CARRIED: Supervisor Kiernan voted aye. Councilperson Sandler voted aye. Councilperson Franck voted aye. Councilperson Potrikus voted aye. Councilperson Hohensee voted aye.

Supervisor Kiernan agreed to talk to the Highway Superintendent about reducing the highway equipment surplus.

MOTION by Councilperson Sandler to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 10:32PM.

Respectfully Submitted,  
Pamela Deane/Town Clerk