

The Otsego Town Board held a Regular Monthly meeting on the 12th day of July 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 June 14th minutes as presented.

MOTION CARRIED: All were in favor.

Supervisor Kiernan read correspondence received since last meeting. Some of the correspondence read was as follows:

- NYS D.O.T. acknowledged receipt of the Town Board's request for a traffic study at the intersection of St. Hwy. 28 and Co. Hwy. 26 and will notify them the results of their review.
- A letter from Joyce Putnam showing a copy from the "Trip Advisor" advertising team parties at Cobblecote. She goes on to point out that this is a violation of the Stipulation of Settlement Order.
- A letter from Dale Davidson of Goose Street asking that the highway department please clean out the ditch in front of her house which is now clogged with weeds.

Supervisor Kiernan opened the floor for comments.

Julia Roy asked the Town Board to enforce the Town Laws. She objected to Town Attorney Michelle Kennedy telling the Judge that she and her sister, Joyce Putnam, were happy with the judgement against Boyd and Addison Bissell when in fact they were never consulted. She submitted pictures of significant run off going into Otsego Lake from Cobblecote and questioned the existence of Cobblecote's marina, team parties, and the deck, still to be cut back to its original size, as ordered by the Judge. Roy is tired of the Bissell's doing what they want and asking for forgiveness later. They have been grandfathered as a B&B, which the Town Land Use Law limits to renting out a maximum of 5 bedrooms and no more than 10 transient visitors.

Town Attorney Michelle Kennedy pointed out those holding parties are not in violation of Town Law, nor is mud running into the lake or yelling. It is very hard to prove where run off originates. The Town Board at this point has to weigh the degree to which they are going to pursue this matter in any court of law. Roy and Putnam's attorney Doug Zamelus, was not content to pursuing the matter of the deck in Town Court. He wants nothing short of the deck being cut back, which according to the Town ZEO is going to cost thousands of dollars to complete that process. Attorney Kennedy asked Roy if the issue with the deck has warranted paying her attorney over \$30,000.00? She strongly suggested that she and her sister try to work things out with Boyd and Addison Bissell's sister Cheryl, who appears to be reasonable and willing to work with the neighbors.

Tracy Hoffman, resident of Oaks River Park on Augner Rd., asked that the road be re-paved. The road is full of potholes that keep getting patched. She also asked that speed bumps be put in place to keep traffic speed down and the vegetation and tree limbs be cut back to widen the road and make the 10 mph speed limit signs visible.

MOTION by Councilperson Hohensee, seconded by Councilperson Sandler, to petition NYS D.O.T. to set a 10mph speed limit for Augner Rd.

MOTION CARRIED: All were in favor.

Mike Stavola, residing on Glimmerglenn Rd., stated that years ago when he built his house he paid for the culvert that goes under the end of his driveway and the Town Highway Department installed it beyond the Town's right-of-way. The ditch over the years has gotten wider and is now 10ft. beyond the Town's right-of-way and the water from the ditch is eroding his trees. He is asking that the Town dig a new ditch in the right-of-way and bury the existing one. He in return will pay to have the culvert pipe relocated closer to the road and in the Town's right-of-way.

Attorney Kennedy instructed Stavola not to do anything yet but to put his proposal in writing and the Board will revisit his proposal at the August meeting.

Carl Wenner, resident of Oaksville, disagreed with Project Director for Creating Healthy Schools and

Communities Maureen Blanchard, who at the May meeting urged the Town Board to review the Town's Comprehensive Plan and considers drafting a policy that articulates the vision for a modern, effective transportation network, and offers safety, access and mobility. This would be achieved through a Complete Street approach that recognizes the district character of rural roads and a small town Main Street. One example she gave was to have wide sidewalks that improve accessibility for pedestrians and cyclists. When he was a kid Wenner rode his bicycle everywhere whether there was a bike lane or not. He felt it was just another thing where government gets involved and creates more debt.

John Phillips of Oaksville, agreed with Wenner and added "If it ain't broke don't fix it". We live in the country. If people want to ride their bike on a country road and enjoy the rural nature so be it. They don't need a wider road with a bike lane. He also was not in favor of a stoplight replacing the blinking light at the intersection of State Highway 28 and County Highway 26 in Fly Creek. He felt the blinker was safer.

Supervisor Kiernan closed the floor for public comments.

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

General Savings: \$ 4,695.71	General Checking: \$ 362,146.73
Highway Savings: \$ 7,829.71	Hwy Checking: \$ 578,289.29
Building Reserve Fund: \$179,810.97	Hwy Equipment Fund: \$ 298,138.20

Supervisor Kiernan handed out a color chart showing where the Town's finances stand after the last six months.

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

MOTION CARRIED: All were in favor.

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

GENERAL: #86-#109	\$ 6,433.20
HWY: #96-#115	\$34,426.42

MOTION CARRIED: All were in favor.

Dog Control Officer Thomas Steele reported answering 1 barking dog complaint and 3 dogs running at large.

Planning Board liaison, Chip Jennings, reported on applications the Planning Board is currently reviewing. Planning Board Members are now receiving site plan applications ahead of time, which seems to be very helpful and more productive.

Zoning Enforcement Officer Edward Hobbie, reported on permits issued since last meeting. They are as follow:

Zoning Permits: 3	ZBA: 2	Subdivision: 1
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Hobbie also reported that there has been some problem with the newly revised FEMA maps. All banks are requiring flood insurance from property owners whose homes are located along lake banks because the revised FEMA map now shows them in the flood plain. DEC surveyor Scott Blanchard has been filling out paperwork to have most of these residents removed from the flood plain. FEMA will soon be revising the flood plain map again.

Supervisor Kiernan and Councilperson Franck submitted definition additions and changes for the Town Board to review. Discussion was tabled until the August meeting. Supervisor Kiernan informed Town Board Members that Danny Lapin from OCCA would be holding a SEQRA Training Session at the Town Building in Fly Creek at 7:00PM on July 25th. Planning Board Members from the Towns of Butternuts and Hartwick have already RSVP that they are coming.

Supervisor Kiernan announced that Planning Board Member Steve Purcell has resigned leaving a vacancy. There are still alternate Planning Board and ZBA positions currently being advertised on the Town's Website, that need to be filled.

MOTION by Supervisor Kiernan, seconded by Councilperson Hohensee, to appoint John Dewey as #1 ZBA alternate (filling the vacancy left by Michael Pelcer) and Bill Michaels as #2 ZBA alternate (filling the vacancy left by Bruce Miller) Appointments starting immediately.

MOTION CARRIED: Supervisor Kiernan, Councilpersons Franck, Sandler, and Hohensee, voted yes. Councilperson Potrikus voted no. His reason for voting no was he felt the process should allow for

advertising and interviewing candidates.

Supervisor Kiernan will advertise the Planning Board and alternate vacancies on the Town's website.

Superintendent of Highway report was given by Highway Superintendent John Schallert. The Mill Street Bridge has been yellow flagged. Spectra Engineering has estimated to repair and pave the Mill Street Bridge will cost \$15,000.00 and an additional \$6,000.00 for a protective membrane.

Also discussed was the possibility of moving Willow Avenue along with the new location, benefit, and cost. Councilperson Sandler suggested that money from the Building Revenue Fund be used to construct a salt shed and move Willow Avenue to the southern end of the property bordering Walter and Irene Dusenbery. After some discussion it was decided that an engineered site plan showing the proposed new location of Willow Avenue and salt shed be drafted and the neighbors be notified and given the opportunity to express their input.

Councilperson Sandler reported that people have been please with NYS D.O.T. spraying alternative herbicide along State Highway 80 to kill the overgrown vegetation.

Supervisor Kiernan called for discussion on the Heirloom Barn Law drafted by Cooperstown Graduate Program Students. Everyone was in agreement that the draft was well done, encompassed everything, and was thorough. Their only concern was that it was a more ambitious plan then the Town is ready for just yet.

Councilperson Franck was in favor of rescinding the Heirloom Barn section of the Town Land Use Law for the time being. Residents can always apply for a Use Variance through the Zoning Board of Appeals. Currently there are approximately 20 Special Permitted Uses allowed in the RA 1 and RA 2 districts that residents can consider when contemplating converting the use of their historic barn or building.

Councilperson Potrikus was not in favor of rescinding the Heirloom Barn section of the Town Land Use Law. This whole decision whether or not to revise the law or rescind it is based on 1 volatile application. He would like to see a more simplistic version of the draft submitted by the Cooperstown Graduate Program Students.

Supervisor Kiernan felt that the Heirloom Barn section of the Town Land Use Law should only apply to the district the historic barn or building is in. Currently this section of the law allows an applicant with an historic barn or building to consider any special permitted use offered in any district regardless what district the historic barn or building is in.

It was the consensus of the Board to review and finalize the definitions and Heirloom Barn changes and set a Public Hearing for September at the August meeting.

MOTION by Councilperson Potrikus seconded by Councilperson Hohensee, to go into Executive Session to discuss attorney client privilege.

MOTION CARRIED: All were in favor. (10:30PM)

MOTION by Councilperson Potrikus, seconded by Councilperson Sandler, 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