

The Otsego Town Board held a Public Hearing and Regular monthly meeting on the 13th day of July 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. She explained that the purpose of the Public Hearing was to give the public an opportunity to comment on the proposed Local Law #2 of 2016 letting the voters decide by way of a referendum in November whether or not to change the Highway Superintendent position from elected to appointed.

Kathleen Chase admitted that she has never been sure of the qualifications of those running for the position and felt that it made greater sense to have the position appointed.

Sheila Ross was in favor of letting the voters decide. She suggested that the Board make the salary for the Highway Superintendent compatible with other Highway Superintendent salaries within the County unlike other town position, which she felt were inflated.

Highway Superintendent John Schallert was of the opinion there would be more interest and a larger pool of candidates to choose from if the Town Board increased the Highway Superintendent salary and offered health insurance. He also felt highway employees salaries should also be increased, giving them more of an incentive to stay.

Orlo Burch, after first letting the Highway Superintendent know that his road sign is misspelled, went on to say he was in favor of the referendum. The Highway Superintendent job is more involved than most people think.

Superintendent Kiernan read a letter from Bill Michaels stating that he predicts that the appointment of the Town Highway Superintendent position will be the path of the future.

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.

Superintendent Kiernan opened the floor for comments.

Julia Roy outlined the order of violations beginning in May 2013, by her neighbors Boyd and Addison Bissell. After she personally payed in excess of \$20,000.00 in court fees, Bissell still has not complied with the court order agreement. Roy felt that the Bissell's will only continue to disregard the Town Laws unless the Town Land Use Laws are enforced.

Town Attorney Michelle Kennedy stated that the Bissell's were brought before the Town of Otsego Town Court. Addison Bissell pleaded guilty to a criminal misdemeanor charge and was fined the maximum amount the State of NY would allow. With respect to Boyd Bissell and the fully erected cottage and deck, charges were filed with the Otsego County Supreme Court. A full settlement agreement was reached whereby Boyd Bissell agreed to cut back the deck by May 31st. Attorney Kennedy has full confidence that the Town Zoning Enforcement Officer, Barbara Monroe will hold Bissell to the settlement agreement and the Town Land Use Law. If he does not comply Attorney Kennedy will recommend with the Town Board to bring Boyd Bissell back into Otsego Town Court. She assured Roy the problem is being addressed. Their use cannot expand. As far as their Marina, the Town has no jurisdiction. DEC does.

Michael Stavola confronted Highway Superintendent John Schallert, about the condition of Glimmerglen Rd., where he resides. Visibility is poor due to overgrown vegetation. There was one night last winter where he could not make it home because his road was not plowed.

Highway Superintendent John Schallert agreed to follow up and examine the conditions of the road.

Supervisor Kiernan closed the floor for comments.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to adopt Local Law #2 providing for the abolition of the elected position of Highway Superintendent and the creation of the appointed position of Highway Superintendent of the Town of Otsego.

MOTION CARRIED: (the vote was a follow):

Supervisor Kiernan	Yes
Councilperson Sandler	Yes
Councilperson Hohensee	Yes
Councilperson Franck	Yes
Councilperson Potrikus	No

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to go into Executive Session to discuss an n issue under Attorney Client privilege.

MOTION CARRIED: All were in favor.

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

MOTION CARRIED: All were in favor.

Supervisor Kiernan introduced Otsego County Codes Director Tony Gentile.

Gentile stated that the County hired him about one year ago. He explained the job, what the County offers, the process and procedure. He had heard that there was a lack of communication between the Towns and the County, a problem he is trying to solve. He oversees approximately twenty Towns and travels an estimated 175 miles/day for inspections. He has inherited several hundred old issues that he is dealing with one at a time. In closing, he wanted everyone to know that he is there to help in any way he can.

The Town Board briefly discussed the proposed June minutes

MOTION by Councilperson Hohensee, seconded by Councilperson Franck, to accept the minutes of June 8th as presented.

MOTION CARRIED: All were in favor.

Supervisor Kiernan read a letter from Co-owner of the Fly Creek Cider Mill, Bill Michaels, asking permission from the Town Board to have a fire work display on August 19th in celebration of the Mills 160th anniversary.

MOTION by Councilperson Hohensee, seconded by Councilperson Sandler, to honor Bill Michael's request.

MOTION CARRIED: All were in favor.

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

General Savings: \$ 4,688.69	General Checking: \$ 374,154.40
Highway Savings: \$ 7,818.01	Hwy Checking: \$ 593,898.72
Building Reserve Fund: \$179,541.90	Hwy Equipment Fund: \$ 263,747.41

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

MOTION CARRIED: All were in favor.

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

GENERAL:	# 97-# 107	\$ 3,479.03
HWY:	# 338-# 351	\$ 34,029.62

MOTION CARRIED: All were in favor.

Dog Control Officer Thomas Steele reported receiving 1 dog bite complaint since last meeting.

Planning Board member Chip Jennings reported on applications the Planning Board is currently reviewing. Jennings shared that Planning Board Chairman John Phillips has instructed Planning Board members, to review the SEQRA form for the Black Bird Hollow application before the August meeting. Phillips noted that the SEQRA evaluation would only apply to the interior of the building. Councilperson Sandler suggested to Jennings that the members might want to run that by Planning Board Attorney James Ferrari.

Councilperson Franck stated that she, under the advisement of Supervisor Kiernan and Town Attorney Michele Kennedy contacted all but one alternate of the Planning Board members, letting them know what options they have in deciding the Black Bird Hollow application. They could decide to proceed with approving the new application request or allow the currently approved application to stand. There were members of the Planning Board that were not clear or aware that the previous March, 2014 application could be allowed to stand. In fact, at the last July 6th Planning Board meeting there appeared to be some confusion among residents regarding the applications. Everyone she talked to seemed appreciative for her clarification.

Councilperson Potrikus disagreed with Councilperson Franck's involvement. He felt the Planning Board and the Zoning Board of Appeals should be left alone to do their job without any involvement from members of the Town Board. His concern was when members of the Town Board get involved and weigh in, instead of clarity you have more confusion and animosity between the Boards. He claimed receiving calls from a few confused Planning Board members. There were a few reasons he refrained from giving any help in clarification one being he felt it inappropriate.

Councilperson Franck assured Councilperson Potrikus that she did not weigh in but only made it clear to Planning Board members what their options were.

Highway Superintendent John Schallert gave his report. Schallert agreed to submit a list of highway surplus items for the Boards consideration. He also submitted a list of roads he would like refurbished under the CHIPS Expenditure Money. His proposal was as follow:

- Wileytown Rd. 1.65 miles – 2 1/2" Pugmill surface \$112,430.90
 - Christian Hill Rd. - .65 miles – 2 1/2" Pugmill surface - \$43,605.04
 - Tony Hribar Rd. - .35 miles – 6" Item #4 Base Material - \$9,638.00
 - Tripp Hill Rd.- Culvert replacement - \$17,500.00
- Total: \$183,173.94

MOTION by Councilperson Potrikus, seconded by Councilperson Sandler, to accept Highway Superintendent Schallert's proposed list of roads and improvements.

MOTION CARRIED: All were in favor.

Schallert submitted a non-ethanol gas bid from Mirabito Fuel Group. Mirabito Fuel Group was the only bidder. Schallert stated that regular gas is very hard on chainsaws, lawn mowers and weed eaters. His idea was to keep 300 gallons of non-ethanol gas in the 1000-gallon tank normally used for regular gas. He and the Board discussed the pros and cons of purchasing the non-ethanol gas. The upside being it would be convenient to have the non-ethanol on site verses going to the store and filling 5 gallon cans and the downside being the non-ethanol gas going bad before it was used. It was the consensus of the Board to leave the decision up to Schallert as to whether to accept Mirabito's non-ethanol gas bid or not.

Schallert discussed a complaint lodged by Grace Olmstead. Water runs down Allison road where she resides, and travels over her embankment eroding the bank. In an attempt to stop further erosion Schallert agreed to place rip rap where the bank is eroding.

Schallert proposed resurfacing the Town Building driveway with #7 hot mix.

MOTION by Councilperson Potrikus, seconded by Councilperson Sandler, to approve resurfacing the Town Building parking lot with #7 hot mix.

MOTION CARRIED: All were in favor.

The Town Board discussed briefly the Schallert's family generous gift of 6 acres from the Schallert farm, located along Oaks Creek off of Bissell Rd. For a number of reasons it was decided to suggest the Schallert family talks to the Executive Director of the Otsego Land Trust, John Winters, and see about donating the land to them.

Supervisor Kiernan asked for volunteers to serve on the Historic Structure Committee. Edward Hobbie, Supervisor Kiernan and Edward Kukenberger volunteered to serve on the committee. Supervisor Kiernan will also try to recruit at least one ZBA member.

MOTION by Councilperson Sandler to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:56PM.

Respectfully Submitted,
Pamela Deane/Town Clerk