

The Otsego Town Board held a Regular Monthly meeting on the 9<sup>th</sup> day of August 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 Sandler, to accept the July 12th minutes as presented.

MOTION CARRIED: All were in favor.

Supervisor Kiernan read correspondence received since last meeting.

Supervisor Kiernan opened the floor for comments.

Tim Walker introduced himself as a candidate for Otsego County Board of Representative for District 8. He wanted the Board to be aware that the Fly Creek Transfer Station is scheduled to close August 12<sup>th</sup> for 6 weeks. He felt that our County Representative dropped the ball, failing to well inform the residents of the temporary closing of the transfer station and leaving residents scrambling to find alternatives for waste removal during those 6 weeks. He took it upon himself to contact Cobleskill Stone, the company contracted to do the work at the transfer station, to open the transfer station on Saturdays. Walker closed by promising that if elected he would provide better communication with residents and regularly attend Town and Village meetings.

Fly Creek resident Walter Dusenbery and his wife Irene oppose the relocating of Willow Ave. to the southern end of the Town Highway property, off Cemetery Road. They have contacted Carl Hendrick and his sister Tammie Umbach on the northeast corner of the proposed road and they too are opposed of the building of another road. Their reasons for opposing the relocation of Willow Ave are:

- The new road is expensive and unnecessary
- It will be 47% longer than the present Willow Ave, 575ft to 390 ft.
- The land the road would go on is the lowest point of the area. It is about 10ft below the Town Barn's lot elevation. This area is always wet and receives all the runoff from the north including polluted water from the Town Barn's salt shed. Expensive engineered drainage issues would have to be addressed and resolved.
- The current power lines would need to be relocated and raised to provide adequate overhead clearance.
- A retaining wall would be needed to prevent gravel and sand spillage onto the proposed road.

Eleven years ago this same proposal was considered and deemed unnecessary. What is needed is a salt shed that is in compliance with NYS regulations and guidelines to stop the groundwater pollution that now exists. There are grants available to help off set the cost of a new salt shed. Dusenbery submitted the guidelines for a salt shed for the Town Board to review.

Sheila Ross who resides on Willow Ave. pointed out that Willow Avenue is a mess and agreed a new salt shed is needed. The first well she and her husband drilled for their current home had salt. The salt from the salt shed is leaching into the ground. She felt paving the existing road would be adequate.

Ross also expressed her dismay on how the transfer station renovations have been handled by the County.

Highway Superintendent John Schallert stated that the salt shed is not the problem. He felt it's effective and adequate. The problem comes from the location where the salt is loaded into the trucks. It's a low spot and the loader can't lift high enough to dump the salt into the trucks without spilling some on the ground. The spilled salt thaws the ground and you end up with a big mud hole all winter long that gets tracked onto Cemetery Road.

Walter Dusenbery disagreed. He encouraged the Town Board to study the pictures he submitted showing the salt pushing out the sides and front.

Fly Creek resident John Phillips learned from the cashier at the transfer station that it was going to be closed for 6 weeks starting Monday. Phillips thought that the County Representatives could have at least waited until the Dream Park rentals were done. He went to a County Board of Representative meeting and learned that the project has been in the planning stage for approximately 6 months and several Representatives were not even aware the transfer station was going to be closed for renovations. Contractors were not notified.

Phillips also announced that on September 9<sup>th</sup> at 10:00AM there will be a Hero's race at the fire house sponsored by the Clark Sports Center. Proceeds will go to benefit the Fly Creek Fire Company.

Joyce Putnam stated that she hopes Mr. Bissell was informed of the outcome of the court litigation between the Town of Otsego and him. At the last meeting she reminded Supervisor Kiernan that she promised that the Town's ZEO would see to it that the Bissell's would not be allowed to expand upon their pre-existing non-conforming use and the silt that is coming across the road would be properly mediated. The Town Land Use Law limits B&BS to 5 bedrooms and 10 transient visitors. Now that Addison Bissell's sister Cheryl is in charge of Cobblecote things are much quieter and Putnam and her family are pleased. She is concerned that their website is still advertising the Hadley Cottage and would like to see that taken off. The website also advertises that they are able to accommodate 14 people in the main house and 8 in the Carriage House which totals 22. B&B's limit is 10. NYS D.O.T. engineer Jerry Murello deemed that silt running across St. Hwy. 80 and running into Otsego Lake is from the new construction on top of the hill.

Joyce Putnam's sister Jean Singer reiterated that she hoped Mr. Bissell was notified the outcome of the recent litigation brought against him from the Town of Otsego and the Judge's orders.

Carl Wenner wondered why are they making renovations to the transfer station and who is paying for it. He is assuming it is being paid through a grant, which is still coming from the tax payers. Wenner feels that people have got to stop looking to the government to solve their problems.

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: \$ 524.87	General Checking: \$ 357,005.35
Highway Savings: \$ 7,829.71	Hwy Checking: \$ 579,004.32
Building Reserve Fund: \$179,833.65	Hwy Equipment Fund: \$ 298,175.25

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee, 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: #123-# 143	\$ 5,471.86
HWY: #128-#147	\$47,847.89

MOTION CARRIED: All were in favor.

Planning Board Chairman Tom Huntsman 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. The Planning Board is still struggling with some of the definitions.

Councilperson Potrikus referenced the Planning Board minutes which revealed that the Lionetti subdivision on County Highway 26 located in the Residential Hamlet District does not meet the road frontage criteria of 75ft. and one lot is landlocked. The minutes also quoted Chairman Huntsman telling the Lionetti's that he did not see any reason why this would not be approved. Chairman Potrikus pointed out that the Planning Board can not approve a non-conforming lot. It should go to the ZBA first. He also felt Chairman Huntsman was acting as a committee of one rather than seven when he told the Lionetti's that he saw no reason why this subdivision should not be approved.

Chairman Huntsman agreed that it was a point well taken. The Lionetti's were there to have a sketch plan discussion to see what options they had.

Councilperson Potrikus pointed out that term limits were not set for the ZBA alternates appointed at last month's meeting. Local Law #1 of 2009 sets the alternate Planning Board term of 5 years and ZBA alternates at 3 years.

MOTION by Councilperson Potrikus, seconded by Councilperson Franck, that the two ZBA alternates, John Dewey and Bill Michaels terms will end 12/31/2019.

MOTION CARRIED: All were in favor.

Supervisor Kiernan handed out to all Board Members a revised Site Plan Review application for their

consideration. Comments were tabled until the September meeting; giving Board members time to review the draft.

Councilperson Potrikus stated that County Code Director Tony Gentile informed him that the Town's ZEO cannot require stamped drawings. The Town's ZEO's job is to see that the applicant's project complies with the Town's Land Use Law. It's the County Code Officers job to get stamped drawings.

Attorney Michelle Kennedy disagreed. She sent a copy of the NYS Education Law to Mr. Galati, owner of Black Bird Hollow, because Mr. Galati took exception that he had to supply engineered stamped drawing. She sent the Board NYS Education Law Section: 7209. At the end of paragraph one it reads no official of this state or any city, town, village or county there in charged with the enforcement of laws, ordinances, or regulations shall accept or approve any plans, specifications or geologic drawings or reports that are not stamped. When Ed Hobbie first took the Town's ZEO position he characterized the office as having been run in a "loose practice kind of way". He wanted to tighten the process and one of the ways of doing so was to require a set of plans. She will talk to Mr. Gentile.

Supervisor Kiernan submitted definition revisions in the Land Use Law to be considered.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to hold a Public Hearing on the proposed definition changes to the Land Use Law on September 13<sup>th</sup> at 7:00PM.

MOTION CARRIED: All were in favor.

Councilperson Sandler set up and ran a blower door in the Town Building attic. There was a 10% reduction in air leaks to the outside based on 2 hours of testing. He is hoping to use this as one of the 4 Action Items NYSEDA requires when qualifying for the Town for the Clean Energy Community Grant.

Highway Superintendent John Schallert gave the Highway Superintendent report. Roads under the CHIPs project are near completion. He addressed the issues brought to light last month concerning Powell Trailer Park on Aunger Rd. off of State Highway 28. He is currently looking to find someone to bush hog the transfer station where the old dump was. The backside is too steep for the Town highway equipment to handle. The culvert on the lower end of Tripp Hill needs to be upgraded to a larger size. He did not think he could change the culvert out without removing some nearby trees in the Town right-of-way. Attorney Kennedy felt Jordan Clemente with Otsego County Soil and Water should be contacted before any action is taken. She volunteered to talk to Clemente.

Schallert stated that Walter Dusenbery is absolutely right. There is a tremendous amount of run off that runs down the ditch. The culvert is full of sediment and mud. A sediment pit was built 10 years ago but it fills up so fast the highway crew cannot keep up with it. He made suggestions on how the sediment and mud could be alleviated. Supervisor Kiernan felt an engineer should be hired to study the property and make recommendation as to the placement of the salt shed and proper drainage to handle the runoff. The RFP for an engineer to do a study of the Highway Garage site on Cemetery Road was discussed with Attorney Michelle Kennedy. The RFP will include suggestions in relocating the existing road, best options for a salt shed storage placement and storm water pollution prevention. The RFP was also to include an hourly rate, consultation and engineered drawings.

Supervisor Kiernan submitted an RFP for the landscaping around the Town Building and the restoration of the old highway garage located on County Highway 26. These were reviewed and discussed by the Town Board. It was the consensus to advertise the RFP's as presented

Councilperson Potrikus reported that FEMA Surveyor Tom Blanchard is willing to hold a public meeting to help residents understand the updated FEMA mapping. The Board thought it was a great idea. Potrikus volunteered to reach out to Blanchard and see when he is available.

Councilperson Potrikus reported that he felt there was a problem with the placement of the boat wash. It is now located behind the Lake View Motel on Fish Rd. Fish Road which is sloped to the Otsego Lake, has been recently black topped. Now when the boats are washed blacktop from the road, along with any mussels from the boat, run right into Otsego Lake. He will discuss this with the Water Shed Committee.

Councilperson Hohensee reported on the last Safety Committee meeting which was held Monday August 7<sup>th</sup> with Bob Satriano. They talked about updating the three required trainings. Some of the upcoming trainings Bob is setting up are Excavation Trenching Safety, Storm Safety, and Chainsaw Safety levels 1, 2 and 3.

Other topics of discussion were:

- Hyper Reach and how to reach residents in an emergency.
- The benefit of having surveillance cameras at the Highway Garage and
- Incident Reports

Councilperson Franck pointed out the Section 3:15, entitled, Heirloom Barns and Buildings, was deemed confusing and lacking detail by the students of the Cooperstown Graduate Program who also submitted a proposed draft of a new law to take its place. The current Section 3:15 has only been applied twice. One time successfully; one time with much controversy. She felt the Town Board owed it to the residents to get it right. She would like to see the Board create a Historic Preservation Committee and draft a new law that encompasses the proposed suggestions made by the Cooperstown Graduate Program (CGP) Students. In the mean time Councilperson Franck recommended that there be a Public Hearing on rescinding Section 3:15.

Councilperson Potrikus strongly disagreed. He felt confident the Planning Board process works, tailoring the proposed project with the area it is being proposed in. He also felt if Section 3:15 was rescinded leaving the only recourse for residents to apply for a Use Variance from the ZBA, this would promote spot zoning.

MOTION by Councilperson Franck, seconded by Supervisor Kiernan, to hold a Public Hearing to solicit resident's comments on rescinding Section 3:15 of the Town Land Use Law.

MOTION CARRIED: Supervisor Kiernan, Councilperson Sandler and Franck voted yes. Councilpersons Hohensee and Potrikus voted no. Councilperson Potrikus wanted it noted that he is not opposed to hearing public comments. He is opposed to rescinding the law before there is a new one to go in its place.

Supervisor Kiernan announced that she has 5 applicants interested in filling the Planning Board Member vacancy left by Steve Purcell and 1 alternate vacancy. After a short discussion it was decided to hold interviews on August 22<sup>nd</sup> at 5:00PM.

After a short discussion it was decided by the Town Board to hold a 2018 Budget Workshop Wednesday September 6<sup>th</sup> at 5:00PM.

Supervisor Kiernan stated that the Justices have asked for permission to apply for a grant to update lighting, electrical and security camera.

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee authorizing the Town Justices to apply for a grant to update lighting, electrical and security.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Potrikus to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:43PM.

Respectfully Submitted,  
Pamela Deane/Town Clerk