

The Otsego Town Board held a Regular monthly meeting on the 10th day of August 2016 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

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| Meg Kiernan | Supervisor |
| Thomas Hohensee | Councilperson |
| Carina Franck | Councilperson |
| Bennett Sandler | Councilperson |
| Joseph Potrikus | Councilperson |

Also Present:

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| John Schallert | Highway Superintendent |
| Michelle Kennedy | Town Attorney |
| Pamela Deane | Town Clerk |

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

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee, to accept the minutes of July 13th as presented.

MOTION CARRIED: All were in favor.

Supervisor Kiernan review correspondence received since last meeting.

Supervisor Kiernan open the floor for Public Comment. Those wishing to speak were given a 5 minute limit.

Virginia Hastings publicly thanked Highway Superintendent John Schallert and the Highway Employees for their quick response in filling in a sinkhole on Red House Hill Rd.

Hastings recommended that going forward there be some procedural changes and safe guards for all material submitted by applicants to the Town Planning Board, particularly the applications, SEQRA review and site plans but also any architectural drawings including exterior elevation and interior floor plans. She made this recommendation because in all the years as a volunteer member of the Planning and Zoning Committee in Mt Vernon, Virginia, she had never witnessed anything remotely like what she has seen here in a now five year Blackbird Hollow application process. Replacing, altering, removing architectural drawings, documents or the application during application process is unacceptable and illegal and could have been prevented. Interestingly, the documents she had shared with the Town Board on June 8th showing two architectural drawings from Blackbird Hollow LLC, clearly dated October 1st 2014, were presented last Tuesday night on August 2nd by Blackbird Hollow representative Engineer Jonathan McManus, as the elevations from the already approved March and April 2014 application though the drawings presented had never been part of the approved application. In fact they were completed six months after Blackbird Hollow's approved application. Blackbird Hollow representative Engineer Jonathan McManus, announced at the meeting that a building permit had just been issued for the three story building dated October 2014 showing 8,400 sq. ft., 26 windows and 26 air-condition units which had never gone through SEQRA and been approved. To avoid future mistakes or attempts to alter outcomes she suggested the following:

1. Materials submitted by applicants should be received by a Town staff person, date stamped on every page as they are received.
2. Copies of those pages should be immediately filed in another folder in an orderly fashion. Originals should be placed in a separate secured file.
3. An index page should be available at the front of the file folders showing all included documents.
4. File folders of copies should be available to interested parties during regular office hours after signing in with their name and the date materials are being reviewed. Materials should be viewed under staff supervision.
5. No material should be removed from either file at any time. If pages are added this should be done only under the direct supervision of Town staff, immediately stamped and dated, photo copied and added to original and copy file.

Julie Roy and her sister Joyce Putnam complained that Boyd Bissell is still ignoring the Town's Land Use Laws and Court Order. Bissell cut 36.6 inches off the corner of his deck where it encroached on Roy and Putnam's property line. Roy and Putnam felt that the agreement made, was Bissell was to reduce the size of the entire deck 36.6 inches bringing it back to its original size. Bissell is running a marina and still renting out the cottage which he was told he was not to do until the agreement was satisfied. Collectively they felt the Town needs to enforce the Town Law or it sends a message to residents it is okay to ignore the Town Laws. The worst that will happen is you will be fined a modest fee. The Bissell's are treating their property as if it is zoned Recreational when in fact it is zoned Residential.

Town Attorney Michelle Kennedy told Roy that she cannot go back to court without evidence showing the original size of the deck. The Town's ZEO inspected the site and found no evidence pointing to the original size. In regards to the marina she felt the Town Board only has jurisdiction to the water, meaning the Town has no say about the marina. Attorney Kennedy felt that without the measurements of the previous deck Bissell has met the

terms of the agreement by reducing the corner of the deck 39 inches from their property line and he is allowed to rent out his cottage. She felt the Town Board needed to decide in Executive Session how far they wanted to go in regards to the deck. It is expensive every time you go to court.

Charlotte (Schatzi) Hall expressed her frustration with the way the Blackbird Hollow application was handled in a very unprofessional manner by the Planning Board. She suggested that possibly going forward; an outside consultant could advise the Planning Board at the applicant's expense. The neighbors get tired and frustrated. The Planning Board gets tired, frustrated and confused. Both get to the point where everyone is worn out and the applicant wins the game. She felt something needs to be done with the procedures. Because of the Planning Board's approval her property value has gone down.

Supervisor Kiernan closed the floor for further comments.

MOTION CARRIED: All were in favor.

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

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| General Savings: \$ 4,688.69 | General Checking: \$ 374,745.76 |
| Highway Savings: \$ 7,818.01 | Hwy Checking: \$ 600,944.70 |
| 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.

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| GENERAL: # 107-# 117 | \$ 2,131.52 |
| HWY: # 352-# 365 | \$105,978.82 |

MOTION CARRIED: All were in favor.

Dog Control Officer Thomas Steele reported dropping 2 dogs off at the SPCA and he issued 1 ticket.

Planning Board Liaison Tom Huntsman reported on applications the Planning Board is currently reviewing. He expressed his disappointment and concerns with the Blackbird Hollow application and apologized for the way it has been handled. To the Planning Board's defense the applicant has presented 8 different revisions, which is now causing a lot of confusion as to what was actually approved. Huntsman is now trying to establish a time line to present to the attorney to see if everything was done correctly. It was suggested that an electric time stamp be purchased and used on all documents submitted.

Highway Superintendent John Schallert gave his report. Schallert stated that he has received word from the State that the Town will receive an additional \$40,000.00 in CHIP money. Given that, he would like to add Donlon Rd. and the bottom of Tanner Hill to the list of roads scheduled for maintenance. The Board was in agreement with Schallert but suggested he check to be certain CHIP's money can be used on Seasonal Roads.

Schallert also let the Board know that Fork Shop Bridge has been red flagged and now closed. He is waiting for the engineer report. He has since learned that there are bridge grants available.

Mill Street Bridge is still under a yellow flag and needs to be addressed.

Schallert asked for direction concerning a newly constructed garage on Keys Rd. that fills up with water and mud every time it rains. The owner never got a driveway permit, removed the existing berm and built the house on a slope exceeding 15%. Schallert does not feel, given where the garage is, that he can divert the water away from their property. Had they applied for a driveway permit he would have suggested the house go in a different spot. Attorney Kennedy read from Highway Law Section 213 which states that owners of land shall construct and keep under repair all approaches or driveways from Town highways under the direction of the Town Highway Superintendent.

Councilperson Sandler read the minutes of August 2nd Watershed Supervisory Committee (WSC) meeting. Under new business it discusses the renovation plans for the Blackbird Hollow Inn formally known as the Hickory Grove Inn, which includes a restaurant and hotel. Regarding onsite wastewater treatment, the NYS Department of Health (DOH) had primary review and approval, with the WSC secondary. The date the last plan was approved by the DOH and WSC was June 2015 which included a 67 seat restaurant and a 27 room hotel. Currently, the owner of the former Hickory Grove Inn has submitted another revision of the plan to the Town of Otsego Planning Board, which shows a decrease in seating to 32 and an increase in the number of hotel rooms to 36 in an expansion of the original building. This will result in a modification of the daily flow of wastewater, meaning there will be another review and approval cycle for DOH and WSC. Jim Howarth, WSC Village Representative and OLA Board member along with Mickie Richtsmeier, President of OLA urged the Planning Board to recognize the risk to Otsego Lake should there be increased intensity of use that this and other similar projects

would bring and to consider the consequences of allowing such a project and setting a precedent for future projects. The OLA is committed to protect Otsego Lake which is a source for drinking water for thousands and our area's greatest natural resource.

Attorney Michelle Kennedy told the Board that she would need two checks totaling \$305.00 made payable to the County Clerks Office for court fees for the Summer Litigation.

MOTION by Councilperson Hohensee, seconded by Councilperson Potrikus, authorizing the Town Supervisor to submit two checks to the Town Attorney in the amounts of \$210.00 and \$95.00 made payable to the County Clerk for court fees for the Summers Litigation.

MOTION CARRIED: All were in favor.

When asked at a Safety Committee Meeting on August 1st, highway employees Michael Thayer and Michael Rhyde discussed their concerns with the Weapons Policy draft for town employees. Thayer stated that he was concerned with one statement in the draft not allowing firearms or knives on town property. Right now there is one highway employee who likes to hunt after work during deer season and keeps his shotgun and rifle in his truck. Another concern was with knives. Almost all the highway employees carry a pocketknife or utility knife. The Board discussed modifications to the policy draft.

Supervisor Kiernan said the Historical Structure Demolition Committee has met and is currently considering creating a Historical Review Board and drafting a flow chart with criteria. Once all options are exhausted a public hearing would be held to receive feedback from the public. The Committee then would decide, given the outcome of the Public Hearing, whether or not to issue a demolition permit. The two Town Historians Tom Heitz and Shirlee Rathbun, Ron Jennings and Steve Purcell will be invited to the next meeting for their input.

Supervisor Kiernan stated that it is time to renegotiate the Highway CSEA contract. It was agreed that Supervisor Kiernan and Councilperson Hohensee will act as the committee to meet with the Union and Highway Employee Representatives on the Boards behalf.

After a short discussion it was decided the Town Board will hold a 2017 Budget Workshop on September 7th at 5:00.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to go into Executive Session to discuss the Bissell litigation.

MOTION CARRIED: All were in favor.

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

MOTION CARRIED: All were in favor.

MOTION by Councilperson Sandler to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:32PM.

Respectfully Submitted,
Pamela Deane/Town Clerk