

The Otsego Town Board held a regular monthly meeting on the 14th day of September 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 regular 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 minutes of August 10th as presented.

MOTION CARRIED: Supervisor Kiernan, Councilpersons Sandler, Franck and Hohensee voted yes. Councilperson Potrikus voted no.

MOTION by Hohensee, seconded by Councilperson Franck, to accept the minutes of September 7th as presented.

MOTION CARRIED: Supervisor Kiernan, Councilpersons Sandler, Franck and Hohensee voted yes. Councilperson Potrikus voted no.

Supervisor Kiernan reviewed correspondence received since last meeting.

Supervisor Kiernan open the floor for Public Comment.

Joyce Putnam and her sister, Julia Roy once again expressed their concerns with the continuation of what they believe to be Bissell's illegal activities at Cobblecote and the Walker/Hadley cottage and the lack of appropriate action by Town Attorney Michelle Kennedy and the Town Board. Cobblecote is a commercial business in a residential area. Bissell continues to violate the court order agreement, which stated that he must cut back the deck to its original size by May 31st of this year. Attorney Kennedy had full confidence that Town ZEO Barb Monroe had held Bissell to the settlement agreement and the Town Land Use Law. Putnam disagreed with Town Attorney Kennedy that because the ZEO could find no evidence of the original deck size, Bissell had complied with the court order by cutting off one corner of the deck. Putnam felt it was Bissell's job to prove the original size of the deck. At this time Putnam submitted a survey done in 2011 showing the original deck. She passed along a comment made by their attorney Douglas Zamilus which was "This town's enforcement efforts have accomplished all of the removal of a corner of a single deck and nothing else". Putnam felt that Bissell will continue to ignore the Town's Laws unless the Town Board takes action.

Town Attorney Kennedy asked Putnam how Surveyor Duane Sprague obtained the measurements of Bissell's deck that he provided on their survey? It is important to know that he gained the information shown on the survey in an acceptable manner in order to use the information.

Putnam agreed to find out.

Richard Carr, who resides on Tripp Hill, talked about a culvert that his neighbor has intentionally plugged. He warned that this could potentially become a safety issue if the road were to wash out during a big storm and make it impossible for emergency vehicles or he, himself, who is an EMT and Fire Fighter, be able to respond to a call. For the sake of everyone that lives on Tripp Hill he asked that this problem be addressed before something happens.

Sheila Ross disagreed with idea that the Town Attorney serves the Town Board as well as the Planning Board. This was a consideration the Town Board briefly discussed during their Tentative Budget Workshop. She felt the Planning Board should continue to be able to appoint their own attorney.

Ross stated that she learned from the newspaper that one of the Planning Board members is also a member of Otsego 2000. She felt that was a conflict of interest and that member should be required to recuse themselves from voting on the Black Bird Hollow application.

Ross stated that she had learned from the County Board of Elections that the Town Clerk called and wanted to know which room they wanted to use at the Town Building for the November election. She informed the Board that the election would have to be held in the Town Building Meeting Room because it was the only room that was handicap accessible. The Town Clerk informed Ross that the Commissioners of Election Lori Lehenbauer and Michael Henrici, came out, measured all the doorways and deemed both the meeting room and the business

office room handicap accessible. In fact the business office room was used once before for a primary because of a conflict.

Attorney Lester Sittler wanted to address the issues concerning Planning Board Attorney James Ferrari. Planning Board member Tom Huntsman claimed at the last Planning Board meeting that Ferrari breached the attorney-client privilege by releasing his email to Sittler. Sittler then went on to list several reasons why he believed Huntsman was incorrect and no attorney-client privilege was broken. Huntsman had also made the accusation that he felt that it was improper of Ferrari to sit in the back of the room and talk with Sittler who was acting as the applicant's attorney. Sittler stated that the last few months the Planning Board meetings have drawn a full crowd of people finding it hard to find a place to sit. He and Ferrari usually found themselves in the back of the room and claimed nothing improper was ever spoken between the two of them. Sittler also pointed out that under Section 3.1 of the Planning Board Bylaws, the Planning Board selects their own attorney and the Town Board has no business interfering in Planning Board affairs.

Supervisor Kiernan stated that it is premature to assume that the funding for the Planning Board Attorney has been changed in the budget. There was a brief discussion at the end of the Budget Workshop. No decision was made. No vote was taken.

Cathy Chase stated that over the past 5-years she and her neighbors have come before the Town Board pointing out that each of the 4- Blackbird Hollow applications violate the terms of the zoning law and the heirloom barn law which states "ensure restoration and protection of the historic external appearance and minimum impact on neighbors. Sixty-three neighbors signed a petition that was submitted to the Planning Board members at their September 6th meeting asking the Planning Board to deny the Blackbird Hollow application currently under consideration. She could not fully explain how troubling the constant changes in plans and the threat this development possess to neighboring homes and community have been. Everyone lives in a constant state of anxiety and concern that their property values and peace of mind will be taken away by this completely unacceptable development, which is within 500 ft. of Otsego Lake. This application has gone from a 5-bedroom inn with a small restaurant and pub to a 36-unit hotel with restaurant, pool, pavilion and pub, which is not allowed under the Town's current Land Use Law. She has had enough of watching the deterioration of this once historic inn and its property. There are some things that should not be allowed in a residential area such as a 36-unit hotel. The current law has no limitations. For that reason she asked that the Town Board declare a moratorium on the Heirloom Barn Law and revise it.

Otsego 2000 Board President Nicole Dillingham, stated that the residential community that Blackbird Hollow is affecting is hurting because of this project that has been under consideration for 5-years. She felt that Attorney Sittler was wrong in saying that the Town Board has no business interfering in Planning Board affairs. She felt the Town Board needed to take control. She urged the Town Board to declare a moratorium on the Heirloom Barn Law if they feel it is not being implemented in the manner in which it was intended and revise the conditions. By allowing commercial uses in residential areas it destroys the separation of uses that the Town's Land Use Law was intended to create as well as property values. She asked the Town Board to stop the hemorrhaging.

Supervisor Kiernan stated that the Planning Board hopes to have proposed changes to the Heirloom Barn Law ready for the Town Boards October meeting.

Cathy Chase reminded the Town Board that she has been asking for a revision of the Heirloom Barn Law for the past 5-years and she repeatedly was told that that is what site plan review is for. In her opinion the outcome of this project clearly shows that site plan review does not work.

Danny Lapin, Environmental Planner at OCCA, made the Town Board aware that one of their core program areas is called the Circuit Writer Planner Program. This consists of a rotating Land Use Planner that goes from town to town helping towns examine large scale project applications, provide and develop local laws, and conduct training for Planning Board and Zoning Board members on SEQRA, land use regulations and other pertinent State and Federal regulations. They offer a 50/50 matching grant. Hourly charge is \$60.00. Under a Contract or Memorandum of Understanding this program offers unbiased, nonpartisan services to the town. He listed various projects he is working on throughout the County.

Charlotte (Schatzi) Hall urged the Town Board to declare a moratorium on the Heirloom Barn Law. She is the one that will be most affected with the Blackbird Hollow application. She felt the law is very much flawed and needs to be addressed.

Supervisor Kiernan closed the floor for further comments.

Executive Director of the Otsego Land Trust John Winters gave the status update of the Brookwood project. As of August 27th they have received 7- years of funding from donors. Goals hoped to be reach in the 7-year period are:

- Look for good ideas to make Brookwood a community resource.
- Developing uses of the property in hopes it will one day be able to sustain itself.
- Developing a long-term management for the property.
- Otsego Land Trust has pledged to the community and donors that donated funds will only be used for Brookwood.

- Dedication of staff time and resources to work on the new management plan and they will retain ownership for at least 7 years.
- Gaining input from the community by holding meetings at Templeton Hall in Cooperstown.

Plans for the property include:

- Razing the house
- Open the new kayak building
- Widen the access road (hopes to be completed by fall)
- DH trail has been completed
- Will reopen next spring.

All permits needed from the Town, County, DEC, and Army Corp. of Engineers has or will be obtained.

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

General Savings: \$ 4,688.69	General Checking: \$ 379,272.22
Highway Savings: \$ 7,818.01	Hwy Checking: \$ 512,431.30
Building Reserve Fund: \$179,541.90	Hwy Equipment Fund: \$ 263,812.89

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

MOTION CARRIED: All were in favor.

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

GENERAL: # 118-# 132	\$ 2,884.26
HWY: # 336-# 379	\$ 51,484.11

MOTION CARRIED: All were in favor.

Highway Superintendent John Schallert asked that if his bill for Sealing Paving Sealant from Suite Kote comes in next week that it be also included in the payment of bills so he can apply CHIPS reimbursement right away.

MOTION by Councilperson Potrikus, seconded by Councilperson Franck, authorizing the Town Supervisor to pay no more than \$17,676.78 to Suite Kote, for the sealing of paving sealant already in place contingent upon completion by the end of next week.

MOTION CARRIED: All were in favor.

Dog Control Officer Thomas Steele reported answering 2 calls last month.

Planning Board Liaison John Philips reported on applications the Planning Board is currently reviewing.

Councilperson Sandler reported on Watershed Committee activity. There is a program put forth by NYSERDA. (NYS Energy Research and Development Authority) with a Clean Energy Community Program. \$50,000.00 to \$100,000.00 unmatching grant is being offered to communities that are eligible and participate for a particular energy or conservation project. In order to be eligible you must fulfill four out of ten "High Impact Actions". He encouraged the Board to think about taking advantage of this program.

Highway Superintendent John Schallert gave his report. Schallert stated that he has finalized the surplus list. He asked if the Town Highway Employees could bid on the items. The consensus of the Board was yes. The Forkshop Bridge is completed and awaiting a final inspection. Total cost of repairs was \$4,000.00. He plans to apply for a grant to recover cost of time and material.

The Town Board and Highway Superintendent Schallert discuss briefly the intentionally plugged culvert located on Tripp Hill at Kegelman's.

MOTION by Councilperson Franck, seconded by Councilperson Potrikus, instructing the Highway Superintendent to remove the obstruction in the culvert located at Kegelman's on Tripp Hill Rd., with law enforcement present.

MOTION CARRIED: All were in favor.

Schallert reported receiving a call from two landowners requesting a driveway permit each on seasonal roads, and he is now going to have to open those sections of road for year round use. One is on Murdock and the other one is on Panther Mt.

Schallert stated that he would like to appoint Bill Hribar to the Highway Superintendent Deputy vacancy once occupied by Michael Thayer.

The Board had no objections.

Councilperson Potrikus reported on Building and Grounds Committee. The issue of the water freezing in the winter has hopefully been resolved. Options to stop the roof leaking on the old highway garage on County Hwy 26 were discussed. He will get an estimate to paint the roof with CEN-PE-TO for the 2017 budget. Also discussed was the cutting of the blacktop 6ft from the building and drainage options.

Councilperson Sandler read the minutes of September 6th Watershed Supervisory Committee (WSC) meeting indicate that 60 inspections as of the end of August have been completed. Very few violations were found.

Councilperson Sandler will be installing a new computer and e-mail for the highway department.

Supervisor Kiernan reported that the Historical Structure Committee has been meeting every two weeks. She is optimistic that the committee will have a written proposal for the Town Boards consideration very soon.

The Board discussed the Referendum scheduled to be on the November Ballot, changing the Highway Superintendent position from elected to appointed. Supervisor Kiernan and Councilperson Franck plan to submit to the local papers a short article outlining the pros and cons for changing the position. Councilperson Potrikus suggested holding an informational meeting.

After a short discussion the Town Board scheduled a 2017 Tentative Budget Workshop for September 21st at 5:00PM. In the absence of the Town Clerk, who will be on vacation at that time, the Town Board will record the meeting

MOTION by Councilperson Franck seconded by Councilperson Hohensee, to go into Executive Session to discuss the CSEA Contract negotiations and the Bissell Litigation.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Potrikus, seconded by Councilperson Hohensee, 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 10:21PM.

Respectfully Submitted,
Pamela Deane/Town Clerk