

The Otsego Town Board held a Public Hearing and a Regular Monthly meeting on the 8th day of November 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:

William Hribar Jr.	Highway Superintendent Deputy
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.

Supervisor Kiernan called the Public Hearing to order. She explained the purpose of the Public Hearing was to hear public comment on the proposed Preliminary 2018 Budget.

Fly Creek resident and former Councilperson Candidate Carl Wenner congratulated the Candidates that are now stuck with another 4 years and said in one way he was grateful he is not. Wenner questioned why the budget turned out to be 60% over when at last meeting Supervisor Kiernan stated that the Board was looking to pass a law allowing them to exceed the 2% cap just in case they went over. Did the Board already know the budget was going to be that high or was it a complete surprise? Either way he found that scary. Wenner then reminded Councilperson Hohensee and Councilperson Franck of their comment at Candidates night that they were in favor of new businesses coming into the area. He plans to hold them to their word. Lastly Wenner shared a conversation he had with a gentleman at Candidates night who told him that he disagreed with everything Wenner said but he felt he had the right to say it. Wouldn't it be nice if people treated all of our rights that way? Wenner left people with this thought. "Wouldn't it be nice if everyone just minded his or her own business?"

Fly Creek resident John Phillips claimed that he is taxed to the maximum. Every working hour is going to pay a tax of some sort. He insisted that the Town Board go back through the budget and consider austerity. You're killing the working guy in this town.

Fly Creek resident and former Councilperson Candidate Rob Bohm urged the Town Board to sharpen their pencil and reduce the budget below the 25% increase. He told the Town Board members that they needed to be prudent on how they use the reserves. It's taxpayer's money. The Board needs to project three years out.

Councilperson Sandler showed, with a power point, the cost per thousand in 2015 in the surrounding towns.

- Otsego .43 cents
- Hartwick \$4.0048
- Middlefield \$2.1822
- Roseboom \$8.88
- Milford \$4.08
- Oneonta \$2.02

With no further comments Supervisor Kiernan closed the Public Hearing.

Supervisor Kiernan open the floor for anyone wishing to comment on the parking along State Highway 28 south of Cooperstown as a result of Upstate Bar and Grill and Bocca having limited parking and the State contemplating whether or not to restrict the parking on both sides of NYS Highway 28 south for safety reasons.

Cooperstown resident and Fire Chief James Tallman discussed two accidents that recently occurred in that area due to limited site distance. Tallman also lives across the street from the two restaurants and reported hearing squealing tires frequently. He and the Cooperstown Fire Department are 100% in favor of NYS D.O.T. reinstating the "NO PARKING" signs that were there back when the Upstate Bar and Grill was the Pepper Mill, for safety reasons.

Cooperstown resident and Chairman of the Cooperstown Public Safety Committee, Richard Sternberg, agreed with Tallman. He has seen accidents, injuries and people walking illegally on the road. It is a fatality waiting to happen. There is inadequate parking at both Bocca and the Upstate Bar and Grill. The number of tables far exceeds that amount of parking spaces forcing people to park out on the street. There is no effort to discourage it whatsoever or inform their patrons it is illegal. It's just a matter of time before there is a fatality. It is completely unsafe.

Cooperstown resident Anthony Casale and Bocca and Upstate Bar and Grill owner Joseph Vezza thanked the Supervisor for her letter. They were not aware there was a problem. They talked to NYS D.O.T and got only vague answers stating that they were waiting for the Town to make a decision. Casale asked the Board if they have copies of the accident reports. Town Attorney Michelle Kennedy stated that she did receive one accident

report from Tallman at last month's Town Board meeting. Casale pointed out that these properties are in the Town of Otsego not the Village of Cooperstown. He argued that the Town Board did not have enough information to make a decision. He thought that maybe if the speed limit was reduced to 30mph that would solve the problem.

When asked by Supervisor Kiernan whether or not the "No Parking" signs would affect his businesses Joseph Vezza replied that it is mainly a problem only in the summer. When asked what the restaurants capacity was Vezza replied 250.

Supervisor Kiernan read a letter from Mavis and Homer Lindstadt who live across from the two restaurants, have witnessed several accidents, and were in favor of the "NO PARKING" signs being reinstated for safety reasons. Site distance is very limited.

Don Hoag, owner of Kirns Body Shop, finds his ingress and egress entrances quite often blocked. He needs access to his business 24hrs/ 7 days a week.

Rosemary Brodersen stated that she too has had problems pulling out of either parking lot. She suggested that site distance might be better if cars were not allowed to park so close to the entrances or exits of the parking lots.

After further discussion it was decided that Supervisor Kiernan would request NYS D.O.T. do a traffic study and the Town Board request a speed limit reduction of 30mph. Once the traffic study is completed the Board was hopeful that the State would be able to make a recommendation on whether or not the "No Parking" signs along St. Hwy 28 south were necessary on both sides of the road, one side of the road or not at all. The Town Board felt that safety must come first.

With no further comments Supervisor Kiernan closed the floor for additional comments.

MOTION by Councilperson Hohensee, seconded by Councilperson Potrikus, to accept the October 11th minutes as presented.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Potrikus, seconded by Councilperson Hohensee, to accept the October 18th minutes as presented.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Hohensee, seconded by Councilperson Potrikus, to accept the October 23rd minutes as presented.

MOTION CARRIED: All were in favor.

Supervisor Kiernan read correspondence received since last meeting. Among the correspondence were:

- A letter from Beth Zimpel asking the Town Board to put an end to the XNG "Bomb Trucks" transporting natural gas past her house. She is 107 years old and claims they are driving her to an early grave.
- A letter from Chester and Elsie Gould who live on Route 28 in Exeter and are complaining that when their windows and doors are open they cannot hear the TV when the XNG "BOMB Trucks" go by. These trucks are dangerous and should be traveling on a two-lane highway and going through a weigh station. Soon there will be nothing left of the road leaving it up to the taxpayers to repair and/or a serious accident or gas explosion will occur.

Brian Kegelmann resident of Tripp Hill Rd., asked the Board when they were hiring an engineer to conduct a study of the water flow through his property. Town Attorney Michelle Kennedy told him that the Board needed to know what the cost range would be to purchase an easement from him. If the cost of the easement were cost prohibited then the Board would not be going any further. Kegelmann gave a range of \$1.00 to infinity. He told the Board that he could not give them an answer until they hired an engineer to find out what the solution to alleviate the problem was going to be. One thing he did make clear was the 13ft diameter culvert pipe proposed was not acceptable. He would only agree to replace the 2ft diameter culvert pipe with another 2ft diameter culvert pipe. The continued conversation between the Town Attorney and Kegelmann went nowhere. Kegelmann left the meeting but not before telling the Town Board that they would have to make do with the existing culvert. He plans on going forward with installing of a new septic system and he will close off the culvert from Murdock, since the Town's engineer stated that the water from Murdock would not reach his property. This will allow him to manage the flow of water that enters onto his property.

Patrick Franck, obviously upset, stood and read the definitions of libel, malicious, and bully. He then stated that on October 26th, 2 weeks prior the November election, Councilperson Potrikus in a self-described "tirade", addressed an e-mail to Supervisor Meg Kiernan and copied it to all other Town Board members, Adrian Kuzminski, various lists, google-groups and other politically active groups that touched on a number of issues. The main issue he wanted to address was the one Councilperson Potrikus published about he and his, wife Councilperson Carina Franck, stating: "But, I digress. I left our budget meeting Monday feeling like we actually

got something accomplished. I unabashedly will take credit for that. What I find incredible is the resistance to even discuss changing stipends and salaries for the elected officials in the Town. For Carina Franck to say she “need the money” is amazing. While we ask citizens to cough up more for taxes, the wife of a doctor, and a personal trainer herself at the Sports Center claims she can’t make ends meet without \$180 bucks a month.” Franck wanted to make it clear that Councilperson Potrikus’ quote about his wife needing the money is baseless and false, his assertion that she “claims she can’t make ends meet without \$180/month” is abjectly untrue, and his statement that she is the wife of a doctor is factually incorrect. Franck is a Physician Assistant and his wife’s selfless commitment to the Town of Otsego Town Board is one of public service, not one as a source of income. In totality, it was Franck’s opinion that Councilperson Potrikus acted as a malicious bully, purposely presenting false information to publicly smear and defame his wife’s good reputation ahead of the election. In closing, Franck requested from Councilperson Potrikus a public apology to him and his wife for suggesting to the public that she stated that they need this money, and presenting this information as if it were factual. Secondly, a written retraction of his possibly libelous comments to all those to whom it was originally sent. He also suggested the Town Board take a close look at Councilperson Potrikus’ email and make an assessment as to whether or not it meets the definition of defamation of a public figure, specifically libel. If it were the Board’s opinion that these statements are in fact defamatory, then he would expect that it be put before an Ethics Board.

John Phillips suggested the Town Board put up a large bulletin board with a heading “Support Our Local Businesses” and then people could display their business cards. He challenged the Town Board to list anything positive they have done to promote businesses in the Town of Otsego. If the Town Board is interested in promoting businesses he has a lot of suggestions.

Supervisor Kiernan closed the floor for comments.

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

General Savings:	\$ 4,697.33	General Checking:	\$ 322,995.03
Highway Savings:	\$ 7,832.66	Hwy Checking:	\$ 387,401.32
Building Reserve Fund:	\$179,901.62	Hwy Equipment Fund:	\$ 298,293.42

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

MOTION CARRIED: All were in favor.

MOTION by Councilperson Sandler, seconded by Councilperson Potrikus, to pay the bills and make the necessary transfers.

GENERAL:	#157-# 170	\$ 3,256.20
HWY:	#175-#188	\$ 23,175.20

MOTION CARRIED: All were in favor.

The Town Board reviewed the Preliminary Budget. Councilperson Hohensee did not think the Budgets increase was that huge. Councilperson Potrikus felt the Board needed to be looking for other ways to generate revenue and cut expenses. He suggested the Board rent out the old highway garage for additional revenue and eliminate the remaining \$6,000.00 appropriation for the Fly Creek Cemetery and the contracted attorney appropriation. The Board reminded Councilperson Potrikus that if the Fly Creek Cemetery decides to abandon the cemetery due to a lack of funds to maintain itself, the cemetery then becomes the Town’s responsibility. Supervisor Kiernan felt the Board had done the best they could do in keeping the Budget down.

MOTION by Councilperson Hohensee, seconded by Councilperson Sandler, to adopt the Preliminary 2018 Budget as presented.

MOTION CARRIED:

Supervisor Kiernan	aye
Councilperson Franck	aye
Councilperson Hohensee	aye
Councilperson Potrikus	no
Councilperson Sandler	aye

Dog Control Officer Tom Steele reported answering 5 dogs running at large calls.

ZEO report was given by Ed Hobbie. The following permits were issued since last meeting:

Zoning Permits: 2 Driveway: 1

Planning Board Liaison Scottie Baker, reported that the Planning Board agenda has been so full they have been considering holding two meetings a month instead of one or make more use of the alternates.

Highway Superintendent Deputy William Hribar Jr. gave the Highway Superintendent report. He reported that all of the CHIP’s reserve has been spent and the reimbursement forms have all been

filed. The Town should receive payment by the end of December. Highway Superintendent Schallert is waiting for Soil and Water to do a hydrology study on Tripp Hill near the Kegelman home. The stream that goes through there is classified as a Class C Trout Stream which means the Town can not have any equipment in that stream after October 1st.

Hribar submitted a series of emails from Dan Kleeschulte from Cobleskill Stone, Otsego County Planning Director Karen Sullivan, and County Representative Andrew Marietta all discussing the soil that was removed from the Northern Transfer Station during the renovation and dumped on John Schallert's property along Bissell Rd. The concern was the soil may have been contaminated and could possibly contaminate Oaks Creek. Sullivan was not too concerned with Oaks Creek being affected because it is more than 500ft from where the material was dumped. Sullivan however did contact Bob Sutherland of Mohican Farms to get test results from testing of runoff from the old Town of Otsego Landfill. This has nothing to do with the other concern since where the runoff was occurring from the adjoining former Town of Otsego landfill, was not part of the project and nothing was disturbed.

Councilperson Sandler report that the Watershed was able to complete fifteen inspections this year twenty-two inspections short of expectation. All problematic properties are in the Towns of Middlefield or Springfield.

Improvements to the old highway garage were discussed. There was discussion of creating a washing station for the trucks to help extend their longevity. Supervisor Kiernan will continue to seek quotes to have the roof refurbished. It is getting late in the year to power wash and repaint the metal siding.

Councilperson Sandler suggested that a Finance Committee be formed to follow the Town's Budget, continually looking for ways to cut cost and keep spending down. Councilperson Potrikus offered to serve on the committee. Sandler suggested County Treasurer Dan Crowell be asked to serve on the committee as well. The Board members all seemed to be in favor of the idea.

MOTION by Councilperson Potrikus, seconded by Councilperson Sandler, to go into Executive Session to discuss People vs JoAnn Crowson.

MOTION CARRIED: All were in favor.

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

MOTION CARRIED: All were in favor.

MOTION by Councilperson Sandler, seconded by Councilperson Potrikus, to authorize the Supervisor to execute the stipulation of settlement in the proposed order in the People vs JoAnn Crowson.

MOTION CARRIED: All were in favor.

MOTION by Supervisor Kiernan to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 10:15PM.

Respectfully Submitted,
Pamela Deane/Town Clerk