

The Otsego Town Board held a Public Hearing and Regular Monthly meeting on the 9<sup>th</sup> day of November 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.

Supervisor Kiernan call the 2017 Tentative Budget Public Hearing to order and opened the floor for comments.

John Phillips was concerned with the Board applying reserves to the budget to help offset the amount needed to collect from taxpayers.

Supervisor Kiernan stated that State Auditors were not in favor of the Town showing such a large reserve and suggested that it be spent down. Also the State has a 1% cap on increasing the budget.

Councilperson Potrikus acknowledged the tremendous time Supervisor Kiernan spent on the Budget but agreed with Phillips. He felt the reserve will be gone in a few years if the rate it is being used continues. He felt the Board should be looking at ways to prevent that from happening. He questioned what constitutes “to much money” to have in reserves.

Carl Wenner commented that he was on the Board when the audit took place. His question then was “Is the Board doing anything illegal by having a large reserve”. And the answer was NO. He disagrees with the Board spending it down by applying it to the budget. Wenner felt the Board should be prepared if, in the future, the State or Federal Funds stop to help with the maintenance of Town roads.

With no other questions of comments from the public, Supervisor Kiernan closed the Public Hearing.

Supervisor Kiernan then called the Regular Monthly meeting to order.

MOTION by Councilperson Hohensee, seconded by Councilperson Franck, to accept the minutes of October 12th as presented.

MOTION CARRIED: All were in favor

MOTION by Councilperson Franck seconded by Councilperson Hohensee, to accept the Budget Workshop minutes of October 26th as presented.

MOTION CARRIED: Supervisor Kiernan, Councilpersons Hohensee, Franck, and Potrikus voted yes. Councilperson Sandler abstained since he did not attend the meeting.

MOTION by Hohensee, seconded by Councilperson Franck, to accept the Referendum Informative Meeting minutes of October 26<sup>th</sup>, as presented.

MOTION CARRIED: Supervisor Kiernan, Councilpersons Hohensee, Franck, and Potrikus voted yes. Councilperson Sandler abstained since he did not attend the meeting.

Supervisor Kiernan reviewed correspondence received since last meeting. Among the correspondence was a letter from :

- Kathy Chase respectfully requesting the Town Board revoke the Heirloom Barn Law along with a list explaining why and
- a letter from Virginia Joslin-Hastings letting the Town Board know that while reviewing Blackbird Hollow records she found that the ZBA approved a 34’6” variance on November 19<sup>th</sup> for a staircase to be 10ft. closer to State Highway 80. What Engineer Jon McManus did not tell the ZBA was that the staircase would be in the State Right-of -Way. She also pointed out that there were two more encroachments depicted by Mr. McManus on his site plan. One being the walkways which traverse the eastern side of the building, and the lighted sign at the northern end of the building. Joslin-Hastings has had several conversations with Jerry Murello at NYS DOT. Murello informed her that he had not received any documents addressing these issues or seeking permission to build within the NYS DOT Right-of-Way, nor is he aware of any highway permit issued authorizing work within the NYS DOT

right-of-way or drainage easement. He will be following up with the Binghamton NYS DOT office to address these issues and to arrange for a site visit.

Supervisor Kiernan open the floor for Public Comment.

Charlotte (**Shotzie**) Hall stated that in composition class at college no one was allowed to use the word “nice” because it was too vague a word. What one person thought was nice someone else did not. She asked the question “How do you measure minimum?” She finds it vague language meaning different things to different people and felt this needs to be addressed in the Land Use Law.

Planning Board member Steve Purcell, said that he called members of the Planning Board and all seemed to be in favor of recommending John Phillips be reappointed as Chairman. He personally felt that Phillips is very knowledgeable, experienced and dedicated. Purcell was of the opinion that if Phillips was not reappointed to the Planning Board and reappointed Chairman but instead the Town Board was to appoint someone new to the Planning Board and appoint them Chairman it would not sit very well with the other members of the Planning Board.

John Phillips stated that the Fly Creek Fire Department had an open house a few weeks ago and he wanted to thank Joseph Potrikus for his support and gifts. He also gave appreciation to Fire Chief Michael Thayer (who has been elected chief for life only he doesn't know it yet) for all that he does.

Carl Wenner, in respect to the informational meeting on October 26<sup>th</sup> felt the former Highway Superintendent Shawn Mulligan did a good job under difficult situations. At that same meeting he disagreed with a comment made by Councilperson Franck that one of the jobs as an elected official to the Town Board, is to make policy. Three out of five members on the Board won because they ran unopposed. He did not remember any platform statements and didn't feel that the Board could go to town on whatever they felt was best.

Joyce Putnam was emotional while reminding the Board that it has been 2 ½ years since a STOP work order was placed on Boyd Bissell's illegal deck addition. Mr. Bissell bulldozed their property to make a road to reach his cottage to add on this deck. Ten months came and went and Putnam and her family still have gotten nowhere with the Town Board to enforce their own Land Use Law so they hired an attorney. Thousands of dollars later finally the Bissell's were taken to court. The Court Discission was Bissell was to remove the deck back to it's original size by May 31<sup>st</sup>. May 31<sup>st</sup> has come and gone and Putnam is still waiting for the Town to enforce the Courts Decision. Putnam is frustrated. No one from the Town Board or the Town Attorney ever returns her calls or notifies her as to what is going on so she drives to the Town Board meeting to try to get some answers. She asked “What kind of message is the Board sending?” She and her family are waiting for an answer.

Town Attorney Michelle Kennedy told Putnam that she will ask the Town Board, in Executive Session, how much money they want to spend on this problem over a 2 ½ ft violation. Attorney Kennedy did not feel that at the end of the day she would ever meet Putnam's expectations.

Brian Kegelmann reviewed last months discussion with the Town Board concerning the runoff from Tripp Hill and Murdock Road emptying into his pond. At the October meeting he had asked that the Town Board give him an answer in 2 weeks as to what they have decided to do. It has been over 4 weeks and he has heard nothing from the Town Board or the Town Attorney.

Kegelmann claims that the Town had an easement based on historic use of an existing flow of water. Once the water flow, volume or velocity changed, due to the replacements of culverts to a slightly larger size, and the entry into his pond changed that started a new 10 year period nullifying the historic easement. If the Kegelmanns object to the water flow change, which they have, the Town would need to enter into aprescriptive easement settlement.

Attorney Kennedy informed Kegelmann that Lamont Engineering determined that the volume of water is no different with the changing out of the old culverts. Only during a flood event will the volume of water be increased.

Councilperson Potrikus did not feel the volume of water changed, only that the potential volume of water could change during a storm.

Councilperson Sandler asked if the pond wall failed prior to the culverts being changed out on Tripp Hill and Kegelmann answered, yes, it failed on Murdock.

Highway Superintendent John Schallert told Kegelmann that the 12-inch culverts were replaced with 12-inch culverts. Kegelmann strongly disagreed, stating that he measured them and they are 15-inch culverts.

Kegelmann showed the Board a picture from his cell phone, of the blocking off the culvert that is out of the right-of-way going into his pond. After reading the law he feels he has every right to protect his property and that means preventing the runoff from emptying into his pond.

Town Attorney Michelle Kennedy made it clear to Kegelmann that he does not have any right to obstruct anything within the town's right-of-way.

Supervisor Kiernan closed the floor for further comments.

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

General Savings: \$ 4,690.45	General Checking: \$ 355,601.42
Highway Savings: \$ 7,820.95	Hwy Checking: \$ 438,457.36
Building Reserve Fund: \$179,632.12	Hwy Equipment Fund: \$ 263,878.85

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

MOTION CARRIED: All were in favor.

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

GENERAL: # 141-# 155	\$ 5,581.96
HWY: # 385-# 403	\$ 9,365.51

MOTION CARRIED: All were in favor

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

Planning Board Liaison John Phillips discussed applications the Planning Board is currently reviewing. Planning Board members voted unanimously for a 6-month moratorium on the Heirloom Barn Law.

Supervisor Kiernan reported that Barbara Monroe has resigned her Town ZEO position effective next week.

Councilperson Sandler state that he attended the Clean Energy Communities Program. The “carrot” to the program is a \$150,000 grant that does not need to be matched by the municipality if the municipality documents achieving 4 out of 10 action items. The grant money is typically awarded to projects that in some way reduce energy consumption for the greenhouse gas admissions for the residents of a municipality. He would take the focus of reducing the energy renovation, energy reductions, and energy foot print reductions for the municipal buildings Councilperson Sandler was confident that there were 4 action items that we could apply for. His focus on where the 4 action items would be applied would be the Town Highway Garage, Town Office Building and the Fly Creek Fire House.

Highway report was given by Highway Superintendent John Schallert. Some of the surplus items on the list approved by the Town Board at the October meeting went to auction. No news yet how much the Town will receive. He asked the Town Board’s permission to appoint Bill Hribar Jr. as his deputy. The Town Board had no objections.

Councilperson Franck reported that the Safety Committee met with Otsego County Homeland Security Coordinator and Otsego County Health and Safety Officer Bob Satriano. At the meeting there was discussion on updating the highway office with a new computer and fax machine. Daily Logs are being kept. Satriano suggested that the Town’s Weapons Policy be included with new employee’s paycheck and it be required they sign and return it back to the Supervisor or Highway Superintendent. Satriano thought that this might be a good practice to do with all Town Policies.

Supervisor Kiernan asked for discussion on the proposed Tentative 2017 Budget.

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee to adopt the Tentative 2017 Budget.

MOTION CARRIED: All were in favor.

Councilperson Potrikus asked that it be noted that he reluctantly voted for the Budget because he strongly feels the reserves should not be applied to the budget. He empathizes with Joyce Putnam and residents surrounding the Blackbird Hollow project and admitted he would not want either one in his back yard but, on the other hand, he feels commercial needs to be expanded to help increase the reserve.

MOTION by Supervisor Kiernan, seconded by Councilperson Sandler, to go into Executive Session to discuss Kuch, Honey Joe Acres, Bill Miller and Boyd Bissell matters.

MOTION CARRIED: All were in favor. (9:25pm)

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

MOTION CARRIED: All were in favor. (9:50pm)

MOTION by Supervisor Kiernan, seconded by Councilperson Franck, to appoint Ed Hobbie to the ZEO vacancy.

MOTION CARRIED: All were in favor.

After a short discussion it was the wish of the Town Board to advertise the upcoming ZBA, Planning Board and ZEO vacancies.

MOTION by Councilman Sandler to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 10:10PM.

Respectfully Submitted,  
Pamela Deane/Town Clerk