

Village of Oriskany

708 Utica Street/P. O. Box 904

Oriskany, New York 13424

315-736-3512

clerk@oriskany.org

Oriskany Board of Trustees Meeting Minutes for December 14, 2021

The Village of Oriskany Board of Trustees met on Tuesday, December 14, 2021 in the back room of Oriskany Masonic Lodge #799 at 701 Utica St., Oriskany, NY to provide enough space for social distancing.

In attendance were Mayor Clifford O'Connor, Jr.; Trustees John Kasprzyk, Sean Fortnam, Christopher Burtch, and Paul Rieben; Village Treasurer Peggy Nugent; Village Clerk Alexis Albright; Village Attorney Steve Deery; Police Chief Richard Zabek; Street Superintendent Brian Moulton, Fire Chief Jeff Burkhart and Codes Enforcement Officer George Farley. Also in attendance were residents A. J. SanFilippo and Mark Lisberg.

The meeting opened with the Pledge of Allegiance. The meeting was called to order by Mayor O'Connor at 7:01 p.m.

The following reports were submitted:

Report	Motion	Second	Result
Minutes	Trustee Kasprzyk	Trustee Rieben	Approved
Treasurer's Report	Trustee Rieben	Trustee Burtch	Approved
Police	Trustee Kasprzyk	Trustee Burtch	Approved
Fire	Trustee Rieben	Trustee Burtch	Approved
Museum	Trustee Kasprzyk	Trustee Fortnam	Approved
Codes	Trustee Burtch	Trustee Kasprzyk	Approved

The mayor then addressed the trustees and department heads. Trustee Kasprzyk said that the library had reopened since it's recent updates. The building was recently closed for interior painting and the installation of new carpeting. The library board did not meet in November due to the Thanksgiving holiday.

Trustee Rieben submitted the names of 33 membership status changes in the Oriskany Fire Dept. for information only. (See letter: OFD Secretary Keri Burkhart to Village Board of

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Trustees, dated December 4, 2021.) Trustee Rieben also wished to thank everyone who helped with Christmas in the Nettles. The Nettles planning committee will meet again next October.

Trustees Fortnam and Burtch had nothing new to report. Street Supt. Brian Moulton reported that everything is in order at the DPW.

Police Chief Rich Zabek asked for permission to start a Youth Explorer Program for kids interested in criminal justice. The club would be a joint venture with Vernon. Officer Schmurlo had previously sponsored a group of this kind through BOCES, but is retiring and would like to continue the work. The children would pay dues to a parent organization that provides insurance coverage. Officer Schmurlo would be paid only in the event the group assists with village events. Trustee Rieben motioned to give the police department the authority to sponsor an Explorer Post. Seconded by Trustee Burtch. All in favor. Motion passed.

Fire Chief Jeff Burkhart noted that his report should have the current month's date. He thanked Brian at the DPW for his help with the pallets for the bonfire at Nettles. It was discussed that the bonfire needs to start earlier next year.

Burkhart requested that the fire department be allowed to use the civic room on Mondays and the first Tuesday of every month for meetings. The mayor voiced concerns about having people in and out so often due to part of the room doubling as records storage. Request was declined.

Chief Burkhart next requested to purchase a pick-up truck that the New Hartford Fire Dept. has for sale. The truck would cost about $\frac{1}{3}$ the cost of the new truck they'd looked at. The department has the funding to purchase it outright and retrofit it for their use (around \$25,000). Trustee Burtch motioned to approve the purchase. Seconded by Trustee Kasprzyk. All in favor. Motion carried.

Codes Officer George Farley had nothing new to discuss.

The meeting then opened for public comment. A. J. Sanfilippo of 110 Husted Drive wished to speak to the board regarding the Zoning Board of Appeals (ZBA). Mr. SanFilippo applied for a building permit to build a building to store his snowmobile, four wheeler, etc. in his backyard. The building permit was declined and sent to the board of appeals due to lot coverage and distance from the property line. The first appeal was declined 0-5. Mr. SanFilippo decreased the size of the building and reapplied, asking for an exception to the lot coverage maximum by 2.7%. The building was no longer too close to the property line. His second appeal was declined 2-3.

Mr. SanFilippo took issue with how the appeals were handled. He stated that the appeals Chairman, Ken Brown, and another member of the appeals board, Dianne Fredsell, showed up unannounced to view the property before the appeal while Mr. SanFilippo wasn't home, leaving his wife to try to answer their questions. He also didn't think the appeals board's questions regarding his wife's home business were pertinent. Overall, he doesn't think the zoning board of appeals follows protocol or local law and believes that their personal opinions weighed heavily in their decision. Mr. SanFilippo stated that he thought the opinion of his neighbors should weigh more heavily on whether the appeal was approved. He said he wasn't looking for special treatment but thought the appeal did not go the correct way and doesn't feel he should have been denied. He said he came tonight because he wanted an opportunity to be heard and possibly make a difference for the next person.

Next, Mark Lisberg of Ridge Road spoke on the same matter. He had helped Mr. SanFilippo with the project design work. He thinks there is a problem with the ZBA following its own procedures. He felt that per section 1.42 of the zoning book that the zoning board should not vote in private, but should be open to the public and that meeting minutes should include the vote of each member. He also said each decision should give a reason with reference to the standards. He then cited 1-48F, the board's legal right to grant a variance, and said that the ZBA should consider the benefit to the applicant when weighing an appeal against the health and safety of the neighborhood. He said the board should ask if a variance is substantial, a self created problem, etc. He said problems are not unique to this zoning board, but that other boards read and answer standard questions before taking a vote. He said the Oriskany ZBA did not go through this consideration and that the issue lies with procedure "and takes them down the wrong path." He cited inappropriate behavior by members of the ZBA, such as showing up unannounced and making derogatory comments about a coworker.

Mr. SanFilippo noted that Mr. Brown had asked who owned the trees on the rear property line, so he ordered a survey in good faith. Mr. Lisberg said that he did not think the board read or understood the survey when submitted (i.e. confusing angles with measurements). In conclusion, Mr. Lisberg purported that the board's ruling was "no good" because it was in violation of its own laws.

Mr. SanFilippo concluded by asking why there is an appeals board if they don't issue variances? Why not just have codes approve or deny?

Mayor O'Connor stated that the village board can't interfere with zoning appeals decisions. The ZBA is a separate board with separate powers. Mr. Lisberg recommended more training for the ZBA members and additional respect toward homeowners.

There were no more public comments.

Moving on to old business, Trustee Burtch said that the Oriskany Creek Commission was short one member to be able to form. The group will meet again in January.

The board must make a decision regarding the large-scale solar moratorium that was put in place last year, which prohibits solar farms outside residential or agricultural use. It was unclear whether the moratorium could be extended another year. Trustee Burtch motioned to table the matter for 30 days, seconded by Trustee Rieben. All in favor. Motion carried.

The school district was having a vote tonight regarding a capital project for a new bus garage behind the administration building. Mayor O'Connor attended the earlier hearing and voiced his concern on the water runoff from the original installation of the "admin" sports fields behind the administration building. The mayor has offered to meet with them anytime regarding the storm water and was asked to be kept apprised of the new project, which will be near the existing retaining pond.

Mayor O'Connor also attended the ribbon cutting for the new assisted living unit at the Eastern Star Home last Friday. He also extended his thanks to everyone who helped with Nettles, especially Alexis and Peggy, who sold raffle tickets.

Trustee Burtch motioned to go into executive session for a personnel matter and potential litigation on a police matter. Seconded by Trustee Kasprzyk. Motion carried. The board went into executive session at 7:48 pm and returned at 8:05 pm.

Upon the board's return, Trustee Rieben motioned to pay the newly appointed associate justice \$600 per year. Seconded by Trustee Burtch. All in favor. Motion carried.

Vouchers were signed. Trustee Burtch made a motion to close the meeting at 8:13 p.m. Trustee Fortnam seconded the motion. All in favor. Motion carried.

The next meeting of the Oriskany Board of Trustees is scheduled for Tuesday, January 11, 2022 at 7:00 p.m. at the Masonic Lodge.

Respectfully submitted,

Alexis W. Albright
Oriskany Village Clerk
January 11, 2022

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