

The Otsego Town Board held a Public Hearing and Regular Meeting on the 8th day of February 2012 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Anne Geddes-Atwell	Supervisor
Bennett Sandler	Councilman
Julie Huntsman	Councilwoman
Carl Wenner	Councilman
Langhorn Keith	Councilman

Also Present:

Shawn Mulligan	Highway Superintendent
Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

Supervisor Geddes-Atwell called the Public Hearing to order. Supervisor Geddes-Atwell provided proof of publication of the Legal Notice for the Public Hearing and explained that the purpose of the meeting was to hear public comments on increasing the Town Justices salaries \$2,500 each.

Cooperstown resident Richard Abate felt the Town was fortunate to have two outstanding justices and was in favor of the justice's salaries being re-instated to what they were when they ran for office.

Cooperstown resident James Deane spoke in favor of increasing the justice's salaries by a total of \$5,000.00.

Fly Creek resident John Kosmer was in favor of restoring the Town Justice salaries to the amount that was set when they ran for office.

Fly Creek resident Sally Eldred was in favor of restoring the Town Justice salaries.

Fly Creek resident John Phillips was in favor of restoring the Town Justices salaries to the amount that was set in the 2011 budget so long as the hourly rate equals the former Justices.

Fly Creek resident Meg Kiernan felt that because the new Justices are entitled to set their own schedules you can not compare hourly salaries. She was in favor of increasing the Town Justices salaries to reflect what they were in 2011 when they ran.

Supervisor Geddes-Atwell closed the Public Hearing.

Supervisor Geddes-Atwell called the regular meeting to order and asked all those present to please rise for the Pledge of Allegiance.

MOTION by Councilman Wenner, seconded by Councilman Keith, to accept the minutes of January 11th and 16th, as presented.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell read correspondence she received since last meeting. Councilman Wenner read a letter addressed to the Board from John Phillips. The letter expressed Phillips's dismay that his letter submitted last month was not read in its entirety by Supervisor Geddes-Atwell. He also objected to the fact that a unanimous endorsement of the Planning Board for his reappointment along with endorsements from members of the Village of Cooperstown government were withheld from those conducting the interview. Phillips requested that new interviews be held with the applicant's qualifications made public.

Supervisor Geddes-Atwell opened the floor for Public Comment.

Cooperstown resident and Village Trustee Jeff Katz asked the Town Board to increase the Town's Library contribution from \$7,000 to \$10,000 so it would match the Town residents usage.

Councilman Wenner read a letter addressed to him as Chairman of the Ethics Board, from Fly Creek resident and former Planning Board member John Phillips. Phillips was upset that the unanimous endorsement of the Planning Board for his reappointment nor the endorsement from members of the Village of Cooperstown were relayed to those interviewing him for the Planning Board vacancy. He also was annoyed that the Town Supervisor did not read his January letter in its entirety. Phillips' then referenced an interview in the January 26nd edition of the Freeman's Journal in which the Supervisor stated that she conducted her own ethics review and found that everything was done appropriately. In closing Phillips respectfully requested the Ethics Board consider on what level it appropriate for a complaint against the actions of an individual be investigated and dismissed by that same individual.

Supervisor Geddes-Atwell stated that he Freemans Journal facts were incorrect. She is a registered Republican

not a Democrat .

Richard Abate commended John Phillips for his twelve years of dedicated service on the Planning Board but added that he felt “change is good”.

Toddsville resident Louis Bobnick, complained that he was perturbed with the Town Clerk for handing off his property tax bill receipt to the Highway Superintendent to give to his son (who works for the Town Highway Department)t rather than mailing it directly to him.

Councilman Wenner submitted and summarized five articles he found on the internet pointing to government’s gross incompetence and reckless decisions made with taxpayer’s money. Councilman Wenner continues to make the argument that there should be less government.

Supervisor Geddes-Atwell submitted a financial report. Balances are as follow in the various accounts:

General Savings: \$ 4,668.28	General Checking: \$ 676,987.00
Highway Savings: \$ 7,783.97	Hwy Checking: \$ 672,976.67
Building Reserve Fund: \$150,371.04	
Hwy Equipment Fund: \$156,017.73	

Councilman Wenner suggested that even though interest rates are at an all time low a majority of the Town’s money should be held in interest bearing accounts. He felt earning something was better than nothing.

MOTION by Councilman Lang, seconded by Councilwoman Huntsman, to accept the financial report as given.

MOTION CARRIED: All were in favor.

MOTION by Councilman Sandler seconded by Councilwoman Huntsman, to pay the following invoices and make the necessary transfers.

GENERAL: #24-#44	\$32,251.90
HWY: #4-#27	\$41,911.58

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell called for discussion on adjusting the Town Justice’s Salary from \$15,000/yr to \$20,000/yr or \$10,000 each.

Town Justice Leslie Freidman stated that the Town Justice’s do not have hours because it is unethical to talk to the parties involved prior to their hearing. She went on to explain that in addition to her picking up the mail everyday both Justices are on call 24/7 for arraignments. Freidman informed the Board that the Court Clerk is finding that her work load in more than she had first anticipated and would like her salary increased from \$6,800 to \$7,800.

Councilman Wenner pointed out that the only time an elected official’s salary can be reduced is election year. Councilman Wenner wondered why Supervisor Geddes-Atwell had a change of heart since she initially was in favor of reducing the Justices salaries.

Supervisor Geddes-Atwell felt that timing is everything. Reduction of the salaries should have been done before petitions went out. The ethical thing to do is to honor the amount offered at the time the two justices ran for the Town Justice vacancies.

Councilman Sandler pointed out that even if the Board agrees to increase the Justices salaries the total budget is still \$2,000 less than last year. Councilman Sandler thought it important to note that the Board expects that there will be an increase in revenue generated from fines with the newly elected justices which will, in fact, then offset the increase in salary.

MOTION by Councilman Sandler, seconded by Councilman Lang, to increase the Town Justices salary from \$7,500.00 to \$10,000.00 each.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilmen Lang and Sandler and Councilwoman Huntsman voted yes. Councilman Wenner voted no.

Councilwoman Huntsman reported for the Gas Committee. They have decided to meet on an as-needed basis. Currently the main focus is to maximize the amount already spent on the DELTA Engineering Contract and how their services are coordinated County to County and Town to Town. She has found some resources to consult and get ideas and advice from.

Highway report was given by Highway Superintendent Shawn Mulligan.

Fuel expenses for this month are as follow:

FUEL	GALLONS	TOTAL COST/MONTH	YTD GALS	YTD EXP.
Gas	500.0	\$ 1,565.95	500.0	\$ 1,565.05
Diesel	1,129.6	\$ 4,248.59	1,129.6	\$ 4,248.59
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ -0-

Mulligan reported that he will be putting out dump truck and paving bids.

Mulligan also reported that it has just been discovered that the new aluminum sander box that was just returned from being repaired now has a new crack in a different location. The box, however, is still under warrantee and is scheduled to be fixed before Spring.

Mulligan has discussed with the Highway Committee putting back the chain link fence previously taken down in order to build the new highway garage addition.

Mulligan wishes to appoint Michael Thayer as his deputy. Thayer will accept the position so long as the other highway employees have no objection.

Town Attorney Michelle Kennedy announced that, on behalf of the Town, she has filed an answer to the Honey Joe Road Lawsuit against the Town lodged by Mark McGoey.

Planning and Zoning report was given by Zoning Officer Hank Schecher. Schecher stated that things have been quiet. The Planning Board was not in favor of the Town Board changing the zoning on Linden Avenue to simplify and speed up the Linden Avenue Project. They were worried about the precedent that might be set if zoning was changed to accommodate an applicant. It was the Planning Boards belief that if communications were to improve, the project would move along.

Councilman Sandler reported for the Building and Grounds Committee. It seems that there are a number of issues that still need to be addressed before a Certificate of Compliance is issued by the County Code Department. He plans to look into those along with the waterline problem at the new highway garage, which continues to freeze.

Dog Control Officer Tom Steele reported receiving four calls since last month and has four tickets pending at the Town Court.

Supervisor Geddes-Atwell discussed briefly possible revisions to the Town Ethic Policy.

Councilwoman Huntsman addressed Orlo Burch's complaint made at last month's meeting, whereby Burch felt it unethical of the Board to appoint Councilwoman Huntsman's spouse to the Planning Board. He suggested that the definition for recusal be changed to read that those recusing themselves from discussion and /or voting must also leave the room. She felt it would have been unethical for her to tell her husband not to apply for the Planning Board vacancy and she closed by reiterating that she did not take part in the discussion, interview or voting process concerning the Planning Board vacancy.

Councilman Lang wanted it spelled out in the Ethics Policy that complaints can only be made by officers or employees of the Town. Complaints cannot be made by the public.

Further discussion of the Ethics Policy and Committee was tabled until the March meeting.

Councilman Wenner again submitted his Road Adoption Policy for the Town Board's input. Supervisor Geddes-Atwell was reluctant to adopt such a policy without knowing the cost that would be incurred by the Town if the road was adopted. Further discussion was tabled for the March meeting.

Supervisor Geddes-Atwell stated that Dog Control Officer Tom Steele has asked that he be reimbursed for mileage when answering dog complaints. After a short discussion it was the consensus of the Board to reimburse Steele forty cents/mile.

Councilman Wenner stated that he would like the Board to consider placing "Term Limits" on elected official positions. He has consulted with the Association of Towns and was told that it is possible and is something that other Towns have done.

MOTION by Councilman Wenner, seconded by Councilwoman Lang, to go into Executive Session to discuss pending litigation between Honey Joe Acres LLC and the Town of Otsego.

MOTION CARRIED: All were in favor.

MOTION by Councilman Sandler, seconded by Councilman Wenner, to come out of Executive Session.

Town Attorney Michelle Kennedy told the Board that due to the fact that the Town does not have an Ethics

Committee the Board has the option to send John Phillips' complaint to the County Ethics Committee for consideration.

Councilman Lang felt that when Councilwoman Huntsman recused herself that solved any improprieties.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:05PM.

Respectfully Submitted,

Pamela Deane
Town Clerk