

The Otsego Town Board held a regular monthly meeting on the 13th day of February, 2013 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
Thomas Hohensee	Councilman

Also Present:

Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

At 6:00PM the Town Board met with former Planning Board member Paul Lord. Mr. Lord reviewed with the Board, a list of suggestions that he felt would better the Town and the Site Plan Review process.

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 Sandler, to accept the minutes of January 9<sup>th</sup>, as presented.

Supervisor Geddes-Atwell called for discussion.

Town Attorney Michelle Kennedy requested a minor change concerning the SEQRA form, reviewed and filled out by the Town Board at the January 9<sup>th</sup> meeting. The Town Board and Town Clerk agreed the minutes should be amended to reflect her request.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell read correspondence received since last meeting.

Supervisor Geddes-Atwell opened the floor for public comment.

County Representative John Kosmer stated that in spite of his committee's suggestions on ways to offset the cost of maintaining the Manor, the County Board Representatives voted to sell the Manor. Kosmer invited anyone interested in following along or wanting to express their opinion concerning the goings on in the County to log on to his internet radio station called Glimmerglass Radio.

Dora Cooke disagreed with last months decision recommended by the Town Attorney, that residents with a neighboring howling dog problem be made to sign the complaint and prosecute it themselves. Past practice has been the Town's Dog Control Officer signed the complaint and the Town Attorney prosecuted the case for the Town. Cooke felt that if the Town Board was not willing to defend their own law then they should abolish it. She was sympathetic to those living next to a barking dog as she has been a victim of that herself. During the 26 years she worked in the Town Court, prosecuting the one or two dog complaints each year was always part of the Town Attorneys job. Town Court is about upholding justice not making money.

Town Attorney Michelle Kennedy pointed out that if the Town was to abolish the law there would be no recourse for residents. The Dog Ordinance allows for a private right of action. Additionally, the resident who lodged the complaint has the option of representing themselves or also referred to as pro se. The Town Board had determined that the Town should not allocate resources to "howling dog" cases, where the primary witnesses are the property owners as opposed to the Town's Dog Control Officer. The property owner has more at stake than the Town and therefore, may choose to more aggressively pursue the action by conducting more extensive discovery including interviews and depositions that would be costly to the Town. The Town Board has not ruled out prosecution by the Town in cases involving dangerous dogs, nor other nuisance cases.

Zoning Enforcement Officer Tavis Austin stated that he had a barking dog next to his home. He used a camera that recorded the time and date every time the dog barked. The owners of the dog could not dispute the evidence and his case as presented in court in pro se was easily won. The Town of Hartwick is planning on buying a camera for this reason. If a violation is filed each day the howling goes on and the individual is forced to pay \$150 for each violation, the owner of the dog will make sure the problem is resolved.

John Phillips wanted the Board to know that the owner of the Twisted Cedar on top of Fly Creek Hill has left. Before leaving he told Phillips that he has never lived in a more hostile area. Instead of being welcomed into the Town, he was hassled by the Town Board and his neighbor to shut down his home occupation.

Jim Ainslie agreed with Phillips that regulations need to be loosened up for home occupations and businesses. As a mailman he has 400 customers on his route and at last count there were 142 vacant homes. He considered a home occupation, but given the regulations on home occupations has chosen to pursue leaving the area.

Town Councilman Carl Wenner feels that government is corrupt. When he says things like “Rights come from God” or “this is a Republic not a Democracy” people just sit there and remain silent. This frustrates him. He thinks people in theory agree with him but in practice the Town Board just goes on their merry way.

In closing, Councilman Wenner thinks it absurd that anyone can expect government including local government, to solve problems.

John Phillips said that there seemed to be some confusion at the Planning Board meeting on the intent of the Heirloom Barn Law. He took credit for being the author of the Heirloom Barn Law and wanted to clarify its intent. The intent was to create a way for people to generate income from their barns so they would have the resources to restore them. It was meant to be simple. It was meant to give the Planning Board discretion. The law was not meant to be a restoration project.

Planning Board member Steve Purcell remarked that the Planning Board is looking forward to a joint meeting with the Town Board at the end of the month.

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

General Savings: \$ 4,671.30	General Checking: \$ 732,718.33
Highway Savings: \$ 7,789.00	Hwy Checking: \$ 699,852.09
Building Reserve Fund: \$107,033.86	
Hwy Equipment Fund: \$ 206,986.19	

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to accept the Financial Report as given.

Supervisor Geddes-Atwell called for discussion.

Councilman Wenner was not satisfied with Supervisor Geddes-Atwell’s explanation of the corrections she made to the January Financial Report. Supervisor Geddes-Atwell invited Councilman Wenner to stop by her office anytime and she would explain it further.

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

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

GENERAL: #20-#41	\$ 35,237.95
HWY: #05-#20	\$ 21,794.67

Supervisor Geddes-Atwell asked for comments.

Councilman Wenner questioned the cell phone re-imbursement charge from Town Justices Gary Kuch. He also expressed that he would rather see a letter requesting the \$10,000.00 for the Cooperstown Library allocated in the 2013 budget, than an invoice. He was concerned that future Town Board members might be under the impression that they are obligated to honor the Village’s request when indeed they are not.

MOTION CARRIED: All were in favor

Councilman Wenner plans to talk to Village Mayor Jeff Katz asking him to please next year send a letter of request for a Library donation instead of an invoice.

Councilwoman Huntsman presented Local Law #1 - Local Road Use and Preservation Law.

Town Attorney Michelle Kennedy clarified that the public hearing has been held, and the proposed law does not require referral to the County Planning Department.

Councilman Wenner objected to proposed law. One of the reasons he was opposed to the law was he felt additional people would need to be hired to enforce it.

Councilman Sandler stated that the law is just a tool for the Town to be reimbursed for damages.

Supervisor Geddes-Atwell felt that it’s the Town Boards job to protect Town residents and Town money.

MOTION TO ADOPT LOCAL LAW CARRIED: Supervisor Geddes-Atwell, Councilmen Sandler and Hohensee, and Councilwoman Huntsman voted aye. Councilman Wenner voted no.

Dog Control Officer Tom Steele reported receiving one call this month.

Town Attorney Michelle Kennedy submitted the Susquehanna SPCA contract, which was then briefly discussed by the Board.

MOTION by Councilwoman Huntsman, seconded by Councilman Hohensee, to adopt the proposed Susquehanna SPCA contract, but first amending acute care not to exceed \$500.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilmen Sandler and Hohensee, and Councilwoman Huntsman voted yes. Councilman Wenner abstained.

Zoning Enforcement Officer Tavis Austin submitted his monthly report, which the Board examined. He commented that the new and old Planning Board members seem to work very well together. He looked for direction with the B&B Ranch on Bed Bug Hill. As part of their Recreational Facility they now have opened a restaurant. His question to the Town Attorney was whether or not serving the public would be acceptable.

Attorney Kennedy directed Austin to make it clear to the owners of the B&B Ranch that under their Recreational Facility status they are only allowed to serve patrons of the Recreational Facility. All but Councilman Wenner agreed with Attorney Kennedy's interpretation of the law.

The Town Board scheduled a joint meeting with the Town Planning Board on February 27<sup>th</sup> at 7:00PM at the Town Building.

Councilman Wenner questioned the Supervisor as to whether she filed a complaint with the Zoning Enforcement Officer about the pole barn he built.

Supervisor Geddes-Atwell answered that she did forward a question she was asked to the Zoning Enforcement Officer about the building.

Councilman Wenner reported for the Highway Committee. Issues discussed were the short work week, investigating used southern trucks, unspent allocated highway money being carried over to the next year and the vague description of vacation days for new hires in the current CSEA contract.

Councilman Sandler reported that Highway Superintendent Shawn Mulligan purchased a spot ventilation system for the welding. Sandler would like to see two high sensitivity carbon monoxide detectors installed.

Councilman Tom Hohensee reported that the Canadarago Lake Watershed Management is looking for two representatives from the Town to participate in their once a month evening meeting.

Town Attorney Michelle Kennedy stated that she has drafted for the Watershed Committee, an agreement that was sent to Mr. and Mrs. Summers allowing the testing of his septic system following a telephone conference with Mr. Summers.

Supervisor Geddes-Atwell asked for a volunteer from the Board to be placed on the list at the Bank as an authorized signer in the event she is not available. Councilman Hohensee volunteered.

Town Attorney Michelle Kennedy stated that pursuant to Article 8 of the NYS Environmental Conservation Law, the Village of Cooperstown is seeking approval from several agencies including the Town of Otsego Town Board and Planning Board, to be named "Lead Agency" for the Main Street Sidewalk Replacement & Green Infrastructure Project. The Town Planning Board has already given their approval. She saw no reason why the Town Board should not also give their approval.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to accept the Village of Cooperstown to be "Lead Agency" for the Main Street Side Walk Replacement & Green Infrastructure Project.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell informed the Board that Connie Robinson needs more time to clean the highway garage. Cleaning up the amount of mud tracked in by the highway employees is very time consuming. A majority of the Board had no problem with giving Connie the additional hours she requested.

Supervisor Geddes-Atwell told the Board that the Village of Cooperstown Board of Trustees has voted on dissolving the Village Court. This process is subject to a referendum. By the end of February it will be known whether or not the Town Court will take over the Village of Cooperstown Courts duties.

Councilwoman Huntsman stated that the Board needs to appoint a delegate to vote on their behalf at the convention being held in New York City next week.

MOTION by Supervisor Geddes-Atwell, seconded by Councilman Sandler, to appoint Councilwoman Huntsman as the delegate representing the Town of Otsego.

MOTION CARRIED: All were in favor.

MOTION by Councilman Wenner, to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:30PM.

Respectfully Submitted,

Pamela Deane  
Town Clerk