

The Otsego Town Board held a Public Hearing and Regular Monthly Meeting on the 12th day of March 2014 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Anne Geddes-Atwell	Supervisor
Julie Huntsman	Councilperson
Thomas Hohensee	Councilperson
Bennett Sandler	Councilperson

Also Present:

Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

Supervisor Geddes-Atwell called the Public Hearing for proposed Local Law #1 to order. She explained that the proposed law prohibits the disposal of waste in the Town of Otsego which is associated with natural gas and oil exploration or extraction, or other hydrocarbon exploration and extraction activities in the Town of Otsego.

Supervisor Geddes-Atwell opened the floor for public comment.

There were no comments from the public. It was the decision of the Town Board to leave the Public Hearing open until the April meeting given road conditions this night were unfavorable.

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

MOTION by Councilperson Huntsman, seconded by Councilperson Hohensee, to accept the minutes of February 2nd as presented.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilpersons Huntsman and Hohensee voted yes. Councilperson Sandler abstained. (He was not present for the February meeting).

MOTION by Councilperson Huntsman, seconded by Councilperson Sandler to accept the minutes of March 10th as presented.

MOTION CARRIED: All were in favor.

Supervisor Geddes –Atwell read correspondence received since last meeting. Among the correspondence was a letter from Town Assessor Marie Lawrence changing her last day of service to March 31st.

MOTION by Councilperson Huntsman, seconded by Councilperson Sandler, that the Planning Board Liaison report be moved on the agenda from the Public Comment segment to Planning and Zoning.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell opened the floor for public comment.

To follow up on Joseph Potrikus’s request for restitution at last months meeting Town Attorney Michelle Kennedy informed Mr.Potrikus that so long as the Town Highway Superintendent exercised judgment in the course of his duties he is granted immunity as an elected public officer. This means that Potrikus cannot hold the Town or the Town Highway Superintendent responsible for coming onto his property and digging out his streambed. This was after excess water came rushing down as a result of a beaver dam breaking during a substantial rainstorm causing the town’s culvert on Christian Hill Rd. to plug and overflow.

Joseph Potrikus believed that because the material taken from the streambed was reused to repair the town bridge located on the upper end of Stone House Rd., this proved the material had value. As far as he was concerned this was theft.

Attorney Michelle Kennedy stated that there is a distinction between civil and criminal cases. If criminal, a complaint needed to be filed with law enforcement. Public Officer Immunity applies to civil cases. Because of the Town Boards fiduciary responsibility to the taxpayers they cannot offer compensation that they would not be legally required to give.

MOTION by Councilperson Sandler, seconded by Councilperson Huntsman, to close comments from the public.

MOTION CARRIED: All were in favor.

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

General Savings: \$ 4,673.64	General Checking: \$ 679,343.44
Highway Savings: \$ 7,792.90	Hwy Checking: \$ 736,566.16
Building Reserve Fund: \$150,543.70	
Hwy Equipment Fund: \$ 127,881.81	

It was the decision of the Board to reconcile the first quarter at the April meeting after the accountants have reviewed the accounts.

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

GENERAL:	#44-#59	\$ 8,070.42
HWY:	#238-#252	\$ 28,912.96

Zoning Enforcement Officer Tavis Austin reported there were no permits issued since last month. He also submitted a flow chart showing the Board the permit process residents must go through.

As Planning Board liaison, Joseph Potrikus reported on Planning Board activity.

Councilperson Huntsman noted that she attended the Planning Board meeting to observe and found it a learning experience and very interesting.

Attorney Michelle Kennedy submitted to Zoning Enforcement Officer Tavis Austin, the final draft complaint concerning Harrison and Judith Hummel's violations. After reviewing the complaint he asked for minor revisions, which Attorney Kennedy agreed to do. She plans to file the complaint with the Supreme Court next week.

MOTION by Councilperson Sandler, seconded by Councilperson Huntsman, authorizing the Town Supervisor to give a check in the amount of \$210.00 to Town Attorney Michelle Kennedy to cover the cost of filing fees needed to go before the Supreme Court.

MOTION CARRIED: All were in favor.

Councilperson Sandler stated that he hopes to have shortly an RFP for the replacement of a portion of the Town Building roof. He suggested that a walk through of all the Town Buildings be scheduled to review their conditions, problems or potential problems.

In Highway Superintendent John Schallert's absence Supervisor Geddes-Atwell announced that highway employee Steve Baker has resigned. Schallert has no immediate plans to fill the vacancy.

Town Attorney Michelle Kennedy stated that she has reviewed the proposed Fire and Ambulance Agreements between the Village of Cooperstown and the Town of Otsego. She suggested minor amendments, which the Board agreed with. The suggested changes will be made and sent back to the Village of Cooperstown for their feedback.

Supervisor Geddes-Atwell reported that internal audits done with the Town Clerk, Tax Collector, and the Town Supervisor were found to be satisfactory.

Attorney Michelle Kennedy explained concerns she has with the proposed Time Warner Agreement. The former contract stated that they will provide service within a certain area, which was referenced by a map, and now the agreement simply states that they will provide service, as they are required to do by law. Town Attorney Michelle Kennedy is concerned that Time Warner will cut services from areas that are no longer profitable. The Board discussed counter proposals to the proposed agreement such as technical requirements, revised service area map and more free drops.

MOTION by Councilperson Sandler, seconded by Councilperson Huntsman, to go into Executive Session to discuss the CSEA contract, applicants for Town Assessor vacancy and litigations.

MOTION CARRIED: All were in favor. (8:05PM)

MOTION by Councilperson Sandler, seconded by Supervisor Geddes-Atwell, to come out of Executive Session.

MOTION CARRIED: All were in favor. (8:47PM)

MOTION by Councilperson Sandler, seconded by Councilperson Huntsman, to hire Richard Maxwell for Town Assessor contingent that he accepts the proposed salary and starting date.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Huntsman, seconded by Supervisor Geddes-Atwell, to appoint Karen Tavernese as Town Assessor if Richard Maxwell declines the offer.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Hohensee to adjourn.

MOTION CARRIED: All were in favor.

Meeting was adjourned at 9:10.

The next regular meeting will be at the Town Building in Fly Creek on the 12th day of April 9, 2014 at 7:00PM.

Respectfully Submitted,

Pamela Deane
Town Clerk