

The Otsego Town Board held a regular monthly meeting on the 8th day of April 2015 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

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

Also Present:

Michael Thayer	Deputy Highway Superintendent
Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

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 Sandler, seconded by Councilperson Hohensee, to accept the minutes of March 11th.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilpersons Hohensee, Sandler and Franck voted yes. Councilperson Huntsman abstained. (she did not attend the March meeting)

Supervisor Geddes -Atwell read correspondence received since last meeting.

Supervisor Geddes-Atwell opened the floor for comments.

Scottie Baker, Wiley Town Rd., agreed with a letter read by Supervisor Geddes- Atwell written by Sal Furnari encouraging the Town to address the litter along our roads. Furnari suggested that the litter be cleaned up by highway employees or that the Town Justices assign it as a community service sentence.

Mary Tedesco, County Highway 26, said she was nervous about seeing any more businesses being allowed on County Highway 26. The road is already busy and dangerous. She hoped the Town Board would make the Town Laws more clear so people know what they can or can't do with a piece of property before it is purchased. She publicly thanked the Town Board for their hard work in amending the Land Use Law at the Board's March meeting.

Joseph Potrikus, Day Rd., read from the Oneonta Daily Star dated March 27th which stated that the population in upstate New York is declining. This could mean that New York State could lose one or more congressional seats. Schoharie County Treasurer William Cherry was quoted as saying he feels the decline is due to the lack of higher paying jobs and high taxes. Potrikus felt this was intriguing. Potrikus then commented on an article from the Town Crier saying that the Town of Otsego Town Board's Actions were fair. The article was referring to the public hearing held on March 11th for proposed Local Law #1. He stated that he did not question the legality of the Town Board's actions but he disagreed that they were fair. He asked the Town Board what they have done to promote businesses in the Town of Otsego?

Potrikus brought up a series of e-mails that were sent back and forth between himself and Supervisor Geddes-Atwell concerning the Planning Board liaison position. She informed him that Councilpersons Julie Huntsman and Carina Franck will handle the Planning Boards liaison reports from now on and that he will still have the public comment period to express his view. He was puzzled because he felt that at last months meeting he was clear when speaking as a Planning Board liaison vs speaking as a citizen. He did not remember making any inflammatory remarks. Moving on, Potrikus reported on the Planning Board's busy agenda. He publicly thanked Rob Bohm and his Boy Scout Troop for leading the Planning Board in the Pledge of Allegiance.

Supervisor Geddes-Atwell defined the word liaison as communication or co-operation that facilitates a closer working relationship between people or organizations or a person who acts as a link to assist communicational cooperation between groups of people. She told Potrikus that he was a smart guy but participating as a liaison was not his strength.

Potrikus then served the Town Clerk with two FOIL requests.

Sheila Ross, Willow Ave., felt that Supervisor Geddes-Atwell's comment to Potrikus was uncalled for.

She accused the Board of not wanting any businesses. She felt that board members have been sending too much e-mail back and forth, which she felt is the same as holding an illegal meeting.

Jonathan McManus, Christian Hill Rd., stated that he has been involved for many years, assisting the different Boards in suggestions of amending Land Use Laws which he feels is the proper way of doing it. He felt the Planning Board over the years, has been fair and balanced. He was outraged by Supervisor Geddes-Atwell's comment to Potrikus.

Councilperson Franck stated that she has put in so much more time as a Councilperson than she had anticipated. In addition, she also has a job and a family that requires her time. Her parents were business owners in Cooperstown who worked hard for little money. She, too worked very hard with them. It is really hard when the tone turns personal and ugly and to feel so attacked. She assured the audience that she is doing the best that she can with the information that she sees.

Rob Bohm, State Highway, 28, has been a consultant for 20 years and has never rushed a solution without testing it, without finding the facts, identifying the risks, mitigating the risks, getting feedback and socializing. He asked the Board what was the rush to pass the proposed amendments to the Land Use Law at the last meeting? Was anybody bypassing the Planning Board? Was anybody being unreasonable? Whose life was in jeopardy?

Adrian Kuzminski, County Highway 26, echoed Mary Tedesco's comments. It is a difficult job the Town Board has. What is important is that the rules are followed and from what he could see the rules were followed. He felt the Town Board has done a good job and appreciates their efforts. They were elected to uphold the Local Law. Obviously there is some tension between the boards and suggested that the Town Board consider hiring a professional mediator.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to close the floor for Comments. .

MOTION CARRIED: All were in favor.

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

General Savings: \$ 4,678.19	General Checking: \$ 483,406.81
Highway Savings: \$ 7,800.49	Hwy Checking: \$ 781,302.88
Building Reserve Fund: \$150,710.49	Hwy Equipment Fund: \$102,794.36

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee, to accept the financial report as given.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Huntsman, seconded by Councilperson Franck, to pay the following invoices as well as make the necessary transfers.

GENERAL: #57-#77	\$ 34,114.33
HWY: #48-#65	\$ 8,749.35

MOTION CARRIED: All were in favor.

Sisters Joyce Putnam and Julie Roy each spoke, explaining an on-going problem with their neighbors Addison and Boyd Bissell who own a pre-existing, non-conforming B&B on State Hwy 80, approximately 1 mile north of 3 mile point. Both gave a long list of violations the Bissells have been sited for and continue to ignore. Putnam and Roy, along with their neighbors the Margaritis's and Attorney Douglas Zamelis, requested that the Town Board file a Civil Enforcement Action to abate the Bissells, violations, prevent its occupancy, and require that a newly constructed cottage on the property be taken down.

Attorney Martin Tillapaugh spoke on the Bissell's behalf. He cautioned that there are two sides to this story. He admitted that the Bissells had violations but stated that all violations but the cottage in question have been rectified, including a new septic system. This is not an expansion of business as has been characterized. It is a fellow operating a B&B that has some side effects that people are upset about. He believes the issues raised all can be addressed. The Bissells have gone before several boards for a number of reasons and have been told they cannot decide this now or that their paperwork is not proper. Attorney Tillapaugh is requesting that the Bissells be allowed to apply for an area variance for the deck that was expanded and the cottage that was moved. If the variance is not granted, then the Bissells

would be required to do whatever is needed to be done to be in compliance with the Town's Land Use Law.

Town Attorney Michelle Kennedy suggested that area variances are sought prior to any Civil Enforcement Action.

Zoning Enforcement Officer Tavis Austin submitted his report and discussed briefly Planning Board activities.

Lot Line Adjustment: 1

The definition of commercial storage was discussed. Austin stated that he has been asked if people who have a business that has had outside storage forever and they see themselves as "commercial with storage", are they now negated because commercial storage is eliminated?

Michelle answered that "commercial storage" has not been stricken from the law; Storage Units in RA-2 have been omitted.

Tavis suggested that the Town engage with the company General Code which may remove a lot of the confusion affiliated with the way the Town's Law Booklet is laid out. He warned that it would be very expensive but more user friendly.

Councilperson Huntsman reported on Planning Board activity. One project that spiked her interest was a potential project Joseph Potrikus may be interested in pursuing. He discussed the possibility of entering into an energy service agreement allowing a company to install solar panels on his County Highway 26 property and sell the energy produced from the panels. Currently a project of this nature is not allowed in the Town Land Use Law. Councilperson Huntsman was much in favor of the idea. On another note, the Planning Board welcomed the idea of the Town Board having a liaison at their meetings, each Town Board and Planning Board member possibly taking a turn being a liaison at each other's meeting.

Councilpersons Sandler and Franck were in favor of the Board establishing a committee to prioritize sections of the Land Use Law that need to be addressed sooner rather than later and adopt amendments, a section at a time, rather than revamp the entire law and pass all amendments as a whole. Franck felt that the Boards owed it to the town residents to move past the current conflict with the Planning Board members over the newly adopted amendments and go forward.

Supervisor Geddes-Atwell explained that because the Town Assessor is also the Assessor for other towns he cannot attend Grievance Day if the town holds it on the fourth Tuesday of May, which is the standard day set for all Grievance Days throughout the state. She submitted a local law changing it to the first Tuesday in June for the Board's consideration.

MOTION by Councilperson Hohensee, seconded by Councilperson Huntsman, to designate the Town Board as lead agency in terms of the proposed Local Law #2.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Sandler, seconded by Councilperson Huntsman, declaring this a type 2 SEQRA Action.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Hohensee, seconded by Councilperson Huntsman, to set a Public Hearing for said proposed Local Law #2 for May 13th at 7:00PM.

MOTION CARRIED: All were in favor.

Councilperson Huntsman reported that Solomon Energy has reported back that they have completed their evaluation and analysis of potential benefits the town could receive from solar energy and they could reduce its energy costs by purchasing electricity generated by a solar facility. The Town Board and the Town Board Attorney reviewed the terms of the Agreement.

MOTION by Supervisor Geddes-Atwell, seconded by Councilperson Huntsman, designating the Town Board as lead agency for the Solar PV Energy Services Agreement with Solomon Energy.

MOTION CARRIED: All were in favor.

MOTION by Supervisor Geddes-Atwell, seconded by Councilperson Hohensee, declaring this a Type 2 SEQRA Action.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Huntsman, seconded by Councilperson Sandler, authorizing Supervisor Geddes-Atwell to sign the Solar PV Energy Agreement with Solomon Energy.

MOTION CARRIED: All were in favor.

Deputy Highway Superintendent Michael Thayer gave the highway report. Water freezing issues inside the new highway garage have been corrected. Frozen pipes have been found, identified and insulated. The frost is still working its way out and all the roads are still moving. Seasonal Roads have been opened. The amount of CHIP's money that has been allocated to the Town by the State is a total of \$210,000.00. A road repair list for the CHIP's money needs to be determined. Thayer disclosed that Highway Superintendent John Schallert would like to request that the Town Board start saving money for a sand shed. He feels that if the sand were under cover it would dry out and not freeze. The sand freezing in the winter is a problem. Thayer on the other hand disagrees and feels the sand will probably freeze anyway. It is his opinion that more emphasis needs to be put on road repair.

Town Attorney Michelle Kennedy informed the Board that they need to approve the payment of court-filing fees for court action being taken on two non-compliant properties under the jurisdiction of the Town of Otsego Lake Watershed Supervisory Committees.

MOTION by Councilperson Huntsman, seconded by Councilperson Franck authorizing Supervisor Geddes-Atwell to issue a check to the Otsego County Clerk for court filing fees in the two matters, not to exceed \$600.00.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Huntsman, seconded by Councilperson Franck, to adopt the Procurement and Surplus Policies as presented by Supervisor Geddes-Atwell. (no changes from last year)

MOTION CARRIED: All were in favor.

The Town Clerk submitted her 2014 year-end Town Clerk report which was reviewed and signed by the Board

MOTION by Councilperson Huntsman, seconded by Councilperson Hohensee, authorizing Supervisor Geddes-Atwell to act as the Towns proxy for NYMIR.

MOTION CARRIED: All were in favor.

MOTION by Supervisor Geddes-Atwell to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 10:00PM.

Te next regular meeting will be at the Town Building in Fly Creek on the 13th day of May 2015 at 7:00PM.

Respectfully Submitted,
Pamela Deane/Town Clerk