

The Otsego Town Board held a regular monthly meeting on the 10th day of April, 2013 at the Town Building, Fly Creek, NY at 7:00PM.

Town Board Members Present:

Anne Geddes-Atwell	Supervisor
Bennett Sandler	Councilman
Julie Huntsman	Councilwoman
Carl Wenner	Councilman
Thomas Hohensee	Councilman

Also Present:

Shawn Mulligan	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 Councilman Sandler, seconded by Councilman Wenner, to accept the minutes of March 13th as presented.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell opened the floor for comments.

Otsego County Soil and Water representatives Scott Fickbohm stated that a recent study has shown that widening the Canadarago Lake Dam and lowering it a foot will not solve the lakes flooding problem. Soon after the water leaves the dam it travels uphill a short distance in Oaks Creek causing the water to pool and back up. The study did conclude that the dam should be replaced. Data collected from studies done by the Biological Field Station will be helpful when establishing a Water Protection Plan similar to the one established for Otsego Lake. The primary difference between the two lakes is Canadarago is not a public resource for drinking water like Otsego Lake. Fickbohm emphasized the importance of establishing a partnership with residents located in the watershed by allowing them to participate in a survey. The purpose of the survey is to find out what residents value, how they use the lake, if they are concerned with the lakes water quality, access, regulations, aspirations for the lake, etc. The results of the survey will be used to create a vision for the lake that will then be reflected in the Water Protection Plan. Fickbohm first submitted the survey to the Town Board to review. He is asking for suggestions or comments from the Town Boards of the Towns of Exeter, Warren, Richfield Springs, and Town of Otsego before sending the survey out to all residents in the watershed. He is hoping that after the Board has read the survey they will pass a Resolution of Support for the plan. The Towns that are in support of the plan will be mentioned in a cover letter accompanying the survey. It is Fickbohm's belief that the more Towns listed in the cover letter supporting a Water Protection Plan, it will result in a better survey response and will also be valuable when applying for funding. Councilman Hohensee volunteered to represent the Town of Otsego and attend upcoming meetings.

County Representative John Kosmer updated the Board on the selling of the Manor. The latest issue is not if the Manor is going to be sold but the process by which it is going to be sold. There are a majority of individuals that want to create an LDC or Local Development Corporation. Its creation by-passes several governmental mandated regulations concerning the sale of property. The County sells it to a LDC. The LDC leases it back to the County. The County is then responsible for all the finances but no longer owns it. The LDC is allowed to hold three meetings. An Organizational Meeting, a meeting to decide whether or not to sell the Manor and lastly a meeting to decide who buys it and for what price. The County Representatives would have no say at this point. He was the only Representative on the Manor Committee that voted "no".

Town Highway employee Michael Thayer submitted a picture showing the edge of a resident's property on Haggerty Rd. damaged by the Town. Highway Department. He wanted the Board to know that they are only following orders from Highway Superintendent Shawn Mulligan. The highway employees have been receiving several complaints from residents.

Councilman Sandler advised Thayer that all complaints be directed to Mulligan so he can address concerns or correct any damage.

Councilman Wenner suggested that all highway trucks have business cards with the Highway Superintendent's phone number, to be handed out to those with a complaint.

Planning Board Member Joseph Potrikus let the Town Board know that the Planning Board did not meet this month but still wanted an opportunity to discuss the joint Special Meeting held on February 27th between the Town Board and the Planning Board. On another note he felt County representative Scott Fickbohm's fifteen minute presentation should have been an agenda item and not taken place during the Public Comment period.

Councilman Carl Wenner felt Joe Potrikus was wrongly reprimanded by the Town Supervisor at the last monthly meeting while speaking during the Public Comment period. Potrikus had the floor and was interrupted. He would like to see past practice exercised where by the Town Supervisor allows everyone to speak uninterrupted.

Zoning Enforcement Officer Tavis Austin submitted a monthly report to the Board. There was no ZBA or Planning Board meeting last month. Austin discussed the status of the Cobblecote Bed & Breakfast on Otsego Lake owned by Addison Bissell. Austin had sent Bissell a letter confirming that his B&B was grandfathered under pre-existing non-conforming use but not his food service or event center. Bissell is appealing the ZBA decision of the pre-existing non-conforming status of his B&B. Bissell has passed his time line to appeal the decision. Austin plans to discuss the Town's options with Town Attorney Michelle Kennedy.

Austin informed the Board that Giambetti's B&B Ranch on Bed Bug Hill Rd has applied to the County to change their single family Bed and Breakfast to an assembly occupancy with bar and restaurant. Otsego County Codes Office has sent Giambetti's Attorney, Bob Birch, a letter noting violations and the need for a Certificate of Occupancy which will be contingent on a new Zoning Compliance letter and /or permit from the Town of Otsego. Austin will get a copy of the application to Town Attorney Michelle Kennedy to review.

Supervisor Geddes-Atwell read correspondence received since last meeting.

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

General Savings: \$ 4,671.30	General Checking: \$ 684,786.63
Highway Savings: \$ 7,789.00	Hwy Checking: \$ 648,840.33
Building Reserve Fund: \$150,468.44	
Hwy Equipment Fund: \$ 107,033.86	

Councilman Sandler found discrepancies in the report. After further review of the report it was discovered that the Supervisor report was accurate.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, to close Public Comment.

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: #58-#71	\$ 19,228.60
HWY: #33-#52	\$ 23,553.22

MOTION CARRIED: All were in favor.

Councilwoman Huntsman reported that some towns have passed a local law prohibiting the spreading of brine. The run-off could affect Canadarago and Otsego Lake. Councilwoman Huntsman submitted a proposed local law prohibiting the spreading of brine to the Town Attorney for review.

Town Attorney Michelle Kennedy stated that Dog Control Officer Tom Steele has cited an individual in the Village of Cooperstown for a dangerous dog, letting the dog run at large and unlicensed dog. After much back and forth discussion with Village Attorney Martin Tillapaugh it has been determined that the case will be prosecuted in the Village.

Town Attorney Michelle Kennedy submitted a proposed 10 hour a day work week agreement between the Town and the Town Highway employees which was reviewed and briefly discussed by the Board.

MOTION by Councilman Wenner, seconded by Councilwoman Huntsman, to accept the Memorandum of Understanding as proposed.

MOTION CARRIED: All were in favor.

Town Attorney Michelle Kennedy then submitted a proposed Memorandum of Understanding clarifying the method that shall be applied to the highway employee's vacation leave, personal leave, effective date, and ratifications by the CSEA and the Town of Otsego Town Board.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to accept the proposed Memorandum of Understanding as proposed.

MOTION CARRIED: All were in favor.

Councilwoman Huntsman reported for the Highway Committee. Issues with the highway trucks were discussed.

Highway Superintendent Shawn Mulligan and his deputy Michael Thayer introduced the idea of possibly

purchasing an outside woodchip burner designed for municipalities that burns wood chips. The wood burner that they saw in Syracuse at a show cost approximately \$20,000.00. Councilman Sandler volunteered to research whether or not heating the Town Highway Garage with a woodchip burner would be a significant benefit for the Town.

Highway Superintendent Shawn Mulligan’s written report showed fuel expenses for this month as follow:
General Savings

FUEL	GALLONS	TOTAL COST/MONTH	YTD GALS.	YTD EXP.
Gas	426	1398.56	826	\$2,646.68
Diesel	0	0	6058.4	\$21345.98
Heating	0	0	0	0
Svc.	0	0	0	0

Councilman Sandler reported for the Building and Ground Committee. Sandler forwarded to NYS Department of Labor Industrial Hygienist Jon Haney, the testing proposal sent to the Town from CSEA Hygienist Stipano. Stipano’s total cost proposal to test for a number of compounds was approximately \$2000.00. Haney has agreed to do the testing for free. Haney agreed with Mark Smarr’s (OSHA – NY) assertion that with the heated floor and the garage doors cracked, diesel emission fumes from the trucks would be naturally drafted out of the building. He suggested adding a barn fan as an added precaution. Councilman Sandler indicated Mr. Haney would be in touch within a few weeks to set up a time to come test the facility.

Councilman Sandler reported on the April Otsego Lake Watershed Supervisory Committee meeting. Top of the order was Addison Bissell who is in violation of not installing the septic system approved by the Watershed Supervisory Committee. The originally approved design included a flout feature to distribute effluent across the entire media filter. This feature was not installed due to a lack of adequate vertical drop, therefore, requiring a dosing pump. Mr. Bissell’s system did not include the dosing pump. In the spring of 2012, Mr. Bissell pleaded hardship to the WSC, indicating he would comply with the dosing pump requirement at the end of his summer rental season. The pump was never installed and Mr. Bissell now claims it is not required. The WSC is deciding their next plan of action, as designed by the Watershed Supervisory Committee. He had pleaded hardship to the committee in mid spring, installed the system the Watershed Supervisory Committee requested except the dosing pump. The committee is deciding their next plan of action.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler to discuss the Honey Joe Rd. litigation in Executive Session.

MOTION CARRIED: All were in favor.

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

MOTION CARRIED: All were in favor.

Town Attorney Michelle Kennedy in response to the issue last month with Planning Board members objecting to having to remove themselves from the room when they themselves are an applicant before the Planning Board, submitted a copy of an article she came across in the “State Bar News”. The article states that a panel of municipal attorneys advise their clients that whenever they recuse themselves they should physically move to the back of the room or remove themselves from the room altogether.

MOTION by Councilman Wenner, seconded by Councilman Wenner, to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:16 PM.

Respectfully Submitted,

Pamela Deane
Town Clerk

