

The Otsego Town Board held a regular monthly meeting on the 8th day of May, 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 April 10<sup>th</sup> as presented.

MOTION CARRIED: All were in favor.

The Town Clerk submitted revised minutes of the February 27<sup>th</sup> meeting between the Town Board and Planning Board members.

Planning Board Deputy Chairman Doug Green asked the Board, on the Planning Boards behalf, to refrain from voting on the February 27<sup>th</sup> minutes. He stated that the Planning Board would like to submit edits to the Town Clerk's proposed February 27<sup>th</sup> minutes, at the June meeting. The Town Board honored his request.

Supervisor Geddes-Atwell read correspondence received since the April meeting. Amongst the correspondence was a letter of notification from the Fly Creek Cider Mill informing the Board of their intent to renew their liquor license. The Board had no objections.

Supervisor Geddes-Atwell opened the floor for public comments.

Councilman Carl Wenner read four articles pointing to the corruptive nature of government and the negative impact government policies have.

Fly Creek resident Sheila Ross reminded the Board that money was allocated to pave around the highway garage located on the corner of Cemetery Rd. and Willow Ave. next to her home. Paving would alleviate much of the dust that is being generated. She also pointed out that the Town road signs are not of legal size or specifications.

Supervisor Geddes-Atwell closed the floor for further public comments.

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

General Savings: \$ 4,671.30	General Checking: \$ 706,884.44
Highway Savings: \$ 7,789.00	Hwy Checking: \$ 625,395.96
Building Reserve Fund: \$150,468.44	
Hwy Equipment Fund: \$ 107,033.86	

The check signing process has been completed and Councilman Hohensee is now authorized to sign checks in Supervisor Geddes-Atwell's absence.

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

GENERAL: #72-#88	\$ 22,371.27
HWY: #45-#55-#70	\$ 37,406.25

MOTION CARRIED: All were in favor.

Caitlin Stroosnyder introduced herself as a Graduate Student at SUNY Oneonta with the Cooperstown Biological Field Station. Her thesis plan is to create a management plan for Goodyear Lake and its watershed. An important part of this study involves gathering the sentiments of watershed residents so that the greater community may reap the benefits of cleaner water resources as a whole. She has drafted a survey which is specific to those living in townships and rural areas above Goodyear Lake that lie within the watersheds that directly or indirectly contribute to the water in Goodyear Lake. The deadline for completion of the survey is June 15<sup>th</sup>. She asked the Board to post the survey on the Town's Website to help reach as many people as possible. The results of the survey will be used in drafting a Comprehensive Plan. The Board had no objections.

The Dog Control Officer's report was given by Tom Steele. He received one dog running at large call since the April meeting. He has two dog cases pending. Both dog owners are being charged with dog running at large, unlicensed dog, and dangerous dog.

Zoning Enforcement Officer Tavis Austin submitted a monthly report to the Board. Since last meeting the following permits were issued:

Zoning Permit: 3

Austin reported that the only application for the Planning Board to review this month was a lot line adjustment. Austin stated that lot line adjustments in most towns are handled between neighbors and their attorneys, so long as the minimum amount of acreage remains for both lots. There is no site plan review required. He suggested that the Town Attorney research and see if the Town has any liability reviewing resident's deeds. If there is, the Board may want to think about dropping the site plan review requirement for a lot line adjustment.

Another suggestion Austin had was to draft language that precludes an applicant who is currently in violation or allegedly in violation from even applying for a site plan review.

Austin also reported that there is an applicant who did not agree with the determination of the Zoning Officer regarding his proposed project. The applicant is scheduled to appeal Austin's decision before the ZBA at their May meeting.

Town Attorney Michelle Kennedy recapped that the Town is now dealing with the legality of two businesses within the Town, operating a café and restaurant with their B&B operation. She pointed out that these two businesses are in keeping with the Town's Comprehensive Plan which is to encourage tourism. She also felt it would be a waste of the Courts time if she prosecuted the owners for serving dinner as well as breakfast. Kennedy suggested that the Land Use Law be expanded to allow B&B's and Recreational Facility's to serve food and drinks at any given hour so long as they were limited to serving their patrons.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, authorizing Town Attorney Michelle Kennedy to draft language allowing B&B and Recreational Facility owners to serve food and drinks to their patrons.

Councilman Wenner stated that he will support any amendment to the Town Land Use Law that makes things easier for business. He strongly disapproves of laws that micro manage everybody's business.

MOTION CARRIED: All were in favor.

Attorney Kennedy plans to forward her proposal once drafted, to the Planning Board for input.

Planning Board Deputy Chairman Doug Green reminded the Board that the Planning Board is mandated by the State to attend 4 hours of training every year. At the June meeting he will be holding the first of several meetings for training. The first meeting will be on "Enforcement of Zoning". He submitted a proposed resolution to establish an acceptable training program for Planning Board and Zoning Board of Appeals Members.

Councilwoman Huntsman stated that she had spoken with Planning Board Member Steven Purcell and Planning Board Chairman Donna Borgstrom who agreed the Town Land Use Law needs to be reviewed and slightly modified. Purcell was not in agreement with the last Code of Ethics Policy modification where by an applicant who is also a Board member must have someone else present their project. He felt that the consequence of the Board member not presenting their site plan make the Planning Boards job harder. The Planning Board member can not even be allowed to be in the room during the time the project is being presented or voted on. Councilwoman Huntsman suggested that the language in the Code of Ethics Policy be changed under section "J" to read:

"Such recusal shall require that the member not be in the room when the application is discussed by or decided by the Board. However, this does not preclude the member from presenting his or her own application before the Board."

Doug Green agreed to pass this proposal along to the Planning Board Members for their input.

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

FUEL	GALLONS	TOTAL COST/MONTH	YTD GALS.	YTD EXP.
Gas	268	816.57	1094	\$3,463.25
Diesel	1667	\$2,392.13	7,725.4	\$23,738.11
Heating	0	0	0	0
Svc.	0	0	0	0

Mulligan submitted his Agreement for the Expenditure of Highway Monies for the Board to review.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, to accept the proposed Agreement for the Expenditure of Highway Monies submitted by Mulligan.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilmen Sandler and Hohensee and Councilwoman Huntsman voted yes. Councilman Wenner voted no. Councilman Wenner is opposed to accepting any monies from the State or Federal Government.

Councilman Sandler reported for the Building and Ground Committee. NYS Department of Labor Industrial Hygienist John Haney did emission tests in the building while all the trucks were running for 15 minutes. All testing levels were in normal range. Once the doors were opened the exhaust left quickly. Haney will share his final report with CSEA.

Highway Superintendent Shawn Mulligan submitted paving bid results which were reviewed and discussed by the Board. Results were as follow:

	<u>Keating</u>	<u>Wileytown</u>	<u>Glimmerglen</u>
Hanson Aggregates:	\$85,146.60	\$64,170.40=\$149,317.00	\$35,748.70
Cobleskill Stone	\$87,075.10	\$64,160.60=\$151,235.70	\$35,026.45
Barrett Paving	\$90,772.50	\$68,600.00	\$40,446.00

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to accept the lowest paving bid offered by Hanson Aggregates for paving Keating and Wiley Town Road.

MOTION CARRIED: All were in favor.

Highway Superintendent Mulligan wanted to address Sheila Ross's earlier comment concerning Town road signs. He informed the Board that he intends to continue making the highway road signs in house at the same size because they are not being stolen. The savings has been about \$1,400.00 a year. At present Sheila Ross's complaint has been the only complaint.

MOTION by Councilman Wenner, seconded by Councilman Sandler, to go into Executive Session to discuss the Honey Joe Road litigation.

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.

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

MOTION CARRIED: All were in favor.

Meeting ended at 9:25PM.

Respectfully Submitted,

Pamela Deane  
Town Clerk