

The Otsego Town Board held a regular monthly meeting on the 13th day of June, 2012 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
Langhorne Keith	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 Wenner, seconded by Councilwoman Huntsman, to accept the minutes of May 9<sup>th</sup>, as presented.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell read correspondence received since last meeting. Among the correspondence read was:

- A liquor license application from Magnale, LLC. B & B Ranch on Bed Bug Hill.

Supervisor Geddes-Atwell opened the floor for comments.

Fly Creek resident Dora Cooke questioned the need for a Bed and Breakfast to have a liquor license when all they are allowed to serve is breakfast. Zoning Officer Hank Schecher had no answer. The current file showed that a Special Permit had been issued for a B & B which was transferred to the new owner. It was his understanding that the Town had 30 days from the date of the letter to object to the issuance of the liquor license if the resident was not in compliance.

Cooke offered her opinion on Councilman Wenner's proposal to establish term limits. She has found as a Town employee for many years, that dedicated competent people are hard to find. It was her opinion that elected positions should be left up to the voters. She was confused with Councilman Wenner's push for term limits taking the decision away from voters when he has made it clear that he is a strong advocate for less government and giving more power back to the residents. Cooke was in favor of limiting Planning Board members to serve out their seven year appointment mandating that they needed to be off the Planning Board at least 1 year before applying again for any vacancies.

John Philips felt that experience and a vast knowledge of prior projects could prove valuable to the Town Planning Board. For that reason he was not in favor of term limits for Planning Board Member. Planning Board Members should be encouraged to stay on for another term so long as they are acting in accordance with the Town's Land Use Law.

Supervisor Geddes-Atwell closed the Public Comments.

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

General Savings: \$ 4,669.93	General Checking: \$ 582,076.38
Highway Savings: \$ 7,786.73	Hwy Checking: \$ 564,415.25
Building Reserve Fund: \$150,424.46	
Hwy Equipment Fund: \$ 206,977.71	

MOTION by Councilman Wenner, seconded by Councilman Keith, to accept the financial report as given.

MOTION CARRIED: All were in favor.

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

GENERAL: #109-#130	\$ 6,276.48
HWY: # 72-# 87	\$ 96,844.75

MOTION CARRIED: All were in favor.

Councilwoman Huntsman asked that re-imbusement to Tom Huntsman for attending a Planning Board Conference be held until she has had a chance to confirm that the requested re-imbusement amount is correct.

Councilwoman Huntsman reported on an article found in the New York Times anticipating that the Governor's Office will be allowing limited gas drilling in the Southern Tier leaving Central NY alone. It appears then that the State is going to support Home Rule which she felt was encouraging.

Councilman Sandler announced that the State has inspected the Town's boilers and based on their findings issued two violation notices. Councilman Sandler has contacted John Marsheve from Springfield to correct the violations and conduct an annual maintenance on the Town Building boiler. Sandler is also researching ways to install ventilation in the new highway garage and upgrading the cold water feed to the high pressure pump as not to burn out the pump.

Zoning Officer Hank Schecher was informed by Village Zoning Officer Al Keck, that the number of septic violations along Otsego Lake has been reduced to three. On another matter he has stopped three times at the house selling Log Furniture, at the top of Fly Creek Hill but has found no one home. It appears that the person conducting the un-approved home occupation, does not own the house so the identity of the individual selling the furniture is unknown. Schecher had no issue with the home occupation so long as those selling the furniture actually live there. The existing signage however, needs to be tone down.

Schecher went on to address a letter of complaint from Holly Jo Dare questioning Mark Capozucco's existing permit for a three bedroom house on less then an acre on Otsego Lake with a septic system designed for a three bedroom house. Instead it appears there are two apartments in the house with a third apartment in his converted garage. Her main concern was whether or not the septic system could handle all three families. Schecher stated that assessment information shows the house having two apartments. He looked to the Town Board for direction as to how far he was to go with this complaint and was he now expected to search every home for additional apartments that may or may not be on record.

Councilman Keith asked if this use complies with the zoning ordinance. Schecher replied that two families are permitted but felt a permit should have been filed to convert the home from a one family to a two.

Councilman Keith told Schecher that if he felt Capozucco is not in compliance then he should cite him. If he is in compliance and all that is in question is the septic system, the septic system is not a Zoning issue and not the Town's concern. Schecher thought he would send Capozucco a letter and ask him the number of families or bedrooms in his house and see where the conversation goes.

The Bissell B&B on St. Hwy 80 along Otsego Lake has been soliciting guests to an open house and then a dinner, which is not the definition of a B&B. He is hoping the Board of Health will close them down as they have in the past.

Dog Officer Tom Steele reported that everything has been quiet. He has received only 1 call this month.

Highway report was given by Highway Superintendent Shawn Mulligan.

Fuel expenses for this month are as follow:

FUEL	GALLONS	TOTAL COST/MONTH	YTD GALS	YTD EXP.
Gas	520.0	\$ 1,702.95	1,394.0	\$ 4,566.79
Diesel	1,226.5	\$ 4,132.49	7,830.2	\$ 29,012.94
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ -0-

Mulligan stated that all paving projects have been completed. Stone and Oil projects still need to be done. The single axle Mac dump truck has recently had the cam shaft, cam bearings and injector rockers replaced. He is hopeful that the work just completed will be covered under warrantee. Estimated cost for the repair is \$4,000.00.

Mulligan further reported that he has experienced a personnel problem which has been discussed with the Town Attorney and the Highway Committee.

Councilman Sandler reported on the Watershed Committee. As Schecher had already reported, the number of failed septic systems has been reduced and residents are voluntarily starting to comply. Given the busy schedule of the Town Attorney, the issue of enforcement and whether or not the Town's Zoning Officer has the authority to issue violation notices to those having failed septic system, has not been resolved. It is the Board's hope to have an answer by the July meeting.

Town Attorney Michele Kennedy submitted draft changes to the Town's Procurement Policy for the Board to review and discuss.

MOTION by Councilman Keith, seconded by Councilman Sandler, to designate the Town Board Lead Agency of the proposed Procurement Policy and recognize this as a SEQR Type II Action.

MOTION CARRIED: All were in favor.

MOTION by Councilman Sandler, seconded by Councilman Keith, to adopt the Procurement Policy as drafted by the Town Attorney.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell asked for further discussion on the proposed Land Use Law changes submitted last month.

MOTION by Councilman Keith, seconded by Councilwoman Huntsman, to designate the Town Board Lead Agency and, given the proposed Land Use Law amendments only being clerical in nature, declares a SEQR Type II Action.

The reason for the Type II Action is that we are considering these administrative management responsibilities of the board because they do only involve amendments that are clerical in nature

MOTION CARRIED: All were in favor

MOTION by Councilwoman Huntsman, and seconded by Councilman Keith, to schedule a Public Hearing for 7:00 PM July 11<sup>th</sup> to hear public comments on the proposed Land Use Law changes.

MOTION CARRIED: All were in favor

Councilman Sandler reported that the Farmer's Museum is pursuing federal funding to take the place of the grant funding for the sidewalk project. Councilman Sandler is waiting to hear back from Joseph Siracusa. Councilman Keith asked Councilman Sandler to push Siracusa to have an answer by July meeting.

Councilman Wenner offered again for discussion his proposal to limit terms. Wenner's argument for imposing term limits for elected officials was some people, once in office, think of themselves as irreplaceable and he felt it was more beneficial to the Town if there were a turnover of people.

Councilman Sandler felt that there is a difference between volunteer politicians and those in an elected career position. He was agreeable to limiting appointments but not elected terms.

Councilman Keith trusted the voters to determine who should serve in each elected position.

MOTION by Councilman Wenner that elected officials can not serve more than two elected terms in the Town of Otsego.

There was no second.

MOTION DIES

Supervisor Geddes-Atwell thanked Councilman Wenner for his efforts.

Supervisor Geddes-Atwell submitted changes to the Town's Code of Ethics Policy which were reviewed by the Board. Councilman Wenner asked that his Code of Ethic amendments also be considered. It was the decision of the Board to review Wenner's amendments and to table further discussion and voting until the July meeting.

Councilman Wenner requested that the Board consider soliciting volunteers to serve on the Board of Ethics. Councilman Keith was under the understanding that there needs to be one appointed or elected official on the Board of Ethics Board.

Supervisor Geddes-Atwell submitted Councilman Keith's proposed resolution appointing himself to a four year term as the Town of Otsego Marriage Officer. Councilman Keith at this point recused himself and left the room.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to appoint Councilman

Keith Town of Otsego Marriage Officer for a term of four years.

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

Councilman Keith returned to the room.

MOTION by Councilman Wenner, seconded by Councilman Sandler, to go into Executive Session to discuss litigations around Honey Joe Road and personnel issues.

MOTION CARRIED: All were in favor.

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

MOTION CARRIED: All were in favor.

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

MOTION CARRIED: All were in favor.

Meeting ended at 8:55PM.

Respectfully Submitted,

Pamela Deane  
Town Clerk