

The Otsego Town Board held a public hearing followed by a regular monthly meeting on the 11th day of July, 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:

Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

Supervisor Geddes-Atwell called the Public Hearing to order. She explained that all the proposed changes were clerical edits. There were no comments from the public.

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 June 13th, as presented.

MOTION CARRIED: All were in favor.

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

- A letter from the Comptroller's Office giving third notification that the Town Supervisor's annual financial report for the fiscal year ending 12/31/2011 is delinquent. The letter went on to quote General Municipal Law requiring the Town's financial report filing deadline to be March 1st and urged that the report be filed without further delay. A contact name and number was also given in case of questions.
- A letter from Otsego Town resident Harriet Fieldhouse complaining about the neighboring log furniture store that opened several months ago. She went on to state that she met with Town Zoning Officer Hank Schecher, and referenced sections in the Town Land Use Law stating clearly that retail is not allowed in the RA-1 district nor does the log furniture store meet the criteria of a Home Occupation. Schecher promised to get back to her after looking into the situation but never did. In the meantime the furniture store owner indicated to her that he was told that his business clearly qualifies as a home occupation and the property was zoned commercial. In closing she thanked the Board for their consideration and urged the Town Board to take action.

In response Zoning Officer Hank Schecher, stated that this situation was discussed with the Planning Board and they agreed with him that the furniture store is no different than the former pottery shop on Stone House Rd.,, which was deemed a home occupation. In reference to the lawn chair display on his lawn, Schecher said a lot of people have lawn chairs on their lawn.

Councilman Keith disagreed. He felt the law was clear. No retail is allowed with home occupations. The law states that a home occupation shall be conducted in a manner which does not give an outward appearance or manifest characteristics of a business which would infringe upon the right of neighboring resident. The furniture he has on his front lawn, which includes a full size bed, clearly indicates that he is selling furniture.

Ms. Fieldstone stated that she has nothing against the log furniture store or the owner but finds the additional noise and traffic disturbing and is concerned with the possibility of her homes financial worth being reduced as a result of the store.

Dora Cooke stated that she was the Planning Board clerk for 16 years and was present when the law was written and adopted. There is no question that retail is not allowed with a home occupation. Sales can only be done by phone, internet, etc. The pottery business on Stone House Rd. was never operated as a store. Their merchandise was sold at shows. They had no signs, parking, or store hours. Cooke went on to point out that there are three illegal bill board type signs located on St Hwy. 28. Two are located at the intersection of St. Hwy. 28 and 80 advertising a business in West Burlington and the other is a real-estate sign located across from the Manor. She felt that either everyone is made to abide by the Town's Land Use Law or abolish it all together.

Schecher replied that he has sent violation letters referencing the Town's Land Use Law to both the owner of the land the signs are on and the owner of the signs. He was not sure who is actually liable. He has not heard back from either one.

John Phillips stated that he has met with the owner of the log furniture store and found him to be a very nice man making an effort to comply with the law. His "OPEN" flags have been removed and designated parking has been established. He has removed the log framed bed from the lawn and he makes the furniture by using a block and chisel. Noise should not be a factor. He is a young man trying to make an honest living and put his children

through school. Phillips felt Ms. Fieldstone's complaint was not justified, given the fact that the other side of her house borders the Fish and Game Club and people practice shooting skeet all the time. He closed with one last point. There are at least 14 sign violations in the Town and nobody is doing anything about them.

Town Attorney Michele Kennedy pointed out that the Town Board hasn't taken any action to close this gentleman down. She felt he could continue his business so long as he works within the confines of the law.

Councilman Wenner feels that there are corrupt people seeking office strictly to gain popularity and urged the Town Board to reconsider adopting a resolution limiting terms of office.

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

General Savings: \$ -0-	General Checking: \$ 583,939.21
Highway Savings: \$ -0-	Hwy Checking: \$ 507,098.40
Building Reserve Fund: \$150,430.63	
Hwy Equipment Fund: \$ 206,986.19	

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 Keith, to pay the following invoices and make the necessary transfers.

GENERAL: #131-#151	\$24,716. 01
HWY: # 88-#101	\$38,486.40

Councilman Keith requested voucher #137 to the Planning Federation for a course Planning Board member Joseph Potrinkus took, be removed from the pile until it is explained how a course on competitive bidding relates to reviewing site plans. There was no disagreement from other Town Board members.

MOTION CARRIED: All were in favor. Voucher #137 for the Planning Federation was removed from the bills to be paid.

Supervisor Geddes-Atwell reported for Dog Officer Tom Steele. He received 3 calls since last meeting.

Supervisor Geddes-Atwell presented the Highway report in Highway Superintendent Shawn Mulligan's absence.

Fuel expenses for this month are as follow:

FUEL	GALLONS	TOTAL COST/MONTH	YTD GALS	YTD EXP.
Gas	191.0	\$ 578.37	1,585.0	\$ 5,145.16
Diesel	912.0	\$ 2,818.77	8,742.2	\$ 31,831.71
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ -0-

Attorney Martin Tillapaugh reported on the current assessment litigation status of the Hadley property located on St. Hwy 80. He explained that no Town Assessor had ever been given permission to access the property in over 50 years. The condition and contents of the house were based solely on guess work. Appraisals on both sides were done. Results were as follow:

	<u>House value</u>	<u>Land value</u>
Town Appraiser:	\$2,200,000.00	\$895,000.00
Hadley's Appraiser:	\$1,400,000.00	\$238,000.00

After much deliberation the house assessment was agreed at \$2,100,000.00 and the land at \$663,000.00. The Town and school owe two years of approximately \$54,000.00 for overpayment of taxes and \$16,000.00 interest. The school will be hit the hardest. Cooperstown School Attorney Lynn Green suggested that the Hadley's taxes be reduced for the next 5years by reducing their total assessment to \$2,100,000.00 rather than paying them back all at once. This would help decrease the burden on the school budget and tax payers. The Hadley's have not only agreed to this solution but have also agreed to waive the \$16,000.00 interest. Attorney Tillapaugh asked the Town Board for their authorization to accept the proposed settlement. He went on to say that Town Assessor Marie Walters was in agreement with this re-imbusement arrangement.

MOTION by Councilman Keith, seconded by Councilman Huntsman, authorizing Attorney Tillapaugh to accept the proposed settlement of property tax re-imbusement to Louis Hager offered by Cooperstown School Attorney and agreed upon Louis Hager.

MOTION CARRIED: All were in favor.

Councilman Sandler reported that one boiler violation cited by the state has been rectified. He is hopeful that the second violation on the second boiler will be corrected before next meeting.

Zoning Office Hank Schecher stated that his circumstances when initially hired by the Town were very different than now. He has since secured a full time position with the Real Property Department at the County. Councilman Wenner has questioned whether or not his position there causes a conflict here. He has also considered what conflicts might result while working closely with a newly appointed assessor in the event Marie Walters were to resign. With these concerns in mind, coupled with the fact that he just doesn't have that much time to commit anymore, he felt it best to resign his position with the Town while still able to leave in good standing. He is willing to stay until another Zoning Officer is hired.

Councilman Sandler reported meeting with Town Attorney Michele Kennedy and Village Attorney Martin Tillapaugh to discuss enforcement of septic violations in the watershed. It was decided that the Town Zoning Officer would first send a violation notice. If the owner showed no effort to correct the violation the case then would be turned over to the Town Board to proceed with litigation.

Supervisor Geddes-Atwell submitted a Resolution for the Boards consideration giving the Village of Cooperstown support in their efforts to get the NY D.O.T. to reduce the speed limit on Linden Avenue to 30 mph.

MOTION by Councilman Keith, seconded by Councilman Sandler, to adopt the proposed support for a speed limit reduction to 30 mph on Linden Avenue.

MOTION CARRIED: All were in favor.

RESOLUTION ADOPTED: Resolution Docket pg. 104

Supervisor Geddes-Atwell submitted changes to the Town's Code of Ethics Policy which were reviewed by the Board. The Board discussed the proposal and collectively made further changes.

MOTION by Councilman Keith, seconded by Councilman Wenner, to adopt the proposed Code of Ethic's Policy as amended.

MOTION CARRIED: All were in favor.

MOTION by Councilman Keith, seconded by Councilman Huntsman, to go into Executive Session to discuss litigations regarding Honey Joe Road as well as personnel issues.

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 Keith, to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:43PM.

Respectfully Submitted,

Pamela Deane
Town Clerk