

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

Town Board Members Present:

Anne Geddes-Atwell	Supervisor
Julie Huntsman	Councilwoman
Bennett Sandler	Councilman
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 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 12<sup>th</sup>, as presented.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell read correspondence received since the June 12<sup>th</sup> meeting.

Supervisor Geddes-Atwell opened the floor for public comments. Anyone having comments pertaining to something listed on the agenda was instructed to hold their comments to that time of the discussion.

Councilman Wenner stated that he felt that Judges, along with government, are the epitome of corruption. He encouraged the Board to read any of the landmark decisions that the courts have passed down in the last 100 years starting with Marbury vs Madison where the courts ruled on what is constitutional or not. One of the latest decisions the Chief Justice ruled that it was within the government's constitutional right to pass the Healthcare Law. Wenner feels that justices think they are above the law and show little to no respect for the United States Constitution

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: \$ 714,857.64
Highway Savings: \$7,789.00	Hwy Checking: \$ 511,853.49
Building Reserve Fund: \$150,468.44	
Hwy Equipment Fund: \$ 207,059.42	

MOTION by Councilman Wenner, seconded by Councilman Sandler to accept the financial report as presented.

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

MOTION by Councilwoman Huntsman seconded by Councilman Hohensee, to pay the following invoices and make the necessary transfers.

GENERAL: #115-#124	\$ 20,949.92
HWY: #90-#105	\$ 207,914.17

MOTION CARRIED: Supervisor Geddes-Atwell, Councilmen Sandler and Hohensee, and Councilwoman Huntsman voted yes. Councilman Wenner voted no.

Town Assessor Marie Lawrence gave her yearly report during which time she discussed court decisions made on residents appealing their assessments. The court ruled in the Town's favor on the Clara Welsh Home and the Lake View Motel. The Clara Welsh Home is appealing the court decision made on their assessment. Lawrence stated that the State has deemed the Town's equalization rate to be 115%. Lawrence also stated that the market for the past two years has leveled off showing rural areas being hit the hardest. She suggested that another revaluation of the Town be done. Trending would not be a

viable option. In closing she reminded the Board that her term will be ending September 30<sup>th</sup>.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman to reappoint Marie Lawrence as Town Assessor for the next 6 years (term ending 10/1/2019).

MOTION CARRIED: All were in favor.

Cooperstown Library Board Representative Chuck Newman submitted a Village Library Budget for the Board to review. The Village’s share of the library’s actual budget of \$149,000.00 is \$119,032.00. It is estimated that 75% of the users reside in the Town of Otsego and 25% in the Town of Middlefield. Newman requested that the Town Board consider increasing their library contribution from \$10,000.00 to \$13,000.00 next year.

Councilman Wenner questioned whether or not the library is even needed with technology being what it is. Most everyone has a computer on their phone or can read books from their Kindle. Half of the Village Library Budget is personnel.

Newman stated that the library supports electronic books and tapes allowing individuals to down load them to their own computer.

Supervisor Geddes-Atwell thanked Newman for his presentation.

Councilwoman Huntsman submitted a sample resolution whereby the Town of Otsego determines that it is in the residents best interest to support home rule by joining in the amicus briefs being filed in the Court of Appeals by the Town of Ulysses and a coalition of municipalities from across the state of New York.

Councilman Wenner felt that it is absurd for municipalities to decide what is appropriate for their residents. Once government takes rights away from citizens they are never restored. Wenner believes that people’s rights are God given.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, to adopt the proposed resolution.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilmen Sandler and Hohensee, and Councilwoman Huntsman voted yes. Councilman Wenner voted no

RESOLUTION ADOPTED: Resolution Docket pg.109.

Dog Control Officer Tom Steele reported that things have been quiet and he received only 1 call last month.

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

Zoning Permit: 4                      Driveway Permit: 1

Austin reported that he is in the process of taking photos of all the signs displayed in the Town. He has discovered that the Manocerian property on the Springfield line now has a parking lot and bar that needs to be addressed. Austin has been consulting with Town Attorney Michelle Kennedy on how to proceed.

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	425	\$1,346.46	1,520	\$4,809.71
Diesel	1,800.8	\$5,588.78	10,512.2	\$32,409.82
Heating	0	0	0	0
Svc.	0	0	0	0

Mulligan reported that he is still looking to hire another heavy equipment operator. Wiley Town road, Raymond Fish Road and the upper Stone House Road Bridge were damaged the most during the last

flooding. FEMA representatives have assessed the damage. He is waiting to hear if FEMA is going to declare the last flooding a disaster and eligible for reimbursement. In the meantime he is keeping track of the cost of all the materials and labor for the repairs of the damage caused by the flooding.

MOTION by Councilman Hohensee, seconded by Councilwoman Huntsman, authorizing Mulligan to expand his advertising for an HEO (Heavy Equipment Operator).

MOTION CARRIED: All were in favor.

Mulligan reported that he was given a 29% increase in his CHIPS allotment from the state. It was increased from approximately \$140,000.00 to \$180,000.00,

Mulligan stated that he and his deputy Michael Thayer drove to Massachusetts to inspect a used Freightliner 2001, 10 wheeler, dump truck and sander. The cost of the truck delivered is \$28,000.00. The truck needs new tires which he estimated would cost about \$3,000.00. He would like to purchase the truck and also asked the Board to allow an additional \$15,000.00 to replace anything that is marginal.

Councilman Huntsman and Supervisor Geddes-Atwell were concerned with one of the highway employees being very upset that he was not asked to go along on the trip to see the truck.

Highway Deputy Michael Thayer explained that the trip was not planned. He inadvertently found the truck on line and thought it was a great deal. Thayer does most of the mechanical work on the trucks and this one, if purchased, would be his to drive. Mulligan agreed with Thayer that the truck was worth looking at. Given Thayer does most of the repair work on the trucks and the truck would be his to drive, Mulligan decided to bring him along.

John Phillips asked to make a comment about the matter from the floor. Supervisor Geddes-Atwell denied his request.

Still Councilwoman Huntsman and Supervisor Geddes-Atwell were concerned with the disharmony among the highway employees and before making a decision they wanted highway employee Michael Ryhde and Board Member Carl Wenner to ride out to see the truck. There was a lot of discussion back and forth whether or not to send Ryhde out to Massachusetts to inspect the truck.

MOTION by Councilwoman Huntsman, seconded by Councilman Wenner, authorizing Mulligan to go through the bidding process for a used 10 wheeler truck, subject to Town Attorney approval.

MOTION CARRIED: All were in favor.

The Town Board discussed briefly the Time Warner Agreement proposal.

MOTION by Councilman Sandler, seconded by Councilman Hohensee, to propose that under Section 9A a franchise fee payable to the Town be changed from 1% to 2% and that the agreement is a 10 year term limit.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilmen Sandler and Hohensee, and Councilwoman Huntsman voted yes. Councilman Wenner voted no.

Supervisor Geddes-Atwell reported that the Fly Creek Post Office working hours will be reduced to 4 hours a day. The building will be open for those wishing to drop off mail, purchase stamps from a stamp machine or access their Post Office box. It is still undecided whether the working hours will be in the morning or afternoon.

Councilwoman Huntsman let the Board know that she has been working toward a compromise with Planning Board Members concerning language with the Ethics Policy.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, to offer the Town Clerk's services to sell parking tickets for the Village of Cooperstown as a convenience to residents outside the Village.

MOTION CARRIED: All were in favor.

Councilman Wenner asked for input concerning his last month proposed resolution regarding Public Comments and proposed Land Use Law changes.

Supervisor Geddes-Atwell denied Councilman Wenner request. Firstly, despite his request last month his proposal was not on tonights agenda and secondly the hour was late.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to go into Executive Session to discuss litigations facing the Town.

MOTION CARRIED: All were in favor.

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

MOTION CARRIED: All were in favor.

MOTION by Councilman Wenner to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 10:18PM.

Respectfully Submitted,

Pamela Deane  
Town Clerk