

The Otsego Town Board held a regular monthly meeting on the 5<sup>th</sup> day of August, 2015 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Anne Geddes-Atwell            Supervisor  
Thomas Hohensee            Councilperson  
Carina Franck                Councilperson

Also Present:

John Schallert                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 Councilperson Hohensee, seconded by Councilperson Franck, to accept the minutes of July 8<sup>th</sup> as presented.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Franck, seconded by Supervisor Geddes-Atwell, to accept the minutes of July 30<sup>th</sup> as presented.

MOTION FAIL: Supervisor Geddes-Atwell and Councilperson Frank voted yes. Councilperson Hohensee abstained (he was not present at the July 30<sup>th</sup> meeting)

A second vote was tabled for the September meeting.

Supervisor Geddes –Atwell read correspondence received since the Town Board’s July meeting.

Supervisor Geddes-Atwell opened the floor for comments. People wishing to speak were given a five minute limit under the Town’s newly adopted guidelines

Richard Carr, resident of Tripp Hill Road, Fly Creek, stated that he was told that the pot holes and ruts evolving on his road are not going to be addressed until the litigation between the town and his neighbor, Brian Kegelman, over a drainage issue has been resolved. He did not think it fair that the entire road be neglected affecting all residents residing on that road because of one neighbor.

Highway Superintendent John Schallert was willing to see that at the very least the potholes are filled in, warning that this would only be a temporary fix. Attorney Michelle Kennedy suggested that this be further discussed in Executive Session before making any additional promises.

James Atwell of Cooperstown offered an apology to the Board for the way they were addressed at the last meeting. He did not agree with Carl Wenner’s statement accusing the Board of being despicable and Godless individuals nor did he agree with his statement declaring himself a prophet. Atwell described the Board members as being “hard working folks”.

MOTION by Councilperson Hohensee, seconded by Councilperson Franck, to close the floor for comments.

MOTION CARRIED: All were in favor.

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

General Savings: \$ 4,681.66	General Checking: \$ 404,056.50
Highway Savings: \$ 7,806.29	Hwy Checking: \$ 727,632.62
Building Reserve Fund: \$154,430.53	Hwy Equipment Fund: \$252,885.68

MOTION by Councilperson Franck, seconded by Councilperson Hohensee to accept the financial report as given, pay the following invoices and make the necessary transfers.

GENERAL: #130-#141	\$ 3,873.76
HWY: #109-#121	\$ 125,736.10

MOTION CARRIED: All were in favor.

Highway Superintendent report was given by Highway Superintendent John Schallert. Schallert submitted his proposal of roads to be improved under the CHIPs project. They were as follow:

- Bristol Rd.-from Wileytown Rd. to St. Hwy 205-.78 miles-double stone & oil 18' wide-3,850'- \$28,500.00
  - Cook Rd.- from Seasonal Road to Wileytown Rd. -1.4 miles-double stone & oil-18'wide-7,450'- \$44,000.00
  - Hecox Rd.-from Wileytown Rd. to end of road/bus turn around-.35 miles-double stone & oil- 18'wide -1,800' - \$12,000.00.
  - Keys Rd.-from REA pole #22 to Co. Hwy 28 - 1.4 miles-Base material-Bankrun gravel and 2" Item #4-18'wide-7,390'- \$16,000.00.
  - Bibik Rd. from end of existing blacktop to existing blacktop 1689'-.32 miles-double stone & oil- 18'wide-1,698' - \$8,767.00
  - Log Cabin Rd.-625'-.12-14'wide-\$2,518.00
  - Buck Rd.-from Co. Hwy 26 to Seasonal Rd. - .4 miles-2,100'-18' wide-\$11,203.00
  - Smith Cross Rd. from tanner Hill Rd. to existing pavement-double stone & oil-.4 miles-18'wide- 2,166'- \$11,203.00
  - Keating Rd.-from Co. Hwy. 22 to Panther Mt. Rd. - single course stone & oil-.25 miles-1,320'- 18' wide- \$3,100.00
  - Glimmerglen Rd. - from Murdock Rd. to Johnston Rd.-pug mill mix-.41 miles 3,168'-20'wide- \$39,115.00
  - Glimmerglen Rd.-from Johnston Rd. to St Hwy 80- single course stone & oil-1.3 miles-20' wide-6,864'- \$19,541.00
  - Tripp Hill Rd.-culvert - 200' from Stone House Rd. - \$12,000.00.
- TOTAL : \$208,047.00**

MOTION by Councilperson Hohensee, seconded by Councilperson Franck, to accept the proposed road schedule to be maintained under the CHIP's Project as proposed by Highway Superintendent John Schallert.

MOTION CARRIED: All were in favor.

The County Snow and Ice Agreement was reviewed by the Town Board. Schallert requested that the Board table voting on the Agreement until the September meeting. He wasn't sure that the town would benefit from the Agreement and requested time to research it further and compare it with past contracts.

Schallert reported that the loader damaged in April has not yet been fixed.

Schallert, for the record, wanted to explain himself and address Rich and Corlissa Card and Suzanne Summer's complaint made at the July meeting. When he ran for the Highway Superintendent position he was upfront in letting voters know that his main objective was to focus on maintaining the Town's secondary roads and bus routes. Cook Rd. had been a disaster forever and was at the head of his list. Hecox Rd. is a school bus run where buses were having trouble with mud holes. Last year the bus turn around on Panther Mt. Road was paved. Roses Hill Rd. bus turn-around was also improved. This has been policy, to make improvement to bus routes a priority. He was not taking advantage of his position as Town Highway Superintendent and just making sure his own road was improved. Stoller Hill Rd. is a good gravel road in decent condition. The only problem on Stoller Hill Rd. comes from a house recently built with two driveways owned by Brian Morris. These driveways have no culverts and this causes the road to wash out every time there is a lot of rain. No driveway permits were issued when the original owner built the house. Morris does not want to pay \$400.00 for the culverts. Town Attorney Michelle Kennedy felt that because the driveway was not addressed during the initial permit process and the culverts needed will be placed in the Town's right-of-way, the Town will have to take responsibility to pay for and install the culverts.

Code Enforcement Officer Tavis Austin, submitted the Zoning Officer report, which was reviewed by the Board.

Zoning Permits: 7

Site Plan Review: 1

Austin has been receiving complaints from members of the local Historical Society concerning the demolition of two historic homes located on Cemetery Road.

Austin reported looking into a former complaint regarding Chokgyur Lingpa Foundation, a Buddhist Retreat Center located on Glimmerglen Rd. The interior of the three buildings on the property that previously received site plan approval in June of 2009 do not resemble what was approved. Austin went

on to say that County Codes has no record of a building permit or conducting a fire and safety inspection. Austin has since drafted a letter saying that the Town is aware of past permits received, however the featured proposed building/s on Chokgyur Lingpa Foundation's website do not reflect any approved permits. Austin requested that Chokgyur Lingpa Foundation submit a revised site plan.

Planning Board activity was reported by Planning Board member Edward Hobbie. The Planning Board is requesting that \$100.00 be added to the 2016 budget for copies. Hobbie inquired if the Board was going to fill the vacancy left by Donna Borgstrom. After a short discussion it was the consensus of the Board to publically advertise in for candidates in October and schedule interviews in November allowing elected officials to participate in the process.

MOTION by Supervisor Geddes-Atwell, seconded by Councilperson Hohensee, to go into Executive Session to discuss, under Section 105:

- Price Choppers tax assessment challenge
- Status of the Glimmerglass Condominiums tax assessment challenge
- Three enforcement actions brought forth from the Watershed Committee against the Strollo and Lombardo matter, Scalise matter and Cannon matter
- Proposed litigation with respect to the Keglman property on Tripp Hill
- Bissell litigation

MOTION CARRIED: All were in favor. (8:17PM)

MOTION by Supervisor Geddes-Atwell, seconded by Councilperson Hohensee, to come out of Executive Session.

MOTION CARRIED: All were in favor. (8:45)

MOTION by Supervisor Geddes-Atwell, seconded by Councilperson Franck, to approve process server fees for the serving in the Cannon case not to exceed \$100.00.

MOTION CARRIED: All were in favor.

MOTION by Supervisor Geddes-Atwell, seconded by Councilperson Franck, to approve process server fees for the serving in the Bissell matter not to exceed \$100.00.

MOTION CARRIED: All were in favor.

MOTION by Supervisor Geddes-Atwell, seconded by Councilperson Hohensee, to approve court fees for the Hummel matter not to exceed \$60.00.

MOTION CARRIED: All were in favor.

MOTION by Supervisor Geddes-Atwell, seconded by Councilperson Hohensee, allowing Mr. Scalise until October 31<sup>st</sup> to replace the septic system on the property in accordance of the Watershed Committee Plans.

MOTION CARRIED: All were in favor.

The Board reviewed the previous Protocol for Public Comment Policy adopted September 11, 2013. It was decided by the Town Attorney any newly adopted policy's revisions that are in conflict with an existing policy supersedes the former policy meaning that the Guidelines for Public Comment Policy adopted July 8<sup>th</sup> of this year is now the policy that will be followed.

MOTION by Supervisor Geddes-Atwell, seconded by Councilperson Franck to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 8:50PM.

The next regular meeting will be at the Town Building in Fly Creek, on September 9<sup>th</sup> at 7:00PM.

Respectfully Submitted,  
Pamela Deane/Town Clerk