

The Otsego Town Board held a regular monthly meeting on the 8th day of August, 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

At 6:30PM, prior to the regular meeting, the Town Board met with and interviewed Tavis Austin for the Zoning Enforcement Officer vacancy position.

At 7:00PM 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 July 11th, as presented.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell read correspondence received since last meeting.

Supervisor Geddes-Atwell opened the floor for public comment.

County Representative John Kosmer stated that the County Board is considering proposing a referendum to voters in November changing the two year County Reprehensive term to four years. He also disclosed that the County Board has hired a consultant to lay out the County's options concerning prioritizing the Manor and if it is in the best interest of Otsego County residents to sell the Manor. Kosmer is more interested in the financial stability of the purchaser then the final purchase price.

Planning Board member Joseph Potrikus wanted to discuss being reimbursed for a seminar on Contract Law he attended in June. Contract Law is referenced several times in the Town's Comprehensive Plan. Members of the Planning Board and Zoning Board of Appeals are required to have four hours of training per year and the Town has no requirements as to what training class can or cannot be used towards the four hour requirement. He was given approval by the Planning Board Chairman prior to taking the seminar. Potrikus felt that any issue with the bill should have been addressed with the Planning Board Chairman, not with him.

Planning Board member Steve Purcell stated that the Planning Board voted unanimously in favor of Potrikus being reimbursed for the class he attended. The Planning Board benefited greatly from the information he shared with them from the class. The class satisfied his requirement, mandated by NYS, to remain on the Planning Board.

Former Planning Board member John Phillips pointed out that Planning Board expenses have always been less than what was budgeted. The procedure has always been to first get permission from the Planning Board Chairman before attending any of the seminars, which Potrikus did do. Phillips also felt that the Board should advertise and interview multiple people for the Zoning Enforcement Officer upcoming vacancy.

Councilman Carl Wenner questioned why the Town Board has committed the Town to a grant to build a sidewalk in front of the Farmer's Museum when this multimillion dollar entity could afford to build it themselves and at a much lower cost. Councilman Wenner submitted an e-mail he received from NYS Associate Capital Program Analyst and Regional Pedestrian and Bicycle Coordinator Mark Bowers, which, among other things, states that the museum would be allowed to build the sidewalk on their own, without Federal Aid Funding.

Supervisor Geddes-Atwell replied that it is unlikely that at this late date the museum will meet the deadlines outlined in the grant and will be losing the funding allocated for the sidewalk.

Village Library Board Member Chuck Newman, submitted for the Boards consideration a chart showing the Village Library Budget and the percentage of usage of each surrounding municipality. The Town of Otsego residents represent seventy five percent of the library card holders. Newman requested that the Town Board consider increasing their last year contribution of \$7,000.00 back to previous contributions of \$10,000.00.

Supervisor Geddes-Atwell gave 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

Supervisor Geddes-Atwell reported that the year-end A.U.D report has been completed and filed with the State.

A 2013 Budget Workshop was set for Monday August 13th at 6:30PM at the Town Building in Fly Creek.

Supervisor Geddes-Atwell submitted for the Board's to review a proposed Resolution outlining the lease agreement for the 2013 Fink dump truck, sander and plow.

MOTION by Councilman Keith seconded by Councilwoman Huntsman, to adopt the proposed Resolution outlining the lease agreement for the 2013 Fink dump truck, sander and plow.

MOTION CARRIED: All were in favor.

RESOLUTION ADOPTED: Resolution Docket pg. 104

Supervisor Geddes-Atwell requested that \$300 in budget line item A-1220.4 be transferred to B-8010.4 to cover ZBA training fees.

MOTION by Councilwoman Huntsman, seconded by Councilman Keith, to approve of the \$300 transfer of funds requested by Supervisor Geddes-Atwell.

MOTION CARRIED: All were in favor.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, to accept the financial report as given.

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

MOTION by Councilman Wenner, seconded by Councilman Keith, to pay the following invoices and make the necessary transfers:

GENERAL:	#152-#160	\$17,801.44
HWY:	#103-#114	\$73,332.42

Supervisor Geddes-Atwell asked for discussion.

Councilman Keith requested that voucher #151 reimbursing Planning Board member Joseph Potrikus be included in the proposed warrant.

Councilman Sandler requested that Supervisor Geddes-Atwell inquire about the \$160 hole-punch purchased by the Town Court before paying the Hummel's bill.

Supervisor Geddes-Atwell called for a vote.

MOTION CARRIED: All were in favor.

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	-.0-	\$ -0-	1,585.0	\$ 5,145.16
Diesel	628	\$ 2,029.70	9,370.2	\$ 33,861.41
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ -0-

After a short discussion about the Zoning Enforcement Officer up-coming vacancy it was the consensus of the Board to advertise the position and schedule interviews for August 21st at 6:00PM.

Zoning Office Hank Schecher stated that he recently received an application for a sign permit from the owners of the Owl & Moon sign. The realtor sign Dora Cooke supposedly referenced at the July meeting in front of the Susan King-Elkan house on St. Hwy 28 across from the Manor is considered a temporary sign and falls within the allowed size.

He has also met with the owner of the Twisted Cedar Furniture Joseph Welan, who rents the home at the top of Fly Creek Hill and currently is selling cedar furniture. He has determined that it is a primarily residential use with a home occupation. Schecher admitted that the home occupation does not meet all the criteria listed in the Land Use Law but Wells has made some efforts to comply with the law as well as address some of his neighbor Mrs. Fieldhouse's complaints concerning access to the property and his shed.

Schecher also wanted clarified who would handle any enforcement action and correspondence

concerning the watershed. In response, Town Attorney Michele Kennedy said that she would handle any needed enforcement action concerning the watershed.

Councilman Keith asked if Welan has taken the lawn furniture off his lawn.

Zoning Officer Schecher stated that he has asked him to take the "FOR SALE" sign on the outdoor furniture down. He pointed out that many people sell various items off their lawn. The Planning Board has sent a suggestion to the Town Board allowing retail with home occupations.

Schecher reported that the Village of Cooperstown is having a problem with NYS D.O.T. spraying herbicides along Otsego Lake. He questioned whether the Town would be bound to enforce any violation of the law by NYS D.O.T.

Town Attorney Michelle Kennedy responded that the Town of Otsego has subscribed to the rules and regulations upon which the Watershed Committee operates and therefore should enforce such regulations when necessary. This situation is distinguishable from spraying activity occurring within the Village and falling primarily within the Village's jurisdiction.

Councilman Wenner report that Highway Superintendent Shawn Mulligan has hired a new employee to replace newly retired William Hribar. All roads previously scheduled for stone and oil and pug mill have been completed. Mulligan would like to keep truck #25 which was scheduled to be replaced by the newly order 2013 Fink dump truck as a spare so long as it is cost effective. Mulligan would like the Board to look into the cost of the Town being Self Insured. The Town of Hartwick is currently pursuing this route.

Councilman Sandler reported on what is currently going on with the Watershed Committee. There are three residents whose septic systems are not in compliance. Town Attorney Michele Kennedy stated that she would need to be directed by the Town Board to take court action against these individuals. This is in addition to her job as Town Attorney and her hourly rate is \$85.00 per hour.

Councilman Wenner questioned why the Town is getting involved.

Town Attorney Michele Kennedy simply replied that the Town is part of the Watershed and it is the Town's responsibility to share in the responsibility.

Supervisor Geddes-Atwell after polling the Board members, felt that the proposed Code of Ethics procedure discussed and voted on last month needed to be re-visited. Town Attorney Michele Kennedy outlined the differences between adopting the Code of Ethics as a Policy vs. a Town Law. It was her opinion that in the realm of enforcement a policy is more consistent with what the Board envisioned than a Town Law. If adopted as a Town Law all conflicts would require court action.

After a short discussion it was the consensus of the Board that even though a Public Hearing is not needed they would still like to schedule one to hear public comment on the proposed policy. A Public Hearing was scheduled for September 12th at 7:00PM.

Supervisor Geddes-Atwell stated that she is still waiting to hear the County Planning Department's recommendations on the proposed Land Use Law changes proposed at last month's Public Hearing.

MOTION by Supervisor Geddes-Atwell, seconded by Councilman Keith, to go into Executive Session to discuss litigations regarding Honey Joe Road.

MOTION CARRIED: All were in favor.

MOTION by Councilman Keith, seconded by Councilman Sandler 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 9:10PM.

Respectfully Submitted,
Pamela Deane/Town Clerk

