

The Otsego Town Board held a public hearing and regular monthly meeting on the 13th day August, 2014 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Anne Geddes-Atwell	Supervisor
Thomas Hohensee	Councilperson
Bennett Sandler	Councilperson
Carina Franck	Councilperson
Julie Huntsman	Councilperson

Also Present:

John Schallert	Highway Superintendent
Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

Supervisor Geddes-Atwell called the Public Hearing to order. She explained that the Public Hearing was to hear public comment on the proposed Ambulance and Fire Contracts between the Town of Otsego and the Village of Cooperstown.

There were no comments from the public.

MOTION by Councilperson Hohensee, seconded by Councilperson Huntsman to close the Public Hearing.

MOTION CARRIED: All were in favor.

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 Sandler, to accept the minutes of July 9th as presented.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilpersons Franck, Sandler, and Hohensee voted yes. Councilperson Huntsman abstained.

Supervisor Geddes –Atwell read correspondence received since last meeting.

Supervisor Geddes-Atwell opened the floor for public comment.

Caroline Sever invited the Town Board to a meeting that she and her husband will be hosting at the Otesaga Hotel on Friday, August 15th at 6:00PM. The purpose of the meeting is to explain the status of the NYS D.O.T's work planned for St Hwy 80 north of Five Mile Point, and the potential legal implications for property owners along the west side of Otsego Lake.

NYS D.O.T. claims to own several properties north of Five Mile Point from the road to the Otsego Lake shoreline. For now they are only planning to take three properties, Galati's, Peterson's and Sever's. Severs will be able to keep their seasonal home but their historic boat house, stairs, and shed that they have thoughtfully owned and paid taxes on for the past 35 years are scheduled for demolition this fall. The State has not been forth coming in sharing any information as to how they think they own these properties. Deeds to these properties date back to the early 1900's. Residents have been paying mortgages and taxes on these properties for years and now the State is taking them over without any compensation. Sever feels that this is an atrocious action of our State Government and is asking the Town Board to join them in trying to stop it. If the State is allowed to take these properties it will mean a substantial tax base loss for the Town.

Betty Van Heusen showed pictures of a camp scheduled to be torn down. The notice the property owner Lee Stockwell received from New York D.O.T. stated that she was to vacate her property by the 1st of September. The reason the State gave for taking the property was so they can straighten a curve on Rt. 80. Van Heusen showed the Town Board an aerial view of Stockwell's lake home which showed no sharp curve on Rt. 80. Van Heusen continued, saying that Stockwell has been told by NYS D.O. T. that she will not be given any compensation for her home.

Bill Van Heusen summarized by saying that he and his wife, along with Jim and Caroline Sever, have spoken to the Otsego Lake Association, Otsego 2000, Otsego County Soil and Water, to the County Board of Representatives, Mayor of Cooperstown Jeff Katz, the Chamber of Commerce, and

Representatives at the Biological Field Station. In addition he has a phone call into Otsego Conservation Association; they have scheduled a meeting with the Leatherstocking Corporation and are trying to contact all residents in the waterfront lake area. An open letter has been drafted and currently has 60 signatures.

Town Attorney Michelle Kennedy felt timing is critical. As more and more homes are taken it will be harder to be successful in court.

Sheila Ross requested the Town Board minutes be amended to read her water on Willow Ave. has not always needed a filtration system but she needed to install a filtration system as a result of the Town drilling and blasting for water at the Highway Garage on Cemetery Road not that the Town Highway Garage was in need of a filtration system.

Fork Shop Road resident Carol Krish asked for an update about correcting the runoff from Bissell Road into her backyard. Town Highway Superintendent John Schallert told her that he believes that the problem has been corrected. Krish asked that her sluice be cleaned out so the standing water in her backyard can drain. Schallert promised to talk to highway employee and Fly Creek Fire Chief Michael Thayer, and see if the Fire Department would be willing to use their equipment to flush out the plugged sluice pipe.

Janice Wilber thanked the Board for their efforts to enforce Cobblecote B&B into compliance. She requested to know when a court date is set.

Fly Creek resident Arlene Knapp read a letter addressing concerns she has with a dam off of Honey Joe Road, located on Mark McGoey's property. Three pond specialists from D.E.C. have deemed the dam unsafe. Knapp presented pictures showing water damage to her property as a result of the dam breaking during the 2006 flood. The dam was then put back incorrectly and is now showing signs of deterioration and leaking. She is concerned with it giving way and again destroying her property and County Highway 26. She asked the Board to be lead agency in overseeing that the dam is dismantled. She suggested that the County might also agree to join as a combined effort in the interest of protecting County Highway 26.

MOTION by Councilperson Franck, seconded by Councilperson Huntsman, to close the floor for Public Comment.

MOTION CARRIED: All were in favor.

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

General Savings: \$ 4,674.79	General Checking: \$ 576,741.41
Highway Savings: \$ 7,794.83	Hwy Checking: \$ 752,941.58
Building Reserve Fund: \$150,581.03	
Hwy Equipment Fund: \$ 127,913.52	

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to pay the following invoices as well as make the necessary transfers.

GENERAL: #130-#148	\$ 23,747.20
HWY: #298-#315	\$ 70,407.31

MOTION CARRIED: All were in favor.

Dog Control Officer Tom Steele reported receiving one unrelated dog call last month. An individual had a problem with a mother raccoon and her babies. Steele referred them to Animal Control owned and operated by Raymond Key.

Zoning Enforcement Officer Tavis Austin gave his monthly report discussing Planning Board activity, current zoning violations, and litigations. The following permits were issued since last meeting:

Lot Line Adjustment: 1	Zoning Permits: 4	Site Plan Review: 1
ZBA Application: 1	Driveway Permit: 1	

Highway Superintendent John Schallert gave his monthly report. He asked the Board's permission to remove five rocks, approximately three feet wide and four feet wide, now piled at the corner of Honey Joe Rd. and County Highway 26. His reason for wanting them removed is highway employees have been accidentally hitting them with the snow plow. There was a question whether or not they were in the

Town's right-of-way or on Arlene Knapp's property.

After hearing advice from the Town Attorney it was the consensus of the Board to leave the large rocks where they are given Honey Joe Road is under litigation at the present time.

Schallert reported being contacted by representatives from FEMA stating the Town had requested reimbursement for damage for five sites that were not properly permitted. Three of the sites were overseen by the Army Corp. of Engineers who will issue permits after a project is completed. Schallert applied for the permits needed with the Army Corp. of Engineers. The other two requests for reimbursement were with DEC and they will only issue a permit before work is started. The largest of the DEC projects, which was the repair of the upper Stone House Bridge, former Highway Superintendent Shawn Mulligan did get a permit and the Town will be reimbursed but the second reimbursement, which was a culvert repair on Honey Joe Rd., will not. Total reimbursement the Town should expect will be approximately \$17,000.00.

Schallert stated that the Town will be receiving \$21,000.00 for Emergency Disaster which he plans to use for repairing pot holes on Keating Road from County Highway 22 to Panther Mt. Rd.

Schallert has received an estimate cost of \$138,000.00 to pave both ends of Bissell Rd., and sections of Allison Rd., Keating Rd., and Parslow Rd. If given permission by the Town Board he hopes to file these sections of road repairs under the 2014 CHIPs reimbursement allowance.

Schallert requested permission to submit for CHIP's reimbursement for three heavily traveled secondary roads that he has completed, Cook Rd., Hecox Rd. and Panther Mt. Rd. The amount of reimbursement he is seeking for these roads is \$22,449.00.

It was the consensus of the Board to allow Schallert to submit a request for reimbursement \$22,449.00 from CHIP's for improvements made to Cook Rd., Hecox Rd., and Panther Mt. Rd.

Sheila Ross does not feel that all monthly report information kept by former Highway Superintendents is necessary and it is a waste of time. Going forward she plans to keep track of the highway fuel expenses. Schallert will keep track of his road projects and budget.

Councilperson Sandler was concerned that Schallert is not designating what fund each expense is to be taken from. Currently the Town Supervisor is designation what fund each expense is disbursed from. Supervisor Geddes –Atwell agreed to work with Schallert and explain the different funds.

Councilperson Sandler reported for the Watershed Advisory Committee. Inspections are moving along. There is now legal action being taken against three additional homeowners. As far as the organic herbicide sprayed by NYS D.O.T., the cost originally quote was incorrect. The cost to administer the organic herbicide along the west side of Otsego Lake was \$2,000.00 not \$200.00.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to increase the Town's contribution of payment to the Village of Cooperstown from \$150.00 to \$250.00.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Huntsman, seconded by Councilperson Franck, to draft an RFP Comprehensive Energy Audit for Town Office Building and the Highway Garage on Cemetery Rd. to review at the September meeting.

MOTION CARRIED: All were in favor.

Town Attorney Michelle Kennedy stated that Otsego County Director of Planning Karen Sullivan expressed some concern with the inclusion of the waste transfer station stated in proposed Local Law #1 Regarding Brine and Other Gas Industry Waste. Sullivan's question was if the Town can dictate to the County or the private operator on Otsego County property located in the Town of Otsego what they can and cannot dispose of, where does that end?

Councilperson Huntsman was in favor of getting feedback from Sullivan and County Attorney Ellen Cocoma prior to the Town Board voting on proposed Local Law #1. Kennedy felt case law leans in favor of the proposed language.

Supervisor Geddes-Atwell stated that there needs be a budget adjustment with the Court appropriations. Processing Parking Tickets is much more time consuming then what was first thought.

MOTION by Councilperson Sandler, seconded by Councilperson Huntsman, to move \$2000.00 from A-1620.4 fund to A-1110.4.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Huntsman, seconded by Councilperson Hohensee, to go into Executive Session to discuss litigations before the Town.

MOTION CARRIED: All were in favor. (time: 9:54PM)

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

MOTION CARRIED: All were in favor. (time: 10:15PM)

MOTION by Councilperson Huntsman, seconded by Councilperson Franck, to move forward and initiate action regarding New York State's taking of property along State Hwy 80 along Otsego Lake.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell submitted a record of the amount of parking ticket revenue collected for April, May, June and July. She requested authorization to send to the Village of Cooperstown a portion of the money collected. Councilperson Sandler expressed concern that the amount shown in the Court Fund was \$40,000.00 less than the amount collected. Supervisor Geddes-Atwell agreed to send Councilperson Sandler a copy of the Court Fund report for review.

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee, authorizing the Town Supervisor to pay to the Village of Cooperstown the amount collected for parking tickets in April, May and June of this year.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Sandler to adjourn.

Meeting ended at 10.35PM.

The next regular meeting will be at the Town Building in Fly Creek on the 10th day of September, 2014 at 7:00PM.

Respectfully Submitted,

Pamela Deane
Town Clerk