

The Otsego Town Board held a Public Hearing and Regular monthly meeting on the 11th day of September, 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:

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. Everyone was then asked by the Supervisor to join in a Moment of Silence in remembrance of 9/11.

Supervisor Geddes-Atwell opened the floor for public comment for anyone wishing to express their opinion on the proposed Local Law #2 regarding compensation to the Town Attorney for court litigation and preparation.

There were no comments from the public.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to close the Public Hearing.

MOTION CARRIED: All were in favor.

MOTION by Councilman Wenner, seconded by Councilman Hohensee, to accept the minutes of August 14<sup>th</sup>, as presented.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell reviewed correspondence received since the August 14<sup>th</sup> meeting.

Supervisor Geddes-Atwell opened the floor for public comments.

James Seaver, owner of a camp located on St. Hwy. 80 just north of Five Mile Point, stated NYS D.O.T. shows a four rod right-of-way which goes right to the shore line of his property. NYS D.O.T is basing this claim on a map that was filed in 1915. If this is true, many camps could be affected and then the owners of these camps will be asking for a substantial reduction in their assessment or be taken off the tax roll all together. Seaver has found that the State will only answer questions concerning the three properties that are impacted as a result to them repairing a retaining wall next to the Galatti camp just north of Five Mile Point. The State has agreed to compensate for any improvements made to the property but not the property itself.

David and Betty VanHeusen's research has shown that what is now St. Hwy 80 was originally built by the Fort Plain Cooperstown Plank Road Company in 1848. The road was opened in 1850. In 1915 the State took it over and filed the first of several maps. What isn't clear is whether the State bought the road from the Fort Plain Cooperstown Plank Road Company. If the State purchased the road there would be a deed showing the State owns four rods. If the State inherited the road by reason of highway by use a three rod right-of-way would be standard. This would mean fewer camps could be affected then using the four rod measurement but a significant number will still be affected all the same. Betty VanHeusen has not found in her research where a deed was ever filed. The State has also told the VanHeusen's that they feel removing the quaint old camps along the lake will enhance the view of the lake and be good for tourism.

Town Attorney Michelle Kennedy asked that they keep her informed of any new developments as to who the rightful owners are, especially since this will affect the Town's tax base and budget.

Planning Board member Joseph Potrikus asked the Board to consider appointing former Planning Board member John Phillips to fill Doug Green's position on the Planning Board. He feels John Phillips has been a valuable resource especially when dealing with SEQR.

Potrikus also asked that financial reports be made available to the public on a monthly basis, especially

during budget time.

Orlo Burch asked that the Town Board minutes be posted sooner.

Dora Cooke was in favor of the Protocol Procedure Policy that was proposed by Councilman Wenner last meeting and she hoped that the Board would consider adopting it.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to close the floor for public comment.

MOTION CARRIED: All were in favor.

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

General Savings: \$4,672.46	General Checking: \$ 674,658.77
Highway Savings: \$7,790.93	Hwy Checking: \$ 357,877.21
Building Reserve Fund: \$150,505.76	
Hwy Equipment Fund: \$ 127,860.44	

Supervisor Geddes-Atwell and Councilman Sandler answered questions Board members had regarding the financial report.

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

MOTION CARRIED: Supervisor Geddes-Atwell, Councilmen Sandler and Hohensee and Councilwoman Huntsman voted yes. Councilman Wenner voted no because he did not like the way the summary report was done.

Supervisor Geddes-Atwell reminded the Board of their 2014 budget workshop meeting on Monday the 16<sup>th</sup> at 6:00PM.

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

GENERAL: #143-#153	\$ 23,911.96
HWY: #125-#138	\$ 23,506.48

Supervisor Geddes-Atwell asked for discussion.

Councilman Wenner wondered why there is no payroll bill in with the warrants.

Supervisor Geddes-Atwell replied that a CPA by the name of Ray Hollohan is now acting as a liaison between herself and ADP because of all the miscommunications that have been happening with the payroll. He has not yet sent the Town a bill. The Town should not be getting billed also from ADP.

Town Attorney Michelle Kennedy suggested that Mr. Hollohan provide her with an agreement describing the arrangement he now has with the Town.

Town Justice Gary Kuch asked the Board give permission to the Town Court to apply for a Justice Court Assistance Program (JCAP) grant to be used to update the Town Court Office. The approximate amount of money they will be requesting is \$12,000.00. Judge Kuch also added that with the consolidation of the Village and Town Court in March the Village has agreed to transport all Village Court furniture over to Fly Creek to the Town Court.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to authorize the Town Justices to apply for a JCAP grant for funding to update the Town Court Office.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilmen Sandler and Hohensee, and Councilwoman Huntsman voted yes. Councilman Wenner voted no. Wenner's reason for voting "NO" was he does not agree with the government offering grants.

RESOLUTION ADOPTED: Resolution Docket: pg. 110

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      Variance: 1      Site Plan: 1

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	400	\$1,316.28	1,920	\$6,127.99
Diesel	1,947	\$6,252.71	12,459.2	\$38,662.53
Heating	0	0	0	0
Svc.	0	0	0	0

In Highway Superintendent Shawn Mulligan's absence Deputy Michael Thayer told Board members that all damage affected by the 2013 flooding has been repaired in house except for the paving of Willey Town road which was done by the County and the upper Stone House Road Bridge which has not been yet repaired. Spectra engineering has assessed the bridge and made a recommendation on how the bridge is to be repaired. Town and County Bridge and Rail have given an estimated repair cost of \$60,000.00. FEMA has asked for a second quote which Mulligan is in the process of getting.

Thayer stated that they have made routine repairs to the newly purchased used Freightliner ten wheeler dump truck and have been running it, making sure it is mechanically sound for winter. So far everything seems fine.

Lastly Thayer reported that Mulligan has hired a new employee, William Hribar Jr., who will be starting early October.

Town Attorney Michelle Kennedy was given the Snow and Ice Agreement with the County to review for comment at the October meeting.

Councilman Sandler reported for the Building and Grounds Committee. He informed the Board that the Town Building roof should be scheduled for replacement next year. A walk through of the old highway garage on Co. Hwy. 26 with Bassett representatives and Town Board Members was done 9/10. There was some discussion on how the building could be retro fitted to meet Bassett's needs.

Councilman Hohensee reported that there was a 15% return rate on the Canadarago Lake Survey. They will be seeking funding to identify the needs specified in the survey.

MOTION by Sandler, seconded by Councilwoman Huntsman, to recognize Local Law #2 as a Type 2 Action under SEQR.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilmen Sandler and Hohensee, and Councilwoman Huntsman voted yes. Councilman Wenner abstained. He was not convinced the attorney is correct in this procedure and would have preferred a second opinion.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, to adopt the proposed Local Law #2 as presented.

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

Councilwoman Huntsman proposed a Resolution extending the 45mph speed limit on Co. Hwy. 22 to Bibik Rd.

MOTION by Councilwoman Huntsman, seconded by Councilman Hohensee, to adopt the proposed Resolution extending the 45mph speed zone south to the Bibik Road and County Highway 22 intersection approximately 0.5 miles as requested by Mr. and Mrs. Elliot Helfand.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilmen Sandler and Hohensee, and Councilwoman Huntsman voted yes. Councilman Wenner voted no. He did not think the Town should get involved.

RESOLUTION ADOPTED: Resolution Docket pg. 111

Councilwoman Huntsman proposed a revised version of the Protocol Policy proposed by Councilman Wenner. The Board discussed both proposals along with suggestions for protocol in the January/February issue of Town Topics.

MOTION by Councilman Wenner, seconded by Councilman Sandler, to adopt Councilman Wenner's Protocol Policy Proposal, as amended.

MOTION CARRIED: Councilmen Wenner, Sandler and Hohensee and Councilwoman Huntsman voted yes. Supervisor Geddes-Atwell voted no. She felt that the Supervisor should be able to run the meeting however they see fit.

MOTION by Councilman Wenner, seconded by Councilman Sandler, to go into Executive Session to discuss litigations facing the Town and CSEA negotiations. (Time 9:05PM)

MOTION CARRIED: All were in favor.

MOTION by Councilman Wenner, seconded by Councilman Sandler, to come out of Executive Session. (Time 10.03PM)

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, to retain Attorney Jon Nye for consultation for tax certiorari matters at the agreed hourly rate of \$225.00.

MOTION CARRIED: All were in favor.

MOTION by Councilman Wenner to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 10:05PM.

Respectfully Submitted,

Pamela Deane  
Town Clerk