

The Otsego Town Board held a combined Public Hearing and Regular Monthly meeting on the 12th day of September, 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:

Shawn Mulligan	Highway Superintendent
Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

Supervisor Geddes-Atwell called the Public Hearing to order. She explained that the purpose of the Public Hearing was to hear public comment on the proposed revisions of the current Town's Code of Ethics Policy.

Councilman Keith explained that the major change to the policy prohibits any member of a Board to present their own application but must leave the room while it is being presented by a third party.

Kathy Chase commended the Board for the proposed revision.

John Phillips disagreed with the proposed change. People serving on these Boards are already volunteering their time. He thought it unfair that they now have to hire someone to come and present their application.

Orlo Burch stood up and agreed with the proposed change.

MOTION by Councilman Keith, seconded by Councilman Sandler 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 Councilman Sandler, seconded by Councilman Wenner, to accept the minutes of August 8th, August 13th and August 21st, 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 outlined problems facing the County Board. The Board currently working on trying to close a five million dollar gap in the 2013 budget. Another issue the Board is grappling with is trying to save the Manor through prioritizing it. The escalating deficit caused mainly by the Manor has grown from 3.2 million to an estimated 4 million next year and 4.6 million the year after. The Board is now in the process of hiring a consultant that will screen prospective buyers whose first priority is providing excellent care. Seven Counties have sold their health care facility due to the cost of maintaining them.

Walter Dusenbery, Treasurer of the Fly Creek Valley Cemetery Association, estimated that at year-end they will have less than \$8,000.00. The estimated average yearly expenses cost \$25,000.00. The Association has an endowment of \$95,000.00 of which they can, by state law, use only the interest which last year amounted to \$1.25. The Board consists of eight volunteers who are responsible for overseeing the burials, maintenance of the grounds, and paperwork. If the Association dissolves the Town will be required to take it over. In closing Dusenbery requested that the Town Board appropriate a donation of \$5,000.00 in the 2013 Budget.

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

General Savings: \$ 4,670.13	General Checking: \$ 588,004.73
Highway Savings: \$ 7,787.70	Hwy Checking: \$ 427,276.86
Building Reserve Fund: \$150,430.63	Hwy Equipment Fund: \$ 206,994.96

MOTION by Councilman Wenner, seconded by Councilman Keith, to accept the Financial report as given.

MOTION CARRIED: All were in favor.

A 2013 Budget Workshop was set for Monday September 17th at 6:30PM at the Town Building in Fly Creek.

MOTION by Councilman Wenner, seconded by Keith, to accept the Financial Report as given.

MOTION CARRIED: All were in favor.

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

GENERAL:	#161-#173	\$18,041.78
HWY:	#115-#131	\$40,595.47

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell submitted the Town Justices request permission to apply for a grant for office furniture and a desk top computer.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, granting the Town Justice’s request allowing them to apply for a grant for office furniture and desk top computer.

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

Town Assessor Marie Walters reported that in spite of all the assessment value lost in court cases and the bad economy the total assessment value of the Town is up 1.2 million dollars. She reported that the Town’s equalization rate is at 115%. NYS law prohibits Towns to have an equalization rates over 100%. Walters suggested that the Board start budgeting for some type of revaluation effort to be done in the near future. The Data Verification option is much cheaper than a total Revaluation. It was her suggestion to wait and see what the market does after the fall election, if deciding not to Trend for 2013.

Town Zoning Enforcement Officer Tavis Austin, reported on Planning Board activity. He suggested that the Board consider raising the fees for those seeking a variance. He didn’t think it right that an applicant pay the same permit fee for a project that is permitted in the Town verses someone who is seeking a variance to go above and beyond what the law allows. Austin also suggested that the Planning Board be given authority to grant a variance for those seeking a variance and site plan review. Currently applicants first go before the Zoning Board of Appeals for a variance and then the Planning Boards hands are quite often tied in making requests during site plan review because the variance the ZBA granted.

Councilman Keith felt it better if the Planning Board and ZBA met and reviewed the applicant’s application together. All concerns could be addressed at once and facilitate the applicants application all at once.

Austin asked if the Zoning Board and Planning Board met as a group would they vote as a group or would separate Motions and separate actions need to be taken.

Town Attorney Michele Kennedy replied that unless the Town Board passed a Resolution changing the authority of the Planning Board and the Zoning Board of Appeal the Zoning Board will still need to grant a variance in order for the application to go forward.

Dog Control Officer Tom Steele reported having 2 court cases, picked up 2 stray dogs and answered 1 dog abuse call this month.

Councilman Sandler reported that the water quality is still an issue at the Highway garage. Highway Superintendent Shawn Mulligan agreed to upgrade the feed and add another filter.

Councilman Sandler is looking to see if there are any standard engineering ventilation requirement rates for garages. We can then use that information to get the correct size ventilation system installed.

Councilwoman Huntsman stated that CSEA Representatives have arranged to hold a session on Work Zone Safety Practices on October 17th at the Fly Creek Fire Hall for Town Highway employees.

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	250	\$ 770.08	1,835.0	\$ 5,915.24
Diesel	786	\$ 2,678.0	10,156.2	\$ 36,539.55
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ -0-

Mulligan stated that an auctioneer estimated that the single axle 2009 Mack with plow would currently sell for \$75,000.00/ \$2,500.00 for the sander and the 2009 ten wheeler and plow \$100,000.00/ \$10,000.00 for the sander.

Mulligan went on to say that the auctioneer estimated the 1996 International would sell at auction for \$7,500.00 and \$2,500.00 for the sander. Councilman Wenner felt it would be more beneficial to keep the 1996 International dump truck and sander for a spare.

Mulligan reported that the two FEMA projects located on Bissell and Curry Road have been completed. The Town of Hartwick donated to the Town their excavator and operator for work done on Curry Road.

Supervisor Geddes-Atwell encouraged everyone to visit Linden Avenue and see the progress that has been made in relocating the parking lot, installing side walks, curbs and trees. The project is coming along nicely.

Supervisor Geddes-Atwell stated that the County Planning Agency has reviewed that Land Use Law revisions put before a Public Hearing on July 11th. The County in addition to approving the recommended clerical changes submitted a list of more clerical changes which that Board reviewed.

MOTION by Councilwoman Huntsman, seconded by Councilman Keith, to adopt Local Law #1 correcting clerical errors suggested by the Town Board and County Planning Agency.

MOTION CARRIED: All were in favor

MOTION by Councilman Keith, seconded by Councilman Sandler, to adopt the proposed Code of Ethics Policy as amended.

Supervisor Geddes-Atwell called for discussion

Councilman Wenner felt his two suggested amendments should have been added.

1. Board members cannot accept free gifts from business.
2. Applicants that have a relative already serving on a Board are not eligible for consideration to fill a vacancy on any other Board.

He also did not feel that most people in the Town would be in agreement with the proposed change not allowing Board members to present their own application.

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

Supervisor Geddes-Atwell proposed a Resolution repealing Resolution 93 that was adopted on April 13, 2011 which states in part that the Town of Otsego authorizes the implementation, and funding in the first instance 100% of the Federal-aid eligible costs, of a transportation federal-aid project for the development of a walking path along NYS Route 80 from the Cooperstown Village line to the Farmer's Museum Driveway, and appropriating funds. After a short discussion it was the consensus of the Board to table a vote until the October meeting.

Supervisor Geddes-Atwell stated that she received a request from the Planning Board asking that the Town Board consider allowing Home Occupation to include retail sales.

Councilman Keith was opposed to the idea of retail sales being allowed in residential areas. He didn't think it right to amend the Town's Land Use Law based on one instance. Retail sales requires additional parking, signage and displays which would change residential areas to residential/commercial. That is not fair to those who choose to live in a residential area.

Councilman Wenner felt that by not allowing retail sales in residential areas it keeps competition out for those that are grandfathered in. Also he noted that the Fly Creek Cider Mill and the Leatherstocking Golf Course would not be allowed to be built under the current Land Use Law. He also feels that people should live in a free society whereby they can do whatever they want with their property.

Town Attorney Michele Kennedy suggested that the Board allow retail sales over the internet.

MOTION by Councilman Wenner, seconded by Councilman Keith, to go into Executive Session to discuss possible litigations in the Watershed.

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 Keith, seconded by Councilman Sandler authorizing the Town Attorney to issue letters to residents in violation of the Otsego Lake Watershed Supervisory Committee's rules and regulations. The letters advise that the Town of Otsego is prepared to initiate legal action to enforce such rules and regulations.

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

MOTION by Councilman Wenner, to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:15PM.

Respectfully Submitted,
Pamela Deane/Town Clerk