

The Otsego Town Board held two Public Hearings and a Regular Monthly meeting on the 14th day of November, 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 for the 2013 Budget.

Dora Cooke asked for clarification on the total amount projected to be spent and the total amount projected year end reserve amount, which were close to the same figure.

Supervisor Geddes-Atwell stated that she has always been in favor of the Town having a reserve to pull from in case of an emergency.

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

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell called the Public Hearing for the proposed Road Use Preservation Law Agreement.

Councilwoman Julie Huntsman explained that the purpose of the proposed Law is to protect the Town's finances by charging those responsible for damaging a Town Road by heavy use, which is defined as above baseline traffic. Any engineering studies and/or administrative cost are paid by the user.

John Kosmer asked if there were any provisions to identify the parent companies so that they can't get around this by hiring several independent companies to do the trucking, making all truckers come in under the maximum amount allowed.

Councilwoman Huntsman explained that there is a formula used where the user would have to calculate how many truck trips would be taken over town roads, the type of truck used, and so forth and that determines whether a permit is issued. It is based on how many truck trips. It doesn't matter if they subcontract the work out.

MOTION by Councilman 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 Wenner, seconded by Councilman Keith, to accept the minutes of October 10th, and October 17th, 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 announced that on November 28th at 6:00PM at the Court House the 2013 County Budget will be presented. Anyone wishing to speak to it can do so at the next County Board meeting on December 5th.

Councilman Wenner made a presentation comparing Wiley Coyote to government showing why he, Wenner, is opposed to government.

Dora Cooke, a Fly Creek resident, referenced last month's discussion about the sign law and the Town Board's reluctance to enforce it. The Otsego Town Land Use Law is the only law this Town has any control over. They don't have any control over State or Federal laws or laws adopted by other Townships. The Town's Land Use Law has been through a Public Hearing. She feels the Town Board should be supporting the Town's ZEO in upholding the Town's Land Use Law. Cooke did not think it is not up to the Town Board or the ZEO to decide what laws get enforced. The law should be followed by everyone. The same rule should apply to the Dog Control Officer. If you don't agree with parts of the Land Use Law then change it. Don't ignore it by not

enforcing it.

Supervisor Geddes-Atwell closed the floor for Public Comment.

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

General Savings: \$ 4,670.13	General Checking: \$ 590,651.90
Highway Savings: \$ 7,787.70	Hwy Checking: \$ 515,843.97
Building Reserve Fund: \$150,430.63	Hwy Equipment Fund: \$ 206,994.96

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

MOTION CARRIED: All were in favor.

MOTION by Councilwoman Huntsman, seconded by Councilman Keith, to adopt the 2013 Preliminary Budget as presented:

Supervisor Geddes-Atwell called for discussion.

Councilman Wenner recalled a time during the budget workshop when raises were being discussed and it was mentioned that the Town Clerk’s work load has been increased. What was meant by that?

Supervisor Geddes-Atwell stated that the State has turned all dog licensing responsibilities over to the Town Clerks. Geddes-Atwell also stated that she has seen first hand the amount of people that come in and are helped by Pam whether it is pertinent to her department or giving out forms and phone numbers for other departments.

Councilman Wenner asked why the assessor’s contractual budget was increased.

Supervisor Geddes-Atwell explained that increase fulfilling the seven year agreement the Town has with the assessor. Town Assessor Marie Walters salary is also based on the number of parcels in the Town. The number of parcels have increased due to the occurrence of subdivisions.

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

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

GENERAL: #186-#209	\$60,772.65
HWY: #150-#170	\$37,517.03

MOTION CARRIED: All were in favor.

Town Zoning Enforcement Officer Tavis Austin submitted a report of permits issued and Planning Board activity since last month’s meeting. Austin discussed a problem he is having with Coblescote on the Lake. The owner’ Addison Bissell, came to him a few weeks ago and stated that he would like to become legal. Austin stated that he has been instructed to operate on a complaint basis but couldn’t turn down someone admitting their guilt. The owner had applied for a Special Permit to become a Hotel/ Motel, an Eating Establishment and Recreational Facility. That was all on the premise that Bissell would be able to utilize the Heirloom Barn Law. After reviewing the application only one out of two buildings qualifies to fall under the Heirloom Barn Law. The applicant was not happy when Austin withdrew his application from the Planning Board agenda. Now you have an individual who has been operating illegally for a very long time, and there is no way to make him legal. Austin found at least three letters in the file from former ZEO’s telling the property owner that he was operating illegally and needed Planning Board approval. Bissell is currently in Supreme Court on another issue. One of the testimonies given by a neighbor was that the property has operated as a B&B since 1970 which predates the Land Use Law and could grandfather the hotel/ motel aspect of the application. Austin plans to sort out this problem with Town Attorney Michele Kennedy and come up with a solution to enforce the law. Austin has served Bissell a notice that he is in violation and has given him until December 18th to submit an application either for a variance or for something that is a permitted use or he could reduce the property back to a single family home. Austin warned that if the Board takes the public’s advice and enforces the Land Use Law this could cost the Town a lot in legal fees.

Councilman Sandler reported that there are three property owners in the watershed whose septic systems are still in noncompliance. One being Addison Bissell or the owner of Coblescote on the Lake. The other two are Linden Summers and James and Adele Gerbracht.

Town Attorney Michele Kennedy estimated each case costing \$1,500.00 in legal fees if they went to trial. Because the law is clear, she did not anticipate any of them going to trial.

MOTION by Councilman Sandler, seconded by Councilman Keith, authorizing Town Attorney Michele Kennedy to go forward with legal action against Linden Summers, James and Adele Gerbracht and Addison Bissell for not bringing their septic systems located in the watershed into compliance.

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

Dog Control Officer Tom Steele reported having three calls and he picked up one stray dog this month.

Attorney Michele Kennedy read a proposed resolution (submitted by Councilwoman Huntsman) regarding the Constitution Pipeline. The resolution respectfully requests that the Federal Energy Regulatory Commission (FERC) carefully review the application of the proposed Constitution Pipeline, in all its potential routes, to determine if the project is truly necessary.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to adopt the proposed resolution.

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

RESOLUTION ADOPTED: Resolution Docket pg. 107.

Town Attorney Michele Kennedy stated that ZEO Tavis Austin is asking for some direction on whether to enforce the sign law as it is written or does the Board plan on revising it soon and would like Austin to leave the non-conforming signs alone for the time being?

Councilman Keith is not in favor of selective enforcement but felt the sign law is unworkable. He would like the Planning Board's input on possible revisions to the sign law and the subdivision regulations.

Councilman Sandler was asked to give a Building and Grounds report. Regarding ventilation of the town highway garage, he spoke to Mark Stipano, CSEA Industrial Hygiene Specialist, who forwarded a detailed list of compounds that could be tested for in the garage. Testing would cost around \$2,000.00. Councilman Sandler plans to get an engineer's opinion about an appropriate ventilation system for the highway garage in order to ballpark what a system would cost to install.

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-	\$ -	1,835.0	\$ 5,915.24
Diesel	712.0	\$ 2,535.53	12,096.2	\$ 43,367.61
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ -0-

Mulligan reported that the newly ordered dump truck and sander has been delivered.

Mulligan requested being allowed to appoint Michael Thayer as his deputy on January 1, 2013. He further requested that the Board allocate \$500.00 to be paid as a yearly stipend for anyone holding the position.

MOTION by Councilwoman Huntsman, seconded by Councilman Keith, authorizing Mulligan to appoint a deputy in January. The Board recognizes that the position will not interfere with bargaining status with the CSEA Union Contract and yearly payment for the position is over and above the appointed deputy's hourly wages or overtime eligibility compensation.

MOTION CARRIED: All were in favor.

Mulligan submitted for the Board's review the Otsego County Updated Hazard Mitigation Participation Agreement. The purpose of the agreement is to comprise a list of culverts and roads that if fixed now, could minimize problems that might occur in the event of flooding.

MOTION by Supervisor Geddes-Atwell, seconded by Councilman Keith, authorizing Supervisor Geddes-Atwell to sign the Otsego County Updated Hazard Mitigation Participation Agreement.

MOTION CARRIED: All were in favor.

Mulligan requested that revenue generated from the sale of scrap metal and plowing services for County Roads and reimbursement from the Fly Creek Fire Department for fuel amounting to \$18,237.10 be taken from the fund balance and restored to the highway fund. There were no objections from the Board.

Mulligan reported that he received \$11,539.09 from FEMA. Actual cost for repairs and replacements

was \$7,719.84.

Councilwoman Huntsman proposed a resolution which was discussed by the Board, requesting that Otsego County Highway Superintendent Ron Tiderencel submit a request to NYS Department of Transportation that the southbound 55mph and northbound 45mph signs, currently sited between the two intersections of Marble Road (a loop road) with County Hiwghway 22, be re located 100 feet south of the southbound intersection, in effect extending the speed zone.

MOTION by Councilwoman Huntsman, seconded by Councilman Keith, to adopt the proposed resolution as amended.

MOTION CARRIED: All were in favor.

RESOLUTION ADOPTED: Resolution Docket pg. 108

Mulligan submitted the County Snow and Ice Agreement which was reviewed and discussed by the Board.

MOTION by Councilman Wenner, seconded by Councilman Keith, authorizing the Town Supervisor and Town Highway Superintendent to sign the Agreement as written.

MOTION CARRIED: All were in favor.

Town Attorney Michele Kennedy stated that if the Board wishes to continue the process of adopting the Local Road Use and Preservation Law an AEF form needs to be completed and a Seeker Review needs to be done.

Councilman Wenner had a list of questions for the Town Attorney regarding the contents of the proposed Local Road Use and Preservation Law. Attorne Kennedy addressed some of Councilman Wenner's concerns.

MOTION by Councilman Wenner, to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:25PM.

Respectfully Submitted,
Pamela Deane/Town Clerk