

The Otsego Town Board held their Regular Monthly meeting on the 11th day of December 2013 at the Town Building, Fly Creek, NY at 7:00PM.

Town Board Members Present:

Anne Geddes-Atwell	Supervisor
Bennett Sandler	Councilman
Carl Wenner	Councilman
Thomas Hohensee	Councilman
Julie Huntsman	Councilwoman

Also Present:

Pamela Deane	Town Clerk
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Supervisor Geddes-Atwell called the regular monthly meeting to order and asked all those present to please rise for the Pledge of Allegiance.

MOTION by Councilman Wenner, seconded by Councilman Hohensee, to accept the minutes of November 13th as presented.

Supervisor Geddes-Atwell asked for discussion.

Councilman Wenner requested that in the portion of minutes referencing his statement, made during the open floor for comment period, the word “and” be changed to “or”.

MOTION CARRIED: All were in favor. November minutes adopted as amended.

Supervisor Geddes-Atwell reviewed correspondence received since the November 13th meeting.

Supervisor Geddes-Atwell opened the floor for comments.

Planning Board liaison Joseph Potrikus emphasized the importance of having a full Planning Board. Planning Board member Douglas Green submitted his resignation from the Planning Board to the Town Board last August. To date the Town Board has not appointed a replacement. The Planning Board failed to have a quorum for two of their applicants at their November meeting. It is the responsibility of the Town Board to fill Planning Board and Zoning Board of Appeal vacancies. He said this is a responsibility that should not be taken lightly. Later on in the meeting Potrikus pointed out that right now the Board consists of a diversity of knowledge. Steve Purcell is a farmer and contractor, Joe Galatti an engineer, Donna Borgstrom an attorney and former member John Phillips is a contractor and expert of SEQRA. It was Potrikus’s opinion that it is a complete disservice to applicants when the Planning Board is operating with less than a seven-member board. He also felt it would be beneficial if Town Board members came to a Planning Board meeting not only to watch Planning Board members and applicants work through the site plan process but to also gain a better knowledge of what development is going on in the Town.

Later on in the meeting Councilman Sandler conveyed to Potrikus that he felt it would be most helpful if when the Planning Board sees a problem with the Land Use Law they let the Town Board know and/ or make a recommendation on a change that may lessen or remove the problem.

Moving onto another concern, Potrikus informed the Town Board that the weight limit on the Toddsville Bridge has been reduced from 15ton to 3ton. He felt it important that signage of the changed weight limit be posted on County Highway 26. Potrikus would also like to see copies of the financial report made available to the public at each regular monthly meeting. He feels it is every citizen’s right to be given the opportunity to review the financial statement if they so wish.

Councilman Wenner said he has made it well known over the years that he is for limited government. He will not sell his soul for applause, aggravation or popularity. He reminded all that the Oath of Office that will be given to all those taking office in January is an oath to uphold the Constitution of the United States and that should be taken into consideration every time a decision is made by any board.

Chuck Newman, Town of Otsego representative on the Village Library Board of Trustees, thanked the Town Board for their financial support in the 2014 Town Budget. He wanted to update the Town Board that the Village Library Trustees plan to proceed financially in the future. They have decided to put the funding for the library before the voters in the Cooperstown School District. Several libraries across the state have been successful in funding the library in this manor. They have also been coordinating with the Hartwick Library also located within the Cooperstown School District. There are no plans to

relocate the Village Library. It is the plan of the Village Library Trustees to hold several meetings starting after the first of the year to educate the voters of this new process for funding.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, 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: \$ 673,356.13
Highway Savings: \$7,790.93	Hwy Checking: \$ 488,767.13
Building Reserve Fund: \$150,505.76	
Hwy Equipment Fund: \$ 127,860.44	

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 called for a Motion on the monthly bills.

MOTION by, Councilman Wenner, seconded by Councilman Sandler, to pay the following invoices and make the necessary transfers.

GENERAL: #190-#205	\$ 59,873.82
HWY: #194-#208	\$ 34,961.16

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-	2,294.0	\$ 7,287.57
Diesel	557	\$1,840.46	15,030.2	\$47,060.32
Heating	-0-	\$ -0-	-0-	- 0-
Svc.	-0-	\$ 145.95	-0-	\$ 149.95

Zoning Officer Tavis Austin reported on Planning Board and ZBA activity and submitted a monthly report to the Board. Since last meeting there were no permits issued.

Austin reported that Marble Road resident Harrison Hummel III recently had a project before the Planning Board and ZBA. There were two major problems with the proposed project. First the application had inaccuracies that were pointed out by the Canadarago Acres Homeowner Association and second he has started the project before getting approval from either Board. The application has since been withdrawn because the structure he has already started building is partly on property that he does not own. Austin has no trouble going forward “guns a blazing” after the new addition so long he knows the Town Attorney supports that. Originally it was said that the Town might have to go before the Supreme Court to abate the problem with Mr. Hummel and his addition. This abatement could become costly politically and/or financially for the Town. The enforcement process is very clear. The law states that the Zoning Enforcement Officer can write a \$350 for each violation every week.

Tammy Graves spoke on behalf of 22 property owners stating the Mr. Hummel has several non-permitted structures encroaching on adjoining property owners. She submitted a detailed list including pictures of violations Mr. Hummel has committed. Graves also stated that since 2002 Hummel has been given four variances. Two of the variances he was given were relief from property line set backs bordering the Canadarago Acres Homeowners Association property line and he went beyond what relief he was given from the ZBA. The neighboring property owners are requesting that the Town Board instruct Mr. Hummel to remove the non-permitted structures.

Brent Smith adjoining neighbor and shared property owner of a driveway with Mr. Hummel, expressed concern regarding two buried propane tanks near the Canadarago Lake shoreline and wet lands.

Austin and the Town Board plan to consult with Town Attorney Michelle Kennedy for direction concerning this matter.

Supervisor Geddes-Atwell informed the Board that a Public Hearing is required before the proposed Time Warner Agreement can come to a vote.

MOTION by Councilwoman Huntsman, seconded by Councilman Sandler, to hold a Public Hearing on December 30th at 5:00PM at the Town Building for the proposed Time Warner Agreement with a Year-end meeting immediately following.

MOTION CARRIED: All were in favor.

After further discussion it was decided to schedule interviews to fill Planning Board and ZBA vacancies on January 2nd starting at 5:00PM with an Organization Meeting immediately following. January 6th was scheduled as a back-up date in case weather does not permit or more time is needed to complete business.

Supervisor Geddes-Atwell called Town Attorney Michelle Kennedy for a conference call. She informed the Board that when an individual applies to build on a private road the Town Board needs to take a procedural step to be in accordance with Town Law Section 280-A and designate that area an Open Development Area. Attorney Kennedy made it clear that this does not in any way approve the proposed project or guarantee that the proposed project will be given a variance if one is sought. It only allows the process to continue to go forward.

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, to designate Marble Road Extension as an Open Development Area.

MOTION CARRIED: All were in favor.

RESOLUTION ADOPTED: (Resolution Docket pg.118)

MOTION by Councilman Sandler, seconded by Councilwoman Huntsman, to go into Executive Session to discuss litigations facing the Town and CSEA negotiations. (Time 9:01PM)

MOTION CARRIED: All were in favor.

MOTION by Councilman Wenner, seconded by Councilman Hohensee, to come out of Executive Session. (Time 9:35PM)

MOTION CARRIED: All were in favor.

MOTION by Councilman Wenner to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:35PM.

Respectfully Submitted,

Pamela Deane
Town Clerk