

The Otsego Town Board held their combined Year-end meeting and Public Hearing on the 30th day of December 2013 at the Town Building, Fly Creek, NY at 7:00PM.

Town Board Members Present:

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| Anne Geddes-Atwell | Supervisor |
| Bennett Sandler | Councilman |
| Carl Wenner | Councilman |
| Thomas Hohensee | Councilman |

Also Present:

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| Michelle Kennedy | Town Attorney |
| Pamela Deane | Town Clerk |

Supervisor Geddes-Atwell called the Public Hearing on the proposed Time Warner Agreement to order. The floor was open for comments.

Joseph Potrikus asked for a summary describing what the agreement between Time Warner and the Town entails, when does it take effect, is the Town charged, and lastly is there any way he can get the service extended to his business property.

Town Attorney Michelle Kennedy explained that this agreement allows Time Warner to operate in the Town's right-of-way. It does not provide exclusive access. The same rights and conditions to operate in the Town's right-of-way could also be offered to another franchise. Time Warner offered a 15 year agreement which was negotiated down to a 10 year agreement. The Town is entitled to 2% of Time Warner's gross revenue. She understood the agreement will take effect immediately upon adoption.

Supervisor Geddes-Atwell added that the Board was unsuccessful in trying to get Time Warner to expand their area of operation. They were adamant that they were not going to lay any more cable.

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

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell reviewed correspondence since the December 11th meeting.

Supervisor Geddes-Atwell opened the floor for comments.

Joseph Potrikus questioned the meeting agenda. It was his thought that the purpose of a year-end meeting was to pay any remaining bills. The agenda looked very similar to a regular monthly meeting.

Councilman Wenner felt the Town Clerk's comment made at the December 11th meeting was out of line. He felt the Town Board should consider adopting a ruling that complaints about those violating the Land Use Law can only be made by those who are affected by the violation.

Supervisor Geddes-Atwell closed the public comments.

MOTION by Councilman Sandler, seconded by Councilman Hohensee, to adopt the proposed Resolution accepting the Time Warner Agreement as presented.

MOTION CARRIED: Supervisor Geddes-Atwell and Councilmen Sandler and Hohensee voted yes. Councilman Wenner felt it sounded more like mafia to him and voted no.

RESOLUTION ADOPTED (Resolution Docket pg. 119)

The Town Board reviewed and amended the Town Revaluation Request for Proposal. Councilman Hohensee agreed to make the suggested changes to the draft and resubmit a revised version at the January meeting.

Tammy Graves summarized issues leading up to several violations involving the Harrison Hummel III property located on Marble Road Extension. In closing she requested on behalf of the 20 plus members of the Canadarago Acres Homeowners Association, that the Board pass a resolution authorizing the Town Attorney to start legal action against Harrison Hummel III.

Town Attorney Michelle Kennedy predicted that the court will require that administrative remedies first be exhausted. For that reason she suggested that Mr. Hummel be given the opportunity to resubmit his

ZBA application for an area variance for his latest addition. If the ZBA does not grant the area variance then Mr. Hummel will be given a time frame in which the addition is to be removed. If Hummel does not comply he then is clearly in violation and at that point the Town can take action against him. If Mr. Hummel does not resubmit his application for the January ZBA meeting, Attorney Kennedy will recommend that the Town Board bring action against him. She would like to have the property owners that Hummel has encroached on be also listed on the action.

Tammy Graves stated that the County and DEC have both sited Mr. Hummel.

Supervisor Geddes-Atwell submitted the SPCA contract which had first been reviewed and approved by the Town Attorney.

MOTION by Councilman Sandler, seconded by Councilman Hohensee, to adopt the SPCA contract as presented.

MOTION CARRIED: All were in favor.

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

| | | |
|----------|-----------|--------------|
| GENERAL: | #205-#210 | \$ 3,929.98 |
| HWY: | #209-#216 | \$ 13,998.47 |

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 | 2,103 | \$ 7,276.29 | 1,713.3 | \$54,336.61 |
| Heating | -0- | \$ -0- | -0- | - 0- |
| Svc. | -0- | \$ 145.95 | -0- | \$ 149.95 |

Town Attorney Michelle Kennedy suggested that Attorney Martin Tillapaugh remain lead council for the Lake View Hotel Assessment Litigation.

MOTION by Councilman Sandler, seconded by Councilman Hohensee, that Attorney Michelle Kennedy's request that Attorney Martin Tillapaugh remain lead council for the Lake View Hotel Assessment Litigation be granted.

MOTION CARRIED: All were in favor.

MOTION by Councilman Wenner, seconded by Councilman Sandler, to go into Executive Session.

MOTION CARRIED: All were in favor. (6:15PM).

MOTION by Councilman Wenner, seconded by Councilman Sandler, to come out of Executive Session.

MOTION CARRIED: All were in favor. (6:27PM).

MOTION by Councilman Wenner to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 6:28PM.

Respectfully Submitted,

Pamela Deane
Town Clerk

