

TOWN OF OTEGO

February 13, 2013

The Town Board of the Town of Otego held a regular board meeting on Wednesday, February 13, 2013 at 7:00 pm at the Municipal Building, 3526 State Highway 7, Otego, New York. The purpose of the meeting was to audit the bills, and any other business coming before the board.

The following members were present:

Joseph Hurlburt	Town Supervisor
Maryalice Brown	Town Clerk
Terry Brown	Councilperson
George Dolezel	Councilperson
Barbara Stanton	Councilperson
David Sheldon	Councilperson
JR Hurlburt	Highway Supt.

Minutes

A motion was made by Terry Brown, seconded by David Sheldon, to approve the minutes of the January 16 meeting. Motion: 5 Ayes, 0 Nays

A motion was made by George Dolezel, seconded by Barbara Stanton, to approve the minutes of the January 23 meeting. Motion: 5 Ayes, 0 Nays

Supervisor's Report

Mr. Dolezel read the Supervisor's report for January:

General Fund townwide beginning balance:	\$261,659.41
Receipts:	12,075.05
Disbursements:	<u>38,478.73</u>
Ending Balance:	\$235,237.73

General Fund outside village beginning balance:	\$ 9,775.85
Receipts:	180.00
Disbursements:	<u>1,341.65</u>
Ending Balance:	\$ 8,614.20

Highway Fund townwide beginning balance:	\$176,898.92
Receipts:	151,415.10
Disbursements:	<u>56,354.49</u>
Ending Balance:	\$271,959.53

Highway Fund outside village beginning balance:	\$228,680.29
Receipts:	104,797.69
Disbursements:	<u>9,589.67</u>
Ending Balance:	\$323,888.31

A motion was made by Barbara Stanton, seconded by Terry Brown, to approve this report as read. Motion: 5 Ayes, 0 Nays

Dog Control Report

Ellen Dwyer gave the dog control report: 1 reports of loose/stray dogs, three reports of abuse or neglect that were investigated.

County Representative

Kathy Clark gave the representative report: the county is addressing the new state gun law; Otsego manor continues to be a major issue.

Local Law #1 of 2013

The town attorney advised the board that a super majority vote (four members) of the town board is necessary to pass the law. This is because of the protest petition that was filed with the board in September 2012 that had enough signatures to make a super majority vote necessary.

A motion was made by Terry Brown, seconded by Barbara Stanton, to approve Local law #1 of 2013 as per the following resolution:

WHEREAS, a proposed Local Law No. 3 of 2012 entitled "A Local Law to Effect a Moratorium within the Town of Otego on Natural Gas and/or Petroleum Exploration, Extraction, and Support Activities" was introduced to the Town Board of the Town of Otego at a regular meeting on July 18, 2012 and the Town Board referred a copy of the Local Law to the Town of Otego Planning Board for review and recommendation; and

Whereas, the Town of Otego Planning Board reviewed the proposed Local Law and submitted a memorandum to the Town Board dated August 7, 2012, supporting the passage of the proposed Local Law; and

WHEREAS, a resolution was duly adopted by the Town Board for a public hearing to be held by the Town Board at the Otego Elementary School in Otego at 6 pm on Wednesday, September 26, 2012, to hear all interested parties on the proposed Local Law; and

WHEREAS, notice of the public hearing was duly advertised in the Oneonta Daily Star, the official newspaper of the Town and was posted on the Town Clerk's sign board and posted on the Town's website, at least ten days prior to the public hearing; and

WHEREAS, on or about July 27, 2012, a copy of the proposed Local Law was referred to the Otsego County Planning Department for review and recommendation under section 239 of the General Municipal Law; and

WHEREAS, by recommendation dated August 17, 2012, the Otsego County planning Department returned the matter for local action and found no significant county-wide of inter-community impacts; and

WHEREAS, the public hearing was duly held at the Otego Elementary School at 6 pm on September 26, 2012, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, at the public hearing September 26, 2012, the Town Board received a protest petition from some members of the public, relating to section 265 of the New York State Town Law; and

WHEREAS, following the public hearing on September 26, 2012, the Town Board was made aware of a recent court decision involving a moratorium local law, and based on that recent decision, was advised by counsel that the Board should revise the proposed Local law and should conduct a second public hearing; and

WHEREAS, at a regular Town Board meeting on December 12, 2012, the revised proposed Local Law, re-numbered as Local Law No. 1 of 2013 was introduced to the Town Board and a resolution was duly adopted by the Town Board for a second public hearing to be held at the Otego Municipal Building at 6 pm on Wednesday, January 23, 2013, to hear all interested parties on the revised proposed Local Law; and

WHEREAS, on or about December 12, 2012 a copy of the revised proposed Local Law was referred to the Otsego County Planning Department for a second review and recommendation under section 239 of the General Municipal Law; and

WHEREAS, by recommendation dated January 3, 2013, the Otsego County Planning Department returned the matter for local action and found no significant county-wide or inter-community impacts; and

WHEREAS, notice of the second public hearing was duly advertised in the Oneonta Daily Star, the official newspaper of the town, and was posted on the Town Clerk's sign board and posted on the Town's website, at least ten days prior to the second public hearing, and in addition, notice was sent to all of the Municipalities bordering the Town of Otego, as well as the Village of Otego; and

WHEREAS, the second public hearing was duly held at the Otego Municipal Building at 6 pm on January 23, 2013, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said revised proposed Local Law, or any part thereof; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA) and based upon advice of counsel and the Otsego County Planning Department 239 recommendation, the Town Board has determined that the adoption of Local Law No. 1 of 2013 is a Type II action pursuant to 6 NYCRR section 617.5(c)(30) and thus would not result in any significant adverse environmental impacts and therefore is not subject to further environmental review under SEQRA; and

WHEREAS, at both public hearings, the Town received verbal and written comments and submissions relation to the proposed Local Law and the Town Board has viewed those submissions and retained them on file in the Town Clerk's Office;

WHEREAS, the Town Clerk has caused the protest petition to be reviewed and has verified that the petition is a valid petition including more than twenty percent (20%) of the owners of the area of land in the Town; and

WHEREAS, upon advice of counsel and the recommendation of the Otsego County Planning Department, and pursuant to the New York State Town Law section 265, the Town Board has determined that the passage of the proposed Local Law will require a vote of at least a majority plus one of the Town Board, for a total of four (4) votes; and

WHEREAS, the Town Board, after due deliberation and review of all the submissions, finds it in the best interest of the Town to Adopt said Local Law No. 1 of 2013,

NOW, THEREFORE, the Town Board of the Town of Otego hereby adopts said Local Law as Local Law No. 1 of 2013, a copy of which is attached hereto and made a part hereof, and the town Clerk be and she is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Otego, and to give due notice of the adoption of said Local Law to the Secretary of State, and to provide a copy of the adopted Local Law and a report of the Board final action to the Otsego County Planning Department, and to publish an abstract of the Local Law once in the official newspaper of the Town.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows: 4 Ayes, 1 Nay (Sheldon)

Before voting, Mr. Sheldon read a statement, under advice of counsel, that he works for a gas company which has no connection with this issue, and so there is no conflict in him voting on this local law.

Mr. Hurlburt wants all residents to understand that this is a divisive issue but we are all Otego residents and must continue to live in this community together. Also, this is not a vote banning gas drilling, just a vote for a moratorium.

Barbara Stanton commended the public for their civility during the meetings and hearings on this issue. She also thanked the town clerk for the work she does.

Planning Board

The secretary position remains vacant.

Mr. Butler submitted a report of their recent meeting.

Code Officer

No report from Mr. Bruni.

Time Warner

There has been some action. Hopefully the board can schedule a hearing after the March meeting.

Bookkeeper

Ms. Cindy O'Hara has resigned after more than 20 years in the position. The board appreciates all her time and effort.

Karen Kropp has been hired.

Deputy Town Clerk

A motion was made by David Sheldon, seconded by Terry Brown, to appoint Katharine Davis as deputy town clerk and deputy registrar. Motion: 5 Ayes, 0 Nays.

Budget Modifications

A motion was made by David Sheldon, seconded by Terry Brown, to accept the budget modifications and amendments of the 2012 budget to end the year with a balanced budget, as attached. Motion: 5 Ayes, 0 Nays.

Town Clerk Annual Report

A motion was made by David Sheldon, seconded by Barbara Stanton, to accept the annual report of the town clerk. Motion: 5 Ayes, 0 Nays.

Highway Superintendent

Mr. Hurlburt reported work on the Green St. bridge is progressing. It will slow down in the spring since you can't work in the stream at that time.

Warrant 2

A motion was made by George Dolezel, seconded by Terry Brown, to pay the warrant in the following amounts: General Fund vouchers #__30-44__ in the amount of \$__17,793.10__. Highway Fund vouchers #__20-43__ in the amount of \$__45,549.19__. Motion: 5 Ayes, 0 Nays

Cleaner Greener Communities

Stuart Anderson submitted to the board a written report.

Planning Board

The town board is interested in scheduling a meeting with the planning board to discuss the comprehensive plan and how changes might be addressed. The comprehensive plan must be completed before amendments to the zoning law also.

Kathy Davis wanted the board to know that other towns have separate committees working on their comprehensive plan and wondered if this might be an option if the planning board gets too busy.

Highway Pay

JR Hurlburt had a question about the highway pay raises. In prior years the first payroll of the new year reflected the pay raises even if some days worked were in the prior year. This year the payroll was split at the end of the year. This is an issue of concern to the highway employees. It was decided to correct this payroll issue for 2013 but clarify the pay schedule when the handbook is amended.

The meeting was adjourned at 8:10 pm.

Maryalice Brown
Town Clerk

_____ Town Supervisor

_____ Town Clerk

_____ Councilperson

_____ Councilperson

_____ Councilperson

_____ Councilperson

_____ Highway Supt.