

A Regular meeting of the Otsego Town Board was held on the 12th day of January 2011 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Meg Kiernan	Supervisor
John Schallert	Councilman
Bill Michaels	Councilman
Anne Geddes-Atwell	Councilwoman
Carl Wenner	Councilman

Also Present:

Paul Elkan:	Town Attorney
Pamela Deane	Town Clerk

Supervisor Kiernan called the meeting to order and asked all those in attendance to please rise and pledge the American Flag.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell, to accept the December 8th minutes as presented.

MOTION CARRIED: Supervisor Kiernan, Councilmen Schallert and Michaels and Councilwomen Geddes-Atwell voted yes. Councilman Wenner abstained.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell to accept the December 29th minutes as presented.

MOTION CARRIED: All were in favor.

Supervisor Kiernan read correspondence she received since last months meeting.

- Letters from Keys Road residents Paul Kellon and Barbara Mulhern, thanking Highway Superintendent Shawn Mulligan for plowing all of Keys Road this winter. They have found having the road open much more convenient.
- A letter from NYS D.O.T. stating there is a slope on State Hwy. 80 that needs to be stabilized. They're now in the designing stage and welcome any comments, concerns or questions concerning the project.
- A letter from NYS D.O.T. denying at this time, the Board's request to have Fly Creek added to the NYS Route 28 sign between Cooperstown and Fly Creek. They will reconsider the request when the current sign is replaced at the end of its useful life. The State did agree to replace the street name signs for Day and Johnston Roads with larger signs.
- A letter from Maryann Dietz requesting that the Board take an active stance on horizontal gas drilling. After reading the goals highlighting the Vision statement in the Town's Comprehensive Master Plan such as "Ensuring water quality, protecting the rural character of the town, maintaining existing roads and protecting property values" she is amazed that horizontal gas drilling would even be permitted.

Supervisor Kiernan opened the floor for public comments.

Town residents Douglas Miller, Adrian Kusminski, Scottie Baker, Steven Godomski, Ann Keith, Katherine Raditz, Maryann Dietz, Dr. Chris Kjolhede and Ellen Weir all expressed their concern with the negative impacts gas drilling and hydro fracking can have, such as water contamination, destruction of Town Roads, noise pollution, loss of property value and loss of tourism. Miller stated that they have secured pledges from property owners totaling over 3000 acres, agreeing not to enter into a gas leasing contract. Kusminski read the opening statement to the Town's Comprehensive Plan which speaks of preserving the Town's natural beauty and reminded the Board that the Land Use Law should reflect the Comprehensive Plan. He and the others encouraged the Board to take a stand against hydro fracking as the Town of Middlefield and the Chamber of Commerce has done. Dr. Kjolhede asked the Board to at least try to delay any gas drilling or hydrofracking until more is known about any repercussions that may be a result from either one.

Councilwoman Geddes-Atwell reported on the Gas Drill Committee meeting held on January 5th. Governor Cuomo has extended the Executive Order Governor Patterson instated, preventing horizontal hydrofracking while the DEC prepares regulations that are due in June and will require at least 30 days for public comments. In the interim, vertical and horizontal wells can be permitted with up to 80,000 gallon fracks. Town Attorney Paul Elkan and County Attorney Ellen Coccoma are reviewing the County's Roads Preservation Agreement with DELTA. Next scheduled meeting is February 2nd at 7:00 at the Town Building in Fly Creek.

Councilman Schallert reported that he and Councilwoman Geddes-Atwell took a road trip to Tioga County, Pennsylvania where gas drilling has occurred. On there trip they witnessed 50 to 60 well heads, some of which were close to houses. The trucks used for the operation are huge and there are a lot of them. They stopped and talked to a few people to get their opinion. Most of them were in favor of drilling. Those that have signed leasing agreements are getting anywhere from \$2,500 to \$5,000 an acre just for signing. The people they interviewed admitted that some homes are having water issues. It was the consensus of the Board to set a date for a public hearing at the February meeting to gain public input on where a majority of the residents stand on gas drilling.

Engineer Jon McManus submitted his final bill, Delta Construction's final bill and Bruce Hall's final bill. McManus recommended that \$275.50 be deducted from Delta's \$4088.00 bill for water purifications filters for the new highway barn that were not as specified. McManus recommended that if in 6 months the filters are still working then the Board pay Delta Construction the \$275.50 for the filters. McManus stated that Bruce Hall has put in a claim for credit on the vinyl cove because the color was mislabeled on the box but still installed in the new Town Highway Garage break room and Highway Superintendent Office. It was the consensus of the Board that the cost of the vinyl cove and the finance charge on the bill be deducted from the payment.

MOTION by Councilman Michaels, seconded by Councilman Schallert to pay the following bills and make the necessary transfers:

General: #1- #18	\$24,509.52
Highway: #461-#467	\$29,941.65

MOTION CARRIED: All were in favor.

Supervisor Kiernan read the highway report in Highway Superintendent Shawn Mulligan's absence. Fuel expenses for this month are as follow:

FUEL	GALLONS	TOTAL COST/MONTH	YTD GALS	YTD EXP.
Gas	-0-	\$ -0-	-0-	\$ -0-
Diesel	-0-	\$ -0-	-0-	\$ -0-
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ -0-

Mulligan plans on bidding for a new sweeper. Bids will be opened and read publicly at 6:45PM before the February meeting.

Otsego County sent a proposed Resolution for the Town Board to consider adopting, which states that in the event of a disaster the Town agrees to participate in the Otsego County Public Works Mutual Aid Plan. After a short discussion the Board decided to table their decision until the February meeting.

Zoning Officer Hank Schecher gave his monthly report. Schecher pointed out that mining is not permitted in the RA-1 district. RA-2 allows a limited amount, with site plan review. Schecher suggested the Board focus on this section of the Town's Land Use Law when considering drafting regulations on gas drilling. Schecher reported that there are two applications before the Planning Board in the General Business District that can not meet the rule under the Land Use Law allowing no more than 70% coverage of the parcel. He asked the Board to consider increasing the percent of coverage in the General Business District. Schecher also informed the Board that the Planning Board will be holding a workshop to review Subdivision Regulations.

Dog Control Officer Tom Steele reported that he has been busy.

Judge Cooke submitted the Judges year-end report and bank statements which the Board reviewed.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell, to accept the Judge's year-end report as given.

MOTION CARRIED: All were in favor.

Town Clerk Pam Deane, submitted the Town Clerk year-end report which was reviewed by the Board.

Councilwoman Geddes-Atwell submitted the Time Warner Agreement which was reviewed and discussed by the Board.

MOTION by Councilman Michaels, seconded by Councilman Schallert, that Time Warner increase their payout percentage to 2%.

MOTION CARRIED: Supervisor Kiernan, Councilmen Schallert and Michaels and Councilwoman Geddes-Atwell voted yes. Councilman Wenner voted no.

After a short discussion department audits were assigned:

- Supervisor – Councilman Michaels
- Town Justices – Councilwoman Geddes-Atwell
- Tax Collector – Councilman Schallert
- Town Clerk – Councilman Wenner

Supervisor Kiernan requested permission to give her deputy, Councilwoman Geddes-Atwell, a key to the Town Building. The Board had no objections.

MOTION by Councilman Michaels, seconded by Councilman Schallert to authorize Supervisor Kiernan to sign

the SPCA contract as written.

MOTION CARRIED: All were in favor.

Supervisor Kiernan stated that Attorney Martin Tillapaugh has requested to meet with the Town Board as soon as possible to discuss the assessment court cases scheduled to be heard the first part of February. The Board scheduled a meeting for January 20th at 5:00PM at the Town Building.

MOTION by Councilman Michaels seconded by Councilman Wenner to adjourn.

MOTION CARRIED: All were in favor

Meeting ended at 9:45 PM.

The next regular meeting will be held at the Town Building in Fly Creek on the February 9th, 2011 at 7:00 PM.

Respectfully Submitted,

Pamela Deane
Town Clerk