

A Regular Meeting of the Town Board of the Town of Otsego was held on the 14th day of January 2009 at the Town Building, Fly Creek, NY at 7:00 PM.

Those present were:

Thomas Breiten	Supervisor
Anne Geddes-Atwell	Councilperson
John Schallert	Councilperson
Meg Kiernan	Councilperson
Bill Michaels	Councilperson

Others Present:

Pamela Deane	Town Clerk
Shawn Mulligan	Highway Superintendent
Paul Elkan	Town Attorney

Supervisor Breiten called the meeting to order and asked all those in attendance to please rise for the pledge of allegiance.

MOTION by Councilperson Kiernan, seconded by Councilperson Schallert, to accept the minutes of January 5th as presented.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Supervisor Breiten submitted correspondence for the Board to review.

Among the correspondence Breiten wanted to acknowledge receipt of Carol Akin's letter of concerns regarding the Walker subdivision.

Breiten reported receiving notification from Otsego County Planner Psalm Wyckoff, that the County did not make its guaranteed annual tonnage last year and therefore had to pay a substantial shortfall penalty. A strategy the County is considering is a special project subsidy, in addition to the standard \$14 per ton subsidy currently available to all solid waste haulers in the County for large projects, that will result in large quantities of construction and demolition debris. It is hoped that this will direct large quantities of heavy material generated in Otsego County to MOSA that might otherwise be taken out of the MOSA three-county area for disposal. This would allow those with large demolition projects to dispose the debris at the MOSA site.

Councilperson Schallert suggested that the contract be renegotiated to read that if the guaranteed annual tonnage is not met the percentage owed is based on profit not total tonnage. The way it is now taxpayers are paying MOSA's overhead and profit which means MOSA has no overhead.

Councilperson Geddes-Atwell feels that MOSA should also be giving credit for recyclables.

Councilperson Schallert agreed to discuss these issues which County Representative James Johnson.

Supervisor Breiten opened the floor for comments.

Carl Wenner resident of Fly Creek asked that the November minutes include a statement made by Town Attorney Tillapaugh during the Code of Ethics report. Wenner remembered Tillapaugh stating that anyone had the right to attend any official Town meeting including the Ethics Committee Meeting. When he said he wanted answers as a citizen and as a member of the Ethics Committee to questions he had about the questionable behavior of Board members voting to place a "No Thru Traffic" sign on both ends of Jones Road when taxpayers are paying for the services but would be banned from being able to use the road, he was told by Supervisor Breiten "You don't deserve answers". Wenner feels that the Ethics Committee should be disbanded or staffed with people who have no government connections. Wenner ended by protesting the Boards unanimous vote in favor of the Cooperstown Corridor Grant Project... He is against spending millions of tax dollars on what he feels are useless improvements.

There were no further comments from the public.

Supervisor Breiten submitted a financial report. Balances are as follow in the various accounts:

General Savings:	\$ 3,410.18	Highway Savings:	\$ 1,389.08
General Checking:	\$ 93,511.52	Hwy Checking:	\$ 68,851.57
MBIA Gen:	\$ 334,360.91	MBIA Hwy:	\$ 7,638.41
MBIA Equipment Fund:	\$53,204.92	CD-12month	\$1,000,000.00

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to accept the financial report as given.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye

MOTION by Supervisor Breiten, seconded by Councilperson Michaels, to increase last year's Highway -DB appropriation by \$1,000 to cover emergency disaster work.

MOTION CARRIED: Supervisor Breiten, Councilpersons Michaels, and Schallert voted yes. Councilpersons Geddes-Atwell and Kiernan voted no.

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Kiernan, to pay the following invoices and make the necessary transfers.

GENERAL:	#1-#24	\$ 22,301.53
HWY:	#1-#20	\$ 37,442.13

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Judge Wolff submitted the annual Court report which was reviewed and accepted by the Board.

Pamela Deane submitted the annual Town Clerk report which was reviewed and accepted by the Board.

Highway Superintendent Shawn Mulligan read the Highway Superintendents report. Fuel expenses are as follow:

FUEL	GALLONS	TOTAL COST/MONTH	YTD GALS	YTD EXP.
Gas	300	\$ 356.85	300	\$ 356.85
Diesel	1879.3	\$ 4,141.90	1879.3	\$ 4,141.90
Heating	682.4	\$ 1,292.41	682.4	\$ 1,292.41
Svc.		\$ -0-		\$ -0-

Mulligan reported that the owners of the house next up from George Hymas on Vibbard Road want to rent their house year round which will mean the Town will have to upgrade the entire road and plow it all winter, The plowing agreement with Hymas will become a moot point.

Councilperson Kiernan informed Mulligan that she had received complaints that roads are not being plowed early enough.

In response, Mulligan stated that on weekends he would rather wait until it is done snowing. Councilperson Kiernan reminded him that some people need to get to work on the weekend.

Mulligan reported that the Railroad is digging out the bank again near the Phoenix Mill Bridge after being told by DEC and the Town to stop. Town Attorney Paul Elkan agreed to look into the matter.

Supervisor Breiten read a letter from Neil and Gail McManus requesting a change in the distance requirement of Local law #1 of 4/11/07 which states that no building permit will be issued on a property located on a seasonal road more than 200 feet from a currently maintained road. The McManus's state that they own property on Murdock Road which was part of a subdivision approved as a building lot by the town of Otsego on or about December 2004. No restrictions were placed on the property prohibiting construction of a year-round residence. The McManus's respectfully request a change in the distance requirement for maintenance from 200ft to 500ft.

After discussion Attorney Paul Elkan was instructed by the Board to draft an Acknowledgment form to be signed by those owning land on a seasonal road and wanting a building permit. The form will state that the undersigned acknowledge and accept the limited underdeveloped, unmaintained, seasonal nature of the road and accept the responsibility and liability for providing and maintaining their own egress and ingress to their property and structure.

Zoning Report was submitted by Zoning Officer John Stucin which was reviewed by the Board. There were no permits issued since last meeting:

Councilperson Kiernan reported that the next Watershed meeting will be held February 3rd. The topic of discussion will be the water level of Otsego Lake. Scott Fickboltm and Brian Clancy have been invited to attend. Councilperson Michaels plans to also attend and show pictures he's taken showing erosion of the shoreline.

Linden Avenue Project Consultant Peter Loyola gave a presentation showing proposed improvements to Linden Avenue which included : relocating the Little League Field, adding bicycle and walking trails, and sidewalks, continuing Linden Avenue to State Highway 28 in hopes of alleviating congestion on Walnut Street, a parking facility to accommodate approximately 480 cars, and a servicing inner mobile center which would include restrooms, an information center, and trolley schedule. The Village has agreed to maintain all of Linden Avenue including the portion located in the Town of Otsego. Loyola stated that residents on Linden Avenue have been attending all the meetings and are excited about the proposed project. In closing Loyola asked the Board to amend the Towns Land Use Law allowing the parking lot proposed in GB-2.

Supervisor Breiten stated that the proposed parking lot is actually in GB-1 which he believes is allowed. Loyola was directed to submit an application to the Planning Board where they would make the determination if the parking lot would be allowed.

Supervisor Breiten told Board members that Chuck Hage needs the Town's support in order to apply for the Gateway to Cooperstown grant. The project would dress up the entrance into Cooperstown, create more parking, add sidewalks, and slow the traffic down. After a short discussion it was the consensus of the Board to wait until the Linden Avenue Project has been approved and was underway.

Engineer John McManus submitted an updated phase I Project Manual for the proposed Highway Garage Addition which included suggested revisions from the previous meeting. Phase one includes the construction of the building itself, insulation, foundation, radiant tubing in the floor and electrical. Heating will be implemented under phase II. His goal is to have any final additional changes incorporated into the document, and complete all technical specification, drawings and details and be ready to bid mid February. Since the project will undoubtedly exceed \$50,000, by law the building and electrical need to be bid separately.

Different insulation options were discussed. It was the consensus of the Board to also bid the heating system at this time.

Councilperson Kiernan submitted a chart for the Board to review showing the total cost to the Town if the Highway Employees salaries were increased 3% minus the difference of the total cost to the Town of the 7% health insurance increase. She proposed that the Board consider giving the Highway Employees a 1.0145% raise.

Supervisor Breiten strongly opposed because their contract stipulates that their raises are to be governed by the consumer price raise. He felt the Board should follow the contract.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to give the highway employees a 1.0145% raise.

MOTION CARRIED: Supervisor Breiten voted no. Councilpersons Kiernan, Geddes-Atwell, Michaels, and Schallert voted yes.

MOTION by Councilperson Michaels, seconded by Councilperson Schallert, to reappoint Sheila Ross and Orlo Burch to the Board of Ethics.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Councilperson Geddes-Atwell submitted an Alternate Appointment Law drafted by former Town Attorney Martin Tillapaugh which the Board reviewed.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell to accept the proposed Alternate Appointment Law as presented and schedule a Public Hearing for February 9th at 7:00 PM.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Michaels, seconded by Councilperson Kiernan, to reappoint Douglas Green to the Planning Board and, appoint Edward Hobbie to the Zoning Board of Appeals vacancy left by Anita Weber.

After discussion there was no vote.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to amend the previous MOTION and reappoint Douglas Green to the Planning Board.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Interviews for various vacancies will be scheduled for February 11th at 6:00 PM.

MOTION by Councilperson Michaels, seconded by Councilperson Kiernan, to adjourn.

Meeting ended at 9:40PM.

Respectfully submitted,

Pamela Deane
Town Clerk

