

A Regular Meeting of the Town Board of the Town of Otsego was held on the 11th day of March 2009 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

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

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Kiernan, to accept the minutes of February 11th.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Supervisor Breiten submitted correspondence for the Board to review.

Supervisor Breiten read letters of notification from Cooperstown Country Club, Inc., The Doubleday Café, Inc. and The Blue Mingo Grill announcing their intent to renew their liquor and/or wine licenses. There were no objections from the Board.

Supervisor Breiten reported receiving notification from the State that the Town will be reimbursed \$13,230.00 toward the cost of the Town's revaluation done last year.

Supervisor Breiten acknowledged receiving a letter from Carol Akin updating the Board on the proposed Walker subdivision currently being reviewed by the Town's Planning Board. Her most pressing concern is that there is no future guarantee of maintenance of the road and no oversight of the many runoff mitigation measures Walker proposes to install.

Supervisor Breiten opened the floor for comments.

John Phillips, of Fly Creek, once again asked the Town Board to limit spending. Sales tax revenue is dropping meaning the Town more than likely will not meet their sales tax revenue projection. He urged the Board to see if there is any way around paying the prevailing wage for the Highway Garage Addition.

Carl Wenner of Fly Creek encouraged the Board to consider an outside wood burning boiler for the new Highway Garage Addition. Scrap wood or boards and beams from fallen barns, dropped off by residents, could be burned in the outside boiler used to heat the garage, being a win win situation for everyone.

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

| | | | |
|----------------------|---------------|------------------|----------------|
| General Savings: | \$ 59,810.17 | Highway Savings: | \$ 226,989.08 |
| General Checking: | \$ 25,814.31 | Hwy Checking: | \$ 60,380.22 |
| MBIA Gen: | \$ 184,538.27 | MBIA Hwy: | \$ 140.31 |
| MBIA Equipment Fund: | \$ -0- | CD-12month | \$1,000,000.00 |

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Kiernan, to accept the financial report as given and make the necessary transfers.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Kiernan to pay the following bills

| | | |
|----------|---------|--------------|
| GENERAL: | #51-#74 | \$ 25,298.88 |
| HWY: | #38-#53 | \$ 33,829.94 |

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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

| FUEL | GALLONS | TOTAL COST/MONTH | YTD GALS | YTD EXP. |
|---------|---------|------------------|----------|--------------|
| Gas | -0- | \$ -0- | 300.0 | \$ 356.85 |
| Diesel | 1,160.0 | \$ 2,484.43 | 6,445.5 | \$ 14,740.96 |
| Heating | 829.7 | \$ 1,414.31 | 3,675.8 | \$ 6,954.27 |

Town Attorney Paul Elkan informed the Board that the State Comptroller's office has told him that the Town must maintain Town roads year round wherever year round residents reside. He stated that it is his professional opinion that Local Law #1 of 2008 "Limiting the Construction of Permanent or Year-Round Residences on Seasonal Town Roads" will not stand up in court.

After debating the issue, it was decided to table further discussion until next month's meeting.

Mulligan reported receiving approximately \$93,000.00 reimbursement from FEMA for the Stonehouse Rd. Bridge. He is expecting the remainder \$92,976.84.

Mulligan stated that he received a call from Ronald Jennings of Phoenix Mills Crossroad, who is concerned that the Railroad has started digging out the bank again near Phoenix Mills Road.

Supervisor Breiten explained that in December of 2004 he, along with engineer Wayne Bunn, Highway Superintendent Spike Boyd, former Town Attorney Margaret McGown, Leatherstocking Historic Railway Assoc. President Bruce Hodges and Leatherstocking Historic Railway Maintenance Department Chris Lord all met to examine the embankment between Phoenix Mills Cross Road and the Leatherstocking Historic Railway Association's railroad track. The westerly side of the embankment had started to erode soon after the railroad maintenance personnel began removing soil material that had accumulated near the track. NYS DEC and the U.S. Corps of Engineers have been to the site but no violations of existing regulations were issued.

Mulligan stated that he examined the site and saw no further erosion to the road or Jennings's driveway. He talked to George Casey, engineer for Army Corps. of Engineers who stated that there was nothing they could do because the digging is not in an area designated as wet lands. Jennings would have to file a civil suite against the Leatherstocking Historic Railway.

Mulligan reported changing to alloyed magnesium truck tire chains which are holding up better and have cut costs approximately \$3,000.00.

Mulligan reported buying a New Holland Tractor and cab with sickle bar mower, off of the NYS bid.

Mulligan reported re-ditching the end of Carso's driveway on Goose Street to keep runoff from spilling over into the road.

Zoning Report was submitted by Zoning Officer John Stucin which was reviewed by the Board. Permits were as follow since last meeting:

Zoning Permit: 1

Site Plan Review: 1

Councilperson Michaels reported that the Highway Garage Addition bids have been advertised. The bid opening is scheduled for March 31st at 3:00 PM. Bids went out calling for sprayed foam in the ceiling. The Board discussed at great lengths whether or not to remove the requirement for a Performance Bond. Town Attorney Paul Elkan strongly suggested that the requirement not be waived. It was decided to leave the performance bond requirement in the bid. Engineer John McManus will meet with all interested bidders Friday March 13th to explain the proposed project and answer any questions anyone might have.

Supervisor Breiten suggested that the Town purchase a flag pole for the Town Building. The Board agreed. Councilperson Schallert has a 50ft new, but slightly damaged, flag pole he would be willing to sell to the Town. He will check his records to see what he paid for the pole and report back to the Board next meeting.

After a short discussion the Board scheduled a combined workshop with the Planning Board for March 24th at 7:00PM to discuss proposed Adult Housing.

Supervisor Breiten submitted for the Board to review a new franchise agreement with Time Warner Cable. It is a 15 year agreement.

MOTION by Councilperson Michaels, seconded by Councilperson Kiernan, to schedule a Public Hearing for April 8th at 7:00PM to hear public comment on the proposed Time Warner Cable Franchise Agreement.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Supervisor Breiten asked for a volunteer to complete a 2010 census forms for the US Census Bureau.

Councilperson Geddes-Atwell agreed to review the paperwork.

Supervisor Breiten read a letter from Brian Benjamin, Master Diver at the Biological Field Station, requesting \$500.00 from the Town to be used toward deploying and maintaining the no-wake zone buoys which serve to protect the shoreline of Otsego Lake from shoreline erosion while providing a safe buffer for swimming and canoeing in Otsego Lake.

The Board discussed that the lighting on the buoys rarely work and felt the buoys have not been that effective.

MOTION by Councilperson Schallert, seconded by Councilperson Michaels, not to contribute \$500 toward maintaining the no-wake zone buoys.

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

MOTION by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell, to go into Executive Session to discuss personnel issues.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell, to come out of Executive Session.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Supervisor Breiten announced that while in Executive Session Councilpersons Schallert and Kiernan and Town Attorney Paul Elkan agreed to enter into labor negotiations with CSEA representatives.

MOTION by Councilperson Michaels to adjourn.

Meeting ended at 9:40PM.

The Next regular meeting will be held on April 8th, 2009 at 7:00PM at the Town Building in Fly Creek, NY.

Respectfully submitted,

Pamela Deane
Town Clerk