

A Public Hearing and Regular Meeting of the Town Board of the Town of Otsego were held on the 8th day of April 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 Public Hearing to order. The purpose of the Public Hearing was to hear public comment on the proposed Time Warner Contract Agreement. Breiten introduced Kathleen Hope from the Public Service Commission. Hope explained that she is part of a special team that helps municipalities understand franchise agreements and what additional services municipalities can ask to be included in their agreement. Town of Otsego's previous contract with Time Warner expired July 31, 2007. Some suggested additions to the proposed agreement were to supply free cable to the Fly Creek Fire Hall, extend their services to outlying areas and shorten the expiration date of the proposed agreement presently suggested for 15 years. Supervisor Breiten stated that he's still waiting for the results of a survey he requested from Time Warner.

It was the consensus of the Board to table their decision on the proposed contract agreement until Time Warner submits the results of the survey.

MOTION by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell to close the Public Hearing.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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 March 11th.

Supervisor Breiten asked for discussion.

A few corrections were requested by Councilperson Michaels.

Supervisor Breiten called for a vote on accepting the minutes of March 11th as amended.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Kiernan, and Councilperson Geddes-Atwell, to accept the minutes of March 24th.

Minor corrections were also requested.

Supervisor Breiten called for a vote accepting the minutes of March 24th as amended.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

The Town Clerk will make all requested corrections before entering the minutes into the Minute Book of record.

Supervisor Breiten submitted correspondence for the Board to review.

Supervisor Breiten acknowledged receipt of a letter from Otsego Apple Growers, LLC. notifying the Board of their intent to renew their annual application to operate their farm winery. There were no objections from the Board.

Supervisor Breiten opened the floor for comments.

Bibik Road residents asked if Bibik Road was scheduled to be paved. The road has numerous potholes and at times is almost impassable.

Highway Superintendent Shawn Mulligan agreed to assess the condition of the road and make necessary improvements.

John Phillips of Fly Creek asked the Board to hold the line on taxes. The economy is bad and he, for one, can not handle any more taxes. He asked the Board if they have discussed ways to cut this years budget so they don't have to make up the difference on next years budget.

Councilperson Schallert informed Mr. Phillips that this Town hasn't raised taxes in three years. We can't cut them anymore.

Sheila Ross stated that it was her understanding that the highway garage addition bids came in at approximately the same cost as the Town Building addition and the highway garage addition is a much larger building. She feels the Board is doing a good job at keeping the cost down.

Carl Wenner of Fly Creek reminded the Board that last month he suggested the Board consider putting in a wood furnace for the proposed highway garage addition. His feeling was it would be very efficient and economical. There is an endless supply of wood not to mention it would be helpful to residents needing to get rid of downed trees or fallen barns on their property. He was disappointed to hear from the Board and Highway Superintendent that they felt Highway Employees would be unwilling or unable to cut wood and manage a wood furnace. He suggested that if the Board were to add some sort of incentive the highway employees might be willing to manage a wood furnace. Wenner felt the underlining problem lies with the people in government spending tax dollars in ways they would never spend if it were their own money. He said Councilperson Geddes-Atwell has pushed for a green energy source for the new highway garage but do you see solar panels and/or other green energy at her house? Councilperson Schallert pushed for the Town purchasing a new \$170,000.00 ten-wheeler dump truck. When was the last time he bought a new \$170,000.00 ten wheeler dump trucks for his business? Does the Town really need a website for the 10 people that are looking for a phone number or a form they need to fill out? Councilperson Michaels, as part of a Buildings and Grounds Committee, hired an engineer to draft plans for the highway garage addition when General Steel would have done the plans free of charge. Wenner wondered if Councilperson Michaels were building this building on his own property and using his own money would he have made that call to General Steel. Every month he makes valid points but the Board doesn't take his points into consideration and consequently he feels they are wasting money that isn't theirs.

Neal McManus stated that the Seasonal Town Road Law limiting the construction of permanent or year round residents has affected him and his wife Gail. They own property on a seasonal road that was part of a subdivision and approved by the Town Planning Board as a build-able lot, they had the property sold, and then found that this law was adopted April 11, 2007. This Law has posed a hardship for them. He and his wife respectfully requested the Law be rescinded.

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

General Savings:	\$ 59,942.92	Highway Savings:	\$ 227,236.89
General Checking:	\$ 20,609.49	Hwy Checking:	\$ 132,919.51
MBIA Gen:	\$ 184,575.52	MBIA Hwy:	\$ 140.31
MBIA Equipment Fund:	\$ 53,687.07		
CD-WNB-matures 8/3/09	\$1,000,000.00		
CD-WNB-matures 8/2/09	\$ 300,000.00		

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

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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

GENERAL:	#76-#93	\$ 20,034.59
HWY:	#55-#76	\$ 41,151.72

Supervisor Breiten asked for discussion.

Geddes-Atwell requested that voucher #85 made out to Reliable Office Supplies not be paid until an itemized bill is sent.

Supervisor Breiten called for a vote to pay the following bills excluding voucher #85 in the amount of \$202.39 to Reliable Office Supplies.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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

<u>FUEL</u>	<u>GALLONS</u>	<u>TOTAL COST/MONTH</u>	<u>YTD GALS</u>	<u>YTD EXP.</u>
Gas	583.0	\$ 852.87	883.0	\$ 1,209.72
Diesel	-0-	\$ -0-	6,445.5	\$ 14,740.96
Heating	485.4	\$ 808.24	4,161.2	\$ 7,762.51

Mulligan submitted the bids for Paving and Stone and Oil. The bids were as follow:

	<u>Paving</u>	<u>Stone and Oil (total cost of project)</u> <u>(Johnston and Bed Bug Hill Rd.).</u>
Barrett Paving Materials, Inc.	\$115,795.50	
Cobleskill Stone Products, Inc.	\$102,584.00	
Hanson Aggregates NY, LLC	\$ 95,505.00	
Suit-Kote		\$25,802.90
Vestal Asphalt, Inc.		\$19,066.00

Mulligan stated that after reviewing all bids he awarded the Paving Bid to Hanson Aggregates and Stone and Oil Bid for Johnston and Bed Bug Hill Rd. to Vestal Asphalt.

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

Zoning Permit: 4

Supervisor Breiten read a letter interest to serve on the Assessment Review Board from Jessie Ravage.

MOTION by Councilperson Kiernan, seconded by Councilperson Michaels, to appoint Jessie Ravage to fill out James McNulty’s term (9/30/10) on the Assessment Review Board.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Jon McManus submitted the Highway Garage bid results to the Board for review and consideration. Bid results were as follow:

Bidder	Contract #1 Concrete & Structure	Contract #2 Electrical	Contract #3 Heating
MVC Construction	\$348,589.00		
Wood Done Right	\$350,666.00	\$19,580.00	\$39,200.00
Richard Wakeman	\$398,633.00		
Morton Builders	\$439,391.00		
Loitsch Construction	756,000.00		
United Plumbing & Heating			\$37,937.00
Avolio Brothers LLC.			\$50,790.00
Treffison & Son		\$45,700.00	\$69,800.00

McManus stated that MVC Construction wouldn’t be able to fulfill the contract as written. They’re unable to purchase a Performance Bond unless the Board is willing to pay for materials upfront. McManus informed the Board of their options. They could wave the Performance Bond altogether, alter the agreement and pay for supplies at the start of the project instead of at completion or award the bid to the second lowest bidder.

MOTION by Councilperson Schallert, seconded by Councilperson Michaels, to award the concrete, structure and electrical bid to Wood Done Right and heating to United Plumbing & Heating.

MOTION CARRIED: Supervisor Breiten and all Councilperson

Councilperson Geddes-Atwell reported that the Town needs to terminate the present website contract with Grafi Qa before entering into a new contract with another organization. Town Attorney Paul Elkan agreed to handle that.

Councilperson Kiernan reported that everything is set for tire/furniture day May 9th 7:00AM-200PM.

MOTION by Councilperson Supervisor Breiten, seconded by Councilperson Schallert, to schedule a Public Hearing for Local Law #2 – Rescinding Limited Construction of Permanent or Year Round Residences on Seasonal Town Roads.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Public Hearing was scheduled for May 13th at 7:00PM.

Councilperson Michaels submitted recommended changes to the current Land Use Law adding Adult Housing Facilities as a special permitted use in all districts that allow special permitted uses as well as related definitions.

After a short discussion a Public Hearing was set for proposed Local Law #3 on May 13th 7:00PM.

Councilperson Schallert requested permission to have compaction testing done and a well drilled on the construction site for the highway garage addition.

MOTION by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell, to grant Councilperson Schallert's request not to exceed \$15,000.00. (\$5,000 for compaction testing and \$10,000.00 for a drilled well).

MOTION CARRIED: Supervisor Breiten and all Councilperson's voted aye.

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

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Schallert, seconded by Councilperson Geddes-Atwell, to hire Henry Schecher for the Zoning Enforcement Officer position starting April 13th.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell, thanking John Stucin for his many years of service and to pay him through the end of April to help with the transition of the newly appointed ZEO.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to form a Personnel Committee of Councilperson Schallert and Councilperson Kiernan, to function from April 8th of this year to January 1, 2010 (until a newly elected Supervisor assumes these duties) that will assist the Board in hiring, termination, hold performance reviews, maintain job descriptions, training of employees and negotiate the union contract with Town Highway Employees. The committee will report it's activities and recommendations to the Town Board and Town Supervisor.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Supervisor Breiten to adjourn.

Meeting ended at 10:05PM.

The next regular meeting will be held on May 13, 2009 at 7:00PM at the Town Building in Fly Creek, NY.

Respectfully submitted,

Pamela Deane
Town Clerk