

A Regular meeting of the Otsego Town Board was held on the 11th day of May, 2011 at the Town Building, in Fly Creek, NY at 7:00 PM.

Town Board Members Present:

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

Also Present:

Shawn Mulligan	Highway Superintendent
Pamela Deane	Town Clerk

Supervisor Kiernan called the meeting to order and asked all those present to please rise for the pledge of allegiance.

MOTION by Councilman Geddes-Atwell, seconded by Councilwoman Michaels, to accept the minutes of March 13th as presented.

MOTION CARRIED: All were in favor.

MOTION by Councilwoman Geddes-Atwell, seconded by Councilman Michael, to accept the minutes of April 4th as presented.

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

Supervisor Kiernan read correspondence she received since last month's meeting.

Supervisor Kiernan open the floor for comments.

Susan Deer stated that after months of hearing testimonies from doctors, scientists, lawyers, and residents, she has come to the conclusion that the current process of extracting shale gas can have a negative impact on the areas aquifers and the environment and the Town's current infra structure. She has decided that for the greater good of current and future residents and prospecting visitors, she would like to join the majority of Town residents urging the Board to vote yes on the pending Land Use Amendments.

Jerry Phalen read a letter on behalf of the Otsego Sailing Club urging the Board to take whatever steps necessary to protect the watershed and maintain Otsego Lake's water quality.

Julie Huntsman read a letter on behalf of Dr. Eric and Lisa Mooney. The Mooneys felt that we need to be good stewards of our children's land and are strongly in favor of the pending amendment prohibiting heavy industry in Town. They urged the Board to vote yes on the proposed Land Use Amendments.

Lana Guyot stated her last years worries consisted of to many cat tails in her pond and she hoped there weren't any more dream park rentals invading the community. Today she wonders would she really want to bath in water you can't drink. Guyot asked the Board to vote yes on the proposed Land Use Law Amendments.

Jim Atwell asked the Board to imagine their grandchildren reaching adult hood asking "why did my grandparents let this happen?"

Dotty Hudson stated that she, along with many other local residents, attended a rally in Albany on May 2<sup>nd</sup> where they listened to approximately 20 speakers, two of which were from Ommegang Brewery and two from Cooperstown Chamber of Commerce. She submitted a list of people also opposing shale fracking.

Mary Tedesco thought the Board by now has heard from a majority of voters. She urged the Town Board to vote tonight in accordance to the will of people.

Scottie Baker saw the Town Highway employees come by her house with the new broom causing this huge cloud of dust that fell all over her car, house and herself. She told herself "Now Scottie, look the other way. It's only one time and it's for your benefit." Up the road they were cleaning out the ditches and she kept hearing the constant noise of the back up signals and the traffic from all the heavy trucks and equipment and she told herself "Now Scottie, look the other way. It's only one time and it's for your benefit." Last summer State Hwy. 205 was being paved and the paving trucks were coming down her road very fast for two weeks. She told herself "Now Scottie, look the other way. It's only one time and for your benefit." She began to wonder what if she had to live with this all the time, everyday. Baker asked the Board to protect the quality of life residents already have. To protect our communities from the noise, fumes, dirt, traffic, pollution, all associated with heavy industry. In closing she urged the Board to vote for the pending amendments.

Sarah McArthur felt that the benefit of allowing gas drilling and heavy industry is less then the possible damage it

could cause. She urged the Board to vote yes on the proposed Land Use Law Amendments.

Greg Crowell wanted to be on record that he was strongly in favor of the Board adopting the proposed Land Use Law Amendments. The pending amendments are entirely within the scope of the Town's Comprehensive Plan and their primary purpose is to clarify usage which is already set forth in the Land Use Law.

Lou Allstadt stated that he learned from a presentation given during the Middlefield Town Board that if the gas companies are allowed to drill in Middlefield residents can expect anywhere from 160 to 840 wells drilled, and an estimated amount of land disturbed would be between 1,400 to 7,300 acres. Estimated water consumption was 1.9 billion gals and estimated chemical usage ranged from 26,000 tons to 140,000 tons. Estimated truck trips ranged from 200,000 and 1 million to do the initial drilling. This does not include the re-fracking done every five years. Estimated impact of temporary workers needing to be housed temporarily was 1,900 to 10,000. In closing he urged the Town Board to vote yes on the proposed Land Use Law Amendments.

Tom Huntsman stated that Duke University has recently conducted the first study ever correlating the methane migration from gas wells into water supplies. They found that of the 25% of the wells they studied, sixty showed high levels of methane migration. He suspects as more studies are done they will find even stronger links.

Adrian Kuzminski felt that this was an historic moment and was proud of all the citizens that have stepped forward and voiced their concerns.

Village Board Member Jeff Katz, reported that the Village Board realizes that this area would drastically be changed if this area became environmentally destroyed and applauded the Town Board for their support.

Cindy Theodore said that she has heard of gas drilling in Texas and Pennsylvania, never dreaming that she could now have a gas well fifty feet from her back door. She asked the Board to please don't let it happen here.

Melinda Hardin submitted a statement supporting the proposed amendment.

Deborah Dickinson stated that she was a retired nurse practitioner. A lot has changed. What was common practice is not now because they found that certain chemicals and medicine were harmful. Until there is a way found to extract the gas safely, ensuring that the watershed and peoples' wells will not be polluted, she encouraged the Board to adopt the proposed amendment.

Patty Murphy told the Board that a majority of the residents do not want fracking and hoped the Board would do the right thing and act on behalf of the will of the people.

Velma Armstrong posed the question "If people are not allowed to use formaldehyde then how can they allow gas drilling companies to put it in the ground?"

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell, to close the public comments.

MOTION CARRIED: All were in favor.

Supervisor Kiernan reported that the County Planning Board voted unanimously in favor of the Town Board's proposed amendment. She submitted for the Board to review, if they wished, all the correspondence received concerning the proposed amendment.

MOTION by Councilman Michaels, seconded by Councilman Schallert, to adopt the proposed amendment excluding the word "geothermal resources" from the definition of Mineral Extraction under Appendix C.

Supervisor Kiernan asked if there was any discussion.

Councilman Wenner stated that he felt that we are going down a dangerous road when government starts taking away peoples' freedom. Everyone on the Board took an oath to support the constitution, and that means sometimes defending rights that people have that not everybody likes. He read quotes from John Adams, Ben Franklin and George Washington who speak to laws protecting property and peoples liberty.

Councilwoman Geddes-Atwell felt that by passing the proposed amendment the Board would be protecting residents from the State coming in and taking their rights away.

Supervisor Kiernan called for a vote.

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

Councilman Michaels submitted a report of interviews and findings on his trip to Bradford County, PA. along with his reasons for his decision to vote for the proposed Land Use Law Amendment.

Supervisor Kiernan gave the financial report.

General Savings: \$ 4,663.61	General Checking: \$581,772.35
Highway Savings:\$7,776.19	Highway Checking: \$543,783.77
Building Reserve Fund: \$150,210.48	
Highway Equipment Fund: \$176,372.78	

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell, to accept the financial report as presented:

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

MOTION by Councilman Michael, seconded by Councilwoman Geddes-Atwell, seconded by to pay the following bills and make the necessary transfers:

General:	#90 - #105	\$21,452.19
Highway:	#56 - # 70	\$78,151.71

MOTION CARRIED: All were in favor.

Councilwoman Geddes-Atwell reported that the County will be holding a Road Use Agreement Meeting at the old Meadows Complex, May 26<sup>th</sup> at 10:00 AM. Councilman Schallert, Highway Superintendent Shawn Mulligan and Supervisor Kiernan agreed to attend.

Highway Superintendent report was given by Highway Superintendent Shawn Mulligan. Fuel expenses for this month are as follow:

FUEL	GALLONS	TOTAL COST/MONTH	YTD GALS	YTD EXP.
Gas	57.5	\$ 193.57	157.5	\$ 462.65
Diesel	782.0	\$ 2,890.43	6,183.0	\$ 21,512.22
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ -0-

Mulligan submitted paving bid results for the Boards consideration. Results were as follow:

<u>Paving Company</u>	<u>Christian Hill (A)</u>	<u>Christian Hill (B)</u>	<u>Wiley Town</u>	<u>Totals</u>
Barrett Paving	\$64,147.80 @ \$66.20/ton	\$35,218.40	\$47,862.60	\$147,228.80
Cobleskill Stone	\$62,810.58 @ \$64.82/ton	\$34,484.24	\$46,864.86	\$144,159.68
Hanson Aggregate	\$59,981.10 @ \$61.90/ton	\$33,196.80 @ \$62.40/ton	\$46,669.65@\$64.55/ton	\$139,847.55

MOTION by Councilwoman Geddes-Atwell, seconded by Councilman Schallert, to accept low bid offered by Hanson Aggregate.

MOTION CARRIED: All were in favor.

The Board agreed, after a short discussion, that Councilmen Schallert, and Wenner, Orlo Burch and Highway Superintendent Shawn Mulligan will meet with highway employees the first Thursday of every month to discuss any issues, concerns or questions they may have.

Highway Superintendent Shawn Mulligan stated that officials from J & J are claiming that they never received his letter asking for restitution for a truck box and sander purchased three years ago. Councilman Schallert stated that he has been in contact with President Bill Riggs and Vice President Jerry Johnson from J & J, both assuring him that they want to resolve this issue to everyone's satisfaction.

Zoning Officer Hank Schecher reported on Planning Board applications being reviewed and permits that have been issued since last meeting.

Subdivision: 1

Judge Dora Cooke asked the Board to consider installing a flag pole and replacing the sliding doors that divide the meeting room and the court room. The doors have never worked properly and are constantly off the track and hard to open and close. One door has split. She suggested the Board consider purchasing a flag pole with a solar

light attachment at the top to illuminate the flag at night. Judge Cooke stated that she has been approached by an anonymous donor that is willing to donate \$200.00 toward a flag pole.

It was decided that the Building and Grounds Committee will meet and review what types of flag poles are available and make a recommendation at the June meeting.

Councilwoman Geddes-Atwell reported on the Watershed Committee meeting. The committee is preparing a more stern letter to send out to those who have ignored prior letters sent by the Committee.

Cooperstown resident Craig Gecewicz informed the Board that for the past seven and a half years at his house on Walnut Street, village sewage has been overflowing in his back yard every spring. It is estimated that over 500,000 gallons spill out of the man-hole, located in his back yard, everyday during excessive rain and snow melt, running to the Susquehanna River.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell, to ask the Town Health Officer Dr. Chris Kjolhede to visit the site and report back to the Board the status of the repair.

MOTION CARRIED: All were in favor.

Councilman Michaels stated that it has come to his attention that the UPS driver has not been able to enter the highway garage to drop off packages. After a short discussion it was decided that Councilman Michaels will talk to Matthew Lionetti the contractor that installed the lock on the Highway Garage Door, to see if there is a way to leave the door unlocked during the day.

Supervisor Kiernan submitted a proposed resolution for the Boards consideration supporting legislation requiring all movies showing people smoking be given an "R" rating.

MOTION by Councilwoman Geddes-Atwell, seconded by Supervisor Kiernan, to pass the proposed resolution requiring all movies showing people smoking is given an "R" rating.

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

MOTION by Councilman Michaels, seconded by Councilman Wenner, to go into Executive Session to discuss the Highway Employees' CSEA contract.

MOTION CARRIED: All were in favor.

MOTION by Councilman Michaels, seconded by Councilman Weener to come out of Executive session.

MOTION CARRIED: All were in favor.

MOTION by Councilman Wenner, seconded by Councilman Schallert, authorizing the Highway Superintendent to change the highway employees' workweek for the summer from a 5 day 40 hour workweek to a 4 day 10 hour workweek. Highway employees will work (3) 10 hour days and 2 hours on the 4th day during workweeks having a holiday.

MOTION CARRIED: All were in favor.

MOTION by Councilman Michaels to adjourn.

MOTION CARRIED: All were in favor.

Meeting adjourned at 8:50 PM.

The next regular meeting will be held at the Town Building in Fly Creek on the June 8th, 2011 at 7:00 PM.

Respectfully Submitted,

Pamela Deane  
Town Clerk