

A regular meeting of the Town Board was held on the 12th day of May, 2010 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

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

Also Present:

Paul Elkan:	Town Attorney
Shawn Mulligan	Highway Superintendent
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 Councilperson Geddes-Atwell, seconded by Councilperson Wenner, to accept the minutes of April 14th as presented.

MOTION CARRIED: Supervisor Kiernan and all Councilpersons voted aye.

Supervisor Kiernan submitted correspondence for the Board to review. Among the correspondence was a letter from NYSHA notifying the Town of their intent to renew their annual liquor license for the Fenimore Café of which the Board had no objections, and a letter of resignation from Planning Board member Douglas Greene.

Supervisor Kiernan presented a map from Property Rights Specialist Nancy Mullin, showing on Linden Ave. the 1.45 acre right of way the Town of Otsego deeded over to the Village of Cooperstown along with six other properties that the Village of Cooperstown will be acquiring permanent easements for the Cooperstown Intermodal Transit Center Project or other wise known as the Linden Avenue Project. Also included was a booklet that explained the acquisition process.

Supervisor Kiernan opened the floor for comments. Those in attendance had no comment.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to go into Executive Session to discuss a possible future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed. Town Attorney Paul Elkan and Highway Superintendent Shawn Mulligan were asked to attend the discussion.

MOTION CARRIED: Supervisor Kiernan and all Councilpersons voted aye.

At 7:30PM the public was invited back into the meeting room.

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

MOTION CARRIED: Supervisor Kiernan and all Councilpersons voted aye.

Supervisor Kiernan stated that no decisions were reached while in Executive Session.

The financial report was read by Councilman Kiernan. Balances are as follow in the various accounts:

General Savings: \$ 4,656.63	General Checking: \$ 682,160.97
Highway Savings: \$ 7,764.53	Highway Checking: \$ 683,217.07
Highway Equipment: \$154,255.84	

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

MOTION CARRIED: Supervisor Kiernan and all Councilpersons voted aye,

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

General: #251-#266	\$17,042.22
Hwy: #312-#324	\$30,685.13

MOTION CARRIED: Supervisor Kiernan and all Councilpersons voted aye.

Planning Board member John Phillips, reported that the Planning Board is now discussing the Linden Avenue project with Peter Loyola. He asked that the Board waste no time appointing someone to fill out Planning Board member Doug Green's position.

Councilperson Michaels stated that he was in-favor of the project and did not want to see Town of Otsego faulted for holding up the project so late in the game just because of the way it has been handled. It was the consensus of the Board that the Planning Board still needed to follow the usual procedures. The project must be bid by September or the Village stands to loose all grant money promised.

Zoning Officer Hank Schecher reported that the Planning Board is also in the process of reviewing subdivisions. He reported the following number of permits issued since last meeting:

Driveway Permit: 1	Sign Permit: 1
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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	143.0	\$ 350.88	1,076.0	\$ 2,514.00
Diesel	476.0	\$ 1,245.81	7,948.7	\$ 20,982.30
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ 12.04

Mulligan stated that he will be bidding a new loader. He estimated repairs to the Town's 1999 John Deere loader to be \$65,000.00 and the cost of a new loader \$135,000.00. Mulligan plans on researching buying vs. leasing and the cost with and without a trade. Councilperson Michaels requested a detailed proposal from a dealer to rebuild the Town's loader to like new condition.

Supervisor Kiernan read a letter from Barbara Mulhern asking that Keys Road be opened year round. Mulligan plans to keep Keys Road seasonal but improve it enough to keep it open year round. It won't be improved to Donovan Specifications but enough to allow a 10 wheeler truck through in the winter. He plans to do the same with Vibbard Road.

Mulligan reported that Mill Street Bridge repairs are scheduled to be started within the next few weeks. Town of Otsego's share of the cost will be no higher then \$27,000.00.

Supervisor Kiernan read a letter from Brick House Rd. resident Barbara Purcell, who asked that calcium be put down on her road in front of her house to cut down on the dust. She has asthma and the dust makes it very hard for her to breath.

Councilperson Michaels asked Mulligan to move the STOP sign located on Tripp Hill for Murdock to the bottom of Murdock. He felt the placement of the sign on Tripp Hill Road meant for those coming off Murdock may cause confusion to drivers. He also informed Mulligan that he felt there should be a YIELD or STOP sign at the intersection of Buck Rd. and Stone House.

Supervisor Kiernan read a letter from Fly Creek resident Sheila Ross putting the Town on notice. On May 4th she had trouble with her water turning black and leaving a silk sand-like residue while filling her hot tub. She believes that this is caused from the Town drilling a well in close proximity to her well and wants the Town Board to see that this problem is remedied at the Town's expense.

Highway Superintendent Shawn Mulligan stated that after hearing of Ms. Ross's water problem he contacted the gentleman that drilled the Town's well for the new highway garage Dan Bosc and Bosc did not consider the wells to be in close proximity to each other. Bosc also told Mulligan that if the Ross's water vein was interrupted while he was drilling the Town's well it would have happened immediately not eight months later. He felt there was no way of proving that the Town is responsible for the Ross's water turning black.

Councilperson Michaels reported for the Building and Grounds committee. He asked Supervisor Kiernan to have R&D Gutters include the installation of a 15ft. run over the entrance to the breezeway of the new highway garage addition to the already agreed upon gutter installation to the front of the Town Building porch. Supervisor Kiernan had no objections.

Wood-Done-Right re-submitted a revised estimate for remaining work need to be done at the new highway garage addition on Cemetery Road which now included installing ice shields on the roof over the entrance door. The total cost estimate was \$1,168.00.

MOTION by Councilperson Schallert, seconded by Councilperson Geddes-Atwell, to accept Wood-Done-Right's revised proposal.

MOTION CARRIED: Supervisor Kiernan and all Councilpersons voted aye.

Supervisor Kiernan reported that Town Assessor Marie Walters, and Attorney Martin Tillapaugh have negotiated a settlement with Carol Taylor regarding the assessment of her camp on Otsego Lake. The camp was assessed for \$545,000.00. Taylor requested it be reduced to 440,000.00. They have negotiated a settlement of \$495,000.00. In order to accept the settlement they need approval from the Town Board.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to accept Attorney Martin Tillapaugh's recommendation and accept the settlement in the Carol Taylor litigation, reducing her camp assessment on Otsego Lake by \$50,000.00.

MOTION CARRIED: Supervisor Kiernan and all Councilpersons voted aye.

Supervisor Kiernan reported receiving three quotes on an enclosed bulletin board for outside the Town Building and plans to order the least expensive of the three.

Supervisor Kiernan stated that the Town Justices were approved for \$8,900 through a grant for pews in the courtroom. The pews were put out to bid. The only bid that met the specifications was from Hummel's Office Supply. The Justices asked for the Boards consent to accept Hummel's bid. After reviewing the bid results and the Town's Procurement Policy it was the consensus of the Board that the Justices were in full compliance and had no objection of the ordering pews for the court room from Hubbel's Office Supply.

Supervisor Kiernan stated that the Board needed to adopt how many hours constitutes a day's work for the NYS Retirement.

MOTION by Councilperson Michaels, seconded by Councilperson Wenner that 8 hours a day constitutes a day.

MOTION CARRIED: Supervisor Kiernan and all Councilpersons voted aye.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to adjourn.

MOTION CARRIED: Supervisor Kiernan and all Councilpersons voted aye.

Meeting is adjourned at 8:50PM.

The next regular meeting will be held at the Town Building in Fly Creek on the 9th day of June, 2010 at 7:00 PM.

Respectfully Submitted,
Pamela Deane
Town Clerk