

Two Public Hearings and a Regular Meeting of the Town Board of the Town of Otsego were held on the 13th day of May 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 first Public Hearing to order. The purpose of the Public Hearing was to hear public comment on rescinding Local Law #1 of 4/11/07 -Limiting the Construction of Permanent or Year Round Residences on Seasonal Town Roads. Breiten opened the floor for comments.

There were no comments from the public.

MOTION by Councilperson Michaels, seconded by Councilperson Kiernan, to close the Public Hearing.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Supervisor Breiten called the second Public Hearing to order. The purpose of the Public Hearing was to hear public comment on the proposed changes to the current Town's Land Use Law. The proposed modifications are to Section 2.02 concerning Special Requirements and the addition of several definitions relating to Adult Home Facilities. Breiten opened the floor for comments.

There were no comments from the public.

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

MOTION CARRIED: Supervisor Breiten and all Councilperson 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 April 8th, as presented.

Supervisor Breiten asked for discussion.

Councilperson Kiernan requested that amendments from the March minutes be listed in the April minutes.

Town Clerk Pam Deane explained the reason the corrections are made before entering them into the Minute Book of record is so they are never taken out of context. Kiernan requested a copy of the amended minutes. The Town Clerk agreed to e-mail them to her.

A few corrections were requested by Councilperson Michaels.

Supervisor Breiten called for a vote on accepting the minutes of April 8th 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 opened the floor for comments.

Carl Wenner of Fly Creek stated that he was unaware before last month's meeting that Councilperson Geddes-Atwell is installing solar panels at her home. He is willing to apologize for his statement made at last months meeting if she is paying for the panels with her own money and not taking advantage of State or Federal funding. Wenner went on to say that he had no confidence in the Town Board. Each member says one thing and does another. They were told by Wenner that if they don't like what he says to just remember, "it's your own words that hang you".

Layne Weir and Bonnie Ives asked for the Board's help in getting cable service from Time Warner extended to their homes on Hoke Road (about 800 yards). Time Warner has told them that if one person wants service they

will be charged \$10,000.00; if two people within that stretch of road wants service the cost would be \$7,000.00 each. If five people want the service the cost is reduced to \$600.00 each. Neither Weir nor Ives understands the discrepancy in the cost. Since the Board is now reviewing a new contract with Time Warner they asked the Board to consider requesting that Time Warner extend existing service in rural areas, including Hoke Road.

The Board agreed to talk to Time Warner. Councilperson Geddes-Atwell will contact Kathleen Hope from the Public Service Commission for advice.

Weir and Ives also requested a lower speed limit for Hoke Road. Town Attorney Paul Elkan agreed to research the procedure.

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

General Savings:	\$ 59,942.92	Highway Savings:	\$ 407,377.20
General Checking:	\$ 142,942.01	Hwy Checking:	\$ 51,950.22
MBIA Gen:	\$ 184,575.52	MBIA Hwy:	\$ -0-
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 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 Kiernan, seconded by Councilperson Geddes-Atwell, to modify the Town Budget by transferring \$8,000 from A-1110.4 to A-1620.4 and \$3,700.00 from A-1110.2 to A-1110.4.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Geddes-Atwell, to pay the following bills except the sales tax of \$2.32 on Hwy voucher #81.

GENERAL:	#94-#116	\$ 35,176.65
HWY:	#77-#97	\$ 40,844.45

There was no second. MOTION Died.

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

GENERAL:	#94-#116	\$ 35,176.65
HWY:	#77-#97	\$ 40,844.45

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	218	\$ 362.54	1,101.0	\$ 1,572.26
Diesel	2,286	\$4,700.68	8,731.5	\$ 19,441.64
Heating	746.4	\$ 1,370.99	4,907.6	\$ 9,133.50

Supervisor Breiten stated that there is a grant being offered called the Hazard Abatement Grant that assists Town's by paying up to 75% of renovation cost of an existing building. Supervisor Breiten explained that the cost of renovation can be applied to a new building. The question is will the grant cover a new addition to an existing building? The Building and Grounds Committee agreed to see if the addition will qualify for grant assistance.

Mulligan reported that all CHIP's projects are completed. Two highway employees, Michael Weir and Bruce Rose, have retired. Mulligan will be advertising and interviewing for one of the positions.

Councilperson Kiernan questioned if seasonal roads are inspected and passable as soon as the posted date has passed.

Town Attorney Paul Elkan stated that the Town is not obliged to maintain roads that are posted. Those choosing to travel them, travel at their own risk.

Councilperson Kiernan requested that the Town pickup truck, mainly used by the Town Highway Superintendent, have Town of Otsego lettering placed on the doors. The Board members agreed. Mulligan agreed to see that the lettering is added to the truck.

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

Zoning Permit: 1

Special Permit: 1

Site Plan Review: 1

The minutes of the Watershed Committee meeting of May 7th were submitted for the Boards review by Councilperson Kiernan.

Peter Loyola submitted plans for Linden Avenue showing placement of the Inermodal Center & Parking Facility, the relocation of the Cooperstown Youth Baseball Field, relocation of the Village DPW Garages and Trolley Barn, Cooperstown and Charlotte Valley Railroad Improvements and the Northern Linden Ave. Improvements.

Loyola reported that he is now finalizing the environmental review of the project. The Village of Cooperstown has agreed to take over the operation and maintenance of the new facility including Linden Avenue.

MOTION by Councilperson Michaels, seconded by Councilperson Kiernan, authorizing Town Attorney Paul Elkan to send a letter of intent stating that the Town of Otsego is in support of the Gateway Project and intends to convey the right-of-way of Linden Avenue, located in the Town of Otsego, to the Village of Cooperstown.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Jon McManus stated that work on the new highway garage addition is scheduled to start within the week. McManus has sent the plans to the County Codes Department for review. The Town will be charged a building permit fee. Compaction and concrete testing still needs to be done.

Supervisor Breiten read a letter from Fly Creek resident Edward Hobbie offering his services as a retired Project Superintendent for Kay Construction Corporation, to oversee the construction of the new highway addition free of charge.

MOTION by Councilperson Schallert, seconded by Councilperson Michaels, to appoint Engineer Jon McManus as Project Manager, paying him \$1,500 for his services.

McManus will submit a written proposal.

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

McManus will give the heating and electrical contracts to Town Attorney Paul Elkan for review.

After a short discussion it was the consensus of the Board to authorize McManus to mail out RFP's for the compaction and concrete testing, and to review and hire from the returned RFP's.

Councilperson Michaels pointed out that the waterline for the Town Building runs through the old highway building and will freeze once that building is no longer being heated. Highway Superintendent agreed to have a new line buried by the end of August to prevent the waterline from freezing.

Supervisor Breiten asked the Town Board if they had come to a decision concerning the placement of a flagpole at the Town Building. Councilperson Michaels suggested a flag be hung off the porch of the Town Building. The Board agreed that would be sufficient.

Councilperson Geddes-Atwell submitted cost estimates from three website providers. They were as follow:

	Kip Shaw Sunnywebshops.com Cherry Valley	Dan Holmes danholmes.com Michigan	Chris Quereau GrafiQa Oneonta
Hosting/yr	\$180.00	\$ 200.00	\$180.00
Registration/yr.	\$ 25.00	\$ 25.00	
Set up Site:	\$350.00	\$1,200.00	NA
Updating:	\$35.00/hr. no min.		\$ 85.00/hr, min.

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Kiernan, to hire Kip Shaw to handle the Town's website.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Kiernan, seconded by Councilperson Michaels, to adopt Local Law #2 rescinding Local Law #1 of 4/11/07 Limiting the Construction of Permanent or Year Round Residences on Season Town Roads.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to adopt Local Law #3 as written (Modifications made to the Land Use Law concerning Special Requirements listed in Section 2.02 and the addition of definition concerning Adult Housing Facilities).

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

Supervisor Breiten read a letter from T. Margaret Oakley requesting a peddler's license to distribute ice cream in the area from her Mr. Ding-a-ling truck.

MOTION by Councilperson Schallert, seconded by Councilperson Kiernan, to grant T. Margaret Oakley a peddler's license at an annual fee of \$25.00.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Kiernan, seconded by Councilperson Michaels, asking all department heads to submit to the Town Board two inventory lists. A list of inventory of items currently being used and a list of surplus items that can be disposed of.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Councilperson Michaels requested that Section 4.02 in the Land Use Law, which addresses steep slopes, be modified. The Law now states that any proposed project on a 15% slope or better requires site plan review. Michaels argument was most of the terrain in the Town of Otsego is a 15% slope or better. A 15% slope isn't much of a slope at all. Almost everyone building a new structure or adding an addition is required to go before the Planning Board and possibly be instructed to hire an engineer.

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Kiernan, to ask the Town Planning Board to review Section 4.02 and make a recommendation how they think it should read.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Supervisor Breiten read a letter from Attorney Edward Gozigan, requesting that the Town Board appoint Langhorne Keith for the month of June as a Marriage Officer pursuant to Section 11-c of the Domestic Relations Law of the State of New York, so Keith could marry Gozigan's daughter June 13th.

MOTION by Councilperson Kiernan, seconded by Supervisor Breiten, to honor Gozigan's request.

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

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

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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

The following MOTION was read by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell: In order to be fair and equitable to all potential candidates for elected positions in the Town of Otsego we do hereby declare intent to set the following salaries with the additional benefit having the option to purchase health care coverage and NYS retirement through payroll deduction. Supervisor: 17,400.00, Town Clerk: \$20,700.00, Councilman: \$2,200.00 and Highway Superintendent: \$39,500.00.

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

Meeting ended at 10.45 PM.

The next regular meeting will be held on June 10th, 2009 at 7:00PM at the Town Building in Fly Creek, NY.

Respectfully submitted,

Pamela Deane
Town Clerk

