

A Regular meeting of the Otsego Town Board was held on the 8th day of June, 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:

Paul Elkan	Town Attorney
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 Michael, seconded by Councilwoman Geddes-Atwell, to accept the minutes of May 11th as presented.

MOTION CARRIED: All were in favor.

Supervisor Kiernan read correspondence she received since last month's meeting. Among the correspondence was a letter from Howard William Michaels notifying the Town Board that he is in the process of renewing the Fly Creek Cider Mill's license to operate their farm winery. The Board had no objections.

Supervisor Kiernan open the floor for comments. There were none.

Supervisor Kiernan gave the financial report.

General Savings: \$ 4,663.61	Checking: \$556,067.82
Highway Savings:\$7,776.19	Highway Checking: \$531,363.22
Building Reserve Fund: \$150,210.48	
Highway Equipment Fund: \$176,372.78	

MOTION by Councilman Michaels, seconded by Councilman Wenner, to accept the financial report as presented:

MOTION CARRIED: All were in favor.

MOTION by Councilwoman Geddes-Atwell, seconded by Councilman Wenner, to discuss the following general and highway bills submitted:

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

MOTION CARRIED: All were in favor.

MOTION by Councilwoman Geddes-Atwell, seconded by Councilman Michaels, to pay all General and Highway bills submitted with the exception of voucher #75 to Perkins Automatic Heating.

MOTION CARRIED: All were in favor. Voucher #75 will be added to the July highway bills and paid after discussing the bill with the Highway Superintendent.

Zoning Officer Hank Schecher reported on Planning Board applications being reviewed. Schecher reported he is currently dealing with 3 complaints. No permits were issued since last month's meeting.

Dog Control Officer Tom Steele reported answering 3 calls since last months meeting.

Town Attorney Paul Elkan stated that he and Highway Superintendent Shawn Mulligan attended a meeting held by the County discussing the DELTA Road Agreement. Issues discussed at the meeting were permits, road assessment, alternate routes and road damage re-imbursement. Councilman Schallert suggested passing a Local Law prohibiting Divisible Road Permits. Elkan plans to hand off all information discussed at the meeting to the committee for their review and assessment.

Elkan reported negotiating with DEC an Environmental Conservation Violation originally set at \$3,300.00 and reduced to \$1,450.00, payable now so long as the complaint is complied with within the next 30 days.

Violations observed were as follow:

- Monthly inspection of AST not performed or records kept.
- Un-reported motor and hydraulic oil spill from an above ground tank.
- AST and/or gauge not properly labeled.
- Inadequate maintenance of spill prevention equipment.

MOTION by Councilman Wenner, seconded by Councilwoman Geddes-Atwell, authorizing the Town Supervisor to sign the terms of the violation and pay the fine.

MOTION CARRIED: All were in favor.

Elkan discussed with the Board the abandonment of the upper end of Honey Joe Road that connects to Panther Mt. Road. Attorney Lester Sittler told Elkan that his client Mark McGoey would not petition the court if the Town Board agreed to extend Honey Joe Road 6/10's of a mile to McGoey's shale bank. Councilman Schallert stated that McGoey wants the road extended because he plans to build houses there which would also increase tax revenue. Councilman Schallert was in favor of agreeing with Sittler's terms because the Town has been accepting CHIP money for .97 of a mile of Honey Joe Rd. and only maintaining .35 of a mile. Further discussion was tabled until the July meeting when Attorney Sittler and Highway Superintendent Shawn Mulligan will also be present.

The Building Committee reported that contractor Chris Chandler has the ice shields for the new highway garage but has not installed them yet. Councilman Michaels submitted options for a new flag pole. After a short discussion it was decided that a 25ft fiberglass pole will be purchased, the pole will be placed in the corner outside the Town Supervisors window, the double flood light at the peak of the building will be reconnected with a dusk to dawn light to shine on the flag and the carriage light outside the side door will also be changed to a dusk to dawn light. Councilman Wenner volunteered his time to install the pole.

Councilman Schaller stated that OSHA recommends that highway employees wear florescent colored shirts. It was the consensus of the Board that florescent vests were a better alternative than shirts and, and they will be made available to the highway employees.

Supervisor Kiernan informed the Board that the Town's Dog Ordinance Fees need to match the reclaiming and boarding fees charged by the SPCA. The SPCA legally cannot charge a higher boarding or reclaiming fee than the Town. Right now the SPCA's reclaiming fees are \$35.00 and the boarding fees are \$15.00 per day. The Town of Otsego has no set reclaiming or boarding fees and therefore is being charged the difference or 100% of the reclaiming and boarding fee of the stray and the owners are not being fined at all.

MOTION by Councilwoman Geddes-Atwell, seconded by Councilman Wenner, to schedule a Public Hearing for Local Law #2 amending the Town's Dog Ordinance Law which will state that reclaiming fees and/or boarding fees set by the Town are to match those reclaiming and/or boarding fees of the SPCA.

MOTION CARRIED: All were in favor

Supervisor Kiernan reported that Brookwood, originally owned by the Cook Foundation, is being donated to the Otsego Land Trust. The Brookwood Committee will make recommendations as to what should happen with the property. At some point the Town may be asked to participate.

MOTION by Councilman Wenner to adopt his proposed law which pertained to Securing Property Rights under the Constitution of the United States.

MOTION DIES: There was no second.

Councilman Wenner submitted other proposed Laws for the Board's consideration.

Councilman Michaels suggested that Councilman Wenner state where he would want his proposals applied to the Land Use Law before proposing them.

Councilman Wenner thought it might be a good idea to put his proposed amendments on the Town's website for residents to review and make comments.

MOTION by Councilman Michaels to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 9:00PM.

The next regular meeting will be held at the Town Building in Fly Creek on the July 13th, 2011 at 7:00 PM.

Respectfully Submitted,

Pamela Deane
Town Clerk