

A Regular Meeting of the Town Board of the Town of Otsego was held on the 8th day of July 2009 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Thomas Breiten Supervisor
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 regular meeting to order and asked all those in attendance to please rise for the pledge of allegiance.

MOTION by Councilperson Kiernan, seconded by Councilperson Schallert, to accept the minutes of June 10th, as presented.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Supervisor Breiten reviewed briefly correspondence he received since the last monthly meeting.

Supervisor Breiten opened the floor for comments.

Carl Wenner stated that he was not in agreement with the Board's vote to lower the speed limit on Hoke Road on the basis of two residents requesting it. People that do not adhere to the speed limit are still going to speed. Wenner voiced his disagreement with the Town Law prohibiting tree cutting along the Lake. If that law was in effect 100 years ago we would not be able to enjoy the beautiful lawn at the Fennimore House or Lake Front Park. Wenner felt that no matter how many times the Town Board tweaked that Land Use Law so that there is no question what is or isn't allowed, someone will always twist the meaning to suit a different result. It was Wenner's opinion that it is not the government's job to protect people and that freedom is a better alternative.

John Phillips reported that the Planning Board will be discussing the slope guidelines and regulation set in the Land Use Law at their next workshop.

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

General Savings:	\$ 4,651.12	Highway Savings:	\$ 7,755.35
General Checking:	\$ 260,510.80	Hwy Checking:	\$ 300,927.47
MBIA Gen:	\$ -0-	MBIA Hwy:	\$ -0-
MBIA Equipment Fund:	\$ 53,742.67		
CD-WNB-matures 8/3/09	\$1,000,000.00		
CD-WNB-matures 8/2/09	\$ 300,000.00		

Councilperson Kiernan and Michaels requested that grant money received be placed in a separate designated account. They felt this would help when budgeting for next year, and trying to determine how much money each department needs to operate.

Supervisor Breiten explained the information the Councilpersons requested is readily available elsewhere and sub accounts are unnecessary and needlessly complicate the accounting system.

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 Michaels, seconded by Councilperson Kiernan, to pay the following bills and make the necessary transfers:

GENERAL:	#144-#165	\$ 26,354.91
HWY:	#119-#131	\$ 26,296.89

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	167.1	\$ 366.40	1,387.1	\$ 2,159.30
Diesel	740.1	\$1,802.66	10,249.6	\$ 22,934.40
Heating	66.4	\$ 121.41	4,974.0	\$ 9,254.91
Serv.	-0-	-0-	-0-	-0-

Mulligan reported that the speed limit reduction request for Hoke Road has been sent on to the State for review.

Mulligan reported that the ridge vent on the Cemetery Road Highway Garage is leaking. Estimated replacement cost is \$1,500. Engineer Jon McManus was asked to inspect the vent and report his findings by the August meeting.

Mulligan submitted a heavy equipment and truck inventory list. The list included their age and estimated replacement cost. He recommended that the Board consider putting aside each year a minimum of \$104,282.00 in an equipment replacement fund.

Mulligan submitted the Snow and Ice Agreement from the County which was reviewed and discussed by the Board. Mulligan stated that he estimated the cost this spring for maintaining County Hwy. 26 from the Fly Creek light to the Springfield line to be \$2,450.00. The County paid the Town \$8,150.00 which means the County paid \$5,700.00 over cost.

Mulligan recommended that the Snow and Ice Agreement with the County states that the Town will continue to maintain County Highway 26 but not County Highway 28. Town roads can be accessed without traveling over County Highway 28 but not 26. The County Highway Superintendent, Ron Tiderencel, was in agreement with Mulligan, however, the County plow truck used to maintain County Hwy 28 doesn't have the capability to wing back the excess snow. For that reason he would like the agreement to include a clause whereby the Town would be responsible for pushing back the snow on County Highway 28 when needed and the County would be billed accordingly.

The Board seemed agreeable to Mulligan and Tiderencel's recommendation. Mulligan will have the County re-write the Agreement for the Board to review at the August monthly meeting.

Engineer Jon McManus gave a status report on the Cemetery Road Highway Garage Addition. Wood Done Right has received their loan commitment letter from the bank but are still waiting for their Performance Bond. United Plumbing and Heating has submitted their signed contract.

Councilperson Schallert said "This makes me nervous that they can't raise \$100,000.00 worth of equity." He wondered how they would meet payroll. According to the bid the bidder will receive 95% of the cost of the project when the project is substantially completed and not before.

McManus reviewed alternatives with the Board. Wood Done Right has taken longer than allowed in the bid to submit the Performance Bond meaning the Board could re-bid the project. The Board could award the bid to the next lowest bidder. This would increase the project by \$70,000.00. The Board could also give Wood Done Right an extension of time to obtain a Performance Bond.

Councilperson Schallert was concerned the project wouldn't get started until next spring if it were re-bid. If the project was completed this year it would save paying a \$50,000.00 heat bill to heat the old highway garage.

It was the consensus of the Board that the committee meet with Wood Done Right within the week to discuss finalizing all paper work and starting date.

McManus presented a preliminary floor plan showing office space, mechanical room, break room and placement of stairs for additional storage.

MOTION by Councilperson Michaels, seconded by Councilperson Schallert, to approve the preliminary floor plan offered by McManus and authorize him to finalize the plan and put together a bid package.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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

Zoning Permit: 5

Schecher reported that the Planning Board will be scheduling a workshop to discuss tree cutting modifications and slope guidelines. After a short discussion it was decided that Town Board members will E-mail suggestions to Schecher to present to the Planning Board.

Dog Officer report was given by Dog Control Officer Tom Steele. He reported receiving 5 calls last month. He dropped off three dogs at the SPCA..

Assessor Marie Walters, explained an option the Town Board has in offering a "Cold War Exemption" to those serving in the military from the end of World War II to the beginning of the Persian Gulf Conflict. A Public Hearing is required in order to adopt the exemption. She cautioned that the Board might want to consider the impact if too many exemptions are offered.

Walters reported that Louis Hager, who has filed with the Supreme Court against the Town of Otsego for an assessment reduction on 11 properties currently valued at 12 million dollars has counter-offered at 4 million dollars. Walters stated that Attorney Tillapaugh has suggested that the Board reject Hager's counter-offer and have the properties appraised.

It was the Board's decision to follow Attorney Tillapaugh's suggestion. Supervisor Breiten relayed to the Board that the discussion held in Executive Session during the June meeting did not meet the guidelines for discussion in Executive Session and therefore needed to be re-discussed in an open meeting. The topic was salaries and benefits for elected officials.

Highway Superintendent Shawn Mulligan argued that by the Board taking away his health insurance and compensating him with \$4,032.00 to go buy his own he is losing money. He will now be paying tax on the \$4,032.00 where before when he received it in the form of insurance it wasn't taxed. Mulligan stated that he is the third lowest paid highway superintendent in the County and Otsego is the largest Town.

Supervisor Breiten felt the Town Clerk's salary should also be compensated. A majority of the Town Board at the June meeting voted to take away the health insurance, currently part of the Town Clerk's salary and not increase the salary to compensate for loss of the health insurance. Those in favor of doing so felt the salary, with the exception of Oneonta, now reflects more closely what other Town Clerk in the County are being paid.

MOTION by Councilperson Kiernan, seconded by Councilperson Michaels, that the Town Clerk and Highway Superintendent salaries set at the June meeting remain unchanged.

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

Supervisor Breiten reported that the Fly Creek Fire Company is seeking permission to bury a 10,000 gallon cistern over at the Cemetery Road Highway Building site. After discussion it was the consensus of the Board to allow the cistern but wait until after the construction of the new addition.

Councilperson Kiernan stated that she was asked if the Board would consider allowing games of chance to be held in the Town. Town Attorney Paul Elkan will research the procedure necessary to allow game of chance in the Town.

MOTION by Councilperson Michaels, to adjourn.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted yes.

Meeting ended at 10.00 PM

The next regular meeting will be held on August 12, 2009 at 7:00PM at the Town Building in Fly Creek, NY.

Respectfully submitted,
Pamela Deane
Town Clerk