

A Regular Meeting of the Town Board of the Town of Otsego was held on the 9th day of July, 2008 at the Town Building, Fly Creek, and NY at 6:00 PM.

Those present were:

Thomas Breiten	Chairman
Anne Geddes-Atwell	Councilperson
John Schallert	Councilperson
Meg Kiernan	Councilperson
Bill Michaels	Councilperson

Others Present:

Pamela Deane	Town Clerk
Martin Tillapaugh	Town Attorney

Chairman Breiten called the regular meeting to order and asked everyone in attendance to please rise for the pledge of allegiance.

MOTION by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell, to accept the minutes of August 13th as presented.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

Chairman Breiten read correspondence received since last meeting.

Chairman Breiten opened the floor for comments.

Deputy Mayor of Cooperstown Jeff Katz, stated that the Cooperstown Village Library's budget is \$110,000,00. A recent study showed that 19.5% of the library is used by residents in the Town of Otsego. Katz pointed out that even though the Village Library is in the Village of Cooperstown, Village residents are a part of the town of Otsego, it is the only library within the Town of Otsego, and Village residents could use some financial help. He asked the Board to consider raising the Town's contribution from last years \$3,500 to \$21,000 in their 2009 budget.

Carl Wenner asked the Board to remember that their #1 purpose is to protect the rights of the people. Once government restricts property owners the right to do what they can and cannot do with their property they have gone outside their perimeters. It's not the job of the government to protecting individuals from making bad decisions. It's their job to protect the rights of the people from the government.

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

General Savings:	\$ 33,300.64	HWY Savings:	\$ 101,192.91
General Checking:	\$ 45,544.44	Hwy Checking:	\$ 46,805.33
MBIA Gen:	\$333,236.41	MBIA Hwy:	\$ 107,561.49
MBIA Equipment Fund:	\$53,059.26	CD-12month	\$1,000,000.00

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Schallert, to accept the financial report, as given.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye

In the Highway Superintendent's absence, Shawn Mulligan's report was read by Chairman Breiten. 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	150	\$ 461.48	1,422.0	\$ 4,281.65
Diesel	1,132	\$ 4,013.32	13,027.7	\$ 45,814.69
Heating	.0	\$ -0-	4,302.5	\$ 12,771.07
Svc.	.0	\$ -0-	-0-	\$ -0-

Supervisor Breiten explained that Stone House Bridge project had 2 phases. The first phase being the culvert the second phase was the mitigation. The mitigation was approved by FEMA but Spectra Engineering failed to make it part of the bid package. The contract with D.S. Smith Construction has been met and the additional funds the Town has been withholding should be released. D.E.C. has given the Town an extension on their permit allowing access to Fly Creek until the end of October. FEMA has approved the additional cost for the mitigation project.

MOITON by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell, work to place rip rap at Stone House Bridge is to be bid unless D. S. Smith Construction is willing to do the work for \$10,000 or less.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

Mulligan's report also revealed that George Hymas is satisfied with the Town making just a turnaround at the end of Vibbard Road and he will snowmobile the rest of the way in to his home.

Town Attorney Tillapaugh stated that while Mr. Hymas's agreement is very gracious he was not sure if his insurance would cover any loss due to fire if emergency vehicles could not access his home. He will research this further and be prepared to have a recommendation next meeting.

Snow and Ice Contract was received from the County. The contract refers several times to the rules and regulations it is not clear what the rules and regulations are. The contract was handed off from Supervisor Breiten to Town Attorney Tillapaugh to research what the rules and regulations the contract is referring to.

Councilperson Schallert suggested that "Town of Otsego" lettering be placed on all the new trucks. He recommended buying decals versus having it done professionally.

MOTION by Councilperson Schallert, seconded by Councilperson Kiernan, to recommend to the Highway Superintendent to have "Town of Otsego" lettering placed on all the Town trucks preferably decals.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

Councilperson Schallert acknowledged having a conversation with a resident on Willey Town Road concerned with a culvert pipe that was placed too high resulting in the trout not being able to continue down stream. Chairman Breiten agreed to pass the message onto Mulligan for consideration.

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

Councilperson Schallert questioned a \$400 charge included in voucher #499 from Edward Kukenberger for trucking. After a short discussion Motion was amended to pay all invoices excluding the \$400 trucking charge from Edward Kukenberger pending an explanation from Highway Superintendent Shawn Mulligan and make the necessary transfers.

GENERAL:	#185-#200	\$ 29,422.52
HWY:	#475-#500	\$ 216,807.66

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

Councilperson Kiernan stated that she has had a request from Planning Board Chairman Paul Lord that the Town Board appoint an alternate that would attend all meetings but would only participate and be allowed to vote in the event there was not a quorum.

Town Attorney Tillapaugh was not aware that that could be done. Will research that for the October monthly meeting.

Town Attorney Tillapaugh reported that he will be representing the Town in a dangerous dog trial scheduled next week.

Town Attorney Tillapaugh reported that there has been four Supreme Court Assessment Grievances filed. Louis Hager is asking for a total of \$8,500,000.00 reduction alone on eleven parcels. Tillapaugh explained that each parcel brought before the Supreme Court will need an appraisal done by the Town that he will need to help defend his case. Tillapaugh suggested that Board budget for next year \$25,000 - \$30,000 for appraisal costs and additional funds to cover attorney fees.

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

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

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

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to adopt the following proposal:

During the triennial period:

- The Town will pay \$8.00 per parcel to the assessor's office for personal services commencing October 1, 2009, \$8.30 beginning 10/1/2009 and \$8.50 per parcel, commencing October 1, 2010 plus mileage reimbursement and continuing education.
- The Town will commit to funding a triennial re-valuation with an entity providing contracted services of "valuation only".
- The assessor will be responsible to complete and maintain all data collection for all properties in the Town sufficient for use by entity doing the triennial revaluation.

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

MOTION by Councilperson Michaels to adjourn.

MOTION CARRIED: Chairman Breiten and all Councilpersons vote aye.

Meeting ended at 9:50PM.

The next regular meeting will be August 13th, 2008 at 7:00PM at the Town Building in Fly Creek.

Respectfully submitted,
Pamela Deane/Town Clerk