

A Regular meeting of the Town Board was held on the 11th day of August, 2010 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

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

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 Councilman Michaels, seconded by Councilman Wenner, to accept the minutes of July 14th as presented.

MOTION CARRIED: Supervisor Kiernan, Councilmen Schallert, Wenner and Michaels voted aye. Councilwomen Geddes-Atwell abstained.

Supervisor Kiernan read correspondence received since last meeting: Some of the correspondence read was as follow:

- A letter from the Town of Barker Town Board in Broome County, stating that they have passed a Resolution supporting Horizontal Gas Drilling. They asked that the Town of Otsego Town Board give consideration to joining them with the same approval of Horizontal Gas Drilling.
- A letter from the Pepper Mill announcing their intent to renew their liquor license. The Board had no objections.

Supervisor Kiernan opened the floor for public comment. There were no comments from the public.

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

General Savings: \$ 4,658.37	General Checking: \$724,502.89
Highway Savings: \$ 7,767.43	Highway Checking: \$585,520.22
Highway Equipment: \$154,448.13	

The following bills were presented for review.

General: # 316-#339	\$ 20,250.33
Hwy: # 361-#374	\$142,202.97

MOTION by Councilman Michaels, seconded by Councilman Schallert, to accept the financial report as given, pay all bills presented, and make any necessary transfer.

MOTION CARRIED: All were in favor.

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	\$ 325.68	1,478.1	\$ 3,430.64
Diesel	1,457.5	\$ 3,482.01	10,709.9	\$ 27,518.15
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ 12.04

Mulligan reported that all paving and stone and oil, projects have been completed, Keys Road has been ditched and shoulders cleared and the Fork Shop Bridge has been red flagged due to a twisted beam that goes into the abutment. NYS D.O.T. is allowing the bridge to stay open but because the bridge is a 5 ton bridge they have stipulated that it must be inspected once a month by an engineer to assure that it is not getting worse. Mulligan has asked the low County bid engineer, John Seligman from Spectra, to inspect the Fork Shop Bridge. He is still waiting to hear Seligman's findings.

Councilman Wenner suggested that Mulligan ask NYS D.O.T. if the bridge were changed from a 5 ton limit to a 3 ton limit would the bridge still need to be inspected every month. Mulligan agreed to talk to D.O.T.

Mulligan reported that highway employee, Eli Weir, had an accident with the Town's sweeper. After shutting the engine off the sweeper started rolling backward. Because the machine is hydrostatic there was no way to steer or stop the machine. Mulligan is waiting for the adjuster's report. In the mean time he has borrowed equipment from the Towns of Hartwick and Exeter to get remaining work done.

Mulligan reported that the salesman from JCB never supplied him with a reference list of loaders sold in NYS. Given that gas consumption and trade in value is better with the CAT loader than the John Deere, Mulligan recommended that the Board authorize him to buy the CAT loader.

MOTION by Councilman Michaels, seconded by Councilman Schallert, to authorize Highway Superintendent Shawn Mulligan to purchase the CAT loader for a final cost after trade of \$103,918.00.

MOTION CARRIED: All were in favor.

Supervisor Kiernan asked that Orlo Burch be appointed to the Highway Committee. There were no objections from the Board.

Town Attorney Paul Elkan submitted for the Board's consideration a Resolution transferring the Town's right-of-way on Linden Avenue to the Village of Cooperstown.

MOTION by Councilwomen Geddes-Atwell, seconded by Councilman Schallert, to adopt the proposed Resolution transferring the Town's right-of-way on Linden Avenue to the Village of Cooperstown.

MOTION CARRIED: Supervisor Kiernan, Councilmen Michaels and Schallert, and Councilwomen Geddes-Atwell voted aye. Councilman Wenner abstained.

RESOLUTION ADOPTED: (Resolution Docket pg. 88 and 89)

Town Assessor Marie Walters reviewed the changes from the 2009/2010 Tax Roll. Total Town Assessment was increased \$889,900.00.

Attorney Martin Tillapaugh reviewed with the Board pending assessment litigations. Louis Hager has 11 parcels that he is contesting. Hager finally agreed to allow Walters access to 3 of the 11 parcels. After seeing the parcels Walters' recommendation to Attorney Tillapaugh was to lower the existing total assessments from \$12,520,800.00 to \$8,683,200.00. The Assessment Review Board agreed to change two parcel assessments and the tax rolls were changed for this year's school budget. The Hagers have not agreed to the \$8,683,200.00 assessment. They are seeking an assessment of \$6,200,000.00. Tillapaugh recommended that the Town have the Hager properties appraised. The trial will be set for next spring. Tillapaugh stated that he has been in contact with an appraisal firm in Utica that is willing to appraise the Hager properties for \$10,000.00 or less.

MOTION by Councilman Michaels, seconded by Councilwomen Geddes-Atwell, to authorize Attorney Martin Tillapaugh to hire the appraisal firm in Utica to appraise the Hager properties, at a fee not to exceed \$10,000.00.

MOTION CARRIED: Supervisor Kiernan, Councilman Schallert, and Michaels and Councilwoman Geddes-Atwell vote yes. Councilman Wenner abstained.

Supervisor Kiernan stated the Randy Dean would like to donate development rights from property that he owns on State Highway 80, to the Town in an effort to reduce his property taxes. He is reluctant to put the property in a land trust because he feels land trusts are too cumbersome. After a short discussion it was the consensus of the Board to reject Dean's offer.

The minutes of the last Watershed meeting were reviewed by Councilwomen Geddes-Atwell. There have been 18 septic inspections, 4 of which failed. They are now starting the second of the 5 year inspections. NYS Code and Watershed definitions of a "Failed System" are different. Zoning Enforcement Officer Hank Schecher stated that unless the Watershed adopts the same standards as NYS Code they will have no recourse to force residents to comply.

Planning Board subdivision applicant Bill Miller objected to a letter sent to the Planning Board by the

Planning Board alternate Rosemary Craig. It was his opinion that Craig was taking advantage of her position. Miller requested that the Board have her dismissed from the Planning Board.

Town Attorney Paul Elkan stated that once a person recuses themselves as Craig did, they have the right to speak as a public citizen.

Bruce Miller agreed to withdraw his request to have Craig dismissed so long as the Board agrees to mandate that all new Board members attend an ethics training session.

Dog Officer Tom Steele reported that he has been busy with stray dogs.

Councilman Michaels reported for the Building Committee. Bid documents for the break room/office area in the new highway garage have been completed by engineer Jonathan McManus and reviewed by Town Attorney Paul Elkan. The bid opening is scheduled for August 31st.

Zoning Enforcement Office Hank Schecher reported the following permits were issued since last month.

Zoning Permits: 3

Planning Board member John Phillips reported that the Planning Board is now holding special workshops to review the Linden Avenue project.

MOTION by Councilman Michaels, seconded by Councilwomen Geddes-Atwell, to go into Executive Session to discuss a possible litigation.

MOTION CARRIED: All were in favor

MOTION by Councilman Wenner, seconded by Councilman Michaels to come out of Executive Session.

MOTION CARRIED: All were in favor.

MOTION by Councilman Michaels to adjourn.

MOTION CARRIED. Supervisor Kiernan and all Councilpersons voted aye.

Meeting ended at 8:45 PM.

The next regular meeting will be held at the Town Building in Fly Creek on the 8th day of September, 2010 at 7:00 PM.

Respectfully Submitted,

Pamela Deane
Town Clerk