

A Regular Meeting of the Town Board of the Town of Otsego was held on the 12th day of August 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
Anne Geddes-Atwell	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 July 8th and July 24th as presented.

MOTION CARRIED: Supervisor Breiten, Councilpersons Schallert, Michaels, and Kiernan voted yes. Councilperson Geddes-Atwell abstained.

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

Supervisor Breiten opened the floor for comments.

Carl Wenner suggested that the Town consider a waste oil burner as a source of heat for the new highway garage addition. Waste oil from town trucks along with allowing residents to drop off any waste oil they have could possibly eliminate heating costs.

Wenner commented on a letter Supervisor Breiten shared with the Board from Otsego County Soil and Water requesting a letter of support for funding they are applying for. The funding would be used to produce single-source "Background Reports" for each of the 17 watersheds that make up our region. Each background report will focus on the natural resources found in a particular watershed; describing such things as lakes, rivers, streams and creeks, state and federal wetlands, land-use, flood plains, hydrology, fisheries and water quality specific to our landscape. Each report would also provide analysis of geographic information data and make all the raw data used in the development of the report available to natural resource professionals, watershed groups, municipalities and the public for their own purposes. It was Wenner's opinion that this was another way to control people's lives and he was not in favor of the Board sending a letter of support.

Wenner commented on a proposal to be mentioned later in the meeting addressing tree cutting along the shoreline. Wenner felt the wording was right out of an attorney's hand book and made no sense at all.

Lastly Wenner wondered why the Board would even pursue the Cooperstown corridor project. New York State is bankrupt. It is all well and good to take on projects that won't cost the tax payers in this town any tax dollars but the truth is with the state bankrupt we as citizens will be responsible for that. Cooperstown seems to do quite well with the road the way as it is now.

Bruce Hall stated that he had discussions with John McLean, owner and operator of Wood Done Right, approximately one month before the highway garage addition was started. Hall pointed out to McLean that Bruce Hall Corporation was a local business and taxpayer of the Town of Otsego and asked if he would consider purchasing some of the building materials from him. McLean responded by saying that he had certain places he normally buys his building supplies but would possibly purchase the concrete and steel from Bruce Hall Corporation. Recently concrete was poured by a competitor, not a local business paying taxes in the Town of Otsego. Hall asked McLean why he chose not to buy concrete from him. McLean's answer was the Town Board told him not to buy the concrete from Bruce Hall Corporation.

The Board denied ever telling McLean not to buy concrete from Bruce Hall. Building and Ground committee members, Councilperson Schallert and Councilperson Michaels, denied ever telling McLean, not to buy concrete from Bruce Hall.

Hall went on to say that he found McLean to have integrity. Hall told McLean that he was going to come to the Town Board meeting and address this issue and McLean didn't change his story. He was adamant that the Town Board told him not to buy the concrete from Bruce Hall. McLean was concerned that if he did not do as the Board encouraged him to do he would not be paid on time. Hall asked the Board why they were not willing to support a local business that also generated sales tax revenue for the Town. Ethically it is not right. The contractor can legally buy the materials anywhere he wants. The Town could be held liable for interfering. He asked the Town Board to talk to McLean and make it clear that as the winning contractor for the highway garage addition he can

buy any of the materials needed for the project anywhere he wants. Hall believes something was said. He suggested that the Town Ethics Committee be asked to look into this matter.

Supervisor Breiten assured Hall that the Board did not encourage or instruct McLean where he should buy any of the materials needed for the highway garage addition. He felt that there has been some gross misunderstanding.

It was the consensus of the Board that Councilperson Michaels will talk to engineer John McManus first and then present the case before the Ethics Committee.

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:	\$ 228,975.73	Hwy Checking:	\$ 316,448.15
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		

A Budget Workshop was scheduled for Thursday August 20<sup>th</sup> at 9:00AM. Engineer Jonathan McManus will also be invited to bring the Town Board up-to-date with the highway garage addition.

Supervisor Breiten submitted a Tentative Budget which was reviewed briefly by the Board.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to accept the financial report as given and make the necessary transfers.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Councilperson Kiernan stated that she would still like to see grant expenditures and reimbursements kept in separate accounts.

Supervisor Breiten explained that the Supervisor can only use account codes allowed by the NYS Comptroller's Office. He showed the Board the manual issued by the NYS Comptroller's Office he uses as a guide. There are no account codes listed in the manual for grants. Procedurally, the Board has asked the department heads for more documentation if they were unsure of bill presented for payment.

Councilperson Geddes-Atwell suggested that all grant information be given a folder and the folder accompany the warrants so the Board can keep track of the awarded amount of the grant, the amount spent and the amount reimbursed.

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

GENERAL:	#166-#184	\$ 27,333.71
HWY:	#132-#147	\$ 40,168.34

Supervisor Breiten asked for discussion.

Councilperson Schallert questioned Art Hubbell's bill of \$1,500.00 to replace the ridge vent on the highway garage. He stated the he understood from engineer McManus that the building did not need a new roof ridge vent.

Highway Superintendent Shawn Mulligan stated that McManus told him the roof ridge vent did need to be replaced.

Councilperson Geddes-Atwell was not in favor of paying The Daily Star's billing. The billing is not clear as to what notices are being billed. She was not satisfied with Engineer McManus's bill of \$750.00. A copy of the Project Overseeing Agreement was not stapled to the bill.

Supervisor Breiten called for a vote.

Supervisor Breiten voted yes. All other Councilpersons voted no.

MOTION DIED

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Kiernan, to pay all bills on the warrants except The Oneonta Star and Art Hubbell bills, which should be held for more clarification.

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

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	-0-	\$ -0-	1,387.1	\$ 2,159.30
Diesel	1004.0	\$2,159.01	11,253.6	\$ 25,093.41
Heating	-0-	\$ -0-	4,974.0	\$ 9,254.91
Serv.	-0-	-0-	-0-	-0-

Mulligan reported that highway mechanic Randy Selan will be officially retired as of September 4<sup>th</sup>. He plans to advertise the vacancy then.

He has received a letter from Paula Howe stating that she intends to rent her house on Vibbard Road and will need the road maintained year-round. Mulligan has been trying to contact the logger who is logging the Manacherian property bordering Vibbard Road. He hopes they will be willing to log all the trees along the road to help widen it. In any event, the road will not be ready to plow this winter.

An official letter will be written by Town Attorney Elkan to Howe explaining why the road will not be ready until next year.

Mulligan reported that he will be receiving grant money from Soil and Water for the Kostelic Road culvert project ( materials only). Grant money has already been received this past spring toward the cost of the culvert pipe.

Mulligan is still waiting for the amended Snow and Ice Agreement from the County.

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

Zoning Permit: 3

Driveway Permit: 1

Schecher stated that he still does not have wording for the tree cutting issue along the Lake. He plans to seek suggestions from the County Soil and Water Department.

Schecher requested the cost of software and a color printer be included in his 2010 budget and the Board seemed to be receptive to this request.

Town Clerk Pam Deane submitted a final report of the Record Retention grant she received. Her report included copies of the grant application, an agreement made with Alden Stevens to provide specialized records management clerical services, copies of all invoices, and copies of all checks received from the state. She pointed out that the grant did not require Town Board approval, that the amount spent and the amount received from the State balanced and none of the grant money went to her.

Dog Officer report was given by Dog Control Officer Tom Steele. He reported receiving 3 calls last month. He dropped off three dogs at the SPCA.

Councilperson Schallert felt that Steele should have pager.

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Schallert, authorizing Steele to purchase a pager.

Supervisor Breiten asked for discussion.

Councilperson Michaels thought it might be more cost effective if the Town added a shared plan to the highway cell phone.

Supervisor Breiten called for a vote

MOTION DIED: Supervisor Breiten and all Councilpersons voted no.

Steele will get cost estimates for a pager and cell phone for the Board to consider at their September meeting.

Supervisor Breiten asked the Board if they had come to a decision as to whether or not to adopt a Cold War Exemption.

MOTION by Councilperson Kiernan, seconded by Councilperson Supervisor Breiten not to adopt the Cold War Exemption at this time.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Councilperson Michaels discussed with the Board the update list submitted by Engineer McManus. Councilperson Schallert is concerned that the contractor is not building according to the specifications. The Board will get McManus's opinion at the Special Meeting set for August 20<sup>th</sup>.

Attorney Paul Elkan reported that the CSEA grievance was settled. The Town will be receiving a bill for the arbitrators who weren't needed but were present.

Councilperson Geddes-Atwell reported that she has been working hard updating the website. It is hoped that in the near future applicants will be able to download the Zoning Application of their choice or fill it out and send it back to the Zoning Officer. This would make things much easier for an applicant.

Attorney Elkan explained the procedure in allowing Game of Chance into the Town. First the Board is required to pass a Resolution subject to the outcome of the referendum. It would then be a proposition on the November ballot. Elkan agreed to draft a proposed resolution and ask the Board of Elections if the deadline has passed to get the referendum on this November ballot.

Supervisor Breiten asked the Board if they were in favor of him writing a letter of support for Otsego County Soil and Water to receive funding to produce single-source "Background Reports" for each of the 17 watersheds that make up our region.

MOTION by Councilperson Michaels, seconded by Councilperson Kiernan, authorizing Supervisor Breiten to write a letter of support for Otsego County Soil and Water as they requested.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Councilperson Kiernan, to adjourn.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted yes.

Meeting ended at 9.00 PM

The next regular meeting will be held on September 9, 2009 at 7:00PM at the Town Building in Fly Creek, NY.

Respectfully submitted,  
Pamela Deane  
Town Clerk