

A Regular Meeting of the Town Board of the Town of Otsego was held on the 13th day of August 2008 at the Town Building, Fly Creek, and NY at 7:00 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
Shawn Mulligan	Highway Superintendent

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

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Kiernan, to accept the minutes of July 8<sup>th</sup> and 9<sup>th</sup> as presented.

Councilman Michaels pointed out an error in the July 9<sup>th</sup> minutes concerning the 3-year salary plan the Board agreed upon for the Town Assessor.

After again reviewing the July 9<sup>th</sup> minutes the Board agreed Michaels was correct.

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Kiernan, to accept the minutes of July 8<sup>th</sup> and July 9<sup>th</sup> as amended.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

Chairman Breiten read correspondence received since last meeting.

Chairman Breiten opened the floor for comments.

Adrian Kosminski asked the Town Board to consider placing a moratorium on associated activities, as the Town of New Lisbon has done, and consider all environmental advantages and disadvantages of gas drilling. The Town of Otsego is on a very large aquifer, which many wells feed from. If the drilling is not done responsibly the water source for many could become polluted. This is only one of many issues that need to be considered.

James Wolff proposed a resolution allowing the Fly Creek Historical Society to place "Welcome to Historical Fly Creek" signs on State Highway 28 at the north and south entrance to Fly Creek.

MOTION by Councilperson Michaels, seconded by Councilperson Kiernan to adopt the proposed resolution by the Fly Creek Historical Society allowing the placement of "Welcome to Historical Fly Creek" signs on State Highway 28.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

RESOLUTION ADOPTED: Resolution Docket (pg. 81).

George Hymas reminded the Board that he plans to be living in his house on Vibbard Road year round. He asked if the Town has found a solution to keep Vibbard Road plowed all winter long.

Highway Superintendent Shawn Mulligan replied that given the Town trucks are too large to travel Vibbard Road in the winter he is considering bidding the plowing and sanding out to a private contractor.

Carl Wenner disagreed with the Boards decision last month to write a letter to NYS D.O.T. requesting modifications to the hill on State Highway 28 between Day and Johnston Road. In his opinion the numbers of accidents in that location are so minimal compared to the number of cars that travel through there everyday it does not justify the State spending taxpayer's money to modify the road. The motorcyclist that recently hit a car at the corner of Johnston Road and State Highway 28 was more than likely traveling faster than the suggested 30mph speed limit. That mistake cost him his life. Taxpayers should not be paying for his mistake. Jones Road is maintained with taxpayer's money and for that reason everyone not only the few that reside on that road, should be allowed to travel that road whenever they like. He disagreed with the Boards decision last month to place "No Thru Traffic" signs at either end.

Councilperson Schallert stated that he owns property on Jones Road and you cannot see if a car is coming in either direction when pulling out the driveway. He voted in favor of placing "No Thru Traffic" signs on Jones Road not to inconvenience people but believes it may save a life.

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

General Savings: \$ 83,300.64	HWY Savings: \$ 61,192.91
General Checking: \$15,519.87	Hwy Checking: \$ 57,823.60
MBIA Gen: \$332,698.63	MBIA Hwy: \$ 307,241.59
MBIA Equipment Fund: \$ 52,973.66	CD-12month \$1,000,000.00
Highway Equipment Fund: \$378.79	

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

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye

Superintendent of Highway report was given by Highway Superintendent Shawn Mulligan. Fuel expenses since last month are as follow:

FUEL	GALLONS	TOTAL COST/MONTH	YTD GALS	YTD EXP.
Gas	418.0	\$ 1,410.77	1,272.0	\$ 3,820.17
Diesel	1995.9	\$ 8,103.93	11,895.7	\$ 41,801.37
Heating	.0	\$ -0-	4,302.5	\$ 12,771.07
Svc.	.0	\$ 476.00	-0-	\$ 476.00

Mulligan reported that all projects scheduled for stone and oil have been completed. A culvert pipe on Bissell Road is coming apart and needs to be replaced. He is hoping to receive financial assistance from FEMA.

Watershed report was given by Councilperson Kiernan. All those with a failing septic system in the watershed will be notified that they have until fall of 2009 to make necessary repairs or replacements.

Councilperson Geddes-Atwell reported that she along with Councilperson Kiernan and Town Clerk Pam Deane trained with a representative from Grafika on how to make additions or changes to the Town website.

Judge Wolff requested permission to apply for a new judge's bench, filing cabinets, window blinds, and signage for courtroom security, bulletin boards, and various other items of office equipment under the 2008-2009 Justice Court Assistance Program Grant.

MOTION by Councilperson Michaels, seconded by Councilperson Kiernan, to honor Judge Wolff's request.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye. Permission granted.

Chairman Breiten submitted a SBA Cell Tower Reclamation Agreement drafted by Planning Board Attorney James Ferrari for the Boards consideration. The agreement would be between SBA Towers II, LLC, a Florida limited liability company, the landowner Mark Rathbun, where the tower is to be located, and the Town of Otsego.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, authorizing Chairman Breiten to sign the agreement.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

Chairman Breiten presented a draft model resolution proposed by DEC urging DEC Commissioner Grannis to adopt regulations requiring that environmental quality review act proceedings relating to natural gas permit applications for proposed sites within the boundaries of the local governments; and that local governments views be sought and given significant weight when determinations relating to natural gas permit applications are made.

MOTION by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell, to adopt the proposed resolution.

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

RESOLUTION ADOPTED: Resolution Docket (pg.82).

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

GENERAL: #161-#183	\$ 30,658.69
HWY: #456-#475	\$ 111,132.27

Chairman Breiten informed the Board that rip rap was not placed on either side of the wing walls at the Stone House Road Bridge as proposed in the plans. He suggested that \$33,099.00 be held from the bill. After a brief discussion it was decided that the MOTION be amended withholding \$33,099.00 from

D.H. Smith Construction's bill of \$133,099.00.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

Engineer John McManus reported meeting with the highway building committee and submitted preliminary floor plans for the Board to review. He suggested that the Board consider bidding the project next January or February.

It was the consensus of the Board to have a septic system and well drilled on the site by the end of this year.

Scott Fickbohm from Otsego County Soil and Water reported that the Town of Richfield Springs has agreed to the Canadarago Lake study but not the Hydraulic Study. He asked the Board if Richfield Springs were removed from the MOA (Memorandum of Agreement) would they still agree to the study.

MOTION by Councilperson Michaels, seconded by Councilperson Geddes-Atwell, to release \$5,000.00 for the Canadarago Lake and hydraulic study.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

In Zoning Officer John Stucin's absence Chairman Breiten submitted his report for the Board's review. The following permits were issued since last month:

Zoning Permits: 4

Dog Officer Tom Steele reported having one running at large complaint this month. The Board agreed that dog owners whose dogs have been running at large or are unlicensed should be ticketed.

Chairman Breiten submitted a tentative 2009 budget, which the Board briefly reviewed.

MOTION CARRIED: Chairman Breiten and all Councilpersons voted aye.

MOTION by Councilperson Michaels to adjourn.

MOTION CARRIED: Chairman Breiten and all Councilpersons vote aye.

Meeting ended at 9:20PM.

The next regular meeting will be September 10th, 2008 at 7:00PM at the Town Building in Fly Creek.

Respectfully submitted,  
Pamela Deane/Town Clerk