

A Regular Meeting of the Town Board of the Town of Otsego was held on the 10th day of September, 2008 at the Town Building, Fly Creek, and NY at 7:00 PM.

Those present were:

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

Others Present:

Pamela Deane Town Clerk
Martin Tillapaugh Town Attorney

Supervisor 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: Supervisor Breiten and all Councilpersons voted aye.

Supervisor Breiten read correspondence received since last meeting.

Supervisor Breiten opened the floor for comments.

Village of Cooperstown Deputy Mayor 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 last year's contribution of \$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 protect individuals from making bad decisions.

Supervisor 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: Supervisor Breiten and all Councilpersons voted aye

In the Highway Superintendent's absence, Shawn Mulligan's report was read by Supervisor 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 replacement of 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 second phase.

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

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Town Attorney Tillapaugh reported that he has negotiated the Town's oil spill fine received from D.E.C. from \$5,000.00 to \$2,500.00. He is hoping to get it reduced further.

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 from the end of Vibbard Road to his home.

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 make 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 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 new Town trucks preferably decals.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Councilperson Schallert acknowledged having a conversation with a resident on Willey Town Road. Their concern was with a culvert pipe that is too high resulting in the trout not being able to travel back up 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: Supervisor 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.

Attorney Tillapaugh was not aware alternates could be appointed. He promised to research that for the October monthly meeting.

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

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.

The Zoning Enforcement Officer's report showed the following permits were issued since last month:

Site Plan Review: 32	Demolition Permit: 1	Land Use Permits: 7
Driveway Permit: 1	ZBA application: 2	

Attorney Tillapaugh was asked by Zoning Officer John Stucin to draft language to be added to the Zoning Permits addressing new construction on Town Seasonal Roads. He agreed to have something ready for the Board's review for the October meeting.

Supervisor Breiten reported that the Town has the option to buy a used but fairly new computer for \$275. Another option would be to buy a new one for \$600-\$700. The computer would replace the one

in the Zoning Officer's Office. After a short discussion it was the consensus of the Board to purchase the used computer for \$275.00 and also purchase and load the website software on it as well.

Watershed report was given by Councilperson Kiernan. She stated that 86% of the inspections have been completed. All septic systems in the watershed should be in compliance by 2010.

Attorney Tillapaugh explained the options for taxable credits for volunteer fire fighters. There are three approved taxable credits for fire fighters approved in the State of New York the first of which is not allowed in Otsego County. The second and third are as follow:

2. \$200.00 NYS tax credit that can be claimed on your income tax return. (606 e-1 NYS tax code) or
3. Length of Service Award Program under the General Municipal Law (Article 11) the Town can either:
 - a. Pay between \$120 - \$ 480 per member, per year into a pension plan. Or
 - b. Set aside an annuity that will give members \$20.00 a month at retirement for every year of service.

Eligibility requirements are addressed in the law (number of fire calls attended, number of training sessions, etc.) which would mean the Town would need the co-operation of the fire department to keep complete and accurate membership records and of all who attend each fire call.

Attorney Tillapaugh also explained that option 2 would be subject to a permissive referendum.

The Board decided to table further discussion until the October meeting.

The Board discussed briefly the 2009 Budget Draft submitted last month by Supervisor Breiten. After a short discussion it was decided by the Board to schedule a 2009 Budget Workshop September 25th at 8:00AM at the Town Building.

MOTION by Councilperson Michaels, seconded by Councilperson Schallert, to adjourn.

MOTION CARRIED: Supervisor Breiten and all Councilpersons vote aye.

Meeting ended at 8:50PM.

The next regular meeting will be October 8th, 2008 at 7:00PM at the Town Building in Fly Creek.

Respectfully submitted,
Pamela Deane/Town Clerk