

A Regular Meeting of the Town Board of the Town of Otsego was held on the 14th day of October 2009 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Thomas Breiten	Supervisor
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 Geddes-Atwell, to accept the minutes of September 9<sup>th</sup> and September 17<sup>th</sup> as presented.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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

Supervisor Breiten read a notice from The Farmer's Museum and Doubleday Café, Inc. announcing their intent to renew their Liquor License. The Board had no objection.

Supervisor Breiten opened the floor for comments.

Engineer Jon McManus reported having received calls from residents paying flood insurance on property that is not listed being in a flood zone. He suggested that the Board make it known through the Town's website that FEMA flood maps are available at the Town Building.

Dawn Hage requested a speed limit sign and a deer crossing sign on Goose Street. She also lodged a complaint against signs located in front of the Cider Mill parking lot that say "Right Turn Only". In the interest of safety she is agreeable to the traffic being directed to State Hwy 28 rather than County Hwy. 26 during special events. She and her husband specifically chose to buy a house on a country town road for the peace and quiet. They also felt there would be less traffic on a town road making it safer for their children when riding their bikes. Last weekend 50 cars went by their home in the course of twenty minutes. The additional traffic created so much dust she couldn't leave her windows open, it is unsafe for her young children to ride their bikes, and it is no longer quiet. After contacting NYS D.O.T. and Otsego County Highway Superintendent she learned that it is illegal for anyone to post signs directing the flow of traffic.

Councilperson Michaels stated that he will talk with the Highway Superintendent.

Highway Superintendent Shawn Mulligan agreed to contact NYS D.O.T. to see if a speed limit study has already been done in the past for Goose Street and a reduced speed limit already issued.

Sarah MacArthur suggested that the Board consider adopting regulations to protect residents having to pay for damage the gas drilling trucks and equipment may do to town roads. Some towns have adopted "Road Use Regulations" based on the number of trips per day. MacArthur submitted examples of town laws other surrounding towns are considering or have already adopted.

It was the consensus of the Board to have the Town Attorney research whether or not any laws the Town might adopt regulating gas drilling would be enforceable.

John Phillips questioned how so much was accomplished at the budget workshop in such little time. He asked the Board if they're discussing these issues before the meeting by e-mail and if so he would like a copy of them. Phillips questioned the all of a sudden need for a 60' x 120' highway building to house sand and salt at the tune of a total \$300,000.00 and a sand elevator for an additional \$25,000.00. He asked if this was a request from the Highway Superintendent. "Where is the study basing the need for this building? The Town hasn't covered the sand since the town was founded. Now it's an emergency. I don't see it." He didn't believe the residents in this town would be in-favor of the construction of this building. He also questioned the need for a new copier. He felt there was nothing wrong with the one the Town has. Phillips questioned the need for a new server and networking in a down economy. He wanted to know the opinions of the departments this networking would effect. Phillips asked why there were no appropriations in the budget addressing the old highway garage that has become such an eyesore? Phillips asked again the total cost of the new highway garage. In closing Phillips stated that he felt the Board is spending far too much money on things that the town doesn't need. He thought it unconscionable that the Councilpersons would propose spending over \$330,000.00 on things the town doesn't need but deny requests for modest raises to long standing officials and to reduce the Town Clerk's salary 20%.

Supervisor Breiten explained to Phillips that the Board will be talking about the budget later in the meeting. He was hopeful that most of his questions would be answered then.

Carl Wenner stated that he was sympathetic to Dawn Hage's complaint and suggested that the Board consider making Goose Street a "No Thru Traffic" road like they did for Jones Road. Wenner thought it ironic that Michaels felt it was important, for safety reasons, to place "No Thru Traffic" signs on Jones Road but he guessed that Michaels would not be in favor of putting "No Thru Traffic" signs near his business on Goose Street. He also felt that the additional proposed spending added to the Supervisor's Tentative Budget by the Councilpersons, was nonsense. The proposed budget increase totaling \$242,000.00, could pave 4.75 miles of road or stone and oil 20 miles of road. He felt this was in total conflict of Councilperson Geddes-Atwell's statement during Candidates Night when she described herself as a fiscal conservative. He accused the Board at being very good at spending money they haven't earned.

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

General Savings:	\$ 4,653.15	Highway Savings:	\$ 7,758.73
General Checking:	\$ 981,519.76	Hwy Checking:	\$ 966,553.64
MBIA Gen:	\$ -0-	MBIA Hwy:	\$ -0-
MBIA Equipment Fund:	\$ 53,742.67		

MOTION by Supervisor Breiten, seconded by Councilperson Michaels, to transfer \$100,000.00 from Highway Town Wide into the Highway Equipment Reserve Fund.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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

GENERAL:	#163-#186	\$ 103,256.36
HWY:	#185-#204	\$ 44,608.32

Supervisor Breiten asked for discussion.

During discussion it was the consensus of the Board to pull vouchers #179, #181 from highway and #191, #193, #203 and from general.

Supervisor Breiten called for a vote on the proposed MOTION as amended.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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	262.1	\$ 562.84	1,999.3	\$ 3,482.24
Diesel	1,398.0	\$2,998.72	13,121.0	\$ 29,243.87
Heating	-0-	\$ -0-	4,974.0	\$ 9,254.91
Serv.	-0-	-0-	-0-	-0-

Mulligan submitted an inventory list which the Board reviewed.

Mulligan reported that NYS D.O.T. has placed a yellow flag on the Mill Street Bridge. Spectra Engineering has inspected the bridge and made a determination what the problem is and how to correct it. Mulligan got a cost estimate from Town and County Bridge and Rail. Worst case scenario repairs will cost \$54,600.00. The total amount would be split with the Town of Middlefield. McManus suggested that the Town contact the engineer that over-sought the installation of the bridge back in 1994. The damage may be covered under their insurance. If the repairs are not covered by the engineer then they need to be bid out.

Mulligan reported that he and Supervisor Breiten inspected the Main Street Bridge and agreed that there is a problem. Breiten will notify Middlefield Supervisor David Bliss of their findings. Engineer McManus also briefly inspected the bridge this past summer and felt if the storm drains were grouted that would slow down the damage. Supervisor Breiten asked McManus if he would be willing to re-inspect the Main Street Bridge and give a formal damage report at the November meeting. McManus is not sure he is qualified to make any determinations but agreed to inspect the bridge and will give the Board his opinion.

Mulligan submitted a revised Snow and Ice Agreement with Otsego County which was reviewed by the Board.

MOTION by Councilperson Geddes-Atwell, seconded by Councilperson Kiernan, to authorize Supervisor Breiten to sign the contract as written.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

RESOLUTION ADOPTED: Resolution Docket pg. 84

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

Zoning Permit: 4

ZBA: 1

Site Plan Review: 1

Councilperson Kiernan submitted the August/September Watershed Committee Meeting Report which was reviewed by the Board.

Dog Officer Tom Steele reported answering 1 dog at large call.

Engineer Jon McManus gave a progress report on the Cemetery Road Highway Garage Addition. A list of unexpected problems that he would like to see addressed before sending out bid documents to avoid issuing change orders later are as follow:

- The electrical service needs to be increased.
- The well is in, the volume is good but the water is cloudy. A water filtration system is needed.
- An additional mechanical room is needed to house the pressure tank and water filtration system.
- Would like to re-bid the cement floor demolition if he can't negotiate a better proposal quote then he received.

McManus hopes to have bid packets sent out by November and received back by December.

McManus stated that United Plumbing and Heating have finished the warrantee work of the heating system but have three months to complete the job once they are allowed on site. McManus is waiting for the County Code Department to rule on whether or not the open cell spray foam can be used as specified in the plans.

McManus submitted two change orders for the Boards consideration totaling \$4,010.00.

MOTION by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell, to approve the change orders submitted by Engineer McManus. (Extra concrete and shim down acoustic tile.)

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Highway Superintendent Shawn Mulligan stated that he was not optimistic that the new addition would be ready to move into before winter. He saw no way the waterline to the Town Building, the waterline to the new addition, or the installation of the septic system would be completed before winter. To save money he suggested that the highway crew build lockers, benches, and demo the cement floor themselves, weather permitting, during the winter.

Councilperson Michaels did not agree. He saw no reason the highway department couldn't be moved in by winter.

McManus agreed to inspect the water line in the old highway garage on County Highway 26 and see if there isn't a way to keep the water from freezing if it does not get changed before winter. If the water line freezes in the old Highway Garage the Town Building will be without water.

McManus requested that the Wood-Done-Right be given additional time for completion due to the amount of rain we've had this summer.

It was the consensus of the Board to give Wood-Done-Right an extension of two weeks.

Supervisor Breiten presented the 2010 Preliminary Budget which included the changes made at the September 17<sup>th</sup> workshop.

Councilperson Michaels explained the changes made to the Tentative Budget and the reasons for the changes. \$17,000.00 was added to the Tentative Budget for a copier upgrade, a new server and to cover the cost of installation and training. The intent is to network the building so all departments could have a centralized network base. All files would be backed up and secure. \$1,500.00 of the proposed \$17,000.00 would go to upgrading the existing copier to a printer, scanner, and fax machine. The copier/printer/scanner would replace the need for individual inkjet copiers in each department.

Breiten thought \$12,000.00 to upgrade the copier, purchase a new server and pc's and an additional \$5,000.00 for installation was a waste of money. Breiten felt that the Councilpersons should have talked to the people that use the systems here first. Breiten argued that a \$500.00 computer with \$300.00 worth of software has served the Supervisor's office admirably well for the past six years. The Court is not allowed to be networked. The Assessor and Tax Collector information is backed up with the County regularly and the Supervisor information is backed up once a month to the accounting office. He urged the Board to re-think this increase in spending.

Councilperson Michaels explained the reason for appropriating \$150,000.00 in a two year Capital Reserve for a sand/salt building. Advantages to having the sand in a building as opposed to being left outside in the elements are:

- The sand is easier to maneuver and can be loaded faster.
- Trucks will have less idling time.
- You are able to premix the salt with the sand.
- Because half of the sand isn't stuck in the ramp and the rest frozen and crusted, less sand needs to be purchased.

Michaels stated that right now the sand is leaching out into the apron of the building and the Board felt for environmental reasons a building to house the aggregates was the right thing to do.

Councilperson Geddes-Atwell felt that at the very least a new salt shed should be built according to code so salt isn't leaching into the ground.

Michaels explained that \$50,000.00 was appropriated to pave an apron around the new highway garage and pave the entrance to Willow Avenue.

MOTION by Councilperson Kiernan, seconded by Councilperson Michaels, to adopted the Preliminary Budget as presented and schedule a Public Hearing.

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

Supervisor Breiten granted Town Clerk Pamela Deane's request to speak. She wanted the minutes to reflect that she felt it grossly unfair that the Town Councilpersons voted to increase the Town Highway Superintendent's salary to offset the health insurance benefit they took away but didn't compensate the Town Clerk's salary for the loss of health insurance, ultimately reducing the total salary and benefits 20%. The 2009 salary, including health insurance, was not out of line with the amount of responsibility associated with the Town Clerk position.

Supervisor Breiten ask the minutes reflect that he did not agree with the Councilpersons' decision concerning any of the salaries.

MOTION by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell, to go into Executive Session to discuss Personnel issues.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

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

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Supervisor Breiten announced that while in Executive Session no decisions were made.

MOTION by Councilperson Kiernan, seconded by Councilperson Geddes-Atwell, to schedule a 2010 Budget Hearing for November 11<sup>th</sup> at 7:00PM.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

MOTION by Supervisor Breiten to adjourn.

MOTION CARRIED: Supervisor Breiten and all Councilpersons voted aye.

Meeting was adjourned at 10:10PM

The next regular meeting will be held on November 11, 2009 at 7:00 PM at the Town Building in Fly Creek, NY.

Respectfully submitted,  
Pamela Deane  
Town Clerk