

The Otsego Town Board held a regular monthly meeting on the 11th day of November 2015 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Anne Geddes-Atwell	Supervisor
Thomas Hohensee	Councilperson
Carina Franck	Councilperson
Bennett Sandler	Councilperson

Also Present:

John Schallert	Highway Superintendent
Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

Supervisor Geddes-Atwell called the regular meeting to order and asked all those present to please rise for the Pledge of Allegiance.

Supervisor Geddes-Atwell asked for a moment of silence in observance of Veteran's Day.

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee, to accept the minutes of October 14th, 21st, 26th and 28th as presented.

MOTION CARRIED: All were in favor.

Supervisor Geddes –Atwell summarized the content of correspondence received since the Town Boards October meeting.

Supervisor Geddes-Atwell opened the floor for comments. People wishing to speak were given a five-minute limit.

Newly elected Town Supervisor Meg Kiernan, volunteered to put up flyers advertising Planning Board and Zoning Board of Appeal vacancy positions. The Town Board was in favor of Kiernan's attempt to generate interest and it was agreed to set a date and time for interviews at a later time.

James Atwell congratulated newly elected Meg Kiernan who will take office January 1st. He felt she will carry forward a positive spirit that will further carry over to Board members. The town is fortunate to have her serve.

Supervisor Geddes-Atwell echoed her husband's sentiments and added that Kiernan has been her mentor during her time in office.

MOTION by Councilperson Hohensee seconded by Councilperson Sandler, to close the floor for comments.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell gave a financial report. Balances are as follows in the various accounts:

General Savings: \$ 4,683.43	General Checking: \$ 366,496.90
Highway Savings: \$ 7,809.24	Hwy Checking: \$ 478,230.33
Building Reserve Fund: \$154,369.14	Hwy Equipment Fund: \$ 253,003.18

MOTION by Councilperson Sandler, seconded by Councilperson Franck to accept the financial report as given.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Hohensee, seconded by Councilperson Franck to set the 2016 Budget Public Hearing for November 23rd at 7:00PM.

MOTION CARRIED: All were in favor.

Councilperson Hohensee listed bills from the general and highway warrant he wished Supervisor Geddes-Atwell would double check the addition.

MOTION by Supervisor Geddes-Atwell, seconded by Councilperson Franck, to pay the following

invoices and make the necessary transfers.

GENERAL:	#171-#185	\$ 18,760.40
HWY:	#-163-#183	\$ 30,872.56

MOTION CARRIED: All were in favor.

Zoning Officer Tavis Austin reported receiving the following permits since last meeting:

Site Plan Review: 1	Zoning Permit: 3	ZBA Application: 1
---------------------	------------------	--------------------

Austin informed the Board on newly issued permits and the status of ongoing litigations.

Austin reported a concern with Brian Reagan owner of 156 Brody Mt. Rd., who has recently found out that the town's right-of-way goes through his garage. He is in the process of having his property surveyed.

Highway Superintendent John Schallert asked the Town Board to authorize Austin to discuss with Goose Street resident Arthur Blessin (98.00-1-61.00), the towns regulations on building on a slope. He has not approved Blessin's driveway permit because where he wants the driveway the land is so steep he fears the driveway will wash out into the road. Schallert told Blessin that he would not be able to issue a permit until he talked with an engineer. Austin corrected Schallert stating that Blessin is the one that needs to hire an engineer. He also added that Blessin has not applied for a Zoning Permit, which is what he needs to do first.

Planning Board alternate John Phillips reported on Planning Board activity.

Dog Control Officer Tom Steele reported responding to 1 call since last months meeting.

Highway Superintendent John Schallert gave the highway report. He has discussed the problem with the Mill Street Bridge with Spectra Engineering and with Middlefield Highway Superintendent Timothy Dubben. He feels the problem with the bridge can be repaired in house and estimated the cost to be from \$15,000.00 to \$20,000.00.

Councilperson Sandler saw no reason not to let the highway crew repair the bridge if they can do the work as required by D.O.T. and meet the engineer's standards. The Town Board agreed with Sandler.

Town Attorney Michelle Kennedy submitted a sample local law allowing the placement of "NO PARKING" signs within the town. The Board and Schallert were asked to review that sample local law before the December meeting. Fines also need to be set and added to the local law once adopted by resolution.

Schallert stated that all projects under CHIP's have been completed and filed for reimbursement. The town should expect to receive a reimbursement check from the state in the approximate amount of \$203,000.00.

Schallert reported receiving an estimate of approximately \$20,000.00 to pave the parking lot at the highway facility located on Cemetery Rd. and the remainder of Willow Avenue. Town Attorney Michelle Kennedy informed Schallert that so long as the cost is under \$35,000.00 the work could be awarded under an RFP rather than a sealed bid.

Councilperson Sandler suggested that a retention pond be built to collect runoff from the sand pile but Schallert felt there wasn't any place to put it.

Town Attorney Michelle Kennedy reported exploring as promised from last meeting, the possibility of the town piggy backing on Oneida County's bid for a new dump truck and found that it is not an option. Once Schallert gives her the specifications for a new dump truck, Kennedy agreed to draw up and advertise the bid.

Schallert stated that Mark McGoey who has residents off of county Hwy. 26 has complained that he finds it difficult to make the radius with his tractor trailer off County Highway 26 onto Honey Joe Road because of large rocks Fred Knapp placed near the intersection years ago to keep traffic off his property. Schallert stated that he has talked to a surveyor from Rasmussen Surveyors about a similar problem. They seemed to think there is a law grandfathering radiuses that have been established and in effect for a number of years. Schallert felt that if McCoy damages his tractor trailer trying to avoid the large rocks,

the town would be held responsible. He would like to move the rocks back a few feet. Town Attorney Michelle Kennedy agreed to research it.

Councilperson Sandler reported that Summers and Bissell are the only ones in the watershed whose septic systems have not been brought into compliance.

Town Attorney Michelle Kennedy reported speaking with Joseph Potrikus. He requested that the property on Christian Hill, be brought back to its original state before the material was removed from the property under Highway Superintendent Shawn Mulligan. Kennedy informed Potrikus that she would not recommend the Board allow town highway equipment and crew make those improvements. She asked him to submit a cost estimate from a contractor to put the material back.

Attorney Kennedy also stated that Potrikus agreed to sign a release releasing the town from any liability related to this incident that gave rise to his claims in return for the placement cost of the stone of \$588.00 and restoration of the site to its original condition. He was also told that given his position in the town as a public officer, the Board to avoid any appearance of impropriety, has passed a MOTION agreeing to these conditions.

After a short discussion the Board scheduled the year-end meeting for December 30th at 5:00PM.

MOTION by Councilperson Franck, seconded by Councilperson Sandler, to enter into Executive Session to discuss Bissell's settlement offer and Kegelman's potential litigation.

MOTION CARRIED: All were in favor. (8:20PM)

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

MOTION CARRIED: All were in favor (8:40PM)

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee that the Board agrees to the settlement agreement put forth by Bissell's attorney and mutual release partial stipulation discontinuance all with respect to Boyd Bissell only.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Sandler to adjourn.

Meeting ended at 8:45PM.

The next regular meeting will be at the Town Building in Fly Creek, on December 9th at 7:00PM.

Respectfully Submitted,
Pamela Deane/Town Clerk