

A Regular meeting of the Otsego Town Board was held on the 8th day of December 2010 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Meg Kiernan	Supervisor
John Schallert	Councilman
Bill Michaels	Councilman
Anne Geddes-Atwell	Councilwoman

Also Present:

Paul Elkan:	Town Attorney
Pamela Deane	Town Clerk

One hour prior to the regular meeting the Town Board interviewed applicants for Planning Board and Zoning Board of Appeal vacancies.

Supervisor Kiernan called the meeting to order and asked all those in attendance to please rise and pledge the American Flag.

MOTION by Councilman Schallert, seconded by Councilman Michaels, to go into Executive Session to discuss a personnel issue.

MOTION CARRIED: All were in favor.

MOTION by Councilman Schallert, seconded by Councilwoman Geddes-Atwell, to come out of Executive Session.

MOTION CARRIED: All were in favor.

Supervisor Kiernan stated that while in Executive Session no decisions were made.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell to approve the November 10<sup>th</sup> minutes as written.

MOTION CARRIED: Councilmen Schallert and Michaels, and Councilwoman Geddes-Atwell voted yes. Supervisor Kiernan was absent from last months meeting and therefore abstained.

Some of the correspondence received and read by Supervisor Kiernan since last meeting were as follow:

- A letter from Steven Weir complaining about the condition of County Highway 26 and Buck Road during the snow storm of November 8<sup>th</sup> and 9<sup>th</sup>.
- A letter from Vincent Carfagno complaining that he feels Keyes Road is being ignored and not being plowed and sanded on a daily basis.
- A letter from Nicholas Pappas urging the Town Board to take action in working with the Towns of Richfield and Exeter to correct the flooding problem on Canadarago Lake.
- A letter from the Town's Health Insurance Provider MVP, stating that they are dissolving and the Town has until March 1<sup>st</sup> to find another provider.

Supervisor Kiernan opened the floor for comments.

Louis Bobnick stated that he has driven trucks accident free for more than 60 years and was disappointed that he was not hired back as a wingman this winter. He wanted the Board to know that while working as a part-time wingman last winter he and highway employee Eli Weir were trapped inside a plow truck that was on its side for almost an hour. After notifying Highway Superintendent Shawn Mulligan of the accident it took forty five minutes before help arrived with a ladder to get them out. During that time both were very uncomfortable and cold. He felt it was wrong of Mulligan not to immediately come to the scene of the accident. It was Bobnick's belief that Mulligan was only concerned about getting him back to the garage and clocked out.

Town Attorney Paul Elkan informed Mr. Bobick that there was nothing that the Town Board could do. Mr. Mulligan has the right to run the highway department as he sees fit.

Town of Otsego resident Michele Kennedy stated that she and other residents have been going from Town to Town urging elected officials to consider adopting legislation limiting where gas drilling can be done in their Township. Most Boards are under the assumption that because gas drilling is protected under State and Federal Laws the only option they have is to adopt a Local Law protecting their roads. As an attorney she believes the Board can also regulate by Town Law where gas drilling can occur in the Township. She submitted case law for the Board and the Town Attorney to review. She has found that most people who have entered into a gas drilling land leasing contract did not seek legal council and were under the understanding that they could opt out of the agreement after 5 years. That is not the case. The gas drilling companies have the right to renew the contract every 5 years. The land owners don't have the option to opt out of the agreement.

The Board invited Kennedy to work with the Gas Drilling Committee in drafting regulations on gas drilling, for

the Board's consideration.

Julie Huntsman also encouraged the Town Board to pass legislation regulating gas drilling within the Township.

Vince Carfagno, who resides on Keyes Road, made the complaint that the highway crew have been very inconsistent as to when and if his road is plowed and sanded. He does not want to go through another season like the last 4 years having to beg for his road to be maintained.

Town Attorney Paul Elkan once again stated that the Board has no jurisdiction over the maintenance of Town roads. That decision is solely up to the Town Highway Superintendent.

Sheila Ross would like the water problem at the new highway garage addressed so the highway crew can get moved in.

Town Assessor Marie Walters explained how she assesses properties with conservation easements. Each property having a conservation easement is a unique package. Most land under a conservation easement is already assessed at the lowest possible rate. Land Trusts are not always recorded so it is uncertain how many there are. Walters reported that the State will provide partial re-imbursement if revaluations are conducted every 4 to 5 years.

Engineer Jon McManus submitted on 11/30 a punch list to Delta Construction. The baseboard that was special ordered and installed, was the wrong color. McManus offered two options. The first option, leave the wrong color baseboard and receive a credit on labor and materials or the second option, replace it at no additional cost to the Town. It was the consensus of the Board to leave the baseboard as is.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell, authorizing the Town Supervisor to issue a check to Delta Construction for final completion upon request of the Building Committee.

MOTION CARRIED: All were in favor

Councilman Michaels informed the Board that the estimated cost for a water treatment system that would solve the sediment problem at the new highway garage is about \$5,000.00. Another option would be to install two inline cartridge filters to see if that would be adequate. This option would cost approximately \$175.00 for the filter housing and \$40.00 per filter.

Councilman Michaels reported that one of the thermostats at the new highway garage is not working. It is believed that a screw has gone through the wire. Estimated cost to replace the wire will be about \$200.00.

MOTION by Councilman Michaels, seconded by Councilman Schallert, to repair the thermostat wire and to install a cartridge filter with shut offs, not to exceed \$800.00.

CARRIED: All were in favor.

Councilman Michaels stated that Wood Done Right still has not installed the ice shields on the new highway garage. Chandler is willing to install the ice shields at the same price quoted by Wood Done Right.

It was the consensus of the Board to hire Chris Chandler to install the ice shields.

Councilman Michaels complemented Connie Robinson on the excellent job done waxing the highway break room and Highway Superintendent's office at the new highway garage. He suggested that Robinson be hired to clean the highway break room and office once a week. The Board agreed.

Councilman Michaels proposed that the old courtroom chairs be moved to the highway garage break room once the new chairs for the court room arrive from the grant. The Board agreed.

Councilman Michaels requested that Board hold off paying the Bruce Hall bill until the Town receives credit for the building supplies that were returned. The Board agreed.

Councilman Michaels felt that for security reasons the highway buildings should be locked and the gate around the sand piled closed. The Board agreed.

Zoning Officer Hank Schecher reported that there seems to be discrepancies showing the length of Honey Joe Rd. A 1994 County map shows Honey Joe Road  $\frac{3}{4}$  of a mile long ending just past Stucin's old barn. Sometime between 2005/2006, 2000ft came off the Panther Mt. Rd. Schecher stated that if you subtract the 2000ft. that was taken off Panther Mt. Rd. from the total footage it puts it within 500 ft. of what is shown on the tax map. Maps from the 1970's until now show Honey Joe Rd. ending at the Stucin Farm's barnyard. He is guessing that when the 2000ft was taken off Panther Mt. it was not reported to the State, County or Town which is why there is a discrepancy. There were no tax maps prior to the 1970's. Tax maps are not surveys and are used for assessment purposes.

Town Attorney Paul Elkan stated that after researching the issue it is his findings that if a road is not maintained

or used over a period of 6 years or more it is considered abandoned.

Councilman Kiernan gave the financial report. Balances are as follow in the various accounts:

General Savings: \$ 4,660.13	General Checking: \$523,863.30
Highway Savings: \$ 7,770.37	Highway Checking: \$416,102.38
Highway Equipment: \$154,642.78	

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

MOTION CARRIED: All were in favor.

The Board reviewed the bills. Councilwoman Geddes-Atwell requested that the Napa bill be pulled from the pile because the invoices don't match the voucher.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell, to make the necessary transfers and pay all bills except the Napa bill until it is reconciled and the Bruce Hall bill until the Town has received credit for the returned building supplies.

General: #409 -#431	\$22,465.11
Hwy: #426 -#446	\$46,738.04

Highway Superintendent Shawn Mulligan's highway report was submitted by Supervisor Kiernan for the Board's review. Fuel expenses for this month are as follow:

FUEL	GALLONS	TOTAL COST/MONTH	YTD GALS	YTD EXP.
Gas	-0-	\$ -0-	2,061.1	\$ 4,830.19
Diesel	1445.0	\$ 4,278.34	14,771.9	\$ 38,431.74
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.		\$ -0-		\$ 12.04

Zoning Officer Hank Schecher reported the following permits were issued since last meeting:

Zoning Permits: 1

Supervisor Kiernan presented the Resolution offered by NYS D.O.T. outlining the conditions of the grant offered to put a sidewalk on State Highway 80 in front of the Farmer's Museum. The State will pay for 80% of the project and NSHA has agreed to pay the remainder 20%. Town Attorney Paul Elkan warned that if anything fails or the cost goes over the estimate the Town could be held liable. Supervisor Kiernan read a letter from Councilman Wenner presenting his opinion on the matter. Councilman Wenner was against the Town accepting the grant because he is opposed to the entire grant process. NYS may not be officially bankrupt, but every dollar of grant money spent is another dollar of debt piled on the backs of every current and future taxpayer of the state.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell authorizing the Supervisor to sign the proposed Resolution whereby the Town accepts the position of administrator of the project and accepts the terms and conditions of the grant offered by NYS D.O.T. for money to be used for the placement of a sidewalk along State Highway 80 in front of the Farmer's Museum.

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

Resolution Adopted: Resolution Docket pg #92.

After a short discussion the Board scheduled a combination Organizational Meeting and Year-end meeting for December 29<sup>th</sup> at 4:00PM.

MOTION by Councilman Michaels, seconded by Councilman Schallert, to go into Executive Session to discuss a personnel issue.

MOTION CARRIED: All were in favor

Supervisor Kiernan, seconded by Councilwoman Geddes-Atwell, to come out of Executive Session.

MOTION CARRIED: All were in favor.

MOTION by Supervisor Kiernan, seconded by Councilwoman Geddes-Atwell, to appoint Rosemary Craig to fill the Planning Board vacancy (term ending 12/31/2017) and reappoint Greg Crowell to the Zoning Board of Appeals (term ending 12/31/2015)

MOTION CARRIED: All were in favor

MOTION by Councilman Michaels, seconded by Councilman Schallert, to appoint Dr. Daniel Croft to the Planning Board alternate position.

MOTION FAILS: Councilmen Schallert and Michaels voted yes. Supervisor Kiernan and Councilwoman Geddes-Atwell voted no.

After reviewing the Cooperstown Fire Protection and Ambulance contracts Town Attorney Paul Elkan recommended that the Board accept the contracts as written.

MOTION by Councilman Schallert, seconded by Councilman Michaels, authorizing Supervisor Kiernan to sign the Fire Protection and Ambulance contracts offered by Cooperstown.

MOTION CARRIED: Supervisor Kiernan, Councilmen Schallert and Michaels voted yes. Councilwoman Geddes-Atwell abstained.

MOTION by Supervisor Kiernan to adjourn.

MOTION CARRIED. All were in favor

Meeting ended at 10:05 PM.

The next regular meeting will be held at the Town Building in Fly Creek on the January 12th. at 7:00 PM.

Respectfully Submitted,

Pamela Deane  
Town Clerk