

A combined Public Hearing and Regular Monthly Meeting of the Otsego Town Board were held on the 14th day of December 2011 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

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

Also Present:

Shawn Mulligan	Highway Superintendent
Paul Elkan	Town Attorney
Pamela Deane	Town Clerk

Supervisor Kiernan explained that the proposed amendment to the Land Use Law was a correction to a prior amendment defining and allowing Adult Housing facilities in RA-1 but the use was never added to the list of Special Permitted Uses in that district. She then opened the floor for comments. There were no comments from the public and the Public Hearing was then closed.

Supervisor Kiernan called the regular meeting to order and asked all those present to please rise for the Pledge of Allegance.

MOTION by Councilman Wenner, seconded by Councilwoman Geddes-Atwell, to accept the November 9<sup>th</sup> minutes as given.

Councilman Michaels requested three corrections.

MOTION CARRIED: All were in favor.

Town Clerk will amend the minutes before entering them into the Minute Book of record.

Supervisor Kiernan read correspondence she received since last meeting.

Supervisor Kiernan open the floor for comments.

Fly Creek resident Sheila Ross asked where the minutes were for the special meeting that was scheduled to address the motor repair to the Town's Mack Ten Wheeler dump truck.

Supervisor Kiernan replied that repair to the truck motor had already begun before the November Town Board meeting so it was a moot point to discuss the Town's options at the point.

Councilman Carl Wenner submitted five new articles pointing to the wasteful, inept and corrupt spending of our government. For these reasons Councilman Wenner strongly believes that there should be less government and people need to solve their own problems and stop depending on our government.

Supervisor Kiernan closed the floor for Public Comment.

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

General Savings: \$ 4,665.35	General Checking: \$ 592,717.16
Highway Savings: \$ 7,779.10	Hwy Checking: \$ 462,169.76
Building Reserve Fund: \$150,276.94	
Hwy Equipment Fund: \$156,891.51	

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

MOTION CARRIED: All were in favor.

MOTION by Councilwoman Geddes-Atwell, seconded by Councilman Wenner, to pay the following invoices and make the necessary transfers.

GENERAL: #238-#252	\$30,569.25
HWY: #171-#192	\$43,251.73

MOTION CARRIED: All were in favor.

Lou Allstadt presented a letter that he hoped the Town Board would authorize the Town Supervisor to sign and send to the

NYS Department of Conservation requesting an amendment to the SGEIS draft. The amendment he would like the Town Board to request on behalf of the Town is at 8.1.1.5. requiring that all “complete” drilling applications include a Certificate of Compliance with local laws issued by the Town in which such activity is proposed.

Councilman Wenner was not in favor of the Town telling residents what they can or cannot do with their property.

Town resident Mr. Allstadt explained that this document is only requesting that DEC cannot process a gas drilling application until the Town where the proposed project is to take place signs off.

Town resident Douglas Green added that this request does not speak to allowing or not allowing gas drilling. It is only asking that that process and procedure starts with the Town before going on to DEC.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell, authorizing the Town Supervisor to sign the proposed letter to the NYS Department of Conservation, as offered by Mr. Allstadt.

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

Planning Board member John Phillips reported that representatives for the Village’s Linden Ave. project did not show up for the December meeting. Engineer McManus gave an educational session on storm water which Planning Board members found helpful. Phillips asked that the Town Board be diligent in appointing a new Planning Board member and engineer for the January meeting.

Supervisor Kiernan asked Phillips to ask the Planning Board their feeling on expanding the Business District to include the proposed Linden Ave. project. Phillips agreed.

Dog Control Officer Report was given by Tom Steele. Since last meeting he has written four tickets and has picked up and dropped off one dog to the Susquehanna SPCA.

Superintendent of Highway report was reviewed by the Board. 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	268	\$ 829.89	1,711.5	\$ 5,400.65
Diesel	596	\$ 2,199.35	12,670.0	\$ 43,708.23
Heating	-0-	\$ -0-	-0-	\$ -0-
Svc.	-0-	\$ -0-	-0-	\$ 1,093.50

Mulligan reported that an additional water line to the back of the highway garage and new hot water heater have been installed by plumber Chuck Hascup.

Mulligan reported that estimated repair cost to the Fork Shop Bridge was \$10,520.00.

Mulligan explained that he cannot find anywhere where Sunset Ridge was ever added to the highway inventory. He asked the Board to pass a Resolution adopting Sunset Ridge so the road is eligible for CHIPs money.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell to adopt Sunset Ridge Road to the Town Highway Inventory.

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

Mulligan explained that the next morning after the November 9<sup>th</sup> meeting he called and found that work on replacing the Mack’s motor had already begun. After work on the motor was complete the truck was started for a test drive and the motor blew again. The reason for this was there was a piece of metal left in the engine from the first time it blew that ruined the motor the second time. The motor was completely rebuilt for the second time. Everything is new. Mack has given it a 2-year warrant. A good will warrant was given as a result of the low hours on the first motor and therefore Mack absorbed more of the cost then they were obligated to do. Total replacement cost was \$21,005.00. The Town’s share of the bill will be \$10,371.00 instead of \$12,504.00. Mulligan plans to have the truck and spreader box brought back home within the week.

Mulligan reported filing for relief from storms Irene and Lee and anticipates getting from FEMA a check for approximately \$6,247.00. Bissell and Curry Road are also eligible for compensation but the work cannot be done until next spring. Mulligan will apply for relief to cover the cost of repairs in the spring. The Town will also receive money from FEMA for donated labor from the Fly Creek Fire Department.

Mulligan stated that two of the Town’s spinner shoots to the sanders were stolen out of the highway yard. He notified the police and Oneonta Iron Crushers as well as filed a claim with the Town’s insurance company.

Councilman Michaels acted on behalf of the Building and Grounds Committee reporting that the water test failed and engineer Jonathan McManus has agreed to take care on the matter. Once that issue is resolved the Town will receive their Certificate of Compliance from the County.

Councilwoman Geddes-Atwell reported that the County has not yet finalized the Road Agreement. Once it is

finalized it will go to Public Hearing.

Supervisor Kiernan read a letter from attorney Michelle Kennedy proposing a resolution that she hoped the Town Board would consider adopting. That the Town would become a signatory to an amicus brief. There was also a letter of explanation from the Town of Ulysses' Town supervisor. Kennedy went on to explain that if the Town becomes a signatory the town does not become a party to the action, but rather a "friend of the court." There is no financial responsibility associated with becoming a signatory. Private funding is being sought to cover the cost of the amicus brief on appeal.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell, to authorize the Town Supervisor to sign the proposed Resolution offered by Attorney Michelle Kennedy

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

RESOLUTION ADOPTED: (Resolution Docket: pg. 96).

Supervisor Kiernan proposed a Surplus Policy which was reviewed by the Board.

MOTION by Councilman Michaels, seconded by Councilwoman Geddes-Atwell, to adopt the proposed Surplus Policy as presented.

The Board discussed the proposed policy further.

Councilman Michaels and Councilwoman Geddes-Atwell withdrew their MOTION and it was decided to table any decision until after the New Year.

MOTION by Councilman Michaels, seconded by Councilman Wenner to adopt the amendments to the Land Use Law as proposed at the Public Hearing.

MOTIN CARRIED: All were in favor.

The Board decided after a short discussion to schedule the Year-end meeting for 5:00PM on Wednesday December 28<sup>th</sup> and the Organizational Meeting for January 2<sup>nd</sup> at 4:30PM.

MOTION by Councilman Michaels, seconded by Councilman Wenner, to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 8:45PM.

Respectfully Submitted,

Pamela Deane  
Town Clerk