

The Town of Otsego Town Board held a Public Hearing and a Regular Monthly Meeting on the 12th day of July 2023 at 7:00PM at the Town Building in Fly Creek, NY.

Town Board Members Present:

Benjamin Bauer	Supervisor
Tom Hohensee	Councilperson
Deb Dalton	Councilperson

Also Present:

William Hribar	Highway Superintendent
Pamela Deane	Town Clerk

Supervisor Bauer called the Public Hearing to order and asked everyone in attendance to please rise for the Pledge of Allegiance.

Supervisor Bauer explained that as part of the NYS Tax Law, Large Energy Systems such as Solar Farms automatically receive, for a period, a P.I.L.O.T Agreement (payment in lieu of taxes) through NYS. Adopting the proposed law eliminates automatically giving Large Energy Systems a tax break. This proposed law was suggested by the County IDA (Industrial Development Agency).

MOTION by Councilperson Dalton, seconded by Hohensee, to open the floor for public comment on the proposed Local Law, Opting Out of Real Property Tax Law §487.

MOTION CARRIED: All were in favor.

Walter Dusenbury felt the proposed law was putting the cart before the horse. Currently solar or wind energy systems and farm waste energy systems are not allowed in the Town of Otsego so he wondered how this proposed law would even apply. He is for solar energy but felt there is a problem handing the overseeing of commercial solar projects to the Planning Board. The solar Energy DRAFT states as part of the special use permit review process and the site plan review process, the Town shall require the applicant to pay all associated costs of any application review, including but not limited to engineering, legal, environmental, planning and State Board review, as deemed necessary. When the Planning Board determines that said costs will be required, they shall provide an estimate of cost to the applicant. Dusenbury felt the Planning Board is not equipped to do that nor is the Town Board.

Secondly the draft addresses a decommissioning cost. It states that the plan shall also include estimated financial surety, decommissioning cost and the amount agreed upon by the Planning Board. A Decommissioning Plan will be reviewed and approved or disapproved as part of the Special Permit Application. He did not feel the Planning Board, nor did he think the Town Board were equipped to handle that either.

Supervisor Bauer stated that the Solar Law rough draft is still in the preliminary stage and thanked everyone for their comments.

MOTION by Councilperson Hohensee, seconded by Councilperson Dalton, to close the Public Hearing.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Dalton, seconded by Councilperson Hohensee to accept the minutes of June 14th as written.

MOTION CARRIED: All were in favor.

Supervisor Bauer reviewed correspondence received since last month's meeting.

Supervisor Bauer opened the floor to public comments.

Sheila Ross felt the decision to allow commercial energy systems such as solar farms in the town should be left up to the residents by way of a referendum.

Pat Kennedy asked if the County IDA gave any data concerning towns that opted out of Real Property Tax Law §487 and the number of companies or bonding companies that may have gone bankrupt. She questioned who covers the cost of dismantling the panels then? She was in favor of allowing individuals to have their own solar energy system but was not completely sold on the Solar Farm idea.

Sheila Ross was reminded of a time when the Town Board needed to close the Town Dump and the staggering cost they inherited because it turned out to cost them way more than they thought it would.

Denny Mower asked if the Town Board has discussed with an engineer the flooding problem on Bibik Rd.

Supervisor Bauer stated that he and Highway Superintendent Bill Hribar have met with Engineer Bill Brown from Delaware Engineering to discuss the flooding problem. The engineer suggested conducting a water analysis.

Cathy Snyder asked if there has been any interest in installing a Solar Farm in the Town.

Supervisor Bauer stated that he was aware of only one company that was interested in putting in a Solar Farm and where they are interested in putting it is near Kukenberger's Gravel Bank off County Highway 26. The law the Town Board is now working on is in the very preliminary stage and would only affect up to a certain size. Anything larger than that would be overseen by the state.

Cathy Snyder was concerned that landowners would not be allowed to refuse a Solar Farm Developer the right to put a Solar Farm on their property.

Supervisor Bauer said no they cannot just take your land for Solar Farms that fall under the Towns jurisdiction. The larger ones that are overseen by state law supersede town authority. He has not heard about any of those being proposed in this area.

Pat Kennedy asked if the Town does nothing will these Solar Companies be able to come in? Might it be a good idea to adopt a Moratorium on Solar Farms until a law is in place?

Supervisor Bauer did not think it an issue because the Town Land Use Law specifically states that if a use is not listed as a permitted use, then it is not allowed.

Supervisor Bauer closed the floor for further comments.

Supervisor Bauer gave a financial report. The Board discussed the following balances in the various accounts:

General Checking:	\$239,320.25	Hwy Checking:	\$490,141.54
Building Reserve Fund:	\$171,458.67	Hwy Equipment Fund:	\$242,542.98
ARPA:	\$212,274.72	Gen & Hwy CD:	\$400,000.00

MOTION by Councilperson Dalton, seconded by Councilperson Hohensee, to accept the financial report as presented.

MOTION CARRIED. All were in favor.

MOTION by Councilperson Hohensee, seconded by Councilperson Dalton, to pay the bills and make the necessary transfers.

GENERAL:	#62-#73	\$ 1,598.74
HWY:	#96-#117	\$ 22,938.59

MOTION CARRIED: All were in favor.

Supervisor Bauer read ZEO Wylie Phillips' report. Permits issued since last meeting were as follow:
Zoning Permits: 1

Highway Superintendent Bill Hribar gave a report on the following highway projects.

- Hribar stated that the Town's mower is worn out. He submitted a quote from Clinton Tractor for a new Flail Mower. The cost was between \$10,000 and \$12,000.
- Hribar mentioned that he was probably going to need help with the maintenance on Key Rd. He is short of help and short of time.

Supervisor Bauer has tried to connect with the Union Representative to discuss increasing the starting pay.

Walter Dusenbury pointed out that there is a dead tree on the highway property corner that, if it falls, will take out a powerline. He mentioned that the Fly Creek Cemetery has a tree cutter coming at the end of the month. He thought the Town may be able to get a good price to take the dead tree down since they will already be across the street. Dusenbury volunteered to text Supervisor Bauer the phone number.

Sheila Ross stated again that she does not want Willow Ave. widened in front of her house. The road only services three families and is dead-end.

Highway Superintendent Bill Hribar informed Ross that Willow Ave will be 18' wide to the STOP sign and

remain 14' in front of the three homes located left of the STOP sign.

Supervisor Bauer reported that the Execution Contract for the Salt Shed is complete, and the Salt Shed is ready to be put out to bid. Councilperson Hohensee volunteered to reach out to Principal Engineer to put a bid package together. Councilperson Hohensee will make sure Supervisor Bauer will get a chance to review the package to make sure all stipulations of the grant are met.

Walter Dusenbury stated that the Town Board needs to follow their own law and a site plan review of the Salt Shed Project needs to go before the Planning Board.

Supervisor Bauer read a letter from Murdock Rd. resident, Ron Johnson. Mr. Johnson asked that the Town Board consider widening Murdock Rd. He felt it is much too narrow for the increased amount of traffic. Johnson almost always meets at least one vehicle while either going up or down the road requiring someone to try to pull off to the side or attempt to back down the hill. Johnson felt that it is only a matter of time before an accident happens if the road is not widened.

Watershed Representative Pat Kennedy reported that the Memorandum of Agreement with the Village of Cooperstown needs to be updated. The Memorandum of Agreement between the Town of Otsego and the Towns of Springfield and Middlefield need to be the same, which currently are not.

Seasonal Septic Systems along Otsego Lake are inspected every 10 years and year-round Otsego Lake residents are inspected every 5 years. That list needs to be updated because there are year-round Otsego Lake residents that were seasonal but are now year-round residents. Watershed Inspector Al Keck's application files are currently being updated and computerized.

The Village of Cooperstown has applied to the ARC for a \$250,000.00 50/50 grant to prepare part of a strategy and comprehensive watershed plan, which would then allow ARC to apply for implementation funds from DEC, once they have determined what would help fight back the Habs. ARC has received notification that they have passed the pre-application process.

DOS-LWRG has applied through the CFA for a NYS Dept. Of State's Local Waterfront Revitalization program (LWRG). The village of Cooperstown is again the applicant for this grant. The total grant request is approximately \$600,000.00. Local match would be \$150,000.00.

After a short discussion the Town Board decided to vote on proposal Local Law #5 – Rezoning the Intersection of State Highway 28 and 80 and proposal Local Law #6 – Opting out of Real Property Tax Law §487 at the August monthly meeting.

Supervisor Bauer announced that he plans on e-mailing a list of all the feedback received from the Planning Board and ZBA members to Town Board Members, along with the latest Solar Law Draft for review.

Supervisor Bauer reported that he has received a petition from the Otsego residents on Canadarago Lake to hold a referendum to create a Canadarago Lake Sewer System Taxing District.

Joan Adams stated that the petition is not for or against the proposed sewer system. It is about timing and pushing the process quicker than the path it currently is on. The project is estimated to cost \$28,000,000.00. There are 151 properties that would be affected in the Town of Otsego. Adams estimated this to increase taxes anywhere from 42% to 80%. This drives uncertainty. If a residents septic fails, they are torn between do I pay for a new septic system or do I wait and see if I am going to be mandated to hook up to a new sewer system.

Supervisor Bauer stated that the petition was given to the Town Attorney to review. He was also told there was a time limit involved for a response.

MOTION by Supervisor Bauer, seconded by Councilperson Dalton, to go into Executive Session to discuss employee compensation and Town Litigation

MOTION CARRIED: All were in favor. (8:32PM)

MOTION by Councilperson Hohensee, seconded by Councilperson Dalton, to come out of Executive Session

MOTION CARRIED: All were in favor.

MOTION by Councilperson Hohensee to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 8:44PM

Next meeting will be August 9th at 7:00PM.

Respectfully Submitted,
Pamela Deane/Town Clerk