

The Town of Otsego Town Board held a Public Hearing and Regular Monthly Meeting on the 11th day of October 2023 at 7:00 PM at the Town Building in Fly Creek, NY.

Town Board Members Present:

Benjamin Bauer	Supervisor
Tom Hohensee	Councilperson
Chris Kjolhede	Councilperson
Matthew Zwissler	Councilperson
Deb Dalton	Councilperson

Also Present:

Will Green	Town Attorney
William Hribar	Highway Superintendent
Pamela Deane	Town Clerk

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

Supervisor Bauer called the Public Hearing to order and explained that in accordance with NYS Law the Town must adopt a Local Law allowing the Town Board to exceed the 2% cap set by NYS. In the past the Town Board has adopted a Local Law allowing the Town Budget to exceed the cap as a precautionary measure when drafting the Budget.

Elizabeth Susman wanted to know why the Town Board just doesn't follow the law and stay within the 2% allowance.

Town Attorney Will Green stated that the Town Board makes a Budget. It is then submitted through a website to the State and then the Supervisor is told whether the Budget submitted is over the 2% cap. It is complicated to know the exact numbers that count towards exceeding last year's Budget.

Councilperson Hohensee mentioned that historically the Town Board has seldom gone over.

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

MOTION CARRIED: All were in favor.

MOTION by Councilperson Hohensee, seconded by Councilperson Kjolhede to accept the minutes of September 12th as written.

MOTION CARRIED: All were in favor.

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

Supervisor Bauer opened the floor for comments.

Emily Stolarcyk /Goose St., had a complaint concerning the firework display authorized by the Town Board at the September Monthly Meeting. The request was from Fly Creek Cider Mill owner Bill Michaels who wanted to pay tribute to his recently deceased parents, Charlie and Barbara Michaels. Stolarcyk posed four questions:

- Was the Town Board aware that human remains would be included in the fireworks display?
- When was the opportunity for public input on this permit? She saw no updates from May 2023.
- As a neighbor of the applicant, parent of a small child, and owner of animals she was not okay with noise louder than 70 decibels. The noise created from the fireworks was

approximately 150 decibels.

- Stolarcyk stated she had spoken to former Town Supervisor Meg Kiernan who felt this was addressed in the Town Land Use Law under Section 1.04 and needed to be brought before the ZBA for a variance. Stolarcyk stated that her attorney agreed. She wanted to know why this request was not put before the ZBA and instead acted upon by the Town Board when the former Town Supervisor told her it should have gone before the ZBA. If it had gone before the ZBA there would have been a Public Hearing.
- Stolarcyk, in closing, stated that based on conversations with Supervisor Bauer and the County Code Enforcement Officer the permit that was requested was for ten minutes. However, the letter she received in the mail from Michaels stated the firework display would last twenty minutes, which turned out to be longer than that. She wanted to know what the Town Board was going to do with the person that applied for the permit then lied to them and to the County. It was her belief that this individual got this permit based on feelings of empathy and deceit to increase the likelihood of getting a permit.

Kim Macleod / Cemetery Rd. disapproved of how long the firework display went on. Her house shook to the point where things fell off her shelves. She then admitted that that also happens when trucks go by her house.

Antoinette Kusminski /Donlon Rd. was disappointed that the Town Board approved the firework display.

On another note, Kusminski stated that the Watershed Supervisory Committee has been operating without financial assistance from the Town since it was founded. \$91,000 needs to be paid by January for ongoing monitoring of certain parameters in Otsego Lake. To get DEC support, you need to monitor the parameters of the lake for two consecutive years. She urged the Town Board to join the Towns of Springfield and Middlefield and the Village of Cooperstown and appropriate funding by using ARPA money.

Brent Smith / Marble Rd. had two questions. Were there any updates to the plans and reports relating to the proposed Canadarago Lake Sewer District and has the Town had any discussions with Otsego County on the proposed Canadarago Lake Sewer District?

Joe Raymond / Bibik Rd. stated that presently 68% of the camps located in the Town of Otsego are Seasonal, 32% year-round. There are now 2 camps out of 24 that are occupied on 1,500 ft. of shoreline for the next 6 months. The 22 unoccupied camps would still receive a sewer bill every month, regardless. He did not think that would be fair. He ended by stating that after the last water quality testing of Canadarago Lake, the Town of Otsego portion results came out the best.

Bart Brush/Cemetery Rd. hoped the issuance of fireworks was not going to be a regular thing.

Supervisor Bauer closed the floor for further comments.

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

General:	#104-#112	\$ 1,232.51
Hwy:	#170-#184	\$ 136,451.01

MOTION CARRIED: All were in favor.

Supervisor Bauers submitted balances of all accounts.

The Town Board discussed the balances provided by Supervisor Bauers:

General Checking:	\$219,843.65	Hwy Checking:	\$107,713.35
Hwy Equipment Fund:	\$245,771.85	Gen & Hwy CD	\$400,000.00

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

MOTION CARRIED. All were in favor.

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

- Hribar reported on roads paved since last meeting.
- Hribar reminded the Town Board that he will be losing a Highway Employee in a few weeks.
- There was a short discussion about the upcoming Clean Up Day.

Patricia Kennedy stated that in the past the Towns did not contribute to the cost of managing Otsego Lake. Times have changed. She suggested that the Town of Otsego negotiate a new Municipal Agreement with the Towns of Middlefield and Springfield and the Village of Cooperstown on how Otsego Lake is going to be managed and what each Town and the Village is willing to contribute to the cost. She thought the Towns should request more bed tax from the County to offset their financial obligation in managing the Lake. The Watershed Advisory Committee thinks it the responsibility of the Towns to shoulder the cost of managing the Lake.

Supervisor Bauer reminded everyone that the Salt Shed Bid opening would be tomorrow at 10:00 AM. After a short discussion it was decided the Town Board would meet on Friday the 13<sup>th</sup> at 9:00 AM to discuss the Salt Shed Bids.

Supervisor Bauer reported that OCCA still does not have a Senior Planner but put him in touch with a Senior Planner from Mohawk Valley Economic Development District (MVEDD) to assist in updating the Comprehensive Plan. He hoped that the committee would begin meeting in the not so far future.

To answer Bret Smith's previous question Supervisor Bauer stated that he has not been in contact with anyone from the County. Since the last meeting there has been no action taken. The Town qualified for the 0% interest rate for up to twenty-five million dollars of the project and half off current interest rate for the remainder of the project. He was told by the Engineer that that brings down the per cost user amount to approximately \$500.00. This is still very expensive. It was Supervisor Bauer's opinion that with so many residents vocally opposed to the proposed Sewer District there is no reason to pursue the project at this time. Possibly later if new information comes out or there are signs that residents want the project to happen, the Town Board can revisit the idea of proposing a Sewer District.

Councilperson Kjolhede reminded everyone of Clean-Up Day on Saturday. His hope is if it is well attended then next year the Town Board should try to coordinate it with the neighboring Towns.

Supervisor Bauer reviewed with the Town Board quotes for a new website. He will check the Towns Procurement Policy and see if it needs to be put out to Bid.

Supervisor Bauer asked for a Motion to adopt Local Law #7 over-riding the 2% cap set by NYS.

MOTION by Councilperson Hohensee, seconded by Councilperson Kjolhede, to adopt Local Law #7 as written.

MOTION CARRIED: All were in favor.

Supervisor Bauer submitted for Town Board review the Tentative 2024 Budget.

After a short discussion a Budget Workshop was set for Friday the 13<sup>th</sup> at 9:00 AM.

Supervisor Bauer submitted a chart showing different Health Insurance options.

MOTION by Councilperson Dalton, seconded by Councilperson Zwissler to switch to MVP contingent on CSEA approval.

MOTION CARRIED: All were in favor.

Supervisor Bauer reported that the Department of Transportation is going to put in a sidewalk and 30 light poles down St. Hwy 28 south of Cooperstown. If the Town and Village are willing to share the expense the State would install Decorative Poles. That would be a \$150,000.00 cost to the Town plus an additional \$5,000.00/ per year for the electricity. The expectation is that the Town would pay for 75% of the cost, and the Village would pay for 25% of the cost, based on where the poles are located. The Town Board seemed to like the idea of purchasing the decorative poles but will discuss it further at the Budget Workshop.

MOTION by Supervisor Bauer seconded by Councilperson Kjolhede to go into Executive Session to discuss employee performance compensation and Town Litigation.

MOTION CARRIED: All were in favor. (8:34 PM)

MOTION by Councilperson Kjolhede, seconded by Councilperson Hohensee, to come out of Executive Session. (8:47 PM)

MOTION CARRIED: All were in favor.

MOTION by Supervisor Bauer to adjourn.

MOTION CARRIED: All were in favor.

Meeting ended at 8:49 PM

Next regularly scheduled meeting will be November 8<sup>th</sup> at 7:00 PM.

Respectfully Submitted,  
Pamela Deane/Town Clerk