

The Town of Otsego Town Board held a Regular Monthly Meeting on the 13th day of December 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 asked if anyone had any questions or corrections concerning the November Town Board minutes.

Councilperson Dalton thought a summary of each correspondence should be listed. There might be something there that someone would find interesting.

Supervisor Bauer explained that legally the Town Clerk is only required to document the MOTIONS. All other information in the minutes is just a summary of the meeting and is not required. Half or better of the correspondence is usually advertisements. It was suggested that if there is a letter any Councilperson finds interesting or felt important, they should request it be mentioned in the minutes.

Councilperson Dalton thought the conversation in the minutes between Supervisor Bauer and the Fly Creek Fire District Commissioner Chairman could have been better written.

Finally, Councilperson Dalton stated that the Open Meeting Law states that Town Minutes are required to be on the Town Website within two weeks of the meeting.

The Town Clerk stated that the minutes are available within the two-week timeline. People can request them at any time and periodically do.

Supervisor Bauer asked Councilperson Dalton to research the Open Meeting Law to see if just the minutes available are sufficient.

MOTION by Councilperson Kjolhede, seconded by Councilperson Dalton to accept the minutes of November 8th 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.

Edward Kukenberger stated that he lives at 493 County Hwy 26 and this morning he woke up to an excavator digging test holes across from his house, 50 ft. from the road. He wanted to know if he and his neighbors are going to be protected by the Town. He's not against solar panels, he just does not want them in front of his house.

Hudi Podolsky introduced herself to the Town Board. She was there on behalf of the League of Women Voters to observe the Town Board meeting.

Edward Hobbie, who resides on Bedbug Hill Rd., asked if this Solar Company has been issued a permit from the Town. If not, he thought digging test holes seemed a little premature. He didn't blame Ed Kukenberger one bit for being upset. If a solar farm popped up across the street from his new house, he would be upset too.

Supervisor Bauer informed Mr. Hobbie that as far as he knew Solar Farms were not listed as a special permitted use in the Land Use Law which means they are not permitted. The solar company interested in putting in a solar farm on County Hwy 26 is Delaware River Solar (DRS). He suggested that Hobbie reach out to the Town ZEO Wilie Phillips for information about this project. A Solar Law has been drafted. It still needs to go to a Public Hearing before it can be adopted and become a Town Law.

Sheila Ross, resident of Willow Ave., agreed with Kukenberger and Hobbie. She does not want to see Solar Farms either. On another note, she was concerned with the drop off along the newly constructed Willow Ave. and strongly felt a guardrail should be installed to prevent people from sliding over the embankment.

Kathy Snyder, resident of Hoke Rd., is not against solar panels but not in favor of a solar farm showing up in front of someone's front yard. She feels there are many questions about solar that need to be answered first, for instance does the fire department need to be expanded. It's an important process that affects property values. She, along with Hobbie, volunteered to serve on a Solar Law Committee.

Supervisor Bauer closed the floor for further comments.

Supervisor Bauer asked for guidance with a highway bill to replace a side mirror of a Town of Hartwick truck that was broken by one of our trucks. It was the consensus of the Town Board to put in a claim with the Town's insurance company first and if it is not covered by the Town's insurance then pay it out of the Town funds. The cost to replace the mirror is \$1,155.43.

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

General:	#123-#136	\$ 225,016.91
Hwy:	#200-#221	\$ 41,602.22

MOTION CARRIED: All were in favor.

Supervisor Bauer submitted balances of all accounts.

The Town Board discussed the balances provided by Supervisor Bauer:

General Checking:	\$164,261.68	Hwy Checking:	\$ 28,673.43
Hwy Equipment Fund:	\$247,911.76	Gen & Hwy CD	\$400,000.00

MOTION by Councilperson Kjolhede, seconded by Councilperson Hohensee, to approve an interfund advance, transferring money temporarily from the Towns General Fund to the Towns Highway Fund.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Kjolhede, seconded by Councilperson Dalton, 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.

1. Hribar reported he plans to rent the boom this winter. If you rent the boom in the winter the rate to the Town would be to store the boom for three months and pay a flat fee of \$1,000.00 plus an hourly rate. If Hribar were to rent the boom in the spring, summer or fall the rate would be a flat rate of \$8,500.00 for the month, regardless how much it was used.
2. Hribar reported that the gas pump has been failing and will eventually need to be either repaired or replaced. Councilperson Kjolhede asked Hribar to submit at the next meeting, the cost to repair and the cost to replace the gas pump.
3. Hribar reported being a man short. Highway Employee Mike Ryde has retired. Supervisor Bauer volunteered to draft an advertisement.
4. Hribar reported that the Mill Street Bridge has been yellow flagged by the NYS D.O.T. Engineer.
5. Hribar reported that the Fork Shop Bridge needs to be either repaired or closed. The Town Board will need to decide which way they would like to go.
6. Hribar reported that loggers are logging on Tripp Hill. They have been notified of the Town Law that if they tear up the road, they will be responsible for fixing it. Supervisor Bauer suggested to Hribar it might be prudent to take pictures of the road before the loggers start traveling over it extensively. Hribar agreed.
7. Hribar stated that culvert costs are going up.

Councilperson Hohensee asked Hribar if he plans to put up some sort of guardrail on Willow Ave. to insure no one slides over the embankment. Hribar's answer was "no".

Supervisor Bauer announced that the Comprehensive Plan Committee will meet informally. Nothing yet to report.

Supervisor Bauer spoke in favor of Sunny Web Shop's website proposal. A short discussion followed.

MOTION by Councilperson Dalton, seconded by Councilperson Hohensee, to accept Sunny Web Shop's website proposal to redesign a new website for the Town.

MOTION CARRIED: All were in favor.

Supervisor Bauer acknowledged the Solar Law Draft which has been put on hold for the last few months. He would like to push forward in constructing a Final Draft. The existing DRAFT is modeled after the State sample and other neighboring towns. Supervisor Bauer will re-email the draft to all Town Board members. They were instructed to read the law and make a list of what they felt made sense and what did not. He felt more feedback from the public was also needed. Councilperson Kjolhede expressed the need for a "Content Area Expert" that could educate the Town Board and the Public not the false myths that are out there concerning Solar Farms.

Supervisor Bauer stated that Mayor Tillapaugh has informed him that the Village is ready to finalize the Annexation Agreement. Town Attorney Will Green will reach out to Village Attorney Martin Tillapaugh to see what actions need to be taken to move forward.

Supervisor Bauer submitted the SQSPCA Contract for the Town Board to review.

MOTION by Councilperson Kjolhede, seconded by Councilperson Hohensee, to adopt the proposed SQSPCA Contract as written.

MOTION CARRIED: All were in favor.

Supervisor Bauer reported being approached by someone who would like to buy a cemetery plot from one of the Town's abandoned cemeteries. Supervisor Bauer informed the Town Board that the Town has no policy addressing this matter. After a short discussion it was decided to table further discussion for the time being.

Supervisor Bauer asked for input on scheduling a Year-End Meeting. After a short discussion It was decided to schedule the Year-End Meeting for December 27th at 9:00 am. The Organizational Meeting was scheduled for January 2nd at 9:00 am.

Supervisor Bauer asked for input on what the Town Board is willing to reimburse for training for newly elected officers. It was the consensus of the Town Board that the Town should reimburse the hotel cost and mileage.

MOTION by Supervisor Bauer, seconded by Councilperson Hohensee, to go into Executive Session to discuss Town Litigation.

MOTION CARRIED: All were in favor. (8:38)

MOTION by Supervisor Bauer, seconded by Councilperson Hohensee, to come out of Executive Session.

MOTION CARRIED: All were in favor. (8:49)

MOTION Supervisor Bauer, seconded by Councilperson Hohensee, to approve the Assessment Review Litigation commenced by OEC and the Town of Otsego as discussed by the Town Board and agreed to this day. Furthermore, we authorize the Town Attorney to execute all documents to complete the settlement.

MOTION CARRIED: All were in favor.

MOTION Supervisor Bauer, seconded by Councilperson Hohensee, to settle the Assessment Review proceeding brought by the owners of 40 Lake St, located within the Village of Cooperstown and the Town of Otsego. It is hereby agreed that the Town will accept the purchase price as the assessed value as calculated with the Equalization Rate. Furthermore, we authorize the Town Attorney to execute all documents to complete the settlement.

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 scheduled meeting will be December 27th at 9:00 AM.

Respectfully Submitted,
Pamela Deane/Town Clerk