

## TOWN OF OTEGO

NOVEMBER 9, 2011

The Town Board of the Town of Otego held a regular board meeting on Wednesday, October 12, 2011 at 6:30 pm at the Municipal Building, 3526 State Highway 7, Otego, New York. The purpose of the meeting was to hold a public hearing on the 2012 Budget, audit the bills and any other business coming before the Board.

The following members were present:

Joseph Hurlburt Supervisor  
Maryalice Brown Town Clerk  
Terry Brown Councilperson  
David Sheldon Councilperson  
George Dolezel Councilperson  
Barbara Stanton Councilperson  
JR Hurlburt Highway Supt

The town clerk read the legal notice that appeared in the newspaper on Nov. 2.

Mr. Hurlburt reported that the budget increase is less than 1%.

There was general discussion.

A motion was made by David Sheldon, seconded by Terry Brown, that the hearing be closed.

Motion: 5 Ayes, 0 Nays.

Time 6:40 pm

### Minutes

A motion was made by David Sheldon, seconded by Barbara Stanton, to accept the minutes of the October 12 meeting. Motion: 5 Ayes, 0 Nays.

A motion was made by George Dolezel, seconded by Terry Brown, to accept the minutes of the October 19 meeting. Motion: 5 Ayes, 0 Nays.

### Supervisor's Report

Mr. Hurlburt gave the supervisor's report for October:

General Fund townwide beginning balance: \$308,086.17

Receipts: 26,979.40

Disbursements: 31,175.59

Ending Balance: \$303,889.98

General Fund outside village beginning balance: \$ 9,829.28  
Receipts: 4,881.32  
Disbursements: 1,826.57 Ending Balance: \$ 12,884.03

Highway Fund townwide beginning balance: \$290,213.58  
Receipts: 0 Disbursements: 27,591.14  
Ending Balance: \$262,662.44

Highway Fund outside village beginning balance: \$355,937.46  
Receipts: 17,376.27  
Disbursements: 42,725.07  
Ending Balance: \$330,588.66

A motion was made by Barbara Stanton, seconded by David Sheldon, to accept this report as read. Motion: 5 Ayes, 0 Nays

### Gas Drilling

Dick Downey (Unatego Landowners Association) addressed the board. He asked that the proposed questionnaire from the planning board be reviewed by the town board and would like to know what procedure is in place for tabulation, the timetable for distribution and collection of the surveys, and also thinks that the tabulation should be split to show responses from the town and village separately. Ultimately the landowners association feels that the issue of gas drilling will be decided in the courts and asks that the town take no action regarding a ban or moratorium.

Carolee Byrnes addressed the board. She gave the board a handout from David Slottje, a pro bono attorney urging that local governments pass protective laws now and not wait for the DEC permitting process to start before local governments try to regulate gas drilling. He feels that a well drafted local law can protect residents from unconventional drilling.

Robert Birch, who owns land in Otego and the Cooperstown area, feels that the town should wait to see the outcome of any court decisions.

Mr. Hurlburt responded that he does not support a ban or moratorium at this time. The town attorney also does not recommend such action.

Roslyn Shafer addressed the board. She has done research on gas drilling, specifically as it pertains to water quality. She wanted to know if the board could guarantee that gas drilling won't affect her water, especially after the recent flooding that caused water contamination from many sources. Of course, the board cannot guarantee anyone's water quality after any disaster. She also had available articles on flood maps and additives that gas drilling companies may include in their fracking fluid.

Ms. Shafer also wanted to know where the Board gets their gas drilling advice. She has done

research and is concerned about the advice the board may get from the town attorney since she feels they may be pro gas drilling as noted from the handouts she gave the board members. The town attorney responded that the questionnaire that was given out was for certain private clients for a gas lease case. Her law firm represents many municipal governments and has made a conscious decision not to represent landowners associations in order to minimize any conflicts. Mr. Hurlburt responded that meetings such as this are important to the board as a way of getting information from town residents.

### Planning Board

Stephen Butler, planning board chair, reported that the survey should be finalized at the next planning board meeting and given to the town board at their December meeting.

Anna Hein read a letter to the board concerning the planning board. She has many concerns about Bruno Bruni, Code Officer, and his relationship with the planning board. She feels he is against gas drilling and uses his position to give information to the planning board and other residents that favor his views. She would like the town board to sanction Mr. Bruni for his behavior.

### 2012 Budget

The board decided to hold another meeting to finalize the budget on Wednesday, November 16 at 5:30 pm.

### Code Officer

Mr. Bruni reported that he is continuing doing fire inspections.

### Local Law #2 of 2011

A motion was made by George Dolezel, seconded by David Sheldon, to schedule a public hearing on Local Law #2 of 2011 amending the Junk Storage Law, Local Law #3 of 2010. Motion: 5 Ayes, 0 Nays.

### Fuel Bids

A motion was made by David Sheldon, seconded by Terry Brown, to open fuel bids on Wednesday, December 14, 2011 at 6:45 pm. Motion: 5 Ayes, 0 Nays.

### Dog Control Report

Ellen Dwyer gave her report: 6 reports of loose/stray dogs which she was unable to verify, no dogs taken to the shelter.

### Highway Report

Mr. JR Hurlburt reported that he has met with FEMA and took the representative to thirteen flood sites. He will be meeting with him again.

Gail Wessells was in attendance to express concern about her property that has been flooded twice in 5 years. Buzz Hesse has property in the same area and future flooding of Otsdawa Creek is a concern. Mr. Hurlburt would like to have the Army Corps of Engineers look at this situation

and see if we can use their expertise and try to find the best way to mitigate future flooding. The creek has changed its course with these two flood events.

Small Claims Assessments Hearing

The town clerk reported that two residents took their property assessments to the small claims process. They were not awarded any change in their assessments.

Zoning Board of Appeals

A motion was made by David Sheldon, seconded by Terry Brown, to appoint Peter Johnson to a five year term on the zoning board of appeals.

Motion: 5 Ayes, 0 Nays

Warrant 11

A motion was made by Barbara Stanton, seconded by George Dolezel, to pay the warrant in the following amounts: General Fund vouchers #\_\_185-197\_\_ in the amount of \$\_\_15,903.89\_\_.

Highway Fund vouchers #\_\_170-193\_\_ in the amount of \$\_\_141,095.40\_\_.

Motion: 5 Ayes, 0 Nays

The meeting was adjourned at 8:30 pm.

Maryalice Brown

Town Clerk

\_\_\_\_\_ Town Supervisor

\_\_\_\_\_ Town Clerk

\_\_\_\_\_ Councilperson

\_\_\_\_\_ Councilperson

\_\_\_\_\_ Councilperson

\_\_\_\_\_ Councilperson

Highway Supt.

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