

TOWN OF OTEGO

November 13, 2013

The Town Board of the Town of Otego held a regular board meeting on Wednesday, November 13, 2013 at 6:00 pm at the Municipal Building, 3526 State Highway 7, Otego, New York. The purpose of the meeting was to audit the bills and any other business coming before the board.

The following members were present:

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

Minutes

A motion was made by George Dolezel, seconded by David Sheldon, to accept the minutes of the October 9 meeting. Motion: 5 Ayes, 0 Nays

A motion was made by Terry Brown, seconded by David Sheldon, to accept the minutes of the November 7 meeting. Motion: 5 Ayes, 0 Nays

Supervisor's Report

Mr. Hurlburt read the Supervisor's report for October:

General Fund townwide beginning balance:	\$273,852.07
Receipts:	6,663.82
Disbursements:	<u>20,405.37</u>
Ending Balance:	\$260,110.52

General Fund outside village beginning balance:	\$ 8,971.04
Receipts:	370.26
Disbursements:	<u>1,027.48</u>
Ending Balance:	\$ 8,313.82

Highway Fund townwide beginning balance:	\$280,179.04
Receipts:	617.34
Disbursements:	<u>11,996.44</u>
Ending Balance:	\$268,799.94

Highway Fund outside village beginning balance:	\$295,223.66
Receipts:	40,132.42
Disbursements:	<u>125,536.90</u>
Ending Balance:	\$209,819.18

A motion was made by Barbara Stanton, seconded by Terry Brown, to accept this report as read.

Motion: 5 Ayes, 0 Nays

Code Officer

Dan Wilber reported no major issues this month.

Dog Control Report

Ellen Dwyer gave her report: 11 reports of loose/stray dogs, 2 tickets issued and 5 dogs taken to the shelter.

Planning Board

Stephen Butler reported that work continues on the comprehensive plan.

Highway Report

Mr. Hurlburt reported that some street signs are disappearing and they are expensive to replace. Please let him know if you have any information.

The warranty on the loader expires soon. Mr. Hurlburt had prices on a one year extension for \$726.48 or a two year extension for \$1487.14.

A motion was made by David Sheldon, seconded by George Dolezel, to extend the warranty on the loader to 1 year. Motion: 5 Ayes 0 Nays

Deferred Compensation

The following resolution was put forward by Terry Brown, seconded by David Sheldon

WHEREAS the Town of Otego wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and

WHEREAS, the Town of Otego is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law and

WHEREAS, the Town of Otego has reviewed the plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Otego by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;

NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of Otego hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Otego are hereby authorized to take such action and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Vote: 5 Ayes, 0 Nays

Local Development Committee

Nathaniel Posner reported that the committee has met. Brian Foley is working on a web page. Mr. Posner will be attending a meeting this week, chaired by Sen. Seward, about the area economy and any financial help that might be available.

Time Warner

No action. It was decided to wait for the new year.

Green Street Bridge Bond Resolution

The following resolution was put forth by George Dolezel seconded by Barbara Stanton:

The Town Board of the Town of Otego, duly convened in regular session, does hereby resolve as follows:

Section 1. There is hereby authorized to be issued up to \$300,000.00 in a Budget Note (the "Note") of the Town of Otego (hereinafter "the Town") which is being issued to pay for costs and payments required in connection with the repair and replacement of the Upper Green Street Bridge, which was damaged as a result of flooding in September, 2011 (hereinafter "the Project").

Section 2 The facts and circumstances necessitating the issuance of the Note are as follows: The Town experienced severe flooding during September, 2011. The Upper Green Street Bridge was severely damaged by the flood and required repair and replacement. The Town is repairing and replacing the Upper Green Street Bridge and the costs will be reimbursed by the Federal Emergency Management Agency ("FEMA") and the New York State Office of Emergency Management ("OEM").

Section 3. The specific object or purposes for which the Note is being authorized by this resolution are set forth in section 2 of this Resolution. The period of probable usefulness for the reconstruction of a bridge is twenty (20) years pursuant to section 11.00(10) of the Local Finance Law of the State of New York. There are no other Town funds immediately available with which to pay or provide for such object or purposes. There was no appropriation contained in the Town budget for the calendar year 2013 to pay for this expense because they will be reimbursed by FEMA. However, the cost must be paid first and then submitted to FEMA for reimbursement.

Section 4. The amount of the Note to be issued pursuant to the provisions of this Resolution shall not exceed \$300,000.00 and the Note shall mature within one year from the date of its issuance and the interest rate shall not exceed 2.25% per year. The Note shall include the privilege of prepayment at any time without penalty.

Section 5. The Town has received authorization from FEMA of its scope of work and assurances that it will receive reimbursement from FEMA and OEM.

Section 6. The faith and credit of the Town shall be and are hereby pledged for the punctual payment of the principal of and interest due on the Note as the same shall become due and payable.

Section 7. The Note shall be issued in such amount and have such terms, form and content, and shall be sold in such manner as may be prescribed by the Town Supervisor, the Chief Fiscal Officer of the Town, consistent with the provisions of the Local Finance Law of the State of New York.

Section 8. The Town Supervisor, the Chief Fiscal Officer of the Town is hereby authorized to enter into an undertaking for the benefit of the holders of the Note if required by Securities and Exchange Commission Rule 15c2-12, as amended.

Section 9. The Town Board has determined that the issuance of the Note is a Type II action pursuant to the State Environmental Quality Review Act ("SEQRA") and that no further environmental review is necessary in connection with the issuance of the Note.

Section 10. The validity of the Note may be contested only if:

1. Such obligation is authorized for an object or purpose for which the Town is not authorized to expend money; or
2. The provisions of law which should be complied with at the time of the publication of this Resolution or summary thereof, or certificate as the case may be, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication; or
3. Such obligation is authorized in violation of the provisions of the constitution.

Section 11. This resolution or a summary of this resolution shall be published by the Town Clerk in the official newspaper of the Town, together with a notice in substantially the form set forth in subdivision a. of section 81.00 of the Local Finance Law.

Section 12. This resolution shall take effect immediately.

Vote: 5 Ayes, 0 Nays

Zoning Board of Appeals

A motion was made by Barbara Stanton, seconded by David Sheldon, to appoint Stanley Rusin to the zoning board of appeals for a five year term. Motion: 5 Ayes, 0 Nays.

Hazard Mitigation Plan Update

The following resolution was put forth by David Sheldon, seconded by George Dolezel:

WHEREAS, the Town of Otego, with assistance from the Otsego County Planning staff and Advisory Committee, and from H2O Partners, Inc. (the "Consultant") has gathered information and prepared the Otsego County Hazard Mitigation Plan and the Plan Update; and

WHEREAS, the Plan and the Plan Update have been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Otego is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the Plan Update and the actions in the Plan and the Plan Update; and

WHEREAS, the Town of Otego Town Board has reviewed the Plan and the Plan Update and affirms that the Plan will be updated no less than every five years;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Otego that the Town of Otego adopts the Otsego County Hazard Mitigation Plan and Plan Update as this jurisdiction's Natural Hazard Mitigation Plan and Plan Update and resolves to execute the actions in the Plan and the Plan Update.

This resolution shall take effect immediately.

Vote: 5 Ayes, 0 Nays

Village Water Well

Mayor Ernest Kroll addressed the town board. The village is looking to drill a new village well. The town recreation area would be a prime area because it is in the village and is accessible to an existing 12 inch main and there is electric capability. The main village well was drilled in 1979 and has been flooded more than once. Discussion followed.

A motion was made by David Sheldon, seconded by Barbara Stanton, to authorize a test well be drilled by the village of Otego on the town recreation land. Motion: 5 Ayes, 0 Nays.

County Representative

Kathy Clark gave an update: meetings with bidders for Otsego Manor are going forward; Soil and Water may be able to help with projects to mitigate stream damage; Ms. Clark will be attend an economic development meeting chaired by Senator Seward this week.

Warrant #11

A motion was made by George Dolezel, seconded by Terry Brown, to pay the warrant in the following amounts: General Fund vouchers # _____ in the amount of \$ _____.

Highway Fund vouchers # _____ in the amount of \$ _____.

Motion: 5 Ayes, 0 Nays

The meeting was adjourned at 7:00 pm.

Maryalice Brown

Town Clerk

_____ Town Supervisor

_____ Town Clerk

_____ Councilperson

_____ Councilperson

_____ Councilperson

_____ Councilperson

_____ Highway Supt.