

A regular meeting of the Board of Trustees of the Village of Cooperstown was held at the Village Office Building, 22 Main Street, Cooperstown, New York on July 24, 2017 at 6:30 p.m. Members in attendance were Mayor Jeff Katz, Trustees Ellen Tillapaugh, Cynthia Falk, James Dean, and Lou Allstadt. Members Bruce Maxson and Richard Sternberg were absent. Also in attendance were Village Treasurer Debra Guerin, Village Attorney Martin Tillapaugh, Zoning Enforcement Officer Jane Gentile, Public Works Superintendent Mitchell Hotaling and Village Administrator – Teri Barown. There were fifteen (15) members of the public present.

Mayor Katz called the meeting to order at 6:30 p.m. and led the pledge of allegiance.

**Public Comment** – Gene Marra, Cooperstown Distillery, Cooperstown Beverage Exchange, Cooperstown Escape Room, read a letter written by his wife stating that Sandwich Board signs are a critical component of business, particularly for the Beverage Exchange that has changing aspects every day, retail by day, bar at night, some musical performances.

He stated that the Cooperstown Escape Room has only a side door entrance off of Pioneer Street and is easily overlooked without the benefit of a Sandwich Board sign.

He asked that the Trustees grant a temporary allowance for sandwich board signs for the remainder of the summer and use the fall to review regulations. He stated businesses need every advantage possible. He said the vibrancy of the Village is its merchants and it is critical to make a living for 12 months of the year.

Jeannine Webster, Alex's Bistro, 149 Main Street, stated she provided a letter asking the Village to reinstate the use of sandwich board signs. She noted that the entrance to their restaurant is down an alley and off Main Street.

LouAnn Thomas, Whirl Series, stated she used a decorative sandwich board sign for her new business of Main Street until she was told she couldn't. She stated she would like to continue to use one and feels it is essential for business.

Bill Waller, 66 Beaver Street, said in reading the proposed law that stencil and spray paint is not allowed for sandwich board and he designs all signage for his wife's business and feels this is too constrictive. He also asked how it will be determined if the wind exceeds 20 mph which requires the sandwich board signs to be weighted down. He also inquired how it would be enforced as he feels temporary signs are not currently being enforced.

It was pointed to Mr. Waller that this proposed law was voted down in June.

Mayor Katz closed public comment at 6:45 p.m.

Mayor Katz stated that either the Village is going to regulate the sandwich board signs or not allow them at all. He asked Mr. Tillapaugh if the Village can just allow them for the summer and work on regulations later. Mr. Tillapaugh stated if they are not allowed by law, then the Village can't ignore the law but the Zoning Officer may have other priorities.

Mr. Allstadt made a motion to set a public hearing for August 8, 2017 at 7:00 p.m. or as soon thereafter as can be heard to establish sandwich board sign regulations. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Minutes:** Ms. Tillapaugh made a motion to accept the minutes of the June 26, 2017 meeting with corrections as submitted. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Permits:**

Dr. Falk made a motion to approve the Outdoor Eating Area Permit application for Whirl Series as submitted. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Dr. Falk made a motion to approve the Park Use Application for a fireworks display at Fairy Spring Park on August 4, 2017 with setup to begin no earlier than 7:00 p.m. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Dr. Falk made a motion to approve the outdoor display of merchandise application submitted by Tom Lagan for 124 Main Street. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Information regarding Cooptoberfest, which was submitted in the afternoon via email, was referred to the August Economic Development and Sustainability Committee meeting for recommendations.

**Zoning Official Report** – A copy of the Zoning Official Report was provided in the Trustee packets.

Ms. Tillapaugh made a motion to accept the report as submitted. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Police Committee** – A copy of the July committee minutes was provided in the Trustee packets.

**Fire Committee** – A copy of the July committee minutes was provided in the Trustee packets.

Ms. Tillapaugh noted that the Red Knights motorcycle group will be parking in the red lot on August 18 as the fire department will be hosting a barbeque for them and providing tours of the department and equipment.

Discussion was held regarding continued concerns over parking in the fire area.

Ms. Tillapaugh made a motion to accept the Police and Fire Committee reports as presented. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Doubleday Field Committee** – A copy of the July committee report was provided in the Trustee packets.

Mr. Allstadt made a motion to accept the report as submitted. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Public Hearings** – Mayor Katz opened the following public hearings at 7:00 p.m. and Ms. Barown read the public hearing notices:

**Proposed Local Law No. 10 of 2017 - to add regulations to the creation of the Planned Development District of 71-73 Chestnut Street regarding permitted uses, yard and height requirements and additional conditions**

**Proposed Local Law No. 11 of 2017 - to amend Chapter 258-3 Tree Committee to eliminate restriction of appointment of the Chair of Tree Committee to at-large members**

Mayor Katz noted that last month the Trustees approved a PDD for 71-73 Chestnut Street (Bank of Cooperstown), however, in speaking with the Chairs of both the Planning Board and Zoning Board of Appeals, there were some aspects they felt had not been covered in the approval.

Bill Rigby, 43 Elm Street, stated he provided a letter and proceeded to review some items contained in the letter. He said that limiting the use to banking only will almost certainly hamper the current owner if the property is offered for sale. He said that requiring public parking puts an undue burden and liability on the bank and could create problems for the immediate neighbors. He stated that in Section D-1 there is a typo that should be corrected if the law passes and Section D-5 should be stricken as well.

He stated that there should be other means to do this rather than the PDD, as it feels like spot zoning.

Scott White, Bank of Cooperstown, thanked Mr. Rigby for outlining the same concerns that he also has had regarding the proposed local law.

He said that he would like banking expanded upon in B-1, noted public parking is a no go as far as the bank is concerned, the typo needs correcting and would like D-5 stricken as well.

Gene Berman, 63 Lake Street, regarding comments about expanding use beyond banking, at this point there is no consideration for anything other than banking. He stated Section 300-53 of the Village Zoning Law allows the transfer of one non-conforming use to another. He also stated he feels that a vote should be put off for tonight, as there is not a full board present.

Ed Badgely, 64 Elm Street, asked if the drainage was going to be addressed. He was advised this would occur during site plan review. He then inquired if this couldn't have been handled through a use variance.

Mr. Tillapaugh explained that in his 43 years of practice he has only seen 1 or 2 use variances granted. He said that New York State does allow municipalities to adopt Planned Development District regulations.

Joan Badgely, 64 Elm Street, asked how many on the Board have been to the visit the site.

Mayor Katz closed the public hearing at 7:12 p.m. and asked for Board comment, and reminded everyone that Mr. Allstadt has recused himself from discussion and voting.

Mayor Katz stated that this public hearing was set as there was felt last month's approval had some gaps and we do want to get it right as the PDD is an important mechanism for the Village.

He stated he is inclined to have a vote tonight and feels this law is an improvement to last month.

Dr. Falk suggested changes to the law as follows:

- B.1 – Change Banking to Banking or any use permissible within an R3 zone.
- B. 4 – Change Public Parking to Non-accessory parking
- C. 1 – Change northern to southern
- D. 1 – Change “nose” to “noise”
- D. 5 – Change “must” to “may”

Following further discussion, Dr. Falk made a motion to adopt Local Law No. 10 of 2017 - to add regulations to the creation of the Planned Development District of 71-73 Chestnut Street regarding permitted uses, yard and height requirements and additional conditions with the corrections as noted above. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Katz, Tillapaugh, Falk, Dean    ABSTAIN: Allstadt    Motion carried.

Ms. Tillapaugh made a motion to adopt Local Law No. 11 of 2017 - to amend Chapter 258-3 Tree Committee to eliminate restriction of appointment of the Chair of Tree Committee to at-large members as submitted. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt    Motion carried.

**Streets Committee** – A copy of the July committee minutes was provided in the Trustee packets.

Dr. Falk noted that trolley ridership is down a bit this year; however, paid parking is up considerably over last year.

She noted that yard signs have been ordered advising that 2 hour regulations will not be enforced the Saturday and Sunday of Induction on the streets where parking is allowed. She stated we have posted the parking map on our website, as well as the Hall of Fame, Chamber and This is Cooperstown website and a small run of the map has been done to provide maps to our Police Department as well as the State Police.

She stated that the bid opening for the Pioneer Street reconstruction project has been delayed a week to allow for additional bidders and a public information meeting regarding the project will be held on August 22 at the Fire Hall.

Dr. Falk noted she emailed sidewalk projects to the Trustees and advised Job Corp has withdrawn this summer due to projects elsewhere.

Ms. Tillapaugh made a motion to accept the Streets Committee report as presented. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Buildings Committee** – A copy of the July minutes was provided in the Trustee packets.

Mr. Allstadt noted that HKK is working the specifications for the work to be conducted as part of the CFA for 22 Main Street.

He stated that the Art Association is requesting an addition to the lease having rent pro-rated if they can't use the space for a period of more than 7 days, which language was outlined in Section 13. Mr. Allstadt made a motion to approve the language as presented. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Mr. Allstadt noted that the Ballroom just received its new occupancy number from the County, which has been increased to 200.

Ms. Tillapaugh made a motion to accept the Buildings Committee report as presented. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Treasurer's Report** – A copy of the Treasurer's Report was provided in the Trustee packets.

**Finance and Personnel Committee:**

**Finance:**

Trustees reviewed the June RBC Wealth Management statement and the sales tax report.

**Streets:**

Ms. Tillapaugh made a motion to approve the purchase of a dump truck for a total cost of \$76,037.50, with \$38,250 being transferred from Village Equipment reserve, subject to permissive referendum. Dr. Falk seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Ms. Tillapaugh made a motion to authorize going to bid for a garbage truck. Dr. Falk seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Buildings:**

Ms. Tillapaugh made a motion to approve the boundary survey proposal for 22 Main Street as submitted by Brian Carso at a cost not to exceed \$1800. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Ms. Tillapaugh made a motion to award the boiler bid to the low bidder – A. Treffeisen & Son in the amount of \$36,700 (base bid), \$2900 (Alt. #1) and \$3500 (Alt #2). Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Personnel:**

Trustees reviewed overtime report for payroll No. 90 and 91, and hours of leave report for May and June 2017 (through payroll 91).

Ms. Tillapaugh made a motion to approve the training request of Teri Barown and Mitchell Hotaling to attend an OGS Purchasing workshop on September 8, 2017 in Cooperstown. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Ms. Tillapaugh made a motion to approve the abstracts and transfer as on file with the original minutes. Dr. Falk seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Dr. Falk made a motion to accept the Finance and Personnel Committee report as presented. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Administrator's Report:**

Ms. Tillapaugh made a motion to approve the part-time appointment of Royce Terry to the position of Police Officer (part-time) effective July 25, 2017 at a salary of \$17.50 per hour and the seasonal appointment of Amelia Sharp to lifeguard at a salary of \$11.25 per hour, effective July 17, 2017 and ending September 4, 2017. Dr. Falk seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Ms. Tillapaugh made a motion to authorize \$1.00 per hour increase in lifeguard and Sr. lifeguard salaries effective July 22, 2017 for the remainder of the season. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt

Motion carried.

Ms. Tillapaugh made a motion to authorize advertising for a Working Supervisor at an annual salary of \$40,000 for the Streets Department. Dr. Falk seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt

Motion carried.

Mr. Allstadt made a motion to accept the Administrator's Report as presented. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt

Motion carried.

**Watershed Supervisory Committee** – A copy of the committee minutes, status report and agenda was provided in the Trustee packets.

**Economic Development and Sustainability Committee** – A copy of the July committee minutes was provided in the Trustee packets.

Dr. Falk noted that the movie to be shown at Doubleday by the Hall of Fame has been cancelled and the Village will show Rogue One on August 24<sup>th</sup>.

She stated that the committee had referred housing recommendations to the Planning Board and once the Tourist Accommodation Review Committee finishes its work, she would suggest a similar committee be put together to work on the housing recommendations.

Dr. Falk stated that the committee has continued the process of reviewing the implementation matrix of the comprehensive plan and forwarded it to all Board of Trustee members.

Ms. Tillapaugh made a motion to accept the Economic Development and Sustainability Committee report as presented. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt

Motion carried

**Parks Board** – A copy of the July committee minutes was provided in the Trustee packets.

Ms. Tillapaugh noted that we have asked the caretaker to obtain lifeguard schedules for the remainder of the season and we have future assistance with the scheduling.

The picnic tables at Three Mile Point have been painted as part of a community services project.

Ms. Tillapaugh made a motion to adopt the following for submission with the CFA application for Pioneer Park:

**WHEREAS, the Board of Trustees of the Village of Cooperstown is submitting a consolidated funding application for improvements to Pioneer Park in the Village of Cooperstown; and**

**WHEREAS, the Project is subject to the requirements of the New York State Environmental Quality Review Act (6 NYCRR Part 617) and regulations enacted pursuant thereto; and**

**WHEREAS, the Board of Trustees has carefully considered the likely environmental impacts of the proposed project; and**

**THEREFORE BE IT RESOLVED** By the Board of Trustees of the Village of Cooperstown that the improvements to Pioneer Park is a Type II Action pursuant to SEQR Section 617.5 (c)(2) “....replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes...”.

Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Mr. Allstadt made a motion to accept the Parks Board report as presented. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

**Water and Sewer Board** – A copy of the July board minutes was provided in the Trustee packets.

Mayor Katz noted that the CFA has been submitted for the possibility of an additional grant for the Waste Water Treatment Plant upgrade project.

An RFP will be produced for painting the fire hydrants.

Mr. Allstadt made a motion to accept the Water and Sewer Board report as presented. Dr. Falk seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Mayor Katz made a motion to adjourn to executive session at 8:00 p.m. to discuss the work history of particular individuals. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Ms. Tillapaugh made a motion to return to regular session at 8:15 p.m. Dr. Falk seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Mayor Katz made a motion to approve the probationary appointment of Cynthia Miller to the position of Deputy Clerk-Treasurer for a one year period to begin upon the start date yet to be determined at an annual salary of \$35,000. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Allstadt Motion carried.

Ms. Tillapaugh made a motion to adjourn the meeting at 8:20 p.m. Dr. Falk seconded the motion and a vote had the following results:



AYES: Tillapaugh, Falk, Dean, Allstadt

Motion carried.

Respectfully submitted,

Teri L. Barown, RMC  
Village Administrator, Village of Cooperstown