

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 February 26, 2018 at 6:30 p.m. Members in attendance were Mayor Jeff Katz, Trustees Ellen Tillapaugh, Cynthia Falk, James Dean, Bruce Maxson, Lou Allstadt, and Richard Sternberg. Also in attendance were Village Treasurer Debra Guerin, Village Attorney Martin Tillapaugh, Zoning Enforcement Officer Jane Gentile, DPW Superintendent Mitch Hotaling and Village Administrator – Teri Barown. There were three (3) members of the public present.

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

Mayor Katz noted that Tom Lagan submitted his resignation from Economic Development and Sustainability Committee effective today.

**Public Comment** – Rich McCaffery, Cooperstown Lions Club, read a statement regarding the Cooperstown Winter Carnival activities that occurred in early February and thanked the Board and Village Staff for their assistance with the event. The statement is on file with the original minutes.

**Minutes** – Ms. Tillapaugh made a motion to approve the January 22, 2018 minutes with the corrections as submitted. Dr. Falk seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Maxson, Sternberg ABSTAIN: Allstadt Motion carried.

**Zoning Official's Report** – Ms. Gentile reviewed the Zoning Official's report that was provided in the Trustee packets.

Mayor Katz provided background regarding the draft drone law that Mr. Tillapaugh handed out to the Trustees stated that this is geared towards mass gatherings such as the Hall of Fame events. Mr. Tillapaugh stated that he has communicated with the FAA and they regulating everything in the air but have little enforcement ability. He stated most drone laws have been successfully challenged due to the fact that they regulate flight. He said he has taken a different approach to the law by making it a zoning issue.

Mayor Katz made a motion to set the public hearing for proposed drone regulations for the March 26, 2018 meeting at 7:00 p.m. or as soon thereafter as can be heard. Ms. Tillapaugh seconded the motion and a vote had the following results:

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

Dr. Falk made a motion to accept the Zoning Officials Report as presented. Mr. Allstadt seconded the motion and a vote had the following results:

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

**Permits:**

Ms. Tillapaugh made a motion to approve the permit application of the Cooperstown Lions Club for the Easter in the Village event on March 31 as submitted. Mr. Allstadt seconded the motion and a vote had the following results:

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

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

Ms. Tillapaugh noted that SEI has been taken over by New York State and that they will no longer be sending the billing notices for tickets. She stated that Chief Covert is investigating different companies that can take over this function.

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

Ms. Tillapaugh stated that the 2017 Fire/EMS statistics was provided in the Trustee packets.

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

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

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

Ms. Tillapaugh made a motion to accept the committee report as submitted. Dr. Falk seconded the motion and a vote had the following results:

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

**Public Hearing** – Mayor Katz opened the public hearing at 7:00 p.m. for a special use permit application for 206 Main Street for use as a store or shop over 3,000 square feet with associated accessory use. Ms. Barown read the public hearing notice.

It was noted that this application is to codify a pre-existing, non-conforming use. Mayor Katz asked if there was any public comment.

Walter Franck, 7 Lakeview Drive South, stated he was representing his son Chris, who owns 204 Main Street, a residential property that abuts 206 Main Street. He stated that his son's property is the former train station that has been restored according to historic guidelines. He stated that Bruce Hall had been using the adjoining property for storage and had taken care to erect a 12 foot fence for privacy and at that point it couldn't be seen from his son's property. He said that somewhere between Thanksgiving and Christmas in 2017 Bruce Hall erected a structure without any Village approvals. He stated that there was no prior notice to his son before the building appeared, which is being used to accommodate oil trucks and also causing odor to drift to his son's property. He stated that the structure is only 5 feet from the fence.

He said that this devalues his son's property, is too close to the property line and there is a lack of buffering.

Dr. Franck stated that he knows that sometimes variances are granted after the fact with little consequence and as a resident he objects to this.

Carina Franck, 6461 St. Hwy 28, Cooperstown, asked what the zoning is in this area. She was informed that Bruce Hall is in a commercial zone, while the Franck property next door is in a residential zone.

Mayor Katz closed the public hearing at 7:05 p.m.

Dr. Sternberg inquired as to why the hearing is needed.

Mayor Katz replied to codify the existence of the store and accessory use over 3,000 square feet.

Mr. Allstadt stated he can understand the original fence issue, but not with the structure that has now gone up within the setback.

Mayor Katz stated that the Trustees are only considering the special use permit for the use and the Zoning Board of Appeals is the entity that will deal with the variance.

Dr. Falk noted that the use is currently there and existed before zoning changed in 2014 requiring a special use permit for over 3,000 square feet. She stated that the Zoning Board of Appeals needs to see that the Trustees have given a special use permit for over 3,000 square feet before they can consider the variance. She stated that without the special use permit, the store will not be allowed to expand.

Mayor Katz asked if the Trustees could set conditions or criteria for the special use permit.

Dr. Falk stated that should there be a need for future consideration of expansion there are already protections in place.

Dr. Sternberg stated that they should have gone through the normal process and that they can't say they didn't know.

Following discussion, Ms. Tillapaugh made a motion to approve the Special Use Permit Application for 206 Main Street for use as a store or shop over 3,000 square feet with associated accessory use, as the building stood on November 1, 2017, and in recognizing the sensitive location of this commercial property adjacent to residential properties, that all adjoining properties receive notification prior to any future expansion or construction projects, with such future projects needing to conform to established setbacks as stipulated in the zoning law. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Maxson, Allstadt NO: Sternberg Motion carried.

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

Dr. Falk stated that private haulers were dumping snow in the snow pile in the blue lot, but have ceased since notified by Mr. Hotaling.

She stated that discussion occurred regarding handing out flags with the parking permits, but it is not feasible as the Village is unable to sell flag holders.

She stated discussion occurred regarding a contest to name the new trolley and if this occurs, criteria would be set.

She stated that DEC is reviewing the modifications for the EV Charger proposal.

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

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

**Buildings Committee** – A copy of the February committee report was provided in the Trustee packets.

Mr. Allstadt noted a meeting on April 11 in Mohawk regarding the LED streetlight conversion. He stated that the Hudson Valley has found it better to buy the streetlights rather than go with the NYSEG conversion.

Mr. Allstadt reviewed the summary of revenues and expenditures for the ballroom project and noted that some funds remain and reviewed possible uses for them.

He stated that the architects are looking to combine specs for one project, as no response was received in separating the gutter and elevator bids.

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

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

**Treasurer's Report** – A copy of the Treasurer's Report was submitted with the Trustee packets.

**Finance and Personnel Committee:**

**Finance:**

Trustees reviewed the RBC Wealth Management January 2018 and 2017 Annual Statement.

Ms. Tillapaugh made a motion to approve and sign the 2017 LOSAP Sponsor Approval Form. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Dean, Maxson, Allstadt, Sternberg    ABSTAIN: Falk    Motion carried.

Trustees reviewed the sales tax update.

Ms. Tillapaugh made a motion to approve the Fire Department Insurance renewal proposal from Utica National Insurance effective March 1, 2018 through February 28, 2019. Dr. Falk seconded the motion and a vote had the following results:

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

**Doubleday:**

Ms. Tillapaugh made a motion to approve the purchase of a non-budgeted item – replacement of back pack blower. Dr. Falk seconded the motion and a vote had the following results:

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

**Administrator:**

Ms. Tillapaugh made a motion to authorize the Mayor to sign a contract with Otsego County Board of Elections for use of a voting machine (\$250) and Board of Elections staff coverage for hours of election (\$50). Mr. Allstadt seconded the motion and a vote had the following results:

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

**Trolley:**

Ms. Tillapaugh made a motion to authorize including the trolley brochure information in the Cooperstown Chamber Area Map with three year pricing at \$1750 per year. Dr. Falk seconded the motion and a vote had the following results:

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

**Trees:**

Ms. Tillapaugh made a motion to award the low bid for tree removal/emergency removal/tree pruning to Tallman Enterprises. Dr. Falk seconded the motion and a vote had the following results:

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

**Streets:**

Ms. Tillapaugh made a motion to declare Dump Truck #8 as surplus equipment and bid on Auctions International. Dr. Falk seconded the motion and a vote had the following results:

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

**Buildings:**

Ms. Tillapaugh made a motion to accept the donation of a pedestal sink from Chris Satriano for the bathroom adjacent to the ballroom. Mr. Allstadt seconded the motion and a vote had the following results:

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

**Capital Projects:**

Mayor Katz made a motion to sign the proposal from Delaware Engineering for the Grove Street Culvert Replacement Project. Mr. Allstadt seconded the motion and a vote had the following results:

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

**Personnel:**

Trustees reviewed the overtime analysis for payrolls 107 and 108 and the leave analysis for January 2018 and February 2018.

Ms. Tillapaugh made a motion to approve the training requests for the Mohawk Valley Region Excavation Safety Seminar on March 21 as submitted. Dr. Falk seconded the motion and a vote had the following results:

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

Mayor Katz made a motion to accept the resignation of Scott Folts from the position of Street Superintendent effective March 9, 2018 with regret and advertise the position of Street Superintendent. Ms. Tillapaugh seconded the motion and vote had the following results:

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

**Abstracts and Transfers:** Ms. Tillapaugh made a motion to accept the abstracts and transfers as provided and on file with the original minutes. Mr. Allstadt seconded the motion and a vote had the following results:

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

**Administrator's Report:**

Mayor Katz re-appointed Teri Barown as Registrar of Vital Statistics through December, 2019. Ms. Tillapaugh made a motion to ratify the appointment as made by Mayor Katz. Mr. Allstadt seconded the motion and a vote had the following results:

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

Ms. Tillapaugh made a motion to appoint Norm Lyke as Police Detective at a pay rate of \$20 an hour, when performing the duties of detective. Mr. Allstadt seconded the motion and a vote had the following results:

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

Ms. Barown noted that information was provided to the lifeguards for the recertification class at Clark Sports Center this week.

Ms. Barown provided updates regarding ongoing grants and projects including TEP Project and WWTP Upgrade Project.

Ms. Tillapaugh made a motion to accept the Finance and Personnel Committee report and Administrator's Report. Dr. Sternberg seconded the motion and a vote had the following results:

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

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

Dr. Falk noted that the community yard sale day is set for June 2. Dr. Falk made a motion to waive the registration requirement for the event. Mayor Katz seconded the motion and a vote had the following results:

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

She stated that the local fee has been tabled for additional research and the loading zone survey is on survey monkey.

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, Maxson, Allstadt, Sternberg                      Motion carried.

**Parks Board** – A copy of the Parks Board minutes for February were provided in the Trustee packets.

Ms. Tillapaugh made a motion to accept the Parks Board report as submitted. Dr. Sternberg seconded the motion and a vote had the following results:

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

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

Mayor Katz made a motion to accept the Water and Sewer Board report as submitted. Dr. Sternberg seconded the motion and a vote had the following results:

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

**New Business:**

Mayor Katz noted that the next budget workshop will be held March 1 at 9:00 a.m.

Discussion was held regarding the lease with the Hall of Fame for the building adjacent to Doubleday Field used to store equipment. Ms. Tillapaugh made a motion to authorize Mayor Katz to sign the lease. Dr. Falk seconded the motion and a vote had the following results:

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

Ms. Tillapaugh made a motion to adjourn the meeting at 8:25 p.m. Dr. Falk seconded the motion and a vote had the following results:

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

Respectfully submitted,

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