

The Otsego Town Board held a Special Meeting with the Planning Board on the 27th day of February, 2013 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Anne Geddes-Atwell	Supervisor
Bennett Sandler	Councilman
Julie Huntsman	Councilwoman
Carl Wenner	Councilman
Thomas Hohensee	Councilman

Town Planning Board Members Present:

Donna Borgstrom	Chairman
Doug Greene	Vice Chairman
Joseph Potrikus	
Stephen Purcell	
Thomas Huntsman	
Joseph Galati	
Mary (Scottie) Baker	

Also Present:

Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

Town Supervisor Geddes-Atwell called the meeting to order. The purpose of the Special Meeting was to discuss the breakdown of communication between the two boards.

To avoid possible conflict Town Attorney Michelle Kennedy recused herself and left the room for the entire meeting.

The first major complaint from the Planning Board seemed to be with the Town Board passing a Resolution granting the Village of Cooperstown's Linden Avenue Project a limited exemption. The Planning Board members wished the Town Board had granted the exemption in the beginning instead of waiting until the Planning Board had wasted three years of their time dealing with an un-cooperative applicant only to make them look like the bad guys in the end. They are a devoted and caring group of individuals that take their volunteered job seriously, studying each application thoroughly. Members of the Planning Board felt that the Town Board should have consulted with them before they acted.

Councilman Sandler stated that the Board intervened only because a STOP WORK ORDER had been placed on the project. Former Town Board member Lang Keith prior to the STOP WORK ORDER spent many hours familiarizing himself with both sides of the issue. It was his debriefing that was the basis for the Town Board's understanding of engineering issues and the specifics of the project. Then came the STOP WORK ORDER. No one on the Town Board condoned the behavior of the Village but the project had DEC approval and it seemed engineering and substantive concerns had been addressed. With that in mind the Town Board decided to push the project forward. In closing Councilman Sandler apologized for any hard feelings the Town Boards actions may have caused and sincerely hoped that the Planning Board can now move pass it.

Supervisor Geddes- Atwell added that unlike the Planning Board, the Town Board constituency includes Village and Town residents and that the idea of one entity suing the other was not in the best interests of either entity.

Planning Board members strongly disagree with the Ethics Policy the Town Board adopted again without consulting with them, mandating anyone subject to recusal must leave the room. Neither the Association of Towns nor the Attorney General's Office had ever heard of anyone needing to recuse themselves by leaving the room. This makes it hard for the Planning Board to review the application. There are always questions that only the applicant can answer. Planning Board member Joseph Galati was certain this new ruling was directed at him and his proposed project. Planning Board Vice Chairman and Certified Planner Doug Greene stated that he has never seen where it was mandatory for the recused to leave the room. He felt that it was overstepping the bounds of the applicant's rights and asked the Town Board to reconsider amending the Ethics Policy.

Joseph Galati stated that he was convinced that this change to the Ethics Policy was aimed at him and his proposed project concerning the former Hickory Grove property.

Councilman Sandler stated that perhaps the change made to the Ethics Policy was not transparent and did have to do with Galati's project which looked like was sliding through the process. Was the revised ethics code an overreaction? Maybe. Was it illegal? The Town Attorney said no. There was never a concerted effort from the Town Board to tell the Planning Board how to do their job. The Town Board felt they needed to take some action to correct the way some things were being done.

Councilwoman Julie Huntsman told Planning Board members that the change was first introduced when her husband was voted by the Town Board to be on the Planning Board. She recused herself but did not leave the room. Orlo Burch a former member of the Code of Ethics Board felt that was inappropriate. The Town Board gave a lot of thought to Burch's comment. It was felt that leaving the room brought recusal to its highest level.

It was brought to the Town Board's attention by Planning Board Chairman Donna Borgstrom, that experts are hired by the Planning Board not appointed by the Town Board. The Planning Board was disappointed when the Town Board did not take their recommendation to reappoint John Phillips or Paul Lord to the Planning Board, but understood that it was fully within the Town Board's right to appoint whomever they wished to fill Planning Board vacancies. They strongly asked the Town Board to rescind their Planning Board Attorney appointment given to Attorney Michelle Kennedy, so they can reinstate Attorney James Ferrari.

Supervisor Geddes-Atwell apologized for misunderstanding the procedure on who appoints the Planning Board Attorney. Town Board members were not aware that by law the Planning Board can choose their own lawyer so long as money is appropriated in the budget for the Planning Board to do so. For many years it has been the practice that one of the appointments made at the Organizational Meeting of the Town Board in January is the Planning Board Attorney.

MOTION by Councilman Wenner, seconded by Councilwoman Huntsman, to rescind their Planning Board Attorney appointment given to Attorney Michelle Kennedy allowing the Planning Board to appoint whomever they choose to act as their attorney.

MOTION CARRIED: All were in favor.

Planning Board Vice Chairman Doug Greene, reminded everyone that amendments to Town Law are driven by the Town Board not the Planning Board. He suggested that the Town Board set a Work Project Management Plan with the Planning Board at the beginning of each year to identify a plan for identifying and improving the Land Use Law.

Councilman Hohensee felt that tonight open the door for a lot of good positive communication. Town Board members and Planning Board members alike have the same goal and that is to serve the residents. He is hopeful that good positive communication between the two boards will continue.

Meeting was adjourned at 8:35PM.

Respectfully Submitted,

Pamela Deane
Town Clerk