

The Otsego Town Board held a regular monthly meeting on the 9th day of September, 2015 at the Town Building, Fly Creek, NY at 7:00 PM.

Town Board Members Present:

Anne Geddes-Atwell	Supervisor
Thomas Hohensee	Councilperson
Carina Franck	Councilperson
Bennett Sandler	Councilperson

Also Present:

John Schallert	Highway Superintendent
Michelle Kennedy	Town Attorney
Pamela Deane	Town Clerk

Supervisor Geddes-Atwell called the regular meeting to order and asked all those present to please rise for the Pledge of Allegiance.

MOTION by Councilperson Hohensee, seconded by Councilperson Franck, to accept the minutes of July 30th.

MOTION CARRIED: all were in favor.

MOTION by Councilperson Hohensee, seconded by Councilperson Franck, to accept the minutes of August 12th as presented.

MOTION CARRIED: Supervisor Geddes-Atwell, Councilperson's Hohensee and Franck voted yes. Councilperson Sandler abstained. (He was not present at the August 12th meeting.)

Supervisor Geddes –Atwell summarized the content of correspondence received since the Town Boards August meeting.

Supervisor Geddes-Atwell opened the floor for comments. People wishing to speak were given a five-minute limit.

Chip Northrup encouraged the Town Board to consider responding to the Otsego Land Trust's (OLT) Request For Proposals (RFP) for the sale or long term lease of Brookwood Point located on Otsego Lake. He felt the property is extremely special, could offer all sorts of income possibilities and would make a wonderful Town Park. The Village of Cooperstown considered submitting a proposal for the property but the Village Trustees decided against it. The Village Trustees all agreed Brookwood would make a wonderful park but with the Village already maintaining four parks felt it would be better if the Town made a proposal to take it over.

Sheila Ross referenced an article in the Freeman's Journal whereby Supervisor Geddes-Atwell stated that she had received positive feedback from Board members to accept Brookwood. With that she accused the Town Board of holding illegal meetings. Supervisor Geddes-Atwell informed her that the proposal was discussed with Board Members but on a one on one basis, which does not constitute an illegal meeting.

Ross felt parks are costly. Past Boards were given opportunities to establish a park and each time it was defeated. She applauded the Village of Cooperstown for turning down the offer. The Town already has a budget problem. The County has a nine million dollar deficit. She felt owning Brookwood Point would become an added expense that would only cause an increase in taxes.

Supervisor Geddes-Atwell corrected Ross, informing her that the Town's finances are in good shape.

Ed Hobbie took issue with anyone saying that the parks are not used. His children grew up here. Their family spent time at 3 mile point every weekend. Quite often they spent time at Glimmerglass State Park. That said, he did not feel the Town should take on another park. It would be too much of an added expense.

John Phillips announced that in remembrance of 9/11 there was going to be a 5K race on 9/11 sponsored by the Clarks Sport Center and overseen by the Fly Creek Fire Company. Proceeds will go to the Fly Creek Fire Company.

Phillips did not agree with the Town Board giving a check for \$4,200 to Richfield Supervisor Enjem

when he only requested \$3,000, to be used for a boat wash on Canadarago Lake. He reminded the Board that their primary job is fiduciary and questioned whether or not the town will get the \$4,200 back if it is not used. Phillips went on to state that most states have abandoned boat wash stations. The State of Vermont has no state sponsored boat washes only private. He submitted a pamphlet on their answer to addressing the problem. Another problem is collecting the unwanted species washed from a boat. It is important that they are collected and burned. If not, they either end up in the lake or in nearby drinking water. He felt the Board should have researched the problem first.

Ellen Tillapaugh a Village Trustee, stated that it was true the Village of Cooperstown did discuss submitting a proposal to acquire Brookwood Point but later passed a resolution stating that they hoped the Town of Otsego would purchase the property. The Village Trustees agreed the property could be a very viable source of revenue and, pristine opportunity however the Brookwood property is not contiguous with any village property.

Former Town Supervisor David Bassler felt a park would increase the town's budget anywhere from ¼ to 1/3. He thought this decision should be made by the residents as a referendum and not by the Town Board.

Supervisor Geddes-Atwell told Bassler that she had already talked with the Town's insurance company and found that the increase to the town's existing umbrella insurance policy would be minimal.

Lucy Townsend spoke strongly in favor of the Town taking over Brookwood and preserving the property for future generations. She owns a catering business and assured the Board that the property is worthy of renting for events such as weddings and reunions. She has worked closely with the Fenimore House, Farmer's Museum and Glimmerglass State Park and a lot of their budgeted revenue is based on the rental of their property. Townsend felt that the property would be a great asset to Town residents and hoped the Board would look to the future and protect it from being developed. She felt the proposal was well worth a study.

Jeffery Syman felt the Town has been offered a great opportunity. He was stunned that the Village declined from submitting a proposal. Syman felt that it would be short sighted on the Town Board's part if they did not take advantage of this opportunity and keep the land from being sold and developed. He strongly felt that it was the Cook's wish that Brookwood always be preserved and protected from ever being subdivided.

James Dean stated that his children, along with Ed Hobbie's children, grew up on Otsego Lake and would appreciate the Board seriously considering taking ownership of the property. He was confident that the property would be put to good use over time.

Dottie Hudson thought it would be grand if the Town took over the property and left it to its natural beauty.

Sarah Stewart pointed out that the Town of Springfield has lake access opened to all its residents. The boat launch in Cooperstown is great except there is no place to park your vehicle and trailer after you put in your boat. There is a huge demand for boat and kayak storage and dock space. People are paying up to \$900 for a slip. The area is a beautiful wedding location. There is a long history of volunteers that take care of the garden. She thought it was a great opportunity for the town.

MOTION by Councilperson Hohensee, seconded by Councilperson Sandler, to close the floor for comments.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell gave a financial report. Balances are as follows in the various accounts:

General Savings: \$ 4,681.66	General Checking: \$ 390,337.05
Highway Savings: \$ 7,806.29	Hwy Checking: \$ 628,387.54
Building Reserve Fund: \$154,430.53	Hwy Equipment Fund: \$ 252,907.61

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee to accept the financial report as given.

After a short discussion it was decided to schedule Special Meetings and Workshops for the Town 2016 Budget and to discuss the Brookwood Point Proposal. Dates set for these discussions were September 21st and October 6th at 5:00PM at the Town Building.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to pay the following invoices

and make the necessary transfers.

GENERAL:	#142-#155	\$ 4,579.84
HWY:	#123-#141	\$ 49,248.60

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell introduced Chip Northrup and invited him to speak on the Otsego Land Trust RFP concerning the possible sale or long term lease of Brookwood Point.

Chip Northrup explained that the Cook Foundation inherited Brookwood from the Cook's after their death and the will stipulated that it was never to be sold. However, when the OLT took over the property approximately 5 years ago from the Cook Foundation, they were successful in getting the Attorney General's Office to remove the deed restriction. The Otsego Land Trust has sent out an RFP and will entertain offers to buy or lease any or all of Brookwood Point. He described the property as being of two parts. The northern part which has an historic house on it and consists of eleven acres and the Southern portion also 11 acres, which consists of gardens, a tea house and boat ramp. The OLT is thinking that if they were to sell the Northern section with the historic house they would have an endowment to maintain the Southern portion. Northrup suggested that the Town Board offer to purchase the Southern portion of the property for \$1.00 which is \$1.00 more than the OLT paid. He felt the property consisting of 11 acres, is unique because of its boat ramp, gardens, docks, tea house, lawns and access roads. All the things it offers were things people listed they wanted in the Town's Comprehensive Survey. He estimated costs of owning the property to be approximately \$10,000.00/year. There is also over \$300,000.00 in federal grant money that is earmarked for the Southern part of the property for improving the access road entrance and repairs to the tea house. Northrup thought that if the Board was interested in pursuing this further, the September 30th deadline may be extended.

Sheila Ross asked why Joseph Potrikus's e-mail was not read in its entirety.

Supervisor Geddes-Atwell reminded Ross that it was decided at a previous meeting that all correspondence should be treated the same. She opted to summarize each one.

MOTION by Councilperson Hohensee, seconded by Councilperson Sandler, to read Joseph Potrikus's letter in its entirety.

MOTION CARRIED: All were in favor.

Joseph Potrikus's letter was read by the Supervisor. Potrikus cautioned the Board not to make a hasty decision and research the long term ramifications especially financial along with their priorities. He also encouraged the Board to hold a public hearing giving all residents the opportunity to weigh in on how they feel. He suggested that the Board leave this decision to the new Town Board who take office January 1st, 2016.

Supervisor Geddes-Atwell reopened the floor for comments. Those speaking in favor of the Town submitting a proposal for the Southern end of Brookwood Point were Cooperstown residents, James Dean, Nancy and Chip Northrup, Ellen Tillapaugh, James Atwell, Lucy Townsend, Jeffery Syman, Sarah Stewart, and Dottie Hudson. Those cautioning the Town Board in going forward were Fly Creek residents Sheila Ross, David Bassler, Joseph Potrikus, and Edward Hobbie.

Realtor Margaret Savoie stated that there has been a lot of interest in purchasing the Northern end of the property. The OLT has listed the Northern portion of Brookwood for \$750,000.00.

James Atwell reflected back when the Fly Creek Grange on Cemetery Road was saved from destruction by the Fly Creek Historical Society. He thought at the time when this transpired the law stated that if the sale of a building was between two non-profit organizations the seller could not charge more than the total amount of the maintenance and repair expenses of the building over the last 10 years. He wondered if the same law applied now.

Councilperson Sandler thanked everyone for their input and assured them that the Board would not be taking any action in the dead of night.

Supervisor Geddes-Atwell submitted Zoning Officer report by Zoning Officer Tavis Austin. Permits submitted since last meeting were as follow:

Site Plan Review: 1

Zoning Permit: 3

ZBA Application: 1

Austin also reported sending a letter to Ranjung Yeshe Gomde a Buddhist retreat located on Glimmerglen Rd., advising them that they need to amend their site plan. They have not yet contacted him.

Planning Board alternate John Phillips reported on Planning Board activity. After a Public Hearing was held for an automotive repair shop at the corner of St. Hwy. 28 and 80 and hearing no opposition to the proposed project, the application was approved.

The Planning Board has submitted a request of \$2,000.00 for training.

Dog Control Officer Tom Steele reported collecting and transporting 2 dogs to the SPCA and addressing 2 dog bites.

Highway Superintendent John Schallert gave the highway report. Schallert reported that the loader damaged in April still has not been fixed. He reported reviewing the Snow and Ice Contract Agreement offered by the County and recommended that the Board approve it.

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee, to approve the 2016 Snow and Ice Contract Agreement offer by Otsego County.

MOTION CARRIED: All were in favor.

Councilperson Sandler asked Schallert if paving around the Highway Garage on Cemetery Rd. was scheduled to be done sometime in the near future. Schallert said that for now it was not being considered a priority in part to the high estimated cost and practicality. He was not optimistic it would hold up under the everyday abuse of the truck chains going over it.

Councilperson Sandler was not concerned with the chains damaging the highway parking lot given they don't seem to damage the roads.

Schallert agreed to look into it further by getting a more accurate cost of the work and material, durability and estimated lifetime.

There was discussion by the Board of Joseph Potrikus's claim for reimbursement for material taken by highway employees from his property while cleaning up after a beaver dam broke, littered that town road and plugged a town culvert. Highway Superintendent John Schallert thought that Potrikus would be satisfied with the highway department returning similar material to the site. Town Attorney Michelle Kennedy read an e-mail from Potrikus stating that he would be submitting a cost estimate of the material taken. She agreed to contact Potrikus to get clarification as to what he is seeking, financial settlement or replacement of similar material.

Schallert requested the Board consider adopting parking regulations. There are certain areas of the town where parking along the road makes it difficult for town trucks to get by or plow and interferes with the normal traffic flow. One section of the town in particular is the intersection of Cemetery Road, County Highway 26 and State Highway 28. Parking in front of Portabello's Restaurant is causing a bottle neck effect.

The Board was in complete agreement. Schallert will submit at the October meeting a parking regulation proposal for their consideration.

Schallert discussed culvert replacements under resident's driveways. He felt the cost should be the residents responsibility not the towns. Neither the State nor the County pay for the culverts under residents driveways. Town Attorney Michelle Kennedy felt that given the culvert is in the town's right-of-way the town may not be able to pass the cost of a new culvert to the resident. She agreed to look into that.

Schallert reported that the Town highway crew have spent 4 ½ days helping the Village of Cooperstown black top some of their streets.

Schallert stated that the Town of Marshall is auctioning off a 2012 Volvo dump truck with a stainless

steel box. He has looked at the truck and requested permission to bid on the truck at auction.

Councilperson Sandler felt that if the town was awarded the bid then one of the town trucks should be sold. He felt the highway garages are starting to look like a junk yard and it was time to sell some of the older, not so used, surplus.

MOTION by Councilperson Sandler, seconded by Supervisor authorizing Highway Supervisor John Schallert to bid on the 2012 Volvo dump truck auctioned off by the Town of Marshall with the following stipulations:

- The maximum bid can be no higher than \$90,000.00 and
- if the bid for the Volvo is awarded to the Town of Otsego the truck the Volvo is replacing must be sold and
- Schallert must also submit a 6 to 10 year replacement plan.

MOTION CARRIED: All were in favor.

Schallert reported that the bridge on Mill Street which is collectively owned with the Village of Cooperstown and the Town of Middlefield, has been yellow flagged.

Councilperson Sandler reported on Watershed activity. Two of the four residents whose septic systems were not in compliance have been corrected or in the process of being corrected. Those residents are Cannon and Strollo and Lombardo (new owners are Flynn and Bellamonti). The two residents still not in compliance are Scalice and Bissell, but are they attempting to bring their property into compliance.

MOTION by Supervisor Geddes-Atwell and Councilperson Hohensee, authorizing Town Attorney Michelle Kennedy to proceed with enforcement.

MOTION CARRIED: All were in favor.

Supervisor Geddes-Atwell explained that the Town Judges are seeking approval from the Board to apply for a grant to cover the cost of replacing the doors that divide the Judges courtroom and the Town meeting room along with the cost of needed court programs.

MOTION by Councilperson Sandler, seconded by Councilperson Hohensee, authorizing Judge Kuch to apply for a grant to cover the cost of replacing the doors that divide the Judges courtroom and the Town meeting room along with the cost of needed court programs.

MOTION CARRIED: All were in favor.

RESOLUTION ADOPTED: (Resolution Docket pg. 128)

Councilperson Franck reminded the Board of a prior conversation of having the current Land Use Law and Comprehensive Plan reviewed Ted Fink. She spoke with Ted Fink at Green Plan who reviews Town's Comprehensive Plans and helps municipalities with their planning and ensuring that their law matches their Comprehensive Plan, points out possible contradictions, helping with clarity, etc. Fink would be willing to come and give a presentation.

It was decided by the Board to ask Fink for an estimate to review the Town's Comprehensive Plan and Land Use Law for next years budget.

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to enter into Executive Session to discuss the Bissell, Kegelman and Hummel litigations. (Town Attorney Michelle Kennedy wanted it noted that the Kegelman matter is being listed under litigations even though a note of claim has not been submitted because there was a Court of Appeals decision Brown vs City of New York in the year 2000 in which the court said the test of the sufficiency of notice of claim is merely whether it includes information sufficient to enable a municipality to investigate. Nothing more may be required.

MOTION CARRIED: All were in favor. (10:05)

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to come out of Executive Session.

MOTION CARRIED: All were in favor (10:55)

MOTION by Councilperson Sandler, seconded by Councilperson Franck, to appoint Attorney Martin

Tillapaugh as Special Counsel to defend the Town in the assessment challenges brought by the Lafayette Improvement (Lake Front Motel) and Price Chopper.

MOTION CARRIED: All were in favor.

MOTION by Councilperson Sandler to adjourn.

Meeting ended at 11:00PM.

The next regular meeting will be at the Town Building in Fly Creek, on October 14th at 7:00PM.

Respectfully Submitted,
Pamela Deane/Town Clerk