

Public Hearing & Regular Town Board Meeting

3/9/17

Members Present: Supervisor Nayer, Councilperson Miller-Simmons, Councilperson Mettler, Councilperson Sullivan and Councilperson Gansowski.

Supervisor Nayer opened the Public Hearing for proposed Local Law #1 of 2017 entitled "Prohibit Parking on Anthony Street Extension." At 6:55 pm with 9 people in attendance.

Councilperson Mettler advised the Board that last month she brought up if there would be an impact on people driving to this section of the rail trail when they had to park their vehicles. The answer is no, there is available parking at Herrington's Inc. for rail trail users. Also there was a concern if this law would have a negative impact on the construction of this section of the trail and she was advised that a law like this proposed Law is not going to interfere with construction equipment working on the trail. Councilperson Mettler stated she is in support of this proposed local law.

Supervisor Nayer closed the Public Hearing at 7:00pm and the regular Town Board Meeting followed.

A motion was made by Councilperson Mettler and seconded by Councilperson Sullivan to waive the reading of the minutes of the February 9, 2017 meeting and approve the minutes as written. Motion was carried.

Announcements: K.I.S.S. Program will be at the Town Hall from 3/20-3/31, Dine out for Library is still going on, Broadband survey is still being conducted, April 15th 11:00am Annual Easter Egg Hunt at the Copake Memorial Park and the Copake Fire Company Chicken BBQ will be 5:00-7:00pm, Copake Cleanup Day will be May 20th from 9:00-Noon at the Copake Highway Garage.

Correspondence:

From Thomas Goldsworthy – an email with a few suggestions for the Town Board to consider regarding proposed Local Law # 2 of 2017 entitled "Solar Energy Facilities".

From Dancer's Marine – Notice that they will be applying to renew their On-Premises Alcoholic Beverage License.

From Copake KOA – Notice of their intent to apply to renew their State liquor License.

From Park Superintendent Bill Gregory – a letter informing the Board of a list of expected expenses for material to maintain the Park for 2017 and requesting that Ryan Gregory, Ron Piper III and Shane Hotaling be reappointed as part-time seasonal Park Employees.

From the Town of Hillsdale – a Notice of a Public Hearing for Proposed Local Law # 1 of 2017 to establish a moratorium on certain solar energy installations in the Town of Hillsdale for a three month period. Said Public Hearing will be held on March 21, 2017 at 6:45pm.

From Federal Emergency Management Agency - a copy of a Letter of Map Amendment Determination Document to Mr. Dennehy removing 6 Mansion Drive from the SFHA located on the effective NFIP map.

Department Head Report:

Councilperson Sullivan reported The Copake Broadband Committee had another productive meeting in February. We reviewed the responses to our internet speed survey -- about 200 responses after accounting for duplicate entries. As suspected, household speeds are predominantly in the very slow 1mbps to 10mbps range. The County Broadband Committee has indicated their strong interest in receiving our results so that they can be incorporated into the county "coverage" maps.

At the time of our meeting, the Phase 2 grants awards had not yet been announced. The grants were subsequently announced about two weeks later; this will be a major topic for discussion at our committee meeting on March 18th.

We agreed to invite representatives from both Fairpoint and Charter Cable to meet with us to learn more about their respective plans to upgrade internet speeds in Copake. We also continued our discussion about developing a roadmap for "going it alone" if Fairpoint and Charter opt out of the initiative. Committee member Stephen Sanborn is keeping excellent minutes of our meetings.

Councilperson Sullivan also added that a few Copake Broadband Members met with the Hillsdale Broadband Committee and they are just trying to form a good cohesive group.

Public Forum:

William Rasweiler advised the Board that they have working on a large solar instillation project behind the NYSE&G Substation in Craryville. This proposed solar facility would be also used for agricultural, pasturing sheep or growing crops. Mr. Rasweiler asked the Town Board to at least listen to what they have planned prior to the proposed Solar Law is adopted. Supervisor Nayer suggested that Mr. Rasweiler speak to the Board Members prior to next month's meeting regarding his plans.

Gabriel Wapner, Director-Development Hecate Energy who has been working with Mr. Rasweiler on his proposed solar plans, would like to present Mr. Rasweiler's project and vision prior to the law being adopted. Supervisor Nayer offered Mr. Wapner a chance to make a brief presentation at next month's Board Meeting.

New Business:

Highway Superintendent Gregory requested the Board accept all of the bids submitted for road materials and tree work.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Sullivan to accept the bids for road material from Amenia Sand & Gravel, Package Pavement, Red Wing Properties Inc. and A. Colarusso & Sons, Inc. and accept the sole bid for tree work from The Haupt Tree Company, Inc. per the detailed specifications. Motion was carried.

Supervisor Nayer read a letter from Park Superintendent Gregory informing the Board of what materials he will need for normal park maintenance throughout 2017. Also Park Superintendent Gregory requested the Board reappoint Ryan Gregory, Ron Piper III and Shane Hotaling as part-time seasonal Park Employees. Supervisor Nayer stated that the list of materials would be about \$5,325.00. Supervisor Nayer has requested from the Taconic Hills Little League to purchase the clay for the ball fields this year but has not heard back from them. Supervisor Nayer requested a motion to authorize the purchase of everything on the list except for the clay until we hear back from the Little League.

Park Superintendent Gregory advised that the teams will start practicing on or before April 1st and he needs the clay to make repairs prior to them starting their practices.

Supervisor Nayer stated that they can practice without the clay, the Board bought a load last year and you ate it right up.

Park Superintendent Gregory stated that every year for the last eight years except for last year a load of clay has been requested by the Park Superintendent and approved by the Town Board.

Supervisor Nayer stated that last year we over spent and just bought it, we only need adequate fields not perfect fields as far as he is concerned. We ate up more than we should have ate up last year, there was something you dug it, there was a mistake and now we are going to wait and see. If you have to go without clay this year you will just have to do the best you can.

Councilperson Mettler questioned if we could approve the purchases subject to what the Little League decides?

Supervisor Nayer stated that you can do what you want he is not for buying clay this year, he is watching the budget, last year we over spent, repairs were made we ran out of clay and were forced to purchase a load to dress them.

Councilperson Mettler and Councilperson Miller-Simmons felt that the Little League should pay for the clay, Supervisor Nayer stated we don't know what the Little League is going to do and they have not been able to have a meeting.

Supervisor Nayer questioned if we do not buy the clay, can the fields be played on?

Park Superintendent Gregory stated that he did not feel that the Park Fields were safe to play on, between the infield and outfield there is a lip if the ball hits it, it could go anywhere.

Supervisor Nayer stated that the teams played on the fields last year, did the clay just disappear, did someone take it?

Councilperson Mettler suggested to table the vote on the clay until we have the special meeting for interviews. Supervisor Nayer stated that we may not be doing interviews.

Councilperson Gansowski asked when the Little League's meeting was scheduled for.

Supervisor Nayer stated that they were supposed to have a meeting last night or tonight, they haven't even made out a schedule yet. The Little League has money to buy batting cages and I just think that we spend a lot of money over the years and it wasn't hurting us to request it, we request things from other places too.

Councilperson Mettler asked if Bill was prepared to go to Little League and advocated for us.

Supervisor Nayer stated that it is not Bill's job to that, I spoke to the President of the Little League and ask them to consider buying it and they have not had a meeting. If we wait another month it is still April, they don't start playing games until the end of April our meeting is in the beginning of April.

Park Superintendent Gregory stated the teams start practicing around the beginning of April. Bill added that they are not the only people who use those fields. There is a group that plays every Sunday Morning.

Supervisor Nayer said the fields are playable, you can't tell me that they are not playable they played on them last year. If the softball group that plays Sunday Mornings doesn't like the way the field is, they can go play somewhere else can't they? Okay that is their choice. I understand what you are saying but understand my point, we are not a bottomless pit you know we have cut out stuff to keep the budget down, we try to do some other stuff, we have unexpended expenses at times and I am sorry but we need to have adequate grounds not perfect grounds. That is the difference adequate or perfect, you want perfect we better put a lot more money in the budget for a lot more things through the Town.

Councilperson Mettler asked Bill if we put it off for a month will they run out of clay or we still be able to get it? Bill replied we will still be able to get it but will the fields be ready to play on, I don't think so.

Councilperson Sullivan asked Park Superintendent Gregory you said they can't play on the fields safely, what kind of hazard is there? Bill responded the difference between the height of the clay and the outfield, when the clay settles if the ball hits the grass lip and it can fly anywhere.

Supervisor Nayer stated for three or four years they played with the fields like that and they dealt with it, this is not like this has become an emergency. Bill took over and is addressing things, I am not knocking Bill, I give you a lot of credit the Park looks beautiful he does a great job, but there is also limits.

Councilperson Gansowski requested to bring the clay issue up next month.

A motion was made by Councilperson Mettler and seconded by Councilperson Gansowski to accept all of the other expenses except for the clay, but we revisit the issue with the clay at our next meeting. Motion was carried.

A motion was made by Councilperson Gansowski and was seconded by Councilperson Sullivan to reappoint Ryan Gregory, Shane Hotaling and Ron Piper III as part-time seasonal Park employees. Motion was carried.

Interviews for Assistant Summer Park Program Director will be moved to the Executive Session.

Supervisor Nayer advised that he has met with the Union Representative for the Highway Contract, they are working on some clarifications to the Highway Contract health insurance section.

Supervisor Nayer asked the Board to establish a medical fund reserve fund, we are going to be faced with employees that work for the Town for 25-30 years and according to the contract and what they were told when they first started working for the Town after they work so many years, the Town will pay for so much of their health insurance when they retire. Within three to four years we will looking at around \$40,000.00-\$50,000.00 per year extra which would have to be put into the budget if we don't establish a reserve fund for this purpose. Councilperson Mettler ask what dollar figure are we looking at to move into this reserve account. Supervisor Nayer replied probably around \$100,000.00 to start. I want to make sure we have the money available these employees work hard and were promised this when they were hired. Attorney Dow was asked to look into establishing this reserve account and we will review it at the next meeting.

A motion was made by Councilperson Sullivan and was seconded by Councilperson Miller-Simmons to authorize Supervisor Nayer to open a membership at Sam's Club for \$45.00. Motion was carried.

Supervisor Nayer advised that we have a vacancy on the Columbia County Environmental Management Council, and need a member to represent the Town of Copake for a two year term. Anyone interested please contact Supervisor Nayer for more information.

Old Business:

A motions was made by Councilperson Mettler and seconded by Councilperson Gansowski to schedule another Town Board Zoning Revision Workshop for March 21 at 7:00pm. Motion was carried.

Attorney Dow updated the Board on the status on the Proposed Solar Law, The County reviewed the law and had a few comments, the law was reformatted a little and it is being incorporated in to the Zoning Chapter and was sent to the Planning Board for their review, there are still comments about that. The proposed law will be ready for the Public Hearing prior to the meeting and the law will be ready to be acted on at the April Board Meeting.

Attorney Dow read phase 2 and 3 of the SEQRA regarding the proposed Solar Law and the Board responded "no" to all of the questions.

A motion was made by Councilperson Mettler and was seconded by Councilperson Sullivan to declare a negative declaration that proposed Local Law # 2 of 2017 Entitled "Solar Energy Facilities" will not have significant adverse on the environment. Motion was carried.

The Board scheduled a second Public Hearing on proposed Local Law # 2 of 2017 Entitled "Solar Energy Facilities" for April 13, 2017 at 6:30pm.

Attorney Dow read the questions from the SEQRA for Proposed Local Law # 1 of 2017 Entitled "No Parking on Anthony Street Extension" and the Board responded "no" to all of the questions.

A motion was made by Councilperson Mettler and was seconded by Councilperson Sullivan to declare a negative declaration that Proposed Local Law # 1 of 2017 Entitled "No Parking on Anthony Street Extension" will not have significant adverse on the environment. Motion was carried.

The following resolution was offered by Councilperson Gansowski and was seconded by Councilperson Mettler:

To enact Local Law No. 1 of 2017,

"A Local Law to Prohibit Parking on Anthony Street Extension"

WHEREAS, the Town Board of the Town of Copake finds that it is in the best interest of the Town of Copake to enact Local Law Number 1 of 2017, "A Local Law to Prohibit Parking on Anthony Street Extension" for the reasons set out in Section 1 of such Local Law; and

WHEREAS, all legal prerequisites to the enactment of such Local Law have been timely completed, including notice to the public and the holding of a public hearing, and the issuance by the Town Board of a negative declaration pursuant to SEQRA;

It is hereby **RESOLVED**, that Local Law Number1 of 2017, “A Local Law to Prohibit Parking on Anthony Street Extension” is hereby enacted.

Resolution # 3	Supervisor Nayer	yes
Dated March 9, 2017	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

A motion was made by Councilperson Sullivan and was seconded by Councilperson Miller-Simmons to appoint William H. Gregory as the Town of Copake’s representative to the Columbia County Traffic Safety Board. Motion was carried.

Budget:

Supervisor Nayer requested the Board to authorize transferring \$300,000.00 into the Equipment Reserve Fund from unexpended balance. This will bring the Equipment Reserve Fund to a total of \$800,000.00. Over the next four years we will need \$725,000.00 to replace Highway Equipment. If we don’t increase the Equipment Reserve Fund we will be in a situation a lot of the other Towns have been in and end up bonding the purchases of equipment and paying interest on the loans. We have not got the audit back yet from the Town Accountant but we are still looking at about a \$1,300,000.00 General Fund Balance and \$360,000.00 in the Highway Fund Balance.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Mettler to add \$300,000.00 to the Town’s Equipment Reserve Fund. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski to authorize the following transfer do to the Highway Superintendent taking the medical insurance buyout for 2017:

From:

A9060.8 (Medical) \$6,000.00

To:

A5010.1 (Highway Super Salary) \$6,000.00

Motion was carried.

Councilperson Report:

Councilperson Miller-Simmons reminded everyone that the Park Commission appreciates any donation received for the Easter Baskets.

Public Forum:

Lindsay LeBrecht questioned what exactly does the Columbia County Environmental Management Council do? Supervisor Nayer explained they provide information and support to local governments on

environmental issues also serves as a clearing house for information on funding and other resources available for local and county government.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Mettler to go into Executive Session on matters of Litigation and Personnel matters on interviews. Motion was carried.

Councilperson Miller-Simmons recused herself from the seconded half of the Executive Session pertaining to the interview.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski to return to the regular meeting. Motion was carried.

A motion was made by Councilperson Mettler and was seconded by Councilperson Gansowski to authorize Supervisor Nayer on behalf of the Town of Copake to execute the following Stipulation of Settlement and Order between the Town of Copake, Columbia County, New York against 13 Lackawanna Properties, LLC, Salvatore Casino and Copake Valley Farm, LLC.

(Please See Attached)

Motion was carried unanimously.

A motion was made by Councilperson Gansowski and was seconded by Councilperson Mettler to appoint Hannah Simmons as Assistant Park Playground Director for 2017 Summer Program at a salary of \$2,650.00. Motion was carried. Councilperson Miller-Simmons abstained for voting.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski that the bills from the General Abstract # 3 and the bills from Highway Abstract # 3 be paid. Motion was carried.

A motion was made by Councilperson Gansowski and was seconded by Councilperson Sullivan that the meeting be adjourned. Motion was carried.

Respectfully submitted,