

April 10, 2014

Town Board Meeting

Supervisor Nayer opened the Public Hearing at 6:30 pm with 5 people in attendance. The purpose of the Public Hearing is to introduce the following Proposed Local Laws:

Proposed Local Law # 2 of 2014 entitled "A Local Law Providing for a Separate Listing of Library Tax Levies on Real Property Tax Bills".

Lindsay LeBrecht questioned why the Town was taking the step to move this tax levy out of the Town Budget. Supervisor Nayer explained that the State Comptroller recommended moving it to its own line so it did not affect the Town's 2% cap.

Proposed Local Law # 3 of 2014 entitled "A Local Law Providing for Participation of Alternate Members of the Zoning Board of Appeals".

Proposed Local Law # 4 of 2014 entitled "A Local Law Extension of Town of Copake Natural Gas Mining Moratorium Law".

Lindsay LeBrecht wanted it clarified that this extension of the Moratorium will not in any way affect the procedure that ground water well driller's do which is commonly referred to as fracking. Supervisor Nayer advised that Councilperson Paciencia has more on this subject to add prior to the Board considering adoption.

Proposed Local Law # 5 of 2014 entitled "A Local Law Repeal of Chapter 13 of the Code of the Town of Copake and Dissolution of the Economic Advisory Board".

Supervisor Nayer closed the Public Hearings at 6:38pm. The Regular Meeting of Town Board followed at 7:00pm.

Members Present: Supervisor Nayer, Councilperson Miller-Simmons, Councilperson Winchell-Sweeney, Councilperson Mettler and Councilperson Paciencia.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons to waive the reading of the minutes of the Regular Town Board Meeting dated March 13, 2014 and accept the minutes as written. Motion was carried.

Supervisor Nayer made the following announcements:

Under the agenda, we will be adding a late item under appointments.

The Roe Jan Library will be holding the following events: April 12th Poetry and Song Concert, April 13th Lyme Disease Prevention & Treatment, April 15th Brown Bag Poetry Lunch, April 17th is a movie, April 24th Poetry Open Mic and April 26th a discussion on fiction and memoir on the book "Thinking of You".

Town Hall will be closed on April 18th through April 20th for cleaning of the carpets.

April 19th at 11:00 am the Park Commission will be hosting the Annual Easter Egg Hunt at the Copake Memorial Park.

April 19th the Copake Fire Company will be having their Annual Chicken BBQ serving 5:00 pm to 7:00 pm at the Fire House.

Still looking for Veterans' names who lived in Copake and served during the Vietnam or Korean War.

April 26th from 10:00 am to 2:00 pm there will be a drug prescription disposal collection at the Columbia County Sheriff's Office at 85 Industrial Tract, Greenport and the Sheriff's Sub-Station at 2684 State Route 23, Hillsdale.

The Copake Assessor's Office hours have been changed effective April 8th to Tuesday and Thursdays from 9:00 am to 3 pm or by appointment.

May 14th Key Bank will spend their annual volunteer day at the Copake Park re-staining the concession stand.

May 17th is Copake Annual Cleanup Day at the Copake Highway Garage from 9:00am to Noon.

May 17th and May 31st there will be Summer Park Program signups at the Copake Park Building from 10:00 am to Noon.

Correspondence:

From Department of the Army, a copy of a letter to Walt Kiernan advising him that they are closing application # NAN-2013-00885 for work along the Bash Bish Stream due to lack of receiving the requested information.

From Marcia Becker, Chairperson Copake Planning Board – a letter advising that the Planning Board has no objection to the adoption of Local Law # 3 of 2014 entitled "Providing for Participation of Alternate Members of the Zoning Board of Appeals".

Presentations:

Kirk Kneller asked if he could do a presentation on the Town's Insurance renewal policy but was called away for an emergency this evening and Supervisor Nayer went on to explain that the Town could save about 10% by switching to Trident Insurance Company and Kirk went on to recommend that the Town increase their Umbrella Liability limit from 2 million to 4 million for an increase of approximately \$1,500.00 in premium. Supervisor Nayer requested time to look further into the matter of increasing the Liability Umbrella and recommended that if any Board Members had any questions they should contact Mr. Kneller directly.

Public Forum:

Harvey Weber, Chairman of the Copake Environmental Committee read a letter to the Board expressing the Committee's feeling that Local Law #1 of 2014 might be jeopardizing the health and welfare of the people of Copake. Harvey also requested the Town Board consider having an aquifer study in the Town.

Marcia Becker asked for an update on the Casino litigation. Supervisor Nayer advised that the case before Judge Nichols that finished up in December had the attorneys submit a memorandum of laws, and then Judge Nichols will make a decision in the future.

Diana Wilson followed up further on the aquifer study that the Environmental Committee is requesting the Town to have done. Mrs. Wilson went on to express her concerns on the environmental impact that the amount of 8 foot deer fence is having. The Tree Farm has nearly 2,000 acres of land that has been fenced, and now Mr. Bernstein is planning on installing 2.3 miles of 8 foot deer fence in the Hamlet which she feels will be a serious environmental impact as well as a visual impact on the Town.

Department Head Reports:

Planning Board Chairperson Becker reported that the last two months they have been working very diligently on the Berkshire Mountain Club project at Catamount Ski Area as is the Z.B.A.

C.E.O. reported that he has contacted NYSDEC regarding the concerns of the 8 foot deer fencing but has not heard back from them.

Councilperson Paciencia advised that the Ethics Board met with the Town's Attorney and are continuing to work on an update of the Ethics Code.

Supervisor Nayer read a letter from Park Superintendent Bradway requesting the Town Board hire Ryan Gregory as a Park Employee at \$9.00 per hour.

Councilperson Miller-Simmons reported that Summer Park Signups have been scheduled, and Program Director Roberts has a very nice program put together for the summer.

Councilperson Mettler reported that the Ag & Farmland Committee is also looking into the issue of the 8 foot deer fencing.

In regards to the Park Commission, Supervisor Nayer requested Lindsay LeBrecht look into if anything has been planned for a tractor pull in memory of Don Delamater and the dedication of the Tractor Pull Track in his memory.

Councilperson Winchell-Sweeney reported that the Conservation Advisory Committee had the NYSDEC and Hudson River Estuary presentation last month in lieu of their monthly meeting and the this information is on the Town's Website.

Councilperson Mettler reported that the Copake Connection is scheduled to come out the middle of next week and the Bike Committee is working with Hillsdale on the Roe Jan Ramble

which will start and finish in the Town of Copake. This year if any funds are raised they will go to the extension of the Harlem Valley Rail Trail. Councilperson Mettler also reported that the Taskforce was denied for their request for a grant from the Berkshire Taconic Foundation.

New Business:

Supervisor Nayer read a memo and a section of the Policy Manual that he had sent clarifying some question that arose about training and expenses related to training. Councilperson Mettler read a proposal for amendment of VI (B) (page 11) of the Policy Manual

“The cost of attendance at training sessions by employees and members of Boards must be pre-approved by the Town Board. Requests for approval must be made prior to registration for the session. Overnight lodging in conjunction with training must likewise be pre-approved but shall not be paid for by the Town except in exceptional circumstances (e.g. where the training is beyond a reasonable driving distance as determined by the Town Board, and there are no comparable courses within a shorter distance.)”

Councilperson Mettler will prepare a resolution reflecting these changes and will send it to the Town’s Attorney for review.

Supervisor Nayer read two support letters, supporting a grant for a shuttle bus to the Copake/Hillsdale Farm Market; a grant for the Roe Jan Library; and the Copake, Hillsdale and Ancram Summer Playground Programs to promote a collaborate and innovative program to engage children in reading.

Old Business:

Councilperson Paciencia reported that he had made contact twice with people from the Energy Tomorrow Project and have not received a response back saying whether they would come for a presentation here but if not maybe they can find people that would. It would be nice to hear what they have to say. We realize that we do not have shale in the Town so it is not that kind of problem in terms of drilling. But it would be good to hear them out so people cannot say we didn’t try to get information. Councilperson Paciencia spoke to a local well driller regarding Local Law # 4 of 2014, and Councilperson Paciencia expressed his concerns with the use of “fracking” as technically that is a term that professional well drillers also use currently and wanted to go on record personally (and hopes that the Board will also) to state with an additional comment to what our Attorney has written for us that in no way are we recognizing this as a problem for our local well drillers. Councilperson Paciencia recommended adding a paragraph 3 under section # 3 “Definitions” to clarify as follows:

“Although it is recognized that this Extension to the Moratorium Law relates strictly to “Natural Gas Mining”, we wish to make it clear that its intent in no way relates to “hydro-flushing” or “hydro-development” as utilized by professional ground water well drillers”.

The following resolution was offered by Councilperson Miller-Simmons and seconded by Councilperson Winchell-Sweeny:

WHEREAS, the Town Board of the Town of Copake finds that it is in the best interest of the taxpayers of the Town of Copake to enact Local Law Number 2 of 2014, "Providing for a Separate Listing of Library Tax Levies on Real Property Tax Bills," 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;

It is hereby **RESOLVED**, that Local Law Number 2 of 2014, "Providing for a Separate Listing of Library Tax Levies on Real Property Tax Bills," is hereby enacted.

Resolution # 6	Supervisor Nayer	yes
Dated April 10, 2014	Councilperson Paciencia	yes
Copake, New York	Councilperson Winchell-Sweeney	yes
	Councilperson Miller-Simmons	yes
	Councilperson Mettler	yes

The following resolution was offered by Councilperson Miller-Simmons and seconded by Councilperson Paciencia:

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 3 of 2014, "Providing for Participation of Alternate Members of the Zoning Board of Appeals," 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 issuance by the Planning Board of an advisory opinion pursuant to section 232-29(B.) of the Code of the Town of Copake;

It is hereby **RESOLVED**, that Local Law Number 3 of 2014, "Providing for Participation of Alternate Members of the Zoning Board of Appeals," is hereby enacted.

Resolution # 7	Supervisor Nayer	yes
Dated April 10, 2014	Councilperson Paciencia	yes
Copake, New York	Councilperson Winchell-Sweeney	yes
	Councilperson Miller-Simmons	yes
	Councilperson Mettler	yes

A discussion was held by the Board and Attorney Dow as to how to proceed with Councilperson Paciencia proposal to add a paragraph under the definition section clarifying the use of the word Hydro-fracking, and it was decided to proceed with the local law as proposed and enter into the minutes Councilperson Paciencia's comments.

A motion was made by Councilperson Winchell-Sweeney and seconded by Councilperson Paciencia to classify the enactment of Local Law # 4 of 2014 as a Type 2 SEQRA Action and no further review is required. Motion was carried.

The following resolution was offered by Councilperson Mettler and was seconded by Councilperson Miller-Simmons:

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 4 of 2014, "Extension of Town of Copake Natural Gas Mining Moratorium Law," for the reasons set out in Section 2 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 to required municipalities and public bodies, approval of the Columbia County Planning Board, and the holding of a public hearing;

It is hereby **RESOLVED**, that Local Law Number 4 of 2014, "Extension of Town of Copake Natural Gas Mining Moratorium Law," is hereby enacted.

Discussion:

Councilperson Paciencia reread the following statement: "Although it is recognized that this Extension to the Moratorium Law relates strictly to "Natural Gas Mining", we wish to make it clear that its intent in no way relates to "hydro-flushing" or "hydro-development" as utilized by professional ground water well drillers".

Councilperson Miller-Simmons had a question as to what this meant. Councilperson Paciencia clarified that it is a term that they use internally but it hasn't been accepted by the EPA yet; it has verbally recognized it but it apparently takes time for them to make changes, it is in the process of being changed because they recognize its difference from shale drilling.

Councilperson Mettler stated that she was the one who made the motion to move forward on the current Moratorium but I would do so with the understanding that it in no way it relates to "hydro-flushing" or "hydro-development".

Resolution # 8	Supervisor Nayer	yes
Dated April 10, 2014	Councilperson Paciencia	yes
Copake, New York	Councilperson Winchell-Sweeney	yes
	Councilperson Miller-Simmons	yes
	Councilperson Mettler	yes

The following resolution was offered by Councilperson Miller-Simmons and seconded by Supervisor Nayer:

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 5 of 2014, "Repeal of Chapter 13 of the Code of the Town of Copake and Dissolution of the Economic Advisory Board," 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;

It is hereby **RESOLVED**, that Local Law Number 3 of 2014, "Repeal of Chapter 13 of the Code of the Town of Copake and Dissolution of the Economic Advisory Board," is hereby enacted.

Discussion:

Supervisor Nayer stated that we have tried to find people to serve on this Board with no applicants and per the advice of the Town Attorney that having something on the books and not doing anything with it or not filling the vacancies is not in the best interest of the Town.

Councilperson Mettler wanted to make it clear to the Public that the Board is appreciative of work done by the E.A.B. for many, many years and the fact that we are passing a law tonight disbanding the E.A.B. in no way mitigate the gratitude we have for what was done.

Resolution # 9	Supervisor Nayer	yes
Dated April 10, 2014	Councilperson Paciencia	yes
Copake, New York	Councilperson Winchell-Sweeney	yes
	Councilperson Miller-Simmons	yes
	Councilperson Mettler	yes

Supervisor Nayer stated that his vote yes is with regrets and thanked all the members who served on the E.A.B. over the years.

A motion was made by Councilperson Paciencia and was seconded by Councilperson Miller-Simmons that the text of the four local laws adopted tonight be made part of the record of the minutes. Motion was carried.

Local Law No. 2 of 2014

Providing for a Separate Listing of Library Tax Levies on Real Property Tax Bills

Section 1. Purpose.

The electors of the Town of Copake having authorized a tax levy for the funding of an annual contribution to the operating budget of the Roeliff Jansen Community Library, the Town Board hereby finds that it is in the best interest of the taxpayers of the Town of Copake to be informed on their local real property tax bills of the amount which is to be levied for such purpose.

Section 2. Itemization of tax levy for library purposes.

A new section 204-7.1 is added to the Copake Code, as follows:

§ 204-7.1. Itemization of tax levy for library purposes.

- A. All real property tax bills or statements issued by or on behalf of the Town of Copake pursuant to section nine hundred twenty-two of the New York State Real Property Tax Law shall separately list the amount of the tax levy authorized to be contributed to the Roeliff Jansen Community Library.

- B. The failure to separately list such amount in any such statement, or the failure of the addressee to receive the same, shall not in any way affect the validity of the taxes or interest prescribed by law with respect thereto.

Section 3. Authority.

This local law is enacted pursuant to section 922 of the Real Property Tax Law and section 10 of the Municipal Home Rule Law, and it supersedes any provision of section 922 of the RPTL to the extent that such section or provision does not authorize the amount of tax to be contributed to the Roeliff Jansen Community Library to be separately listed on property tax bills or statements.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Local Law No. 3 of 2014

Providing for Participation of Alternate Members of the Zoning Board of Appeals

Section 1. Purpose.

It is, from time to time, difficult to obtain or maintain a quorum on the Zoning Board of Appeals, which can subject an applicant to an unanticipated and undue delay in the consideration and disposition of an application. Furthermore, proceeding with a quorum but less than a full complement of members can impose an undue burden on an applicant by requiring approval of three out of three, or three out of four members present, a more difficult burden than the three-fifths approval that is required when the full board is present. In order to promote timely and consistent handling and standards for the consideration and determination of applications, it shall be the policy of the Town of Copake to allow the participation of an alternate member of the Zoning Board of Appeals whenever one or more of the Board's regular members is unable to participate in a matter, whether because of a conflict of interest or an absence, whatever the cause.

Section 2.

The introductory paragraph of section 232-28 of the Copake Code is amended to read as follows:

A Zoning Board of Appeals, which shall have a minimum of five members and one alternate member, shall be appointed in accordance with § 267 of the Town Law of the State of New York. Notwithstanding any limitation contained in such section or elsewhere, the chairperson of the Zoning Board of Appeals shall be authorized to designate an alternate member so appointed to participate in any meeting, vote, action, or proceeding of the Board in place of a member who is unable to participate due to a conflict of interest or absence, provided that such alternate shall have been in attendance for any public hearing in relation to the matter at issue or otherwise familiarized himself or herself with the relevant record prior

to casting a vote in the determination or disposition of a matter. The administration, purpose and powers of the Zoning Board of Appeals shall be governed by such section of the Town Law as follows:

Section 3. Supersession of New York State Town Law.

This local law is enacted pursuant to the provisions of section 10 of the New York Municipal Home Rule Law and section 10 of the New York Statute of Local Governments. It is the express intent of the Town Board, pursuant to § 10 of the Municipal Home Rule Law, to supersede the provisions of New York Town Law section 267 as it relates to the participation of alternate members of a zoning board of appeals and may limit such participation to instances of a conflict of interest.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

TOWN OF COPAKE
LOCAL LAW No. 4 OF 2014

A LOCAL LAW ENTITLED: "Extension of Town of Copake Natural Gas Mining Moratorium Law"

Be it enacted by the Town Board of the Town of Copake as follows:

Section 1 TITLE

This law shall be known as the "Extension of Town of Copake Natural Gas Mining Moratorium Law". It may be cited as "Town of Copake Local Law No. 4 of 2014" or "L.L. 4 of 2014".

Section 2 LEGISLATIVE INTENT

The Town Board of the Town of Copake is authorized by the State of New York to regulate and control land use within the Town of Copake and has the duty to protect the health, safety and welfare of Town residents. Article 23, Title 27 of the Environmental Conservation Law of New York State authorizes a local government to enact zoning regulations which determine permissible uses in zoning districts. This moratorium addresses zoning and planning regulations only, and does not regulate or attempt to regulate the actual operations of the oil, gas and solution mining industries or interfere in any manner with the extractive mining process for natural gas.

The Town of Copake has legitimate goals and aims to protect the community, cultural, historical, recreational and environmental resources within the Town and the Town Board believes that studying this issue is necessary so that zoning regulation with respect to natural gas mining is formulated so as to protect the town from potential negative impacts. Changes in the mining industry have given the Town of Copake sufficient reason to believe that additional study and examination of necessary land use regulations relating to natural gas mining is warranted. Therefore, the Town Board, through this local law, declares a six-month moratorium on natural gas mining and activities ancillary to natural gas mining in the Town of Copake.

It is the intent of the Town Board that, during this six-month moratorium, the Town of Copake will further examine whether additional local zoning regulation is necessary and the extent of such regulation. If such local zoning regulation is necessary, the Town Board may determine the appropriate

rules and regulations to ensure comprehensive uniformity, fairness and consistency in such regulations. Further, the Town Board will utilize the moratorium period to further examine the significant environmental issues relating to natural gas mining within the Town of Copake.

Section 3 DEFINITIONS

NATURAL GAS MINING: For the purposes of this Local Law, the term “natural gas mining” shall mean the extraction from the earth of natural or petroleum gas in a non-liquid or gaseous state, whether under pressure or otherwise contained, and whether or not the product of conversion from liquefied natural gas or liquefied petroleum gas.

PERSON: For the purposes of this local law, the term "person" shall include an individual, society, club, firm, partnership, joint venture, corporation, LLC or other business venture or association of persons, and the singular shall include the plural number.

Section 4 SCOPE AND CONTROL

A. For the period of six months following the effective date of this local law, natural gas mining, and activities associated with or in furtherance of natural gas mining, including but not limited to the receipt, transfer, storage, processing or disposal of fluids or other substances utilized in natural gas mining, shall not be permitted uses in any zoning district within the Town of Copake.

B. For the period of six months following the effective date of this local law, no new natural gas mining facilities or operations, or facilities for activities associated with or in furtherance of natural gas mining, including but not limited to the receipt, transfer, storage, processing or disposal of fluids or other substances utilized in natural gas mining, or expansions beyond existing such operations or facilities, shall be permitted in the Town of Copake.

C. For the period of six months following the effective date of this local law, no person shall commence or carry on any new natural gas mining activity or operation, establish any new natural gas mining facility or operation, establish or commence any new facility, operation or activity associated with or in furtherance of natural gas mining, including but not limited to any facility for the receipt, transfer, storage, processing or disposal of fluids or other materials utilized in natural gas mining, enlarge or expand any existing such facility, operation, or activity, or commence the development or construction of any such operation or facility, unless such person is in possession of a valid permit issued by the Town of Copake therefor, pursuant to the granting of a variance as provided in section six of this Local Law.

D. During the effective period of this Local Law:

1. Neither the Town Board, Planning Board or Zoning Board shall consider and/or approve any site plan, special use permit or other permit, variance or other application which would allow for the establishment, implementation, placement, construction or development of any new natural gas mining facility or operation, or of a facility for any activity associated therewith or in furtherance of natural gas mining, including but not limited to any facility for the receipt, transfer, storage, processing or disposal of fluids or other materials utilized in natural gas mining, or the enlargement of any such existing natural

gas mining facility, operation, or activity within the Town of Copake.

2. The Building Inspector or other town officer shall not consider and/or issue any land use or building permit or other permit which would result in the establishment, implementation, placement, construction or development of any new natural gas mining facility or operation, or of a facility for any activity associated therewith or in furtherance of natural gas mining, including but not limited to any facility for the receipt, transfer, storage, processing or disposal of fluids or other materials utilized in natural gas mining, or the enlargement of any such existing natural gas mining facility, operation, or activity within the Town of Copake.

C. If, within six months from the effective date of this Local Law, the Town Board adopts a local law relating to natural gas mining, the moratorium imposed by this local law and the provisions of this local law provided to be in effect during such moratorium shall expire immediately on the date the Town local law relating to natural gas mining takes effect in accordance with Section 27 of the Municipal Home Rule Law, unless the local law adopted relating to natural gas mining imposes or continues the moratorium imposed by this local law.

Section 5 EXCEPTIONS.

The lawful use of any premises on the effective date of this local law operated under a permit issued by the Town of Copake or other appropriate state or federal agency may be continued, provided that such use, if prohibited under this Local Law, shall not be enlarged or extended beyond the existing location and operation.

Section 6 VARIANCES.

A. The Zoning Board of Appeals retains the power and sole discretion to vary or adapt the strict application of the requirements of this Local Law in the case of unnecessary hardship, difficulties with the area or use requirements of the zoning regulations or circumstances that would unconstitutionally deprive the owner of all economically viable and productive use of the lands involved, provided the application is consistent with the intent of this Local Law.

B. An application for a variance shall be governed by and subject to the requirements and procedures generally applicable for a variance application in the Town of Copake. In addition, any costs, including expert consulting fees, incurred by the Town shall be paid by the Applicant immediately upon request. The applicant may be required to place into escrow funds sufficient to ensure the payment of any such costs, as the Zoning Board of Appeals shall direct. Failure to provide such escrow funds or to promptly pay any costs incurred by the Town in connection with the variance application may result in denial or suspension of the application.

C. All decisions on granting or denying such variances shall be made by the Zoning Board of Appeals solely, after determining whether or not the requested variance is compatible with the Comprehensive Plan of the Town and the Town zoning regulations. Unless the applicant can prove that the requirements for the proposed variance are satisfied, the Zoning Board of Appeals shall, as appropriate, deny the application.

Section 7 ENFORCEMENT.

This local law shall be enforced by the Zoning Enforcement Officer of the Town of Copake, or such other zoning enforcement or law enforcement individual(s) or agency as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law and to keep all records necessary and appropriate to the office and to file the same in the office of the Town Clerk.

Section 8 VIOLATIONS.

A. In addition to the criminal penalties and other remedies set forth in Town Law section 268, any person violating any of the provisions of this local law shall be guilty of a violation and upon a conviction thereof, be subject to a civil penalty of no less than five hundred dollars (\$500.00) and no more than five thousand dollars (\$5,000.00) per day for this violation. Each day's violation shall constitute a separate and additional violation. An action may be commenced in a court of competent jurisdiction to recover such penalty. In addition thereto, violations of this local law shall be subject to being restrained by injunctive relief.

B. The provisions of this section are expressly intended to supersede the penalty provisions of Town Law section 268, as authorized by section ten of the Municipal Home Rule Law. If a penalty provision of this section shall be adjudged by any court of competent jurisdiction to be invalid, then a person convicted of violating any provision of this local law shall be subject to the maximum penalties that may be imposed pursuant to section 268 of the New York Town Law.

Section 9 SEQRA CLASSIFICATION.

As a land use moratorium, this local law shall be classified as a Type II action for the purposes of SEQRA. As such, SEQRA does not apply to the enactment of this moratorium.

Section 10 CONFLICT WITH OTHER LAWS.

This Local Law is enacted pursuant to the provisions of the Town Law and section 10 of the Municipal Home Rule Law of the State of New York. During the duration of times that this Law is in effect, it shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions including, but not limited to, provisions in the Code of the Town of Copake and the statutes set forth in the New York Town Law related to zoning and subdivisions. Specifically, this Law is intended to supersede Town Law Sections 130, 261, 262, 263, 264, 265, 267, 267-a, 267-b, 267-c, 268, 269, 274-a, 274-b, 276, 277, 278 and 279.

Section 11 SEVERABILITY.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 12 EFFECTIVE DATE.

This Local Law shall become effective immediately upon filing with the Secretary of State.

Local Law No. 5 of 2014

**Repeal of Chapter 13 of the Code of the Town of Copake and
Dissolution of the Economic Advisory Board**

Section 1. Legislative Findings.

The Economic Advisory Board of the Town of Copake, having been established pursuant to Chapter 13 of the Code of the Town of Copake, enacted as Local Law No. 1 of 2000, provided valuable guidance for the Town in relation to promoting and assisting in the economic growth and development of the Town of Copake. In the years since its establishment, however, some of the Board's original duties are being addressed elsewhere in the Town, and the personnel needs of other committees have left the EAB short of members. It is the judgment of the Town Board that while the EAB was of valuable assistance to the Town for many years, it is now in the best interest of the Town to dissolve the EAB and remove the provision for its establishment from the Town Code.

Section 2. Repeal of Chapter 13 of the Code of the Town of Copake, entitled "Economic Advisory Committee."

Chapter 13 of the Code of the Town of Copake, entitled "Economic Advisory Committee," is hereby REPEALED.

Section 3. Dissolution of the Economic Advisory Board.

The Economic Advisory Board, established pursuant to Chapter 13 of the Code of the Town of Copake, is hereby dissolved.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Appointments:

A motion was made by Councilperson Paciencia and was seconded by Councilperson Mettler to authorize Park Superintendent Bradway to hire Ryan Gregory as a seasonal employee for the Park.

Discussion:

Councilperson Winchell-Sweeney questioned if Ryan was related to Highway Superintendent Gregory. Supervisor Nayer stated yes and the position was advertised and Ryan was the only one that applied. Ryan will not be working for the Highway Department so it is permitted per the Policy Manual. Councilperson Miller-Simmons questioned if he will be able to run equipment at age sixteen? Supervisor Nayer said he checked into this matter with the Department of Labor and a sixteen year old can operate the equipment we have at the Park.

Motion was carried.

Budget:

Supervisor Nayer advised that the Floors at the Park Building are going to be stripped and waxed next week by employees of Taconic Hill Central School District under the Inter-Municipal Agreement for a cost of approximately \$1,500.00. Also, the carpets at the Town Hall will be shampooed on Friday and Saturday of Easter Weekend at a cost of approximately \$800.00. The Town Hall will be closed those days.

Councilperson Report:

Councilperson Miller-Simmons had two people inquire about a street light at the intersection of County Route 7 & 7A in Craryville. Also, how often do we have the septic tanks pumped at the Town Hall and Park Building? The Town Hall is done every four years, and the Park Building will be done sometime this month.

Public Forum:

Lindsay LeBrecht ask the Board that now that there is no longer an E.A.B., who will oversee Community Day. Supervisor Nayer stated that the Town Board will oversee Community Day.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Paciencia that the bills from General Abstract # 4 and the bills from Highway Abstract # 4 be paid. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney that the meeting be adjourned. Motion was carried.

Respectfully submitted,

