

Regular Board Meeting

1/9/14

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

A motion was made by Councilperson Paciencia and was seconded by Councilperson Mettler to waive the reading of the minutes of the Yearend Board Meeting December 28, 2013 and Organizational Board Meeting January 3, 2014 and to accept the minutes as written. Motion was carried.

Correspondence:

From United States Bankruptcy Court Southern District of New York – advising that Residential Capital, LLC filed for Chapter 11.

From Judge Spencer and Judge Schermerhorn – requesting the Board appoint Kati M. Bell as part-time Court Clerk to fill the vacancy created by the resignation of Margaret Hosier.

From C.E.O. Ferratto - a letter requesting Board correct last month's motion to read Junkyard Permit instead of Motor Vehicle Permit for Jacquelyn Decker.

From the Department of the Army – a copy of a letter regarding Permit Application Number NAN-2013-00572 by NYS Office of Parks, Recreation and Historic Preservation for the proposed work on approximately 12.95 acres of land within the Towns of Copake and Hillsdale.

From Commonwealth of Massachusetts Department of Telecommunications and Cable – a copy of a letter to The Federal Communications Commission withdrawing its Petition for Reconsideration in the Matter of Charter Communications, Inc., petition for determination of effective completion in 46 communities in Massachusetts, New Hampshire and New York.

From the Federal Communications Commission – a copy of a Consent Motion for Extension of Time dated December 23, 2103 for Charter Communications to file an Opposition to the Application Review submitted by the Massachusetts Department of Telecommunications and Cable.

From Gloria Lyons – requesting to be reappointed as Town Historian for 2014 and requesting that her file cabinet be placed in a secure location in the Town Hall.

From Lianna (Summers) Roberts – a letter requesting to be reappointed to the Park and Recreation Commission.

From Krista Goodacre, Chairperson Copake Park & Recreation Commission – an email requesting that the Town Board reappoint Lianna (Summers) Roberts, Paula Jo Campbell and Chris Quinby to the Park and Recreation Commission.

From the Association of Towns – an outline of events for the 2014 Training School and Annual Meeting to be held in New York City, February 16-19 2014.

Public Forum: None

Department Head Reports:

C.E.O. Ferratto reported that the new BAS software has been installed and the new Administrative Assistant has started and has been trained on the software.

Supervisor Nayer praised the employees of the Highway Department for their hard work and dedication during these last few storms.

Councilperson Paciencia reported that he had met with Assessor Surprise and that they will be meeting approximately every two weeks.

Supervisor Nayer thanked the Park & Recreation Commission for the wonderful job they did on the Light Parade and the events following.

The Environmental Committee reported that they will be changing their meeting to a Monday morning.

New Business:

The Board requested Attorney Dow to look into what steps need to be taken to abolish the Economic Advisory Committee do to this Committee was established by a local law.

A motion was made by Councilperson Mettler and was seconded by Councilperson Miller-Simmons to authorize Attorney Dow to proceed with a limited revision of the Town's Code of sections that are either redundant or incorrect with a cap of \$3,000.00. Motion was carried.

A motion was made by Councilperson Mettler and seconded by Councilperson Miller-Simmons to authorize Supervisor Nayer to enter into a contract with Clark Engineering and Surveying at a cost of \$1,000.00 for the purpose of the Planning Board, Zoning Board of Appeals and the Code Enforcement Office to consult with them on matters brought before them. Councilperson Paciencia questioned if the cap of a \$1,000.00 would be enough with three different boards calling upon them for advice. Supervisor Nayer explained that if the Engineering firm felt that it would be extensive they would recommend to the Town to have the applicant set up an escrow account to cover these fees. Motion was carried.

Old Business:

Following a discussion of the Board regarding proposed Local Law #1 of 2014 entitled "Town of Copake Regulations Pertaining to Slaughterhouses" a motion was made by Councilperson Miller-Simmons and seconded by Councilperson Paciencia to include the following draft of Local Law # 1 of 2014,

Draft of Town of Copake Regulations Pertaining to Slaughterhouses

Purpose.

To accommodate farms in Copake so that they can slaughter, process or sell their farm products in a manner that balances the needs of those farmers and nearby residents.

§ 1. Section 232-3 of the Code of the Town of Copake is amended by adding the following definitions, in alphabetical order, as follows:

POULTRY – Domesticated or wild game birds raised for human consumption, but not including ostriches or other ratites.

POULTRY OR RABBIT PROCESSING FACILITY – An enclosed farm building where poultry or rabbits are killed and prepared for sales for human consumption.

§ 2. Paragraphs (3) through (6) of subdivision (O.) of section 232-9 of the Code of the Town of Copake are renumbered as paragraphs (4) through (7), respectively.

§ 3. Subdivision (O.) of section 232-9 of the Code of the Town of Copake is amended by adding a new paragraph (3), as follows:

(3) An on-farm poultry or rabbit processing facility is a permitted agricultural use in an Agricultural District established pursuant to Article 25-AA of the New York State Agriculture and Markets Law, subject to the following requirements and restrictions:

(A) Applicability and Exemptions.

[1] These local regulations shall apply to any poultry or rabbit processing facility that slaughters and/or processes between 1,001 and 8,000 poultry birds or rabbits, or between 256 and 2000 turkeys, per year.

[2] For purposes of this subdivision, one turkey shall be counted as four poultry birds.

[3] A facility that slaughters or processes in excess of 8,000 rabbits or birds, or 2,000 turkeys, per year is prohibited.

[4] A poultry or rabbit processing facility that slaughters or processes up to 250 turkeys or 1,000 rabbits or poultry birds of other species annually or that is exempt from the licensing provisions of Article 5-A of the New York State Agriculture and Markets Law pursuant to section 96-d of such article shall be exempt from the requirements and restrictions of this subdivision.

[5] This section shall not be construed to prohibit or regulate custom slaughtering or the slaughtering or processing of animals exempt from the licensing provisions of Article 5-A of the New York State Agriculture and Markets Law pursuant to the enumerated exemptions contained within section 96-d of such article.

(b) Regulations.

[1] The poultry or rabbit processing facility shall be located on the premises of a farm operation, as such term is defined in section three hundred one of the New York State Agriculture and Markets Law.

[2] No animals except poultry and rabbits raised on the premises of the farm operation on which the poultry or rabbit processing facility is located shall be permitted to be slaughtered or processed. An animal shall be considered “raised” on the host farm operation if it was fed, sheltered, or otherwise tended to on the premises of such farm operation for at least seventy-five percent (75%) of its life span immediately preceding its slaughter and processing.

[3] There shall be a limit of 8,000 poultry or rabbits, or 2,000 turkeys, or a proportional combination thereof, slaughtered or processed in any calendar year.

[4] No person shall operate a poultry or rabbit processing facility unless that person has first obtained any and all required state and federal licenses or permits, including USDA certification, where required.

[5] The processing facility must meet all state and county regulations applicable to the facility and must be brought up-to-date when such regulations are revised.

[6] Before a building permit is issued for a poultry or rabbit processing facility or a poultry or rabbit processing facility can be deemed a permitted agricultural use, the applicant must obtain a modified site plan approval from the Planning Board. Any change in use of an existing building or site to a processing facility requires a building permit and modified site plan approval by the Planning Board. A purpose of the modified site plan review is to ensure the health and safety of residents in any adjacent homes and, to the maximum extent practicable, to minimize or avoid adverse effects upon the environment and adjacent residences. A public hearing upon the application shall be held unless the Planning Board determines such hearing to be unnecessary, based upon the scope of the application and its potential impact upon the environment or surrounding properties. A modified site plan review for purposes of this section shall require the submission of, and consist of a review of, the following:

[a] Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties, the owners of such contiguous properties, and any known easements or rights-of-way and roadways.

[b] Identification of the existing features of the site including land and water areas, water, sewer or septic systems, and the approximate location of all existing structures on or immediately adjacent to the site.

[c] Representation of the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.

[d] Indication of the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, or manure storage or composting sites.

[e] Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views, including copies of any available blueprints, plans or drawings of same.

[f] A showing or statement by the applicant that any exterior lighting installed in connection with the processing facility shall be downward-directed and installed so that no part of the light bulb or light source is visible beyond the property boundary.

[g] A description of the existing and/or proposed farm operation and a narrative of the intended use and location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. This shall include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.

[h] If a structure is proposed to be located within 200 feet of a stream, pond, lake, or other water body or wetland, the applicant shall provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.

[i] Application form and fee, if required.

[7] The land upon which the facility rests must be a minimum single parcel of seven acres.

[8] The room or area within a structure where processing will take place must be set back a minimum of two hundred feet from any property line.

[9] Any new structure must be located a minimum of 100 feet from any stream, pond, lake, or other water body or wetland.

[10] These requirements apply whether the facility is newly constructed or a re-use of a barn or other existing structure.

[11] The Planning Board may authorize composting of offal based on the suitability of the site for such use in accordance with section three hundred one of the New York State Agriculture and Markets Law and section 17-2103 of the New York State Environmental Conservation Law. The Planning Board may require up to a five hundred foot setback for placement of the composting facility. If composting is not a viable method for addressing waste from the processing facility, the offal shall be removed from premises within twenty-four hours.

Motion was carried.

Town Attorney Dow reviewed the schedule for the events leading up to the adoption of this proposed local law and who needs to be notified.

A motion was made by Councilperson Paciencia and seconded by Councilperson Miller-Simmons to set a Public Hearing for Proposed Local Law #1 of 2014 entitled "Town of Copake Regulations Pertaining to Slaughterhouses" for Thursday, January 23, 2014 at 6:00 pm and a Special Town Board Meeting for the purpose of considering the adoption of Local Law # 1 of 2014 for Thursday, January 23, 2014 immediately following the closing of the Public Hearing. Motion was carried.

Councilperson Paciencia questioned if this proposed Local Law would be available for the Public to review prior to the Public Hearing? Copies will be available for the public in the Town Clerk's Office and on the Town's Website beginning tomorrow.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Mettler that per the request of C.E.O. Ferratto, to change the wording of the motion for Jacqueline Decker from a Motor Vehicle Storage Permit to a Junkyard Permit. Motion was carried.

Appointments:

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Paciencia to reappoint Lianna Roberts, Paul Jo Campbell and Chris Quinby to the Park & Recreation Commission. Motion was carried.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Paciencia per the recommendation of Judge Spencer and Judge Schermerhorn, to appoint Katie Bell as part-time Court Clerk for 2014 at an hourly rate of \$12.75 per hour. Motion was carried.

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

See Attachment # 1

Resolution # 4	Supervisor Nayer	yes
Dated January 9, 2014	Councilperson Paciencia	yes
Copake, NY	Councilperson Mettler	yes
	Councilperson Winchell-Sweeney	absent
	Councilperson Miller-Simmons	yes

Budget:

A motion was made by Councilperson Paciencia and was seconded by Councilperson Miller-Simmons to keep the \$250.00 spending limit and anything over that amount will need at least three Board Members approval. Motion was carried.

Councilperson Report:

Councilperson Paciencia reported that he is Liaison for three committees, he has met with one and the other two have not met yet.

Councilperson Miller-Simmons reported that the Park & Recreation Commission that they are reviewing the contract packet that is handed out when people rent the building and the list of things to do when people use the building that hangs at the Park Building. The first aid box needs to be restocked, the clock is missing and the copier needs attention. Supervisor Nayer advised that the Rescue Squad will refill the first aid kit and bill us for the supplies. Larry will look at the copier.

Public Forum:

Diane Wilson unclear on the question that Councilperson Miller-Simmons raised about the Proposed Local Law # 1 of 2014. Councilperson Miller-Simmons clarified the question and response that she had regarding the proposed Local Law. Mrs. Wilson also asked Supervisor Nayer if he meant the "Army" or the "Army Corp of Engineers" when he read the correspondence at the beginning of the meeting. Supervisor Nayer replied that he meant to say Army Corp. of Engineers.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Mettler that the bills from General Abstract # 1 and the bills from Highway Abstract # 1 be paid. Motion was carried.

Prior to the adjournment Councilperson Mettler read the following remarks regarding the recent passing of Charles Dodson:

It is a sad but deep honor, to speak about Charles Dodson, who, since he moved here in 2001 has been a valuable member of our community and our Town.

We are poorer now, for having lost Charles, but the work he did in Town Government survives. Charles redesigned and updated and then maintained the Copake website for many years. It had 5000 pages and 6000 visitors a year, from 80 countries.

That website eventually had to be closed down due to a virus, but as we attempt to replace it, we continue to hear Charles' voice, insisting that it be a true municipal site and we strive to live up to his standards.

He was a member of the Economic Advisory Board for four years, and it's Chair, for one. As part of that Board he conducted numerous studies, including one regarding the economics of small towns in New York State. His findings became central to the eventual Comprehensive Plan.

Charles was a member of the Comprehensive Plan Committee and I was honored to serve with him. That Committee met for three years, and there were many good members. But the one member most critical to the success of the committee- and to the quality of the Plan- was Charles.

As a member of the Comp Plan Committee Charles singlehandedly conducted three separate comprehensive studies and reports which became the underpinnings of our Plan and part of the 1000 page appendix which he assembled. When I sent news of Charles' passing to the Committee various members wrote back, but I shall quote Dr. George Beneke, who wrote: "... Charles quietly did more for Copake than almost anybody. He was a wonderful man and the only scientist among us."

We remember Charles for his deep intelligence, his perseverance, his attention to detail, his ready wit. But I shall mainly remember Charles for the fact that he challenged us. He kept us grounded in facts and research- but he also dared us to dream. He kept reminding us to look for the "blue skies". It is because of Charles that our Comprehensive Plan is what it is. His impact on that Comprehensive Plan will influence our Town for generations.

Charles was also active in the larger Roe Jan community. He was a member of the Steering Committee for the new Roeliff Jansen Community Library. He was also, for six years, the Chairperson of the Leaf Peepers, (Clarion Concerts of Columbia County). This was for him, it seemed, work of the soul.

The last time I saw Charles was at the October Concert at the Copake Methodist Church. He was at the door, and then he introduced the artists and the program. He seemed robust that night, he seemed well. He certainly seemed happy. He was the gracious host- bringing that beautiful music to his beloved Town.

In 2012, in recognition of his tireless efforts on behalf of our Town, Copake chose Charles as our Grand Marshall for the Community Day Parade. It is really the highest honor we can bestow and it was a well-deserved tribute to this gentle man.

We know Charles loved Copake. We hope he knew how much we loved him back.

We extend our heartfelt condolences to Vicki, his wife of 55 years, and his daughter Alyssa.

Supervisor Nayer asked for a moment of silence in memory of Mr. Dodson.

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

Respectfully submitted,

