

Regular Town Board Meeting

12-14-17

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

A motion was made by Councilperson Mettler and was seconded by Councilperson Gansowski to waive the reading of the minutes of the November 9, 2017 Public Hearing & Town Board Meeting and accept the minutes as written with the following correction: A motion was made by Councilperson Mettler and was seconded by Councilperson Sullivan to waive the reading of the minutes of the October 12, 2017 Town Board Meeting and accept the minutes as written. Motion was carried. Motion was carried.

Announcements: Please view the website. Supervisor Nayer applauded the Knit Club of the Hudson Valley for the money they raise for local charities.

Correspondence:

From William Gregory Jr., Superintendent of Highways – an email requesting permission to purchase a new 11 foot snow plow for the Town's 2015 Tandem Axle Plow Truck.

From Robert Haight, Chairman Copake Planning Board – a letter advising that the members of the Planning Board recommend the re-appointment of Marcia Becker to another term.

From Randi Shadic, Chief Copake Fire District – advising that they recommend the No Parking Zone currently on Empire Road remain in place.

From Copake Planning Board – a letter advising that all Planning Board Members have completed the required four hours of training for 2017.

From Arnie Anderson, Quartermaster VFW Post 7955 – a letter requesting the 2017 Budgeted amount for the VFW's various Community Programs.

From Margaret Anderson, Commander American Legion Closson-Raught Post 1160 - a letter requesting the 2017 Budgeted amount for the American Legion Post for their Community Participation.

From Linda Cooper, Regional Director Parks, Recreation and Historical Preservation – a letter and maps showing where the Taconic State Park Photovoltaic Array will be installed at Orphan Farm Road.

From 11 concerned citizens – an email requesting the Copake Town Board request Columbia County and New York State to install a traffic light at the intersection of NYS Route 23 and Columbia County Route 7 in Craryville.

From William Gregory Jr., Superintendent of Highways – an email advising that his number one concern is if cars were permitted to park along Empire Road, it may hinder our snow removal operations.

Department Head/Committee Report: None

Public Forum:

Grant Langdon requested the Board to pass a resolution to censure D.A. Paul Czajka. After Mr. Langdon's two minutes of Public Comment, Supervisor Nayer read a section of the Town of Copake's Policy Manual explaining procedures that are followed during Public Comment. Councilperson Gansowski advised Mr. Langdon that in one of his emails you stated that the Rensselaer County D.A. was censured because it brought by the Attorney General to a Grand Jury. Councilperson Gansowski advised Mr. Langdon that is the direction he should be taking this matter, not to the Copake Town Board. Councilperson Mettler agreed with Councilperson Gansowski that he should be going to New York State Attorney, not the Copake Town Board. Supervisor Nayer explained to Mr. Langdon that he is welcome to come to the Board Meeting and speak during the Public Forum as long as it is not about this matter, the Board has heard it over and over again and we will not entertain this matter in the future.

Frank Langdon requested the Board to pass a resolution to censure D.A. Paul Czajka.

New Business:

Supervisor Nayer thanked all of the volunteers in our Community for what they do all year round. These people always step forward when a task comes up.

Councilperson Sullivan presented Supervisor Nayer a check for \$500.00 made out to the Town of Copake from her Zumba Classes.

Supervisor Nayer thanked Councilperson Sullivan for her dedication to the Town as a Councilperson for the last three years.

Supervisor Nayer advised that after reviewing the letter from the Copake Fire Chief and the Copake Highway Superintendent, it is in the best interest of the Town to have the No Parking Zone on Empire Road remain as is. Councilperson Mettler asked if the Board could put it back on next month's meeting under Old Business to give the Grange an opportunity to pursue other possible options. The Board agreed to address this matter at next month's meeting.

Supervisor Nayer advised the Board regarding the Copake VFW's request for their funding from the Town, there was an issue this Memorial Day that the Veteran's Graves did not have flags placed on their graves. In the past the Copake VFW has been responsible for half of the Town Cemeteries and the American Legion Post decorated the other half, which they did. We received many phone calls from the deceased Veteran's families questioning why there were no flags at half of the cemeteries. One resident spent \$100.00 out of her own pocket to purchase flags to decorate her Grandfather's grave and as many others that she could find. Supervisor Nayer stated that decorating the graves is a big part of the funding that the Town gives to the VFW and requested a motion to not honor the Copake VFW's request for funding this year for that reason.

A motion was made by Supervisor Nayer and was seconded by Councilperson Mettler not to fund the Copake VFW for 2017 due to not decorating the Veteran's Graves for Memorial Day. Motion was carried.

Supervisor Nayer advised that all of the Planning Board Members have met their training requirements and all but two of the ZBA Members have completed their training.

A motion was made by Councilperson Sullivan and was seconded by Councilperson Miller-Simmons to accept the Report on Agreed-Upon Procedures of the Town Justice Accounts dated December 31, 2016. Motion was carried.

The Board set the Yearend Meeting for Thursday, December 28, 2016 at 9:00am and the Organizational Meeting for Wednesday, January 3, 2018 at 7:00pm.

A motion was made by Councilperson Sullivan and was seconded by Councilperson Mettler that due to the number of concerns citizens have expressed about the safety of the N.Y.S. Route 23 and C.C. Route 7 intersection, the Board hereby authorizes Supervisor Nayer to send a letter to New York State D.O.T. and Columbia County requesting a traffic study at this location to determine if there is a need for a traffic light. Motion was carried.

Old Business:

The Bank of Greene County has done an assessment of the Town's Accounts and has submitted their findings to the Board for their review. Supervisor Nayer stated the Town would get approximately \$4,000.00 in interest per year, so far this year the Town has received \$328.00 in interest from Key Bank. Supervisor Nayer asked the Board to authorize moving some of the accounts to Greene County to increase the Town's revenue and the Bank of Greene County will cover everything.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Sullivan to authorize Supervisor Nayer to transfer some of the Town's Banking Accounts to the Bank of Greene County. Motion was carried.

Supervisor Nayer advised that we receive approximately \$6,000.00 in interest from the Bank of Kinderhook.

A motion was made by Councilperson Sullivan and was seconded by Councilperson Miller-Simmons to authorize Supervisor Nayer to sign the Town Shelter contract with Columbia Greene Humane Society for 2018. Motion was carried.

A motion was made by Councilperson Mettler and was seconded by Councilperson Miller-Simmons to schedule a Public Hearing for Proposed Local Law # 1 of 2018 entitled a Local Law _____ for Thursday, January 11, 2018 at 6:50pm. Motion was carried.

The Board will set the next Zoning Revision Workshop at the regular January meeting.

Resolutions:

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

To Authorize the Repurchase of Cemetery Plots

WHEREAS, by deed dated July 15, 1997, Clark McKercher Simms and Elizabeth Chase Seymour Crosley purchased from the Town of Copake a four-grave cemetery plot in the Williams Cemetery at a total cost of seven hundred fifty-five dollars (\$755.00); and

WHEREAS, Clark McKercher Simms and Elizabeth Chase Seymour Crosley, having previously sold back to the Town one lot of the four, desire to sell back to the Town of Copake the remaining three lots of such four-grave cemetery plot; and

WHEREAS, by deed dated August 3, 2004, Paul and Tammi Albers purchased from the Town of Copake a two-grave cemetery plot in the Williams Cemetery at a total cost of five hundred fifty dollars (\$550.00); and

WHEREAS, Paul and Tammi Albers desire to sell back to the Town of Copake both lots of such two-grave cemetery plot; and

WHEREAS, such deeds provide that the plots conveyed shall not be sold except through the Town of Copake, which shall have the right to re-purchase such plots at the then current price for such plots,

WHEREAS, the current price for such plots is the same as at the time of the respective purchase of the parties;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Copake authorizes the repurchase by the Town of Copake of three lots of a four-grave cemetery plot from Clark McKercher Simms and Elizabeth Chase Seymour Crosley for a total cost of five hundred sixty-six and 25/100 (\$566.25) and two lots of a two-grave cemetery plot from Paul and Tammie Albers for a total cost of five hundred fifty dollars (\$550.00); and

BE IT FURTHER RESOLVED, that the Supervisor, Town Clerk, Attorney for the Town, and other officials or employees of the Town of Copake or Williams Cemetery are authorized to take all appropriate and necessary actions in order to carry out the intent of this Resolution.

Resolution # 9	Supervisor Nayer	yes
Dated December 14, 2017	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

The following resolution was made by Councilperson Gansowski and was seconded by Councilperson Miller-Simmons:

To Authorize the Greene County Commercial Bank as a Town Depository

WHEREAS, subdivision two of section 10 of the New York State General Municipal Law provides that “the governing board of every local government shall designate one or more banks or trust companies for the deposit of public funds”, that “such resolution shall specify the maximum amount which may be kept on deposit at any time in each such bank or trust company” and that “such designations and amounts may be changed at any time by further resolution”; and

WHEREAS, section 31-5 of the Code of the Town of Copake provides that “it is the policy of the Town of Copake to diversify its deposits and investments by financial institution”; and

WHEREAS, the Town Board of the Town of Copake finds that it is in the best interests of the Town to authorize the Greene County Commercial Bank as a Town depository;

NOW, THEREFORE,

BE IT RESOLVED, that the Greene County Commercial Bank is hereby designated as an authorized depository of Town funds, in accordance with section 10 of the New York State General Municipal Law; and

BE IT FURTHER RESOLVED, that the maximum amount which may be kept on deposit in such Greene County Commercial Bank is three million five hundred thousand dollars (\$3,500,000).

Resolution # 10	Supervisor Nayer	yes
Dated December 14, 2017	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

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

Related to Banking at the Greene County Commercial Bank

WHEREAS, the Town Board of the Town of Copake, by Resolution dated December 14, 2017, designated the Greene County Commercial Bank as a depository for Town funds; and

WHEREAS, such bank requires the adoption by the Town of certain resolutions, set out below in this Resolution, in relation to the establishment of a banking relationship;

NOW, THEREFORE,

BE IT RESOLVED, that for purposes of this Resolution and the provisions below, "Client" shall refer to and mean the Town of Copake; and

BE IT FURTHER RESOLVED, that in relation to the Greene County Commercial Bank, the Town Board of the Town of Copake authorizes the following:

RESOLVED, that Client hereby authorizes the Supervisor of the Town of Copake, (the Authorized Individual), in the name and on behalf of the Client, to complete, execute and deliver to Greene County Commercial Bank, agreements in a form acceptable to such Authorized Individual for the provision of commercial deposit services, cash management services, funds transfer, and other banking services as deemed necessary, including any amendments and agreements or other documents related thereto, as such Authorized Individual deems necessary or appropriate from time to time; and it is further

RESOLVED, that Client hereby ratifies and confirms all actions taken by it prior to the date hereof in connection with such agreements executed and delivered to Greene County Commercial Bank; and it is further

RESOLVED, that the Authorized Individuals are, and each of them is, hereby authorized to designate from time to time the accounts subject to such agreements, and designate from time to time the individuals who may execute or effect transactions under and give notices, certifications and

instructions with respect to such agreements, such individuals designated as “Authorized Representatives;” and it is further

RESOLVED, that Greene County Commercial Bank be and hereby is authorized to rely on the actual or purported signatures of any of Client’s Authorized Individuals and Authorized Representatives until Greene County Commercial Bank has actually received and had a reasonable time to act on written notice from Client revoking such authority; and it is further

RESOLVED, that Client shall defend, indemnify and hold Greene County Commercial Bank harmless from and against all liabilities, costs, and expenses (including, but not limited to, attorneys’ fees and disbursements) incurred by Greene County Commercial Bank in connection with the honoring of any signature, instruction or action of any Authorized Individual or Authorized Representative, or the refusal to honor any signature, instruction or action of any person who is not an Authorized Individual or Authorized Representative of Client; and it is further

RESOLVED, that these resolutions supersede all prior resolutions on the subject to which they pertain, and shall remain in full force and effect and binding upon Client until Greene County Commercial Bank has actually received and had a reasonable time to act on any subsequent Certificate of Authority; provided, that these resolutions are limited in application to services provided by the Greene County Commercial Bank and do not supersede or affect in any way the continuing validity of other resolutions provided to Greene County Commercial Bank in regard to accounts that are serviced or services that are provided by any other division or department of Greene County Commercial Bank.

BE IT FURTHER RESOLVED, that the person designated as “Authorized Individual” in this Resolution and authorized to act in such capacity in relation to the Greene County Commercial Bank shall be the Supervisor of the Town of Copake and no other.

BE IT FURTHER RESOLVED, that notwithstanding any statement or provision above, no person other than the Deputy Supervisor of the Town of Copake may be designated by any Authorized Individual to be an Authorized Representative.

BE IT FURTHER RESOLVED, that neither the Town Supervisor, Deputy Supervisor, nor any other officer, employee, or agent of the Town of Copake is authorized or permitted to accept, sign, or make use of any automated teller machine (ATM), credit card, or debit card that is related to any account of the Town with the Greene County Commercial Bank. Online or electronic access by the Agent to Town accounts for electronic transfer or management of Town funds, or for review or informational purposes is, however, authorized and permitted.

BE IT FURTHER RESOLVED, that the Supervisor and Town Clerk are authorized and directed to take such steps, consistent with this Resolution, as are necessary and proper to carry out the purposes of this Resolution.

Resolution # 11	Supervisor Nayer	yes
Dated December 14, 2017	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

The following resolution was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski:

Authorizing a Third Party Custody Agreement Between and Among the Town of Copake, the Greene County Commercial Bank, and the Manufacturers and Traders Trust Company

WHEREAS, the Town Board of the Town of Copake, by Resolution dated December 14, 2017, designated Greene County Commercial Bank as a depository for Town funds; and

WHEREAS, in connection with the designation of such bank as a depository of Town Funds, is the Town Board finds it in the interests of the Town to enter into the attached “Third Party Custody Agreement” between and among the Town of Copake, the Greene County Commercial Bank, and the Manufacturers and Traders Trust Company (“M & T Bank”);

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Copake authorizes entering into the appended “Third Party Custody Agreement” between and among the Town of Copake, the Greene County Commercial Bank, and the Manufacturers and Traders Trust Company.

BE IT FURTHER RESOLVED, that the Supervisor and Town Clerk are authorized and directed to take such steps, consistent with this Resolution, as are necessary and proper to carry out the purposes of this Resolution.

Resolution # 12	Supervisor Nayer	yes
Dated December 14, 2017	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

Appointments:

A motion was made by Councilperson Mettler and was seconded by Councilperson Miller-Simmons per the recommendation of the members of the Copake Planning Board, to reappoint Marcia Becker to a seven year term to the Copake Planning Board. Mrs. Becker’s term will expire on 12/31/2024. Motion was carried.

A motion was made by Councilperson Gansowski and was seconded by Councilperson Sullivan to reappoint William H. Gregory Jr., Steven Hoppe and Walter Zelly to Copake Ethic’s Board until January 31, 2018 so they have enough members to conduct interviews. Motion was carried.

Budget:

A motion was made by Councilperson Sullivan and was seconded by Councilperson Miller-Simmons to authorize the purchase of a new snow plow for \$6,425.00. Motion was carried.

Councilpersons Report:

Councilperson Sullivan reported that the Planning Board has been very busy.

Councilperson Miller-Simmons reported that the Light Parade was a success.

Councilperson Gansowski reported that the culvert replacement Committee is about a third of the way through.

Supervisor Nayer advised that he met with the Fire Chief and the Resident Deputy to discuss whether or not to have the Light Parade due to the weather and it was decided to proceed.

Public Forum:

Grant Langdon repeated his request to have the Board pass a resolution to censure D.A. Paul Czajka. Supervisor Nayer asked Mr. Langdon to please sit down if he did not have anything new to talk about, that as stated earlier the Board will not allow him to keep speaking on the same matter. Mr. Langdon was escorted from the meeting by a Deputy Sheriff.

Supervisor Nayer wished everyone Happy Holidays.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Mettler to enter into Executive Session to discuss Personnel Matters. Motion was carried.

A motion was made by Councilperson Mettler and was seconded by Councilperson Miller-Simmons to return to the Regular Meeting. Motion was carried.

A motion was made by Supervisor Nayer and was seconded by Councilperson Miller-Simmons to terminate the employment of J. Craig Surprise as Sole Assessor effective immediately. Four yes votes, Councilperson Mettler voted nay. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski to advertise for a Sole Assessor for the Town of Copake with letters of interest and resumes returned to the Town Clerk's Office by Noon on Wednesday, December 27, 2017. Interviews will be conducted on Thursday, December 28 2017 starting at 10:00am. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Sullivan that the bills from Highway Abstract # 12 and the bills from General Abstract #12 be paid. Motion was carried.

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

Respectfully submitted,

