

## Town Board Meeting

May 8, 2014

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

A motion was made by Councilman Paciencia and was seconded by Councilperson Miller-Simmons to waive the reading of the minutes of the Regular Town Board Meeting dated April 10, 2014 and accept the minutes as written. Motion was carried.

Supervisor Nayer made the following announcements: 5/17 Copake Cleanup Day, 5/17 & 5/31 Summer Park Program Sing ups, 5/17 West Copake Church Italian Night, 5/27 4:00 – 8:00 pm Grievance Day, Copake/Hillsdale Farmer’s Market opens on 5/31 9:00 – 1:00, 6/7 8:00 – Noon Columbia County Hazardous Waste Collection, Link at the top of our Town Website for Broadband Survey.

### Correspondence:

From Marcia Becker, Chairperson Copake Planning Board – an email resigning as Chairperson of the Copake Planning Board, LURC member and Agricultural and Farmland Protection Committee Member, effective immediately.

From Hillsdale- Copake Fire District – a letter expressing their concerns regarding the plans for the proposed Catamount Development.

From the residents of Taconic Street – a petition requesting a “dead end” street sign and three bollards be installed at the west end of the street.

From the Town of Mount Washington Planning Board – a notice of a public hearing regarding the proposed amendment of the Mount Washington Zoning Bylaws pertaining to Solar Photovoltaic Installations.

From the Town of Egremont Zoning Board of Appeals – Notice of a public hearing to consider an application of Catamount Development Corporation for a special use permit to construct a maintenance building on property located at 17 Nicholson Road.

From Douglas Goodhue – a copy of a letter to Chris Quinby, Chairperson, Copake Community Day Committee expressing his concerns for the environmental impact the annual fireworks display may have and recommended to consider doing a Laser light show instead.

### Public Forum:

Diana Wilson reported to the Board that on the North-Northeast side of the field there is a large dumping site in the wetlands. Supervisor Nayer will advise CEO Ferratto of this matter on Saturday and request him to look into this matter. Also, Ms. Wilson expressed her concern with the dangerous drop off along the sidewalks along County Route 7A. Supervisor Nayer, Highway

Superintendent Gregory and Deputy Highway Superintendent Albright will be addressing this matter and will be consulting with the Columbia County DPW General Foreman on how to go about correcting this issue.

Department Head Reports:

Highway Superintendent Gregory reported that they have been sweeping roads, addressing tree work, graveling and patching.

Assessor's report – Councilman Paciencia reported that he continues to meet with our Assessor once a week, and Mr. Surprise and Councilman Paciencia met with a representative of the State of New York on the 24<sup>th</sup> of April; there is a lot of work left to be done yet. One of the Town's Data Collectors is down to one day a week due to other commitments and the second Collector has his house on the market and will be leaving when it sells. For these reasons the State recognized that the Town of Copake needs more time if the Town is going to get the revaluation done properly and thoroughly. Assessor Surprise is requesting the Board hire Robert D. Hilbert to provide revaluation consulting services to the Town of Copake for the 2016 revaluation project discussed for the following price; Informal Hearing Support \$350.00 per diem, Valuation Production & Notices \$5,000.00 and Data Collection & Photographs (300) parcels \$9,000.00.

Chris Quinby, Park & Recreation Commission Member reported that the Easter Egg Hunt was a big success, and they are preparing for Community Day.

Councilperson Winchell-Sweeney reported that the CAC is going to be meeting with the LURC to discuss some of the points in the water resource summary and also stated that all of the natural resource summaries are on the Town's Website.

New Business:

Town Attorney Dow advised the Board that Taconic Street is a "User Road" which is a "Public Road". The land owners own the land under the road; the Town has the complete easement for a Public Highway, and the people who own the rights underneath the road no longer have any rights of restriction on the use of the road. Supervisor Nayer advised that if the residents of Taconic Street feel there is a need for a "Dead End" sign on this road they should meet with the Highway Superintendent to discuss it.

The Board discussed the letter received from the Environmental Committee last month regarding their concerns with Local Law # 1 of 2014. Due to the lack of a motion or a second, the matter was dropped.

Robin Bruce, Person-in-Charge of the Town's Williams Cemetery on North Mountain, is requesting a sign be made and erected at the entrance of the Cemetery.

A motion was made by Councilperson Winchell-Sweeney and seconded by Councilperson Miller-Simmons to authorize the purchase and erection of a sign at the Town's Williams Cemetery. Motion was carried unanimously.

The Board discussed the letter of resignation from Marcia Becker as Chairperson to the Copake Planning Board and as a member to the LURC and the Agriculture and Farmland Protection Committee. Councilperson Mettler stated that she was also unclear if Mrs. Becker was resigning as just Chairperson of the Planning Board or also as a member. If, in fact, Mrs. Becker has the intention to remain on the Planning Board as a member, then, Councilperson would agree to accepting her letter with regrets. If the meaning of the letter was to resign completely from the Planning Board, then Councilperson Mettler would recommend considering to offer a leave of absence to Mrs. Becker until the matter between her family and the Town's Assessor's Office can be resolved. Supervisor Nayer advised that he had talked to Marcia and asked her to reconsider, and she advised that she was firm on her decision. If this letter was implying that she was resigning from the Planning Board, Supervisor Nayer would not be in favor of a stay of absence; if she decides to resign then she resigns and we advertise for a new member. Councilperson Winchell-Sweeney stated she was asked to read this letter and was advised by the Supervisor that it would be in violation of the Town's Policy Manual to read the resignation letter. Councilperson Winchell-Sweeney does not want to accept her resignation, and she did talk to Marcia today, and Marcia's intent was pretty clear to her that she did want to resign from the Planning Board as well as the other Committees and completely supports Councilperson Mettler's suggestion to grant a leave of absence.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilman Paciencia to accept Marcia Becker's letter of resignation with regrets as Chairperson of the Copake Planning Board and as a member to the LURC and Agriculture and Farmland Protection Committee. Councilperson Winchell-Sweeney wanted it clarified that if this motion passed, that Mrs. Becker is still a full fledged member of the Copake Planning Board and that if another resignation letter comes in after tonight's meeting, it would be addressed at our next Board meeting. Supervisor Nayer replied that that is correct. Supervisor Nayer, Councilperson Miller-Simmons and Councilperson Paciencia voted yes. Councilperson Mettler and Councilperson Winchell-Sweeney voted nay. Motion carried.

Old Business: Nothing

Resolutions:

Supervisor Nayer read the proposed Resolution amending the Policy Manual pertaining to Section VI (B) (5) of the Manual requiring that individuals on the Planning Board and Zoning Board of Appeals obtain prior approval of the Town Board in order to attend Training Sessions.

Robert Haight clarified that this is just for prior approval for paid training.

The following resolution was offered by Councilperson Mettler and was seconded by Winchell-Sweeney:

Whereas, by a Motion passed at the January 10, 2013 Town Board meeting the Town Board of Copake duly approved the Town of Copake Policy Manual;

And whereas, Section VI (B) (5) of the Manual requires that individuals on the Planning Board and Zoning Board of Appeals obtain prior approval of the Town Board in order to attend Training Sessions,

And whereas, in practice, it is the policy of the Town to require prior approval for all training which is to be paid for by the Town;

And whereas, the Town Board desires that the practice in the Town and the Policy Manual should be consistent;

And whereas, the Town Board seeks to encourage ongoing training, but also seeks to exercise control over the cost of said training;

It is hereby

Resolved: That Section VI (B)(5) of the Town of Copake Policy Manual is amended to read as follows:

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.)

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

Appointments:

A motion was made by Councilman Paciencia and was seconded by Councilperson Miller-Simmons that per the recommendation of Assessor Surprise, to contract with Robert D. Hilbert to provide revaluation consulting services to the Town of Copake for the 2016 revaluation project for the following prices; Informal Hearing Support \$350.00 per diem, Valuation Production & Notices \$5,000.00 and Data Collection & Photographs (300) parcels \$9,000.00. Motion was carried unanimously.

Budget:

Supervisor Nayer reported that the 1<sup>st</sup> quarter Sales Tax check was for \$136,912.32 which is up 2 ½% from last year's 1<sup>st</sup> quarter.

Councilperson's Report:

Councilperson Winchell-Sweeney read the following letter of support regarding the Scenic Hudson and Columbia Land Conservancy 2014 FRPP/ALE Application.

May 8, 2014

Peter Gibbs  
New York Easement Program Manager  
USDA-NRCS  
The Galleries of Syracuse  
441 South Salina Street, Room 520, Suite 354  
Syracuse, NY 13202-6560

RE: Scenic Hudson and Columbia Land Conservancy 2014 FRPP/ALE Application

Dear Mr. Gibbs:

I am writing in support of Columbia Land Conservancy and The Scenic Hudson Land Trust's 2014 application for Agricultural Lands Easement (ALE) funding through the USDA's Agricultural Conservation Easement Program. Approval of this application will facilitate the permanent protection of important agricultural lands in Columbia County - including lands within the town of Copake - through a collaborative partnership between Scenic Hudson and Columbia Land Conservancy. It will also further our town's goals as outlined in our Comprehensive Plan of protecting our agricultural base, supporting our local farmers, and preserving our community's rural character.

I am especially interested in the protection of Copake's Farmland Renewal, LLC a.k.a. Town Center and Farmland Renewal, LLC a.k.a. Belt Farms. This new agricultural venture, if supported and protected via the ALE program, will be able to supply fresh, healthy food and contribute to our local and regional economy.

Again, I strongly support full funding of Scenic Hudson's 2014 Hudson Valley farmland protection project, in collaboration with the Columbia Land Conservancy.

Sincerely,

SUSAN WINCHELL-SWEENEY

Councilperson, Town of Copake

SWS/me

cc: Copake Town Board  
Rachel Collins Kelly, CAC Coordinator  
Marissa Codey, Columbia Land Conservancy

Councilperson Mettler advised that she also sent a letter of support to Mr. Gibbs.

Public Forum:

Douglas Goodhue suggested that the Town's Attorney do a little more research on User Road and Public Roads. The petition turned in to the Town Board quoted New York State Law about User Roads and Public Roads, and the key phrase is the traveled portion. And the User Road becoming Public only takes place when there has been an established traveled portion of it for many years, and that is not true because it is a dead end. Mr. Goodhue also requested the Assessor's Office look at what kind of an impact the proposed 2.3 mile long 8 foot fence around the new farming field is going to have on neighboring property owner's property assessments. Attorney Dow explained when a road becomes a highway by use it becomes a Public Road, and you already stated in your petition that it was a User Road. Attorney Dow cited a case law that is almost identical to the situation which states a Public Highway is usable by all.

Marcia Peteroy stated that when she was a child, Taconic Street went right up to the edge of the field.

Berenice O'Connell requested clarification on what would have to take place if a utility company wanted to place utilities in the roadway. Attorney Dow explained that the property owner still owns the land under the surface of the road and no one can do anything without the property owner's permission.

Charles Benansky believes the biggest concern on Taconic Street is when Housing Resources was going to come in to widen the road and install sidewalks. Now the big concern is if they put a farm stand at the end of Taconic Street where are they going to park or where are they going to turn around? He stated that it seems as if they are letting the new owners do anything they want and are not standing up for the rights of the people who have resided on Taconic Street for many years.

Diana Wilson requested that the Town's Attorney read aloud the New York State Law quoted in the Petition. Supervisor Nayer refused to allow Attorney Dow to read it. Diana Wilson also expressed her safety concerns with traffic having to back out to County Route 7A, as there is no cul-de-sac at the end of the road, and there are young children that live on Taconic Street.

A motion was made by Councilperson Winchell-Sweeney and seconded by Councilperson Miller-Simmons that the bills from Highway Abstract # 5 and the bills from the General Abstract # 5 be paid. Motion was carried.

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

Respectfully submitted,