

Town Board Meeting

June 12, 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 Mettler to waive the reading of the minutes of the Regular Town Board Meeting dated May 8, 2014 and accept the minutes as written. Motion was carried.

Announcements:

Copake Community Day & BBQ is July 12th, West Copake Church BBQ is July 19th at the Copake Park, Supervisor Nayer thanked the local volunteers who help out with the OFA 60-Plus Lunch Program. The County Clerk's Office is running a program that offers free shredding of important documents for seniors and will be coming to our Town Hall in the near future.

Correspondence:

From Viridian – A renewal contract to supply electricity at a rate of \$.0899 per kWh for six months.

From Chris Grant, Acting Chairman Copake Planning Board – a letter advising that the Planning Board approved Robert Haight as Chairman of the Copake Planning Board.

From Councilman David A. Paciencia – a letter of resignation as Town Councilman effective July 1, 2014.

From NYS Department of Agriculture & Markets – a letter announcing the availability of Round 13 RFP to solicit State assistance payments for Farmland Protection Implementation Projects.

From NYS Department of Taxation and Finance Office of Real Property Tax Service – a letter announcing that the Town of Copake's tentative equalization rate for 2014 is 81.75%.

From NYSDOT – letters advising the lowering of the maximum speed limit for the following roads in the Town of Copake, the entire length of Craryville Road 35 MPH, County Route 7A extending the 45 MPH zone from Snyder Pond Road to the County Transfer Station and Maple Lane 35 MPH from the intersection of NYS Route 22 to the bridge.

From Couch White, LLP – a letter advising the Town Board that they are representing Linda Breen, and the Town is not to contact Mrs. Breen for any reason, and all correspondence should be directed to them.

From Department of The Army – a copy of a letter to John J. Maggiacomo III advising him that the work he has proposed next to Copake Lake does not need a permit.

Public Forum:

Stosh Gansowski – asked if the Town Board had any idea how the Roe Jan Library spent the funds they receive from the Town. Supervisor Nayer will look into seeing about getting a financial report. Also Stosh questioned the status of stream work on the north side of the Route 22 Bridge. Supervisor Nayer spoke to Walt Kiernan, and he is still waiting for permits from NYSDEC to complete the work.

Harvey Weber – asked if the Town had a chance to look into the dumping of C & D material in the wet lands behind Main Street. Supervisor Nayer advised that he had given the complaint last month to the C.E.O.

David Wiener, Copake Valley Farms – stated two years ago they sent a letter to the Town Board requesting a determination of whether the Town recognize Copake Valley Farm as a farm or not and never received a response. Town Attorney Dow advised that the Town Board cannot make that determination, it would be up to the Zoning Enforcement Officer to make that determination.

Department Reports:

Robert Haight, Copake Planning Board Member reported that they will be having a Special Planning Board Meeting on Saturday, June 28st at 9:00 am at the Copake Fire House The purpose of this special meeting is to begin the review of Part II of the SEQRA for the Berkshire Mountain Club at Catamount.

Frank Peteroy, ZBA Member - the ZBA sent a letter requesting the Town's Engineer attend the ZBA Meetings regarding the Berkshire Mountain Club at Catamount. Supervisor Nayer stated that the Berkshire Mountain Club at Catamount has an escrow account that will be used to pay for the Town's Engineer to attend the meeting and has to be approved by the developer.

Ed Ferratto, Code Enforcement Officer reported that their office is busy and that he had not had a chance to look into the complaint of C & D materials being dumped in the wet lands.

Councilman Paciencia reported that the Ethics Board met on Tuesday; they will not be meeting in July, and they have completed three revisions to the Ethic's Code. There is a forth revision they are working on, and the Chairman has to meet with the Town's Attorney to get clarification on that issue, and after that they should be ready to bring some revisions to the entire Board sometime near the end of August.

Councilman Paciencia reported that everyone has a monthly report from the Assessor's Office, and things are moving along smoothly; he has had eighteen grievances that they have addressed this month.

Councilperson Miller-Simmons reported that Mrs. Roberts has had the two signups for the Summer Program, and she anticipates a full roster this year.

Councilperson Mettler reported the Ag & Farmland Committee is continuing on the plan.

Councilperson Miller-Simmons report that the Park Commission is rescheduling their June Meeting.

Robert Haight, Chairman LURC, reported that they will be having a Saturday meeting on June 28th at 9:00 am and may continue having an extra meeting every month to try to complete their task by the end of the year.

Councilperson Winchell-Sweeney reported that the CAC met with the LURC this past week and had an effective presentation, and their next meeting is June 28th 9:00 am.

Harvey Weber, Chairman Environmental Committee expressed their concerns about the fallout pollutions of the Fireworks after they are shot off.

Councilperson Mettler reported that the Hamlet Revitalization Taskforce met last night; some of the Taskforce went to Didi Barrett's Office today to talk to her of what our Taskforce is doing and talk about funding. The Taskforce still has an application in with First Niagara to try to get more funding towards

the Hamlet Planner. The new Copake Bike Brochures are completed paid for by contributions by local businesses who support biking, and this is done through Copake Community Service, Inc. The bike committee is meeting this Saturday, they are working on the Roe Jan Ramble which once again will be a free ride sponsored by Copake, Hillsdale and possibly Ancram, and this year riders will be able to pledge money to the Harlem Valley Rail Trail. The Taskforce has been in contact with the sponsors of the Harlem Valley Rail Ride, and they agreed to bring their ride through Copake, which will give visibility of our Town to those riders.

New Business:

Supervisor Nayer met with Superintendent Gregory, Deputy Supt. Albright and the County General Foreman regarding the sidewalk repairs. Supervisor Nayer estimated the repairs at between \$10,000.00 and \$20,000.00. The previous repairs lasted about thirteen years.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Mettler to authorize Supervisor Nayer to advertise for RFP's for necessary repairs to the sidewalks. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilman Paciencia to authorize Supervisor Nayer to renew the Town's contract with Viridian for a six month term to supply electricity to the Town's Building at a fixed rate of \$.0899 per kWh. Motion was carried.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Supervisor Nayer to accept, with regrets, Councilman Paciencia's letter of resignation as Town Councilman to be effective on July 1, 2014. Motion was carried. Councilman Paciencia abstained. Councilman Paciencia said it was an honor and privilege to serve and thinks that everyone should serve at some point in their lives. He also said that he believed that it is not the Board that is important, but it is the Community that is important. He also learned that there is a time when you have to put your family and health ahead of serving. Councilman Paciencia added that he liked the balance on the Board right now, we are all different; we all have different ideas, and we all come together, and that is kind of neat and hopes that can stay that way in the future.

Supervisor Nayer advised that he had received a couple of calls today regarding requests to lower all of the Town's American Flags to half-staff in memory of the passing of former Chief of Police Thomas Kane. Supervisor Nayer stated that he contacted the Association of Towns to get clarification if the Town had the power to do this in honor of a former Police Chief. Lori Mithen-DeMasi, Council for the Association of Towns replied Executive Law §402 provides "The rules and procedures for display and use of the flag set forth in this article shall govern the display of the flag on all public buildings within the state and shall supersede any contrary rule or custom of state or local agencies governing display provided, however, a school district may promulgate its own regulations to allow the flag to be flown at half-staff to commemorate the death of a present or former board member, present employee, teacher, student, clerk or custodian." Executive Law §403 (21) provides "The flag shall be flown at full staff at all times except it shall be flown at half-staff on the seventh day of December, known as Pearl Harbor Day, and to commemorate the death of a personage of national or state standing or of a local serviceman, official or public servant who, in the opinion of the local agency concerned, contributed to the community. It may also be flown at half-staff during special periods of mourning designated by the President of the United States or the Governor of this state." Councilperson Winchell-Sweeney said she was very sorry for Mr.

Kane's loss and offered her condolences to the family. For her, however, this is an issue a little bit larger and has nothing to do with local people. The American flag is a National Symbol, and she thinks the Federal Law that guides when flags are flown at half-staff is very clear at when those times are. There are some exceptions for State Government Officials to honor those. Since 2011 Governor Cuomo has issued fifty proclamations of the flags at State Buildings be flown at half-staff, virtually all of them are for soldiers that died in combat and once was for Former Governor Hugh Carrey in honor of his death and two others that were State Troopers that died during service. She would hate for Copake to participate in something that might diminish the level of this symbolic gesture this is meant to represent. And she thinks it becomes very, very subjective as to whom we do this for. She respectfully doesn't want to see this happen. Supervisor Nayer stated that we are a small Town and I understand your National level but we do have the right according to law and I would like to move ahead with this motion. We will have to establish a policy for whom we do this for. Councilperson Winchell-Sweeney questioned if there was another way that we could publicly acknowledge service of anyone who serves the Town? Supervisor Nayer stated unfortunately we don't have a lot of time to think on this, as the calling hours are Sunday and the Funeral is Monday.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilman Paciencia to authorize the flags be lowered to half-staff at all Town Buildings from now until after the Funeral on Monday. Motion was carried. Councilperson Winchell-Sweeney respectfully voted no for the reason stated previously.

Appointments:

A motion was made by Councilperson Miller-Simmons and was seconded by Councilman Paciencia per the recommendation of the Summer Program Director Roberts, to reappoint Mitchell McComb, Hannah Simmons, Erin Clough, Litteasha Johnson, Alexa Piper and Sierra Curtsinger as returning Councilors at a hourly rate of \$9.00 and to appoint Nicholas Arre, Jordan Cummings and Case Keilty as new Councilors at an hourly rate of \$8.50. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilman Paciencia per the recommendation of the Copake Planning Board, to appoint Robert Haight as Chairman of the Planning Board. Motion was carried.

The following Resolution was offered by Councilman Paciencia and seconded by

Councilperson Miller-Simmons:

WHEREAS, the Town of Copake has not had a town wide re-evaluation of properties in the town in the past several years; and

WHEREAS, the equalization rate for the town is presently at 78%; and

WHEREAS, by Resolution dated August 27, 2011, the Town of Copake authorized the Assessor to conduct a complete town wide re-evaluation to take effect with the tentative roll of May 1, 2014; and

WHEREAS, such re-evaluation is ongoing but not yet completed;

BE IT RESOLVED, that the Town Board of the Town of Copake authorizes the Assessor to continue to conduct such ongoing complete town wide re-evaluation of the town; and

BE IT FURTHER RESOLVED, that the Town Board will support and assist the Assessor's Office for completion of such project; and

BE IT FURTHER RESOLVED that said valuation will take effect with the tentative roll of May 1, 2016, which shall supersede the May 1, 2014 date stated in the prior Resolution as the effective date.

Resolution # 11	Supervisor Nayer	yes
Dated June 12, 2014	Councilman Paciencia	yes
Copake, New York	Councilperson Miller-Simmons	yes
	Councilperson Winchell-Sweeney	yes
	Councilperson Mettler	yes

Budget:

Supervisor Nayer advised that the Town received \$37,086.17 for the Mortgage Tax Check for a period of October 2013 to April 2014. The amount was down \$25,575.81 from what we got last year. We also received a donation from Camphill Village in the amount of \$5,330.00.

Councilpersons Report:

Councilperson Winchell-Sweeney reminded the Public that the CAC's natural summaries are on the website.

Councilperson Miller-Simmons let everyone know that if anyone wanted to donate anything to the Summer Program that it be the 100 calorie or snack size bags, as a lot of children do not bring or forget a snack.

Councilman Paciencia thanked everyone for allowing him the opportunity to serve.

Supervisor Nayer asked the Board to think about the options the Board has with the vacancy created, they can choose to appoint someone, hold a special election or leave the position vacant until the next general election.

Public Forum:

Diana Wilson expressed her concerns that the deer are populating residential areas due to all of the fencing that is being put up between the tree farm and now the farmland in the center of Copake. The CAC was going to look into this fencing issue and wanted to know what they had come up with. Councilperson Winchell-Sweeney stated every committee is actually addressing the fence and no resolution yet. The next ZBA meeting will be June 26th, and that would be the time to come and express your feelings. Also, she encouraged the Board to read the information Mr. Weber gave the Board on the fallout pollutions of fireworks. Diana thanked the Board for addressing the necessary repairs to the sidewalk.

Lindsey LeBrecht suggested that the Board send a letter to NYSDEC requesting them to reinstate the deer management permits for our area. Supervisor Nayer will send a letter. Stosh Gansowski advised that it would help if everyone would complete their kill report when they are successful in taking a buck.

A motion was made by Councilman Paciencia and was seconded by Councilperson Miller-Simmons that the bills from Highway Abstract # 6 and the bills from the General Abstract # 6 be paid. Motion was carried.

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

Respectfully submitted,