

Regular Town Board Meeting

June 9, 2016

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

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Gansowski to waive the reading of the minutes of the 5-12-16 Regular Meeting and the 5-23-16 Special Meeting and approve the minutes as written. Motion was carried. Councilperson Mettler abstained from voting on the 5-23-16 Special Meeting due not being able to attend the meeting.

Announcements:

Thanked the Roe Jan Library for putting a book box in front of the Town Hall and thanked Councilperson Gansowski for installing it. The K.I.S.S. program will be going on at the Town Hall until June 17th. The Dinehart Bridge was closed down to all traffic for repairs for approximately five months. The Columbia County Rapid Care Center will be opening on Monday, June 13th.

Correspondence:

From Elayne Dix – an email in support for the Town Board to accept the Bash Bish Flags to be displayed in the Town Hall.

From Anna Thompson, Curator, Columbia County Historical Society – a letter emphasizing the Bash Bish Flag is an important symbol depicting a varied and vital part of Copake's history.

From Gurprit Singh, President, Copake Sports Bar Inc. – a copy of their application for a beer, wine & liquor license for the Clock Tower Pub & Grill.

From the Department of Army – a copy of a letter advising that the proposed bridge work over County Route 7A is authorized under the Department of Army Nationwide General Permit # 33.

From Columbia County DPW – a memo advising that the Dinehart Bridge over County Route 7A will be closed beginning June 8th for repairs.

From Charter Communications – a letter advising the Town that they will be switching to an "all-digital" system for all customers in the Town of Copake.

From the Committee to Save the Bash Bish Inn Flag – a letter addressing all of the objectives which Town Council Representatives have made and request that the Town Board accept and display the flag in the Town Hall.

From Christine Parmalee – an email stating that when meeting with the Town's Assessor she was treated very rudely and lied to about changes he assured her that he would make before May 1st.

From Al Fair – a letter expressing his disappointment in the way the meetings were handled with the Town's Assessor. After meeting with the Assessor in March, he made a second visit and was handed a piece of paper with what hours that he would be in his Office. When Mr. Fair showed up at the

Assessor's Office during the scheduled hours he was advised that "no he would not discuss assessments any more" not until grievance.

From Charles & Julie Bernroth – a letter stating that when he showed up at the Town's Assessor's Office on May 12th at 9:10 am the Assessor stated "I don't have time for you, I am too busy" Mr. Bernroth left a phone message on May 9th that was never answered.

From Mark Maljanian – two emails stating that has called numerous times during the Assessor's regular Office Hours and no one answered and he left many messages with no response. Mr. Maljanian feels that in refusing to answer the telephone he has completely abdicated his responsibility to the citizens of Copake.

From Bryan Van Tassel, Summer Program Director – a letter requesting the reappointment of Hannah Simmons, Jordan Cummings and Dakota Curtsinger and the appointment Maya Anderson, Ben Anderson, Kara Prack and Isabella Lugo as new councilors.

Department Head/Committee Report:

Supervisor Nayer advised that the Commercial Solar Committee will be holding their first meeting on June 21, at 7:00 pm.

Public Forum:

Marcia Becker read a letter from Grandson of Jean Pierre Auguste Dalmas, the waiter who saved the flag from the burning Bash Bish Inn in September of 1918, requesting the Town to display the flag as part of the Town's History.

Howard Blue showed the Board a picture of the Bash Bish Inn when it was in its prime and compared it to the Stockbridge Red Lion Inn. Mr. Blue emphasized that all the funds for preserving this flag will be raised from private donations and asked if the Board had any other questions regarding this matter.

John Pollock spoke in favor of the Town accepting the Bash Bish Flag and stated that there has been five stories in three newspapers about the history of the Flag.

Marcia Peteroy read a statement in support of the Town accepting the Bash Bish Flag for display at the Town Hall.

Debra Decker read a statement from Mary Howell, Columbia County Historian speaking in favor of the Town accepting the Bash Bish Flag and submitted petitions signed by over 200 people also in favor of the Town accepting the Flag.

New Business:

Councilperson Ganzowski announced that at the last ZBA meeting they had a potential buyer for the Old Craryville Grocery Store attend the meeting to propose his plans to open a Convenience/Gas Station at this location which at this time it is not permitted. In researching this matter further it states in the Town's Comp Plan on page 46 that from Two Town Road east on N.Y.S. Route 23 to the Hillsdale Town Line could be deemed a commercial zone. Attorney Dow advised that both the Comp Plan and the Proposed Zoning Changes made by the LURC both propose changing this area in question to a Business or Hamlet Business Zone which would permit convenience stores and filling stations with a special use

permit. With these proposed zoning changes being in conformity with Comp Plan and the LURC proposal, it is probably defensible against the point of spot zoning. There are two ways to handle this, one is to use the existing definitions and use tables and reclassify the little piece of land in question to a B-1 or B-2 District, the second way would be to establish the Hamlet Business Zone with the new table of uses that is proposed in the LURC recommendations. Following a discussion of the options presented, the Board agreed to table this matter until next month meeting.

A motion was made by Councilperson Mettler and seconded by Councilperson Gansowski to have Attorney Dow submit a proposed Local Law establishing the H-B District proposed in the LURC proposed Zoning changes for the Town of Copake. Motion was carried.

Old Business:

Supervisor Nayer advised the Board that we are going to have to look into Copake Cleanup Day Program before next year, we are having a lot of people abusing this program.

Councilperson Mettler read the following statement:

The offer by the Committee to Save the Bash Bish Inn Flag presents this Town Board with a unique and wonderful opportunity- to obtain a 100 year old flag which once flew over a historic and beautiful Inn which thrived in the heyday of Copake. The flag will be preserved at no cost to the Town, and made available to the Town with no strings attached. Once in the Town's possession, the flag may be displayed, or lent out for outside displays, as the Town in its discretion may determine.

The authenticity of the flag is confirmed by the eloquent letter from the grandson of the man who saved the flag. The significance of the flag is confirmed by Anna Thompson, Curator of the Columbia County Historical Society. There has been a groundswell of support for acceptance of the flag by Copake residents.

In the past the Board has questioned the size of the flag. The Committee has now confirmed that the flag will be folded so that it will be approximately: 4x5, 3x4, or 2x4. So any concerns that the flag will be too large to display are resolved.

It has been questioned whether the Town Hall is the proper place for the display of historical artifacts.

I think that the Town Hall is precisely where the story of the Town should be told. As Elayne Dix wrote so eloquently in her letter to the Board: "The thing about Town Hall is that it's exactly the place where History is made and recorded." Elayne is right.

We come to this Town Hall to mark the occasions of our lives. For the small occasions like getting a dog license and hunting licenses; for more significant occasions- like applying for a building permit to build our first home, and for the most important life defining occasions in our lives- applying for a marriage licenses, and ultimately- to pick up death certificates. It is in this building that our individual histories are written and recorded, and it is in this building that the history of the Town unfolds.

This flag bears significance for our Town History, especially right now. As our little town works towards revitalization, this flag harkens back to a time when the economy of Copake was thriving, and when visitors came from all over the world to visit the Bash Bish Inn. A map advertising the Inn was captioned "The Center of the World".

As we look forward to the opening of the Rapid Care Center next week, and the Copake Clock Tower Pub and Grill later this month, what could be a better symbol of our own progress than this beautiful remembrance of an era when “Every village had one or two inns and boardinghouses-- but few had elegant resorts like the Bash Bish Inn”.

Since the last time we discussed this topic, we have commemorated Memorial Day. Many of us attended the ceremony where our neighbors in Hillsdale acknowledged the history of their town in that very moving ceremony. But on that weekend, some of you might also have visited the cemeteries in Copake. On every grave of every veteran, the VFW and the American Legion placed an American flag. In some of the cemeteries it creates a veritable sea of red white and blue, so many of our people have served their country, some giving their all.

I grew up here, and I know the patriotism is a fundamental quality of this community. This old flag that we are talking about flew in Copake during the First World War, and our respect for it today would honor our grandfathers who served in that War, and who are buried in the cemeteries of Copake.

This flag has an extraordinary story. After flying over the Inn until 1918, it was rescued by an Italian immigrant, and it made its way to North Carolina. And last year, through the wonders of social media, and a grandson who was loyal to his grandfather’s values- it has found its way home.

And so, with pride for the country which this flag represents, and with pride in the history of the Town of Copake which many of us still see as the “Center of the World”, I am pleased to make this Motion:

The following motion was made by Councilperson Mettler and seconded by Councilperson Sullivan that the Town of Copake accept as a gift from the “Committee to Save the Bash Bish Inn Flag” to the Town of Copake, the American Flag that flew over the Bash Bish Inn, provided that prior to delivery to the Town and the Town's accepting and taking ownership of such flag, it shall be preserved and mounted and framed in a manner suitable for preservation and display, with dimensions to be about 4’ by 5’, 3’ by 4’ or 2’4’, and that upon acceptance the display of the flag and any decisions with regard to the flag shall be within the discretion of the Town Board. A Board discussion followed.

Supervisor Nayer stated he realizes the historical importance of the Flag and he feels that the flag should be displayed at the Historical Museum. The Historical Society accepted the original offer to display the flag and then the offer was withdrawn for whatever reason. Regarding the petition submitted to the Board, Supervisor Nayer stated he knows how petitions work, he go out tomorrow and get 400 signatures for something else. Supervisor Nayer wanted to make it clear that if the Town Board accepts this flag with no stipulations and decides it doesn’t want it display it in the Town Hall and wants to display it at the Historical Museum that is where it will go. Supervisor Nayer questioned if there was a cheaper way to preserve the flag instead of spending \$11,000.00 to preserve it? Councilperson Mettler responded that the Committee looked closely into how to best preserve the flag and this is the best method.

Councilperson Sullivan stated that she thought the flag should be moved around and displayed at different locations such as library. Supervisor Nayer stated he would not accept the responsibility of moving the flag place to place and would not entertain that.

Attorney Dow added when something is given to the Town, the Town owns it and can do whatever it wishes with it, dispose of it or anything else the Board decides, just like the chairs in this building or a piece of equipment.

Councilperson Gansowski and Councilperson Miller-Simmons both stated that they agreed with Supervisor Nayer that the flag is donated to the Town with no stipulations attached.

Supervisor Nayer ask Attorney Dow if the Board can vote on this motion tonight or does this need to be a resolution, Mr. Dow responded that he felt it should be a resolution. Councilperson Mettler withdrew her previous motion and offered the following motion: That we authorize Attorney Dow to prepare a resolution to accept the Flag as a gift from the Committee to save The Bash Bish Inn Flag and specifically there will be no conditions, no strings attached and the Town will only accept the flag after the flag is preserved and mounted in a manner suitable for preservation and display. Motion was seconded by Councilperson Sullivan. Motion was passed.

The Board set a Zoning Review Workshop for July 6th at 7:00 pm.

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

WHEREAS, pursuant to Section 6-c of the New York State General Municipal Law, the Town of Copake is authorized to establish, fund and make use of a Reserve Fund for equipment; and

WHEREAS, pursuant to such law, an equipment reserve fund may be established to fund the acquisition of a type of equipment rather than a specific item of equipment; and

WHEREAS, the Town Board reasonably anticipates a need for funding for certain equipment in future years and finds that it is prudent and a matter of responsible planning to set aside funds to be used for the acquisition of such equipment;

NOW, THEREFORE,

BE IT RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Town of Copake Equipment Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of acquisition of a type of equipment. The type of equipment to be financed from the Reserve Fund is machinery and apparatus for construction and maintenance, which shall include all equipment to be acquired for Town use as set out in subdivision twenty-eight of section 11.00 of the Local Finance Law, shall specifically include mowers and grounds maintenance equipment, and shall also include trucks, construction equipment, and other motor vehicles for use by the Town of Copake Highway Department, but shall not include passenger vehicles.

BE IT FURTHER RESOLVED, that the chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Supervisor, as chief fiscal officer of the Town, may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Copake. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the

date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c. Councilperson Mettler asked if the amount that will be added to this reserve will be approved by the Board. Attorney Dow advised that advised that all budget appropriations and transfers have to be approved by the Board.

Resolution # 9	Supervisor Nayer	yes
Dated June 9, 2016	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

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

To Establish a "Type" Capital Improvement Reserve Fund to be Known as the "Town of Copake Capital Improvement Reserve Fund"

WHEREAS, pursuant to Section 6-c of the New York State General Municipal Law, the Town of Copake is authorized to establish, fund and make use of a Reserve Fund for capital improvements; and

WHEREAS, pursuant to such law, a capital reserve fund may be established to fund a type of capital improvement rather than a specific capital improvement; and

WHEREAS, the Town Board reasonably anticipates a need for funding for certain capital improvements in future years and finds that it is prudent and a matter of responsible planning to set aside funds to be used for such capital improvements;

NOW, THEREFORE,

BE IT RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Town of Copake Capital Improvement Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of capital improvement. The type of capital improvement to be financed from the Reserve Fund is the construction, expansion, or improvement of Town structures, facilities, and properties, including municipal buildings, parking lots, sidewalks, parks, and other improvements, and any studies or surveys related thereto, or associated furnishings, equipment, machinery or apparatus in accordance with section 6-c.(1.) (b.) (3) of the General Municipal Law.

BE IT FURTHER RESOLVED, that the chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Supervisor, as chief fiscal officer of the Town, may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Copake. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c

Resolution # 10	Supervisor Nayer	yes
Dated June 9, 2016	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

Appointments:

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Gansowski upon the recommendation of Summer Program Director Bryan Van Tassel, to rehire Hannah Simmons, Jordan Cummings and Dakota Curtsinger as Summer Councilors at \$10.00 per hour and hire Maya Anderson, Ben Anderson, Kara Prack and Isabella Lugo at \$9.00 per hour as Summer Councilors. Motion was carried.

Budget:

The first Mortgage check was \$43,509.92 which is down \$23,566.38 from last year.

A motion was made by Councilperson Sullivan and was seconded by Councilperson Gansowski to authorize the Park Commission spend up to \$250.00 to purchase food and supplies to sell at the Music in the Park Event. Motion was carried.

Councilperson's Report:

Councilperson Mettler reported that the Waterway Designation Bills passed both House and are on the Governor's Desk. Councilperson Mettler wanted to thank both Senator Marchione and Assemblymember Barrett for their support on these bills.

Public Forum:

Marcia Becker advised the Board that it is not a good idea to approve the proposed Zoning Changes piece by piece.

Lindsay LeBrecht thanked Councilperson Gansowski for being proactive in doing something, but I just find the whole thing wrong. You are trying to bring new business into the Town but at the same time you will probably force the convenience store a tenth of mile down the road out of business and I don't think that is what the Comprehensive Plan intentions were.

Marcia Peteroy asked the Board to please use your microphones during the meeting all the time, the audience is lucky if they hear half of what is said.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Gansowski to go into executive session to discuss litigation matters. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski to return to the regular meeting. Motion was carried.

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

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

Respectfully submitted,