

Town Board Meeting

July 10, 2014

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

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Mettler to waive the reading of the minutes of the June 12, 2014 minutes and accept the minutes as written. Motion was carried.

Announcements:

Copake Community Day is this Saturday from noon to dusk with fireworks.

July 19th West Copake Chicken BBQ at the Copake Park Building.

Copake Falls Day will be August 16th, check our website for more details.

Thanked Bill Gregory and Larry Proper for the repairs to the sign planter in front of the Town Hall.

Thanks to the Ackley Family for their donation of the sleigh that the Town uses for the light parade.

Thanks to Jack and Nancy Shultz for their donation of a copier, a binding machine, shelving units and misc. office supplies.

Special Thanks to Karen DiPeri for the wonderful job she has done with publishing the Copake Connections and for training Larry to assume her duties.

Correspondence:

From Robert Haight, Chairman LURC – an email from Jack Shultz resigning from the LURC effective immediately due to selling their house and moving away.

From Councilperson Jeanne Mettler – an email from Nancy Shultz resigning from the Copake Hamlet Revitalization Task Force effective immediately due to selling their house.

From Edgar Masters and George Beneke, Co-Chairs Farmland Protection Committee – an email respectfully requesting that Marcia Becker be reinstated as a member of the Farmland Protection Committee.

From Marcia Becker – an email requesting to be reinstated to the LURC and the Agriculture and Farmland Protection Committee.

From Department of the Army – a copy of a letter to Jos Smeele, Director of Infrastructure Camphill Village stating that their proposed work maybe authorized under Department of the Army nationwide general permit number 33.

From Comcast Corporation – a letter explaining the details of the Charter Communications/Comcast Corporation Transaction.

Public Forum: None

Department Head Reports:

Highway Superintendent Gregory reported that they are moto paving and sealing roads as well as other summer road work.

Councilperson Winchell-Sweeney reported that the Z.B.A. has been having some very long meetings.

Supervisor Nayer reported that the C.E.O. could not be here tonight, he had other arrangements, they are busy as usual and Ed was addressing some of the things that rose up to the Town about violations.

Assessor's Office left his report.

Councilperson Miller-Simmons reported that the Summer Youth Program is going well. Councilperson Miller-Simmons advised the Board and the Public that they have had a person who for the past few years, who wishes to remain anonymous sponsored a child for the summer program and donates all the ice cream for the make your own Sundaes and it's a shame she wants to remain anonymous but I just wanted everybody to know that there are nice people in Copake who are willing to do nice things for the youth of Copake. They have had their first fieldtrip, bowling and this is Bridget Roberts tenth year as Director of the Summer Youth Program.

Councilperson Mettler reported that the Ag and Farmland Committee are continuing their work and they are hoping to finish up by the end of the summer. Supervisor Nayer stated that he has to file an extension as we need a little more time. Councilperson Mettler also reported that the Chairs of the Ag and Farmland Committee wrote requesting that Marcia Becker be reinstated to their Committee.

Supervisor Nayer reported that the LURC had an extra meeting on a Saturday to help move things along and also the Parks & Recreation Commission is getting ready for Community Day.

Councilperson Winchell-Sweeney reported that the CAC meets at the end of the month.

Councilperson Mettler reported that the Hamlet Revitalization Committee met with Hillsdale Councilperson Jill Sims-Elster and she advised the Committee about the efforts being made to create a Business Alliance in Hillsdale, it's not a Town Committee it is more the nature of a Chamber of Commerce and she wanted to know if the Town of Copake was interested in cooperating with that and creating a Roe Jan Business Alliance which the Committee thought was a great idea. So the Committee will be reaching out to people to see if they are interested in this idea. Work is continuing on the 2nd Annual Roe Jan Ramble Bike Tour which is being sponsored by the Town of Copake, Hillsdale and Ancram. Councilperson Mettler went on to explain how this year's Bike Tour will work. This year the Harlem Valley Rail Trail Ride is coming through the Hamlets of Copake and Copake Falls which is a great opportunity for exposure for the Town. The Task Force's application to First Niagara has been denied. The Task Force will be coming before the Board in August requesting financial assistance for a Hamlet Planner. Councilperson Mettler wanted to thank Karen DiPeri for her years of technical assistance and as publisher of the Copake Connection and welcomed Larry to that position. Also there will be another Connection on the 15th this month, we did this one early due to missing the June one and to get the information out about Community Day.

New Business:

Supervisor Nayer reviewed the options of handling the vacancy on the Town Board created by the resignation of Councilman Paciencia.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Winchell-Sweeney to leave the vacant seat on the Town Board until this November's Election. Motion was carried.

Supervisor Nayer reported that we advertised for the repairs of the damaged sidewalks in the Hamlet in two newspapers and received one sealed bid from Ronsani Brothers Inc. for a bid price of \$15,500.00. Supervisor Nayer explained what work was going to be performed per the specifications.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to award the Sidewalk Repair Bid to Ronsani Brother Inc. per the detail specifications for a bid price of \$15,500.00. Motion was carried.

Supervisor Nayer made the following Liaison appointments, Councilperson Winchell-Sweeney to the Environmental Committee, Councilperson Mettler to the Ethics Board and Councilperson Miller-Simmons to the Assessor's Office.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to accept Jack Schultz's resignation with regrets from the LURC. Motion was carried.

Councilperson Mettler stated that Nancy was a very important member of the Task Force working on grant applications and contributed a lot to the Task Force. Councilperson Miller-Simmons added that Nancy was instrumental in addressing the recommendation from the Comptroller's Office Audit.

A motion was made by Councilperson Mettler and was seconded by Councilperson Miller-Simmons to accept Nancy Schultz's resignation with regrets from the Hamlet Task Force Committee. Motion was carried.

Supervisor Nayer ask the Board for their input on Marcia Becker's request to be reinstated to the Ag & Farmland Protection Committee and LURC.

Councilperson Mettler asked what the LURC's opinion is on this matter. Robert Haight, Chairman of LURC stated that they did not vote on this as they felt it was a Town Board decision. Councilperson Mettler stated we have a request from the Ag & Farmland Protection Committee asking that Marcia be reinstated in terms of whether a request from a Committee is appropriate, I would suggest that it really is appropriate because under our Policy Manual each Committee serves as its own Nominating Committee and so it seems to me that it is quite consistent to say that a Committee under these unique circumstances could make a recommendation to the Board. Councilperson Mettler stated that her position is that the Town Board should not be overly involved in the various Boards and Committees and the Town Board should not override a day to day decision as to membership or anything else. I feel we should follow the recommendation of the Committee and reappoint Marcia Becker to the Ag & Farmland Protection Committee.

Councilperson Miller-Simmons stated that she wished that Marcia had taken a leave of absence instead of resigning and a lot of people had asked her to do that and she said no. Marcia is very knowledgeable, but we have had a lot of people resign from the LURC and what if they all decided that they wanted to get back on, what is the criteria going to be? If we were going to interview for more members on either of these Committees then that person who resigned could reapply for membership. I just don't think we need to start making a policy about this.

Councilperson Mettler felt that we should make a policy regarding this matter to guide us if this comes up again so if a Committee Member had a situation where they had to take a leave of absence for a period of time they could.

Supervisor Nayer read the following section of the Town's Policy Manual;

The entire membership of each board, committee and commission serves as the nominating committee for its new members with the exception of the Board of Ethics.

The nominating committee actively solicits the participation of citizens whenever a vacancy arises. This will include, but is not limited to, posting a notice of the position in the Town's official newspaper, in Town Hall and on the Town website.

Applicants will be required to submit a letter of interest to the relevant nominating committee in-person, by post or e-mail.

This was an open position no one advertised this and they just can't say they want someone back, it is not in the Policy Manual and it is the Town Board's ultimate decision to appoint people not the Committee. Supervisor Nayer went onto read the following statement; "I am a businessman and I try to look at the Town as a business when I make my daily decisions concerning the Town, whether it be budgetary or Personnel.

I have been both an employee & an employer in my profession so I tend to look at both sides of the fence when I make decisions in business.

Whenever I have left a job I always left on good terms & with proper notice whether I was happy or not where I worked. I always tried to be professional that way. As an employer I expected the same of my employees.

So when I received a resignation letter from a member of the Town Government, I immediately called that person to discuss the letter & asked that they reconsider their decision.

When a person is adamant about their decision & will not reconsider then there is nothing more than I can do but to honor their decision, BUT I also have to look at the affect that decision can cause. When a person resigns abruptly like this then I have to form my opinion about how I might need to deal with that person sometime in the future.

When that person would like to come back to the same job duties, I now have to think, how do I know this won't happen again, and that person now becomes less of an asset and more of a liability to the Town in my opinion. When a person makes this type of decision, then they need to realize the repercussions that can go with their decision.

To me I cannot support reinstating this person as I cannot predict that their actions won't be similar in the future.

I believe this will set a bad president in the Town if we allow this person to be reinstated.

Councilperson Mettler stated that there was a conflict of interest for Mrs. Becker to continue that was precipitated by an action by the Town. That has been resolved and it seems to me that the equity are also in favor of allowing her to come back and the reason she left was because of the actions of the Town.

Councilperson Winchell-Sweeney stated that she would like to appoint Marcia Becker to the Farmland Committee as well as the LURC.

A motion was made by Councilperson Mettler to accept the recommendation of the Farmland Protection Committee and reinstate Marcia Becker to the membership of that Committee until their work is done. Councilperson Winchell-Sweeney requested the motion be amended to say "appointment to the Ag & Farmland Committee and the LURC". Councilperson Mettler accepted the amendment. Councilperson Winchell-Sweeney seconded the motion as amended. Supervisor Nayer requested Deputy Town Clerk Hotaling to conduct a roll call vote. Councilperson Miller-Simmons voted no,

Supervisor Nayer voted no, Councilperson Winchell-Sweeney voted yes and Councilperson Mettler voted yes. Supervisor Nayer stated that the vote was a tie two to two and the motion does not go anywhere.

Old Business: None

Budget:

As Budget Officer Supervisor Nayer stated he will start compiling the budget, we are looking at a tight budget next year, our medical insurance is looking to go up \$20,000.00. I would like to entertain trying to give raises for some people, we have some office workers and part time employees that have not gotten raises for quite some time.

Councilperson Reports: None

Public Forum:

Marcia Becker stated that she was sorry that you two had made that decision and didn't know if you read my letter that I submitted to the meeting tonight, but the reason that I had to resign was because of a decision made by an officer of the Town put me in a conflict of interest situation. I resigned in the best interest of the Town as well as my family until this dispute was resolved. The other fact of the matter is that the Assessor threatened me with court, so I didn't know what the procedure for appeals was, but let me tell you if your threatened by somebody with court you pay attention to what they say and deal with it accordingly. So I am sorry that you don't value my participation with the various committees or understand the situation that the Town put me into that I had to take the time to resolve.

David Goldman reviewed the history of the LURC and stated that it is the Town Board's responsibility to make the decision to make an appointment to a Committee that they should not be asking the Committee for their input.

Carol Gansowski asked if there was an alternative to Marcia Becker resigning.

Terry Sullivan asked why Marcia Becker did not take a leave of absence.

Lindsey LeBrecht stated that she thought that if there was a vacancy on a Committee the Town has to advertise the opening.

Supervisor Nayer requested a moment of silence for Ralph "Tote" Shadic who served our Town and Community in many different ways. Ralph was a Town Councilman, Town Liaison to Park & Recreation Commission, Volunteered to construct the original Park Restrooms and Water Building, Building Inspector, Deputy Building Inspector, ZBA Member, Life Member of Copake Fire Department, Member and Captain of the Community Rescue Squad and a Member Hillsdale Cadby-Shutts VFW Post # 7552.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney that the bills from Highway Abstract # 7 and the bills from General Abstract # 7 be paid. Motion was carried.

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

Respectfully submitted,