

Regular Town Board Meeting

7/14/16

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

A motion was made by Councilperson Gansowski and seconded by Councilperson Mettler to waive the reading of the minutes of the 6-9-16 regular meeting and approve the minutes as written. Motion was carried.

Announcements:

Thanked Leslie Wood for donating new Hamlet Banners to the Town. August 6th Copake Fire Company Trash & Treasurer Sale. Starting August 2nd The Columbia County Healthcare Consortium will have a navigator at the Town Hall every first Tuesday of the month to help people get onto the New York State Health Care. The Roeliff Jansen Historical Society have started the Bash Bish Historical Display and will continue every Saturday and Sunday from 2:00 – 4:00 pm until September 4th. R.J. Ramble will be on September 24th and online registration is open.

Correspondence:

From Margaret Nielsen – a letter questioning why it has taken so long to stop Mr. Casino and a newspaper article of similar trial in Suffolk County.

From N.Y.S. Department of Taxation and Finance Office of Real Property Tax Service advising that the Town of Copake's Equalization Rate is 114.50.

From Barbara Staskel – an email expressing her concerns with the additional traffic on Snyder Pond Road.

From Resident Deputy David Proper – an activity report for Snyder Pond Road from 6/13 – 7/9.

From Douglas Clark, Ryan Biggs Clark Davis Engineering & Surveying, P.C. – a letter clarifying a discrepancy on the Town's Zoning Map along Route 23 in Craryville as a B-2 District.

From the Department of the Army – a copy of a letter to Fred Bunger requesting additional information regarding his Permit Application # NAN-2016-00945-USH to discharge fill material below the ordinary high water mark of Copake Lake.

From Grant Dinehart Langdon – a letter requesting the Town Board pass a resolution requesting reform of the Grand Jury and passage of a commission on prosecution misconduct.

From N.Y.S. Ag & Markets – a letter advising the Town that the Municipal Shelter passed its recent inspection on 6/23/16.

From the Department of the Army – a copy of a letter to Dean Knox, Director of Engineer Columbia County DPW advising that the proposed work near the C.R. 7A Bridge over the Bash Bish Brook may proceed under the Department of Army nationwide general permit # 3.

From John Barnes – a letter expressing his interest in seeing an ice skating rink in the area, possibly at the Catamount Ski Resort.

From Julie-Anne K. Bernroth – a letter advising the Town of how “extremely rude and arrogant Mr. Surprise was when she met with him regarding questions she had on how he came up with assessment numbers.

Department Heads & Committee Reports:

Councilperson Mettler reported that at the Taskforce meeting last night it was brought up about the preparation of applying for a grant from the New York State Consolidating Funding which is due on July 29th. During the discussion there were a lot of unanswered question and a fundamental issue which was that the Taskforce had not come to the Town Board first to ask for their support in this application by adopting a resolution. In light of this, Councilperson Mettler read a message from Roberta Roll, The Task Force is working on submitting an application for a Local Waterfront Revitalization Plan grant through NY State Consolidated Funding Application. We must apply for this planning grant before we receive any monies for actual construction. A construction grant would be applied for next year. It is a matching grant, but there are many ways to fulfill this requirement without cash. We do need a resolution to submit this grant application.....and we are sorry for the short notice...we didn't realize that was required. Is there any way that a special board meeting could be held to pass the resolution? I will be available for questions early next week.

Public Forum:

Marsha Becker read a letter on behalf of the Committee to Save the Bash Bish Flag from Devin R. Lander, New York State Historian, The State Education Department “commending everyone involved in the effort to conserve the flag through which, and with proper interpretation, your fellow town residents (especially young people) can learn about an important era in Copake’s history”.

Marsha Becker questioned if it was true that the Town Board had changed a district on the Zoning Map? Supervisor Nayer replied that a District has not been changed, a correction was clarified on the Zoning Map.

New Business:

The following resolution was made by Councilperson Mettler and seconded by Councilperson Miller-Simmons amending the AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEYS:

Agreement between the Highway Superintendent of the Town of Copake, NY and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repairs and improvement of highways, and received from the State for State Aid for the repairs and improvement of highways, shall be expended as follows:

General repairs: The sum of \$183,500 shall be set aside to be expended for primary work and general repairs upon 56.19 miles of town highways, including sluices, culverts, and bridges having a span of less than five feet and boardwalks or the renewals thereof. General repairs to include:

- (a) Sum in the approximate amount of \$8,000 to be expended for the trimming or removal of dead or dangerous trees.
- (b) Sum in the approximate amount of \$60,000 to be expended on the purchase and application of aggregates (gravel, drainage stone, road sealing stone, gabions etc.)
- (c) Sum in the approximate amount of \$69,000 to be expended on the purchase and application of blacktop.
- (d) Sum in the approximate amount of \$11,000 to be expended on the purchase and installation of culvert pipes.
- (e) Sum in the approximate amount of \$20,000 to be expended on the purchase and application of dust control/road stabilization calcium.
- (f) Sum in the approximate amount of \$5,500 to be expended on the repair/replacement of road signs.
- (g) Sum in the approximate amount of \$10,000 to be expended on miscellaneous projects.

Permanent Improvements: The sum of \$161,059.66 shall be set aside to be expended on the Permanent Improvements of town highways. Work shall include blacktop shimming, single seals of oil and stone, and stone and cold mix motor paving.

- (a) Sky Farm Road, commencing at County Route 7 and ending at County Route 7A. Cost to cover a Two inch overlay of cold mix motor pave on the road surface, rental of paving machine, and compaction roller.
- (b) Sky Farm Road, commencing at County Route 7 and ending at County Route 7A. Cost to cover a single seal of oil and stone on the road surface, rental of chip machine, and compaction roller.
- (c) View Mont Road, commencing at County Route 7A. Cost to cover a Two inch overlay of cold mix motor pave on the road surface, rental of paving machine, and compaction roller.
- (d) View Mont Road, commencing at County Route 7A. Cost to cover a single seal of oil and stone on the road surface, rental of chip machine, and compaction roller.
- (e) High Meadow Road, commencing at Sky Farm Road and ending at Snyder Pond Road. Cost to cover a single seal of oil and stone on the road surface, rental of chip machine, and compaction roller.
- (f) Van de Carr Road, commencing at Birch Hill Road and ending at Robin Road. Cost to cover a single seal of oil and stone on the road surface, rental of chip machine, and compaction roller.
- (g) Robin Road, commencing at Van de Carr Road and ending at Blue Bird Road. Cost to cover a single seal of oil and stone on the road surface, rental of chip machine, and compaction roller.

- (h) Blue Bird Road, commencing at Lakeview Road and ending at Robin Road. Cost to cover a single seal of oil and stone on the road surface, rental of chip machine, and compaction roller.
- (i) Oriole Road, commencing at Lakeview Road and ending at Robin Road. Cost to cover a single seal of oil and stone on the road surface, rental of chip machine, and compaction roller.
- (j) Pheasant Road, commencing at Lakeview Road and ending at Robin Road. Cost to cover a single seal of oil and stone on the road surface, rental of chip machine, and compaction roller.

Resolution # 11	Supervisor Nayer	yes
Dated July 14, 2016	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

Supervisor Nayer reported on Snyder Pond Road, the Sheriff’s Department has increased patrols, our Resident Deputy gave the Board an activity report, the State Police are patrolling when they can, the County DPW has been cooperative with signing the area and the Town put a large ad in the paper.

The Board discussed the letter received from Doug Clark clarifying their error on the Zoning Map they drew in 2007.

The Board set a Special Board Meeting for Friday, July 22, 2016 at 10:00 am to entertain a resolution to authorize the Hamlet Taskforce to apply for a Grant. The Board requested clarification of what this grant will be used for and if it is going to be a matching grant.

The Board discussed the Zoning Revision Workshop that was held earlier this month. Supervisor Nayer is going to send an email out to all the Committees and Boards that attended to submit any concerns they have pertaining to their Boards or Committees to him, their individual comments will be handled during the Public Hearing process. After the comments and questions are received Supervisor Nayer will forward them to Bob Haight, the members of the LURC and Nan will address these issues. Supervisor Nayer questioned if Mr. Dow needs to review these proposed changes prior to holding a Public Hearing. Mr. Dow replied that he should review the proposed changes prior to releasing them to the public.

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

WHEREAS, in the early part of the 20th Century, there was an elegant Inn in Copake Falls known as the Bash Bish Inn, which attracted visitors from all over the world and was a symbol of the thriving tourist economy in the Town at that time; and

WHEREAS, in 1918, the Inn burned to the ground, but the 48 star American Flag which flew over the Inn was rescued and saved by the headwaiter at the Inn; and

WHEREAS, in 2015 the Flag was returned to Copake by the family of the headwaiter, and a committee known as the Committee to Save the Bash Bish Inn Flag has formed to preserve the flag; and

WHEREAS, the Committee to Save the Bash Bish Flag has offered to raise money in order to preserve the Flag and to give it to the Town;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Copake hereby accepts 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 mounted and framed in a manner suitable for preservation and display, with dimensions not to exceed twenty-five (25) square feet in size.

Supervisor Nayer spoke in opposition of the size of the flag being 25 square feet and stated that the flag should be displayed in the Historical Museum and not in the Town Hall. Supervisor Nayer added that if the Town does accept the flag and decides to give it to the Historical Society we will be acting like a middle man which is ridiculous I would just as soon that they should be the ones to have it.

Councilperson Miller-Simmons questioned the Attorney if the Board passes this resolution it applies that the flag becomes the property of the Town? Attorney Dow stated that it becomes the personal property of the Town and would be treated like any other item the Town owns and the Board has the complete control over it. Supervisor Nayer added that means we could give it away, throw it away or we could hang it up, it is the Towns to do with whatever they wish, take it in and out of the frame, turn it upside down, I want to make this clear if the Town accepts this and does something that someone doesn't like they can't come back later and say that they did not think that was the way it was going to be. I want this to be very clear. Councilperson Mettler stated that as far as the size, the dimensions are the possibilities that were mentioned by the people that will do the conservation of flag 2x4, 3x4 or 4x5 and until they get the flag and start the process, they will not be able to recommend a specific size. If the Board wants to reduce the maximum size to 20 square feet that would be good compromise. Supervisor Nayer said the Committee should have had the size worked out before the resolution was presented, don't ask that the size be left open and he will not support this. Councilperson Mettler questioned if the Board could amend the resolution that the size does not exceed 20 square feet? Attorney Dow said yes, you would have to pass a motion amending the resolution. Councilperson Mettler supported accepting the flag with no strings or conditions attached but is a little disappointed that any suggestion that we would put it in a closet or not display it or much less do something to desecrate it. I am sorry that idea is out there because here is the deal, I think we are going to get this flag and it is going to be very beautiful, very impressive and we are going to be very proud and we are going to look around this Town Hall and figure out where to put it and when we hang it we will have a little ceremony and signage next to it, it is going to be a great thing for the Town of Copake. Councilperson Mettler offered a motion to amend the resolution that the maximum size of the flag does not exceed 20 square feet. Councilperson Miller-Simmons was concerned that if it is that big and then you add signage and different things around it and then you are talking about a very large area. Councilperson Mettler stated that she would think that the signage would be small and that the Committee would work with us on this matter. Supervisor Nayer clarified that his point was not to desecrate the flag or anything else, his point was to say that if we are given something with no stipulations, I don't want to hear later that they don't like what we are going to do with it.

Public Forum was opened up to speak on this proposed resolution:

Howard Blue stated that he spoke to Gwen Spicer from Spicer Conservation up in Delmar and she had presented the Committee with three size options 2x4 being the smallest, which he would personally like to see it be this smaller size which would make it more manageable for displaying, however because the flag is 8.75 high by even wider, it has to fit into the frame and the Committee will know next week what the estimates are and will send a schematic showing how much of the field of blue and the red and white will be seen. The Committee does want to make the display as small as possible. The Company needs to know that the Town is committed before they invest any more time on this project. Also Mr. Blue stated that the President of the Historical Society felt that the flag belonged at the Town Hall. Supervisor Nayer replied that is not what he told him they did not state he would not accept it. Well he did not say he would not accept it, it is not relevant, we could offer it to them and they could reject it, I don't know what is going to happen, I am just saying my feelings. Mr. Blue added that Supervisor Nayer stated that there was 250,000 visitors to Taconic State Park yearly, the Historical Society is where the flag would be shown, the Historical Society is open 4 hours a week in the summer and in rest of the year in very occasional times. So it makes a big difference. Councilperson Sullivan question if the size chosen determines the cost of the project. Mr. Blue stated that the Conservation Company is going to give the Committee three options and if there is a big difference between the smallest size and the next size up, that will be a big factor. Supervisor Nayer stated that if the Company suggests a certain size and say you want to save money we want to go smaller and you want the Board to leave an open option on the size then you are going to dictate by price. Mr. Blue stated the Committee wants this flag to be manageable. Marsha Peteroy stated she was under the impression that when we had this large size that it included also the explanations of it, the history and what have you. Also if the Committee can't get somewhat of a guarantee to have it displayed in the Town Hall it is going to be hard for the Committee to get contributions to have the flag preserved. If the flag is going to be put in a closet or the Historical Society for four hours a week it is going to be difficult to raise the funds. Mrs. Peteroy went on to say that there will be a group of people that will be willing to help rearrange the Town Hall with Historical things, informational things and make that area where the flag will be hung a little more attractive to the Town Hall and that is something I would like to work with. Supervisor Nayer stated that now we are going to a committee to what goes on and off the walls, we are not to that point in setting up a committee to say what hangs on the walls. Carrol Gansowski stated that she thinks it is nice to have this flag in Town but I think that time and energy spent on this subject would be better spent on the Zoning Revisions. Supervisor Nayer stated that we are spending quite a bit of time on the revisions. I know there is concern whether we agree with each other or we don't but there are concerns and they need to be aired out.

Councilperson Sullivan seconded Councilperson Mettler's Motion. Four yes votes, Supervisor Nayer voted no.

Supervisor Nayer reread the Resolution with the amendment.

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Resolution # 12	Supervisor Nayer	No
Dated July 14, 2016	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

Budget:

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski to authorize the following transfers:

From:

A1220.4 (Supervisor Contractual) 250.00

To:

A8810.47 (Cemeteries Misc.) 250.00

Motion was carried.

Requests for 2017 Budget Estimates will be going out soon.

Lindsay LeBrecht advised the Board of the grants that the Park Commission has raised for the new playground equipment. To date they have raised a total of \$8,832.50 so far and the total cost of the new equipment is \$10,853.00 which leaves a shortage of \$2,020.50. The Park is requesting permission to use their funds in the Special Park Fund to offset the shortage.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski to authorize the expenditure of \$2,020.50 from the Special Park Fund for the new playground equipment. Motion was carried. Councilperson Sullivan asked if this new equipment would increase the Town's Liability. Supervisor Nayer replied no.

Councilperson Report:

Councilperson Miller-Simmons reported that the Summer Park Program is going well and they went on their first field trip. There are 51 children signed up.

Councilperson Gansowski reported that Trout Unlimited is proposing to put a forge crossing bridge across the Norster as a crossing for the Barringer Farm. Supervisor Nayer advised the public that Councilperson Gansowski working on this project was as a citizen not as Councilperson for the Town. Also Councilperson Gansowski has received many requests to have a small boat launch access at the triangle at the intersection of County Route 7 and Lakeview Road Copake Lake to launch kayaks, canoes and small row boats. Councilperson Gansowski is going to contact the County regarding this matter. Supervisor Nayer has already spoke to them and they have said they were not in favor of this.

Public Forum:

Howard Blue thanked everyone involved in getting to this point with the flag and asked for a brief statement of what the Boards intentions are for displaying the flag in the Town. Supervisor Nayer stated that this should have been brought up during the resolution not after. Mr. Blue asked to hear from the other Board Members and Supervisor Nayer advised him no, that he decides who answers at Public Forum. Councilperson Mettler advised that at this point the Board is not inclined to make any representations or promises. Councilperson Miller-Simmons agreed with Councilperson Mettler.

A motion was made by Councilperson Sullivan and was seconded by Councilperson Gansowski to go into executive session to discuss possible litigation. Motion was carried.

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

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

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

Respectfully submitted,

