

Regular Town Board Meeting

9/8/16

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 Sullivan to waive the reading of the minutes of the 8-13-16 regular meeting and approve the minutes as written. Motion was carried.

Announcements: K.I.S.S. program will run from 9/6 – 9/23, C.C. Hazardous Waste Disposal Day is Saturday, 9/10/16 8:00 until noon, R.J. Ramble is Saturday, 9/24/16.

Correspondence:

From New York State Unified Court System – a letter advising that per Section 2019-a of the Uniform Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards.

From Grant Dinehart Langdon – a letter advising his displeasure with a law firm that the Town is using as a Special Attorney.

Department Head/Committee Reports: None

Public Forum:

Grant Dinehart Langdon read a statement requesting the Town Board's support in reforming of the Judicial System.

Debra Cohen a member of Connect Columbia requested the Town Board establish a Town Committee to help answer questions to the public and work in conjunction with the Connect Columbia on how is the best way to bring Broad Band Cable to Copake.

New Business:

The Town Board postponed scheduling another Comp Plan workshop until next spring. Councilperson Mettler agreed that the Town has some pending issues that need to be addressed as a lot of the goals set forth in the Comp plan have been met.

Supervisor Nayer advised the Board that he wants to increase the medical buyout option for the employees to \$6,000.00 for a family plan and still has to come up with a figures for the other options. If the employee opted to take the buyout for a family plan the Town would save approximately \$6,000.00. Councilperson Ganzowski questioned how many employees are looking to take the buyout option? Supervisor Nayer stated at this time there is one employee interested. Attorney Dow will prepare the resolution.

Budget:

Supervisor Nayer reported that he is working on the Tentative Budget looking at a 0% increase again. The Board set a Special Tentative Budget meeting for October 5, 2016 at 9:00 am.

Old Business:

The Board discussed dates to hold a Town Board workshop for the proposed zoning changes, it was decided that Supervisor Nayer would email possible dates to the Board members and would set the date for the workshop at the Tentative Budget meeting on October 5<sup>th</sup>.

Resolutions:

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

WHEREAS, subdivision two of section 10 of the New York State General Municipal Law provides that “the governing board of every local government shall designate one or more banks or trust companies for the deposit of public funds”, that “such resolution shall specify the maximum amount which may be kept on deposit at any time in each such bank or trust company” and that “such designations and amounts may be changed at any time by further resolution”; and

WHEREAS, section 31-5 of the Code of the Town of Copake provides that “it is the policy of the Town of Copake to diversify its deposits and investments by financial institution”; and

WHEREAS, the Town Board of the Town of Copake finds that it is in the best interests of the Town to authorize the National Bank of Kinderhook as a Town depository;

NOW, THEREFORE,

BE IT RESOLVED, that the National Union Bank of Kinderhook is hereby designated as an authorized depository of Town funds, in accordance with section 10 of the New York State General Municipal Law; and

BE IT FURTHER RESOLVED, that the maximum amount which may be kept on deposit in such National Union Bank of Kinderhook is one million two hundred fifty thousand dollars (\$1,250,000).

Resolution # 13	Supervisor Nayer	yes
Dated September 8, 2016	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

The following resolution was offered by Councilperson Miller-Simmons and seconded by Councilperson Gansowski:

WHEREAS, the Town Board of the Town of Copake, by Resolution dated September 8, 2016, designated the Kinderhook National Union Bank as a depository for Town funds; and

WHEREAS, such bank requires the adoption by the Town of certain resolutions, set out below in this Resolution, in relation to the establishment of a banking relationship;

NOW, THEREFORE,

BE IT RESOLVED, that for purposes of this Resolution and the provisions below, "Financial Institution" shall refer to and mean the Kinderhook National Union Bank; "Corporation" shall refer to and mean the Town of Copake; and "Board of Directors" shall refer to and mean the Town Board of the Town of Copake.

BE IT FURTHER RESOLVED, that in relation to the Financial Institution (Kinderhook National Union Bank), the Town Board of the Town of Copake authorizes the following:

(1) The Financial institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.

(2) This Resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.

(3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.

(4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.

(5) The Corporation agrees to the terms and conditions of any account agreement properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the Corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.

(6) The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.

(7) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to

treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

BE IT FURTHER RESOLVED, that the person designated as "Agent" in this Resolution and authorized to act in such capacity in relation to the Financial Institution (Kinderhook National Union Bank) shall be the Supervisor of the Town of Copake and no other.

BE IT FURTHER RESOLVED, that notwithstanding paragraph (6), above, neither the Town Supervisor, Deputy Supervisor, nor any other officer, employee, or agent of the Town of Copake is authorized or permitted to accept, sign, or make use of any automated teller machine (ATM), credit card, or debit card that is related to any account of the Town with the Financial Institution. Online or electronic access by the Agent to Town accounts for electronic transfer or management of Town funds, or for review or informational purposes is, however, authorized and permitted. These limitations shall be entered upon the "Corporate Authorization Resolution" form (a copy of which is appended to this Resolution) in the space provided for "Limitations on Powers."

BE IT FURTHER RESOLVED, that the following Powers Granted set out on the "Corporate Authorization Resolution" form are to be exercised by the Agents of the Town and shall require the number of signatures, as follows:

(1) Exercise of all the powers listed in this resolution

a. Not authorized

(2) Open any deposit or share account(s) in the name of the Corporation

a. By Supervisor only

b. Requires one (1) signature

(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution

a. By Supervisor only

b. Requires one (1) signature

(4) Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidences of indebtedness

a. Not authorized

(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment

a. Not authorized

(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution

a. Not authorized

BE IT FURTHER RESOLVED, that the Supervisor and Town Clerk are authorized and directed to take such steps, consistent with this Resolution, as are necessary and proper to carry out the purposes of this Resolution.

Resolution # 14	Supervisor Nayer	yes
Dated September 8, 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 Miller-Simmons:

Authorizing a Third Party Custody Agreement Between and Among the Town of Copake, the National Union Bank of Kinderhook, and the Manufacturers and Traders Trust Company

WHEREAS, the Town Board of the Town of Copake, by Resolution dated September 8, 2016, designated the Kinderhook National Union Bank as a depository for Town funds; and

WHEREAS, in connection with the designation of such bank as a depository of Town Funds, is the Town Board finds it in the interests of the Town to enter into the attached "Third Party Custody Agreement" between and among the Town of Copake, the National Union Bank of Kinderhook, and the Manufacturers and Traders Trust Company;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Copake authorizes entering into the appended "Third Party Custody Agreement" between and among the Town of Copake, the National Union Bank of Kinderhook, and the Manufacturers and Traders Trust Company.

BE IT FURTHER RESOLVED, that the "Maximum Amount of Anticipated Uninsured Deposits" for the month of September, 2016, shall be six hundred thousand dollars (\$600,000).

BE IT FURTHER RESOLVED, that the Supervisor and Town Clerk are authorized and directed to take such steps, consistent with this Resolution, as are necessary and proper to carry out the purposes of this Resolution.

Resolution # 15	Supervisor Nayer	yes
Dated September 8, 2016	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

The following resolution was offered by Councilperson Miller-Simmons and seconded by Councilperson Gansowski:

Authorizing a Section 125 Cafeteria Benefits Plan

WHEREAS, the Town Board of the Town of Copake, deems it in the interest of the Town and employees of the Town to offer a Section 125 benefits plan allowing payment of certain insurance premiums with pre-tax dollars;

NOW, THEREFORE,

BE IT RESOLVED, that the form of Cafeteria Plan effective 09/16/2016, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

BE IT FURTHER RESOLVED, that the Supervisor and Town Clerk are authorized and directed to take such steps, consistent with this Resolution, as are necessary and proper to carry out the purposes of this Resolution.

Resolution # 16	Supervisor Nayer	yes
Dated September 8, 2016	Councilperson Miller-Simmons	yes
Copake, New York	Councilperson Mettler	yes
	Councilperson Sullivan	yes
	Councilperson Gansowski	yes

Budget:

Supervisor Nayer announced that we received our Tobacco check for the amount of \$26,587.97.

Councilperson Report:

Councilperson Mettler announced that there are 99 riders signed up so far for the Roe Jan Ramble and thanked all the volunteers helping with this event.

Public Forum:

Lindsay LeBrecht announced that the new playground equipment will be arriving later this month.

Grant Langdon spoke briefly again on his displeasure with a law firm that the Town is using as a Special Attorney.

A motion was made by Councilperson Mettler and was seconded by Councilperson Sullivan that the bills from General Abstract # 9 and the bills from Highway Abstract # 9 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,