

Public Hearing & Regular Town Board Meeting

September 10, 2015

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

Supervisor Nayer opened the Public Hearing at 6:45pm with 2 people present. The purpose of the Public Hearing was to discuss a proposed Anti-Littering Local Law.

The Public Hearing was closed at 6:46 pm and the regular meeting followed at 7:00 pm.

A motion was made by Councilperson Winchell-Sweeney and seconded by Councilperson Mettler to waive the reading of the minutes of the August 8, 2015 board meeting and accept the minutes as written with the following addition:

Councilperson Mettler advised the Town Ethics Board section would cover instruction in appropriate methods for interacting with the public professionally, respectfully and without appearance of partiality.

Motion was carried.

Announcements:

The final Hamlet Plan will be presented on Saturday, September 12, 2015 at 10:00 am, the ribbon cutting for Copake Wine Works will be Saturday, September 12, 2015 at 1:00 pm, Roe Jan Ramble will be held on September 19, 2015 with registration beginning at 8:30 am, West Copake Reformed Church will be holding a Chicken BBQ on Saturday, September 19, 2015 from 5:00 pm – 7:00 pm at the Copake Memorial Park, September 27, 2015 from noon – 5:00 pm Northeast Farm Access will be having an Open House, the Bash Bish stream restoration has begun, Columbia County DPW has made repairs to the pot holes in front of the Holsapple House and looking into repairing the ones on the opposite side of County Route 7 A. Councilperson Sullivan announced also that the Copake VFW will be holding a fund raiser at the Park Building on September 26, 2015 4:30 – 7:00 pm for their building fund to construct a VFW Hall.

Correspondence:

From Stephen Hoppe – A letter of interest requesting to be reappointed to another five year term on the Copake Board of Assessment Review.

From Columbia County Office for the Aging – a letter requesting all the Towns in Columbia County for their financial support of their Nutrition Program due to cut backs in Federal Funding.

From the Department of the Army – a copy of a letter addressed to Ms. Smeele, Director of Infrastructure, Camphill Village advising that their proposed work under permit application NAN-2011-00750-USH may be permitted under the Department of Army nationwide permit #3.

From Lesley Doyel and Peter Nick Fritsch – A letter requesting Deer Crossing Signs be placed on Farm and Mountain View Roads.

From Grant Langdon – A letter voicing his displeasure of the proposed plans to tear down the Historical Holsapple House and being replaced with a sports bar.

From Gray Davis – A letter expressing his disappointment on a pending approval of the Pritchett/Casey house on Golf Course Road on Copake Lake.

From the Law Offices of Brian J. Herman – A Standardized Notice Form for Providing 30 Day Advance Notice to Local Municipality or Community Board of the application of Ancramdale General Store d/b/a Church Street Deli & Pizza On-Premises Beer and Wine License.

From Jeanne VanHoesen – A letter expressing that she feels the State Speed Limit of 55 MPH on Chrysler Pond Road is unsafe for the road.

From Ronald Perez, President and CEO, Columbia-Greene Humane Society/SPCA – A letter informing the Town of their new price structure that will go into effect on January 1, 2016.

From April Hardine – A letter requesting a speed limit reduction on County Route 7A between 1619 and 1601 County Route 7A.

From Robert Haight, Chairperson of the LURC – A letter advising that they have complete their work on the proposed revisions to the Zoning Code.

Public Forum: None

Department Head Reports:

Superintendent Gregory reported that they have completed their chip sealing for this year, changing out culvert pipes and working on repairs to plow trucks.

Robert Haight, Planning Board Chairperson reported that the last two months have been very busy and Mr. Haight clarified what actually was approved for the Old Holsapple House.

Councilperson Winchell-Sweeney reported that the ZBA has closed the Public Hearing for the Ben Meir Application with no action taken. Supervisor Nayer stated that the ZBA has sixty-two days from the time they close the hearing to make a decision.

C.A.C. will be meeting this Saturday.

Robert Haight, Chairperson of the LURC reported that they have completed their assignment after three years of hard work. The LURC strongly urges the Town Board to move forward with the proposed hamlet sewer system that is recommended in the Town's Comprehensive Plan. Councilperson Sullivan asked if anyone else was attending the Land Use Regulation Seminar at Columbia Greene. The Board agreed to circulate these proposed changes to the Boards, Committees and Department Heads for their input and will discuss this issue further next month.

New Business:

A motion was made by Councilperson Mettler and was seconded by Councilperson Winchell-Sweeney to authorize Supervisor Nayer to sign the contract with Char Peck to continue the use of his parking lot as a municipal parking lot for ten more years pending the review of our Town Attorney. Motion was carried.

Supervisor Nayer reviewed the new fee schedule from Columbia-Greene Humane Society as the Town Shelter effective January 1, 2016. Supervisor Nayer stated that the bottom line it is going to cost the Town more for stray dogs and we don't have a choice, Ag & Markets Law states we have to go to a Humane Society and the next nearest is in upper East Nassau. Supervisor Nayer stated Ancram has contracted with a private individual for \$15.00 or \$20.00 a day and then if the animal is not claimed it still has to go to the Humane Society anyway which just adds more cost. Supervisor Nayer has asked the County Attorney to speak to the Humane Society to see if they could do something seeing that all of the Towns in the County have to use them.

Councilperson Mettler questioned how the enumeration is going? Supervisor Nayer said that the Dog Control Officer has had some family health issues and he has started the other day and I just spoke to him about this and he was getting paid but now his salary has been readjusted. Just by putting the ad in the paper about the enumeration starting in May has impacted the number of people coming into license their dogs.

Councilperson Miller-Simmons reported that Park Superintendent Bradway requested the shrubs at each end of the split rail fence be removed. They have grown out of control and they have become a security issue. Superintendent Bradway recommended continuing the split rail fence where shrubs are and would cost approximately \$650.00. Highway Superintendent Gregory added that the last time they trimmed the shrubs they had to use a chain saw due to the size of them. Councilperson Mettler questioned if any neighbors would be bothered from the lights in the Park if these shrubs were removed?

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Sullivan to authorize the Shrubs be removed and replaced with split rail fence at a cost of approximately \$650.00. Motion was carried.

Councilperson Winchell-Sweeney announced that the Association of Towns will be providing Ethics training on the evening of Tuesday, October 6th and went onto recommend an update to the town's policy manual and/or employee handbook in which we adopt the NYS Office of Comptroller's recommendation to REQUIRE ethics training of all new employees and periodic refresher courses effective immediately.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Mettler to update the town's policy manual and/or employee handbook in which we adopt the NYS Office of Comptroller's recommendation to REQUIRE ethics training of all new employees and periodic refresher courses effective immediately.

Supervisor Nayer stated that this is a recommendation not a mandatory thing and I feel that this is a spinoff off from something from last month, we are going to go over the same thing again. The Town has a great staff that are very well trained and polite to the public and Supervisor Nayer feels that the process that we have with somebody is that if there was a problem they would be brought into him and with a Town Board member present would be spoken to and the next time the issue would go to executive session under personnel and if there is still a problem they will be let go. I do not need to add anymore mandatory training.

Councilperson Winchell-Sweeney added our policy manual states: "All elected officials, appointees and employees of the Town of Copake shall be bound by the provisions of the Town Code of Ethics..." but currently has no requirement for ethics training, and ethics is not referenced at all in the Employee Handbook.

Below is the justification - no original thoughts at all - merely copied and pasted from the NYS Office of Comptroller's website.

Ethics training can accomplish the following:

- Reduce the instances of unethical behavior
- Increase familiarity with laws, codes of ethics, and other requirements dealing with ethical behavior
- Communicate the organization's expectations in regard to ethical conduct
- Explain the consequences of ethics violations
- Help to avoid litigation
- Encourage critical thinking about ethics issues
- Familiarize municipal officers and employees with available resources on ethics, including where to go for assistance or with questions.

When setting up an ethics training program, the most effective structure is to hold an initial introductory session with periodic refreshers at a later date.

It is recommended that all employees be required to attend an introductory ethics training session and that employees hired after training has been instituted take the class as soon as practical. This initial training should focus on why ethics is important and include a statement or introduction by the municipality's leader in order to demonstrate its importance. In addition to discussing the various components of local government ethics, case studies or practice exercises should be incorporated into the training. It is also recommended that each person sign a statement that they are aware of the municipality's expectations and agree to abide by them.

It is recommended that follow-up training sessions should be held one to three years after the initial session. This training should present an overview of the basics discussed in the earlier session, cover any new or changed information, provide additional practice scenarios, and remind officers and employees of the resources available on the topic.

Although using a professional trainer would be beneficial, resource limitations may prohibit a municipality from using one. For municipalities conducting their own training, the following approaches have proved successful:

- Live instruction
- A powerful message from upper management
- Small class size (under 30 individuals is recommended)
- A significant amount of group interaction/employee involvement
- Realistic case studies and practice exercises

- A mix of guidelines and specific examples
- The opportunity to ask questions
- Follow up communications

Councilperson Mettler questioned where the employees would be trained? Councilperson Winchell-Sweeney replied that there are a verity of resources, live instruction or online.

Councilperson Sullivan questioned what new employees get when they come to work for the Town of Copake? Supervisor Nayer stated the packet contains an employee hand book, personnel form, I-9 form, copy of the Code of Ethics, retirement option form and W-4.

Councilperson Mettler stated that if we endorsed this it would not be saying anything against our employees, sometimes what your think might be the right thing to do and then someone brings to your attention that it is an ethical problem because of x, y and z and then you realize that you never look at the situation that way. It has nothing to do with good, smart or moral people it is just sometimes issues come up that you don't see them coming and you think you are doing the right thing and then later on in hind sight you realize you shouldn't of done that. Councilperson Mettler added that she cannot see why the Board would oppose training. Councilperson Winchell-Sweeney added that this is not something punitive, it is something to raise tax payer's confidence in their Municipal Government and that we expect a higher standard. Councilperson Sullivan questioned shouldn't the higher standard be the base line? Councilperson Winchell-Sweeney replied yes it should be and this standard can be met through education.

Supervisor Nayer stated that it is not a question of what it is going to cost the Town as the employees are going to have to be paid, he will have to speak to the Union Representative for the Highway to see if this would be a Union issue and he is not in favor of this training it is just more bureaucratic red tape.

Motion was voted down 2 yeses and three nays.

Old Business:

Councilperson Winchell-Sweeney announced the AOT training date is scheduled for October 6th at 7:00 pm and the second date will be announced soon.

Councilperson Mettler read the following statement:

This issue has been on our Agenda now for several many months. In May we asked the Board to consider two questions – the first was whether bill from NYSEG was accurate. You will recall that they were billing us for 18 street lights on Empire Road. They have responded that their bill is accurate- I don't know if it is, but I cannot refute it.

I think however, that it is time to address the more fundamental question, and that is- should the Lighting Districts continue as they have been for almost 100 years, or is the Town Board committed to take the steps necessary to rectify the injustices created by these Districts.

I am going to move tonight that the Town take the steps necessary to expand the Districts to encompass the entire Town. In other words there would be ONE district whose boundaries would be the same as

the town boundaries. All tax payers would shoulder the cost of the lights- which would be 3 cents per \$1000. For a house assessed at \$100,000 the tax would be \$3.00.

We submitted a five page report on this situation in May, and I hope my colleagues have considered the information presented.

In summary of the positions stated then:

These Districts were set up in 1920 by the Towns of Hillsdale and Copake. At that time electric streetlights were few and far between, and it was reasonable that only the taxpayers who live beneath the lights and thus directly benefited from the lights, would pay for the lights.

Today, 12.08% of the taxpayers in the entire Town pay the entire cost of lights. Many of those taxpayers live nowhere near the lights for which they are paying. There is no rhyme or reason why some people in proximity to lights are not paying, while others, far from lights are paying.

The tax is arbitrary, unfairly and inconsistently imposed, and the tax is obsolete as a matter of public policy.

There is no good reason, in 2015, to perpetuate a system of taxation which outdated and is unfair to the people of Copake. The fact that it is a complex issue does not relieve the Town of the obligation to rectify these inequities.

This is what it boils down to:

I do not know how we can escape the simple fact that this tax is unfairly imposed on a very small portion of tax payers.

What you can say that it's not that much money – so leave it be.

What you can say that it is way too complicated to fix- so leave it be.

What you can also say that since our lengthy discussion- which was publicized and quoted at length, not a single taxpayer has come forward in one of our meetings to say- you're right- this has to be changed.

But I don't see how you can say that it is a fair tax- and I find that the fact that we are taxing Copake citizens unfairly to be inexcusable.

So I am going to make a motion to change the Districts. And as we've noted it is a complex situation, made more complicated because one of our districts is shared with Hillsdale.

But rather than get tied up in procedural questions which may be pretty complicated, think it is important that the fundamental question: shall we change the lighting district be put to a vote.

If there is the will to change the lighting districts, we can ask our Attorney to report back on exactly what we need to do- if there is no will on the Board to make these changes, then we will know that, and the issue will be removed from our Agenda.

The section I am relying on was Article 12-a of the Town Law, which gives the Board the right to extend a lighting district. If the Town Board wants to change the Lighting District, then I would ask that you

support of the Motion. We can wrangle over exactly how it would be done. The first step is to get the sense of the Board whether you want to move forward.

A motion was made by Councilperson Mettler and was seconded by Councilperson Winchell-Sweeney that the Town Board take all steps necessary to draft a plan and maps to create a Lighting District which would encompass the entire Town, with the goal that, after giving proper Notice and conducting the Hearings required by Law, the Town would make the necessary findings to justify the extension and consolidation of the current lighting districts to create one single District with its boundaries being the boundaries of the Town, and that therefore the cost of street lights would be shared by all the taxpayers in the Town.

Supervisor Nayer stated that the people who live in the Lighting District do have it better than other people who don't, they live closer to the Town, they can walk to the Town and there is added security for people living in the Lighting District. The rate of 3 cent per thousand now, then this person wants a light, the church wants a light, then some else wants a light, then it just keeps going up. Supervisor Nayer added that he has not spoken to one person who lives outside the Lighting District that wants to pay for something they feel is not their responsibility. That being said on the other side we are talking about another budgetary issue which means that it has to go back into the budget which is over which we are going to be faced with a 1% allowable increase this year which means that if we go over it the people will not get that extra check. Jeff has spoken to people who do not support this, the only option here is the people currently in the Lighting District can sign a petition to put it up to vote out the light district, which that means to me that if it they vote for the light district to be done with, the lights go out in the Town. Supervisor Nayer stated he will not support this issue. Councilperson Winchell-Sweeney questioned at the last meeting you assured the Board that the Lighting District is a separate tax and it is not included in the budget. Supervisor Nayer replied that now it is not, but if the whole Town incorporates this it will probably move back into the Budget and it doesn't go into a Copake Lighting District. Councilperson Winchell-Sweeney corrected Supervisor Nayer that it would be a Copake Lighting District. Supervisor Nayer state then it would not be a budgetary issue. Councilperson Winchell-Sweeney stated that this is an unfair tax, we all looked at the map at parcels outside of the Lighting District that are paying Light District Taxes and there are also parcels in the Lighting District that are not paying taxes. Ninety-five years ago there was a rational justification for these lighting districts to be in existence, but there is not now. N.Y.S.E. & G. even stated that the lights are more prevalent at dangerous intersections and more densely populated areas visited by the public, the lights are for the benefit of the traveling public at large, these are not decorative lights. We would have to establish a criteria to determine where additional lights are placed if the Board receives a request which is not an issue.

Councilperson Sullivan totally appreciates the time and effort that was put into this and feels there are a lot of taxes that are unfairly distributed and would love to see our time, effort and resource go into something that environmentally impacts on people's public health such as the water issue or something like that. Councilperson Winchell-Sweeney we have a solution, we have something we can remedy these other issues you mention are great and let's put them on the table. This issue is before us and is something we can do correct.

Councilperson Miller-Simmons stated that she is here to be voice for the people that elected her and I just don't see the support for this issue.

Motion was voted down 2 yeses and three nays.

Budget:

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Mettler to authorize the following Budget Transfer:

From

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| General Fund Balance | 219,895.00 |
| A1460.4 (Records Management) | 300.00 |
| A7310.1 (Personal Services) | 800.00 |
| | 220,995.00 |

To

| | |
|-------------------------------------|------------|
| DA5130.2 (Equipment) | 219,895.00 |
| A4020.48 (Reg. of Vital Statistics) | 300.00 |
| A7310.4 (Contractual) | 800.00 |
| | 220,995.00 |

Motion was carried.

The Board set the Tentative Budget Presentation Meeting for Thursday, September 24th at 3:00 pm.

Appointments:

A motion was made by Councilperson Mettler and was seconded by Councilperson Winchell-Sweeney to reappoint Stephen Hoppe to a five year term on the Board of Assessment Review. Motion was carried.

Resolutions:

The following Resolution was offered by Councilperson Miller-Simmons and was seconded by Councilperson Sullivan;

That we the members of the Town Board of the Town of Copake do hereby petition the Department of Transportation of the State of New York, pursuant to Section 1622.1 of the Vehicle and Traffic Law to

establish a lower maximum speed at which vehicles may proceed on Chrysler Pond Road Between County Route 7 and County Route 27 in the Town of Copake

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| Resolution # 12 | Supervisor Nayer | yes |
| Dated September 10, 2015 | Councilperson Sullivan | yes |
| Copake, New York | Councilperson Winchell-Sweeney | yes |
| | Councilperson Miller-Simmons | yes |
| | Councilperson Mettler | yes |

The following Resolution was offered by Councilperson Winchell-Sweeney and was seconded by Councilperson Mettler;

That we the members of the Town Board of the Town of Copake do hereby petition the Department of Transportation of the State of New York, pursuant to Section 1622.1 of the Vehicle and Traffic Law to establish a lower maximum speed at which vehicles may proceed on County Rt.7A from Roeliff Meadows Drive heading East to the current 30 MPH speed zone in the Town of Copake.

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| Resolution # 13 | Supervisor Nayer | yes |
| Dated September 10, 2015 | Councilperson Sullivan | yes |
| Copake, New York | Councilperson Winchell-Sweeney | yes |
| | Councilperson Miller-Simmons | yes |
| | Councilperson Mettler | yes |

The following proposed was read by Supervisor Nayer:

Town of Copake, New York
Anti-Littering Local Law
Local Law No. 1 of 2015
September 10, 2015

Section 1. Legislative Findings and Intent.

New York Courts have observed that “it is virtually axiomatic that problems [including] littering, and related problems of public safety and convenience are legitimate concerns of government.” Duchain v. Lindsay, 42 A.D.2d 100 (2nd Dept., 1973). In the Town of Copake, there has been an identified and documented issue of flyers, brochures, and similar items being widely tossed about or placed unsecured in public and private places, which, both immediately and by action of wind or water, create ground litter on private and public lands and within and upon water bodies in the Town, and directly create unsightly conditions and burden the landowners and public for their cleanup. It is appropriate and desirable, and in the interest of the Town and its citizens, to take action to eliminate or mitigate this identified and increasing litter problem.

Any such action must not, however, run afoul of the Constitutional right to free speech, which includes the distribution of communication. The U.S. Supreme Court has said “Liberty of circulating is as essential to [freedom] as liberty of publishing; indeed, without the circulation, the publication would be of little

value.” Lovell v. City of Griffin, Ga., 303 U.S. 444. The right to approach persons at home or deliver communications to their homes is specifically protected. *See, e.g. Martin v. City of Struthers, Ohio*, 319 U.S. 141 (U.S. Supreme Court, 1943). The right to circulate or distribute is not, however, absolute. The United States Supreme Court has stated “nor does the guarantee of freedom of speech or of the press deprive a municipality of power to enact regulations against throwing literature broadcast in the streets.” Schneider v. State of New Jersey, Town of Irvington, 308 U.S. 147. The Court in *Schneider* held that it was impermissible to punish a person for handing out literature when it was the *recipient* who threw it on the ground and the link to the distributor was therefore indirect, but went on to emphasize that “This constitutional protection does not deprive a city of all power to prevent street littering. There are obvious methods of preventing littering. Amongst these is the punishment of those who actually throw papers on the streets.” *Id.*

Respecting these principles, this Local Law fully protects speech rights, including specifically the right to freely deliver or distribute papers, letters, flyers, and similar materials to intended recipients, at their residences or elsewhere, and is targeted only to the narrow and valid purpose of ensuring that the person or entity circulating those materials, which, due to their physical composition or construction are susceptible to being dispersed by the elements, does not *directly* create litter and unsightly mess or impose needless burdens upon landowners or the public to clean them up.

Section 2. Chapter 194 of the Code of the Town of Copake, entitled “Solid Waste” is amended by adding a new Article III, as follows:

ARTICLE III

Distribution of Unsecured Materials

§ 194-7. Distribution of unsecured specified items prohibited.

- A. No person shall throw, deposit or place, or cause to be thrown, deposited or placed, any specified item upon the lawn, driveways, grade-level exterior walkways, or otherwise upon the ground or grounds of any residence or residential parcel of land without the intent to promptly retrieve or recover possession of such item, provided, however, that such person may securely place any such specified item upon, within, or affixed to any structure upon or attached to such residence or residential parcel, including any porch, steps, awning, doorway, vestibule, fixture or other attached structural element, or within a receptacle in contact with such structure, or otherwise secure such specified item in place in contact with such structure, so that it is affixed, confined, or held in place in such a manner as to prevent such specified item from being deposited either directly or by natural elements upon the lawn, driveways, grade-level exterior walkways, or otherwise upon the ground or grounds of such residential parcel or other private or public lands, or upon or within any water body, within the Town of Copake.
- B. Any person who throws, deposits or places, or causes to be thrown, deposited or placed, any specified item upon or within any residential parcel of land, such that the specified item is subsequently deposited as a result of natural elements, including wind or water, upon the lawn, driveways, grade-level exterior walkways, or otherwise upon the ground or grounds of such residence or residential parcel of land or upon other private or public lands or upon or within any water body, shall be deemed to have caused such item to have been deposited upon the lawn, driveways, grade-level exterior walkways, or otherwise upon the ground or

grounds of such residence or residential parcel of land or other private or public lands or upon or within such water body.

- C. No person shall throw, deposit or place, or cause to be thrown, deposited or placed, any specified item within or upon any water body, or upon the lawn, driveways, exterior walkways, or otherwise upon the ground or grounds of any public land nor deposit or place, or cause to be deposited or placed, any specified item upon or within such public land or any structure thereon, such that the specified item is subsequently deposited as a result of natural elements, including wind or water, upon the lawn, driveways, exterior walkways, or otherwise upon the ground or grounds of any public or residential land, or upon or within any water body, within the Town of Copake.

§ 194-8. Culpability through acts of agent.

Any person, corporation, organization, or entity of any kind in whose behalf or for the purposes of which any agent, including an employee or contractor of such person, corporation, organization, or entity, commits any act in violation of this Article, shall be guilty of the violation resulting from the act of such agent, and it shall not be necessary to charge such agent with a violation in order to charge and convict such person, corporation, organization, or entity with such violation.

§ 194-9. Presumption.

In any prosecution under this Article the presence within or upon any water body, or upon any lawn, driveway, walkway, or otherwise upon the ground or grounds of any parcel or lands as set out in sections 194-7 and 194-8 of this Article, of any specified item bearing evidence of having been in the prior possession of, or been prepared, assembled, printed, or manufactured by or on behalf of any person, corporation, organization, or entity, shall be presumptive evidence that said specified item was thrown, deposited or placed, or caused to be thrown, deposited or placed within or upon such water body or upon such lawn, driveway, walkway, or otherwise upon such ground or grounds by such person, corporation, organization, or entity.

§194-10. Specified items.

For purposes of this Article, a “specified item” is defined as any flyer, letter, card, brochure, leaflet, paper, magazine, newspaper, or other similar object consisting of one or more pages or sheets of paper, newsprint, cardboard, plastic, laminate, or other material, whether or not contained in a wrapper. A lawn sign affixed to the ground shall not be deemed a prohibited item.

§ 194-11. Penalties for offenses.

Any person, corporation, organization, or entity who violates, in aggregate, subdivision one, two, or three of section 194-7 or section 194-8 of this Article in relation to five or more residences or residential parcels or five specified items within or upon any body of water or upon public lands within a twenty-four hour period shall be guilty of a violation punishable by a fine of five hundred dollars, and each additional violation of subdivision one, two, or three of section 194-7 or section 194-8 of this Article in excess of five within such twenty-four hour period shall be an additional and separate violation, each of which shall be punishable by a fine of not more than two hundred and fifty dollars.

Section 3. Severability.

If any provision or part of this local law, or the application thereof to any person or circumstances, is adjudged unlawful, invalid, or unconstitutional, such adjudication shall not impair the validity, force, or effect of any other provision or part of this local law or the application of this local law, or any provision or part thereof, to any other person or circumstances.

Section 4. Authorization.

This local law is enacted pursuant to the provisions of section 10 of the New York Municipal Home Rule Law and section 10 of the New York Statute of Local Governments.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

A motion was made by Councilperson Mettler and was seconded by Councilperson Sullivan that the adoption of the attached Short Environmental Assessment Form will not result in any significant adverse environmental impact pertaining proposed Local Law # 1 of 2015 entitled "Anti-Littering Local Law". Motion was carried.

The following Resolution was offered by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons;

WHEREAS, the Town Board of the Town of Copake finds that it is in the best interest of the Town of Copake to enact Local Law Number 1 of 2015, "Anti-Littering Local Law," for the reasons set out in Section 1 of such Local Law; and,

WHEREAS, all legal prerequisites to the enactment of such Local Law have been timely completed, including notice to the public and the holding of a public hearing, and the issuance by the Town Board of a negative declaration pursuant to SEQRA;

It is hereby **RESOLVED**, that Local Law Number 1 of 2015, "Anti-Littering Local Law" is hereby enacted and Section 194 of the Code of the Town of Copake is amended to include a new Article as set out in such Local Law.

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| Resolution # 14 | Supervisor Nayer | yes |
| Dated September 10, 2015 | Councilperson Sullivan | yes |
| Copake, New York | Councilperson Winchell-Sweeney | yes |
| | Councilperson Miller-Simmons | yes |
| | Councilperson Mettler | yes |

Councilperson Report: None

Public Forum:

Robert Haight, Chairman Copake Planning Board stated that in the Town Law Book it says that the Town's Engineer has to inspect and sign off on subdivision roads. Under the State Building Code it states that it is the Building Inspector's job to inspect and approve the roads. If we are going to have to hire an engineer to do the inspection and approval then there is going to have to be additional funds added to the budget. Attorney Dow is going to look into this issue and report back to the Board.

Lindsey LeBrecht asked that when the bushes are removed from the Park, please consider if any of the outside lighting will disrupt the neighbors. Supervisor Nayer does not believe it will and if it is a problem the light fixtures can be redirected.

Attorney Dow advised the Board that last week there was a three hour oral argument on the Catamount Project.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Mettler that the bills Highway Abstract # 9 and the bills from the General Abstract # 9 be paid. Motion was carried.

Prior to adjourning there was a moment of silence for the lives lost in the attack on our Country 14 years ago tomorrow.

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

Respectfully submitted,