

Regular Town Board Meeting
January 12, 2012

Members Present:

Supervisor Nayer
Councilperson Gabaccia
Councilperson Winchill-Sweeney
Councilperson Miller-Simmons

Members Absent:

Councilperson Sacks

A motion was made by Councilperson Gabaccia and seconded by Councilperson Winchill-Sweeney to waive the reading of the Organizational Meeting January 4, 2012 and approve the minutes with following change, replace the words "Town Attorney" with "Attorney for the Town". Motion was carried.

CORRESPONDENCE:

1. Copy of a letter from NYSDOT to Senator Saland denying the request for a reduction of speed limit on Route 22 in the vicinity of the R.J. Community Library.
2. A letter from The Lighthouse at Dancer's Marine of their intent to have a seasonal liquor license.
3. A letter from Rapport Meyers LLP updating the Town on the status of the Town of Copake vs. Casino.
4. A letter from Clausson-Raught Community Rescue Squad Inc. supporting the necessity to keep the Copake Police Department intact.
5. A letter from N.Y. State Department of Taxation and Finance Office of Real Property Tax Services reflecting the current status of the Town of Copake's 2011 reassessment project.
6. An email from Nancy Shultz announcing that the Copake Hillsdale Rail Trail Alliance has raised the matching funds required by a \$121,965.00 New York State Grant.
7. A letter from the Laberge Group advising that the New York State Department of State has announced the 2011-2012 Local Government Efficiency (LGE) program's Request for Applications.
8. A letter from New York State Office of Parks and Historic Preservation advising that State Historic Preservation Officer has listed the Copake Memorial Clock to the State Registry of Historical Places and has forwarded the nomination to the Keeper of the National Register for consideration to be listed on the National Registry.

Supervisor Nayer advised that there will be two Public Forums during the meeting one at the beginning and one at the end, each will be ten minutes in duration. Please keep your statements brief and during the rest of the meeting the Board Members will be the only

ones speaking unless a Board Member has a question for someone in the audience pertaining to a matter before the Board.

Department Head Reports:

Assessor Surprise reviewed the meeting with N.Y. State Department of Taxation and Finance Office of Real Property Tax Services reflecting the current status of the Town of Copake's 2011 reassessment project.

Assessor Surprise requested the Board to act on the local law that he gave to the Board two months ago entitled "A Local Law Establishing Real Property Tax Exemption for Business Investment" The Board set a Public Hearing for 6:45 PM on February 9, 2012.

Public Forum:

Lindsey LeBrecht and members of all four political parties submitted petitions with 620 signatures stating the following:

We the undersigned registered voters of Copake, wish to have the Referendum question regarding the Copake Police Department, voted upon again in a future election. The question was confusing to both sides and many people were unaware of the question even being on the back side of the ballot. The results did not produce a strong decision one way or the other.

James David Jensen read a letter from the Clausson-Raught Community Rescue Squad supporting the necessity to keep the Copake Police Department.

Harvey Weber spoke in favor of the necessity of keeping the Copake Police Department.

A motion was offered by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons to approve the Motor Vehicle Storage Permits for Jim's Auto Body, Dell's Auto, H & D Enterprises LLC, Davis Auto Body and Performance Auto per the recommendation of Zoning Enforcement Officer Ferratto. Motion was carried.

The Board discussed the Zoning Review Committee's request for a recording secretary and denied the request due to there was no money budgeted for the position and with eleven members on the committee the Board felt that there should be one member available to record the minutes.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Gabaccia that any Department Head or employee wishing to expend an amount in excess of \$150.00 from the General side of the Budget must have prior approval of a minimum of three Board Members and it should not be the same three Board Members every time. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons that anyone needing to use the Town's Car must schedule the usage through the Supervisor and prior to an employee using their own vehicle for Town Business and submitting for mileage reimbursement must receive prior approval from the Supervisor. Motion was carried.

Old Business:

Councilperson Gabaccia reported that the solar panels on the Town Park Building were design to produce 97% of this building usage two years ago. We may get some electric bills this time of the year but we will notice credits during the summer months. The excess electricity will be sold back to N.Y.S.E. & G. and will be used against the Highway Garage's electric usage. Councilperson Gabaccia said that the Solar Panel work on the Town Hall will begin in the spring.

A discussion was held on the status of the West Copake Fire House. The Attorney for the Town will look into what the Board would have to do if they do agree to sell the property and will report back by the next meeting.

Supervisor Nayer reported that Mr. Casino has not made the payments owed to the Town and our attorney's are aware of it and are working on the next steps.

Supervisor Nayer reported on the draft changes to the Town Policy Manual and it will be distributed to all Department Heads and Board Members for their review and will be further discussed at the next meeting.

A lengthy discussion was held between the Town Board and the attorney for the Town regarding what options the Town Board had regarding the results of last November's vote to dissolve the Copake Police Department. Town Attorney Dow advised the Board that if the Board wanted to reestablish the Police Department they could go into the Courts to attempt to invalidate what has already been done or accept what has been done and go ahead and try to establish a new Police Department.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons to hold a Special Meeting to present a resolution to resurrect the Police Department. Motion was carried. Date to be announced.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons to appoint of Colleen Miller to the Assistant Park Director Position. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gabaccia to reappoint Hillarie Thomas to the Zoning Board of Appeals term to expire 2016. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeny to appoint Frank Peteroy as Chairperson and Hillarie Thomas as Vice Chairperson of the Zoning Board of Appeals. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gabaccia to appoint Krista Goodacre as Chairperson and Chris Quinby as Vice Chairperson of the Copake Parks & Recreation Commission. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons to appoint Karen DePeri and Arthur Rubenstein as Co-Chairpersons of the Economic Advisory Board. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons to appoint Cathy Reinard and Chris Grant as Co-Chairpersons of the Copake Zoning Review Committee. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons to re-advertise for open positions of Foil Officer, Parks & Recreation Commission Members as well as any other vacancies that exist. Motion was carried

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons to schedule a Public Hearing for February 9, 2012 at 6:45 PM for the purpose of offering Local Law entitled "A Local Law Establishing Real Property Tax Exemption for Business Investments". Motion was carried.

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

WHEREAS, the Town Board has been informed that numerous town property owners have constructed structures in the Town of Copake without first obtaining a building permit and have not been assessed for said improvements as part of prior tax assessments, and,

WHEREAS, the Town Board of the Town of Copake desired to afford its citizens the opportunity to avoid penalties related to past failures and desire to assist its citizens on complying with their obligations under the Code of the Town of Copake; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Copake hereby adopts an Amnesty Program under which any property owner who applies for a building permit on or before May 1, 2012, shall be excluded from collection activities for back taxes for the Town of Copake related to said improvements, and

BE IT FURTHER RESOLVED, that any property owner who does not apply in writing for a permit on or before May 1, 2012 and who is in violation of the provisions of the Code of the Town of Copake as of the date of this resolution shall be prosecuted for such violation or violations in Town Justice Court and shall be subject to all legal obligations

for payment of back taxes due and owing by virtue of improvements not disclosed to the Town under a valid building permit application and such other penalties as allowed by law.

Resolution # 5	Supervisor Nayer	yes
Dated January 12, 2012	Councilwoman Gabaccia	yes
Copake, NY	Councilman Sacks	absent
	Councilwoman Winchell-Sweeney	yes
	Councilwoman Miller-Simmons	yes

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

WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws have been challenged in court by opponents claiming that the Towns do not have the power to regulate natural gas drilling as a land use; and

WHEREAS, the Town of Ulysses has filed an amicus curiae or “friend of the court” brief in both lawsuits in support of its sister Towns in order to reassert the right of municipalities throughout New York State to determine what land uses are appropriate through the municipal home rule powers granted by the New York State Constitution and the New York Municipal Home Rule Law; and

WHEREAS, the Town of Ulysses will file another amicus brief when these lawsuits are appealed to New York appellate courts and has requested that other municipalities in New York State consider joining the Town of Ulysses’ brief as a powerful statement to the appellate courts, the New York State Department of Environmental Conservation, and the New York State Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling—or any other land use for that matter—is appropriate for its citizens.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Copake Town Board hereby determines that it is in the public interest of the citizens of the Town to support municipal home rule by joining in the Town of Ulysses’ amicus brief to the appellate courts.

2. The Copake town Board does hereby authorize and direct the Supervisor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Town as the Supervisor deems necessary or appropriate to carry into effect the foregoing resolution.

3. The Town Clerk will send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm St., Trumansburg, NY 14886.

Resolution # 6	Supervisor Nayer	yes
Dated January 12, 2012	Councilwoman Gabaccia	yes
Copake, NY	Councilman Sacks	absent
	Councilwoman Winchell-Sweeney	yes
	Councilwoman Miller-Simmons	yes

The following resolution was offered by Councilperson Gabaccia and seconded by Winchell-Sweeney:

Whereas the Town of Copake has continued its review of its payroll processing in an effort to improve accuracy, transparency and efficiency and also in consideration of being more cost effective,

And additionally whereas, the Town of Copake is committed to maintaining and improving its internal controls,

And whereas, as part of that process the Town Board of Copake has created the position of Bookkeeper

It is hereby resolved, that the following amendments to the Payroll Processing policy be made:

The duties originally ascribed to the position of Payroll Clerk and currently being performed by the Town Clerk's office, functioning as the Payroll Clerk is transferred to the Bookkeeper position.

Resolution # 7	Supervisor Nayer	yes
Dated January 12, 2012	Councilwoman Gabaccia	yes
Copake, NY	Councilman Sacks	absent
	Councilwoman Winchell-Sweeney	yes
	Councilwoman Miller-Simmons	yes

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

Whereas the Town of Copake continues to review procedures regarding employment and job descriptions

And whereas, it has been determined that it is in the best interest of the Town to provide a record of the requirements, including time requirements, associated with any and all positions both appointed and elected within the Town of Copake

Be it hereby resolved:

That to the extent permitted by law, all salaried employees and officers of the Town is required to record the beginning and end of each work period by using a time clock supplied by the Town of Copake

That the record of hours is created by each employee or officer with the understanding that some positions require the performance of duties outside of Town Hall

That for those duties performed outside of Town Hall that the employee or officer to the best of his or her ability manually records the beginning and end of each work period

And that the record of work performed be filed on a bi-monthly basis with the Bookkeeper for compilation to allow the Town Board to review both the patterns of job performance and the cumulative hours associated with any position to aid in the further definition of job descriptions and in evaluating job performance

Resolution # 8	Supervisor Nayer	yes
Dated January 12, 2012	Councilwoman Gabaccia	yes
Copake, NY	Councilman Sacks	absent
	Councilwoman Winchell-Sweeney	yes
	Councilwoman Miller-Simmons	yes

Supervisor Nayer advised that the yearend financial report will be available to the Board as soon as all of the outstanding bills for 2011 are paid.

Public Forum:

Diana Jamieson pointed out to the Board that the Copake Parks & Recreation Commission's by-laws permit a Chairperson and a Vice Chairperson not two Co-Chairpersons.

Trudy Dalton, William Jamieson and Stosh Gansowski stated that they wanted to be assured that their vote would be counted and that some people circulating the petition are informing people that there will be a revote when no decision has been made.

Lindsey LeBrecht questioned if Mr. Casino would be liable for the money the Town spends in attempting to make him pay the money already owed to the Town? Supervisor Nayer advised that there is a lien on his property and we are still in litigation.

Diana Jamieson questioned if everyone that signed the Police Petition resided in the Town and were registered voters? Supervisor Nayer advised that if the Board does decide to put this up to a revote they will verify the signatures.

Frank Peteroy advised the Board that he felt the Board is making a mistake not appointing a recording secretary to Zoning Review Committee and asked the Board to reconsider. Roberta Roll, recording secretary and member of the Comprehensive Plan Committee related her experience. She stated taking meeting minutes did not diminish her active, informed involvement with the committee; research was done at home.

Roberta Roll questioned if the Board was going to look into a Town Manager. Councilperson Gabaccia stated that the Board should address all of the issues and action items raised in the Comprehensive Plan.

Supervisor Nayer advised that at the Special Meeting the Board will also revisit the request for a recording secretary for the Zoning Review Committee.

A motion was made by Councilperson Gabaccia and seconded by Councilperson Miller-Simmons to approve the payment of the bills. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeny that the meeting be adjourned.

Respectfully submitted,