

COPAKE TOWN BOARD
JANUARY 15, 2009

At the regular meeting of the Town Board of the Town of Copake the following were present: Supervisor Crowley, Councilwoman Gabaccia, Councilman Sacks, Councilman Tompkins and Councilman Kiernan.

Supervisor Crowley called the meeting to order at 7:30 pm with 42 people present.

Councilman Sacks made the following amendments to the January 3, 2009, minutes:

1. Page 1: *Supervisor Crowley said the board has no say over scheduling of Court Clerks.*
2. *Budget hearing sat with Judge Herman and Judge Spencer.*
3. Page 2: insert a motion from board.
4. *His, spelled wrong pg 2.*
5. Insertion after Supervisor Crowley's statement: *If the town needs advice of Town Board they can call them, insert – Councilman Sacks said does that mean all other boards and committees in Copake should be considered political?*

Councilman Gabaccia made the following amendments to the January 3, 2009, minutes:

1. Resolution regarding salaries: *omitted part about Court Clerks to be back for further discussion.*
2. Page 8: *Letter to Charter Communication, add letter requesting inspection of equipment.*
3. Paid Holidays: *amend to all full time employees.*

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to accept the minutes of December 13, 2008, December 30, 2008 and January 3, 2009, with amendments. Motion carried.

The following correspondence was read:

1. Judge Herman and Judge Spencer - Recommend appointment of Margaret Hosier - full-time Court Clerk, Janet Glover - Deputy Court Clerk. Request budget for court clerks be restored to last year level of \$30,500. Request funding for education training be restored to last year level by increasing court contractual budget by \$2,500.

2. From Copake Park Commission – Reappointment of Krista Goodacre and appointment of Stacy Smith to commission.
3. From John Ohlerich – Thanked members of the town for help with many issues regarding the new convenience store across from his house.
4. From Assemblyman Marcus Molinaro – Concern with opposition to Governor David Paterson’s proposal to eliminate the Hudson Valley Greenway Communities Council and Hudson River Valley Greenway Heritage, transferring liabilities, asset, and responsibilities to the Department of State.

The following resolution was offered by Supervisor Crowley seconded by Councilman Tompkins:

WHEREAS, the enactment of Article 44 of the Environmental Conservation Law, which established the Hudson River Valley Greenway Communities Council and Hudson River Valley Greenway Heritage Conservancy and provides for the responsibilities of the Conservancy and Council: and

WHEREAS, Hudson Valley communities and organizations, including many in Dutchess County, have had numerous successful endeavors working with the expert guidance of Greenway Conservancy and Council staff; and

WHEREAS, the Greenway’s success in spurring inter-municipal cooperation and regional planning is a model for costs savings and consolidation at the local level; and

WHEREAS, the elimination of the Hudson Valley Greenway Communities Council and Hudson River Valley Greenway Heritage Conservancy could have a lasting negative impact on the ability of municipalities to continue the Greenway concept and legacy; and

WHEREAS, shifting responsibility to the Department of State could significantly limit the State’s ability to work with our local partners, hamper economic development and environmental stewardship in the valley and would signal the State’s abandonment of seeking consensus in order to confront the myriad challenges throughout the Hudson River Valley; Now, therefore be it

RESOLVED, that the Town of Copake does hereby urge the Governor David Paterson to rescind the State Legislature to oppose the elimination of the Hudson River Valley Greenway Communities Council and Hudson River Valley Greenway Heritage Conservancy; and be it further

RESOLVED, that a copy of this resolution be transmitted to Governor David Paterson and legislative leaders.

Resolution # 2
January 15, 2009

Supervisor Crowley	Yes
Councilman Tompkins	Yes

Copake NY

Councilman Kiernan	Yes
Councilman Sacks	Yes
Councilwoman Gabaccia	Yes

5. From Unified Court System - Asking town board to consider allocating money for the Judges to attend one or more of the major training courses. Office of Court administration will assume cost of one night's lodging, up to the state government rate, for attending the annual Magistrates Association Conference.

6. Zoning Enforcement Officer –

As you know the Motor Vehicle storage Area Permits are due to be renewed. On Saturday December 20, 2008, Reggie, Linda and I met with Mr. Jim Walton from Jim's Auto Body, and with Mr. Lindig from Performance Auto. We observed the area where these permits will be used. We also listened to some of their concerns as to why they have not been in compliance or hardship for doing so.

These permits are a privilege granted by the town with certain rules, laws and applications necessary for receiving them. It is a permit which is to be reviewed on a yearly basis by the town board and may be revoked at any time if certain laws are not in compliance.

As the town board of the town of Copake, it is your responsibility that all applicable New York State and local Zoning Laws for which these permits are granted be adhered to. It is my position as the Zoning Enforcement Officer for the town to ensure that these businesses are in compliance with the agreement of the Motor Vehicle Storage Area permits granted.

Therefore, with all due respect for the town board, I ask that you consider the following recommendations when you consider the criteria for such a Motor Vehicle Storage Area permit.

1. Define the business for which the MVSAP is being applied for.
2. Is the business removing or breaking down the vehicles?
3. Have all New York State Laws for such a use been considered and applied?
4. Have all of the town of Copake zoning laws been applied? Sections to be considered are: Article (5) I,K 232-10 (a), (b), (c), (d). Any and all applicable sections of 232-12 (Planned Com-Ind, Districts). 232-14 (Any and all applicable sections).
5. Has the business submitted all of the necessary current permits from both New York State and the Motor Vehicle Department for operating and applying for a MVSAP permit from the town of Copake?
6. A site plan for where the vehicles are proposed to be stored at the site.
7. An amount of vehicles to be allowed to be stored.
8. Define the type of vehicles to be stored (registered, unregistered, saleable, and roadworthy according to Motor Vehicle Department).
9. Maybe a fee based on the amount of vehicles stored should be considered.
10. What should be done about trailers or box cars where miscellaneous items are being stored at the site, and how many should be allowed?
11. Consider any piles of miscellaneous items and screening for such. Re:
Piles of tires

12. It should be understood that the MVSAP is only for the property for which the business is located. Not for any other piece of property owned by the person involved with the business.

Supervisor Crowley read Guidelines for Applications and Disbursement of Celebrations fund for the Economic Advisory Board. (See attached).

Public forum:

Karen Hallenbeck said it's been seven months and nothing has changed on the lights. Supervisor Crowley will call NYSEG.

John Keeler presented the board with a list of requests for information and action on 36 situations. Asked for answer by next meeting. (see attached)

Harvey Weber said Steve Winkly will have results of ground water study at the February meeting.

Diane Wilson asked who is responsible for side walk and parking area in front of General Store - it's covered with snow and dangerous.

Supervisor Crowley asked Zoning Enforcement Officer to write letter to property owner. Joe LaPorta, since the town cleans the sidewalk, suggests you talk to Larry.

Marcia Becker thanked Lou Levitt for article on what to do in emergency, very informative.

Steve Gubler said its important that the board act on the Motor Vehicle Storage Permits as they provide a service to many of us in the town.

Mr. Tim Rielly talked about a proposal for the Town of Copake, The Copake Hops growling initiative (see attached.).

Councilman Sacks asked what the board can do to make this happen.

Mr. Rielly asked the town to work with him to get the word out to farmers, and list of names for proposal.

Councilman Sacks said we're in the process of a Tri -Town Grant and suggested he talk to Economic Advisory Board.

Supervisor Crowley asked if he could meet with the Economic Advisory Board on Tuesday and they will get the word out to farmers to attend.

New Business:

A motion was made by Councilman Tompkins seconded by Councilman Sacks to pay Court Clerks \$13.80 an hour and restore their budget to last year's level of \$30,500.

Motion carried.

Supervisor Crowley asked about request from Judges the training in budget be restored. Supervisor Crowley said training is the same at Columbia Greene and other places, I'd like to send everyone to New York but we have financial difficulties ahead of us, the

fourth quarter for sales tax in County was short about \$ 1,000,000, so our share will be short.

Councilwoman Gabaccia said the Association of Towns offers a valuable experience; Judge Herman has done wonderful things for Copake.

Judge Herman said the improvement and grants they received he learned about at these trainings by interacting with other Judges. Whatever amount the board sees fit to fund this to increase contractual would help.

I feel every dollar the town spends the court has brought back. What ever you can do I appreciate. I believe we had unexpended balance last year.

Supervisor Crowley asked if his training is offered at magistrate, Judge Herman replied yes.

A discussion followed.

Supervisor Crowley suggested the Judges forego the training this year in New York and attend Columbia Greene. We will not be sending anyone to training this year due to finances.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia we fund \$1,200 in contractual line for the justice. Motion denied. Supervisor Crowley, Councilman Tompkins and Kiernan voted no. Councilman Sacks and Councilwoman Gabaccia voted yes.

Supervisor Crowley said all departments do a good job but we have to draw the line. Councilwoman Gabaccia said its unfortunate we draw the line for education for all the departments.

Marcia Becker asked about going down for the day as the Planning board was looking into going.

Supervisor Crowley said if anyone wanted to go for the day we can reimburse travel expenses plus \$100.00 registration if money is in budget.

Old Business:

Supervisor Crowley, West Copake Firehouse: the board needs to decide whether or not they want to sell.

The only person who has come forward with proof as heir is Mr. Cronk on parcel #2 which is appraised at \$1,5000. Attorney Thiemann advised the board if we decide to keep the building and Mr. Cronk exercises his right of reversion we could negotiate to pay him a fair market value.

A motion was made by Councilman Kiernan seconded by Councilwoman Gabaccia not to sell the West Copake Firehouse. Motion carried.

Councilwoman Gabaccia, Energy Audit: Have information packets, next step in process is to start contacting installers to come down and give us estimate in regarding photovoltaic solar panels. Quotes from at least three installers. The incentive is paid to installer and comes back to town in terms that amount is knocked off from bill. Loan programs available through NYSARDA. I suggest we go through list and contact at least three installers.

Councilman Sacks, Cable: Talked to other town's board member from Greenport recommended a Lawyer that is specialty for negotiating with cable TV, will find out the cost. We currently make \$25,000 a year from contract written 10 years ago, I feel the value of that has doubled as our cable bills have doubled. I think we have strong negotiation points. I don't have the expertise - have made call to Lawyer for cost. Prior to next board meeting would like public hearing for input from the public.

Judge Herman presented a job description to board for Court Clerk.

The board agreed to authorize Councilman Sacks to spend up to \$1,000.00 for lawyer fees to negotiate with Charter Communication on behalf of the town.

Motor Vehicle Storage:

Councilman Tompkins said he would like the Supervisor to set up a task force to gather information and be completed no later than May 31, 2009. From there the board would take recommendation of task force and based on their recommendations, we would make our decision. The Motor Vehicle Storage would have six months to comply with recommendations made by board. This would apply to all motor vehicle storage. We grant Jim's Auto Body and Performance Auto their permits based on task force being completed on May 31th.

A discussion followed.

A motion was made by Councilman Tompkins to create a taskforce and issue the Motor Vehicle storage permits, after May 31st they would have six months to comply with recommendations made by the board. Councilman Kiernan seconded the motion saying we take charge of this, find out what the regulations are, go and visit everyone and make up list of regulations that are acceptable and fair to everyone involved.

Councilman Sacks said he's uncomfortable issuing permits for non compliance. Councilwoman Gabaccia said I hope the task force would look at the dismantler licensing issue, salvaging and environmental concerns. How do we distinguish in terms of which businesses are going to need to come forward and are we looking at people who have one or two unregistered vehicles on their property. Supervisor Crowley said it will be up to task force.

Following vote on motion:

Superviosr Crowley	aye
Councilman Tompkins	aye
Councilman Kiernan	aye
Councilwoman Gabaccia	aye
Councilman Sack	naye

Supervisor Crowley appointed Harvey Weber, Chris Quinby and Joe LaPorta Chairman to task force.

Joe LaPorta agreed as long as he can work directly with the business owners.

Councilwoman Gabaccia said it was her understanding they were recommending appointment of co-chairs in the Assessors office.

Assessor Filipovits said it was resolved but it holds a question on my end, when Bill, Steve and her were in the office it was at that time the voting took place in the office. This year the board appointed the chair. Bill and her talked before and said they would share the chairmanship. When asked, the Supervisor said there was no law written you have to have chairman. This is total confusion in my mind and I was left in the dust. Supervisor Crowley asked are you and Bill in agreement to share chairmanship? Barbara said that's what we agreed but he was the one who signed the oath because the board appointed him.

Supervisor Crowley said talk to Bill and we can amend the appointment next month.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia that all department heads forward a copy of their monthly reports to the Supervisor by the Monday before monthly meeting day and there will be monthly department head meetings. Motion carried.

A Motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to authorize Superintendent Proper to spend up to \$4,000 for small purchases and tires. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilman Kiernan the Town Board accept State and County bids for highway supplies. Motion carried.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to authorize Highway Superintendent Proper to enter into inter-municipal agreement with Columbia County Highway Department, the Towns and Villages of Columbia County, and Taconic Hills High School District for the purpose of sharing equipment and man power. Motion carried.

Councilman Tompkins said the Emergency Operation plan is currently being reviewed by Chief Shadic, he will give us his recommendations and will be sitting with other individuals.

Policy Manual:

Supervisor Crowley said Mr. Dodson, Mr. Blue, Mr Kibler and himself worked on revising the manual.

Councilwoman Gabaccia said on page 18 original definition for full time has gone from 30 hours to 35, is that intentional or typo. Supervisor Crowley replied typo.

Changing of recusal resolution, leaving out part of individual having to leave the room, one of the reasons we put that was frequently when the person would step down from the board and sit in the room they had a hard time containing themselves and not participating.

Supervisor Crowley talked to Attorney at Associations of Towns: when one recuses themselves, recommend they step down from the podium, these people are citizens of your town and have a right to hear what's going on.

Supervisor Crowley: on pg. 16 Department heads review all applications, and interview, Supervisor or Deputy Supervisor may be included in these interviews. We agreed have committees interviewed with Town Board invited. This needs to be changed to town board invited to interviews.

Councilman Sacks asked how the ombudsman is appointed and no mention of term.

Supervisor Crowley said its consensus, it would be a yearly appointment, interviewed and appointed by Town Board. We'll add one year term.

Councilman Gabaccia on credit cards: is it Park Commission or Chairman. Supervisor Crowley said Chairman.

Councilman Sacks said we look into an outside audit.

Councilman Sacks made a motion seconded by Councilman Tompkins to accept the Policy Manual with corrections. Motion carried.

Supervisor Crowley thanked Howard Blue, Lou Kibler and Charles Dodson for their hard work on revising the Policy Manual.

Committee reports:

Krista Goodacre, Parks 'n Rec's – Light parade cancelled due to storm. Gifts were donated to School for needy.

Councilman Tompkins thanked the members for their work in 2008.

Looking at July 6th for Kelly Miller Circus.

Ralph Platt said with the tractor pull and community day on the same day, they're looking at a parking problem.

Chris Quinby said there will be major revision for community day.

Don Delamater said there will be no tractor pull in Copake this year.

Chris Quinby EAB – Opening on board, will be meeting Tuesday. Still thinking about Community Day.

Department Heads:

Marcia Becker, Planning Board – Letter from Mr. Cascino's Attorney refusing to pay money to town for consultant, have started collection process. County Supervisor Strategic Plan initiative, could we have information session on it.

Barbara Filipovits, Assessors– Busy with exemptions dead line March 1st.

Ed Ferratto, ZEO – Left message with Mr. Coons on signs, will check into dumping. Have a full plate.

Councilman Tompkins read public notice on dog enumerator. Mr. Powell was appointed Dog Control Officer /Enumerator - has marked vehicle, also wears uniform, works with many towns.

Supervisor Crowley said New State denied by FEME, will be appealing.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia the bills from general abstract #1 and highway abstract # 1 be paid. Motion carried.

Supervisor Crowley said Deputy Supervisor LaPorta will be running February meeting.

A motion was made by Councilman Gabaccia seconded by Councilman Sacks the meeting be adjourned. Motion carried.

Respectfully submitted,