

Regular Town Board Meeting
February 9, 2012

Members Present:

Supervisor Nayer

Councilperson Sacks

Councilperson Gabaccia

Councilperson Winchell-Sweeney

Councilperson Miller-Simmons

A motion was made by Councilperson Gabaccia and seconded by Councilperson Winchell-Sweeney to waive the reading of the Regular Town Board Meeting January 12, 2012 and approve the minutes. Motion was carried. Councilperson Sacks abstained.

CORRESPONDENCE:

1. A letter from Copake Community Service Inc. advising that their newest project is looking into the construction of a spur to link the Harlem Valley Rail Trail to the center of the Hamlet of Copake.
2. From the Greens at C.C.C. a letter advising they will be renewing their liquor, wine and beer license.
3. From Copake KOA a letter advising they will be renewing their multiyear convenience store liquor license to sell packaged goods.
4. From Rapport Meyers LLP a letter advising the Board that the Appellate Division has extended the time for Casino to perfect his appeal.
5. From Z.E.O. Ferratto a letter requesting approval to allocate \$250.00 to attend a N.Y.S. Code Certification in Lake Placid.
6. From Police Chief Lopez a letter requesting the Board to re-establish the Police Department in order to finish closing down the Police Department the right way.
7. From the Copake Land Use Committee a letter requesting the Board to reconsider their request for an outside secretary for their committee.
8. From Z.E.O. Ferratto a letter that a copy of each building permit issued is sent to his office.
9. From Marsha Becker a letter requesting the Board begin the formal implementation of the newly adopted Comprehensive Plan.
10. The following bids were received for tree removal and road building material: Please see attached.

Public Forum:

John Keeler recommended that the Board set up a Town Board Liaison for the Roe Jan Historical Society so we can be updated on the repairs and upkeep of the Museum and one for the Bash Bish Creek Project so we can be updated on the progress of this work.

Lindsay LeBrecht advised the Board of the criminal activity that has happened in the Copake Lake Area since we no longer have the Copake Police Department and that there were only six cases in the Town Court last week. Lindsay also read a letter from Barbara Webster, whose home was one of the homes broken into; respectfully requesting that it is extremely important that the Copake Police Department stay.

Chris Quinby requested the Board look into the possibility of having a Constable in lieu of a Police Department.

There was a presentation by Benjamin Syden, A.I.C.P., E.D.P., and Director of Planning & Community Development for the Laberge Group on Shared Municipal Services Incentive program grants offered by the Department of State due March 21st. The Town of Copake and neighboring Towns and/or the County can submit for a study up to \$25,000.00 which the State pays 90% of or implement a program up to \$200,000.00 which the State pays 90% by the March 21st deadline. If this is something that the Board would like to pursue the Laberge Group would need three to four weeks to work on the grant application. The Laberge Group fee is based on the hours needed to research and write the grant application; usually fee is between \$4,000.00 to \$5,000.00 split between the applicants. The Board asked the Town of Ancram and the Town Hillsdale Supervisors, who were present for this presentation, if they were interested in pursuing this matter knowing that this is an aggressive deadline to meet which may require special meetings. Both Supervisors said they would bring this back to their Boards and would like the Laberge Group to do a similar presentation for their Town Board meeting. Mr. Syden went on to explain that the Towns would need an M.O.U. and a Resolution passed by April 18th for the application. Councilperson Winchell-Sweeney will continue to be the lead person on this matter for the Board.

Department Head Reports:

Highway Superintendent Gregory asked that the Board accept all of the bids for tree removal and road building material.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Sacks to accept the all bids for tree removal and for road building materials per the recommendation of Highway Superintendent Gregory. Motion was carried.

Planning Board Chairperson Becker reported that the Planning Board is working on five subdivisions, one site plan review and they have two applications for the vacancy on their Board.

Z.B.A. Chairperson Peteroy reported that the Z.B.A. has two variances before them.

Z.E.O. Ferratto reported that the owners of Shagbark have agreed to take down the addition that is north of 344 on the east side of Route 22 that use to be attached to a trailer.

Assessor Surprise reported that his office is finishing up on the exemptions that are due by March 1st.

Economic Adversary Committee member Karen DiPeri reported that they are doing a feasibility study to have a balloon rally hopefully for late summer or early fall. There will be the 1st Annual "Farming Our Future" Conference at Taconic Hills on February 25th 9:00 AM – 4:30 PM

Environmental Committee member Harvey Weber reported that he left a packet in the Town Board Member's box explaining what the committee was looking for and planning to do.

Supervisor Nayer read an email from Park & Recreation Commission Chairperson Krista Goodacre:

1. Commission would like to purchase a popcorn machine to sell popcorn at their movie nights and other events for \$300.00 and the next movie will be "The Kings Speech" on Sunday, March 18th at 2:00 PM.
2. Announcing the 30th Anniversary of the Copake Memorial Park and are looking for volunteers and \$2,000.00 for the July 21st celebration.
3. The Park is in desperate need of a new copier machine; their machine is broke and old.
4. The Taconic Hills Little League would like to construct two dugouts on the softball field and the expense will be paid for by the Little League which will be scheduling fund raisers for this project.
5. The Annual Easter Egg Hunt is scheduled for Saturday, April 7th at 11:00 AM.
6. Requesting the Town Board Liaison attend their meetings on the first Tuesday of every month.
7. Advising the Board that the Commission still has three vacancies.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Sacks to authorize the Parks & Recreation Commission to purchase a popcorn machine for \$300.00. Motion was carried.

The Board would like the Park Commission to present their plans for the 30th year Celebration of the Park before making any decisions on their funding request. The Board recommended the Park Commission use the copier at the Town Hall in lieu of purchasing a new one. The Board had no objection to the Little League raising the money and constructing the dugouts on the Girl's Softball Field as long as anyone helping with the construction had the proper insurance coverage. Councilperson Miller-Simmons advised the Board she was out of town for this month's Park Commission meeting but will be attending the meeting from now on.

Ken Dow, Attorney for the Town, reported that the file on the sale of the old West Copake Fire House goes back over 12 years. There are still some possible title concerns, the Board last year did pass a resolution to contact the Legislator Representatives of the State but the local process was not far enough along for them to do anything at the State level. Ken will provide a list of items that the Board will need to be addressed prior to contacting the State again.

Councilperson Sacks reported that Charles Dodson came out surgery this afternoon fine. Diana Jamieson had spoken to Charles about taking over the website and she is willing to assume the duties at this time. The Board discussed if we had to advertise for this position and it was determined that the Board has in the past and that the position would be advertised. Ken Dow advised the Board that they could appoint Diana Jamieson as a temporary website coordinator, advertise the position

and the Board should establish a set of guidelines to control what is allowed to be posted on the website in the future.

The Board agreed to set a public workshop on Saturday, February 25, 2012 at 10:00 AM to work on revising the Town's Emergency Management Plan.

Supervisor Nayer explained to the Board that being Chief Fiscal Officer for the Town he interviewed the two banks designated as the Town's "Official Depositories" at the Organizational meeting and that he felt he had the right to open up accounts with the bank that would best serve the Town's needs without bring it back to the Board to vote on. After weighing all of the pros and cons Supervisor Nayer felt that it was in the best interest of the Town to deal with Key Bank. Councilperson Gabaccia explained that Salisbury Bank had provide the Town with a loan at a excellent interest rate and the only request was that we establish a depository relationship with them which we were supposed to do in January of last year when we appointed both First Niagara and Salisbury as Official Banks of the Town. Councilperson Sacks added that because they gave us the extra special interest rate when we needed it. Supervisor Nayer questioned the legality of making a deal with a bank to obtain a better interest rate on a loan. Councilperson Gabaccia clarified that it was not an illegal deal; however as a courtesy to a bank that is trying to work with us in all fairness an account should have been established with that bank. Councilperson Gabaccia further advised the Board that the Town had gone to First Niagara and they gave us the worst interest rate. Following a review of the Town Code it was determined that Key Bank is the only bank listed as the official depository and therefore the Board has no option at this time.

Supervisor Nayer was asked by Henry Call if there could be a community based calendar showing what fund raising events that are scheduled so other organizations could plan around the those dates when they are scheduling their fund raisers.

Supervisor Nayer met with Bill Gregory, John DeRocha and Fran Miller regarding the level of the fire pond and the effect it is having on Wayne and Fran Miller's basement flooding. It was determined that the outlets of the pond were plugged and needed to be cleaned out by the Highway Department. Also a concern was brought up at this meeting about the liability of children getting into the pond so a recommendation to put up additional signs and fencing around the grass area to discourage people from going near the water. The cost would be around \$375.00. Councilperson Sacks, Highway Superintendent Gregory and Michael Peschel will meet at the site on Saturday morning at 9:00 AM to take pictures of site and email them to the rest of the Board so everyone understands the concerns.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to authorize the Copake Highway Department to correct the discharge levels of the fire pond. Motion was carried.

Old Business:

After a lengthy discussion by the Board on the status of the Copake Police Department, the proper way to close down the Copake Police Department, whether another vote should be put up to

the public, a study being conducted to determine our needs regarding the Police Department, the possibility of a shared services agreement with neighboring Towns. Copake Police Chief Lopez requested the Board to reestablish the Police Department in order to finish closing down the Police Department the right way. Ken Dow explained that the law is in effect; to establish a new Police Department it would be done by a resolution by the Town Board not by a referendum. There is no way to undo the referendum vote. There will be a conference call with D.C.J.S., Chief Lopez and Ken Dow to discuss the best way to proceed with unresolved matter faced with closing down the Police Department for Tuesday. The Board tabled any further action until they hear back from Ken on the recommendations from D.C.J.S. and instructed Police Chief Lopez to continue boxing items and the closing down process at this time.

The policy manual proposed changes are out for review, anyone with questions or requests should direct them to the Town Board and the Board will turn them over to the Policy Manual Committee. The Board would like to set up a workshop at its March meeting and the Attorney for the Town has some issues to address with Policy Manual.

Councilperson Sacks appreciates the minutes and the proposed policy manual being transmitted electronically verses hard copies.

A motion was made by Councilperson Sacks and was seconded by Councilperson Winchell-Sweeney to authorize Supervisor Nayer to enter into a chargeback agreement with Columbia County for the installation, one time fee of \$1,344.39 and annual amount of \$250.00 for hosting & support of the internet Tax Tier II program. Motion was carried.

The Board denied the Zoning Review Committee's second request for a recording secretary.

Hudson Valley Clean Energy reviewed the operation of solar system at the Copake Memorial Park Building today and will be contacting N.S.Y.E. & G. to advise them of their findings.

A motion was made by Councilperson Sacks and was seconded by Councilperson Gabaccia to remove Chris Quinby as Deputy Chairman of the Parks & Recreation Commission and appoint Chris as the Public Relations Person. Motion was carried.

A motion was made by Councilperson Sacks and was seconded by Councilperson Gabaccia to appoint Barbara Filipovits as Deputy Chairperson of the Parks & Recreation Commission. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Sacks to appoint Diana Jamieson as the Temporary Website Coordinator. Motion was carried.

Supervisor Nayer appointed Councilperson Sacks to be the Town's Liaison to the Roe Jan Historical Society. The Board decided not to appoint a Liaison to the Bash Bish Creek Project at this time.

Proposed Resolution # 9 was read by Councilperson Gabaccia and the following discussion was held:

Supervisor Nayer asked Councilperson Gabaccia for the names of the people who stated they were not granted interviews last year when the committee was formed. Councilperson Gabaccia stated that she would have to ask these people if they are willing to have their names released in public. Supervisor Nayer asked what were the procedural difficulties. Councilperson Gabaccia replied that the procedural difficulties was that this Committee was not properly constituted, people were denied access and I believe we have all indicated a commitment to doing things in proper fashion.

Public Comments on Resolution # 9 follows:

Supervisor Nayer read an email sent from Jack Shultz, Co-Chairperson of the Z.R.C. who was unable to attend meeting, opposing the Town Boards action to dissolve the current Zoning Review Committee.

Cathy Reinard, Co-Chairperson of the Z.R.C. spoke in opposition of dissolving the current Zoning Review Committee.

Harvey Weber spoke in opposition of dissolving the current Zoning Review Committee.

Fran Miller requested the names of the people claiming not to be given a chance to be interviewed for the Z.R.C. be made public so their claims can be validated.

Mac Simms, member of Z.R.C. spoke in opposition of dissolving the current Zoning Review Committee.

Carol Ganzowski stated these people claiming not to be given a chance to be interviewed should have been brought to Ethics Board instead of dissolving the current Zoning Review Committee.

Former Supervisor Crowley stated that no applicant was denied the opportunity to join the Z.R.C., no one was discouraged to apply and everyone was contacted for interviews.

Bob Haight, member of the Z.R.C. advised the Board that if the Z.R.C. is disbanded and we lose Cathy Reinard from this committee, it would be a disaster for this committee.

Karen DePeri read a letter from Nancy Shultz whom was unable to attend the meeting questioned why it took these individual four months to come forth with there complaints of not being interviewed and why the selection criteria was changed?

Supervisor Nayer asked, without revealing names, how many people contact Councilperson Gabaccia about this matter. Councilperson Gabaccia responded she had three names. Councilperson Miller-Simmons questioned the need to have a Board Member holding a seat on the Z.R.C. if we already have a Town Board Liaison attending meetings? Councilperson Gabaccia agreed that is a valid point. Councilperson Sacks stated there is an amendment to the resolution to strike the Councilperson.

The following resolution was offered by Councilperson Sacks and was seconded Councilperson Gabaccia:

Whereas, the Town Board of Copake is committed to performing its duties using the Policy Manual and the Town Ethics Code as guidance in its efforts to taking action via a methodology which is both complete and accurate

And whereas, it has been determined that the previously constituted and a forenamed Zoning Review Committee was not formed using proper procedure

And whereas, the Zoning Review Committee's work may involve the drafting and amending of local laws, a task which must of necessity begin in a legally correct framework

Hereby, it is resolved that the Town Board of Copake abolishes the current Zoning Review Committee and establishes a newly constituted committee herein referred to as the Land Use Committee, whose mission statement will remain that which was adopted at the December 2011 Town Board meeting, whose makeup will consist of 11 members, including two with Planning Board experience (with at least one member being a current member), two members with Zoning Board experience (with at least one member being a current member), two members from the Comprehensive Planning committee, a farmer and a general membership requirement of prior knowledge of the town's Zoning code.

Resolution # 9	Supervisor Nayer	no
Dated February 9, 2012	Councilperson Gabaccia	yes
Copake, NY	Councilperson Sacks	yes
	Councilperson Winchell-Sweeney	yes
	Councilperson Miller-Simmons	no

Supervisor Nayer reported that the 2011 yearend report will be finalized by the Accountant and will be filed shortly. We are still gearing up and the 2012 monthly reports will start soon. Councilperson Sacks questioned if the problem with the Bookkeeper's computer shutting down has been resolved? The Town's Computer's Consultant has disabled the Window's and Google's automatic update functions that could have been the cause of the computer shutting down.

Supervisor Nayer reported that we received a spending request from Z.E.O. in the amount of \$250.00 for training and it was approved by three Board Members.

Supervisor Nayer reported that the money from the Assessor's 2011 account was not encumbered so you will notice a larger unexpended balance. Also Lester Miller has switched over to MVP Gold and the Town will have a considerable savings. Supervisor Nayer reported that we met the Sales Tax in the

third quarter and received a check for \$139,000.59 which will be split between the Highway and the General sides of the budget.

Councilperson Miller-Simmons reported that there are old alarm codes still in the Park Building alarm system that need to be removed and are the alarm codes up to date at the Town Hall? Town Clerk Proper advised that the Town Hall codes are up to date and he will gladly reprogram the Park Building's alarm system as soon as we receive an up to date of codes. Councilperson Miller-Simmons stated that it should not be the building custodian's responsibility to let people in the Town Hall while he is working; everyone who needs access has been assigned a key. Councilperson Miller-Simmons had a request from Carol DeLisa to establish a kind of senior center where seniors could get together once a week and be permitted to use the Park Building to socialize and maybe play games. Councilperson Gabaccia had previously brought this to the Park Commission and was directed to the senior center at the Catholic Church. Councilperson Sacks agrees that it is a good idea and just questioned if our insurance will cover it.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Sacks to authorize the request for the use of the Park Building for the purpose of a senior center at no charge. Motion was carried.

Councilperson Sacks reported that the Library is starting to have a dialog on doing background checks on anyone having anything to do with children. Do we have background checks done on anyone in this building or the Park Building that have anything to do with children? Supervisor Nayer advised that our playground Director and Assistant Director are both employed by Taconic Hills C.S.D. and have gone through an extensive background check for their jobs.

Public Forum:

Mac Simms brought up with the mild winter this year the town should be taking the surplus and putting it into a fund for future winters and emergencies. Also Mac pointed out that there maybe some confusion on the Police Department short term issue of the administration duties to close out the cases and the long term issue of whether to reestablish a Police Department.

Russ Davis commented that the action the Board took tonight on the resolution to dissolve the Z.R.C. was despicable you effectively tried and convicted 11 people on hear say, you didn't document anything, you just made

an accusation. This is not the way things are done in this Country; you told 11 volunteers they are worthless.

Trudy Dalton wanted to be reassured that their vote casted on the Police Referendum counted. Now after the second month and the Board still has not decided what to do and I don't understand clear of what the Board is planning on doing with the Police Department. I think the Board should make a decision of when they should be done with closing things out. You are paying two salaries for the month of January and February. Also Mrs. Dalton stated that we should be using a local bank not going to an out of Town bank just because they may employ some Copake residents.

Lindsay LeBrecht reminded the Board that Court revenues will be less with out the Police Department and the Comprehensive Plan points out that resident's safety was something that really brought them to this area and that is compromised at this point.

Chris Quinby wanted to go on record of his extreme disappointment in the Town Board tonight and agreed completely with Russ Davis, you just threw a tremendous bunch of people out the door and I do not think any of them will ever volunteer for anything for this Town again and you did this with no evidence.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney that the bills from Highway Abstract #2 and the General Abstract # 2 be paid. Motion was carried.

A motion was made by Councilperson Sacks and was seconded by Councilperson Gabaccia to allow Deputy Supervisor to enter into executive session with the Board. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to enter into executive session to discuss personnel issues and possible litigation.

A motion was made by Councilperson Sacks and was seconded by Councilperson Gabaccia to return to the regular meeting. Motion was carried.

The Town Board authorized Councilperson Gabaccia to contact the firm of Rapport/Meyers regarding the Casino case.

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

Respectfully submitted,