

TOWN BOARD  
MARCH 13, 2009

At the regular meeting of the Town Board of the Town of Copake the following were present:

Supervisor Crowley, Councilman Sacks, Councilwoman Gabaccia, and Councilman Kiernan, Councilman Tompkins was absent.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to approve the minutes of February 12, 2008 and accept them as written. Motion carried.

The following correspondence was read:

1. Charles Dodson - Thanked the board for award.
2. Office Of Real Property Services – 60.56 state equalization rate for town.
3. New York State Department of Public Service, Jaclyn A. Brillling – Subject to the conditions and understanding expressed herein, temporary operating authority is hereby granted to Charter Communications for its operations in the Town of Copake, said authority to expire September 10, 2009.
4. Lisa DeConti – Asking whether she would be eligible for health insurance through the town’s health plan on a self pay basis.  
Kirk Kneller said other towns do this, should be put in record.  
Councilwoman Gabaccia asked if the town could get any pre tax savings.  
Answered no.  
Councilman Sacks said it’s a way of helping and retaining good employees.

A motion was made by Supervisor Crowley seconded by Councilwoman Gabaccia part time employees working more then 20 hours a month be eligible for health insurance at their own expense. Motion carried.

5. Charles Dodson – E-mail box for events on website, [Copake-org@fairpoint.net](mailto:Copake-org@fairpoint.net).
6. Copake Economic Advisory Board – request appointment of Karen DiPeri. Approval of two committees, The Comprehensive Planning Committee CEAB Committee, chaired by Charles Dodson, and Copake’s Ponds and Lakes Committee, chaired by Neil Klein. Supervisor Crowley said because they are subcommittees do not need Town Board approval.

7. James Blass, Youth Court – Request to spend up to \$2000.00 which will be reimbursed to town from grant.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to authorize James Blass to spend up to \$2,000 for Youth Court. Motion carried.

8. Assemblyman Molinaro – Information on American Recovery and Reinvestment Act.

9. Charter Communication – Steps taken to improve financial structure, voluntarily going into chapter 11 before April 1<sup>st</sup>.

Councilman Sacks said if they did disappear someone else would fill the vacuum.

10. John Keeler - Ability to converse, see attached.

Supervisor Crowley said he went over the list with Deputy Supervisor, Deputy LaPorta said he read the list at the meeting.

Councilman Sacks said we should split up the questions Mr. Keeler would like answered among the board members, it helps share the work load.

11. Larry Proper - Board needs to set registration fees, recommendation from Bridget Roberts, residents be charged \$50.00 each for first two children in family the third and beyond would be \$25.00, Non-resident \$100.00. Definition of resident must be very clear.

A discussion followed on definition of resident.

Supervisor Crowley said we could say people that live or pay taxes in Copake.

12. Wausau Everest, Addressed to Larry Proper – A highway truck was two months late on delivery therefore the highway used the old one, they reimbursed the town \$3,500.00, and provided a remote grease line assembly to ease the maintenance program on the new body.

13. Zoning Board of Appeals - Requesting appointment of Jeff Nayer to fill the position of Chairman and Leslie Wood Assistant/Acting Chair.

Councilwoman Gabaccia said she notice it was a 2-1 vote if only 3 members voting would it have to be a super majority.

Councilman Sacks said lets approve and research.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to appoint Jeff Nayer Chairman and Leslie Wood Assistant/Acting Chair of the Zoning Board of Appeals. Motion carried.

The Town of Copake received four bids for sand and gravel. (see attached)

1. Amenia Sand and Gravel
2. The Lane Construction Corporation

3. A. Colarusso & Sons, Inc.
4. Red Wing Properties, Inc.

A motion was made by Councilman Kiernan seconded by Councilman Sacks to accept all bids per recommendation of Highway Superintendent Proper. He will use the nearest and least expensive for job working on. Motion carried.

Supervisor Crowley opened two bids for Town Insurance.

1. Brad Peck Insurance
2. Marshal and Sterling

The town board will go over the bids and set a special meeting for awarding. Councilwoman Gabaccia asked Kirk Kneller if the benefits we provide our employees are we set up in any cafeteria plan where we get pre tax savings for giving full benefits to employees.

Kurt answered no.

Councilwoman Gabaccia said I think it would be worth investigating.

### **Public Forum**

Harvey Weber asked if our ground water resource plan could have its own tab on the website as it's under the Comprehensive Plan.

Howard Blue thanked his subscribers to Copake News and Politics Forum.

Asked about use of town vehicles, is there a log for the vehicles and is the policy being implemented and overseen.

Supervisor Crowley said the highway department logs its vehicles; we no longer have a town vehicle. To the best of my knowledge the policy is being implemented.

John Keeler requested support to advertise and scrap the old vehicles at the Highway Department.

Councilman Kiernan said he will meet with him and go to garage to see if he can solve some of these issues.

Supervisor Crowley said he will contact attorney about the abandoned vehicles.

Lisa DeRocha asked if the town can purchase a vacuum for the town hall at state contract in the amount of \$395.00. The central vacuum has no suction and outlets are broken.

Joe LaPorta said he will look into repairing the central vacuum.

Frank Peteroy asked if his memos to the town board could be read.

Councilwoman Gabaccia read the memos. (see attached.)

Frank Peteroy said the other memo was concerning that Leslie Wood is chairing two committees.

Supervisor Crowley asked only one person has access to the ZBA computer.

Frank replied the proposal was there be one password for the secretary for the ZBA minutes.

Councilman Sacks we need to speak to chair of ZBA and hear his response, I'll be happy to pursue that.

Councilwoman Gabaccia said the policy manual has nothing limiting chairpersons.

Supervisor Crowley said the updated policy says it recommended they don't serve on two committees as chair.

Councilwoman Gabaccia will research it.

John Keeler asked if someone will work with ZEO on the old garage; what about the sign in the court room about no food or beverage.

Councilman Sacks said this is a public building and we're here to serve the people; we might say if any damage occurs the organization will be responsible to fix the damage.

A motion was made by Councilman Sacks seconded by Councilman Kiernan it is permissible to have food and drink in the meeting room, if any damage occurs the organization will be responsible. Motion carried.

Supervisor Crowley asked ZEO to look into old garage and have report at next meeting.

A motion was made by Supervisor Crowley seconded by Councilman Sacks the fee for the summer park program be \$50.00 for residents for first two children third and beyond \$25.00 each, \$100.00 for non residents. Motion carried.

Councilwoman Gabaccia asked why they have not been receiving monthly financial statements. Supervisor Crowley will contact accountant.

#### **Old Business:**

Town Clock - Councilwoman Gabaccia reported she has a lead on a clock maker to come down to look at clock, talk to VFW there is names that need to be added that were left off, coordinating rededication.

Joe LaPorta said he has paper work on the clock.

Councilwoman Gabaccia will give him a call.

Supervisor Crowley reported March 17<sup>th</sup> Ken Flood director of Economic Advisory for Columbia County will be at the Economic Advisory meeting, have forms for ideas and projects for stimulus money. New York is slated to get 24 billion; we're told state wide request is around 40 billion there's no guarantee will get anything. Ken Flood will submit forms through the County.

Councilwoman Gabaccia said the EAB is putting together a group to purse it. On the photovoltaic, two contractors came down there's available stimulus funds on what we want to do, its ready, the audit is done. Contractor will contact Ken Flood with proposals.

Supervisor said to get the ideas to him he will give them to Ken Flood; have a better chance going through the County.

Councilman Sacks said he met with solar contractors. Town Hall could be 100% powered by solar, park building not so, could build car port for solar panel, fire house and rescue squad had good orientation.

Councilwoman Gabaccia said she called NYSERDA; will have audit by March 17,2009.

Joe LaPorta reported the Motor Vehicle Task Force has met many times, made list of recommendations; the lawyer is reviewing, then they will sit down with Jim's and Performance Auto to go over changes. Councilman Sacks said he recommends they sit with Planning and Zoning Board. Joe said he disagrees; it's not up to them you'll get different recommendations, when we present to board you can make decision if you would like the Planning and Zoning involved.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to appoint Robert Rosegarten to the Board of Assessment Review his term will expire September 30, 2011. Motion carried.

Joe LaPorta reported Board of Ethics Citizens Committee to Nominate – Three letter of interest, did not comply with state requirement since December 2008, that at least one be employee, appointed or elected person from town must serve on board. We were under the impression two full time positions were open, Lou Kibler and Ted Volker. The committee decided to take alternate and move to fulltime position. They moved Flora Berquest to full time and Ted Volker to alternate. We recommend appointment of Lisa DeRocha to full time, Ted Volker alternate.

Joe asked board to consider doing away with alternate as they have the same participation as full member but can not vote.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan to appoint Lisa DeRocha full time to the Code of Ethics. Her term will expire 3/14/2014 Ted Volker alternate term to expire 4/25/2012. Motion carried.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to appoint Karen DiPeri to the Economic Advisory Board, her term will expire December 31, 2009. Motion carried.

Councilman Sacks – The Columbia County Board of Supervisors passed a resolution at its February 11<sup>th</sup> meeting asking the state Legislature and State Board of Elections to enact laws, rules and regulations that specifically authorize the continue use of lever-style voting machines.

The resolution stated “that for many decades, the county has successfully used mechanical lever style voting machines with very little problems, and is desirous of continuing to do so”, the resolution goes on to say that “it is in the best interest of the public and should be permitted to be used in future elections.”

This was passed because of potential problems with Sequoia optical scan ballot marking machines purchased by the County for \$600,000. It is important to note that most of these costs were paid by New York State, and out of the \$600,000, the county paid \$28,000.

Professionally, I am a futurist and because of that I feel strongly that computerized optical voting scanners are eventually the correct future of fair and honest voting. But in my research and experience, we are not quite at a time where we can be totally assured and have the complete confidence in the results of the Sequoia optical scan ballot marking machines.

A motion was made by Supervisor Crowley seconded by Councilwoman Gabaccia the town is in support of the Columbia County Board of Supervisor resolution until such time as optical scanners or other computer operated voting machines have been certified by the State Board of elections and are proved to be viable, reliable and tamper proof we should stay with and continue to use the lever style voting machines. Motion carried.

Councilwoman Gabaccia – The Columbia County Planning has asked that the Town Planning Boards review the attached Resolution and if they agree to recommend the resolution to their Town Boards. The resolution eliminates

county review of actions they have determined will not have an identified countywide or inter-community impact.

At the February 5<sup>th</sup> meeting the Copake Planning Board discussed the resolution and encourages the Town Board to execute the document.

Councilwoman Gabaccia read the resolution. (see attached)

The following resolution was offered by Councilwoman Gabaccia seconded by Councilman Kiernan. (see attached)

RESOLUTION, exempting certain referrals mandated by General Municipal Law 239-m

Dated March 14, 2009

Resolution # 5

Supervisor Crowley	Yes
Councilwoman Gabaccia	Yes
Councilman Sacks	Yes
Councilman Kiernan	Yes
Councilman Tompkins	absent

### **Committee Reports:**

Comprehensive Planning Committee – Charles Dodson meeting with Riverstreet Planning and Developing, community survey for community input, on website a frequent asked question section.

Environmental Committee -Harvey Weber ground water study, aqua study with Columbia County. Health site in Columbia County as we have a high cancer rate in Copake. Prognosis for water ways from DEC.

Parks n Recs – Krista Goodacre, Easter egg hunt in April, Circus and Trash and Treasures.

Ralph asked about park account.

Supervisor Crowley said as soon as the checks come they will do a transfer from trust and agency.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan to approve a transfer of funds from trust and agency to park account. Motion carried.

Ralph Pratt asked about the signs at the park for Little League.

Supervisor Crowley said one concern was who will maintain, another are we violating our own zoning.

Ralph said there are signs in Copake Falls that are illegal according to zoning. Supervisor Crowley said you could have your own sign thanking your sponsors. Joe LaPorta said he will check into the legality signage at the park.

Planning Board - Councilman Gabaccia, two borderline adjustments.

**Council Reports:**

Councilwoman Gabaccia – update on Cascino law suit, three days in court, Wednesday many witnesses from town. Return date March 25, 2009 at 1:00 p.m. Contempt charges Judge Nichols should have a decision soon should go in towns favor we will be getting our attorney fee back.

Article 78 against Planning Board return date extended till April 1<sup>st</sup> waiting for letter from Ag and Markets.

Councilman Sacks mentioned when taking pictures be sure your digital marker is set the date.

Councilwoman Gabaccia reported Mr. Cascino said at the trial he brought 200,000 yards of fill to property with the intention of bring 1,000,000 yards.

Supervisor Crowley said Bob Roth, technician from ATT will be checking the sites for cell towers.

County Wide Assessment, have link on County website any questions give to Supervisor.

A motion was made by Supervisor Crowley seconded y Councilman Kiernan to go into executive session to discuss personal matter that may require disciplinary actions. Motion carried.

A motion was made by Councilman Kiernan seconded by Councilman Sacks to return to the regular meeting. Motion carried.

A motion was made by Councilman Sacks seconded by Councilman Kiernan the bills from general abstract #3 and highway abstract #3 be paid. Motion carried.

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

Respectfully submitted,





