

Regular Town Board Meeting
March 8, 2012

Members Present:

Supervisor Nayer
Councilperson Sacks
Councilperson Winchell-Sweeney
Councilperson Miller-Simmons

Absent: Councilperson Gabaccia

A motion was made by Councilperson Sacks and seconded by Councilperson Miller-Simmons to waive the reading of the Regular Town Board Meeting February 9, 2012 and approve the minutes as written. Motion was carried.

Correspondence:

From Sal Cascino – a letter questioning the Town’s procedures for building permits.

From Eleanor Germain – a letter of resignation as the Town’s Bookkeeper.

From N.Y.S. Office of Parks, Recreation & Historical Preservation – announcing the Copake Memorial Clock was added to the National Register of Historical Places on 2/3/12.

From Aquatic Control Technology, Inc. – advising the Town of the tentative date of May 9, 2012 for the Reward Herbicide treatment of Copake Lake.

From N.Y.S. Office of Parks, Recreation & Historical Preservation – advising that the Copake Falls Methodist Episcopal Church will be considered by the State Review Board for nomination to the State and National Register of Historical Places.

From Bridget Roberts, Director of the Summer Program – A memo outlining the 2012 Summer Program dates, hours, capacity, fees, staffing and registrations dates & times.

From Michael Bradway, Copake Park Superintendent – a letter outlining the tentative expenses for the Park maintenance for 2012 and requesting the Board permission to rehire Dylan Hotaling and Robert Riegel as summer Park employees.

Public Forum:

John Belafonte questioned if the Lackawana Farms was considered agricultural? Supervisor Nayer said he would look into and get back to him with an answer. Z.E.O. Ferratto advised that they did not get Agricultural status from Ag & Market.

The presentation on shared services scheduled for tonight is postponed due to Mr. Smith being unable to attend the meeting tonight.

Department Head Reports:

Marsha Becker, Chairperson of the Planning Board worked on finalizing Mariner Towers so they were able to obtain their building permit and approved four minor subdivisions. The Planning Board also unanimously approved to recommend to have Robert Haight, Jr. be appointed to the Planning Board.

Frank Peteroy, Chairperson of Zoning Board of Appeals reported that they approved Camphill Village's Administration Building, Golf Course Road change is still under discussion and one new application.

Z.E.O. Ed Ferratto report that he just got back from his certification at Lake Placid and is working on violations.

Harvey Weber from the Environmental Committee reported that they will be having a meeting this month on the third Monday.

Krista Goodacre, Chairperson Copake Park & Recreation Commission requested permission to spend \$723.00 from their account to purchase a pop corn machine. There will be a fund raising dinner for Breast Cancer at the Park Building on April 14th and the Easter Egg Hunt will be April 7th at 11:00 AM. Krista advised the Board that Joan Spencer resigned from the Park and Recreation Commission which leaves four openings on the Commission.

A motion was made by Councilperson Sacks and was seconded by Councilperson Miller-Simmons to approve the Park & Recreation Commission's request to spend \$723.00 for a popcorn machine out of their park account. Motion was carried.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons to authorize Michael Bradway, Park Superintendent to expend the funds outlined in his letter for the maintenance of the Park for 2012 budgeted in the Park contractual fund. Motion was carried.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Winchell-Sweeney to hire Dylan Hotaling and Robert Riegel as Park summer employees for 2012. Motion was carried.

Bridget Robert, Summer Program Director reviewed the information in her memo to the Board on the 2012 Summer Program and expressed her concern in the discrepancy between the Summer Counselors and the Summer Park Maintenance employees salaries. The Board should establish a uniform salary for all summer employees to be fair to everyone. Supervisor Nayer advised that he will look into a possible step program for salaries.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to adopt the proposed rates for residents and non-residents children attending the Copake Summer program. Motion was carried.

A motion was made by Councilperson Sacks and was seconded by Councilperson Winchell-Sweeney to authorize Supervisor Nayer to sign the Commercial Property Service Agreement with Trugreen Commercial for the Copake Park for 2012 for an annual fee of \$1,995.00 budgeted in the Park contractual fund. Motion was carried.

A motion was made by Councilperson Sacks and was seconded by Councilperson Miller-Simmons to advertise for RFP for a Professional Consultant to work with Land Use Review Committee. Motion was carried.

Supervisor Nayer and Walt Kiernan met with Laura Sager from Columbia County Soil and Water this week and applied with other towns in Columbia County for a New York State and DEC stream debris cleanup grant which ranges from \$300,000.00 to \$500,000.00. Walt Kiernan is also waiting to hear back on a \$40,000.00 grant that he has applied for. Councilperson Sacks questioned if this was for debris only, none of this is for dredging? Supervisor Nayer confirmed that it would be for debris removal and restoration work.

Old Business:

We are waiting to hear back from Paulette Bonnano with possible dates to set up a workshop to review the proposed changes to the Policy Manual.

A motion was made by Councilperson Sacks and was seconded by Councilperson Winchell-Sweeney to appoint the Town Clerk as the FOIL Officer for 2012. Motion was carried.

Following a discussion on the installation of a fence and additional signage at the fire pond location, The Board tabled any further action until the Board has had a chance to review the pictures Councilperson Sacks will be sending out this week.

Councilperson Miller-Simmons and Supervisor Nayer updated the names of individuals in the Safety Plan and have emailed them out to the different agencies for review of the changes.

A motion was made by Councilperson Sacks and was seconded by Councilperson Winchell-Sweeney to appoint Robert Haight Jr. to the Planning Board whose term will expire on 12/31/2018. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to appoint Diana Jamieson as the Town of Copake Website Coordinator for 2012. Motion was carried.

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

WHEREAS, the ability to timely monitor transactions in the Town's investment and bank accounts is an important safeguard to ensuring the proper and lawful handling of Town funds, and the ability to timely transfer funds between Town accounts is needed to ensure

the availability of funds as needed for Town purposes, and the use of online banking services is an important, effective, and efficient tool for such purposes; and

WHEREAS, the Town Code delegates responsibility for administration of the Town's investment program to the supervisor, and the New York State Town Law provides that the supervisor shall act as Town treasurer and have the care and custody of moneys belonging to the Town; and

WHEREAS Key Bank is designated a depository of Town funds under the Town Code and Town funds are currently held in accounts at such Bank, and the adoption of this resolution is required by Key Bank to have been adopted by the Town before providing online access to the Town's accounts for any purposes; and

WHEREAS superseding provisions of the Key Business Online Service Agreement, which governs the use by the Town of Key Bank online services, bars a public entity from using online banking to make payments or transfer any monies to any third parties and therefore causes the effect of this resolution to be solely to permit transfers between Town accounts held at Key Bank and viewing of transactions made in Town accounts;

NOW THEREFORE BE IT RESOLVED:

In consideration of the Bank's granting online access to its financial services via the Internet website, key.com/kbologin, or such other replacement website designated by Bank from time to time, (the "Website"), The Town of Copake (hereinafter "Company") hereby agrees to and adopts the following resolutions:

1. That the terms and conditions of the Key Business Online Services Agreement, available at key.com/kboagreements and incorporated into this Resolution, are hereby ratified and confirmed in all respects and hereby approved by the Company and shall be binding on and enforceable against the Company, without any signature or further action by or in the name of the Company, and without any act or deed by any Administrator designated within any Key Business Online Enrollment Form or any officer or other representative of the Company. The Bank at its discretion may request the Administrator to manually sign any Online Service Agreement.

2. That with respect to current and future deposit accounts and credit facility accounts at Bank (collectively, the "Accounts") the officer, manager, partner or member of Company or other person designated below (herein called "Administrator") be and hereby is authorized (a) to accept, agree to and either manually sign or electronically accept and sign online via the Bank's Website at key.com/kbologin:

i. Service agreement(s) and credit agreements, and applications for such accounts, regarding present and future deposit accounts, credit accounts and other financial services and products offered by Bank with access via its Website,

ii. The Key Business Online Services Agreement, and all amendments thereto requested by Bank from time to time, (collectively, the "KBO Services Agreement") and

iii. Such authorization, certification or other document(s) requested by Bank as necessary to designate, add and/or delete from time to time Users (defined below) to act on behalf of the Company and any Linked Company (as defined below) for Key Business Online services (collectively, the "KBO Services") for the Accounts; and (b) to access and use the Website and related KBO Services to initiate and perform from time to time one or more financial transactions to or from the Accounts.

3. That the Administrator may from time to time designate one or more persons, whether or not an officer, member, manager, or partner of Company or any Linked Company, to be each an authorized signer ("User") on any Account of the Company or any Linked Company for purposes of access to and use of the Bank's Website with full authority to conduct financial transactions to and from the Account and to use the KBO Services, without regard to:

i. The number of signers required for any financial transaction,
ii. Any resolution adopted previously for such Account, and
iii. Legal or beneficial ownership of the Account. The Administrator shall be considered a User. The term "Linked Company" means a company that

(1) has one or more commercial Accounts at Bank on which the Administrator is an authorized signer;

(2) has completed the Certificate of Administrator, KBO Services Agreement and Linking Agreement, which were duly adopted and agreed to and are presently in effect; and

(3) is related to Company by common control, affiliation, or ownership by one or more principal owners of Company.

4. That funds on deposit at Bank, and credit advances available under any credit facility by Bank offered to the Company or any Linked Company, may be withdrawn by any User in the name of and on behalf of Company or any Linked Company and deposited into Accounts at Bank, whether in the name of the Company or a Linked Company, or paid or transferred to any third party at any financial institution pursuant to online electronic instructions via the Bank's Website by any Administrator or any User.

5. That the electronic records of Bank with respect to actions by any Administrator or other User on Accounts shall be valid and binding on Company; and that Bank may conclusively assume that each Administrator and User shall continue with proper authority until receipt by Bank of written notice to the contrary, such notice to be mailed to KeyBank, 4910 Tiedeman Road, Mail Code OH-01-51-0321, Cleveland, OH 44144 or until the applicable Administrator updates and changes information on such current, new or additional Administrator(s) via the Bank's Website.

6. That Bank be and is hereby authorized to receive, pay and transfer funds to and from the Accounts when instructed electronically by such Administrator or any User, without inquiry as to the circumstances of their nature or the disposition of their proceeds, whether payable or transferred to an individual or tendered in payment of individual obligations of any Administrator, User, any other officer, employee or agent of Company, any Linked Company, or otherwise. Bank is hereby released from all liabilities and responsibility for any and all unauthorized transactions by any Administrator or User.

7. That all controversies and questions regarding the Certificate of Administrator and this Resolution shall be governed by and construed under the laws of the State of Ohio (without regard for conflict of law rules) and applicable federal law.

8. That the Certificate of Administrator and this Resolution shall remain in full force and effect until written notice of amendment or rescission shall have been received by Bank by mailing to KeyBank, 4910 Tiedeman Road, Mail Code OH-01-51-0321, Cleveland, OH 44144, and that receipt of notice shall not affect action taken or omitted by Bank prior to such receipt. That all previous authorizations for online transactions via Bank's Website are hereby ratified and continued in full force and effect.

9. That the Certificate of Administrator and this Resolution shall supplement, shall be attached to and incorporated into, and supersede the authorizations by Company or Linked Company in any certificate, resolution or other writing ("Authorization Document") previously delivered by Company to Bank from time to time with respect to any power and authority of any authorized signer acting on behalf of or in the name of Company or such Linked Company with respect to KBO Services for any Account, and monetary transactions in any Account, which Authorization Documents are hereby ratified and shall continue in full force and effect. In the event of any conflict between the terms of the Certificate of Administrator and this Resolution and any other Authorization Documents, the Certificate of Administrator and this Resolution shall control and be enforceable.

10. That Company agrees to indemnify and hold Bank harmless from any and all claims, suits, judgments, losses, costs, and expenses (including reasonable attorneys' fees) that Bank may incur as a result of Bank continuing to act in good faith in reliance upon the Certificate of Administrator and this Resolution.

11. Jeff Nayer, in his capacity as supervisor of the Town of Copake, is designated the "Administrator" for purposes of this Resolution and Key Bank Online Banking Services.

Resolution # 10	Supervisor Nayer	yes
Dated March 8, 2012	Councilperson Sacks	yes
Copake, New York	Councilperson Winchell-Sweeney	yes
	Councilperson Miller-Simmons	yes
	Councilperson Gabaccia	absent

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

Whereas, by a Resolution passed at the February 2012 Town Board meeting the Town Board of Copake duly constituted the Land Use Review Committee [LURC] and abolished the Zoning Review Committee (ZRC)

And whereas, the abolishment of the ZRC was in response to flawed policy and procedure in its establishment;

And whereas, all 11 members of the former ZRC were requested to apply to the newly constituted LURC;

Hereby, it is resolved as follows:

First, that the 11 members of the former ZRC shall continue as members of the LURC without the necessity of an additional letter of interest pending meeting in executive session individually with all five members of the Copake Town Board if available; Second, all LURC applications for membership received on or before March 6, 2012 will be considered and all interested applicants interviewed. While prior knowledge of the Town's Zoning code shall be considered in selecting members for appointment to the LURC and the Committee should include members with significant experience with Copake's Zoning Code, prior knowledge is not a pre-requisite to membership on the Committee, and therefore, provided that, as set forth in the Resolution passed at the February Town Board meeting, the Committee membership includes members with experience on the Zoning Board and Planning Board and members from the Comprehensive Plan Committee, lack of prior knowledge of the Zoning Code on the part of an individual applicant shall not be a bar to appointment. While efforts should be made to recruit and appoint a farmer as a member of the committee, the inclusion of a farmer shall not be mandatory and the absence of a farmer on the committee shall not invalidate the committee;

Third, the membership of the LURC shall be no more than 13;

Fourth, the LURC will conduct its duties and tasks as specified in the Mission Statement adopted by the Town Board in December 2011 under the skilled guidance and expertise of a consultant. The consultant will be interviewed and appointed by the Copake Town Board; and

Fifth, the LURC will have one year to complete its work unless an extension is granted by the Town Board.

Resolution # 11	Supervisor Nayer	yes
Dated March 8, 2012	Councilperson Sacks	yes
Copake, New York	Councilperson Winchell-Sweeney	yes
	Councilperson Miller-Simmons	yes
	Councilperson Gabaccia	absent

Resolution Public Comment:

Mac Simms asked if all the members of LURC will be required to accept and abide by the mission statement established in December 2011. Supervisor Nayer advised Mac that in December 2011 the mission statement was mailed out to Chris Grant to be distributed to all on the committee.

John Keeler asked if there is any idea of how many of the original committee will stay on. Supervisor Nayer advised that he hopes they all will if this resolution is passed.

Marcia Peteroy questioned if the LURC would have alternate members in case someone decides to resign, the LURC should be involved in the interviews for the Consultant and the feasibility of accomplishing the tasks set forth in just one year. Councilperson Winchell-Sweeney advised that the timeline for completion of these tasks was researched and discussed with the Consultant on the Comprehensive Plan and they felt it could be completed in one year. If more time is needed the Town Board would be

willing to grant an extension. Supervisor Nayer advised that the Town Board is responsible for the hiring of the Consultant and would like the LURC to be involved in the interviewing process. When the Town Board does the interviews of the new applicants, the Board will decide if there is a need to increase the number of the members on this committee.

Frank Peteroy questioned if the mission statement that is being distributed was the same as the one adopted in December 2011. Supervisor Nayer and Councilperson Winchell-Sweeney both assured that the mission statement today is the same one adopted by the Town Board in December 2011.

David Goldman questioned what was the reasoning for increasing the number of the LURC members to thirteen. Supervisor Nayer responded that it is not necessarily a requirement to increase the number but an option to the Board if they felt it necessary.

Joe LaPorta questioned if the current committee members should start working on their tasks or wait for the other applicants are interviewed. Supervisor Nayer advised that the LURC will not start meeting until they have met with the Board in executive session and the interviews of the new applicants will be handled in the same timeframe.

Fran Miller stated she just heard someone say that the new committee is going to be funded under the new structure wasn't this funded under the old structure and what is the account number? Councilperson Winchell-Sweeney said it was not funded properly under the old structure. Supervisor Nayer stated he was not sure of the account number but he believed there was around \$9,000.00 budgeted. Charles Dodson has a grant prepared waiting for the Governor to do some sort of an approval.

Supervisor Nayer reported that the annual report has been filed and we should be getting the Town's copy soon.

Spending approval for a new Park entrance light was approved by three Board Members.

Public Form:

Steve Hoppe thanked the Board for working together to resolve the LURC issue and asked if anything was going to be done to remove the debris from the Roe Jan Creek especially near Overlook Road. Supervisor Nayer will speak to our Highway Superintendent regarding the debris in the Roe Jan.

Fran Miller encouraged the Town Board to at least put additional signage up at the fire pond if you are not going to change the course of the fence.

Lindsay LeBrecht warned the Board now that they have been put on notice of the hazard at the fire pond park the Attorney for the Town should approve the verbiage of the signs prior to installing them.

David Proper asked when the special meeting to discuss the Police Department's status was going to be held. The meeting was not held due to the Councilperson who was looking into did not have any new information regarding this matter and the Police Department is in the process of dissolving. Attorney for the Town went on to clarify that there can be no revival of the old Police Department under the law. The only way to have a Police Department now would be to go forward starting from scratch essentially the Town could create a new Police Department it cannot revive the old Police Department. The Board would have to adopt a new law creating a new Police Department as if the old one never existed.

Melvin Salberg stated what the people have voted out the Board can vote back in. What does the Town Board need to do to make this happen? Ken restated the procedure that needs to be followed.

Betty Hyne expressed her concerns with the way the ballot read in last November's election regarding the Police Department.

Krista Goodacre mentioned that this is the 30th anniversary of the Park and the Commission is looking for volunteers to help with the celebration.

Ralph Macchia stated that he also felt that the way the ballot read in last November's election regarding the Police Department was very confusing.

Following another discussion on what type and the exact wording of the signs for the fire pond park a motion was made by Councilperson Sacks and was seconded by Councilperson Winchell-Sweeney to authorize the purchase and erections of these signs after the Town's Attorney has approved the wording. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Sacks that the bills from the General Abstract # 3 and the bills from Highway Abstract #3 be paid. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Sacks to enter into executive session to discuss legal issues and personnel issues. Motion was carried.

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

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to authorize Victor Meyers to enter into negotiations with Mr. Casino's Lawyers. Motion was carried.

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

Respectfully submitted,