

Regular Town Board Meeting
April 12, 2012

Members Present:

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

A motion was made by Councilperson Winchell-Sweeney and seconded by Councilperson Miller-Simmons to waive the reading of the Special Town Board Meetings March 25, 2012, March 27, 2012 and March 29, 2012 and approve the minutes as written. Motion was carried.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Winchell-Sweeney to waive the reading of the Regular Town Board Meetings March 8, 2012 and approve the minutes as written. Motion was carried.

Correspondence:

From Councilmen Sacks – a letter of resignation as Town Councilperson effective April 4, 2012.

From Egremont Planning Board – a Notice of Public Hearing on Wednesday, May 9, 2012 at 7:30 PM on the application of Mariner Towers II, LLC to amend a special permit for a new personal wireless service facility.

From Krista Goodacre, Chairperson Copake Park & Recreation Commission – a letter recommending the appointment of Theresa DeRocha to the Parks & Recreation Commission.

From the Around The Clock Committee – a three page letter outlining their ideas for the fire pond and the bulletin board by the Copake General Store.

From Assessor Surprise – a letter requesting the Town Board to appoint Kim Brusie and Paula Campbell as Data Collectors.

From Assessor Surprise – a letter requesting the Town Board to appoint Lynn Connolly as the Assessor's Clerk.

From Assessor Surprise – a letter requesting the Town Board to go into executive session to discuss the Data Entry Position.

From the R.J. Library Long-Range Planning Committee – an invitation to a meeting on April 18, 2012 at 5:00 PM.

From Copake Valley Farm, LLC – Questioning if their property at 13 Lackawanna Road is consider a farm or not?

From Grant D. Langdon – a letter requesting the Town Board pass a resolution in support of his efforts to reopen the hearing concerning the arrest of Frank Langdon.

From COARC – a thank you for the Town letting them use the parking at the West Copake Garage for their annual Polar Plunge.

From Margret Anderson – a letter of resignation as the Assessor's Clerk.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to accept the resignation of Bob Sacks from his position as Town Councilman. Motion was carried.

Supervisor Nayer thanked Bob Sacks for his six years of dedicated service on the Town Board. Councilperson Gabaccia stated that he will be missed and it was a pleasure to serve with him.

Howard Van Lenten, President of the Roe Jan Library thanked the Board and the people of Copake for the amazing support shown for the Library and updated on what the Board of Trustees are doing to meet the needs of the Community.

Supervisor Nayer announced Congressman Gibson will be at our Town Hall on Friday, April 20, 2012 at 2:00 PM to hold a Town Hall Meeting. Also Columbia County offers employment for young men or women who are going to college for the summer, anyone interested should contact Supervisor Nayer and we will sponsor them for this program.

A motion was made by Councilperson Gabaccia and seconded by Councilperson Miller-Simmons to go into executive session to discuss possible litigation and personnel matters pertaining to hiring. Motion was carried.

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

A motion was made by Councilperson Winchell-Sweeney and seconded by Councilperson Miller-Simmons to appoint Tal Rappleyea as Special Council to the Braunstein Appeal. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney that Councilperson Gabaccia contact Victor Myers regarding the Casino case. Motion was carried.

Public Forum:

John Belafonte asked the Board to go down to the Lackawanna Farms and look at what Mr. Casino has done to improve that property.

Lindsay LeBrecht stated about 10 years ago the Board was looking into a type of an early warning system to warn the public of severe weather approaching. Can this Board look into if there are grants available to establish a system? Supervisor Nayer said he would look into this matter.

Department Head Report:

Marcia Becker, Chairperson of the Copake Planning Board reported they are still working on Camphill Village and Golf Course Road proposals and on Zoning Board of Appeals referrals.

Frank Peteroy, Chairperson of the Z.B.A. reported that they had three public hearings coming up and they have one application.

Ralph Shadic, Building Inspector reported that their Office has started to get busier now.

Craig Surprise, Assessor reported that the Data Collectors are out working in the field.

Harvey Weber, Copake Park Commission reported that there was an excellent turn out for the Easter Egg Hunt last Saturday.

William Gregory, Highway Superintendent requested permission to bid and purchase a new tractor to mow along side of the roads. This new tractor would replace the 1990 tractor and the Town would save about \$10,000.00 to \$12,000.00 on repairs to the 1999 tractor that would not need to be done on the creeper gear. Superintendent Gregory reminded that there was \$46,000.00 from last year that was ear marked for this purchase.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to authorize Highway Superintendent Gregory to purchase a new tractor and flail mower under the NPP if it meets the Town's Procurement Policy or by publicly bidding the equipment. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons authorizing the Town Clerk to administer the N.Y.S.D.M.V. License Event Notification Service (LENS) program for the Town of Copake and that all Town employees who may drive any Town Vehicle must be registered in this program. Motion was carried.

Superintendent Gregory updated the Board on the FEMA reimbursements received and status of approved repair work from last years declared disaster. Also Superintendent Gregory requested approval to hire a company to install Town owned guide rail around the fuel island which would be paid for out of the Garage account.

New Business:

Supervisor Nayer reviewed the three options the Board has addressing the vacant position created by the resignation of Councilman Sacks. Supervisor Nayer recommended the appointment of Jeanne Mettler to this vacancy.

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

That we the members of the Town Board of the Town of Copake do hereby appoint Jeanne Mettler to fill the vacancy of Town Councilperson for the remainder of 2012 created by the resignation of Councilperson Sacks.

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| Resolution # 12 | Supervisor Nayer | yes |
| Dated April 12, 2012 | Councilperson Gabaccia | yes |
| Copake, New York | Councilperson Winchell-Sweeney | yes |
| | Councilperson Miller-Simmons | yes |

Jeanne Mettler signed the Oath of Office with the Town Clerk and joined the Board at this point in the meeting. Councilperson Mettler thanked the Board for support and will do her best in this new position.

Supervisor Nayer discussed the deteriorating condition of the Town Hall Parking Lot and what was needed to correct the problems.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons to solicit bids for repairs to the Town Hall Parking Lot. Motion was carried.

The Board received the following RFP to act as a consultant to the Land Use Review Committee:

| | |
|----------------------------------------------------------|----------------------------------------------------------|
| River Street Planning & Development | \$39,905.00 |
| Community Planning & Environmental Ass. | \$14,960.00 without legal review |
| | \$17,690.00 with legal review |
| H2M Architects & Engineers | \$63,500.00 |
| AKRF Environmental, Planning and Engineering Consultants | \$4,500.00 Task "A" (educating & prioritize the project) |

The Board discussed the four RFPs received for a consultant to the Land Use Review Committee and eliminated the highest proposal and the proposal for \$4,500.00 for Task "A". The Board will schedule interviews of the remaining two consultant firms before the next regular board meeting.

Supervisor Nayer brought up that Copake Cleanup Day will be May 18th at the Highway Garage on 47 School Road. In the past years some people have abused this free service by making many trips with C & D material. The Board discussed handing out flyers this year advising that beginning next year the Town will not except C & D material.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to hand out flyers at this year's cleanup day explaining the changes for next year. Motion was carried.

The Board discussed the letter from the ATC advising that they are planning on sprucing up the area near the bulletin board and adding a park bench. They also expressed that they are against the idea of putting up the fence in the fire pond park. Attorney Dow reviewed the Town's liability issues with putting picnic tables, a sandbox, etc. in the fire pond area without putting up a fence and warning of the water hazard.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to table any action on the fire pond issue at this time and contact the Copake Fire Department to get their input on this matter. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to advertise for a Citizens' Committee to Nominate to interview for the three openings on the Ethics Board. Motion was carried.

Old Business:

Policy Manual Workshop is set for Saturday, April 14th at 10:00 AM at the Town Hall.

Supervisor Nayer advised that he and Councilperson Miller-Simmons updated the information in the Emergency Management Plan and has been sent out to the Emergency Services for their review and approval and is ready to be distributed.

The Board discussed with Attorney Dow the proper procedures to finalize closing down the Police Department and liquidating their equipment. The D.A.'s Office and the Sheriff's Department will be coming in and handling everything that needs to be handled by law enforcement personnel. Councilperson Gabaccia questioned if the equipment that was given to the Town through a grant was being returned to Grantor? Supervisor Nayer advised that the Chief of Police has been working on making the arrangements to return this equipment.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Mettler to declare the Police Equipment surplus and authorize the liquidation of the items that can not be used by other Town departments. Motion was carried. Councilperson Gabaccia abstained.

Supervisor Nayer advised that there are a lot of Police records that need to be secured in the Town Hall per the retention schedule that will not fit into the record's room and the only other room within the Town Hall is one of the Attorney/Client rooms.

Appointments:

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons to appoint Terri DeRocha to the Park Commission per the recommendation of the Park & Recreations Commission. Mrs. DeRocha's term will expire on December 31, 2014. Motion was carried.

Supervisor Nayer advised the Board that he appointed Lynn Hotaling as his Bookkeeper for the remainder of 2012.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to appoint Lynn Connolly as the Assessor's Clerk at a starting salary of \$11.00 per hour, with a maximum 17 hours per week with an additional 8 hours a week for the re-val as needed. This appointment is for a four month probationary period to start. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gabaccia to appoint Paula Campbell and Kim Brusie as Data Collectors. During training they will receive \$12.00 per hour and after training they will receive \$15.00 per parcel split between the two of them. This appointment is for a four month probationary period to start. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to appoint Matthew Piper as the Data Entry job at a salary of \$11.00 per hour. This appointment is for a four month probationary period. Motion was carried.

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

That we the members of the Town Board of the Town of Copake do hereby adopt the attached "Standard Work Day Resolution" for William Gregory, Craig Surprise, Robert Lopez, Willard Powell and Lynn Hotaling.

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| Resolution # 13 | Supervisor Nayer | yes |
| Dated April 12, 2012 | Councilperson Gabaccia | yes |
| Copake, New York | Councilperson Winchell-Sweeney | yes |
| | Councilperson Miller-Simmons | yes |
| | Councilperson Mettler | yes |

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

RESOLUTION

To allow the payment of utility bills prior to audit of such claims

WHEREAS the Town regularly incurs charges for utilities and certain other necessities, and

WHEREAS the scheduling of town board meetings at monthly intervals can make timely audit and payment difficult or impossible, and the inability or failure to promptly pay claims for such charges can result in interest charges or other consequences adverse to the town, and

WHEREAS Section 118 of the New York Town Law provides that a town board may, by resolution, authorize the payment of claims for utilities, postage, freight and express prior to the audit of such claims, provided that such claims are presented at the next regular board meeting and that the claimant and town officer approving any such claims shall be liable for any amount disallowed by the town board;

It is hereby RESOLVED that

The supervisor or the supervisor's designee is authorized to make payment upon the presentation to the Town of a claim for payment for utility costs arising from electric, gas, water, sewer, fuel oil, or telephone services, postage, or freight and express services provided to the Town, in advance of audit of such claim, provided that such claim is presented at the next regular town board meeting, and provided further that the claimant and town officer approving such claim shall be jointly and severally liable for any amount disallowed by the town board.

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| Resolution # 14 | Supervisor Nayer | yes |
| Dated April 12, 2012 | Councilperson Gabaccia | yes |
| Copake, New York | Councilperson Winchell-Sweeney | yes |
| | Councilperson Miller-Simmons | yes |
| | Councilperson Mettler | yes |

Supervisor Nayer advised that the 2011 Annual Report has been completed, filed with the State of New York and a copy is on file in the Town Clerk's Office for anyone to review.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons to authorize Frank Peteroy, Chairperson of the Z.B.A. to spend \$175.00 for training put on by Planning Federation. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to approve the following transfers:

| From | To | Reason | Amount |
|------------------|-----------------------|-------------------|------------|
| A3210.4 (Police) | A5010.47 (Hwy. Supt.) | No money budgeted | \$400.00 |
| A3210.4 (Police) | A5131.4 (Town Car) | No money budgeted | \$1,000.00 |

Motion was carried.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons not to renew the yearly software agreement on the GIS software program. Motion was carried.

Supervisor Nayer reviewed the money that the Town is savings by switching the retirees' health insurance policy, the daily alarm calling to an 800 number and by reducing the number of licensed users on the scanning software for the court.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons to switch the Court scanning software license agreement from three users to one user. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney to authorize Highway Superintendent Gregory to have a company erect guiderail around the fuel island at a cost of approximately \$700.00 to be paid from the Garage Account. Motion was carried.

Supervisor Nayer advised that he received a letter from the Planning Board inquiring what was to come out of General Account A1440.4. Supervisor Nayer went on to explain that there was \$3,000.00 in this account to be used if the Planning, Z.B.A. or the Town Board need something engineered that would not be cover under an escrow account. Any of these expenditures over \$150.00 must be pre approve by at least three Board Members.

Public Forum:

John Keeler advised the Board that several years ago he gave information to the Town regarding a recycling program that a group of volunteers ran for the Town of Red Hook that maybe something that would help the Town of Copake.

Harvey Weber encouraged the Board to test the water at fire pond location prior to proceeding with any plans for a park at this location.

Chris Quinby questioned why another Citizens' Committee to Nominate was being appointed when there was one from last year. Supervisor Nayer explained that per the policy manual a new committee needs to be appointed every time that there is a vacancy on the Board of Ethics.

Lindsay LeBrecht questioned why when two people objected to the way the ZRC was setup the Board redid the committee but you still have a petition with hundreds of signatures stating the Police Department referendum was done wrong and requesting a revote and nothing is being done about that. Supervisor Nayer explained that no board member has offered a resolution to establish a new police department at this time.

Wayne Miller asked the Board if the picnic tables could be put out front of the municipal parking lot on the grassy area instead of back by the pond. Supervisor Nayer stated that is where the Farmer's Market sets up.

Mac Simms applauded the Supervisor for finding ways to save the Town Money and urged the Board that if they were considering establishing a new police department attached to that proposal should be how that department will be financed.

Ron Piper advised the Board that he's receiving an increase number of phone calls inquiring about Park Activities now that the Park's website is not being updated and suggested to the Town purchase an electronic message board to list these events on. Councilperson Miller-Simmons commented that the Park Commission has no one who has the time to keep the website up to date and have four vacancies on their Commission if anyone is interested in volunteering.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Winchell-Sweeney that the bills from the General Abstract # 4 and the bills from Highway Abstract #4 be paid. Motion was carried.

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

Respectfully submitted,

