

Regular Town Board Meeting  
May 10, 2012

Members Present:

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

A motion was made by Councilperson Gabaccia and seconded by Councilperson Miller-Simmons to waive the reading of the Town Board Meetings April 12, 2012 with a date correction of May 19<sup>th</sup> instead of May 18<sup>th</sup> on page 5 and approve the minutes as written. Motion was carried.

Correspondence:

From JoHanna's Motel & Restaurant – a letter advising the Town that they will be renewing their New York State Liquor License.

From Nelson R. Alford, Jr., Hillsdale Town Attorney – a notice of a Public Hearing for Local Law # 1 of the year 2012 entitled a “Local Law Amending the Town of Hillsdale Comprehensive Plan” and Local Law # 2 of 2012, if enacted, would amend the Zoning and Land Use Control Law of the Town of Hillsdale on May 15, 2012 at 6:30 PM and 7:00 PM.

From New York State Executive Chambers – advising the Town that Governor Cuomo will not be able to attend Community Day.

From Lee Harvey, Chairman Copake Fire District and John DeRocha, Chief Copake Fire Company – a letter opposing the proposed plans to make a park at the Fire Pond Site behind the First Niagara Bank.

From Victor Meyers, Law Offices of Rapport Meyers LLP – a letter notifying the Town that he will be filing a responding Brief on or before June 8, 2012 to the Appellate Division regarding the Town of Copake vs. Cascino case.

From Peter Stoll, CPA – a letter of resignation effective May 31, 2012 as the Town of Copake Accountant.

From Sal Casino – a letter requesting a response of whether or not the Town of Copake considers 13 and 22 Lackawanna Road to be a farm or not.

Chris Thomas gave a brief presentation on his plans to re open the Copake General Store.

Public Forum:

John Keeler asked who will be taking former Councilman Sacks position as Liaison to R.J. Historical Society. Councilperson Mettler offered to assume the duties. Also Mr. Keeler questioned how the court activity this year compares to the first quarter of last year. Supervisor Nayer stated that the activity is down about 32% less but the revenues are fairly constant to last years.

John Belafonte stated his concerns with the farmer driving through the Norster Creek instead of using the road and bridge that Mr. Cascino built. Supervisor Nayer advised that the State ordered the bridge closed not the Town of Copake.

Roberta Roll questioned the status of the Cascino Case as there have been a lot of activities going on at this location. The Board advised that this matter is in litigation and the Board can not comment on this case.

David Weiner read a letter from Mr. Sal Cascino and requested the letter be entered into the minutes. (Please see attached)

#### Department Head Reports:

Highway Superintendent Gregory reviewed the three bids that were publicly opened at 9:00 AM this morning for a roadside mowing tractor and mower. The following bids were received: Hudson River Tractor Company, LLC \$73,806.21 plus a trade-in-allowance of \$4,200.00. Keil Equipment Company, Inc. \$78,382.93 plus a trade-in-allowance of \$5,582.00 Keil Equipment Company, Inc. \$91,039.78 plus a trade-in-allowance of \$5,582.00 Following a review of the bids Highway Superintendent Gregory recommended to the Board to accept the bid from Hudson River Tractor Company, LLC.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Mettler to authorize Highway Superintendent Gregory to purchase a new John Deere Model 6230 with a Diamond DSF75 Mower from Hudson River Tractor Company, LLC for a bid price of \$73,806.21 less trade-in. Motion was carried.

Highway Superintendent Gregory explained the extensive body work his men did in house on the Town's Tri-axle for around half of what it cost neighboring Towns who send this work out to be done.

Frank Peteroy, Chairperson Z.B.A. reported that last month they approved one variance, received one new variance and have three outstanding.

Ralph Shadic, Building Inspector reported that the Building Department took in approximately \$6,700.00 in April.

Craig Surprise, Town Assessor reported that the Tentative Tax Roll has been filed, a copy is available for inspection in the Town Clerk's Office during regular business hours, Notices have been sent out and Grievance Day has been set for the forth Tuesday of May hours will be 2:30 – 4:30 PM and 6:00 – 8:00 PM, Data Collectors are still working in the field and he will be starting to train the second group of Data

Collectors next week, the Town's equalization rate has been set at 75% for 2013 which is up from 72%.

Supervisor Nayer report on behalf of the Summer Program Director, help is need Saturday, May 19<sup>th</sup> with summer program signups if anyone is available.

Marcia Peteroy, CEAB reported that the new Hamlet Banners have arrived and Leslie Wood donated them and will be in contact with Highway Superintendent Gregory to have them put up.

Following a review of anticipated expenditures for the Town's Summer Program the following motion was made by Councilperson Gabaccia and seconded by Councilperson Miller-Simmons to authorize the Supervisor to write checks for the Summer Program expenses with out receiving prior approval from three Board Members. Motion was carried.

Following a brief review of the Comprehensive Plan by Councilperson Mettler the following motion was offered by Councilperson Mettler and seconded by Councilperson Miller-Simmons that the Town Board makes the implementation of the Comprehensive Plan a priority until it is implemented, and in furtherance of that objective, that the Town Board take the following immediate actions:

**First**, create an *ad hoc* committee, to be called the **Hamlet Revitalization Taskforce**, the goal of said committee to be the revitalization of the Hamlet of Copake. The Committee shall consist of not less than five members and the Clerk shall immediately advertise for membership on this Committee.

**Second**, schedule a Board Workshop to be held **Wednesday, May 30, 2012 at 7:00 p.m.** The purpose of this Workshop shall be to discuss a timetable for the implementation of the Comprehensive Plan and also to draft and adopt the Mission for the Hamlet Revitalization Taskforce. All members of the former Comprehensive Planning Committee shall be invited to attend and participate in this Workshop.

**Third**, The Board shall adopt the following timetable for the creation of the Hamlet Revitalization Taskforce:

The Mission statement for the Taskforce shall be adopted no later than the June Meeting of the Town Board. The interview process shall commence upon the adoption of the Mission Statement and shall be concluded prior to the July Board Meeting. The Taskforce shall be appointed at the July Board meeting and shall begin its work as soon as practicable thereafter. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gabaccia to authorize the Supervisor to advertise for the position of Code Enforcement Officer. Motion was carried.

Supervisor Nayer reviewed a proposal from the Town's Computer Consultant Sean Carbine for an offsite backup system that would satisfy the Town's requirements and the State Comptroller's concern of the Town's lack of an offsite backup system. The quote was from Carbonite, Inc. from Boston Massachusetts for \$229.00 per year plus approximately two hours labor for Sean to load the software and programming.

A motion was made by Councilperson Mettler and was seconded by Councilperson Gabaccia to authorize the Supervisor to enter into an agreement for an off site back system with Carbonite, Inc. from Boston Massachusetts for the annual fee of \$229.00. Motion was carried.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Mettler to keep the newest police cars to be used as a second Town car for Department Heads and Data Collectors and upon the completion of the Data Collector's work we declare the oldest Town car as surplus equipment. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gabaccia to authorize the Supervisor to schedule a CPR/AED course for Town Employees this fall. Motion was carried.

Supervisor Nayer reported we received six bids for the repair work on the Town Hall Parking Lot and Walking Path ranging from \$325.00 to \$1,800.00 for just the crack repair portion of the bid. (Bid tabulation chart attached) When the lowest bidder was contacted and advised that we would only be doing the crack repair work at this time they withdrew their bid.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Mettler to award the bid for crack repair work on the Town Hall Parking Lot and Walking Path to Hudson Seal Coating and Landscaping for a bid price of \$800.00. Motion was carried.

The Board discussed setting a Town Board workshop for the policy manual and decided to table setting a date until the next meeting.

The Board discussed the letter from the Copake Fire District opposing the establishing of a Town Park at the Fire Pond Site and asked the Board to keep this site as for its original purpose fire suppression. Supervisor Nayer will ask the Fire District if they would mine if the picnic tables were kept at the site.

Supervisor Nayer advised the Board that we received only one letter of interest for the Ethics Board and five letters for Citizens Committee to Nominate. The Board agreed to re-advertise for the Ethics Board, the Citizens Committee to Nominate as well as any other vacancies that exist.

Supervisor Nayer reported that the solar system at the Park is up and running and the last bill received was for around \$37.00. N.Y.S.E. & G. changed out the meter and the

solar company will be reimbursing the Town approximately \$972.00 for credits the Town produced prior to the meter being changed out. We have not seen a bill for the Town Hall to see how much we are saving on the Town Hall Solar System.

We received the first quarter sales tax check for \$137,246.96; the County was up about 12.5%.

Public Forum:

David Weiner from Lackawanna Farms invited the Board and the Public to visit the farm to view the farming work and offered to the Town Board to talk to Mr. Cascino regarding the possibility of taking over the road and bridge.

Lindsay LeBrecht questioned why there is nothing about the Copake Community Cleanup Day on the website? Supervisor Nayer said that Diana Jamieson is working as Website Coordinator now and she has been in touch with Web Master.

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

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

A motion was made by Councilperson Miller-Simmons and was seconded Councilperson Mettler to hire Paul Goldman at a rate of \$200.00 per hour to represent the Town of Copake in the Camp Pontiac and Etra Family Trust tax case. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded Councilperson Mettler to hire David Fontana, a commercial real estate appraiser to update the appraisal of Camp Pontiac and the Etra Family Estate. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Mettler that the bills from the General Abstract # 5 and the bills from Highway Abstract #5 be paid. Motion was carried.

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

Respectfully submitted,

