

TOWN BOARD  
May 13, 2010

PRESENT

Supervisor Crowley  
Councilwoman Gabaccia  
Councilman Sacks  
Councilman Kiernan  
Attorney Rappleyea

ABSENT

Councilman Tompkins

Supervisor Crowley opened the meeting at 7:30 p.m. with 29 people present.

Councilwoman Gabaccia, Suzanne Bresseler and Angela Monntie from Camphill will be giving a presentation on Camphill Village. There is a desire between Camphill and Town of Copake to interact. They have projects on the horizon, and they would like to introduce to the town.

Suzanne Bresseler, Development Associate for Government and Public Relations, we brought material to inform you of what's going on at the Village now and we hope will bring more to the economy and area.

Angela Lomanto, Camphill Village USA's Director of Development, there are 230 people that live at the Village now, our budget has grown from 50 years ago to 6.9 million now a lot of which is spent to local community. We have a master plan program for the next ten years which is available. One of the programs is Camphill Ghent project, our new senior community; ground braking will be this summer, because of the 9.6 million grant it will be built by the end of 2011. It will serve around 100 people mostly seniors. We have two federal appropriations for grants.

We will look into having a liaison for the Town Board.

Councilwoman Gabaccia, would like to put off approval of April 8, 2010 minutes till I have time to review the tape as I would like a conversation with me and the accountant added.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to accept the minutes of April 22, 2010 as written. Motion carried.

The following resolution was offered by Councilwoman Gabaccia seconded by Councilman Sacks.

WHEREAS, Camphill Village has been a part of the Town of Copake Community for close to 50 years and has always been a good neighbor and also

WHEREAS, the Town of Copake understands and supports the Camphill Village philosophy and considers Camphill Village a vital part of our community, and

WHEREAS, the Town of Copake understands the issue associated with an aging population as it also works to address problems similar to those experienced by the citizens of Camphill Village.

BE IT HEREBY RESOLVED, that the Town Board of Copake supports the Camphill Village Project known as Camphill Ghent, their new senior community.

AND BE IT FURTHER RESOLVED, that the Town Board of Copake urges Senator Schumer and Gillibrand and Congressman Murphy to work to see that the appropriations requested for said project proceed through subcommittee and committee deliberations resulting in the funding of 6.4 million dollars for the Camphill Ghent project.

Dated at Copake New York  
May 13, 2010  
Resolution # 11

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

Councilman Sacks, request for resolution:

As most of you know the Attorney General of New York has for the second time in Copake's defense brought charges against Sal Cascino, The Attorney General in his own words has called Mr. Cascino a serial polluter. I have listed several times in the Chronicle Mr. Cascino's various and numerous offenses in two states and many towns including Copake.

Why have most of these charges been civil charges and not criminal charges?

The results of a civil charge so far have been totally meaningless in Mr. Cascino's many court cases. He is apparently a repeat offender who has no fear whatsoever of civil charges.

Here is my understanding of the difference between criminal law and civil law.

### **Criminal Law**

In criminal law, usually three things can happen, a guilty defendant is punished by either incarceration in a jail or prison, a fine paid to the government, or, in rare and exceptional cases, execution.

### **Civil Law**

In contrast, a defendant in civil litigation is never incarcerated.

As I understand it, the most fundamental distinction between civil and criminal is the notion and extent of the punishment.

Mr. Cascino has been very skillful in avoiding real punishment and continuing his detrimental abuse of small towns.

Therefore, I am calling on the one person that I think of who can actually protect us here in Columbia County. Our District Attorney has the full authority to bring meaningful criminal charges against Mr. Cascino.

The Attorney General of New York has stated that his department has found that there are toxic levels of asbestos here in Copake. I do not claim to be a lawyer, but as a Town Councilman and grandfather, I can only declare that I find this toxic development a crass and reprehensible act against humanity.

The following resolution was offered by Councilman Sacks seconded by Councilwoman Gabaccia.

We the Town Board of Copake in seeking to protect our citizens are requesting that our County District Attorney investigate the merits and viability of a possible criminal case or cases against Mr. Cascino. In so doing, we believe that she will be protecting not only the people of Copake but other citizens of Columbia County.

Dated at Copake New York  
May 13, 2010

Supervisor Crowley	Yes
Councilman Gabaccia	Yes

Resolution #12

Councilman Sacks            Yes  
 Councilman Kiernan    abstain  
 Councilman Tompkins absent

Supervisor Crowley thanked the Joe LaPorta for replacing the amplifier in the meeting room

Supervisor Crowley, read a letter from Councilman Sacks to the Town Board as follows:

A few weeks ago the Columbia County Board of Supervisors decided to take private property in Copake by a process called eminent domain.

The land will be taken from the Taconic Shores Property Owners Association which represents 420 homes and about 1200 Copake residents.

I was not consulted nor was any other member of the Copake Town Board that I am aware of. Nor was Shawn McClain, President of TSPO contacted prior to this action.

This to me, this move by the board of supervisors, is a violation of public trust.

I believe that eminent domain is rarely a good idea, and even worse is the concept of rebuilding a bridge next to a dam without seeing first, what effects that project might have on the integrity of the dam.

It is important to note that TSPOA has always been supportive of the bridge project and has always been in favor of selling the land in question to the County. The bridge clearly needs to be rebuilt. All that the TSPOA has been asking for was an engineer to look at the dam, and make sure that the dam will not be affected in any negative way by the construction of the new bridge. The TSPOA wants to correctly protect the dam and assure the safety of the Copake Citizens who live downstream. To me, this cautious approach sounds logical and responsible.

The reason for this letter is to officially put into the minutes a request for a public answer as to why the Supervisor voted for this action of eminent domain and why wasn't the Town Board and the President of the Homeowners association notified in advance of this action.

Supervisor Crowley read the following in response to Councilman Sacks.

In a recent article on a local web newsletter by Mr. Sacks, I was severely criticized for a recent decision by the Board of Supervisors. This has to do with a resolution that was passed at the April 14<sup>th</sup> Board of Supervisors meeting to commence eminent domain proceedings to acquire a small parcel of land from Taconic Shores Association necessary to repair what is known as Brown's Dam

Bridge. An article that was full of half truths, omitted facts and untrue statements. I want to take a moment to address these allegations one by one.

Mr. Sacks asked why I didn't approach him as a Town Board member to ask his reaction. He is correct that I did not approach him. Mr. Sacks is well aware that our town ethics policy states that if a town official is on the Board of Directors of an organization and there is financial interest involved, they must recuse themselves from any discussion and refrain from influencing another town official on that matter. This is why I did not ask Bob for his opinion.

Mr. Sacks goes on to ask why I did not contact any other member of Board of Directors of Taconic Shores. This is an untrue statement. I approached and spoke at length with the Taconic Shores Board of Directors Legal Director, Mr. Weber, and discussed the situation with him. I asked Mr. Weber that if anyone had any concerns that I should be made aware of that they contact me. I am under the understanding that Mr. Weber relayed this information to the attorney for Taconic Shores. To date, no one has approached me or contacted me.

Mr. Sacks goes on to say in his article that all Taconic Shores asks is that an engineer make sure that the dam won't in any way be negatively affected by the proposed road construction. This is a fair request, which is why the County had a study done by the engineering firm of Clough Harbour & Associates.

Their conclusion was that the work on the bridge would not impact the integrity of the dam in any way, a fact that Bob conveniently omitted from his article.

I have obtained a copy of the opinion and will put it on file in our Clerk's office for anyone to see.

Further, the county has agreed to go to the extra expense of installing seismology monitoring equipment to monitor, 24 hours a day, any vibrations that may be caused by the proposed road work. Another fact omitted from Mr. Sack's article. Also, the county will have a Resident Engineer on site whenever work is being done. Another point Mr. Sacks fails to mention.

Mr. Sacks continues in his article to refer to DEC opinion that the county must obtain certain permits to work on the bridge. To date, the County has obtained all permits that was required of it from DEC. As a matter of fact, these permits were recently renewed by DEC. Again, another fact that was omitted by Mr. Sacks article. I have obtained permits and will file them in the Town Clerks Office for inspection. I will also file with the clerk a copy of a letter from Army Corps of Engineering authorizing the work on the bridge.

Mr. Sacks states in his article that I have shown total disinterest in the welfare of our citizens. I ask you this Mr. Sacks, what will you tell our citizens when it takes an extra 10 – 15 minutes for a fire truck or ambulance to reach them in an emergency because the bridge has deteriorated to the point of being completely

unsafe and must be closed? What will you tell our citizens when there is a disaster on the bridge because of its unsafe conditions? What will you tell the parents if a portion of the bridge decides to collapse when a school bus caring their children is traveling over it? Who now is showing a disregard for the welfare and safety of our citizens?

Mr. Sacks asks why I didn't speak up at county level in regard to this issue. Besides the County Facilities Committee, this issue has been discussed numerous times at Legal Committee meetings, of which I am Deputy Chairman and at Real Property Committee meetings, of which I am Chairman. I, along with other Supervisors, have continually instructed the County Engineers and County Attorney to do their best to work with not only Taconic Shores, but with all land owners who this project may effect so that all their concerns could be addressed. Reporters from our other 2 local papers have written articles on this issue. These reporters collectively have less experience in publishing than you do Bob, but they made the effort to attend committee meetings to obtain all the facts, as any first year journalism student would do. They also attended the public hearing where county representatives gave a detailed power point presentation on the deteriorating conditions of this bridge, a hard copy of which I also filed in the Town Clerk's Office and where representatives from the engineering firm were present to answer any questions. Did you attend any of these meetings Bob? NO. These reporters exhibited a degree of professionalism that seems to be sorely lacking in your article. Perhaps if you had taken the time to attend some of these meetings you would have been aware of all the facts,

Finally, Mr. Sacks states in he's article that I apparently don't work for the citizens of Copake, that I work for my political party friends at 401 State Street. I will remind you Mr. Sacks that this resolution passed unanimously at the board meeting. I'm sure my democratic counterparts will be pleased to hear that according to you they work for my political party at 401 State Street. Your allegation is an attack on not only my integrity but the integrity of every member of the Board of Supervisors, all of whom are fine, honest, hardworking people who are trying to do their best for the citizens of this county.

I feel that you not only owe an apology to every member of the Board of Supervisors, but more important you owe an apology to your readers for printing an article that omitted necessary facts and was full of half truths and untrue statements.

Councilman Sacks, thank you for the detailed report, Harvey Weber did not inform members of Taconic Shores. It would have been courteous of you to speak to the president.

## Correspondence

1. Columbia County Board of Supervisor – Semi-annual period ending March 31, 2010 mortgage tax amount \$46,674.77.
2. Highway Superintendent Gregory – reminder about highway handbook, suggest raising accumulated sick from 160 to 200. Buy back rate was set in 2007 at \$70.00 per day. Ask to increase amount to what you think reasonable.
3. Karen Hallenbeck – park program to cost town money again, Copake very good at spending money they don't have.
4. Office of Real Property Service – town's tentative equalization rate 68.
5. Columbia County Board of Elections - Informing town they own the voting machine and will be collecting keys.  
Supervisor Crowley, ask Attorney to look into this as the town owns the machines.
6. Harvey Weber – requesting reappointment to the CC Environmental Management Council.
7. Krista Goodacre – resignation from co-chair to the Park Commission.
8. Micheal Bradway, Park Superintendent – permission to raise employees pay from \$10.00 to \$11.00 as he hasn't had a raise in 3 years. It will not affect the budget.
9. Monolith Solar – ask to be put on bid list.
10. Councilwoman Gabaccia read letter Marcus Molinaro sent to Governor Paterson in reference to closing of the state parks. Supervisor Crowley abstained from reading the letter.
11. Leslie Wood EAB – ask town board to make a formal request to Assemblyman Molinaro that he request that the NYS Office of Parks and Recreation and Historical Preservation assign an engineer/planner to develop a plan to extend the Harlem Valley Rail Trail north.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to make a formal request to Assemblyman Marc Molinaro that he request that the New York State Office of Parks and Recreation and Historical Preservation assign an engineer/planner to develop a plan to extend the Harlem Valley Rail Trail north from the existing trail in Copake Falls through the Old Odyssey Farm parcel and out to a route 22 crossing just north of the Full Moon restaurant. Motion carried. Supervisor Crowley abstained.

## Public Forum

Harvey Weber – I wasn't contacted by Brian Herman, I volunteer to go to the Columbia County meeting on the dam. We inspected the dam. I'm hoping we can all work together.

Frank Peteroy – read a memo concerning 7A (see attached).

Diana Wilson – Property owned by Housing Resources is for sale 1.2 million; Mr. O'Neal said he will continue to look for investors, Housing Resources has not withdrawn the project. There is 122 acres of prime farm land, land that has always been farm land and needs to be farm land. There is a valuable source of income, there is a large movement to grow local organic produce for communities. We could use this property for the same reason, to bring biodiversity ego system and growing organic food for community also education as to where food comes from. Suggest the town purchase this property with a bond, as it's a favorable piece to the town.

Councilwoman Gabaccia – I agree we should get aggressive and explore all avenues.

Councilman Kiernan – we already have farms, we need to educate children and the public as to where food comes from and to become self sustainable, so we don't depend on people. There are four wells out there; who ever buys the property has the use of the wells, maybe down the road the town may need a water system.

Supervisor Crowley, asked Harvey Weber if this is something he can address at the Columbia County Environmental. Harvey replied yes he can.

Harvey Weber – we saw a wonderful movie called FREASH about organic farming. It cost about \$100 it would be worth showing it in Copake.

Councilman Kiernan – Organic Farming is tapping off, the big thing is self-sustainable agriculture, organic farming is too much risk involved with contaminated food, bacteria we need to keep them under control.

Councilwoman Gabaccia – there's \$100 in the Supervisors .4 account we could use that for the movie.

Supervisor Crowley – you can have it.

Roberta Roll- we should also look at Alice Belts property, it's a key place for the farmer market. The first farmers market will be June 12<sup>th</sup> 9am to 1 pm.

Clean up day for the area will be June 5<sup>th</sup>.

### **Action Items**

Supervisor Crowley – consolidation for insurance, spoke with insurance agent, in order to consolidate you have to form a commission, once formed you cannot bid till the commission is formed for a year. Supervisor from Kinderhook is doing the legal research; he said there's ways we can do it.

Councilwoman Gabaccia wrote letter to Comptroller for audit, read for approval.

A motion was made by Councilman Kiernan seconded by Councilman Sacks to send letter to comptroller. Motion carried.

Councilman Sacks, there is no documentation on the time clock it was shipped to the company, take it off the list.

Discussed communication with the motor vehicle storage people, I was under the assumption that they had already been communicated to, ZEO informed me they did not know what their expectations were, and he was going to send a letter. ZEO, no I did not send letter at that time, what I understand we were going to do something as far as reviewing and zoning.

Attorney, in March I recommended some in-depth changes to make it more clear. I can give you recommendations but I think it should come from the policy makers, Town Board, ZBA, and Planning.

Supervisor Crowley asked attorney to give recommendations to the boards.

Councilman Sacks, we need to communicate with the people, they're in limbo.

Supervisor Crowley, can we require them to come into compliance as it was passed. Attorney Rappleyea replied yes.

Jeff Nayer, asked what are you looking for.

Supervisor Crowley, Marcia Becker brought up the law we passed is contradiction to some things.

Jeff Nayer, if you don't enforce what you have why do you make more laws.

Supervisor Crowley, I think we should require them to comply with the law that is presently on the books, we can always change the law.

Compliance by next board meeting, June 12<sup>th</sup>.

Attorney Rappleyea, Craryville store, appearance in court Monday night, working with the owners Attorney. Did asbestos review; there is some on property, next step is to find out if that what is on there must be immediately remediated or done over a period of time, will contact building inspector and state codes to see what authority we have on the asbestos.

### **New Business**

Mid Hudson Cable, Arnie Capalar, gave a presentation on wireless internet . Were in several counties in New York State also Massachusetts. Asked the board what things they may need for the future as they migrate into Copake. Looking for locations for equipment, we would like to make sure we're in guidelines with the town. We feel we don't fall in guide lines with telecommunication. Its voice over internet.

Supervisor Crowley, work with our town Attorney.

Supervisor Crowley, meeting May 22, 2010 with Suzette Booy, Columbia County Real Property and Robert Aiken ORPS on Sole Assessor and reval.

Supervisor Crowley, need to schedule a public hearing on Local Law # 3 no parking zone on 7A.

Public hearing will be at 8:30 June 12, 2010.

Councilwoman Gabaccia, American Foundation Suicide Prevention would like to do a presentation at the June meeting.

Supervisor Crowley, raise for employee at park.

Joe LaPorta it will not effect his budget, correct.

Councilmna Sacks and Councilwoman Gabaccia no one received a raise wait till next year.

Councilmna Kiernan he hasn't had a raise in 3 years.

Supervisor Crowley, we need to be careful what we spend.

Ralph Platt, as chairman of Park I have to say he's a hard worker.

Joe LaPorta, if Mike says he's cutting somewhere in his budget to give him a raise , isn't that Mike's decision.

Councilwoman Gabaccia, the time to discuss raises is during budget time.

Highway handbook:

Councilwoman Gabaccia, change from 160 days to 200 accumulated sick days, the reason behind this is some of our employees have been there long enough to exceed the 160 limit, you're taking a trade off, taking sick days just to utilize them costs us more as opposed to turning back in. They get turned back in blocks of 10 they get 5, at this point they get \$70.00 per day.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan to accept the Highway Department Handbook. Motion carried.

Councilman Gabaccia, DEC proposed new regulation on the OWB we may need to hold a forum as to what is needed to bring into compliance.

A motion was made by Councilman Kiernan seconded Councilman Sacks to reappoint Harvey Weber to Columbia County Environmental Management Council. Motion carried.

### **Department Reports**

Ed Ferratto, ZEO, Jim's Auto sign, I was under the impression the board was to go into executive session to make a decision per Attorney.

Garbage in town will be taken out.

Copake Falls item taken care of.

Coons property has been served with violation of dumping.

Ask for clerical help in the office.

Highway Superintendent Gregory asks for liaison from the board.

Supervisor Crowley appointed Councilwoman Gabaccia liaison to the Highway Department.

Ralph Platt Park, Chicken BBQ at the tractor pull Sunday, Circus July 5<sup>th</sup> community Day June 19<sup>th</sup>.

If there is a problem with the Park I ask the Town Board to contact me directly as there are problems. I should be the only e-mail at the park.

John Keeler, why isn't the garbage bin locked, last Sunday I saw people dumping.

Supervisor Crowley will have Highway Superintendent put on lock.

Roberta Roll, asked Supervisor to bring to County about opening the transfer stations on Sunday.

Budget Officer, two accounts overdrawn, Accountant and Attorney.

Councilwoman Gabaccia, I think there might be an error in the Attorney. Will check into it. Without that, we're still breaking even.

Joe read letter from Attorney Whitbeck that was dated in December about the fees for Cascino, the budget was already passed.

Supervisor Crowley, the County will be hiring a college student or senior graduate this summer at \$10.00 per hour if you know anyone get back to me.

Budget Officer LaPorta, we need to come up with money for the Attorney. On the accountant side we spent \$11,544 of which we budgeted \$14,000 \$6,800 of that was the program.

Councilwoman Gabaccia, spoke with Marcia Becker; there was a bill that came out of Attorney line in the amount \$1,050, that can be transferred from her .4 account to the legal line. She is reluctant to give up her entire .4

Joe, did this board discuss the fact that all legal fees would go through the board and any applicant would bear the cost of the planning and engineer fees. I talked to Marcia, and she said any applicant should not pay the fees as they are taxpayers.

Councilwoman Gabaccia, we would have to change town law for extraordinary fees.

Supervisor Crowley, if someone comes in to open a business or build a home what ever reason I don't feel it right for the taxpayer to pay their fees.

Councilman Sacks, its not always their fault, its discretionary.

Supervisor Crowley, attorney will handle any questions as part of retainer. If any other legal issue it would be litigation, if they're not contacting anyone but our attorney then we could take the \$5,000 out of there, secondly if there's an isolated incident they can come to the town board and our Attorney can look into it.

Attorney Rappleyea, both boards handle other things to and if they need a specialist I see where they would need .4 account. I agree with you on engineering fees and attorney fees for cases.

Councilwoman Gabaccia, I don't see what the urgency is and why do it tonight when Marcia is not here.

Supervisor Crowley, we have an account thats overdrawn.

Joe, take the \$1050 from her account and money from other place to cover.

There is \$10,000 in trust and agency and \$8800 in contingency.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to move \$1050 from Planning .4 to 1420.4 and move \$5,000 from contingency to 1420.4 legal. Motion carried.

A motion was made by Councilman Kiernan seconded by Councilman Sacks the bills from general abstract # 5 and highway abstract # 5 be paid. Motion carried.

Jeff Nayer, Zoning, we're not allowed to put money in our .4 for fees that comes out of general fund. Marcia feels this one business owner is a nice guy and needs not pay this, that's not what you said, we can't have separate rules for certain people.

The Zoning Board is required to do 4 hours of training. Our Attorney will do the training, I need the board's approval for his training.

A motion was made by Councilman Kiernan seconded by Councilwoman Gabaccia to give permission to the Zoning Board to use towns Attorney Rappleyea for training. Motion carried.

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

Respectfully submitted,

