

**COPAKE TOWN BOARD**  
**July 14, 2011**

**PRESENT**

Deputy Supervisor LaPorta  
Councilwoman Gabaccia  
Councilman Sacks  
Councilman Kiernan  
Highway Superintendent Gregory  
Attorney Buono  
Accountant Torchia

**ABSENT**

Supervisor Crowley  
Councilman Tompkins

**ACTION ITEMS**

Supervisor Crowley – contact Assessor Surprise, Kurt Kneller and Attorney Whitbeck to meet with the board.  
Memo to Department Heads, ask for any surplus in their budget  
Set meeting date to discuss highway fuel tanks and discuss reval with Assessor.

Councilman Sacks – check into time clock for town hall.

Attorney Rappelyea – Referendum for November election ref: Copake Police

Deputy Supervisor LaPorta opened the meeting at 7:05 pm with 35 people present.

Tabled the approval of the minutes June 9, 2011.

**CORRESPONDENCE**

1. Building Department – request doubling fees for violators that do any construction without a permit.

March Becker, there is penalties for regulations in the zoning book; I think you have to change the regulations.

It will require a Local Law.

Will table and look at it next month.

Assessor Surprise, I have a pictiography program and I'm finding a lot of buildings that didn't get a permit. How far back would you like to go for the violations? I would say half the town is not in compliance.

Councilman Sacks, we need to sit down with the Assessor and create an agenda.

2. NYS Department of Transportation – speed limit reduction on Sky Farm Road approved, the entire length of the road is now 35MPH.
3. Senator Saland – copy of letter sent to NYS Department of Transportation asking them to revisit the matter of lowering the speed limit on part of Rt. 22 by Library.
4. Councilman Sacks - read a letter from Mary Hennessey; why hours were decreased in summer program, park staff paid less than Hillsdale and Ancram, why additional cuts.

## **COMPREHENSIVE PLAN**

Jeannie Mettler – March 2008 the board appointed a Comprehensive Planning Committee and charged us with a task of drafting a Comprehensive Plan for the town.

Thanked committee and board for their support.

After three years of work which included three town wide meetings including two visiting workshops, a survey of entire town with responses numbering seven hundred (700), twelve (12) focus groups with stakeholders in the town, , several studies, and 86 committee meetings.

We are now presenting you with our proposed final draft of the Comprehensive Plan, and draft SEQRA prepared by River Street Planning.

Our unanimous recommendation and request:

1. the plan be adopted
2. upon review of SEQRA it be signed by Supervisor
3. This evening the boards pass a resolution the SEQRA document, draft plan, community profile and maps be forward to Columbia County Planning Board for their review.
4. Schedule public hearing for September meeting.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia the SEQRA document, draft plan, community profile and maps be forward to Columbia County Planning Board for their review. Motion carried.

## **ACCOUNTANT MID-YEAR REVIEW**

Accountant Torchia, little over \$300,000 in general cash account, we have a couple surplus in revenues, a few expenditures over budget does the board want us to prepare a recommendation transfer?

Councilman Sacks, Mike and I met prior to the meeting, he has some good suggestions.

Deputy Supervisor LaPorta, 9660.8 hospitalizations we budgeted \$18,660 and we've currently paid \$21,428 which is nearly \$3,000 over.

9060.8 under highway \$74,230 budgeted we've paid \$49,599 so far.

By my calculations if this continues your going to be approximately \$ 25,000 over on highway and \$25,000 in general.

Michael, I don't believe the retirees were budgeted.

Deputy LaPorta, I talked with insurance agent, he is going to submit a letter to the board. When the figures were given it did not include dental.

Councilman Sacks, we need to have Kurt Kneller at our meeting.

Michael, on highway side hospitalization you won't be short.

There was no money budgeted for Assessors clerk.

Deputy LaPorta, it was in the 1335.150.

\$20,000 has been budgeted for reval, nothing has been spent.

Councilman Sacks, we need to save that money and apply to fuel tanks.

Assessor Surprise, in my report I'm asking for permission to hire data collectors.

All the revenue that's been missing on the books we won't be able to recoup with out a reval. You have a lot of stuff that's not on the books.

Councilman Sacks, suggest we have a sit down meeting with Assessor to discuss.

Assessor Surprise, Aug 3<sup>rd</sup> is workshop for reval.

A motion was made by Councilman Gabaccia seconded by Councilman Kiernan to transfer \$7,500 from A1335.150 to A1335.150. Motion carried.

Michael, under operations of plan we budgeted \$65,000 we spent \$44,000, almost \$8,000 of that is solar cost, which is offset by NYSERDA grant. I'll write a budget amendment accepting the \$14,000 in NYSERDA and applying to 1620. line, will get to the board.

Error in posting of Building Inspector pay will look into it.

Money needs to be moved to unemployment insurance.

Michael will get report from state to see whose collecting unemployment insurance and amount and e-mail to Town Clerk.

You have \$168,000 in unreserved fund balance; you don't want that to go below \$130,000, I'd recommend you take \$25,000 out to go towards fuel pumps.

We called the Comptrollers office to see if we can classify the tanks as highway equipment, we haven't heard back from them, if we can get the ok then we could

move on highway side and shift some fund balance from the general to help pay for it and use some highway fund balance for it. Were not allowed to move money from highway to general from a fund balance perspective. It will have to be funded through general.

Councilwoman Gabaccia, I'm reluctant to dip into the highway fund balance. Have Supervisor write a memo to all Department Heads to see if there is any surplus in there budget.

Michael, highway fund; surplus revenue about, \$31,000 expenditures in balance. \$164, 000 in unreserved fund balance from last year a total about \$190,000. Deputy LaPorta, asked accountant to get the transfers to Town Clerk with line item.

## **PUBLIC FORUM**

Jeff Nayer, on memo to Department Heads, we did this a couple of years ago, some gave some didn't. It should state if you're not willing to give we'll probably take. If a Department can't give they should explain to you.

Lindsey LeBrecht, it's important to look at other revenues, if we can get everything up to speed with the Assessor doing a reval and get to 100% that would bring revenue.

Harvey Weber, it's not expensive to do a reval, we need it.

John Keeler, when will you be talking to Assessors? Will contact other board members and set a date.

What about the \$25,000.

The last meeting the Supervisor said it was an electronic transfer but could find no documentation.

Stephen Hoppe, have we looked at other option instead of spending \$100,000 for tanks like a fuel truck it would give us six months to budget the expense.

Michael that saves money in the highway fund, if you go retail it would be the general fund.

Mr. Winakor, under the American Disability Act there is no parking for people with disabilities at Copake Lake. I spoke with Highway Superintendent and he said he willing to create a parking area on Lakeview by Starling Road for handicap.

Highway Superintendent Gregory, there is no parking the length of Lake View Road, no shoulder, its beyond by power to create a no parking Zone.

It's not a safe situation for a parking zone.

Councilwoman Gabaccia, we could address this but if it's not a safe situation.

Attorney Buono, you could say there's parking but if its not safe for regular parking its not going to be safe for handicap. The town doesn't have obligation for handicap parking for the lake.

Deputy Supervisor, under state law to provide handicap parking spot you need to be 8' wide with 6' on one side. It wouldn't comply with state law.

Lindsay LeBrecht, the property belongs to Catmast Development.

Mr Winakor, I have researched, it belongs to no one.

Deputy LaPorta, I believe it's not a town issue you could talk to Ms. LeBrecht about it.

Gerard Meenagh, I would like to propose that we have a referendum on the ballot to keep the Police Department in Copake, last year it was brought up by the board but there was not enough time to get on the ballot.

Attorney Bono the board would have to figure out what the question would be in terms of eliminating the police department, there is enough time to get that together. I will talk to Tal and have him get it to the board by next month.

Councilman Sacks, have Tal do it in the next seven (7) days and get a copy to the board. I will e-mail to Gerard.

## **ACTION ITEMS**

Supervisor Crowley, Lackawanna Lights, Deputy Supervisor I'm not aware what he had done with that.

Summer Park program checking account is opened.

Decals put on town car.

Councilwoman Gabaccia, waiting for response from Dave Robinson.

Letter of support sent for the Hub.

Attorney Rappelyea, Pond; ZBA amendment, appraisal not done. With the ZBA they would have to change the use.

Jeff Nayer, it was not unanimous so the town board has a decision to make.

1. Do it as a municipality.

2. File applications pay \$100.00 and have a public hearing.

Attorney, you can write yourself immunity.

Tal sent a memo to board if the Town Board desires to exempt the subdivision and merger of the donated fire pond from Ms. Alice Belt to the Town from Town Zoning and other land use regulations we will need to conduct a balancing test of 10 factors. (see attached).

Councilman Sacks, I suggest we reapply to the ZBA again then to deny are own zoning law.

Jeff Nayer, if it goes back to ZBA it requires a majority vote. If you got everything to us 10 days before the meeting July 28<sup>th</sup> it would be the end of August before the public hearing, the variance was given for fire protection only, I know you want to go through the process, but for the good of the town I suggest the board exercise its right as the town.

Councilwoman Gabaccia I'm troubled from exempting ourselves.

Attorney Bono, It's good to follow your zoning laws but the exemption is there for a reason, you'd still be following the law. It can be done a lot quicker with a resolution.

Councilman Kiernan, Attorney brought up a good suggestion if we went back to the ZBA, maybe Bob and I can go and talk to members to work out the confusion on it and get it passed. He also said were still following the zoning law, I think that is what we should check out.

Frank Peteroy, Is the board in favor or against this idea? *All in favor*. The market will be over before you move.

A motion was made by Councilman Sack seconded by Councilman Kiernan to exempt the sub-division and move forward with Farmers Park. Motion carried.

Councilwoman Gabaccia, tracking for solar installed on the park

## **NEW BUSINESS**

### **RESOLUTION**

Councilwoman Gabaccia we've run into some issues regarding processing of pay checks. Contacted all department heads one of the issues the Judges being part of judicial branch is not able to perform executive branch functions. Will be installing a working time clock in town hall.

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

WHEREAS, the Town of Copake has review its current practices for payroll and processing, and

WHEREAS, such review has resulted in determination that the methodology of processing payroll is in consistent across the various departments of the Town and is in need of clarification of policy, consistent policies and procedures, and the establishment of accounting controls, and

WHEREAS, it has been determined that the Judicial and Executive branches of government need remain uniquely distinct,

NOW THEN, BE IT HEREBY RESOLVED:

That the Town of Copake adopts the following payroll Processing Policy which is to be followed by all Town government departments regarding the processing of payroll, with specific exception noted. (see attached)

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|---------------------|-----------------------|--------|
| Resolution # 12     | Supervisor Crowley    | absent |
| Dated July 14, 2011 | Councilwoman Gabaccia | Yes    |
| Copake, NY          | Councilman Sacks      | Yes    |
|                     | Councilman Kiernan    | Yes    |
|                     | Councilman Tompkins   | absent |

Jeff Nayer , I would like to see everyone punch the time clock. Salary employees we have no way of tracking.

Michael, for anyone in retirement it would benefit them. Assessor Surprise, I go to County would I have to come here first to punch clock?

Councilman Sacks, no you keep track of time out of office.

Councilwoman Gabaccia, lets start with hourly employees only, to keep it simple.

Councilman Sacks, will look into getting time clock.

#### DEPARTEMNT HEADS REPORT

Jeff Nayer, ZBA, Attorney Whitbeck is working with gentlemen on the Mariner Tower application, in the code of ethics it's a conflict of interest. I don't think he can play both ends against the middle.

Councilwoman Gabaccia, were aware of this problem.

Deputy Supervisor read a letter addressed to Town Attorney Rappleyea from Attorney Whitbeck which is a follow up on various conversations concerning

any possible ethic issues involving my representation of Peter Reed before the Town of Copake Planning Board and Zoning Board. (see attached)

Jeff Nayer, were heading for a law suite I can see it coming.

Attorney Bono , there's three things to consider 1. your ethics. 2. Attorney ethical rules. 3. as a client if you as a board loss confidence in your Attorney because you think that he's putting the almighty dollar ahead you could decide that you don't want to use he's services even if its not unethical, you could say this leaves a bad taste in my mouth. If you think he's done something that's violated your ethics you could take a look at it. The simple solution is how much is Mr. Reed paying him and how much are we paying you, make a decision.

If you don't like what your Attorney is doing you can say you need to pick one client or the other.

Jeff Nayer, he's challenging the Zoning Board that they don't have a right.

Councilwoman Gabaccia, we have to factor in are involvement with Mr. Cassino It's on going the amount of work associated with it is large. Is there another resource to address this, I'd like it clarified before we drop Rapport and Meyers as a firm.

Councilman Kiernan, ask him to come and talk to us.

Supervisor Crowley will contact Carl Whitbeck to come and speak to the board.

#### DEPTMANT HEADS

Assessor Surprise, I'll put meeting on hold for reval. No, we will get a meeting together as soon as possible.

Highway Superintendent Gregory, we need to amend the resolution for the weight limit on town roads passed at last meeting to read 5 ton instead of 4 ton.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan to amend motion at the June 9, 2011 meeting for weight limit on town roads from 4 ton to 5 ton. Motion carried.

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

RESOLVED, that we the Town Board of the Town of Coapke do hereby petition N.Y.S.D.O.T. to reduce the speed limit on Snyder Pond Road from the intersection of County Route 7 and County Route 7A to 35 mph.

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| Resolution # 13     | Supervisor Crowley    | absent |
| Dated July 14, 2011 | Councilwoman Gabaccia | Yes    |
| Copake, NY          | Councilman Sacks      | Yes    |
|                     | Councilman Kiernan    | Yes    |
|                     | Councilman Tompkins   | absent |

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

RESOLVED, that we the Town Board of the Town of Copake do hereby petition N.Y.S.D.O.T. to reduce the speed limit on County Route 27 from the intersection of County Route 7 and Copake Town line.

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|---------------------|-----------------------|--------|
| Resolution # 14     | Supervisor Crowley    | absent |
| Dated July 14, 2011 | Councilwoman Gabaccia | Yes    |
| Copake NY           | Councilman Sacks      | Yes    |
|                     | Councilman Kiernan    | Yes    |
|                     | Councilman Tompkins   | Yes    |

Highway Superintendent Gregory, Taconic Hills School gave the town 2,000 tons of millings we can use.

Mark Edelman came in on a Saturday with he's bulldozer and worked three hours on the property.

A special thanks to Mark for donating he's time.

The highway department needs a new hot water heater.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks authorizing the Highway Superintendent to purchase a hot water heater at a cost around \$300.00. Motion carried.

Mike Bradway, Park Superintendent, dug out at park needs new roof I have no cost on it but shouldn't be over \$150.00.

A motion was made by Councilman Kiernan seconded by Councilwoman Gabaccia to authorize Mike Broadway to repair the roof on the dugouts at the park. Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan the bills from general abstract # 7 and highway abstract # 7 be paid. Motion carried.

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

Respectfully submitted,

