

**TOWN BOARD**  
SEPTEMBER 12, 2009  
Public Hearing

**Present:**

Supervisor Crowley  
Councilman Sacks  
Councilwoman Gabaccia  
Councilman Tompkins  
Councilman Kiernan

**Action Items:** Board members are to report back at next meeting or earlier.

Supervisor Crowley – Speak to ZEO about the Craryville store.

Letter to State Police, Sheriffs, and Mr. Viebrock on Anthony Street Ext.

Letter to State Police, Sheriffs, Assembly Molinaro and Senator Saland regarding sub-station in Copake.

Councilman Gabaccia – Letter to Mr. O’Neal consult Attorney.

Councilman Tompkins, Councilwoman Gabaccia – Talk to Attorney and Planning Board  
On wood burning furnaces.

Supervisor Crowley opened the hearing at 8:30 a.m. with 34 people present.

The purpose of the hearing is to review Local Law # 2 for 2009.

**A LAW ENACTING A THREE (3) MONTH MORATORIUM ON OUTDOOR WOOD FURNACES IN THE TOWN OF COPAKE.**

John Belfonte – against local law in that it’s a bad time with the heating season coming on, what happens to people who have ordered the stoves and plan on installing them. Store owners have ordered them and paid for them up front.

Councilwoman Gabaccia – There is places of business, I know from experience, where they would not be able to afford to heat without these.

Councilman Sacks – The intent of the board is to protect the town; I think we’re acting too fast too soon. Some of them aren’t 85% efficiency some are pretty bad, there are issues we need to take a closer look at this and figure out who it would impact financially.

Councilman Tompkins – We need to look at the laws and address the density issues and burning of garbage which could be addressed with your ZEO.

Supervisor Crowley – DEC sent out a note to towns asking them to impose a moratorium until they could get more information. My problem with that is it tells me that DEC has no information because they could band them.

Councilwoman Gabaccia - We don't need a moratorium we need enforcement.

Harvey Weber - The environmental committee did a good review of this in April and presented to board, the idea is to get as much information as we can, I think the moratorium is a good idea, Columbia County Environmental Committee is on top of this. People need to be protected. If you direct the committee to I will bring it to the County committee.

Ed Ferratto – The town and state has no jurisdiction on set backs. I think a building permit should be required as there is foundation plumbing and electric involved. The problems they are having with them have been well published. I think the board is considering the moratorium for those specific reasons.

Joe LaPorta – Create a Local Law. You can enact in a month then have Planning look at it, you could do the moratorium for 30 days.

Chris Quinby - Without a moratorium anyone can do what they want, you need the moratorium now.

Morris Ordovery – We need the moratorium so we don't have any recklessness installation. Give it to the Planning Board they have experience in that.

Councilman Sacks - I think they should go to Planning Board and or Zoning not Town Board.

Supervisor Crowley – If we make changes in law we have to have another public hearing.

Lindsay Lebrecht – When we look into cell towers we did a moratorium to give us time to look at it more carefully before local law was passed. You should have a moratorium on it before you pass the law.

Supervisor Crowley closed the public hearing at 8:45 a.m.

Attorney Whitbeck gave an update on Lackawanna Farm (Cascino) litigation. The article 78 proceeding pending before Judge Nicholson - ordinarily the rules of court system requires the Judge rule a decision within 60 days. With history of case I don't think this is going to happen.

Hearing in contempt proceeding seeking the town be paid for council fees that were occurred, decision pending before court.

Supervisor Crowley, what if the court finds in our favor for the fees \$22,000 - \$23,000 and he doesn't pay.

Attorney Whitbeck, file judgment on property - force sale of farm.

Morris Ordovery, the original law suit that resulted in the TRO - what is the status?  
 Attorney Whitbeck, that case has been tried, waiting for stenographer to transcribe so the Attorneys on both sides can submit documents to Judge.  
 Joe LaPorta - if court rules and DEC gets involved, are they going to police the soil and where it goes?  
 Attorney Whitbeck - they will police the removal under environmental conservation.  
 Mrs. Dodson - as part of the restraining order was he not supposed to be bring things in or out?  
 Rumors that truck loads have been dumped.  
 Attorney Whitbeck - depending on material, you cannot dump anything in Copake that does not have a license landfill.  
 Ted Voelker, 30 day jail sentence still hanging over his head?  
 Attorney Whitbeck - yes will be delayed for a period of time.  
 Councilman Sacks - TRO still in effect, alert you if we see activity.  
 Attorney Whitbeck - alert the board members; the town has done a good job of documenting and filing.  
 Ed Ferratto - local violations where do we stand.  
 Attorney Whitbeck - those are litigations we have pending.

## **PUBLIC HEARING**

Supervisor Crowley opened the public hearing at 9:28 a.m.

The purpose of the hearing is to review Local Law # 3.

### **A LOCAL LAW AMENDING CHAPTER 156, JUNKYARDS AND MOTOR VEHICLE STORAGE AREAS, OF THE TOWN CODE OF THE TOWN OF COPKAE.**

Joe LaPorta, I think you should table as the Attorney did not get all the recommendations they gave.

Frank Peteroy, there are four vehicle dealers in the town, no license junk scrap metal dealer in Copake. I think they should be prohibited.

Joe LaPorta, there is one junk yard licensed in Copake. Under law to become a junkyard you have to file with DMV and apply with DEC regulations.

Councilman Tompkins, if I recall Jim's Auto Body said he would get a dismantlers permit.

Georgette Lindig, why does it have to go to the Planning Board when it has noting to do with them. The task force was asked to meet with us - they came up with a plan and we're back to the same situation.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia to continue the public at 7:00 p.m. on October 8, 2009. Motion carried.

Chris Quinby, the letters from Zoning Board and Planning Board were not based on the Local Law as they did not look at the law they based it on the recommendations. They should be thrown out.

There is nothing in Planning or Zoning that relates to vehicles storage, it's a town law.

## **REGULAR MEETING**

Supervisor Crowley opening the regular meeting at 9:42 a.m. with 34 people present.

Councilman Sacks, correction of minutes spelling of Baird correct spelling Baer.

A motion was made by Councilman Kiernan second by Councilman Tompkins the minutes of August 13, 2009 be accepted as written with the correction of spelling of Baer. Motion carried.

## **CORRESPONDENCE**

Larry & Linda Eckler – Opposed to Local Law # 2 moratorium on outdoor wood burning furnaces.

Highway Superintendent – Tires at garage will be gone, should we continue to allow people to bring them to the garage.

Councilman Sacks said yes that should be the place for tires; just don't let them accumulate over time.

NYS Department of Transportation – Denied appeal of reduced speed limit from Tamarac Road to Center Hill Road.

Planning Board – Against enactment of Local Law #3, list reasons.

Zoning Board – Local Law # 3 in their opinion the task force has failed with their assignment. List of recommendations.

Joe LaPorta said he did go to Fire Chief and they did not want to get involved.

Joseph Kiefer – Letter of concern about safety on Lakeview Road

Judy Ackley Whitbeck – Gift to town framed history of 47 photographs taken by Lou Kaufman in World War II in the year 1943.

Columbia County Board of Supervisors – Pine Haven Strategy Sub-Committee has recommended that the County move toward constructing a new skilled nursing facility on the property it currently owns.

NYS Department of Public Service – Assistance available to help people stay connected and have access to vital telephone service .Lifeline and Link-Up are two assistance programs. Will be put on web-site.

Assembly Minority Leader Brian M. Kolb – Support for convening a non-partisan, grassroots "People's Convention to Reform New York"

Dr. Terry Sullivan – E-mail in support of Copake Police.

Morris Ordovery – E-mail in reference to Political signs.

NYS Emergency Management Office – Payment in the amount of \$2,860.22 for the severe winter storm of 2008.

Columbia County Youth Bureau – Copy of Columbia County Youth Bureau's monitoring report for the summer recreation program. In compliance with all Columbia County funding and personnel guidelines.

Mountain View Inn – Renewing liquor license for two years.

Supervisor Crowley introduced Judith Ackley Whitbeck, who presented a picture to be hung in the town hall in memory of Lou and Rose Kaufman. She had negative given to her by their daughter and had them developed, the pictures were taken in 1943 of people who went to the Pharmacy for chauffeur licenses.

Councilman Sacks, the Copake Economic Advisory Board is taking on the task of reorganizing the town hall.

### **PUBLIC FROUM**

John Keeler – 1. Congratulates the board on the new CPA and accounting program.

2. Asked for letter from school for bidding the busing for summer program who has this letter and who signed it? All bids should be publicly opened, and opened to all companies.

Supervisor Crowley, because of the dollar amount the policy doesn't require sealed bids. We can get sealed bids next year.

3. I researched the required signature for referendum votes, you stated they needed 300, what is required is 5% of the voters in the last governors election all Copake would need is 61 signatures.

4. You were to report at June meeting on old grocery store in Craryville.

Supervisor Crowley, ZEO contacted owner he was to get engineers report from him.

Town Attorney recommends because of the age of building the town go in and take it down. He will ask ZEO about engineer report.

John Belefonte – Anthony Street extension school bus stop, signs were put up now there are more children and parents at the stop and trucks are going by all the time, the children are small and the trucks are high. Things are in the works with school to change the bus stop but nothing is happening.

Harvey Weber, spoke to Mr. Viebrock he said he will look into it.

Supervisor Crowley, will call the Sheriffs and State Police.

Councilwoman Gabaccia letter from Town Board to school.

Supervisor Crowley will speak to Sheriff about patrols.

Supervisor Crowley will send letter to Mr. Viebrock, Superintendent, and School Board about changing the pick up spot.

Diana Wilson said we have a real issue about 138 units, Housing Resources, it is not dead it is alive.

Morris Ordovery – Asked if the Department Heads have met their goals with cuts.

Lisa DeRocha – Information on new head for central vacuum and new vacuum.

Replacement head - \$319.00

New Vacuum with ten years warranty is \$375.00

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan to authorize Lisa DeRocha to purchase new vacuum and bags for the town hall on state bid. Motion carried.

Lindsay LeBrecht – Irresponsible to get rid of the Police Department. If anything I think you should increase the department.

Harvey Weber - We've invested a fortune in the Police Department over the years and to get rid of them now is absolutely ludicrous.

Councilwoman Gabaccia – The intent is not to eliminate the department but to make some cuts to get us through some hard times.

Chris Quinby – Oct 10<sup>th</sup> Family Fun Day at the Park from noon to dark with fireworks.

### **NEW BUSINESS**

Supervisor Crowley made the following budget workshop dates.

Tuesday Sept 15<sup>th</sup> at Park Building

Monday Sept 21<sup>st</sup> at Park Building

Tuesday Sept. 29<sup>th</sup> Town Hall

Tuesday Oct 6<sup>th</sup> Town Hall

Tuesday Oct. 13<sup>th</sup> Town Hall

Councilwoman Gabaccia read the following resolution for the board to consider a referendum.

WHEREAS: It's the belief of the Town Board of Copake that the majority of the Town of Copake's population is opposed to the Copake Green Project at its proposed location and,

WHEREAS: the location in question is prime agricultural land and also a valuable groundwater source and,

WHEREAS: it is the obligation of the Town to promote Agriculture and to preserve valuable farmland as delineated in Article XIV Section 4 of the New York State Constitution.

IT IS HEREBY RESOLVED: that the Town Board of Copake will submit a referendum to the voters asking permission to attempt to buy the 122 acre parcel known as the Copake Green Project through a bond sale, such cost being born by the taxpayers of the Town

AND, if said negotiations should result in an offer to acquire the land, the terms of such bond shall be presented to the voters of the Town as required by law at a special election.

Councilwoman Gabaccia, what I feel is important here is that all of you will have the opportunity to express an opinion about how the town feels about this project.

It doesn't commit us to anything financially it empowers the board to further investigation on steps that can be taken. It's important we look at this now. The same should be applied with Mr. Cascino situation.

Supervisor Crowley first step the board should do is draft a letter to the Planning Board expressing the Town Boards view on the matter.

Councilwoman Gabaccia, we should be careful with that as we don't want to create any article 78 situation. Perhaps the Board should draft a letter to Mr. O'Neal.

Councilwoman Gabaccia will draft the letter.

A motion was made by Supervisor Crowley seconded by Councilwoman Gabaccia to authorize Councilwoman Gabaccia to draft a letter to Mr. O'Neal after checking with Attorney. Motion carried

Mr. Keeler, suggested they contact Sue Crane, Red Hook, they have been successful in taking farm land.

## **OLD BUSINESS**

Councilman Tompkins showed a Columbia County map showing how unrepresented we are with the State Police and County Sheriffs by zone numbers. Most towns are full time Copake is part time. We're looking at a 25 minute response time from the County and State.

Morris Ordoover why aren't we pushing to get what we're paying for from the State and County.

Councilman Sacks, we need a satellite agency here.

Supervisor Crowley its man power, there's a hiring freeze in the County.

Councilwoman Gabaccia we need to look at the needs of the town, and how much control we do or don't want to give up.

Bill Newcomb your duty as a board is safety.

Tim Reilly - we might have a housing development in the future, why weaken the police now when it will take double effort to increase in future.

Councilwoman Gabaccia we made cuts here because the town had physical difficulty; I think we made cuts not imperiling the town, we go forward will look at the big picture.

Joe LaPorta, there's more to the Police than giving tickets, they have defibrillators in the cars, they help with the rescue squad, they serve in many ways.

Carol Gansowski, there are people living in this town that are on limited income, remember that when you do the budget.

John Keeler, town board goes to State police and County Sheriff making a request for coverage so we're on record.

Supervisor Crowley will send letter to Senator Saland, Assembly Molinaro, State Police and County Sheriffs.

Supervisor Crowley read Local Efficiency Grant Resolution.

The following resolution was offered by Councilman Tompkins seconded by Councilman Kiernan.

2009-2010 Local Government Efficiency Grant Resolution (see attached)

Dated September 12, 2009	Supervisor Crowley	Yes
Copake, New York	Councilwoman Gabaccia	Yes
Resolution #17	Councilman Sacks	Yes
	Councilman Tompkins	Yes
	Councilman Kiernan	Yes

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia the auditing of court records have been conducted for the year 2007 and 2008.

Dated at Copake New York	Supervisor Crowley	Yes
September 12, 2009	Councilwoman Gabaccia	Yes
Resolution #18	Councilman Sacks	Yes
	Councilman Tompkins	Yes
	Councilman Kiernan	Yes

Supervisor Crowley there is partial payments for taxes, the instructions are on the back of your land tax bill.

Supervisor Crowley, per Attorney Thiemann- if the Town Board wishes to enact these laws they should complete the SEQRA process. To do this, after the public hearing and before they vote to approve the new laws, they should:

1. Declare themselves to be the lead agency
2. Classify the enactment of the local laws as an unlisted action
3. Review the forms and if they meet with Board's approval, Reggie should sign in the spaces indicated.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia the Town Board will be the lead agency with Local Law # 2. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia Classify the enactment of Local Law # 2 as an unlisted action. Motion carried.

Supervisor Crowley read Short Environmental Assessment Form.

A motion was made by Councilman Sacks seconded by Councilman Tompkins to accept the Short Environmental Assessment Form. Motion carried.

Councilman Tompkins - can we research and have law ready by 15 days and have it ready in 30 days for meeting.

Supervisor Crowley said the units that are being sold now are required to meet EPA standards. DEC has authority to band things on their own, if they thought this was an issue why didn't they band instead of putting it on the town.

Councilman Sacks, I don't disagree with you we haven't done our research.

Councilwoman Gabaccia I can't support it.

Karen Hallenbeck, why can't you support this it was brought to your attention in April when we we're in the beginning of the heating season.

Councilwoman Gabaccia - I reviewed the information I think this is an enforcement issue, after reading the literature it takes references to inappropriate burning going on. The Town Board to implicate they want proper burning enforced; I don't think the moratorium is solution to the problem.

Supervisor Crowley, there already rules and regulation on burning, do you want a town law to mimic the State Law?

Councilman Tompkins, looked at the law, if it goes to the Planning Board ,we will know what the laws are for outdoor boiler ,they can be inspected.

Councilwoman Gabaccia, if this is Zoning and Planning issue do we have to present it to County Planning.

Supervisor Crowley, you can pass a Local Law putting restrictions on them and if you want to make it part of Zoning it's a process, I think we should get input from Environmental and Planning Board.

Joe LaPorta, why don't you do what Councilman Tompkins said, take the minimum of 100' feet from the nearest resident, height of the smoke stack be 12' high, and 85% efficient write it up as a Local Law now let Planning Board take it up and if Zoning wants to adopt that they have 45 days to present to board for Local Law.

Councilman Sacks, I think we agreed we aren't passing the law today we need to get ideas on the table.

Supervisor Crowley, Councilman Tompkins and Councilwoman Gabaccia will talk with Attorney and Planning board on the Local Law.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins to have Attorney draw up a Local Law before next meeting, and hold a public hearing on it. Motion carried.

## COMMITTEE REPORTS

Ombudsman Hallenbeck - asked for executive session on possible disciplinary action.

## COUNCIL REPORT

Councilman Tompkins – Spoke with Attorney been in contact with Mr. Newcomb on Solar Panels.

Joe LaPorta, consider putting panels on ground and not the roof as they will leak.

Councilman Tompkins – Research the difference in the shifts for the Police, if we allow them to return to eight shifts there's a good possibility we will be getting back \$15,000 . I feel we should let them go back to eight shifts as I feel it's a safety issue. There's a different of \$7,000 with the eight shifts.

Lisa DeRocha said there will be many activities in the park in the next few months that the police will need to be there.

A motion was made by Councilman Tompkins seconded by Councilman Kiernan to reinstate the Police back to eight (8) shifts for the rest of the year.

Supervisor Crowley	Yes
Councilman Tompkins	Yes
Councilman Kiernan	Yes
Councilwoman Gabaccia	No
Councilman Sacks	No

Motion carried.

Supervisor Crowley, presentation at County about Swine Flu vaccine will be available in October.

Sent out Prop Act Prescription Card, don't throw away, if you don't have a prescription plan it will give you discount on your medication, also some medications for your pets.

Fran Miller when you have events at the park and police are needed why not do charges backs?

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to go into executive session on personnel and possible disciplinary measures. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilman Kiernan return to regular meeting. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia the bills from general abstract # 9 and highway abstract #9 be paid.

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

Respectfully submitted,



