

**TOWN BOARD
PUBLIC HEARING
December 12, 2009**

PRESENT:

Supervisor Crowley
Councilwoman Gabaccia
Councilman Sacks
Councilman Tompkins
Councilman Kiernan
Highway Superintendent Gregory

ACTION ITEMS:

Councilwoman Gabaccia

1. Contact Judge Ceresia to arrange meeting with Town Board and Judges.
2. Get prices on window shades for Town Hall.
3. Talk with Mr. Howard on Local Law #3 and escrow account for Planning Board

Supervisor Crowley

1. Send letter from Ethics Board to Deb Cohen

Councilman Kiernan

1. Work with John Keeler on the West Copake Fire House.

Zoning Officer Ferratto

1. Check on sign at Jim's Auto Body

Supervisor Crowley opened the meeting at 8:45 a.m. with 45 people present.

The purpose of the hearing is to review Local Laws # 3 of the year 2009.

"A Local Law Abolishing the Position of Full-Time Court Clerk and Creating the Position of a Part-Time Court Clerk".

Clerk Hotaling read Local Law # 3.

John Keeler – Hyde Park Court Clerk works 20 hours a week, I don't understand with the limited amount of activity why we need a full time Court Clerk.

Mac Sims – Local Law # 1 is service very well with full time Court Clerk. Local Law #3 should require Town Judges to make use of other facilities in town for court.

Supervisor Crowley - NYS law says court will be held where town provides the vicinity. We cannot provide personnel, the only authority the town board has is to set the budget.

Morris Ordovery – You're rushing to judgment with this law, I know there is budget concerns but the full-time clerk will not increase the budget that much. You're creating a monster is it because it's a female perhaps or democrat.

Rose Aulino – in favor of full-time clerk (see attachment).

Madeline Neilson – Politics aside we were entitled to stimulus package have we received any?

Supervisor Crowley – we didn't get it, the stimulus money was for shovel ready projects. EAB submitted projects and we did not receive any of it.

Councilwoman Gabaccia – There is \$22,000 in the court budget which is sufficient to support the fulltime position, not counting benefits.

Howard Blue – I support the abolishment of that position if you can tell the town you consulted with the two Judges and they agreed with this.

Supervisor Crowley – yes, Judge Herman supports it Judge Spencer said he did not, Judge Spencer gave a read out and the case load dropped over 40%. Judge Herman supports the full-time position while Judge Spencer said he did not support.

Councilwoman Gabaccia – I beg to contradict. I've spoken with both Judges and I feel the decision that is being made does not reflect both Judges

Councilman Tompkins – Each Judge chooses his own Court Clerk and with the amount of work two Court Clerks are not needed. No Judges were at the many budget workshops we had. The Judges should get together and work this out it's up to them we budget the money.

Councilwoman Gabaccia - Read a letter from David A. Dellehunt Counsel to the Town and Village Courts in the Third Judicial District. Suggesting they contact him to schedule a mutually convenient time to discuss the matter (see attached).

Councilman Sacks – Judge Ceresia asked that the Copake Town Board refrain from taking any action with regard to the full-time position until they have an opportunity to explore what avenues exist to meet the needs of the Court.

Supervisor Crowley – Let's leave the hearing open and invited Judge Ceresia to sit down with us and the Judges.

Councilman Tompkins asked the Judges to get comparable figures from other towns about case loads and hours of their clerks.

Judges Herman – What the Supervisor said is a lie the first I learned about Local Law 3 was when the clerk informed me that it was in our mailbox. There is adequate money as it stands now to fund a full-time court clerk.

The last 3 years it's been less than 10% drop in cases.

The Clerk has to run a professional court, when I came in four years ago the court was a mess. When Supervisor Crowley left as Judge he left many cases unresolved which I had to deal with. This Local Law is political motivation, this board waited till after election to propose Local Law. Margaret works; she produces a good atmosphere in the court which wasn't there before. With four years on the bench I've not once had an appeal. I would like read into the record every letter it received in reference to this matter.

I spoke a number of times to Judge Spencer and he said he would support Ms. Hosier as full time clerk. Then in public he changed his position.

Supervisor Crowley, I didn't dump any case on you they were the ones I reclude myself from. My recommendation with the tentative budget was one part-time clerk, this was not a last minute thing.

Lindsay Lebrecht – I know Margaret but we need to do what is best financially for the town and put the politics and personality aside.

George Filipovits – Union would never replace a full-time job with a part-time position.

Joe LaPorta, are you asking to eliminate part-time clerk and have just full-time clerk.

Supervisor Crowley, I ask Judge Herman and Judge Spencer to sit down with each other before coming to the board.

Councilwoman Gabaccia will contact Judge Ceresia about time for a meeting with Judges and Town Board.

Supervisor Crowley closed the Public hearing at 9:45 a.m.

REGULAR MEETING

A motion was made by Councilman Sacks seconded by Councilman Kiernan the minutes from November 5, 2009 be accepted as written. Motion carried.

A motion was made by Councilman Kiernan seconded by Councilman Sacks the minutes from November 10, 2009 be accepted as written, Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins the minutes of November 12, 2009 be accepted as written with the following corrections:

Pg 1 public comment add Lindsay LeBrecht opposed use of sand and gravel .
Action items are added to minutes.

Councilwoman Gabaccia we should review the policy manual.

Pg 6 Accountant Torchia at that time he said it would be a zero raise will go to tape for accuracy.

Pg 6 spelling of resin was spelled resign
Motion carried.

CORRESPONDENCE

1. Alexander W. Bloomstein – Praising Margaret Hosier for her work as Court Clerk and against reducing her hours.
2. Michael Hirschom – Complimenting Margaret Hosier on service while dealing with a ticket.
3. Board of Supervisor - \$76,715.46 mortgage tax check.
4. Leslie Wood, Economic Advisory Board – Permission to start a committee, **“The Revitalize Rt7A Advisory Committee.”**

Councilwoman Gabaccia, excellent idea Dean Knox will work with them.
Supervisor Crowley, ask for letters of interest for the Route 7A Revitalization Committee.

5. Jeanne Mettler, Fiona Hutchinson resigned form the Comprehensive Planning Committee.

6. Marcia Becker – Charles Barrow long time consulting engineer for the town , ask for memorial donation to the American Heart Association in his honor.
7. Kirk Kneller – Health Insurance, no changes to co pay insurance will go up 14% on average.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins to raise health insurance co pay to \$30/\$50. Motion carried.

Councilman Sacks read the following correspondence:

1. Neil Costa – Questioning of the validity of certain votes in local election. Other correspondence will be published in the chronicle.

PUBLIC FORUM

Deb Cohen, Last June I had discussion with David Gordineer about the condition in his front yard, on July 20th I received a message from Karen Hallenbeck, Ombudsman, asking me to contact her on town business. When I did she said Mr. Gordineer, Assessor, complained to her that I had threatened to report him to the Zoning Inspector and that my statement constituted a threat against a town official. Ms. Hallenbeck said she was going to report me and it would be in my best interest to defend myself to her satisfaction. I asked her to put any complaint against me in writing and to this date she has failed to do that. Any discussion between two private citizens has nothing to do with town business unless one of them breaks the law. The policy manual states that the position of the Ombudsman is to give citizens a voice if they have a complaint about town government or its position. The Ombudsman was not created to act as a police agency or to intervene with disagreements between two citizens.

Copake needs an Ombudsman who is free of personal bias and who demonstrates good judgment. (see attached)

Carmella Biondi – We ask that Karen Hallenbeck not be appointed again because of her know it all attitude; she is overbearing and has no tolerance for senior citizens.

Howard Blue – I believe government intervention into people's private lives is a serious problem. its understanding that Ms. Hallenbeck spoke to Ms. Cohen on official business and that is not at all the truth. The position of Ombudsman is to assist residents on making complaints. The Ombudsman is to be available at the Town Hall one Saturday morning per month and one morning per month on a

unspecified day, Karen has taken few steps to announce availability; when inquired of Town clerk she had no idea of the days she's in town hall. By promoting an appointment of someone who repeatedly demonstrates partiality and bias at town council meetings and public forum. This town should have zero tolerance for abuse of government authority. I hope the board will seriously consider that Deb's complaint had merit - that should be a serious determinant on who to appoint for the Ombudsman position.

To date is there no official word from the Ethics Board.

Deb Cohen, they said I would be advised by the town board.

Supervisor Crowley, It's up to them to advise you of decision, they did notify me and I shared it with the board, the Ethic Law states all proceedings are confidential.

Councilman Gabaccia, I received a copy from the Ethics Board what their request was and we were advised it is up to us to contact the complaint and advise them of the action taken.

Councilman Tompkins, when someone has a complaint it has to be put in writing, on the Ombudsman's point of view.

Howard Blue, does the Ombudsman have any business officially representing a complaint from one resident to another.

Supervisor Crowley, it was talked about in executive session.

Councilwoman Gabaccia, read one sentence from letter, since the Board of Ethics serves as advisory board to the town of Copake we're submitting our recommendation to officially advise Deb Cohen on the following decision, which did not happen.

Supervisor Crowley read requirements of Ombudsman from the policy manual.

Councilman Gabaccia asked Carmella Biondi if the senior committee had a problem would you feel comfortable going to Ms. Hallenbeck. Answered NO.

Deb Cohen I made the complaint several months ago and I heard nothing.

Supervisor Crowley, I will send you copy of letter.

Barbra Filipovits from Park and Rec's, the commission would not feel comfortable going to Ms. Hallenbeck with a complaint.

Loredana Delventhal, showed the board a copy of her naturalization papers.

Supervisor Crowley requested, I feel I have been harassed and discriminated.

Supervisor Crowley, I requested it from all employees with a memo.

George Filipovits, read a letter in reference to second homeowners rights in voting.

Morris Ordovery, Congressman Scott Murphy will present a flag to Fire Department Friday morning at 9:45 a.m.

Law allows health insurance under their parent up to age 29.

Complaint about Jim's Auto Body sign on building.

Supervisor Crowley asked Zoning Inspector to look into it.

Harvey Weber, this is a sad meeting lets forget politics and go on for the betterment of the town.

John Keeler, spent an hour with Superintendent of Highway and was very rewarding. Would like to build contingency fund by selling the West Copake Fire House.

Councilman Kiernan will work with Mr. Keeler on this.

Would like the sale of scrap metal to go in contingency fund.

Supervisor Crowley, it goes into general fund, if not used up by end of year it goes in unexpended balance.

Councilwoman Gabaccia, we could possible put it in capital fund, will check with accountant.

NEW BUSINESS:

Add for insurance bids.

December 30, 2009 yearend meeting at 5p.m.

Organizational meeting January 2, 2010 at 9:00 a.m.

Councilman Sacks, read comment on second homeowner's rights. (see attached)

Councilman Sacks read resolution on second homeowners.

Diana Wilson, stop all this bickering and stay with the facts if it continues I'll leave the meeting, leave the politics and emotions out.

Councilwoman Gabaccia, many started out as seconded homeowners now choose to live here full time to disenfranchise people who choose to live here is a mistake.

Councilman Tompkins, if you live here and pay taxes you have a right to vote.

Supervisor Crowley, the election law is very vague, we should ask our legislative to clarify the law.

Morris Ordovery read election law.

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

WHEREAS, litigation is currently under way in the New York Supreme Court in Hudson challenging the right of second owners to choose which home they may select as their residence for voting purpose: and

WHEREAS, the plaintiffs in that litigation are attempting to suppress votes cast by absentee ballots from second home owners on the theory that their second home is not their residence,

WHEREAS, half of the residences in the Town of Copake are owned and occupied by second home owners; and

WHEREAS, more than half of the Town and School Taxes collected from properties in the Town of Copake are paid by other than full time residents; and

NOW THEREFORE BE IT RESOLVED:

- 1 The Copake Town Board supports the right of second home owners to choose to vote in the county where they maintain a residence.
- 2 The Copake Town Board opposes the attempt to disqualify voters on the basis that their second home is not a residence.

Resolution # 22

Dated: December 12, 2009

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

OLD BUSINESS

Councilman Sacks, Charter Communications has reorganized from bankruptcy. I've read the contract and there is a clause that if another company should come forward we can give them a franchise agreement.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to sign a ten (10) year contract with Charter Communications. Motion carried.

Zoning Enforcement Ferratto – Craryville Store appearance ticket set Nov. 30th asked for adjournment will be back Dec. 14th.

Supervisor Crowley, Insurance bidders will have a copy of town's policy with amounts left out.

Supervisor Crowley, spoke with Sheriff Harrison about a sub station, not in budget now, expressed to them and State Police that the town is in support. Councilwoman Gabaccia thanked Luann Varney and Dick Michael for their expertise in the burglary of the Depot Deli.

Supervisor Crowley, AT&T have identified places in Copake where they would like the cell tower, Copake Falls near park, we spoke with people from cell tower company and there is some bickering, will hold off management agreement until this is resolved.

Councilwoman Gabaccia, Outdoor Wood Burning Furnaces the following recommendations from Mr. Howard, which the board must determine.

1. Recommendation from Planning Board to be allowed only in R zone. The board didn't feel that necessary, agreed.
2. Screening be required. My feeling is we don't screen our sheds and it adds an unnecessary expense. Board agreed.
3. Chimney height as any ridge line with neighboring building, Talked with Chairman ZBA this is possible structural issues
Supervisor Crowley, I thought we agreed it would be 12' from ground level. Agreed.
4. Mr. Howard's recommendation the new procedure be subject to site review. Agreed.
5. If you put in inspection you'd be setting up liability for yourself if the inspection did not occur, issue policy each year a policy directed as to what inspection we wish to take place how many and what nature. Agreed.
Councilman Gabaccia will talk to Mr. Howard about draft for escrow for the Planning. When we have final copy will have public hearing in January.

Councilman Tompkins, paper work for solar is in, 100% on two buildings the highway Garage and Park building, town hall 80%. Federal government for stimulus funds.

Supervisor Crowley, asked Highway Superintendent Gregory to check prices for waste oil burner.

DEPARTMENT HEADS

Highway Superintendent Gregory, Gate at highway garage, cleaning up. Larry Proper has been a great help.

Councilwoman Gabaccia, asked about weather stripping on town hall door, and insulated window shades. Highway Superintendent Gregory will tape the door, Councilwoman Gabaccia will get pricing on insulated shades.

Highway Superintendent Gregory, when he started he invited everyone to the garage for a tour, Thanked Councilman Sacks for coming up was very positive.

Marcia Becker, Planning Board – Three border line adjustment, one site plan review, Outdoor Wood Burning Furnaces reviewed.

Supervisor Crowley announced Congressman Murphy will be at firehouse on Friday at 9:45 a.m.

Councilman Sacks, praised the Park “n Rec’s on their work with the community.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan the bills from #12A highway abstract and 12A general abstract be paid . Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins to go into executive session to discuss interviews and litigation. Motion carried.

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

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

Respectfully submitted,

