

Public Hearing
Local Law # 3 of 2012
December 13, 2012

Members Present: Supervisor Nayer, Councilperson Gabbacia, Councilperson Miller-Simmons, Councilperson Winchill-Sweeney and Councilperson Mettler.

Supervisor Nayer opened the public hearing at 6:45 PM with 22 people in attendance.

Marcia Becker read the attached statement in favor of keeping the court funding the same as 2012.

Mrs. Dobson spoke in favor of keeping a full time and a part-time court clerk for one more year to see if the activity increases.

Lindsay LeBrecht stated that the activities have decreased over 40% and that this is a good business decision and not a political one.

Supervisor Nayer closed the hearing at 6:52 PM. The Regular Meeting of the Town Board followed at 7:00 PM.

Members Present: Supervisor Nayer, Councilperson Gabaccia, Councilperson Miller-Simmons, Councilperson Winchell-Sweeney and Councilperson Mettler.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Miller-Simmons to waive the reading of the minutes of the Special Town Board Meeting November 3, 2012 and the Regular Town Board Meeting November 8, 2012 and to accept the minutes as written. Motion was carried.

Correspondence:

From Glenn Schermerhorn – a letter of resignation as an Alternate Member of the Z.B.A.

From the Department of the Army and N.Y.S.D.E.C. – copies of letters to Ms. Boyle & Mr. Mende authorizing permits for work on a retaining wall on their property.

From Grant Langdon – a letter requesting the Town Board adopt a resolution supporting the introduction of a resolution to the Columbia County Board of Supervisor to apologize to his son Frank Langdon.

From Craig Surprise, Sole Assessor – a letter requesting an approval of a contract for a fly over and a contract with R. Hilbert to help run values and disclosure notice for reval.

Ron Piper who is a twelve year old eighth grader at Taconic Hills Central School District gave a presentation on his opportunity to travel abroad in 2013 through the People to People Organization. Ron went on to explain his fund raising efforts and request permission from the Town Board to hold two fund raisers at the Copake Park Building.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Mettler to authorize Ron Piper's request to use the Copake Park Building for two fund raisers and waive the usage fee for the building. Motion was carried.

Public Forum:

Grant Langdon reviewed his family's history with the Town of Copake dating back to the late 1600's and requested the Town Board adopt a resolution supporting the introduction of a resolution to the Columbia County Board of Supervisors apologizing to his son Frank Langdon.

Departmental Reports:

Frank Peteroy, Chairman Copake Z.B.A. reported that they had one variance this month and there is an Alternate Member vacancy on the Z.B.A.

Ed Ferratto, Code Enforcement Officer reported that he has issued a stop work order to Mr. Casino regarding the work they are doing on the farm stand.

Harvey Weber from the Environmental Committee reported that he attended meeting regarding fracking in Columbia County and has left information in all the Board Member's boxes for their review. Supervisor Nayer asked Harvey to organize a Public Information Meeting sometime next year so the Board and the public can hear the advantages and disadvantages of fracking.

William Gregory, Highway Superintendent requested the Board to consider transferring some of the funds that the Town saved due to last year's mild winter into the Equipment Account and consider replacing the 1996 pick up truck that has over 200,000 miles on it. Supervisor Nayer advised the Board that there is about \$80,000.00 of appropriations left from 2012 that has not been spent that could be transferred to purchase a new pickup.

New Business:

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Mettler to authorize Highway Superintendent Gregory to advertise for bids for a new pickup truck. Motion was carried.

The Board set the 2012 Yearend Meeting for Saturday, December 29, 2012 at 9:00 AM at the Town Hall and the 2013 Organizational Meeting for Wednesday, January 2, 2013 at 7:00 PM at the Town Hall.

A motion was made by Councilperson Miller-Simmons and was seconded by Winchell-Sweeney to adopt the Community Rescue Squad's 2013 budget of \$229,650.00 which is charged back through Columbia County. Motion was carried.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Mettler to authorize Marcia Becker, Chairperson Planning Board and Lisa DiConti, Secretary Planning Board to attend G.I.S. Training. Motion was carried.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons to authorize Supervisor Nayer to enter into a contract with Pictrometry International Corporation to conduct flyover photos of all of the parcels in the Town of Copake for a price of \$17,156.50 with an option of doing a second flyover at the end of three years for an additional fee of \$21,346.00. Motion was carried.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Mettler to authorize Supervisor Nayer to enter into a contract with Robert Hilbert to help run values and disclosure notices for reval at a cost \$3,500.00. Motion was carried.

Councilperson Mettler reported that the Copake Hamlet Revitalization Committee is in need of more members due to a resignation. The Committee has been meeting at least twice a month and has made some great progress.

Councilperson Winchell-Sweeney and Councilperson Mettler briefly reviewed what role the Conservation Advisory Committee would be and who would be best suited to volunteer for this Committee.

A motion was made by Councilperson Mettler and was seconded by Councilperson Winchell-Sweeney to create a mission statement for the Conservation Advisory Committee to be reviewed by the Town Board. Motion was carried. Councilperson Mettler and Councilperson Winchell-Sweeney will work jointly on this Mission Statement.

Supervisor Nayer requested permission to re advertise the positions of Deputy Code Enforcement Officer, Agricultural and Farmland Protection Committee Member, Park & Recreation Commission Member and Alternate Z.B.A. Member. The Board agreed to re advertise these positions.

Old Business:

Supervisor Nayer thanked everyone who worked on the revisions on the Proposed Policy Manual and requested the Board to review this manual for possible adopting at the January meeting.

Supervisor Nayer read the proposed **Local Law No. 3 of 2012 Entitled “A Local Law Repealing Local Law No. 1 of 2009, which Created the Positions of Full-time Court Clerk and Deputy Court Clerk”**

Section 1. Legislative finding. The Town Board of the Town of Copake has determined that in light of a substantial decline in the number of matters heard in the Copake Town Court, it is in the best interest of the Town to repeal the local law making mandatory the full-time position of Court Clerk in addition to the position of Deputy Court Clerk.

Section 2. Sections 17-1, 17-2, and 17-3 of the Code of the Town of Copake, enacted as Local Law No. 1 of 2009 entitled “A Local Law Creating the Position of Full-time Court Clerk and Deputy Court Clerk,” are hereby REPEALED.

Section 3. Effective Date. This Local Law shall become effective January 1, 2013

Supervisor Nayer called for a motion on Local Law # 3 of 2012.

A motion was made by Councilperson Miller-Simmons and was seconded by Supervisor Nayer to adopt Local Law # 3 of 2012 entitled “A Local Law Repealing Local Law No. 1 of 2009, which Created the Positions of Full-time Court Clerk and Deputy Court Clerk”.

Supervisor Nayer asked if there was any discussion on this law from the Board.

Councilperson Gabaccia stated again that she felt the Board is confusing the decline in case load verses work load. Councilperson Gabaccia has spoken with the individual performing these duties to get a better feel of what the job entailed and asked how many of the Board Members have actually taken that additional step. Councilperson Gabaccia stated that one thing she has learned being on the Town Board is that you have to listen to the people who are performing the services for the Town to really understand what their jobs are about and in that vane she can not support the repeal of this law.

Supervisor Nayer stated he would not talk about performance of personnel in an open meeting. Supervisor Nayer reasoning supporting this Proposed Local Law # 3 of 2012 is that he had spoke to the Association of Towns and they have never heard of a local law such as Local Law # 1 of 2009, which Created the Positions of Full-time Court Clerk and Deputy Court Clerk”.

Councilperson Winchell-Sweeney stated that she also spoke to everyone in the courts as well as people outside of the courts; she feels that this is very premature and will not be voting to repeal this law.

Supervisor Nayer called for a roll call vote; Supervisor Nayer yes, Councilperson Gabaccia no, Councilperson Mettler yes, Councilperson Winchell-Sweeney no, Councilperson Miller-Simmons yes. Motion was carried 3 yes 2 no.

Supervisor Nayer read proposed Resolution # 21 PROVIDING FOR PART-TIME COURT CLERK AND DEPUTY COURT CLERK OF THE COPAKE TOWN COURT.

The following resolution was offered by Councilperson Miller-Simmons and seconded by Councilperson Mettler;

WHEREAS, the adoption of Local Law No. 3 of 2012 removes from the Town Code provisions governing the positions of Court Clerk and Deputy Court Clerk; and

WHEREAS, section 20 of the New York State Town Law authorizes the Town Board to make provision for such employees as the town board determines to be necessary for the proper conduct of the affairs of the town, and section 109 of the NYS Uniform Justice Court Act provides that the Town Court shall have such non-judicial personnel as may be provided by the municipal board; and

WHEREAS, The Town Board of the Town of Copake has determined that in light of a substantial decline in the number of matters heard in the Copake Town Court, it is in the best interest of the Town to provide for part-time Court Clerk and Deputy Court Clerk positions to serve the Town Court;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to section 109 of the NYS Uniform Justice Court Act and section 20 of the NYS Town Law, the Town Board authorizes the establishment and continuance of the positions of one (1) Court Clerk and one (1) Deputy Court Clerk for the Copake Town Court. Each such position shall be designated part-time and the hours worked, compensation and benefits associated with such positions shall be commensurate with a part-time position and within the budgetary allocation made for such positions. The Deputy Court Clerk is authorized to act for and in place of the Court Clerk; and

BE IT FURTHER RESOLVED, that pursuant to section 41 of the NYS Civil Service Law, such positions shall be in the exempt class; and

BE IT FURTHER RESOLVED, that the persons currently employed in the positions of Court Clerk and Deputy Court Clerk are authorized to continue in such positions in a part-time capacity, subject, however, to NYS Town Law section 20(1), which provides that the persons employed in such positions shall be employed or discharged from employment only upon the advice and consent of the Justices of the Town Court; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect January 1, 2013.

Resolution # 21	Supervisor Nayer	yes
Dated December 13, 2012	Councilperson Gabaccia	no
Copake, New York	Councilperson Miller-Simmons	yes
	Councilperson Mettler	yes
	Councilperson Winchell-Sweeney	no

The Board and Attorney Dow discussed Mr. Langdon's request for the Board to adopt a resolution supporting the introduction of a resolution to the Columbia County Board of Supervisors apologizing to his son Frank Langdon. Attorney Dow advised the Board that it is not appropriate for the Town Board as legislature body to make a judgment on something that happened in the Courts under the separation of powers. Also this resolution that the Board being asked to adopt is stating a specific party be held accountable for damages and that the court made a motion that was not legal. This is not the privilege of the Town Board to second guess and try to say that the court got it wrong or to assign guilt or liability in an action like this. Mr. Langdon commented further on the rights that were refused to his son under the United States Constitution. Supervisor Nayer advised Mr. Langdon that if he wanted to give a letter to him addressed to the Chairman of the Columbia County Board of Supervisors, he will see that it is hand delivered to him and that he responds to the letter. Councilperson Mettler advised Mr. Langdon that although the Board can not grant his request it should not be misunderstood that the Board and public present does not sympathize with him.

Supervisor Nayer reported that we received our mortgage check of \$57,126.28 which puts us slightly over what was anticipated. Last pay period the pay check company opted to use a currier instead of UPS or FEDEX and the currier company decided it was too far to deliver the checks. The pay checks did arrive by Friday and the payroll company will be doing the W2's for the Town free this year. The County Budget was approved last evening at a .4 reduction from the 2012 Budget.

Councilperson Reports:

Councilperson Winchell-Sweeney reported that Slink Moss, a local resident is in the process of leasing the Copake Inn and anticipates opening the restaurant in May of 2013.

Councilperson Miller-Simmons stated that the Light Parade was excellent this year and when it ended at the Park the kids were lined up to visit Santa. The Park served over 15 gallons of hot chocolate and over 1,000 cookies.

Public Forum:

Chris Quinby stated that the Light Parade was excellent and that Copake is a wonderful Town.

Grant Langdon asked if the Town could look into placing Historical Markers through out the Town where these Historical Events took place. Councilperson Mettler advised that this issue has been brought up recently and Mr. Blue is also working on the History of the Town. Marcia Peteroy stated that the Around the Clock Committee also discussed this issue.

Ron Piper questioned if with the extension of the Rail Trail into Hillsdale is part of the plans to have the speed limit reduce on Route 22 in the area of the new library? Councilperson Mettler responded that the Harlem Valley Rail Trail will be requesting a reduced speed limit from the intersection with Orphan Farm Road to the Hamlet of Hillsdale. They felt it was premature to ask the State this far in advance.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to go into executive session to discuss personnel matter for the Deputy Code Enforcement. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to come out of executive session and return to the regular meeting. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gabaccia that the bills from the General Abstract # 12 and the bills from Highway Abstract # 12 be paid. Motion was carried.

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

Respectfully submitted,