

TOWN BOARD
August 12, 2010

PRESENT:

Deputy Supervisor LaPorta
Councilwoman Gabaccia
Councilman Sacks
Councilman Tompkins
Councilman Kiernan
Highway Superintendent Gregory
Attorney

ABSENT:

Supervisor Crowley

PUBLIC HEARING LOCAL LAW # 6

Deputy Supervisor LaPorta opened the hearing at 7:15 p.m. with 33 people present.

Town Clerk Hotaling read Local Law # 6
A Local Law establishing a new no parking zone on Route 344.

Land owner said *please pass*.

Deputy Supervisor LaPorta closed the hearing at 7:20 p.m.

PUBLIC HEARING LOCAL LAW # 7

Deputy Supervisor LaPorta: Since there was a typographical error on the public notice concerning the date we will have a ten minute open forum on Sole Assessor with no action taken.

Deputy Supervisor LaPorta: My suggestion is to reschedule the public hearing for the September meeting which falls on a Saturday and which will enable the weekend residents to participate.

Deputy Supervisor gave some pros and cons on Sole Assessor.

Read letter form Supervisor Crowley:

During the past two years I have served as Chairman of the Real Property Committee at the County level. I had the opportunity to observe the working of not only the County's Real Property Office, but also the workings of many towns Assessors offices.

As you may know the County is working towards a County wide assessing office. One of the first steps in achieving this goal is to get every assessing unit in the County on board with Sole Assessor.

Copake is in desperate need of a reval. A reval is a long and complicated process, which is why I believe that it should be handled by a professional. A Sole Assessor is required to have ALL of their training completed before being appointed. I believe that going to Sole Assessor before starting a reval is the most logical way to assure that the assessments are equitable:

If the board decides to vote to go Sole Assessor I would make the following recommendations:

All applicants and resumes received for the position would be forwarded to the County Office of Real Property. I have spoke with County Director and she has agreed to put together a committee of professionals from her office and from the State Office of Real Property to review the applications and make a recommendation to the Town Board. I believe this would be the fairest and most unbiased way to assure that we get the most qualified person for the job. This is only a recommendation and the decision lies with the board.

Marcia Becker: What is the term for Sole Assessor?

Attorney, I believe the terms are set in the town law.

Howard Blue: this would enable the current republican majority to replace the current Assessor with someone else; I want what is best for the Town.

Is there a plan to attract a qualified person?

What would be the assurance it would not be a political appointment?

Deputy Supervisor: The letter Supervisor Crowley wrote will clarify this.

Sole Assessors are paid approximately \$10 per parcel, you're looking at around \$30,000.

Jeff Nayer: if you hire Sole Assessor for 6 years and you don't like their performance can you get rid of them?

Deputy Supervisor: asked lawyer if you can hire on probationary period.

Attorney, I don't know but there may be temporary appointment. Once appointment is made it will be 6 year term.

Harvey Weber: Don't make this political, when and if you appoint be sure you appoint a qualified person.

Deputy Supervisor closed the hearing at 7:30 p.m.

REGULAR MEETING

ACTION ITEM

Councilman Kiernan, respond to Ms. Williams letter

Deputy LaPorta, check with insurance on parking at the firehouse.

Deputy Supervisor opened the regular meeting at 7:30 p.m. with 35 people present.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins the minutes from July 8, 2010 be approved. Motion carried.

CORRESPONDENCE:

1. Copake Inn – Renewal liquor license.
2. Elizabeth Williams – concerns with condition of the creek that runs along 7A.
3. Attorney Rappleyea – copy of the relevant portion of the NY Public Health Law. Town will address this.
4. Deb Cohen – invite to Copake Falls Day Saturday August 21, 2010.
5. Building and Zoning Department – would like to see a change in the Zoning Law Section 239-9, to make easier for person to obtain a permit.
6. Planning Board – comments on the letter from Building and Zoning Department.
7. William Newcomb – missing names on the war memorial at the town clock.
8. Copake Police – Pharmaceuticals collection day.
9. Peter and Sue-Jane Evans – use of West Copake Fire House for park during daughters wedding.
10. Supervisor Crowley – Mid-Hudson Cable received grant 3.5 million to expand broadband investing 1.5 million of their own money, broadband will be coming to Copake as soon as details are finalized.
11. Donation of a DVD player from Buddy Sinisi.
12. Catamount – exchange incoming road to Town of Copake and Swiss Hutte.
13. Supervisor Baer – resolution requesting DOT to reduce speed limit on Craryville Road and Rt. 22
14. Real Property – equalization rate at 68%
15. Teamster Local 294 – highway employees have designated International Brotherhood of Teamsters Local 294

16. Accountant Torchia – budget transfers.

17. Bids – for removal and trimming of maple tree at the museum.

Councilman Sacks – read letter he wrote to town board and Copake Police Commission on May 12, 2010, he was away on a trip when he returned he had a letter in his box , I'm requesting an investigation by Police Commission as to the validity of this complaint, its my hope there is some misunderstanding in the details of this case are not as explained in the letter. I think it's our responsibility to read these letters in public as they are addressed to the Town Board with a complete redaction of the officer in charge in questions name. There has been plenty of time for an official and public response after the investigation. We should just read it and say there will be an appropriate investigation. Theres no room for comment at this time until we look into it. The first letter comes from a respectable business owner the seconded her employee, as I see it we can handle this above board and professionally or perhaps she can go to newspaper, I would prefer open government anything else would look just awful. In response to some of these internal memos one board member noted the board should ask the Officers in Charge and Police Commission to immediately open an investigation and report its findings to the board within ten days. Its now ninety days. I will not read these letters. Councilman Sacks to Commissioner Nayer, did you do an investigation in this matter and if you did why don't we know about it. Commissioner Nayer, I think you need to talk to the Officer in Charge and before you read letter like that talk to the lawyer. The investigation was done and there was an out come on it. I request that you give me time to speak to the commission on this.

Councilman Sacks, I will wait for response at the next meeting.

Councilman Tompkins: I think that we should be notified in 30 days with a letter advising us that the investigation is still on going and merits looked at.

PUBLIC HEARING

Harvey Weber: the \$100 fee from the ZBA is regressive tax because it hits the person who owns a 50x100, if you own many acres your exempt. I think it hurts the elderly and young people.

Deputy Supervisor: we will be looking into.

Mike Bradway: Park Superintendent, a letter written by Fran Miller states the Park Superintendent works the park during the day while working with the highway. *That's a lie, I've never worked at the park during highway hours. I've done work at park that the highway has to do because the park doesn't have the*

equipment. She said “doubled dipping” I’ve never done that and I wanted to bring this to your attention. She wrote this in the Chronicle and I think she owes me an apology.

Georgette Lindig: I received a certified letter today from Ed Ferratto, I would like it clarified what major work it is.

Kevin from Jim’s Auto Body: We also received a letter stating why we have not received our permit.

Kevin read the letter stating all auto repairs must be done inside the building.

Every year we go through this - you take our money and no permits.

Deputy Supervisor: what constitutes major repairs, what is major repair.

Ed Ferratto: if a vehicle sits there for days without wheels and in disrepair.

Marcia: definition in Zoning Major Auto Repair, *any work that can not be completed for a customer within 2 hours.*

Attorney: the ZEO make a ruling on property in towns, a. compliant with existing zoning codes b. permit applications. These are both decisions of the ZBA it seems the proper forum for them to raise their complaints is the ZBA.

Jim’s - are you saying this board doesn’t issue the permit, then why have they been doing it for the last 10 years.

Jeff Nayer: I don’t understand what you’re asking the ZBA to do.

Attorney: the ZBA has authority to review any decision the ZEO makes, so they can uphold, over rule, modify.

Jim’s - we are ready to hire a zoning attorney, are you saying the new law is a ZBA law?

Deputy Supervisor: this law is not zoning, its town law that was adopted in 1992 or 1993.

Attorney - your ZEO made determination that they are not in compliance therefore it’s an appeal able decision to the Zoning Board of Appeals. I can bring it back to Tal to go over and have him give you a call.

George Filipovits: at the last meeting the ZEO was told to do his job, the board should be backing him, he’s doing his job.

Ed Ferratto: at the last meeting I wanted the permits to be issued, however, there were members of the town board that had driven by there, and they feel they were not in compliance. I went down, talked to Jim and said the board said you’re not in compliance. After making visit, I felt it was appropriate to state the violation to the businesses. Tonight I was going to ask if you could give me another month to see if they come in compliance. The board needs to work something out so the business can continue without all this harassment.

Mike Lindig: It seems to me my business and Jim’s has always been a target because it’s the south end of town. There is not a business in this town that does not operate somewhat outside. The vehicles are registered by NYS in the book of

registry. I don't see a law that stops vehicles from parking out front as long as its registered. It seems like selective enforcement.

Lindsay LeBrecht: bring your pharmaceuticals to the Copake Police Saturday, this is a great thing they are doing.

ACTION ITEMS

Supervisor Crowley wrote letter to Sheriffs and State Police about the Park incident.

Councilwoman Gabaccia - have letter from Victor Myers pursuing judgement against Mr. Cascino bank accounts. Will need to go into executive session regarding litigation.

NEW BUSINESS:

A motion was made by Councilman Sacks seconded by Councilman Tompkins to change miles reimbursement from .55 cent mile to .50. Motion carried.

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

The Town Board of the Town of Copake hereby authorizes the Supervisor to make the following budget transfers.

FROM GENERAL	AMOUNT	TO ACCOUNT
A1910.1 Insurance	\$4,500.00	A1320.4 Misc-Auditor
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A8020.472	\$6,000.00	A1420.4 Misc-Law
A9010.8 Retirement	\$1,500.00	A9050.8 Unemployment
A8010.4 Contractual- Zoning	\$ 500.00	A8011.47 Misc-ZEO

FROM HIGHWAY		TO ACCOUNT
Da5100.4 General repairs	\$1,000.00	DA5140.4 Contractual

Dated at Copake New York
August 12, 2010
Resolution # 17

Councilwoman Gabaccia	Yes
Councilman Sacks	Yes
Councilman Tompkins	Yes

Councilman Kiernan	Yes
Supervisor Crowley	absent

Deputy LaPorta: we had a risk manage audit, the Auditor suggested to comptroller a full audit.

The following resolution was offered by Councilman Sacks seconded by Councilman Tompkins:

RESOLVED: That we the members of the Town Board of the Town of Copake do hereby petition N.Y.S.D.O.T. to reduce the speed limit on NYS Route 22 between Anthony Street and School Road to 40 miles per hour and make this a No Passing Zone due to an increase in pedestrian and automobile traffic between the new library and the Roe-Jan Park.

Dated at Copake, NY	Supervisor Crowley	absent
August 12, 2010	Councilman Sacks	Yes
Resolution # 18	Councilman Tompkins	Yes
	Councilman Kiernan	Yes
	Councilwoman Gabaccia	Yes

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

The Town Board of the Town of Copake hereby accepts Local Law # 6 for the year 2010. A Local Law establishing a new no parking zone on Route 344.

Dated at Copake, NY	Supervisor Crowley	Yes
August 12, 2010	Councilman Sacks	Yes
Resolution # 19	Councilwoman Gabaccia	Yes
	Councilman Tompkins	Yes
	Councilman Kiernan	Yes

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia to accept work highway department performs above and beyond their regular duties. Motion carried.

Deputy LaPorta: Art Basin, Ancram Supervisor, asked where the cell tower is going but no one knows.

Councilman Sacks: because AT&T found a law it doesn't mean we should do it. I believe we have a consultant we are paying so lets reach out to her.

Deputy Supervisor: there's a community planning grant issued for Copake and Germantown, for revitalization; the grant has been filed.

The following resolution was offered by Councilman Sacks seconded by Councilman Kiernan:

BE IT RESOLVED, that the Town of Copake hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employee's System based on the record of activities maintained and submitted by these officials to the clerk of this body (see attached)

Dated at Copake NY	Supervisor Crowley	Absent
August 12, 2010	Councilwoman Gabaccia	Yes
Resolution # 20	Councilman Sacks	Yes
	Councilman Tompkins	Yes
	Councilman Kiernan	Yes

Deputy LaPorta: Letter from Catamount, Highway Superintendent Gregory has been in contact with Lawyer for the past year. Will keep in touch with Attorney.

Deputy LaPorta: Names missing on memorial, gentlemen told me he could come out with machine to do the names. Since its municipal property should we get a price so we can add the names?

Deputy LaPorta will get the bids.

Deputy LaPorta: Elizabeth Williams letter pertaining to creek along 7A. Councilman Kiernan will respond to Ms. Williams.

Deputy LaPorta: Letter from Building Department and response from Planning Board. Reread letter from Planning Board.

According to Lawyer any change for zoning needs to go to Planning Board, County Board and then public hearing.

Councilman Sacks: we need to resist changing code till the Comprehensive Planning is complete.

Deputy LaPorta: if someone wants to put shed up now they have to pay \$100 to go to ZBA, all permits have to go to ZBA.

Jeff Nayer: can ZBA wavier the fee?

Attorney: it depends on where the fee is, is it town code or administrative. Jeff it's in by-laws. You could at the next meeting make a motion to do it administrative.

Councilman Sacks: follow ZBA and Planning Board advice.

Jeff Nayer will look into this and bring back at next meeting.

Deputy LaPorta: Teamsters Union, Attorney recommended we do nothing unless contacted.

Parking at West Copake Fire House, need to check our insurance - if insured the board gave approval.

Deputy LaPorta: Received bids for removal and trimming of tree at museum.

Haupt Tree Company Inc. maintenance pruning \$1,600 take down and removal \$2,010.

Barrbit – remove hazardous deadwood \$1,000.00 remove tree \$2,050.00

Highway Superintendent Gregory the best choice is removal for safety reason.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to hire Haupt Tree Company to remove the tree from the museum at a cost of \$2,010. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilman Kiernan to renew Jim's Auto Body, Performance Auto, Davis Auto, and Del's Auto motor vehicle storage permits for the year 2010, with compliance in 60 days. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilman Kiernan to renew H&D Enterprise Junk Yard permit. Motion carried.

DEPARTMENT HEADS REPORTS

Highway Superintendent Gregory: Open house August 28th at 10 am -12 pm.
Monthly reports on web-site.

Ralph Platt, Park: would like to put \$6,000 in a CD. Councilman Sacks, need to talk to Accountant.

Sheriff's and State Police will be patrolling the park when they're in the area.

Bill Jamieson: Copake Police is supposed to do that also, get out off their cars and walk around.

George Filipovits: Copake Day the police were not patrolling there were people walking around smoking, and the police were hanging out together instead of walking around and speaking to the people.

Councilman Sacks: the park will be seeking students to attend their board, Town Board offers students to make ten meetings or so and give them certificate of Community Service.

Marcia Peteroy: did you receive a letter from Around the Clock Committee asking for \$400.00?

Assessor Filipovits: working together nicely. Two small claims coming up.

A motion was made by Councilman Tompkins seconded by Councilman Sacks the general and highway bills # 8 be paid. Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan to go into executive session regarding hiring and litigation between Sal Cascino and the Town of Copake. Motion carried.

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

A motion was made by Councilman Sacks seconded by Councilman Tompkins to hire Ronald Piper to do bookings at the park building. Motion carried.

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

Respectfully submitted,

