

TOWN BOARD  
SEPTEMBER 11, 2010

PRESENT:

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

PUBLIC HEARING LOCAL LAW # 7

Supervisor Crowley opened public hearing at 8:30 a.m. with 48 people present.

Town Clerk Hotaling read Local Law # 7

A local Law creating the position of an appointed Sole Assessor and abolishing the current three Assessor system.

Morris Ordovery: we need clarification of the law on no referendum in the general municipal law NYS the duties of elected official is eliminated as a mandatory referendum. Real Property Tax Law, can have a mandatory referendum, a permissive referendum, or without a referendum. We're taking the easy way out despite the wishes of the town. I think we need more thought and input on this.

Howard Blue: read letter addressed to Councilman Tompkins, I feel you're the boards swing vote, I don't always agree with you, but you have a reputation for sometimes departing from the crowd and thinking for yourself. (see attached). Don't support Reggie's proposal, support a reval and support merging our Assessor's office with other towns.

Jeff Nayer: Mr. Blue you say not political the first thing you do democrats, republican, you always make it political. I'm asking the Town Board to throw your politics out and do what is best for the town. Councilman Sacks, you came to meeting a couple of months ago with an open mind about what ever will get us a reval I'll listen to it; when republicans didn't put an assessor up for election you changed your mind. I'm asking again please work together and do what's best for town.

Harvey Weber: move on this, it's the time to go with Sole Assessor, it's the first step to County Assessors.

Max Simms: Copake is served with many nonpolitical committees. I'm unclear about which is the best for the town, Sole Assessor or elected. Have you approached towns with Sole Assessor to see how it's working? There's a lot of exploring to do. I think we're better off having a well trained Sole Assessor than having a relative mediocre elected assessor and vice versa. I think you have a first rate group now.

Al Fare: the issue of sole or elected is not the problem, its terrible unequal assessments; I see this as I'm a real estate agent. The biggest issue for the board is how quickly you can do a reval, as for sole or elected, it's irrelevant.

Lindsay LeBrecht: we kept replacing the Assessors and by the time they're up to grade, its time for another election. The reason we haven't had a Reval is we haven't had enough trained people in the position. Bite the bullet and do what's best for Copake and go Sole Assessor.

George Filipovits: last year when we needed to replace an assessor you appointed someone who was not going to run when you could have appointed someone who was willing to run. That puts us behind the eight ball on one person. The board needs to take responsibly on that.

Noel Fare: permits are involved in assessments, if you don't file for permit nobody knows and your assessment stays the same, this problem needs to be fixed.

Supervisor Crowley, we have zoning laws, as a citizen if you see someone doesn't have a permit you should report it to ZEO.

Noel Fare, in order to apply for CAP do you need Sole Assessor? Supervisor replied yes.

Morris Ordovery, you have to have sole assessor shared with another town.

What about the increased expense for sole assessor you have three people now at around \$20,000 sole will be more plus you need clerk and data collector, how are we going to fund this?

John Keating: why now, let's get our priorities straight.

Howard Blue: you still maintain this is not a political thing you're trying to do. Supervisor, I made recommendation we get input from Real Property, the committee is made up of seven Supervisors 3 republican 2 democrats, 1

independent that ran on democratic line and one a registered independent, the people that over see Real Property, the republicans are actually a minority. Howard Blue, the question is do you want an assessor that the republican majority board will appoint or a true nonpolitical sole assessor in which case you will agree to hold off appointment until next election.

Supervisor Crowley, if we go to sole assessor my recommendation is that all applications go to Real Property; they will put together a committee to review the resumes and give recommendations to the town board. I would personally go with the real property.

Suzette Booy, Real Property tax service: I wasn't coming today but I saw article that Mr. Blue wrote to the Chronicle and I felt obligated to come. I want to make it very clear that none of my decisions in my office are based on political affiliation. There is no room in the Assessor's office for politics; I want to make that very very clear. I took personal offense to that.

Information is readily available on the County web-site. You can look up by # or street address.

We have 19 municipalities; 14 are Sole Assessor.

County is looking at ways for County assessment, you would need three referendums and they would all need to pass.

Copake needs a Reval; data could be done by residents in the town. Valuation of it would have to be done by a Reval company. If the town does do a Reval I recommend you do it under Sole Assessors.

Joe LaPorta: of the 14 sole Assessors how many are at 100%. Ms. Booy 12, of the 14 just one is at 100% with 3 Assessors.

Suzette Booy: it's a good time to go to Sole Assessor as the term will only be 3 years, expire in September 2013. State wide all the terms of Sole Assessor are to expire Sept 30, 2013.

Harvey Weber: Mr. Blue you can hire retired seniors to do the data collecting for a Reval. Ghent did this and it was under \$50,000.

Gerard Meenaugh: can you do election on Sole Assessor? Ms. Booy the real property tax law does allow that, but they would have to be a resident.

Howard Blue: the data base for the taxes is not good basis for comparables. Talked about County Wide Assessors office we don't need to sit with that; we

can put together with 2 or 3 towns. As far as politics are concerned, to be in County office you need to be a republican.

Suzette Booy, absolutely not, I was not appointed as a republican I was appointed because of my 12 years of experience. It has nothing to do with politics', I would not allow it.

Supervisor Crowley: I've worked with Suzette for two years, she has gone beyond her requirements, she has bent over backwards to help our Assessors and everyone in the County.

Susan Sweeney: Hillsdale and Austerlitz became a cap. Suzette they both had Sole, Assessor.

Ian Jarvis: thanked Suzette Booy for attending she shed a light on things, to be Sole Assessor do you need to be certified.

Councilwoman Gabaccia: It's not required they be certified, there are four options to become Sole Assessor.

Morris Ordoover: no one opposed to sole assessor, we are just rushing into something. Lets get all the data and see what we can afford.

Harvey Weber: the heaviest tax payer to the school is Copake.

Frank Bader: we all live in a community where the size is different, we need Reval, and this should be addressed before we decide on sole assessor.

Carol Gansowski: can we do reval with the Assessors we have now.

Suzette Booy: if you're at 100% you'll get the state aide whether you have your assessors or someone else do the reval. You would still in my opinion need an outside company to do the valuation.

Ms. Dodson: why does a decision need to be made now?

Supervisor Crowley: we can't keep putting it off it has to be done sometime.

John Keating: you have to make a plan including the sole assessor and reval before you are ready to spend another \$10,000 for sole assessor.

Lindsey LeBrecht: tired of the political nonsense, don't we get credit from state with sole assessor ,it might be a wash if we get to 100%. Do whats best for Copake and move forward.

Jeff Nayer: if this board needs more information put off, until you can reach a consensus.

Councilman Kiernan: how many years has Copake had elected Assessors ? *forever*, and how long has are rate been at 68%, *two months*, how many years have we been striving to reach 100%, *you need a revale*, how come we've never reach 100%, *Mr. Baber, because the board has resisted going after budgeting for a reval as opposed to whether we have a sole assessor or qualified elected assessors.*

Bob Wetter: Sole Assessor will help us in the future if we align with other town's, it appears to the people here they want a reval the sole assessor is secondary, eventually it will have to be delt with if we want additional money by joining up with another town. Is that the first step or the seconded? *Seconded* maybe you should ask the people here by raise of hands to see what they want, do we want a reval to be done by the current personal or do you want Sole Assessors and then get reval.

Supervisor Crowley, one of the things is consolidating assessors with another town, so I think the question is do we want to flip the hole bill for a reval or go into cap with another town and get money back from state.

Councilman Sacks: Ms.Booy said no town near by needs reval at this time.

Supervisor Crowley, we can go with joining Counties.

Councilman Sacks, then were back to if, if, if. Its awkward to make a law on an if.

Councilwoman Gabaccia: what's missing is a 5 year plan, we need to map out some steps as to where were going to go. We have three woman that are willing to take the courses, why not give that a chance.

A county wide assessment is approximately 5 years away.

David Trvein: to me the issue is consistency is missing. Under current system there has been compliancy to me its seems if were going to make this at all and go to 100% were going to need consistency. I'm for single.

Councilman Sacks: Sole Assessor and reval are two separate issues, the inconsistency in the office has little to do with that. Its political will by town board to pay for reval. Its up to the board to say were going to do a reval.

Carol Gansowski: I think you need to set a budget for both issues, its not that there opposed to Sole Assessor it the money issue.

Supervisor Crowley closed the public hearing at 10:00a.m.

Supervisor Crowley opened the regular meeting with a moment of silence in remember of 911.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins to approve the minutes of August 12, 2010 with the removal of \$1,000 from budget transfer from highway to accountant as it wasn't done. Motion carried.

#### ACTION ITEMS

Supervisor Crowley,

Talk with ZEO about properties on Main Street

Councilman Sacks,

Meet with boards on guide lines for zoning

Councilwoman Gabaccia

Look into selling of voting machines

#### CORRESPONDENCE

1. Highway Superintendent – support for the proposed resolution to complete the road swap Catamount Road.
2. Controller DiNapapoli – estimating pension increase.
3. John Keeler – newspaper articles Fishkill five year plans, replacement of trucks and other machinery in the highway, addition to highway garage.
4. Planning Board – aware of a potential public health threat that may be occurring as a result of a failed septic system serving 25 residents at the President Estates.
5. Copake Park Commission – individuals being prosecuted for the vandalism of the little league concession stand be permanently banned form park.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins to band the individuals from the park who vandalized the concession stand.

Discussion:

Councilman Sacks, I'm not for a lifetime band. Supervisor Crowley agrees with Councilman Sacks.

Councilwoman Gabaccia withdrew her motion.

A motion was made by Councilwoman Gabaccia second by Councilman Sacks to delay the decision on a band of the individuals at the park, and look into it further. Motion carried.

6. Copake Park Commission – requesting three area's in the park be included with other area's that currently have video surveillance, as vandalism has increased this season.

Supervisor Crowley asked Highway Superintendent to get estimates on video equipment.

7. Judge Spencer and Herman – help with the thermostat in the Supervisor office so during court it will be cool in summer and warm in the winter months.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan to allow Jeff Nayer to move the thermostat from the Supervisor office to Court Clerks office. Motion carried.

8. ZEO Ferratto – permission to hire Carol Gansowski as clerk at approximately 3 hours a week, she is willing to volunteer.

A motion was made by Supervisor Crowley seconded by Councilwoman Gabaccia to appoint Carol Gansowski clerk to the ZEO. Motion carried.

9. Copake Planning Board – copy of letter sent to Kevin O'Neill advising him if no efforts have been made to proceed forward with Housing Resources within the next sixth days project will be deemed abandoned.
10. Columbia County Real Property – advising board Stephen Hoppe term with BAR will expire September 30, 2010.
11. Lindsay LeBrecht – thank you to Copake Police for sponsoring Pharmaceutical Collection Day. About 75 containers of medicines were turned in.
12. Bruce Kute – letter of thanks to Ed Ferratto diligence in cleaning up property on 7a.
13. John Keeler - Article from Poughkeepsie Journal on fencing of pools our code does not address this.

Councilman Sacks, why isn't there a fire inspector officer in our code?

David Jensen - it falls back to the Building Inspector, as its written if the fire department has a chimney fire we contact the building inspector and he notifies the homeowner its un safe to use.

Supervisor Crowley, could the Planning Board give us some input on swimming pools.

Marcia Becker, it's not in the NYS Building Code.

Donald Shadic, NYS Building Code says all pools must be fenced in.

Councilman Sacks, suggest John Keeler send letter to Comprehensive Planning about revising zoning and incorporate it in the code.

14. John Keeler – letter requesting answers to the following questions;

Solar panels – Supervisor Crowley, discuss later.

Garage furnace – Councilman Gabaccia we need to start addressing this.

Addition to park building, next letter is in regard to that.

Fire House sale, its up to board if they want to sell it first then to legislator.

Lock dumpster, there is a lock on town and park dumpster.

Jim's Auto Body sign, up to ZEO

Building maintenance, Highway Superintendent will get a list.

Storage lumber yard and general store, unless it creates health hazard there nothing we can do its public property. Contact ZEO.

15.. Office of Community Renewal – New York State Community Development Block Grant, activities proposed were ineligible due to non-compliance.

16. Columbia Fire Coordinator – thanked firefighter from Craryville and mutual aid companies for there work in extinguishing a fire on Aug. 19<sup>th</sup>.

17. Taconic Hills Central School – tax rates.

18. William Newcomb – memorial clock war monuments names missing, could you rectify this error.

Joe LaPorta its .25 a character letter, may be three or four hundred. Bill Newcomb will get names to Joe.

19. Office of State Comptroller – Town of Copake selected for audit.

20. Louis Dilworth Supervisor Town of Barker – ask for consideration in urging the approval of horizontal gas drilling in NYS.

Councilman Sacks read a letter to the Town Board, quoting Governor Paterson. In time of plummeting revenues and limited resources can the town afford part time police force? We have coverage by County, State and Part time park police. I and several other citizens circulated a petition to request the Town Board put the question whether the Town of Copake should continue to fund a local police force on the ballot this November 2,2010.

Attached with 204 signature and request we vote today to put it on the November ballot.

Attorney Rappleyea, the most direct way to go about this is for there to be a local law to abolish the police force, if you have local law it is subject to referendum. The petition then would be filed with the Town Clerk in order to require a referendum; the board can also in same motion pass Local Law put to vote rather than have to wait for petitions to be filed. We've missed the 60 days to file. We could have a special election to get it done.

Councilman Sacks, why do we need local law?

Attorney Rappleyea, in New York State to abolish a local police force is with local law.

Councilman Sacks, could we not pass a referendum today?

Attorney Rappleyea, to abolish police force you must have local law.

Councilwoman Gabaccia, we should take this petition as an opportunity, making a big change as abolishing police force takes a lot of thought. One of the pluses in having local police force is we have control, whether the expense warrants having that control should be part of this debate. Let's put together a commission to look at this, and establish a citizen's review board.

Councilman Sacks, the petition doesn't reflect there dissatisfaction, it reflect the opportunity to vote on it.

Councilwoman Gabaccia, Comprehensive Plan numbers were 57% in support of police.

Supervisor Crowley, the bottom line is there is no time to get it on the November ballot.

Councilman Sacks, I apologies to the petitioners I got my advice from the Election Commission.

## PUBLIC FORUM

George Filipovits, highway has union do we need a committee from the town to negotiate with them. It's a big issue that is going to cost money.

Supervisor Crowley, the teamster has ask board to recognize them as negotiating unit.

Morris Ordovery, fire safety issue, the house that burnt on Rt 7 was a fire hazard to begin with, we have to give some thought to fire safety in town and whose obligation it is.

Dave Jensen, are company and the ones around us are very proactive in fire safety, we work with building department.

Councilman Tompkins, if there is houses with junk around can we get the fire company to say it's hazardous.

Dave Jensen, we have no legal authority to tell homeowner you must clean up junk in your yard.

Joe LaPorta, I have copy of state junk law, I will give copy to the ZEO.

Diana Wilson, there is abandon property in Copake that has locks on doors, in back are building that are wide open and potential for problems to occur. The cut grass was put in barn. House next door is also hazard, let loose her cats.

Supervisor Crowley, will talk to ZEO. If anyone sees a hazard or violations don't wait a month to come to the meeting report to the ZEO.

Marcia Becker read foil request from David Weiener, from period 1999-2010. I have to wonder if this request is an intimidation tactic or a form of harassment.

Joe LaPorta, we have half the money to restore the clock and bids for the restorations. The town board will have to sign the contract.

Mr. Wetter, we've wanted to add enclosed porch and basement, we found out we got miss information form different groups. The mandates from these committee's are different. We got postponed almost half a year because of this. The law is written that anything with nonconforming lot has to go to the Zoning Board no matter how small it is, and it takes months. I think you need to look at laws and see what can be done to expedite the process.

Jeff Nayer, reviewed the process.

Supervisor Crowley, Planning Board, Zoning Board and Building Department get together and print up guide lines.

Councilman Sacks will chair committee with the Departments.

Frank Peteroy, the process really starts with the architect.

Dave Jensen, defibrillator pads need to be replaced.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan to authorize David Jensen to purchase pads for defibrillator at a cost of \$300.00. Motion carried.

#### ACTION ITEMS

Councilwoman Gabaccia: Solar Park  
Need contract signed by September 15, 2010, received a grant for \$140,000.  
need to raise \$12,423.00 do not need till next year.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia to sign the contract for solar. Motion carried.

Councilman Tompkins, Town Hall, working with Congressman Murphy office for \$35,100.00. It did go through the energy process President Obama was going to sign it but with midterm elections no one is going through appropriations.

Councilman Kiernan: Creek along 7A.  
Working on a grant.

#### NEW BUSINESS

Supervisor Crowley, County would like are voting machines which we own.  
Councilwoman Gabaccia, will look into selling the machines.

Fish kill in the Roe-Jan stream, from Black Grocery Bridge to Robinson Pond don't know what the reason is. Turned over to Department of Health and DEC.

County passed internet policy.  
Budget workshops, check schedule and e-mail me with dates your not available.

Attorney Rappleyea, talked with Highway Superintendent Gregory about road swap with Catamount. Based upon the Planning Board's determination, the maps and especially Highway Superintendent Gregory's opinion I would recommend that we proceed.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins to authorize Attorney Rappalyea to draft the final documents for Catamount Road swap, and authorize Supervisor Crowley to sign them. Motion carried.

#### OLD BUSINESS:

A motion was made by Councilman Tompkins seconded by Councilman Sacks to recognize International Brotherhood of Teamsters, Local 294 sole collective bargaining agent for the highway department employees. Motion carried.

Attorney Rappleyea will write letter to the teamsters.

Supervisor Crowley: cell towers, call from Marion Tower, working with ATT, ask for copy of zoning laws.

Supervisor Crowley: will need to publicize for BAR appointment.

#### Sole Assessor

Councilwoman Gabaccia, I believe in keeping the Assessors elected, major concern you don't have checks and balances. The way it's stated you're giving up the right for the people to vote.

Councilman Sacks, I agree, this is the second time this has come up.

Supervisor Crowley, I've talked to every Supervisor who has Sole Assessor, not one compliant, the best thing they ever did.

Councilwoman Gabaccia, my only request would be that the will of this board be a mandatory referendum.

Councilman Tompkins, after listening to Suzette I like the two year window, it gives us an opportunity to look at the assessor. I will vote for Sole Assessor if we do a reval right a way. I would like to see the Sole Assessor.

Councilman Kiernan, there two big issues, a reval and Sole Assessor, I would like to see the reval happen have mixed emotions whether this is the process to get this under way.

The following resolution was offered by Councilman Tompkins seconded by Supervisor Crowley.

The Town Board of the Town of Copake hereby accepts Local Law # 7 for the year 2010. A local Law to establish the office of single appointed Assessor pursuant to Real Property Tax Law#328

Dated at Copake, NY  
 September 11, 2010  
 Resolution # 20

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

A motion was made by Supervisor Crowley seconded by Councilman Tompkins we advertise for Sole Assessor, all resume be forward to Office of Real Property where they will put committee together and give their recommendations and we can appoint from there. Resume should be back by November 15, 2010. Motion carried. Councilman Sacks, Councilwoman Gabaccia voted no.

#### COMMITTEE REPORT

Harvey Weber: Environmental Committee will be holding Local Land Use Decisions on Thursday Sept. 30, 2010.

#### DEPARTMENT HEAD

Highway Superintendent Gregory: finished oil and stone projects for the year, August 28<sup>th</sup> open house had good turn out. Monday the tree at the museum will come down

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to go into executive session on litigation. Motion carried.

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

A motion was made by Councilman Sacks seconded by Councilman Kiernan the bills from general abstract # 9 and highway abstract # 9 be paid. Motion carried.

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

Respectfully submitted,



