

## Regular Town Board Meeting

August 8, 2015

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

A motion was made by Councilperson Mettler and was seconded by Councilperson Sullivan to waive the reading of the minutes of the July 9, 2015 regular Meeting and accept the minutes as read. Motion was carried.

### Announcements:

Music in the Park tonight 5:00 pm, 8/15 is Copake Falls Day, Final Hamlet Plan will be presented 9/12 at 10:00 am, R.J. Ramble 9/19, the County will be repairing the pot holes in the shoulder near the intersection of Empire and County Route 7A, Bash Bish stream rehabilitation will begin as soon as DEC has completed their walk through.

### Correspondence:

From Marilyn Keis-Hartunian, NYSEG – an email advising that street light inventory has been completed and all of lights on the bill have been accounted for.

From Cyn-Phil Craryville Inn & Package Store Inc. – notifying that they will be renewing their liquor license.

From Jeanne VanHoesen – a letter advising the Board that a 55 mph speed limit is too high for Chrysler Pond Road.

From the Department of the Army – a copy of a letter to Dean Knox, Director of Engineering, Columbia County DPW advising that the proposed work related to the replacement of the “Dinehart Bridge” over the Roeliff Jansen Kill may be authorized under Department of the Army nationwide general permit number 3.

From the New York State Department of Agriculture and Markets – announcing the availability to solicit the State for assistance for certain Farmland Protection Implementation Projects.

From the New York State Department of Agriculture and Markets – advising that the Town of Copake’s Agricultural and Farmland Protection Plan has been approved by the State.

From Victor Mojica – an email complaining about the noise from his neighbors wind chimes.

From Keil Seal – a sealed bid of \$3,100.00 for crack sealing the Town Hall Parking lot.

### Public Forum:

Robert Haight, Chairman Copake Planning Board advised that he had a meeting with some members of the Planning Board last Saturday and they want to stop Town Board Members from speaking at their meetings and would like a clarification from the Town’s Attorney. Supervisor Nayer stated that when he speaks at a meeting he is speaking as a private citizen and has a right to freedom of speech just like

anyone else and if someone wants to challenge his freedom of speech they should come to him and he will get his own personal attorney and sue them for not letting him speak. Attorney Dow stated that it is perfectly okay for Town Officials in any capacity to give their opinion on any matter. In many cases Town Officials are very knowledgeable in matters before the Boards and can be beneficial to the Board when making a decision. Supervisor Nayer added that it is in the Town's Policy Manual that the Liaison has the right to everything except the right to vote on matters before the Board.

Peter Cipkowski, Member of the Board of Directors of the Roe Jan Historical Society thanked the Board for their support to the Society. Also requested if there was an area in the Town Hall that was climate controlled where documents could be kept as they are running out of room in the Museum. Supervisor Nayer stated that there is no room available but he is welcome to look around. Peter stated that he would check with the other two towns.

Department Head:

Councilperson Mettler reported that Ag Advisory Committee's next meeting will be on Tuesday, August 18<sup>th</sup> at 5:00 pm. At their last meeting they spent a lot of time talking about having a public face so people can learn more about farming in Copake. Council Mettler went on to explain that a separate website is probably not a good idea instead maybe a Facebook page would be the way to go similar to what the Taskforce does. The Board agreed as long as it is monitored closely of what is placed on this page. Councilperson Mettler stated that the Co-Chairpersons as well as Councilperson Mettler would be the only administrators of this page. A link from the Ag Advisory Committee Website page could link the Public to their Facebook Page.

The Park Commission is looking at the Summer Entertainment Program to see how we can get more people to attend these events. The weather hasn't been the best for these events but we have still had between 40-60 people attending each event.

The last LURC meeting will be August 18 with the Town's Consultant.

Councilperson Mettler stated the Taskforce will be having the Presentation of the Hamlet Plan on September 12<sup>th</sup> at 10:00 am. Place Alliance is working on the final changes. The Roe Jan Ramble will be on September 19<sup>th</sup>.

New Business:

The Town's new highway truck has arrived, Highway Superintendent Gregory bid the 2002 18 wheeler on the Auction International Website in hopes of getting \$25,000.00 and the high bid ended up being \$43,600.00.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Sullivan to declare the 2002 18 wheeler surplus property and accept the highest bid of \$43,600.00 from the Auction International Website. Motion was carried.

Attorney Dow Introduced the Draft Anti-Littering Local Law to the Board. Supervisor Nayer advised that he would like to see the minimum of the first violation be \$500.00 instead of \$250.00. Clarified that the Sheriff's Department doesn't have to witness the violation being committed, they can go to the parent company and issue them a ticket. Councilperson Mettler questioned whether the Town could legally increase the first fine from \$250.00 to \$500.00? Attorney Dow will look into this matter. Councilperson

Sullivan advised the Board that this matter was discussed at the Planning Board Training that she attended.

A motion was made by Councilperson Mettler and seconded by Councilperson Winchell-Sweeney to set a Public Hearing on the proposed Anti-Littering Local Law for Thursday, September 10, 2015 at 6:45 pm. Motion was carried.

The repairs have been made to the rot around the Church Museum. Mr. Barton has contacted the Hudson Correctional Facility regarding the painting of the Museum. Supervisor Nayer advised the Board that if they are unable to paint the building the Town will have to budget money in next year's budget.

Supervisor Nayer advised that the Town received free no smoking signs from the Tabaco Free Coalition for the Town's properties. The Highway Department will be installing them soon.

The regular September Meeting will be on the second Thursday of month due to there not being a State Primary Election as earlier planned.

The Board will be advertising for an expiring term on the BAR.

Old Business:

Councilperson Mettler emailed the Board a draft memo pertaining to Initiatives which are named in the Comp Plan which the Town Board wants these Committees to direct their attention to and get back to the Town Board by March 1, 2016.

A motion was made by Councilperson Mettler and seconded by Supervisor Nayer to authorize Councilperson Mettler to send memos to the Ag Advisory Committee, Conservation Advisory Committee, Hamlet Revitalization Taskforce, Assessor Craig Surprise and Highway Superintendent William Gregory pertaining to the initiatives set forth in the Comp Plan for their input. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to award the bid for crack sealing the Town Hall Parking Lot per the specifications, to sole bidder Keil Seal Pavement Maintenance Systems for a price of \$3,100.00. Motion was carried. Councilperson Sullivan questioned when this would be done. Supervisor Nayer replied sometime this fall.

Supervisor Nayer advised that N.Y.S.E. & G. has verified the street lights list on the Town's Street Light bill is correct. Councilperson Winchell-Sweeney had called N.Y.S.E. & G. for the coordinates of the street lights but they advised they cannot release that information. They did say that they would correct their data base to reflect the correct road names where these lights are located.

Councilperson Winchell-Sweeney reported that there are three dates in October that are being proposed for the Association of the Towns. The training will be 2 sessions on land use, 1 session on ethics and ½ hour taught by our Ethics Board.

Councilperson Mettler stated that she understood that the Ethics Board would make a 30 minute presentation during the fall training. She suggested that if a member of one of the Town's Boards cannot attend the training in the fall, for whatever reason, that member should watch a video of the thirty minute training, at their convenience, by December 31, 2015.

Councilperson Mettler stated that the Town does not require that ZBA and Planning Board members attend four hours of training per year. That is a requirement imposed by NYS Law. So the requirement of watching a 30 minute video does not increase the Board member's annual hourly requirement. She also said that State Law leaves it to the Town to decide what training will be approved.

Councilperson Mettler said that in requiring our Board members to watch a 30 minute video on how to best interact with the public the Town is not meant to punish anyone. This is not a punitive measure. On the contrary it is a pro-active, affirmative statement by the Town saying that Copake values taxpayers and other citizens who come before our Boards, and that we are taking steps to ensure that parties before our Boards are treated professionally and with respect. The Zoning Board and the Planning Board are the face of the Town. Many times a taxpayer's interaction with one of these Boards is the only personal interaction which he or she has with the Town. We should take whatever steps we can to make sure that the experience is a positive one. No matter whether the Board rules in favor of an applicant or not, that person should leave feeling that they were treated fairly and with respect. Councilperson Mettler said that wanting the public to have a positive experience in interacting with the ZBA and Planning Board is not simply sentimental or idealistic, it is very practical. Unpleasant interactions in front of a Board do not just lead to dissatisfaction, they can also result in litigation.

A motion was made by Councilperson Mettler and seconded by Councilperson Winchell-Sweeney In that the Town of Copake wishes to promote professional and appropriate interaction between members of the public, and the Boards of the Town, the Town will provide that the Training offered by the Ethics Board as part of the land use training session this autumn will be videoed, and it shall be required that any member of the Zoning Board of Appeals and the Planning Board who does not attend the live training, shall view the video at their own convenience, and file a statement with the Town that they have done so, prior to December 31, 2015.

Discussion:

Supervisor Nayer asked Attorney Dow if this action should be in a form of a resolution or motion. Attorney Dow stated that this matter could be handle with either a motion or a resolution Mr. Dow did go onto suggest that the Board remove the section of the Policy Manual that requires resolutions be prepared one week in advance.

Councilperson Miller-Simmons questioned the training schedule and time for each session. Councilperson Winchell-Sweeney explained that the first two sessions were each an hour and fifteen minutes, the third session is an hour and the Town Ethics Board would be thirty minutes. Councilperson Winchell-Sweeney stated that the sessions on Ethics cover separate issues.

Supervisor Nayer stated he is not in favor of making this training mandatory due to not being able to get members to serve now, this would only make it harder to get people to serve. Supervisor Nayer added that just because the Ethic Board recommended this training it is only a recommendation and it is up to the Town Board to make the final decision and furthermore he does not believe that the members of the Town's Ethic Board are trained or have any credentials to teach a course on Professionalism. People are people and attending this training will not change how they interact with people, the Town Board in the future needs to attend more of the interviews and have more say in the questions of the applicants for these Boards.

Councilperson Miller-Simmons would like to have the entire 1 ½ of the Ethics training to make it available for the Board members and new members coming on board. Councilperson Winchell-Sweeney would like to see all four hours taped to be used for future training.

Councilperson Winchell-Sweeney stated that the Office of the State Comptroller's Office strongly suggests that Municipalities require all of their employees to take Ethics training at least every five years and get a certificate to turn in to the Town. The best training is in person, but the State Comptroller does have online training that can be viewed and print a certificate out upon completion. Councilperson Winchell-Sweeney recommended verifying if and when our current employees attended Ethics training last. She went on to emphasize that this is not a punishment rather an educational session and as leadership of the Town Government we should be promoting education for our employees.

Councilperson Sullivan would like know more about the contents of the training, the amount of time and the videoing. She went on to add that she is a huge education person and value the importance of this training. Is it possible to incorporate this half hour of training into one of the meetings before the end of the year and watch it as a group? It would be up to the individual Boards to make that decision. Councilperson Sullivan did add that the past couple of weeks she heard some people that were members of the Board who were speaking in appropriately and insulting to other people in the Community regarding a matter before the Planning Board. She does not see this training as a bad thing and see the value of educating our employees.

Councilperson Mettler advised the Town Ethics Board section would cover instruction in appropriate methods for interacting with the public professionally, respectfully and without appearance of partiality.

Supervisor Nayer asked for a roll call vote on this motion:

Supervisor Nayer	no
Councilperson Miller-Simmons	no
Councilperson Winchell-Sweeney	yes
Councilperson Mettler	yes
Councilperson Sullivan	no

The Motion was defeated.

Budget:

Supervisor Nayer advised that the Town has received the second quarter Sales Tax check for \$149,839.40 down 4% from last year's second quarter check. New Highway truck payment was already approved to pay from the Fund Balance of the General side of the Budget. Working on the 2016 Budget, the estimate request have been sent out and are due back by the end of August.

Councilpersons Report:

Councilperson Sullivan reported that the Planning Board was successful and encouraging approving a plan for a restaurant and liquor store in the Hamlet, The Environmental Committee is still trying come up with a time to meet, and the Ethics Board meets at a time when she cannot attend and the Chairman is keeping her updated and he is also working on getting their Board minutes to the Town Clerk for posting on the Town's Website. If a matter comes before the Ethics Board that requires her as Town Board Liaison's presence, they will change the meeting time.

Councilperson Miller-Simmons reported that she met with Assessor Surprise, Suzette Booy and people from the State and they are hoping to start the Public Hearing in the first week of November.

Supervisor Nayer commented on the recent passing of the plans before the Planning Board last week and it was a win win situation for the applicant and the Town.

Public Forum:

Chris Quinby stated he had people question him if the Hamlet Presentation was going to be today. It will be on September 12<sup>th</sup>.

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

Respectfully submitted,