

## Town Board Meeting

October 9, 2014

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

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons to waive the reading of the September 11, 2014 Regular Board Meeting and Public Hearing and the September 24, 2014 two Special Board Meetings and accept the minutes as written. Motion was carried.

### Announcements:

Supervisor Nayer announced that the Vietnam and Korean Monuments have been removed to be worked on and should be back in place by Veteran's Day, 10/11 Parish of Our Lady of Hope will be having a Chicken BBQ, 10/17 & 10/18 Copake Parks & Recreation Commission will have their 10 Annual Haunted House, 10/11 & 10/13 Town Hall will be closed for observance of Columbus Day, 10/18 at 11:00 am Public Hearing on the 2015 Budget and at 2:00 pm Public Hearing on the proposed Ag & Farmland Protection Plan, the sidewalks have been repaired and the Highway Department is backing them up with gravel, topsoil and seed.

### Correspondence:

From Robert Haight, Chairperson of the Copake Planning Board – a letter requesting the Town Board change the Special Uses Permit Law to place under the jurisdiction of the Planning Board instead of the Zoning Board of Appeals.

From Ed Ferratto C.E.O./Building Inspector – a letter requesting to change his Tuesday Hours to Monday due to personal reasons.

From Leonard Barham, Chairperson of the Copake Board of Ethics – advising the Board that the Citizens Committee to Nominate unanimously recommends the appointment of Richard Wolf to fill a vacancy on the Copake Board of Ethics.

From Diana Firth, Secretary Copake Fire District – a copy of a certified letter addressed to Paul Sacks, Rhoda Lake Homeowners Association advising them that the Fire Hydrant in this development is unusable and the upkeep and maintenance of the Fire Hydrant is the responsibility of the Homeowners Association.

From N.Y.S. Uniform Court System – a request for a copy of the Town's most recent audit of the Court records and dockets.

From Timothy Stalker, Chairperson Columbia County Planning Board – a letter advising the Town Board that they do not have a recommendation regarding proposed Local Law # 6 of 2014 amending the zoning law of the Town of Copake, entitled "Prohibition of Natural Gas Mining and Associated Uses and Activities".

From Michael Salvatore, President of the Roe Jan Young at Hearters – a letter thanking the Town for their past appropriations and once again request the Town of Copake to fund the Young at Hearters in the 2015 Budget.

From B. Deborah Cohen – a letter requesting reappointment to the Copake Board of Assessment Review.

From Crawford & Associates Engineering, PC – a copy of a letter to N.Y.S.D.E.C. requesting of an extension of Taconic Shores Property Association, Inc. Article 24 Freshwater Permit for their water treatment plant upgrades.

From Linda Swartz – an email requesting a No Parking Zone be established on County Route 7A between the entrance to the Municipal Parking Lot and the First Niagara Bank and across the street in front of the Methodist Church House as when cars are parked in these areas, a person entering the crosswalk is not clearly visible.

From Sharon L??????? – A letter complaining that she lost money when attempting use a machine at the Copake Laundromat.

From Mr. & Mrs. Salberg, Mr. & Mrs. Gisonddi, Marc I. Gross, Joan Perkell, Rochelle Edelson, Mary Ann Perle & Paul H. Potkin, Mary Doyle, Nancy Doyle, Neil Bakalar, Victor Goode & Norma Ramos, Eric Stein, Jared & Barbara Scharf, and Conrad & Donna Pollack – letters and emails requesting the Town enforce the Town Zoning Regulations that limit the Upper Rhoda Lake area to single family residences.

#### Public Forum:

Frank Peteroy expressed his concerns that the funding for the LURC Secretary is getting low and questioned why there is a \$35.00 closing fee on the applications for the Building Department that have already been issued and paid for. C.E.O. Ferratto will address the close out fee in his Department Head Report.

Mel Salberg expressed his concerns on the recent vote of the Zoning Board of Appeals that ended in a tie and therefore stopped a project that would have brought a lot to the community. Supervisor Nayer explained that the Town Board does not have the power to overrule the Z.B.A. and that we have been advertising for the vacancy for months and no one has put in for the position.

Lindsay LeBrecht announced that there will be a Cancer Walk from T.H.C.S.D. to the Greens Restaurant on October 25<sup>th</sup>. Lindsay expressed her concerns if the Board decides to prohibit residents from renting their homes out from time to time due to the recent problems in the Rhoda Lake Area. A lot of Copake Residents due occasionally rent their homes out which supplements their income.

Rochelle Edelson, a resident of the Rhoda Lake area expressed her concerns with homes that are being rented out every week by an owner that has never lived in any of these houses.

#### Department Head Reports:

George Beneke, Co-Chairperson of the Agricultural and Farmland Protection Committee encouraged everyone to attend the Public Hearing scheduled for 2:00 pm on October 18<sup>th</sup> regarding the Ag & Farmland Protection Plan.

Councilperson Miller-Simmons reported that the Parks & Recreation Commission has requested permission to spend up to \$700.00 for the Annual Light Parade.

Robert Haight, Chairperson LURC reported that they are reviewing the rough draft and should have something in about a month to present to the Town Board.

Councilperson Winchell-Sweeney reported that the Conservation Advisory Committee will be meeting on October 25<sup>th</sup>.

Supervisor Nayer reported that Hamlet Revitalization Taskforce started interviewing the three applicants for a Hamlet Planner last night.

Ed Ferratto, C.E.O. explained that in reference to Mr. Peteroy's concern that the Town is now charging a closing fee of \$35.00 on Building Permits, the Town has had this charge in place in the past for C. of O. and the Town included this charge for C. of C. a few years back. C.E.O. Ferratto also advised that there is activity going on at the Casino Property again and regarding the Rhoda Lake complaints, this is a very complicated issue and he has been working with the Town's Attorney on this matter.

Town Attorney Dow explained how the Rhoda Lake issue is effected by the previsions in the Town Code. Based on the Town Code short term rentals of residential homes in a residential zone are not permitted, however there are a number of ways people can rent out their house for any period of time by getting a special use permit from the Zoning Board of Appeals to operate a boarding house or a bed & breakfast. If a home is used strictly as a rental unit in a residential area and not as a resident, it would need to have a special use permit.

#### New Business:

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to declare the old computers as obsolete surplus equipment. 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 an agreement with the Community Rescue Squad to provide ambulance service to the residents and authorize Columbia County to charge back to the Town of Copake the amount of \$224,555.00. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to authorize Supervisor Nayer to enter into a contract with Barbato Inc. for refuse services for the Town Hall, Highway Garage and the Memorial Park. Motion was carried.

#### Old Business:

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons to donate the obsolete surplus computers to the Community Rescue Squad for training purposes. Motion was carried.

The Board decided to postpone any action on the Ethics Board's request for changes to Local Law # 4 of 2007 until a later meeting so that the Town's Attorney has additional time to address this issue.

A motion was made by Councilperson Winchell-Sweeney and seconded by Councilperson Miller-Simmons to classify this action as a Class 1. Motion was carried.

Town Attorney Dow went through all the parts of the Full Environmental Assessment Form.

A motion was made by Councilperson Miller-Sweeney and was seconded by Councilperson Winchell-Sweeney that the adoption of Local Law # 6 of 2014 entitled "Prohibition of Natural Gas Mining and Associated Uses and Activities," will have significant adverse impact. Motion was carried.

The following resolution was offered by Councilperson Miller-Simmons and seconded by Councilperson Winchell-Sweeney:

NEGATIVE DECLARATION

In relation to

Local Law #6 of 2014, entitled "Prohibition of Natural Gas Mining and Associated Uses and Activities"

**WHEREAS**, the Town Board of the Town of Copake is considering the adoption of Local Law # 6 of 2014 entitled "Prohibition of Natural Gas Mining and Associated Uses and Activities,"; and

**WHEREAS**, the Town Board has conducted an environmental assessment of the proposed Local Law according to the New York State Environmental Quality Review Act ("SEQRA"), NYS 6 NYCRR Part 617 and has reviewed and affirmed the statements of fact and determinations set out in Parts 1, 2, and 3 of the FEAF, which is annexed hereto;

It is hereby **RESOLVED**,

That the Town Board of the Town of Copake declares that the adoption of Local Law # 6 of 2014 entitled "Prohibition of Natural Gas Mining and Associated Uses and Activities," will not have any significant negative environmental impacts; and

It is further **RESOLVED**, that the Town Board hereby authorize filing of a negative declaration according to the provisions of SEQRA.

|                           |                                |        |
|---------------------------|--------------------------------|--------|
| Resolution # 13           | Supervisor Nayer               | yes    |
| Dated at Copake, New York | Councilperson Miller-Simmons   | yes    |
| October 9, 2014           | Councilperson Winchell-Sweeney | yes    |
|                           | Councilperson Mettler          | absent |

The following resolution was offered by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney:

**To enact Local Law No. 6 of 2014, amending the Zoning Code of the Town of Copake, entitled:**

**"Prohibition of Natural Gas Mining and Associated Uses and Activities."**

**WHEREAS**, the Town Board of the Town of Copake finds that it is in the best interest of the Town of Copake to enact Local Law Number 6 of 2014, "Prohibition of Natural Gas Mining and Associated Uses and Activities," for the reasons set out in Section 2 of such Local Law; and

**WHEREAS**, all legal prerequisites to the enactment of such Local Law have been timely completed, including notice to the public and to required municipalities and public bodies, review by the Columbia

County Planning Board, the holding of a public hearing, and a determination of environmental impact in accordance with the New York State Environmental Quality Review Act;

It is hereby **RESOLVED**,

that Local Law Number 6 of 2014, "Prohibition of Natural Gas Mining and Associated Uses and Activities," is hereby enacted.

|                           |                                |        |
|---------------------------|--------------------------------|--------|
| Resolution # 14           | Supervisor Nayer               | yes    |
| Dated at Copake, New York | Councilperson Miller-Simmons   | yes    |
| October 9, 2014           | Councilperson Winchell-Sweeney | yes    |
|                           | Councilperson Mettler          | absent |

The following Resolution was offered by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons;

That we the members of the Town Board of the Town of Copake do hereby petition the Department of Transportation of the State of New York, pursuant to Section 1622.1 of the Vehicle and Traffic Law to establish a lower maximum speed at which vehicles may proceed on Birch Hill Road from Intersection with Columbia County Route 7 and the current 30 MPH speed zone.

|                           |                                |        |
|---------------------------|--------------------------------|--------|
| Resolution # 15           | Supervisor Nayer               | yes    |
| Dated at Copake, New York | Councilperson Miller-Simmons   | yes    |
| October 9, 2014           | Councilperson Winchell-Sweeney | yes    |
|                           | Councilperson Mettler          | absent |

Appointments:

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney that per the recommendation of the Citizens Committee to Nominate, appoint Richard Wolf to the Copake Board of Ethics to fill the vacancy which will expire on April 25, 2018. Motion was carried.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons to temporarily appoint Deb Cohen to the Copake Board of Assessment Review until October 31, 2014. Motion was carried.

Budget:

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons to authorize the Copake Parks & Recreation Commission to spend up to \$700.00 for the Christmas Light Parade. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Winchell-Sweeney to authorize Supervisor Nayer to make the following transfers:

From:

|                                       |         |
|---------------------------------------|---------|
| A3620.111 (Deputy Building Inspector) | 3500.00 |
| A6410.4 (Publicity)                   | 500.00  |

|                                   |         |
|-----------------------------------|---------|
| A7310.1 (Summer Program Salaries) | 750.00  |
|                                   | 4750.00 |

To:

|                                     |         |
|-------------------------------------|---------|
| A3620.112 (CEO Secretary)           | 1750.00 |
| A5410.4 (Sidewalks)                 | 500.00  |
| A8020.113 (LURC Secretary)          | 750.00  |
| A8020.13 (Planning Board Secretary) | 1750.00 |
|                                     | 4750.00 |

Motion was carried.

Public Forum:

Lindsay LeBrecht questioned if the dollar amount allowed for the Park Commission to spend should have been \$800.00. Supervisor Nayer explained that based on the Commission only spending about \$500.00 last year on this event the Board felt that \$700.00 should be sufficient this year.

Bob Haight read the following statement:

What the ZBA did to the Catamount Project was an embarrassment to the Town. The Owners of Catamount made it clear that they needed to update in order to compete and survive in the Marketplace. They are long time Copake land owners, taxpayers and employers and they deserve more than they got from the Town of Copake.

Our Comprehensive Plan talks about and encourages this development project.

It took 9 months for some to figure out if this was a Condo or a Resort. Six months into it they made Catamount do a balloon test. That shows the height and width of the building. How does that determine if it's a Condo or a Resort?

I believe some of the ZBA members had made up their minds in the beginning that they didn't want this project. That's not fair to the Applicant or the Town. And they went out of their way to kill the project. There is a big difference between vetting a project and Sabotaging one!

Everyone lost here, the Towns, the fire departments, even the neighbors that were in here every month with their Lawyers and made deals, have lost.

We have an Ethics board, you should use it to look into the behavior of some of the ZBA members.

A motion was made by Councilperson Winchell-Sweeney and was seconded by Councilperson Miller-Simmons that the bills from Highway Abstract # 10 and the bills from General Abstract # 10 be paid. Motion was carried.

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

Respectfully submitted,