

Regular Town Board Meeting & Public Hearing

October 11, 2018

Supervisor Nayer opened the Public Hearing on the Tentative Budget for 2019 at 6:45pm with 10 people in attendance.

Supervisor Nayer closed the Public Hearing at 6:47 pm and the Regular Meeting of the Town Board followed at 7:00pm.

Members Present: Supervisor Nayer, Councilperson Miller-Simmons, Councilperson Mettler, Councilperson Gansowski and Councilperson Wolf.

A motion was made by Councilperson Wolf and was seconded by Councilperson Gansowski to waive the reading of the minutes of the September 11th Regular Town Board meeting and accept them as written. Motion was carried.

Announcements: Haunted House at the Copake Park Building 10/12, 10/13, 10/19 and 10/20, Halloween Party at the Copake Park Building 10/31 starting at 5:00pm sponsored by Copake Clock Tower and Copake Sunoco, Golden Gathering 10/13 at Columbia Greene Community College and check the Town's Website.

Correspondence:

From Kevin Egan Director, Government Affairs, Charter Communications – a letter advising increases in pricing.

From Marc Miller – a letter of resignation effective immediately from the Copake Zoning Board of Appeals.

From Sal Casino, Copake Valley Farms, LLC – a letter stating that he would be willing to work with the Town to see the abandonment of Lackawanna Road should the Town wish to do so and understands that the road would be a private road for the farm and closed to the Public and the responsibility for all the repairs and maintenance would be up to Copake Valley Farms, LLC.

Department Heads/ Committee Reports: None

Public Forum: None

New Business:

Supervisor Nayer advised the Board and the Public that when the Park Building was originally opened the kitchen was fully stocked with pots, pans, trays, utensils, etc. and now almost all of these items are missing. People have to bring their own things when they rent the building now.

The Board discussed the issue of Lot Mergers/Lot Line Adjustments. Supervisor Nayer stated that there is only one Assessor in the County that does lot mergers and the rest is left up to the Town Planning Boards or the County Planning Board. The advantage to our Town Planning Board doing this is we will have a better over site of what is on the property. Supervisor Nayer asked for a Resolution to that any

lot mergers and lot line adjustments must go to our Town Planning Board for approval. Supervisor Nayer asked Town Attorney Dow if this can be done. Town Attorney Dow stated that the Lot Line Adjustments is already in the Town Code and lot mergers could be added to the Code by a Local Law or maybe a Resolution. Supervisor Nayer asked the Board for their thoughts, Supervisor Nayer believes the County doesn't know and they are not going to come out and they are not going to look at a survey map and know what is here or there. It will be cleaner if we are doing it at the Town level and we will know what are going on. Attorney Dow advised before merging two lots it has to be confirmed that there are no outstanding taxes owed on the parcels that are being merged. Councilperson Mettler questioned if currently do our residents have to go to the County Planning Board? Supervisor Nayer responded that in the past some Assessors would sign off on the lot mergers and now our Assessor advised that there is only one Assessor in the County that is still doing lot mergers. Supervisor Nayer added that most of the Towns are sending the lot merger requests to the Planning Board, it is not really the Assessor's job. The Board was in agreement to move forward with the Resolution or Local Law giving the job of lot mergers to the Town's Planning Board.

Supervisor Nayer opened the discussion of changing the mission statement for the Conservation Advisory Committee and Councilperson Mettler explained that she looked at the Policy Manual, the mission statements for Agricultural Advisory Committee, Broad Band Committee and the Hamlet Revitalization Taskforce and could not find anything stating that you had to be a Copake Resident. The only mission statement that did mention anything about qualifications was for the County Route 7A Rehab Citizens Advisory Committee and in this case the Board broadened the notion that you could be a land owner, resident or business owner. Councilperson Mettler added that when former Councilperson Sweeny wrote the mission statement for the C.A.C. she believes that it was a fluke that Councilperson Sweeny put Town Residents instead of Members. It appears that the only Committee that references Town Residents is the C.A.C. and the mission statement could be changed to match the other Town mission statements or make it like the County Route 7A Rehab Citizens Advisory Committee mission statement. Councilperson Mettler proposed taking out the Town Resident requirement and putting in member must be residents of Copake or demonstrate some significant connection to Copake such as ownership of a business or land in Copake or primary employment in Copake. Councilperson Miller-Simmons stated that she feels that it has been implied that members to any Committee had to be a resident. Councilperson Gansowski added that he felt that if we can get a better mix of people who have an interest or stake in the Town of Copake, that we include them if they can bring something to the table why not include them. Supervisor Nayer stated instead making changes to the C.A.C. mission statement we could leave it alone the way it is supposed to be. Supervisor Nayer stated he was at a County Committee meeting last night and spoke to five Supervisors and none of them have ever heard of non-residents serving on any Committee. In the Policy Manual it states Citizens, the definition of a citizen is a member of a Town or Village. It does not have to be written for every Committee, the assumption is that they have to be a citizen. Supervisor Nayer stated he was involved in the writing of the Policy Manual and if we are going to do anything we should be changing the Policy Manual to say that it is mandatory, not that we are going to let anybody in. Supervisor Nayer feels that this change is for one person that does not live in this Town and we stay with what it states in the Policy Manual. We have four applications one of which is this person who does not live in the Town and does not qualify and will not be interviewed. To rewrite something to get one person on the Committee is totally wrong and deceiving and where do you stop. Councilperson Mettler stated that she agrees with a lot of what was said tonight but it just happens to be we are talking about someone who is highly qualified from

what we know of this individual. Supervisor Nayer questioned how do we know that he is qualified. Councilperson Mettler responded that he would have to be interviewed and look at his resume, but from what we do know that he has deep roots and participation in the Town of Copake. Supervisor Nayer respond that we are making an exception which is wrong. Councilperson Wolf suggested before we go any further on this matter that the Board interview the three applicants that are residents and if they are sound qualified applicants maybe this will cause everyone to rethink this. Councilperson Gansowski stated it was okay a few months ago when we had the Citizens Advisory Committee for Route 7A and it was okay to bring in non-residents, we weren't worried about the residents and now we are doing a flip flop. Councilperson Gansowski read what he thought a member should be, "an individual whose primary occupation was within the Town of Copake and has an interest in the Town of Copake". The Board agreed to interview the three resident applications and see where we are at after that. Town Attorney Dow will look into whether we will have to have a Resolution or a Local Law to change the Policy Manual.

Councilperson Mettler reported that the 2018 Ramble broke records on all fronts. The event attracted 418 riders, surpassing the 2017 Ramble by 40%. This year the committee added a route to the event, giving riders the option of riding 10, 18, 25, 35 or 50 miles through the Roe Jan area. Demonstrating that the event is attracting accomplished cyclists, 110 riders chose the 50-mile route, which meandered first to Hillsdale and then south to Ancram before returning to the Copake Park. Ninety-two riders chose the 10-mile route, which winds back on Empire Road with its tremendous view of the Taconic Mountains. This year, as in the past, the Ramble raised money for the Harlem Valley Rail Trail. Riders raise money through pre-ride online pledges, and many riders also make contributions on the day of the ride. This year the Ramble raised \$20,895.58, outdoing prior years by more than \$5000. Councilperson Mettler added that this event would not be a success if were not for the Towns sponsorship, the volunteers and the Committee who work nine months to get this event off of the ground. It is really Tom Goldsworthy, event chairperson who is responsible for the tremendous success of this ride. In his second year as chair, he has again increased the number of riders and the quality of the event. His energy is boundless and he is constantly looking for ways to make the ride better. The Ramble, which is in its sixth year, is sponsored by the Towns of Ancram, Hillsdale and Ancram. The Ramble is meant to give residents and visitors a fun day of cycling and is also intended as an economic catalyst in promoting the Roe Jan area. This year 27% of the riders came from Columbia County. About 2 thirds of Columbia County residents were from one of the three towns. The remaining riders included riders from New York City (22%), Dutchess County (21%), elsewhere in NY State (16%) and Connecticut & Massachusetts (12%). The Board thanked all the volunteers, the Ramble Committee and especially Thom Goldsworthy, event chairperson for their hard work in making this event a huge success.

Supervisor Nayer commented on the letter received from Sal Casino about his meeting with Highway Superintendent Gregory, the statements that Mr. Casino made in the letter were not what Highway Superintendent Gregory said. Superintendent Gregory and Deputy Superintendent Holdridge went to Lackawanna Road to take measurements for the Town's Attorney and Mr. Casino came out and asked Superintendent Gregory what he would have to do to take over this road. Superintendent Gregory's only statement to Mr. Casino was for him to write a letter to the Town Board. Attorney Dow said there may be away to abandon the road but he would have to research this matter further. Supervisor Nayer said that the Fire Department and Rescue Squad needs to have input on this matter also, it may increase their response time to emergencies in this area. Councilperson Gansowski stated that ten days ago he

spoke to Joe Visconti, Chief Engineer for N.Y.S.D.O.T. and he stated that the Blacktopping Company is ready to complete the work and are waiting for Mr. Casino's Engineer to lay out the sections that need to be paved. Mr. Visconti has tried multiple times to get in touch with to contact this engineer and he does not return phone calls. Now Mr. Visconti has turned this matter over to D.O.T.s Attorney. Neither Superintendent Gregory or N.Y.S.D.O.T. CLOSED THIS ROAD, Mr. Casino took it upon himself to close the road. Mr. Visconti advised that the Town can put gravel back in the dugout portion of the road and reopen it, Supervisor Nayer stated that before the Town does this we have to send him another letter because he violated and did something on the road and he will have so many days to correct it. Superintendent Gregory estimated that it would cost \$1,000.00 to \$1,500.00 to make the road safe to reopen.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Mettler to request Attorney Dow to draft a letter for Superintendent Gregory to send to Mr. Casino stating that they will be fixing the road that he had dug up to reopen the road and that he will be responsible for the cost. Motion was carried.

Councilperson Wolf stated from what he has heard tonight of what Mr. Casino has done, the Town Board should not be entertaining a request that would benefit this individual at this time. If more comes to light in the future and it makes sense to do then fine.

A motion was made by Councilperson Mettler and seconded by Councilperson Gansowski to approve the following Tax Certiorari settlement agreements for Article 7 tax certiorari proceedings, at the indicated revised assessment amounts, and to authorize the Town's attorney to execute settlement agreements accordingly.

**Taconic Shores Property Owners' Association, Inc., Index No. 10508-16**

Parcel No. 176.-1-6: **\$4,000;**

Parcel No. 176.3-3-72: **unchanged at \$181,000;**

**Taconic Shores Property Owners' Association, Inc., Index No. 11784-17**

Parcel No. 176.3-1-75: **\$60,000;**

Parcel No. 176.3-3-72: **\$181,000.**

Motion was carried.

Supervisor Nayer reported that N.Y.S.D.O.L. is requiring mandatory training for Workforce Violence, Anti-Harassment Training and Sexual Harassment Training once a year. Joe Cook is going to meet with Supervisor Nayer Wednesday, October 17<sup>th</sup> to go over the requirements and the time frame when this training has to be completed by. Supervisor Nayer is going to see if we can do in house training as everyone that receives a W-2 form is required to attend this training.

Old Business:

Supervisor Nayer reported that the Highway Men voted to stay with the current Health Insurance Policy to 2019.

A motion was made to authorize Supervisor Nayer to enter into an Inter-Municipal Agreement for Shared Building Inspector and Code Enforcement Services Pursuant to Article 5-G General Municipal Law with the Towns of Canaan, Hillsdale and the Village of Philmont commencing on January 1, 2019. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Wolf to declare the Towns 2006 Dodge Vin. # 2B3KA43H76H465606 as surplus equipment and authorize Highway Superintendent Gregory to advertise it for sale on Auctions International Website. Motion was carried.

The Board agreed to re-advertise for remaining openings on the Boards and Committees on the Town's Website and have a Special Town Board Meeting on October 23, 2018 at 6:00pm for the purpose of interviewing the three Town Residents applicants for Conservation Advisory Committee.

Budget:

A motion was made by Councilperson Miller-Simmons and seconded by Supervisor Nayer to adopt the Preliminary Budget for 2019 as the Adopted Budget for 2019. Motion was carried.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Wolf to authorize the following Budget transfers:

FROM

A1355.44 (Assessors Prof. Services)      \$1500.00

TO

A1355.151 (Assessor Clerk)      \$1500.00

FROM

A8020.478 (LURC)      \$6500.00

TO

A7140.472 (Park Contractual)      \$6500.00

Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski to approve the Clausson Raught Community Rescue Squad Inc. budget request for 2019 of \$238,166.00. Motion was carried.

A motion was made by Councilperson Miller-Simmons and was seconded by Councilperson Gansowski to authorize Supervisor Nayer to sign a charge back agreement with Columbia County for the amount of \$238,166.00 for the Clausson Raught Community Rescue Squad Inc. budget for 2019. Motion was carried.

Councilperson's Report:

Councilperson Wolf announced close to 100 people attended the Planning Board Meeting last Thursday most of them were there for the continuation of the Public Hearing for the Proposed Gas Station/Convenience Store at the intersection of Route 23 and Route 7 in Craryville. The majority of the people who spoke opposed the project and a few spoke in favor of it. Chairperson Haight handled the Public Hearing well and corrected some misinformation about the Planning Boards review process and the proposal itself. N.Y.S.D.O.T. has not completed their review of the project traffic implications and the applicants were not in attendance at the meeting. An Attorney representing the ad hoc group raised a number of objections to the proposed site plan and stated that the proposed project was in violation of the new Zoning Code. Supervisor Nayer added just because this Attorney said things at the meeting does not mean that they are necessarily true.

Councilperson Miler-Simmons advised that the Copake Parks & Recreation is requesting permission to spend up to \$250.00 for the Haunt House.

A motion was made by Councilperson Wolf and was seconded by Councilperson Gansowski to authorize the Copake Parks & Recreation's request to spend up to \$250.00 for the Haunted House. Motion was carried.

Public Forum:

Roberta Roll thanked the Town for resurfacing the Tennis Court. Also regarding Lackawanna Road, Mr. Casino closing the Lackawanna Road without permission just shows that he does anything he wants. That road is well use by many people on Weed Mine Road.

Marcia Becker Advisory Committees has the purpose of expertise and if their expertise who have a vested interest in the Town the Town can really benefit.

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

A motion was made by Councilperson Wolf and was seconded by Councilperson Gansowski that the meeting be adjourned. Motion was carried.

Respectfully submitted,