

Town Board Meeting & Public Hearing

February 14, 2019

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

Supervisor Nayer opened the Public Hearing at 6:45pm with 19 people in attendance. The purpose of the Public Hearing in relation to an application by Berkshire Cable Corp. d/b/a Consolidated Communications for a Cable Television Franchise within the Town of Copake, New York.

Public Comment:

Debra Cohen, Chairperson, Copake Broad Band Committee asked the Town Board to give the Broad Band Committee a chance to review all of the documents pertaining to the application by Berkshire Cable Corp. d/b/a Consolidated Communications for a Cable Television Franchise within the Town of Copake, New York .

Jane Birnbaum stated that Consolidated has already had a chance to provide Broadband in the Town and they haven't so why should the Town allow them the opportunity to provide Cable TV.

Andrew Fisher asked the Board to allow the Broadband Committee to review all of the information submitted by Consolidated Communications prior to making any decisions. Looking at the rates provided by Consolidated, they appear to be incredibly expensive compared to their competitors.

Jon Strom asked if Consolidated was looking for a Cable TV Franchise only or is this for Broadband also. Also Mr. Strom suggested shorting the number of the years for the franchise.

Peter Mercer, Consolidated Communications restated that they are applying for a Cable TV Franchise. The Broadband Company is a completely separate entity. Mr. Mercer briefly reviewed what Consolidated would be offering regarding programming. Mr. Mercer also explained that the State sets the guidelines of how many homes must be within a mile in order to qualify for cable to be strung.

Robin Bruce question wasn't this State Grant to provide cable to people who are not in the service area now? Mr. Mercer stated the Grant is for the unserved and underserved and the State of New York identified these areas. If you feel your area should have been part of this Grant, you should bring this matter up at the State level.

Carol Collins stated that Charter/Spectrum is in litigation with the State of New York and they are supposed to be out of the State by March 4th. How is this going to effect this new franchise if Charter/Spectrum has to leave?

Supervisor Nayer closed the Hearing at 7:01.

A motion was made by Councilperson Wolf and seconded by Councilperson Mettler to waive the reading of the minutes of January 10, 2019 Board Meeting and accept the minutes as written. Motion was carried.

Announcements:

Please check the Town's Website and the Copake Connection for upcoming events.

Correspondence:

From Dancer's Marine – Notice of intent to renew their On-Premises Alcoholic Beverage License for 2019.

From Haupt Tree Company, Inc. – sealed bid for tree work.

From Park Superintendent Gregory – a list of materials need for the upcoming summer season.

From Richard Resnik - an email voicing his concerns with the proposed Gas Station/Convenience Store at the intersection of Route 23 and County Route 7 in Craryville.

From Kevin Egan, Director, Government Affairs, Charter Communications – three letters explaining upcoming rate changes and packages.

From Copake Broadband Committee – requesting the Town Board consult with their Committee prior to entering into any franchise agreements with Consolidated Communications.

From Gerry Geist, Executive Director, Association of Towns – advising the Governor has proposed to cut the unrestricted state revenue sharing program known as Aid and Incentives to Municipalities (AIM). The Town of Copake would lose \$11,239.00 if these proposed cuts go through.

From Grant Dinehart Langdon – a letter reviewing his family history in Copake and the way his son was indicted for Arson.

From Edgar Masters, Conservation Advisory Committee – an email requesting Mary Ann Carrick and Dan Haas be appointed to the Conservation Advisory Committee.

Department Heads/Committee Reports:

Bob Haight, Chairman Copake Planning Board requested the Town Board authorize the Planning Board to set up an escrow account for GRJHS to pay for an engineer to work with the Planning Board on their proposed gas station at the intersection of NYS Route 23 and Columbia County Route 7 in Craryville.

A motion was made by Councilperson Mettler and was seconded by Councilperson Wolf to authorize the establishment of an escrow account for GRJHS to pay for an engineer to work with the Planning Board on their proposed gas station at the intersection of NYS Route 23 and Columbia County Route 7 in Craryville. Motion was carried. The Board agreed to leave it up to the Planning Board to seek out engineers and quotes for the work.

A motion was made by Councilperson Gansowski and seconded by Councilperson Wolf to accept the Tree Bid from Haupt Tree Company for tree work per the recommendation of Highway Superintendent Gregory. Motion was carried.

A motion was made by Councilperson Wolf and was seconded by Councilperson Gansowski to authorize Superintendent Gregory to purchase a new Diamond 16' STD 3-point hitch boom flail mower through the National Purchasing Partners for a price of \$27,486.00. Motion was carried.

A motion was made by Councilperson Mettler and was seconded by Councilperson Gansowski to authorize Park Superintendent Gregory to purchase the necessary materials for the maintenance of the Park for 2019. Motion was carried.

Public Forum:

Supervisor Nayer advised Grant Langdon that before he took the podium that the Town Board does not want to hear the same story about the D.A. and his son. The Town Board Meeting is not the place to talk about this matter. Supervisor Nayer offered Mr. Langdon the use of the Town Hall if he wants to host the public to discuss this matter.

New Business:

Councilperson Mettler advised the Board that all of the paper work is ready to be sent to the State regarding the Waterfront LWRP Master Grant Contract with the State of New York. Supervisor Nayer stated that he has not seen a copy of this paperwork and is not comfortable voting on something or signing anything until he has had a chance to review it. Supervisor Nayer questioned if this resolution could be put off to next month. Supervisor Nayer wants to know who is administering this grant and who is going to do the work, because he has already said he was not doing it. Supervisor Nayer emphasized that he is not getting stuck with a \$40,000.00 bill. Roberta Roll explained the papers have to be sent back to the State by February 22nd. Ms. Roll went on to explain briefly what the paper work consisted of. Also she reminded the Board that she has already offered to administrate the Grant and she is listed as the main contact and the administrator.

Supervisor Nayer and Councilperson Miller-Simmons met with Bob Callahan and went over what needs to be done at the Park Building this year. The Floors need to be redone, repaint the building which the Sheriff's Department inmates would be available to do the painting and replace four out of the eight 8 foot tables. The total estimate would be around \$2,000.00 to \$2,500.00.

A motion was made by Councilperson Wolf and was seconded by Councilperson Gansowski to authorize the refinishing of the floors, painting of the Park Building and purchase of four new 8 foot tables for an estimated cost of \$2,000.00 - \$2,500.00. Motion was carried.

Supervisor Nayer advised the Board that we have advertised for a part-time clerk for the Assessor's Office to do some filing and clerical work. Applications have to be in by February 21st at 2:00pm. The assessor will be conducting the interviews and the position will be for 80 – 100 hours of work.

A motion was made by Councilperson Gansowski and was seconded by Councilperson Mettler to approve the following settlement agreement for an Article 7 tax certiorari proceeding, at the indicated revised assessment amount, and to authorize the Town's attorney to execute a settlement agreement accordingly. **Double D Ranch & Land Company, LLC**, Index No. 13201-18 Parcel No. 187.-1-1.110: **\$300,000.**" Motion was carried.

Old Business:

Councilperson Mettler stated that Town Attorney Dow is still looking into if the Town Board has any responsibility of the Court Audit. Supervisor Nayer stated that we have no power over the Judges.

Supervisor Nayer advised the Board that he will be transferring more money into TD Bank, the projected interest from T.D. Bank for this year is \$50,000.00 - \$60,000.00.

Supervisor Nayer reported that the Mandated Workplace Violence and Sexual Harassment Training has been completed for 2019. This summer we will be doing the summer employees and we will start the

2020 training late fall. Councilperson Mettler commended Teri Traver for the great job she did on this training program.

Supervisor Nayer asked Attorney Dow, now that we have held the Public Hearing on Consolidated Communications request for a Cable TV Franchise, how long do we have before we have to make a decision? Attorney Dow replied State Law allows six months for the Town Board to make a decision. Consolidated does need to clarify that their franchise will provide the exact same term as Charter Communications Franchise. The Board's next step is to look into Consolidated Communications history of providing Cable TV service to other municipalities. The Board agreed to have the Broadband Committee look into Consolidated Communications history of providing Cable TV service to other municipalities.

Planning Board Mergers is being tabled until next month meeting.

Resolutions:

The following Resolution was offered by Councilperson Gansowski and seconded by Councilperson Mettler:

WHEREAS, there is currently constituted within the Town of Copake an Environmental Committee established by the Town Board; and

WHEREAS, by Resolution Number 5 adopted on February 14, 2013, the Town Board of the Town of Copake established a Conservation Advisory Committee ("CAC"); and

WHEREAS, the Town Board finds that the purposes for which the Environmental Committee has existed are able to carried out by the Conservation Advisory Committee or otherwise and the Town Board seeks to avoid redundancy of the Town's committees,

NOW, THEREFORE, BE IT RESOLVED, that the Environmental Committee of the Town of Copake is hereby terminated and dissolved.

Resolution # 3	Supervisor Nayer	yes
Dated February 14, 2019	Councilperson Miller-Simmons	Absent
Copake, New York	Councilperson Mettler	yes
	Councilperson Gansowski	yes
	Councilman Wolf	yes

The following Resolution was made by Councilperson Wolf and was seconded by Councilperson Mettler:

WHEREAS, on January 11, 2018, the Town Board of the Town of Copake accepted a Local Waterfront Revitalization Planning Grant from the State of New York in the amount of \$40,000.00; and

WHEREAS, such Grant award requires a matching contribution from the Town, the value of which is proposed to be satisfied entirely by donated volunteer and professional services; and

WHEREAS, the State of New York has provided to the Town a Master Grant Contract, a copy of which is appended to this Resolution, which is required to be completed and executed by the Town of Copake in connection with such Grant award to the Town; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Copake authorizes and directs the Supervisor to ensure that all information required to be provided by the Town on the LWRP Master Contract documents is accurately entered upon such documents,

AND BE IT FURTHER RESOLVED, that the Town Board of the Town of Copake authorizes and directs the Supervisor to execute the LWRP Master Grant Contract with the State of New York and submit such executed Contract to the necessary parties, and to carry out or direct such other actions as are appropriate and necessary to implement the foregoing, including, if necessary, registering or updating the Town’s registration with the NYS Contract System and/or Grants Gateway.

Resolution # 4	Supervisor Nayer	yes
Dated February 14, 2019	Councilperson Miller-Simmons	Absent
Copake, New York	Councilperson Mettler	yes
	Councilperson Gansowski	yes
	Councilman Wolf	yes

The following Resolution was made by Councilperson Gansowski and was seconded by Councilperson Wolf:

CALLING ON GOVERNOR CUOMO AND THE STATE LEGISLATURE TO CONTINUE AID & INCENTIVES TO MUNICIPALITIES (AIM) PAYMENTS IN FISCAL YEAR 2019-2020 STATE BUDGET

WHEREAS, Governor Andrew Cuomo released his Fiscal Year 2019-20 Executive Budget on January 15; and

WHEREAS, the Fiscal year 2019-20 Executive Budget is a proposed \$176 Billion spending plan; and

WHEREAS, the Executive Budget contains language to make permanent the cap on real property tax levy increases of two percent that is due to sunset in the year 2020; and

WHEREAS, New York State towns, villages and cities scheduled to receive Aid and Incentives to Municipalities (AIM) payments that are less than two percent of their local Fiscal Year 2017 expenditures, as reported to the State Comptroller, will be removed from the program; and

WHEREAS, if the Executive proposal is enacted, more than \$60 million in funding to towns, villages and cities in New York will be eliminated; and

WHEREAS, more than 1300 villages, towns and cities will be impacted, including the town of Copake; and

WHEREAS, the town of Copake would stand to lose \$11,239.00 in state AIM payments; and

WHEREAS, the proposed AIM payment cut to the town of Copake represents part of the general fund budgeted amount that is raised by taxes; and

WHEREAS, aid to localities for local roads and bridges under the state’s Consolidated Local Street & Highway Improvement Program (CHIPs) was maintained at 2018-19 levels in the Executive Budget.

NOW THEREFORE BE IT RESOLVED, that the Copake Town Board, with respectfully calls on Governor Cuomo to restore AIM payments to the 1300 villages, towns and cities negatively impacted in his 30-Day

Amendments to the Executive Budget and state legislative leaders negotiate to make AIM payments permanent to the state’s local governments; and therefore, be it further

RESOLVED, that the Copake Town Clerk is hereby directed to send certified copies of this resolution to Governor Andrew Cuomo, New York State Senator Daphne Jordan, New York State Assemblymember Didi Barrett, Columbia County Board of Supervisors, and New York State Division of the Budget Director Robert Mujica.

CALLING ON GOVERNOR CUOMO AND THE STATE LEGISLATURE TO CONTINUE AID & INCENTIVES TO MUNICIPALITIES (AIM) PAYMENTS IN FISCAL YEAR 2019-2020 STATE BUDGET

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WHEREAS, the Executive Budget contains language to make permanent the cap on real property tax levy increases of two percent that is due to sunset in the year 2020; and

WHEREAS, New York State towns, villages and cities scheduled to receive Aid and Incentives to Municipalities (AIM) payments that are less than two percent of their local Fiscal Year 2017 expenditures, as reported to the State Comptroller, will be removed from the program; and

WHEREAS, if the Executive proposal is enacted, more than \$60 million in funding to towns, villages and cities in New York will be eliminated; and

WHEREAS, more than 1300 villages, towns and cities will be impacted, including the town of Copake; and

WHEREAS, the town of Copake would stand to lose **\$11,239.00** in state AIM payments; and

WHEREAS, the proposed AIM payment cut to the town of Copake represents **part** of the general fund budgeted amount that is raised by taxes; and

WHEREAS, aid to localities for local roads and bridges under the state’s Consolidated Local Street & Highway Improvement Program (CHIPs) was maintained at 2018-19 levels in the Executive Budget.

NOW THEREFORE BE IT RESOLVED, that the Copake Town Board, with respectfully calls on Governor Cuomo to restore AIM payments to the 1300 villages, towns and cities negatively impacted in his 30-Day Amendments to the Executive Budget and state legislative leaders negotiate to make AIM payments permanent to the state’s local governments; and therefore, be it further

RESOLVED, that the Copake Town Clerk is hereby directed to send certified copies of this resolution to Governor Andrew Cuomo, New York State Senator Daphne Jordan, New York State Assemblymember Didi Barrett, Columbia County Board of Supervisors, and New York State Division of the Budget Director Robert Mujica.

Resolution # 5	Supervisor Nayer	yes
Dated February 14, 2019	Councilperson Miller-Simmons	Absent
Copake, New York	Councilperson Mettler	yes
	Councilperson Gansowski	yes

Local Law:

Budget:

A motion was made by Councilperson Gansowski and seconded by Councilperson Mettler that the following transfer be made for the 2018 Budget:

FROM

DA51100.1 (Personal Services) \$11,570.22

TO

DA5142.1 (Personal Services) \$11,570.22

Motion was carried.

A motion was made by Councilperson Mettler and was seconded by Councilperson Gansowski to amend the 2019 Adopted Budget to reflect the approval of the 2019 JCAP Grant:

Revenue

A23089 (State aid grant)

\$2521.00

Appropriations

A1110.2 Justice Equipment

\$2521.00

Motion was carried.

Supervisor Nayer reported that the Town’s fourth quarter sales tax for 2018 was \$194,349.77, total for 2018 is up \$53,746.18 from 2017. Also sales tax for January is 2.5% up from 2018.

Appointments:

A motion was made by Councilperson Gansowski and was seconded by Councilperson Mettler to appoint Mary Ann Carrick and Dan Haas to the Conservation Advisory Committee. Motion was carried.

Councilpersons’ Report:

Councilperson Wolf reported the Planning Board was very busy this month and the Broadband Committee is willing to help with the proposed Cable TV Franchise submitted by Consolidated Communications.

Councilperson Mettler requested that Building Permit fees for the sign for the Hamlet Sign. Supervisor Nayer stated that we have already waived all the fees relating to this sign.

Supervisor Nayer Assessor's Office is busy, meeting with Highway Superintendent Gregory to review the condition of the Highway Garage.

Public Forum: None

Executive Session:

Supervisor Nayer thanked Officer Kilmer for attending the meeting.

A motion was made by Councilperson Gansowski and seconded by Councilperson Mettler that the bills from Highway Abstract # 2 and the bills from the General Abstract # 2 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,

Please See Attachment.