

## Regular Town Board Meeting

7-11-13

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

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Mettler to waive the reading of the minutes of the Regular Board Meeting 6/13/13 and the minutes of the Special Town Board Meeting 6/19/13. Motion was carried.

A motion was made by Councilperson Gabaccia and was seconded by Councilperson Mettler to accept the minutes of the Regular Board Meeting 6/13/13 and the minutes of the Special Town Board Meeting 6/19/13. Motion was carried.

Supervisor Nayer made the following announcements:

The American Red Cross will be holding a blood drive at the Copake Park Building on Thursday, August 15, 2013 from 2:00 pm – 7:00 pm.

Thanked everyone involved in Copake Community Day for their hard work and dedication.

With donation from Peck Insurance we are just short of \$1,200.00 for the Vietnam Monument.

The next Town Board Meeting will be on Saturday, August 10, 2013 at 9:00 am.

The Office for Aging 60+ luncheon program will be going to three days a week beginning the week of August 26<sup>th</sup>. They will be serving Tuesday, Thursdays and Fridays.

Correspondence:

From Sandra Persichetti – a letter asking the Town of Copake to change the Zoning Laws to allow the processing of chickens and turkeys raised at the Pigasso Farm.

From Howard Van Lenten, President Board of Trustees, Roeliff Jansen Community Library - a letter advising the Board that this summer they will be circulating petitions to have a proposition related to the Library financing put to the voters this November.

From Kirk Kneller, Brad Peck Insurance – a letter advising the Board that there were 33 runners participate in this year's race and donated \$350.00 the Vietnam Veteran's Monument.

From N.Y.S.D.E.C. – a copy of an Aquatic Pesticide and Fresh Water Wetlands Permit correction for T.S.P.O.A.

From Howard Van Lenten, President Board of Trustees, Roeliff Jansen Community Library – a letter thanking C.E.O. Ferratto for working with the Library to ascertain the issues that need to be resolved before they can receive their final Certificate of Occupancy.

From Denise Chickery, President Copake Lake Conservation Society – a letter requesting Ernie Cutler and Lindsay LeBrecht be appointed to the Copake Advisory Committee.

From Leonard Barham, Chairman Copake Board of Ethics – requesting the Town Board to remove Valerie Schmeichel from the Copake Board of Ethics due her being inactive on the Board.

From Edgar Masters – an email thanking the Town Highway Department for the great work they did to repair the bad washouts on High Valley Road.

Public Forum: None

Department Head's Report:

Highway Superintendent Gregory report that they have been working on storm damage repair and through the inter municipal agreement they have been assisting Ancram with their repairs.

Planning Board meeting will be Saturday, July 13, 2013 due to the 4<sup>th</sup> of July following on their regular meeting night.

Code Enforcement Officer reported that their Office is still very busy.

Board of Ethics, Councilperson Gabaccia reported that the Ethic Board has been busy reviewing the Code and looking at some of the aspects of things that are not working in terms of procedural. They will not be meeting in August unless there is a complaint. They will be submitting recommendation on changes to the Code in September.

Assessor Surprise reported that he had given a letter to Harvey Weber to take to the School Board Meeting to consider raising the Senior Citizen's Exemption to the maximum and to consider a Business Exemption. Craig also asked the Town Board to consider offering a Business Exemption. Assessor Surprise would like to hold a meeting for the Public following the August Town Board Meeting to answer any questions the public may have regarding the Data Collection and Reval going on. The October Grievance Meeting looks as if will be very busy due to number of homes found that were not listed on the tax rolls.

Summer Program, Councilperson Miller-Simmons reported that the program is running very smoothly, the Directors and Councilors are doing a great job.

Agricultural and Farmland Committee, Councilperson Mettler reported that they have been meeting regularly and they are looking into the Processing Matter.

Economic Advisory Committee, Chris Quinby report that they will be meeting next week for first time since last November.

Park Commission, Lindsay LeBrecht reported that the Commission is supposed to have two youth members and would the Town Board be interested in running an ad in the newspaper? Supervisor Nayer replied that the Commission would be better off going out seeking youth members as the advertising for vacant positions has not been working. Councilperson Miller-Simmons will speak to the Summer Program Councilors to see if any of them would be interested in serving on the Parks & Recreation Commission.

Land Use Resource Committee did not have enough for a quorum last week for a meeting.

Copake Hamlet Revitalization Taskforce, Councilperson Mettler reported that they received a \$5,000.00 grant from the Rhinestrom Hill Foundation and are waiting to hear back from the grant submitted to

First Niagara. They are also working on a family bike ride on September 22<sup>nd</sup>. The Copake Connection will be coming out in the next week or so if anyone wants to add anything to this issue.

New Business: None

Old Business: The Board agreed to hold off on taking any action on the Town Code until everyone has a chance to review Mr. Dow's recommendations and clarify any question anyone may have.

Councilperson Mettler recommended that Assessor Surprise meet with Attorney Dow prior to the next meeting to discuss the exemption issues.

Supervisor Nayer reported on the meeting that C.E.O. Ferratto, Supervisor Bassin, Dave Vitti from BAS had regarding the Building Department Computer Program. Bas has offered the Program to the two Towns at a reduced price of \$2,947.00 for the first year for three stations and \$450.00 every year after for maintenance.

A motion was made by Councilperson Mettler and was seconded by Councilperson Miller-Simmons to authorize Supervisor Nayer to purchase the Building Department Software for three work stations for a price of \$2,947.00 for the first year and \$450.00 a year for maintenance. Motion was carried.

The Board discussed C.E.O. Ferratto's request to increase the Building Department fees and when they should take effect.

A motion was made by Councilperson Mettler and was seconded by Councilperson Miller-Simmons to approve the following Building Department Fee Schedule per the recommendation of C.E.O. Ferratto effective January 1, 2014.

1. New Single Family Residences, Additions and Renovations. \$4.00 per thousand dollars of estimated cost.
2. Commercial Business Permit. \$5.00 per thousand dollars of estimated cost.
3. Sign Permits. \$50.00
4. Swimming Pool Permits – In Ground \$.50 a square. Above Ground \$50.00.
5. Abstract Search of Records. \$75.00.
6. Final Certificate of Occupancy or Certificate of Compliance. \$35.00
7. Minimum Fee for any Building Permit \$50.00. The fee for small sheds no larger than 120 square feet is \$25.00.
8. Renewal Fee for Building Permits 50% of the original cost of the permit.

(Building Permits are good for one year.)

9. No Building Permits can be renewed after three (3) years unless the project is brought into compliance for the current Uniform Fire and Building Codes of New York State applicable at the time.

Any work performed prior to obtaining a building permit will be charged Double the Building Permit Fee when it is issued.

Motion was carried.

Supervisor Nayer advised that there is a meeting of the Vietnam War Memorial Committee tomorrow morning and we have received two names to be added so far. The Committee is also looking into possible fund raising events. Councilperson Miller-Simmons questioned whether there should be a flag fly next to the monuments? Supervisor Nayer will look into this matter.

Councilperson Mettler reported that the Town Board appointed Laurie Quinn, Technology 4 All, Inc. to redesign the Town’s Website and appoint an Ad Hoc Website Committee to work with the Website Designer to consist of Councilperson Mettler, Councilperson Winchell-Sweeney, Karen DiPeri and Noah Elkin. Laurie is hoping to have the website up and running by sometime in September. Supervisor Nayer advised that most Towns maintain the website and our Town Clerk will be handling the day to day updates.

The following Resolution was offered by Councilperson Miller-Simmons and by Councilperson Mettler, WHEREAS, the Town of Copake has not had a town wide re-evaluation of properties in the town in the past several years; and

WHEREAS, the equalization rate for the town is presently at 78%; and

WHEREAS, by Resolution dated August 27, 2011, the Town of Copake authorized the Assessor to conduct a complete town wide re-evaluation to take effect with the tentative roll of May 1, 2014; and

WHEREAS, such re-evaluation is ongoing but not yet completed;

BE IT RESOLVED, that the Town Board of the Town of Copake authorizes the Assessor to continue to conduct such ongoing complete town wide re-evaluation of the town; and

BE IT FURTHER RESOLVED, that the Town Board will support and assist the Assessor’s Office for completion of such project; and

BE IT FURTHER RESOLVED that said valuation will take effect with the tentative roll of May 1, 2015, which shall supersede the May 1, 2014 date stated in the prior Resolution as the effective date.

Resolution # 12	Supervisor Nayer	yes
Dated July 11, 2013	Councilperson Gabaccia	yes
Copake, New York	Councilperson Miller-Simmons	yes
	Councilperson Winchell-Sweeney	absent
	Councilperson Mettler	yes

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

WHEREAS, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws were challenged in court by opponents claims that the Towns did not have the power to regulate natural gas drilling as a land use through zoning; and

WHEREAS, the Town of Ulysses filed an amicus curiae or “friend of the court” brief in both lawsuits in support of its sister Towns in order to reassert the right of each municipality throughout New

York State to determine what land uses are appropriate in its community through municipal home rule law powers granted by the NYS Constitution and the NYS Municipal Home Rule Law; and

WHEREAS, the Town of Copake joined with the Town of Ulysses and a coalition of over 50 other municipalities from across the State to file these amicus curiae briefs in the Appellate Division, Third Department in 2012; and

WHEREAS, the Appellate Division, Third Department, ruled in favor of the Towns of Dryden and Middlefield in the matters of Norse Energy Corporation USA v. Town of Dryden et al., and Cooperstown Holstein Association v. Town of Middlefield; and

WHEREAS, the Norse Energy Corporation and the Cooperstown Holstein Association (“Appellants”) recently filed motions for leave to appeal each decision to the Court of Appeals – the State’s highest court; and

WHEREAS, if the Appellants are granted leave to appeal to the Court of Appeals, the Town of Ulysses will seek leave to file amicus curiae brief(s) with the Court and will file such brief(s) if leave is granted; and

WHEREAS, the Town of Ulysses has requested that other municipalities in the State consider joining the municipal coalition supporting the Ulysses’ amicus brief(s) to send a powerful statement to the Court of Appeals, the NYS Department of Environmental Conservation and the NYS Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling - or any other land use - is appropriate for its citizens.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town of Copake hereby determines that it is in the public interest of the citizens of the Town to support municipal home rule by joining in the amicus brief(s) being filed in the Court of Appeals by the Town of Ulysses and a coalition of municipalities from across the State.
2. The Town of Copake hereby authorizes and directs the Supervisor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Town as the Supervisor deems necessary or appropriate to carry into effect the foregoing resolution.
3. The Town Clerk will promptly send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm Street, Trumansburg, NY 14886.

Resolution # 13	Supervisor Nayer	yes
Dated July 11, 2013	Councilperson Gabaccia	yes
Copake, New York	Councilperson Miller-Simmons	yes
	Councilperson Winchell-Sweeney	absent
	Councilperson Mettler	yes

Budget: Supervisor Nayer advised that the cost for Community Day was approximately \$7,000.00 and Chris Quinby was able to get about \$6,000.00 in donation so the bottom line is that the cost the Town less than \$1,000.00.

Public Forum:

Lindsay LeBrecht suggest as the Town is redesigning the Website that they consider the mapping that neighboring Towns are using that shows parcels and zoning districts.

Steve Hoppie questioned if the Building Inspector program would have to be altered if Zoning changes and why are the building fees going to base on the cost of construction instead of the square footage? C.E.O. Ferratto advised that this is how the majority of the Towns are basing their building permit fees on.

A motion was made by Councilperson Gabaccia and seconded by Councilperson Mettler to go into executive session to discuss possible litigation. Motion was carried.

A motion was made by Councilperson Miller-Simmons and seconded by Councilperson Gabaccia to return to the regular meeting. Motion was carried.

A motion was made by Councilperson Mettler and was seconded by Councilperson Gabaccia that the bills from Highway Abstract # 7 and the bills from General Abstract # 7 be paid. Motion was carried.

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

Respectfully submitted,