

**COPAKE TOWN BOARD MEETING
MARCH 8, 2008**

At a public hearing of the Town Board of the Town of Copake, the following were present: Supervisor Crowley, Councilperson Kiernan, Councilperson Tompkins, Councilperson Sacks, Councilperson Gabaccia, Highway Superintendent Proper, and Town Attorney Kevin Thiemann.

Supervisor Crowley opened the meeting at 8:45 a.m. with 83 people present.

The purpose of the hearing is to review Local Law #2 for the year 2008 increasing the size of the Planning Board to seven (7) members.

Mac Simms gave a brief background on the Planning Board. The NYS Planning Federation awarded member Edgar masters with the John L. Cross award for his accomplishments. He said the resolution for increasing the Planning Board reflects mistrust in the capacity and judgment of the board that has just been honored.

Marcia Becker asked that a correction to the minutes of the February 14, 2008, meeting be made regarding Resolution #9: Mrs. Becker stated that the section stating *“WHEREAS, the said Planning Board at times has had difficulty in obtaining a quorum due to unavoidable and excused absences of Planning Board members...”* was not true and requested it be stricken from the resolution.

Harvey Weber expressed opinion that more members on the Planning Board would serve more citizens and bring more knowledge and opinions to the board. Two more members would be an asset.

Melvin Salberg stated “If it ain’t broke, don’t fix it” referring to increasing the present size of the Planning Board.

Howard Blue offered that Marcia Becker’s opinion and recommendation as Chairperson of the Planning Board should hold a lot of water.

Michael Bienstock insisted that Copake’s Planning Board needs a larger group as a smaller group can be more easily swayed.

Marcia Peteroy stated that more numbers on the Planning Board means more knowledge and more help.

Frank Peteroy mentioned that a larger group is needed in order to address the growing population and the changes in the town.

Supervisor Crowley referred to Section 271 of the NYS DOS, Local Government Planning/Zoning Law Guide. He spoke to the Supervisors of six towns (Taghkanic,

Hillsdale, Ancram, Pine Plains, Hudson, Kinderhook) who currently have 7 member Planning Boards with success. He also referred to the fact that the current Planning Board does not include anyone from the farming community.

Mrs. Dodson said the way to kill a committee is to overload it with too many members.

Motion made by Councilman Kiernan, seconded by Councilman Tompkins to leave the Public Hearing on Local Law #2 open and reschedule it to April 10, 2008, at 7:00 pm and adjourn public hearing. Councilperson Sacks and Councilperson Gabaccia voted NO. Motion carried.

Supervisor Crowley opened the regular meeting at 9:20 am with 92 people present.

Councilperson Sacks welcomed our local Weebelos Den to the Town Board meeting.

Supervisor Crowley asked for a motion to accept the minutes of the February 14, 2008, town board meeting.

Councilperson Sacks requested to see a copy of the minutes from February 14, 2008, town board meeting from the Town Clerk. Councilperson Gabaccia stated she has 3 versions of the minutes from the February 14 meeting and Councilperson Sacks asked the Town Clerk why there are 3 versions of the minutes. Town Clerk Hotaling explained when she put the first version of the minutes out, Councilperson Kiernan called and asked her to put something in the minutes which she did, then Councilperson Sacks came in and explained that he “did not say that” and after going through her notes of the February 14 meeting, she did not find that Councilperson Sacks had made the statements so she removed it from the minutes.

Councilperson Kiernan explained that he “did not change the minutes of the February 14 meeting because the minutes were not printed.” Councilperson Sacks insisted he did in fact change the minutes and then proceeded to read the following statement:

*“I am appalled at the actions of Councilman Kiernan this week. He dictated to the town clerk an unsubstantiated, inflammatory misstatement accusing me of making a statement at the last board meeting that never happened. **Why?***

*He had the town clerk change the minutes of the town. **Why?***

*In conference with attorneys from the Association of Towns, I was told that it is “**illegal** for one councilman to put the words of another into the minutes. **Any** and all changes to minutes must be made **in public** and approved by the board.”*

Councilman Kiernan participated in an egregious misstatement of the facts. This fabrication is not in the town clerk’s minutes and not on the tape of the meeting, nor in any other record of that meeting. In fact, it never happened.

Here is the last sentence from my written statement about Sal Cascino and Copake Valley Farms, which I handed to the town clerk and the press on the day of the town meeting:

“I am now asking this newly constructed town board to have a public dialog now and voice their full intentions in this case.”

Here is what Councilman Kiernan changed my words to, and I quote

*“Councilperson Sacks said he believed in his mind that he (that was a reference to Sal Cascino) was a **criminal** and that he wants every member of the board to express where they stand.” End quote.*

That misstatement never happened.

Does anyone think it is just a coincidence that in the same 24 hour period that this illegal change was made, Sal Cascino of Copake Valley Farms made a similar unsubstantiated complaint to the Attorney General of NY?

Is it possible that these two events are connected and related to each other, when they happened on exactly the same day, a full three weeks after the town meeting?

Lastly, and for the record, Kevin Thiemann, our current town attorney, and Giff Whitbeck, our former town attorney and still the lawyer on record for the Cascino case, recommended to the town board that Councilman Kiernan should recuse himself from anything to do with Cascino and Copake Valley Farms. Assemblyman Marc Molinaro told us that if there is even the slightest hint of impropriety a councilman must recuse himself. At this point, Supervisor Crowley interjected. “Are we talking about personnel matters?” to which Councilperson Sacks responded, “No, we are talking about the minutes.” Supervisor Crowley again asked, “Are we talking about personnel matters?” to which Councilperson Sacks responded, “No, this is about the minutes.”

*Illegally changing the statements of a town board member is **NOT** recusal.*

*Someone needs to explain, **WHY** did all this happen? Should there be a censure? A reprimand?” **Mr. Supervisor what should we do?”***

Supervisor Crowley recommended that any complaints should be forwarded to the Board of Ethics.

Marcia Becker addressed the statement in Resolution #9 “*WHEREAS, the said Planning Board at times has had difficulty in obtaining a quorum due to unavoidable and excused absences of Planning Board members ...*” and asked that it be removed from the Resolution because it was not true. Attorney Thiemann explained that it cannot be removed from the Resolution but an amendment to the minutes of the February 14, 2008, meeting could be made.

Motion made by Supervisor Crowley, seconded by Councilperson Gabaccia, to correct the minutes of February 14, 2008, (page 15) by striking out paragraph 2 in Resolution #9:

“WHEREAS, the said Planning Board at times has had difficulty in obtaining a quorum due to unavoidable and excused absences of Planning Board members...”

Motion carried.

Supervisor Crowley read the following Correspondence (see attached):

- 1 Letter from Highway Superintendent advising board of new position at Taconic Hills.
- 2 Letter from Louis Kibler, Board of Ethics, requesting Flora Bergquist be reappointed for another term.
- 3 Letter from Planning Board recommending George Filipovits be appointed as new member and Skip Pilch be appointed alternate member.
- 4 Letter from Roe Jan Historical Society regarding Iron Works Schoolhouse. Estimate for work on roof from Donald Hoysradt.

- 5 Letter from Dancer's Marina notifying town board they are renewing their summer liquor license.
- 6 Petition from Anthony Street Extension residents requesting NO PARKING signs on both sides of road.
- 7 Letter from Columbia Arts Team thanking town for their support in 2007 and requesting the town's support in the amount of \$1,500 for the youth theatre.
- 8 Letter from John Keeler regarding the appearance of the town.
- 9 Letter from Thomas Suozzi, Chairman of NYS Commission on Property Tax Relief, inviting town to participate in workshops of the Commission.
- 10 Letter from Marshall & Sterling requesting to be added to the list of bidders for town insurance.
- 11 Letter from ZBA requesting revisions to current Town Policy.

Discussion followed on the NO PARKING signs requested by Anthony Street Ext. citizens. Commissioner Proper stated he had visited the road three mornings in the past week and saw no sign of parking problems. It was agreed that John Belafonte from Anthony St. Ext. would meet with Police Commissioners Proper and Near after today's meeting to discuss the situation and the proper procedures to correct the problem of parking along both sides of that street. Supervisor Crowley stated he will speak to Supervisor Baer of Hillsdale to coordinate the two towns working together to improve the safety on Anthony Street.

Ed Ferratto provided statement regarding work to be done on the Iron Works Schoolhouse. Mr. Ferratto has been in contact with Mr. Hoysradt to negotiate the price. By Mr. Ferratto's calculation, the town would need to raise an additional \$9,837 to complete the project. It was mentioned that the person hired to do the roof would need to provide proof of Roofer's Compensation.

Eleanor Mettler gave a history of the Historical Society and explained that the Town of Copake owns the buildings and the role of the Historical Society is "advisory". Discussion followed on the town's responsibility for paying for the repairs to the schoolhouse. Recommendation was made to look into EAB working with Historical Society.

Motion made by Councilperson Gabaccia, seconded by Councilperson Tompkins to table discussion on Schoolhouse roof until next board meeting. Motion carried.

Highway Superintendent Proper was present with 7 of his 8 highway men. Superintendent Proper explained his new position at Taconic Hills School and apologized to public for not being able to advise them of his new position sooner but explained he could not do so until the position was finalized at the THCS BOE meeting. Superintendent Proper proposed to the town board that he finish the four year term he was elected to in a limited capacity as Highway Superintendent. He will be available to the town of Copake approximately 3 hours per morning Monday through Friday and in emergency situations. Superintendent Proper expressed utmost confidence in his crew of highway men to keep the town highway department running smoothly in his absence. He

also expressed to the board that he would accept a decrease in pay and requested an increase of \$2.00/hour for his Deputy Highway Superintendent.

Copake resident Valerie Schmeichel applauded Superintendent Proper's leadership and expertise as head of the highway department. She complimented his crew on keeping the roads cleared throughout the winter months.

Resident George Filipovits expressed his opinion that the taxpayers voted on a "full-time Highway Superintendent, not a "part-time" position and questioned why Superintendent Proper's Deputy had been "hand picked" by him. He recommended that two candidates should be selected to run for the position in November.

Councilperson Gabaccia thanked Highway Superintendent Proper for a tremendous job and for his help in making this a smooth transition for the town.

After Superintendent Proper explained he would be giving up the position of Park Superintendent, it was agreed this is a time sensitive matter which must be addressed as soon as possible, and a special meeting was set for March 21, 2008 at 7:00 pm to address Mr. Proper's salary, a new Park Superintendent, and the salary increase for the Deputy Highway Superintendent. Mr. Proper requested that the town board come to a *unanimous* decision regarding his salary.

The following Department Reports were offered:

Judge Brian Herman, Court Justice: Court has installed credit card machines so fines can now be paid through credit cards. Credit card machines & bar code scanner for records were supplied by the state. Judge Herman received a grant for 4 new computers and 4 printers.

Charles Dodson, EAB: Copake Clean-up Day scheduled for May 10. Community Day June 21 & 22. Explained the EAB submitted to the Town Board a list of 14 items pertaining to the Policy Manual which needed to be looked at further. Some of these items are "ambiguous". Supervisor Crowley suggested a committee be formed to relook at the Policy Manual and rework the areas needing change. It was agreed the committee would consist of Louis Kibler (Ethics Board), Deputy Supervisor Miller, Supervisor Crowley, Howard Blue, and an EAB member.

Harvey Weber, Environmental Committee: Reported Lisa Jarvis, presented Dutchess County ground water program to Columbia County Environmental Council.

Harvey Weber, Senior Committee: Reported he contacted Columbia County Sheriffs Department to ask them to speak at St. Bridget's on June 12 on their Key Program for seniors.

Councilperson Gabaccia, Comprehensive Planning Board: Reported the board met for their first meeting with success. Requested 2 liaisons be appointed from the town board. It was agreed Councilperson Sacks and Councilperson Kiernan would be appointed to the Comprehensive Planning Board.

Jeff Nayer, ZBA: Reported the ZBA granted a special use permit to the Underhill Inn which will reopen as a restaurant and had 3 applications before them at last meeting. They also held a discussion on the term “recusal” and its meaning.

Councilperson Gabaccia: Read the following:

“I have two items to bring to the Board’s attention this morning. On February 21st, Mac Simms and I met with both Senator Saland and Marc Molinaro regarding enabling legislation to assist our seniors with a cap and deferral of their property taxes which if enacted would enable them to opt in if they so desired at age 65 and based, of course, upon need. Both the Senator and Assemblyman suggested we do some further investigation because of the initial startup cost of such a program and where that financial responsibility would initially fall. Mac and I are continuing to work on this concept based upon suggestions made by our governing officials and will be doing further investigation with both ORPS and the Association of Towns. Secondly, I was approached yesterday by a member of a committee in the Town of Ancram which was created to improve cell service for its community. The feeling is by bringing several municipalities together such as Ancram, Copake, Gallatin, and Taghkanic, that we might be able to develop a regional approach to developing a cell tower system which would benefit all. The tower placements would go on appropriate municipal properties enabling the income from such towers to benefit the towns. Also, by working together in a regional manner, we may be able to attract multiple cell service providers thus further improving service. I would like to continue to work with this group as Copake’s representative and will have additional information available to the Board for our next meeting. I know from conversations with our current Police Commissioner, Paul Proper, that our emergency agencies would be greatly benefited by improved cell service as would our entire town.”

Councilperson Sacks: Brought back various information and materials from Association of Towns and offered to sit with anyone interested to go through the material and explain it.

Michael DeRocha, Park: Boy Scout Troop 130 will hold a pancake breakfast on Sunday, March 9 and the Girl Scouts will hold their Father/Daughter Dance on March 15 at the Rec Building. They are offering a Babysitter course for 11-14 year olds; the carnival will return to the park this summer; and summer camp registration fees have been set @ \$40/child with a family max of \$100.

Councilperson Tompkins: Suggested the town look into harnessing the “wind power” here in Copake as well as solar power.

Motion made by Councilperson Sacks, seconded by Councilperson Gabaccia to advertise for bids for the town's insurance. Motion carried.

Marcia Becker, Chairperson, Planning Board, recommended to Town Board to appoint George Filipovits, new member and Skip Pilch, alternate. Motion made by Councilperson Sacks, seconded by Councilperson Gabaccia to appoint George Filipovits to Planning Board and Skip Pilch as alternate to Planning Board. Supervisor Crowley, Councilperson Tompkins and Councilperson Kiernan individually vote "no". Discussion followed as to why John Brusie, interested applicant, was not interviewed. Supervisor Crowley expressed concern that everyone who expressed interest should be interviewed.

Motion made by Councilperson Kiernan, seconded by Supervisor Crowley to interview all interested candidates before appointing a new member and an alternate member to the Planning Board. Motion carried. Councilperson Gabaccia and Councilperson Sacks voted "no".

Citizen Michael Bienstock announced three members of Planning Board were holding a private meeting in the back of the room. Supervisor Crowley advised him to send any complaints to the Board of Ethics.

Motion made by Councilperson Gabaccia, seconded by Councilperson Sacks to appoint Robin Bruce to person-in-charge of Williams Cemetery. Motion carried.

Motion made by Councilperson Kiernan, seconded by Councilperson Sacks to appoint Supervisor Crowley as third Police Commissioner to Town of Copake. Motion carried. Supervisor Crowley abstained.

Motion made by Councilperson Kiernan, seconded by Councilperson Gabaccia the bills from general abstract # 3 and highway abstract # 3 be paid. Motion carried.

Motion made by Councilperson Sacks, seconded by Councilperson Tompkins to adjourn the meeting. Motion carried.

Respectfully submitted,