

COPAKE TOWN BOARD MEETING  
PUBLIC HEARING  
September 13, 2008

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

Supervisor Crowley opened the hearing at 8:45 am with 41 people present. The purpose of the hearing is to review proposed Local Law. A local Law imposing a one year moratorium on the filing, acceptance and /or approval of the new applications for major subdivisions by the Town of Copake.

Attorney Thiemann gave the town two versions; version 2 contains a variance from a waiver which is a command tradition on moratorium.

Councilman Tompkins read Local Law version 2.

Harvey Weber in favor of Local Law as it gives us time to check the quality of water.

John Belfonte said he has 102 acres of property for sale that he invested time and money in for a subdivision and feels the law would make it worse for contractors, etc. in the area; against law. Councilwoman Gabaccia said in considering the law we will be looking at all aspects including financial impact on community.

Jeanne Mettler read letter from Comprehensive Planning Committee, suggested delaying decision on law till more information is gathered.

Supervisor Crowley read letter from Planning Board.

Since the Copake Planning Board was neither involved in the plans to establish a moratorium on major subdivisions, nor asked for advice on the proposed action, the Planning Board requests some clarification on the matter.

What is the purpose of the moratorium?

What Town Board or Committee recommended the action? Upon what information was it based?

What results does the Town Board wish to achieve?

Councilman Tompkins replied our presentation of this town law is based on what was put in legislative intent and I've read that and looking at existing master comprehensive plan for town. Read land use controls.

Charles Dodson, he doesn't think the law should be passed because it presumes the existing chapter 197 and 232 of our code is behind times and its effect on building trade in Copake.

Stuart Carduner, Conservation Resource Committee, would like time to consider potential impact; requested the proposal be tabled for consideration for all concerned parties to have ample time to discuss it.

Morris Ordovery, the moratorium will have a value at one point, I feel it's premature at this time.

Harvey Weber, when you have the start of a comprehensive plan you should have a moratorium to protect town.

Councilman Sacks said it's not mandatory.

Diana Wilson, what is going to happen to the land of rural charm, we need to have master plan up dated, and the zoning code. Yes on moratorium.

Councilman Sacks said he's not against a moratorium but if the town has one it should be researched. Should speak to other boards for resources. Will support after proper research.

Councilman Tompkins said he spoke to Jeanne Mettler and she was not in support.

Councilwoman Gabaccia said there seems to be a 138 unit elephant sitting in the room and I think we should hold a special meeting on Housing Resources.

Roberta Roll said the timing of this is crucial some people might come in and buy up parcels.

Supervisor Crowley asked Ms. Mettler and Mr. Carduner would it be beneficial if the local law is put off or tabled.

J. Mettler, Comprehensive Planning, said if imposed later the answer is yes.

Councilman Kiernan replied he has a problem with prime agricultural land being put under pavement. When it originated following the Ag & Markets Law of the State of New York there should have been a notice of intent filed by the Planning Board, there never was and it slipped through our protection that we have in place right now, so do we want other things to slip through or are we going to try and do something to make sure that doesn't happen again.

Karen Hallenbeck, If you enact the moratorium now there is no reason it can't be extended.

A motion was made by Supervisor Crowley seconded by Councilman Kiernan to leave the public hearing open for further input. Motion carried.

Supervisor Crowley closed the public hearing at 9:45 a.m.

Supervisor Crowley opened the regular meeting at 9:46 pm.

Councilman Sacks asked the minutes of August 14, 2008 page 6 be amended to read speed "sign" not trap.

Councilwoman Gabaccia asked to add to the minutes when she made a motion for Assessor appointment that it was due to Assessors' recommendation.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks the minutes from August 14, 2008 be approved with amendments. Motion Carried.

The following correspondence was read:

1. Fact sheet on newly approved G.I. bill – Submitted by Gary Flaherty
2. E-mail from Benedict McCaffree, Ph.D. - Congresswoman Kristen Gillibrand has approved a Town Hall meeting in October.
3. From Wayne Miller – Resignation from Deputy Supervisor.
4. From Roeliff Jansen Community Library – Letter asking for one time contribution to the building fund. Specifically \$10,000 in 2009 and 2010.

5. From Berkshire Bridle Club – Regard to horse back riding issue at Roeliff Jansen Park. Supervisor Crowley said a copy will be attached to minutes, any thing to do with the park Supervisor Crowley recuse himself as he works for the NYS Parks. Councilwoman Gabaccia said she drafted a letter of response, gave copies to Town Board members.
6. Copake Economic Advisory Board – Requesting appointment of Karen Hallenbeck and Fiona Hutchison to their board.
7. NYS Division of Budget - Letter announcing wicks law overhaul.
8. From Building Department – Letter requesting increase in fees. Will do at the January meeting.
9. Columbia County Youth Bureau – On site monitoring visit report.
10. Columbia County Department of Health - Garbage complaint on Pumpkin Hollow Road because of proximity of the garbage to the wetlands area they will inform Environmental Conservation Officer.
11. John Keeler – Raising question about money for Comprehensive Planning Committee, the Youth Committee, Police cars, Trucks in weeds at garage, locked programmable thermostats, West Copake Firehouse, and four day work week.

Rob Garon spoke on behalf of his daughter for the way she was treated at Copake Falls Day. (see attached) He requested that in light of the \$1,200 the town gave the committee, that you ask for itemized bills as its taxpayer's money.

Councilwoman Gabaccia said she was not present when the event took place at her store, and offered apologies to him. I gather the man was a volunteer for Copake Falls Day and has volunteered to write a check for expenses incurred for loss of hot dog sales. The money being spent for the event should be accounted for.

Mr. Garon said the resolution for me is that they made a mistake and shouldn't have made this girl leave, next year it shouldn't happen.

Larry Proper said they were authorized to spend \$1,500 not given the money.

Mr. Garon said civilians should not be standing in road directing traffic.

Supervisor Crowley said he will speak to commissioner about this.

Karen Hallenbeck asked about the lights at the town hall.

Vana Hotaling said they came in July after the meeting and turned them down, someone suggested a timer be put on them. I will call them about timers.

Larry Proper said we need some sort of light, the lights are owned by NYSEG and we pay rent on them every other month.

Supervisor Crowley asked Larry if he would look into a street light cost.

Marcia Peteroy addressed the issue about no parking at Taconic State Park. Supervisor Crowley recused himself.

Marcia said we always had free parking; it's shameful the park thumbed their noises at the town and asked that the board address this.

Councilwoman Gabaccia said her and Councilman Tompkins will sit down and talk with the Park Superintendent.

John Keeler asked about putting out for bids to keep the town clock working.

Supervisor Crowley asked Larry to get prices on GPS for clock and tiers of pricing.

John Keeler asked if there is a written policy on use of the park building.

Councilman Tompkins said he met with Chairman and they will be working on that.

John Keeler suggested all town contacts with Attorney should be authorized by Supervisor as its town money.

Councilwoman Gabaccia asked if the board could appoint her to deal specifically with Carl Whitbeck on Copake Valley Farms.

Kevin Thiemann said he does not charge for e-mail or quick questions.

Morris Ordover asked if this will apply to all boards. Supervisor Crowley answers no.

Joe LaPorta said 10-12 years ago town clock was redone, in basement of hair salon is 8 tract unit with chimes, wiring etc.

Morris Ordover said when the town board appointed an Assessor he understood it was for clerical assistance. Who authorized him for training and schooling? The board said they didn't

Asked about the state of bridges on Overlook, Twin Bridge Road and Browns Dam.

Larry said Browns Dam is slated for replacement in the near future. Columbia County owns all the bridges in town. Overlook, two of the five girds on section that's closed is considered to be possibly questionable, the others are in good shape, they are inspected yearly.

Diana Wilson said parking in Copake is a problem and walking is dangerous.

Councilman Sacks suggested having cross walks and small signs indicating you must stop.

Larry, we have cross walk by municipal parking, years ago there were sidewalks there over the years they might have been removed, and you cannot park on sidewalks.

Councilman Tompkins suggested putting up signs for walkers.

Marcia Peteroy said could we ask Dave to put up sign caution when backing.

Supervisor Crowley said he would talk to Dave Robinson.

Supervisor Crowley said there was some security issue at the park; suggestion was to re key building.

Lisa DeRocha said why go through expense to replace locks when everyone who has a key has their own code. It's just a process of going through list and accounting for the keys.

Supervisor Crowley said the town is looking into having a dog control officer/enumerator.

A motion was made by Councilwoman Gabaccia to create Dog Control/Dog Enumerator and advertise for position for inclusion in up coming budget. Motion carried.

Councilwoman Gabaccia asked about advertising for Accountant.

Supervisor Crowley asked do you want to advertise for all of them.

The board decided to advertise for Building Inspector, Accountant, Attorney, ZEO Officer, Dog Control Officer/ Enumerator.

Supervisor Crowley read maintenance contract for copiers  
 Copystar CS-1510 Copier #ZG47042208 \$160.00  
 Copystar CS-2540 Copier #PQJ7X00239 \$831.00

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to approve maintenance contract on town hall copiers, per Town Clerk. Motion carried.

Received one bid from Berkshire Fence Company for fence at highway garage in the amount of \$14,445.00.

Councilman Sacks asked Superintendent Proper his opinion.

Highway Superintendent Proper said he would like to see it installed yesterday because of the copper etc. that disappears. We don't have money now; the bid is good for 60 days, recommend tabling decision.

Councilwoman Gabaccia said she drafted a letter to the Roeliff Jansen Park Steering Committee in reference to horse back riders.(see attached)

Supervisor Crowley said his name needs to be removed for obvious reasons.

William Newcomb member of committee thanked the Town Board for letter and Wayne Miller for his support. A shadow has been cast over the Steering Committee and park. In Mrs. Balducci's letter she neglected to say she called me on the phone. I told her the park was closed. It wasn't a park; we didn't want people running over 150 acres of an old farm with debris, fences and buildings that are falling down. After they address these issues we will turn into a park.

Councilwoman Gabaccia said the letter addresses the fact the park is in its infancy. The concern is that we compromise and that nothing is left out.

Kevin Thiemann gave an update on the West Copake Firehouse. (see attached)

Councilman Sacks asked if VFW is considered use of community service. Mr. Thiemann replied yes also youth activity center.

Superintendent Proper said numerous equipment and things are stored there, we have a storage issue now.

Jeff Nayer suggested spending \$5,000.00 to look into selling it and incorporate in the sale.

Supervisor Crowley asked if this is something the Comprehensive Plan or EAB can look into.

Charles Dodson said last meeting he mentioned the concept of local development corp. There is a group who is exploring this in some detail. Who ever the group is they will have a problem with time.

Highway Superintendent Proper said they are using the building because it's available not convenient, we would much rather have a storage shed at the garage.

Jeanne Mettler said that the Comprehensive Planning Committee is not the place for this.

Morris Ordover said pass resolution as to whether or not you want to sell or keep and go from there.

Mr. Bloomfield asked if the board would approve hiring an appraiser to find out the worth.

A motion was made by Supervisor Crowley seconded by Councilwoman Gabaccia to hire an appraiser for West Copake Fire House.

Mr. Thiemann said he will contact several appraisers for an estimate and leave it to the town board to hire.

A motion was made by Councilman Kiernan seconded by Councilman Tompkins to appoint Karen Hallenbeck and Fiona Hutchison to the Economic Advisory Board. Their terms will expire 12/31/2009. Motion carried.

Supervisor Crowley appointed Joseph LaPorta as Deputy Supervisor.

The following resolution was offered by Supervisor Crowley seconded by Councilman Sacks.

#### ADOPTING MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

UPON, recommendation of the public Safety Committee at a special meeting held on the 10<sup>th</sup> day of September 2008.

WHEREAS, the President signed the Disaster Mitigation Act of 2000 into effect October 30, 2001, to improve the planning and set standards for mitigation throughout the nation; and WHEREAS, the Act requires an approved pre-disaster Hazard Mitigation Plan (HMP) in order to be eligible for mitigation project funding; and

WHEREAS, the development of this plan fulfills other Federal Emergency Management Agency (FEMA) planning requirements making the County eligible for further mitigation funding; and WHEREAS, the County of Columbia undertook an extensive Hazard Mitigation Planning process to develop this multi-jurisdictional HMP; and

WHEREAS, the policies and mitigation measures designated by this HMP are intended to cost effectively reduce the impacts from hazards identified as the prevalent in Columbia County; and WHEREAS, by implementing this plan, Columbia County and participating jurisdictions seek to reduce the loss of life, injury, property damage, economic impact, direct cost and community impact resulting from disaster.

NOW THEREFORE, BE IT

RESOLVED, that the Copake Town Board hereby adopts the Multi-Jurisdictional HMP as a means that will guide cost effective mitigation of hazards threatening damage to property and loss of life; and be it further

RESOLVED, that the Copake Town Board hereby authorizes the submission of this plan to FEMA for final consideration and approval.

RESOLVED, that certified copies of this resolution be forwarded to the State Emergency Management Office (SEMO), the Regional Emergency Management Office (REMO), and the Emergency Management Office, the Department of State, the County Clerk, the Columbia County Attorney, and the Columbia County Treasurer.

Dated September 13, 2008  
Resolution #16

Supervisor Crowley	YES
Councilperson Tompkins	YES
Councilperson Gabaccia	YES
Councilperson Sacks	YES
Councilperson Kiernan	YES

The following resolution was offered by Supervisor Crowley seconded by Councilperson Tompkins

Resolution authorizing applications for funds from the  
2008 JUSTICE COURT ASSISTANCE PROGRAM

RESOLVED, the Copake Town Board hereby authorizes Town Justices BRIAN J. HERMAN and JOHN P. SPENCER to file an application for new carpet for the courtroom/main meeting room. Funding from the New York State Office of Court Administration 2008 Justice Court Assistance Program.

Resolution # 17

Dated September 13, 2008

Supervisor Crowley	Yes
Councilperson Tompkins	Yes
Councilperson Gabaccia	Yes
Councilperson Sacks	Yes
Councilperson Kiernan	Yes

Councilman Sacks said last month he read a resolution that suggested that the board appoint a representative from the town to reach out to other municipalities that have been effective by Sal Cassino. The purpose to present a unified coalition of these town that can share information and seek redress by the Attorney General, DEC and EPA. Dover is struggling as we are and I think we should share our information with other towns and coordinate and send letter to Attorney General, DEC and EPA.

Supervisor Crowley said Assemblyman Molinaro and Senator Saland have requested investigations from Attorney General, DEC, EPA. My concern is the best way to goof up an investigation is have too many get involved.

Councilman Sacks said we're looking for additional support for what the Assemblyman and Senator are doing.

Councilman Tompkins said have Supervisor write letter to other townships asking for support. Councilman Sacks said I did not ask for investigation, based on Councilman Tompkins recommendation he said I should act as a private citizen; I have done so. I talked to Supervisor of Dover and he was enthusiastic and wants to pursue together.

Supervisor Crowley said what if we write a letter to the towns and ask to contact different agency in support of their agencies.

Councilman Sacks said it is not an investigation, I withdraw my motion.

Councilman Sacks read letter to Columbia County Board of Supervisor in support for Rescue Squads in County.

Supervisor Crowley said the letter is excellent, there is broad support for it, the problem is Medicare and Medicaid will not allow county to collect as they are not a provider. It's a great letter send it.

Supervisor Crowley made a motion seconded by Councilwoman Gabaccia to table the Local Law until the board receives more input from committees.

Assessor Kane said they attended training this week which ORPS will reimburse the town for. We have taken classes before and have not asked for permission.

Highway Superintendent Proper suggested asking state if they would donate the parking area in Copake Falls to the town.

Councilman Sacks said the rescue squad will be making a proposal to the board at their budget workshops.

Supervisor Crowley said the Housing Resources Meeting will be held Oct. 4, 2008 at 10:00 a.m.

Councilwoman Gabaccia said I wish to express my condolences to John and Joan Spencer and their family for the loss of their son, Jeffrey. Our hearts go out to you, Joan during this difficult time. Jeffrey did on occasion attend our Parks and Rec Commission meetings with his Mom. He was a sweet young man who will be much missed.

Councilwoman Gabaccia: In addition to continuing my usual liaison assignments to various committees, I can report that I have taken on an additional task in connection with my role as liaison to the Economic Advisory Board. I have been working closely with Morry Ordover to establish a grant strategy for the town. We have initiated the Town of Copake's enrollment in a program called Grants Gov which acts as a central storehouse for information on over 1,000 grant programs and provides access to approximately 400 billion dollars in annual awards. Morry has also been compiling a Grant Source Manual and we anticipate creating a systematic approach so that we as a town are better prepared and informed as to when and what grant monies become available so that the Town may apply for those funds in a timely fashion. We may in the future as part of this process approach the board for some funding to attend a grantmanship workshop in November.

Also, in connection with EAB activities I have begun working with Charles Dodson, Bob Sacks, Morry Ordover, Chris Quinby and Marcia Peteroy to study the concept of LDC or Local Development Corps. Key to economic development is creating quality communities. An LDC which is a type C not-for-profit corporation can "achieve a lawful public or quasi-public objective in a geographically circumscribed area". It can acquire real or personal property, borrow money, issue negotiable bonds and does not face the many restrictions which local governments do regarding economic development activities. We are in the early stages of informing ourselves as to the process, but will be reporting back to the Town Board in the upcoming months with a plan of action. Also LDC's frequently are more eligible for grant monies than municipalities so these two projects should go hand in hand.

As we all know it is budget time. This Monday's workshop at 7 PM will be devoted to the following departments: Assessors, Seniors, Environmental, Parks and Rec., Summer Rec., EAB, and Copake Theatre. These workshops are open to the public.

Questions have arisen regarding the establishment of an escrow account for the current site plan review for Salvatore Cascino. The Planning Board feels they have reached a threshold of expense and have requested the establishment of a \$5,000 escrow fund to be replenished as needed. At the Sept. 4<sup>th</sup> meeting Mr. Cascino's Attorney, Ms. Kirschner cited Ken Somers and Ag and Markets stating an escrow fund for agricultural review beyond \$1500 is excessive. At the

meeting she was questioned as to the cost of this project, but was unable to answer. We are awaiting her response regarding the escrow fund. It is my belief that should the escrow fund not be established in a time frame of 14 days prior to the next Planning Board Meeting that it may not be possible for the Planning Board to continue its review of the project until such time as necessary funds are received. To date the town has incurred expenses of \$5,167 reviewing the plan.

As regards to the litigation, we have received notification that Mr. Schlenker due to prior court commitments will be unable to attend the originally scheduled dates of October 29<sup>th</sup> and 30<sup>th</sup> for Judge Nichols to review the Town of Copake's contempt motions regarding TRO violations. We appear to be back in delay mode.

I would also like to announce that the Friends of the Roeliff Jansen Community Library will be holding a Barn Dance Sept. 27<sup>th</sup> at 7:30 pm at the Circa 1799 Barn in Ancramdale on Simons Road. Also on Sept. 21<sup>st</sup> there will be a green Forum at the Hillsdale Firehouse at 1 pm regarding green practices to be implemented at the new library site and how individuals might apply these principles to their own house or business.

I hope at some point to arrange a meeting between the Town Board and the Ethics Board to discuss the authority we intend to invest in the Ethic Board and its decisions going forward, and to determine whether or not they are to act in a solely advisory capacity or to serve as a quasi-judicial body functioning independently of the legislative branch of the Town government.

Councilman Tompkins discussed the Emergency Operation Plan with Larry, updating it. In discussion with Larry and Walter about flooding on Route 7A by the Hub will check with DEC on an opinion to see if we can move forward.

Councilman Kiernan received letter from Department of State on 15 grants workshops for towns. Turned over to Morris Ordovery.

Supervisor Crowley said he continually gets information on grants, pass on to EAB.

George Filipovits asked about the Hillsdale-Copake Fall fest. Supervisor Crowley, as there is no money, we will have to pass this year. If they want money for 2009 have them get a request to us now.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins the bills from general abstract #9 and highway abstract #9 be paid. Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins the meeting be adjourned.

Respectfully submitted,