

SPECIAL MEETING  
COPAKE TOWN BOARD  
April 25, 2008

At a special meeting of the Town Board of the Town of Copake the following were present: Supervisor Crowley, Councilperson Gabaccia, Councilperson Sacks, Councilperson Tompkins, Councilperson Kiernan, and Attorney Kevin Thiemann

Supervisor Crowley opened the meeting at 4:30 pm with 14 people present. The purpose of the meeting is to appoint Citizens Committee to Nominate and any other business that comes before the board.

Supervisor Crowley said they received 3 letters; Joe Laporta, Jane Peck and Hugh Davis. Councilperson Gabaccia said Alice Belt sent one via e-mail, Town Clerk Hotaling replied she did not receive. Councilperson Gabaccia gave a copy dated 4/24/2008.

Councilperson Tompkins made a motion to appoint Hugh Davis, Alice Belt, Joseph LaPorta, Jane Peck, and Chairman Lou Kibler to the Citizens Committee to Nominate, seconded by Councilperson Kiernan. Motion carried.

Councilperson Sacks asked about Mac Simms. Supervisor Crowley said the letter came in after 12:00 pm.

Lou Kibler asked how many open position for the Code of Ethics. Supervisor Crowley said he believed it was 2, one expires today and one resignation.

Lou Kibler asked if the one that expires today can be reappointed. Supervisor Crowley responded it depends on committee.

Lou Kibler said the opening that is due to resignation under new code, the Board of Ethics can elevate a willing alternate.

Councilperson Gabaccia said the point of the committee to nominate is to take the politics out of it.

Supervisor Crowley read a letter from Edgar Masters pertaining to the school house (see attached).

Attorney Thiemann read the condition from the letter which must be met by May 8, 2008.

1. Immediate release of all funds previously appropriated by the Town in its budget for the current year so that restoration work will begin immediately;
2. The approval of a resolution, at the May 8<sup>th</sup> Town Board meeting, affirming the Town's unequivocal commitment to complete the restoration of the building by September 1, 2009, in accordance with standards set by the Board of Directors of the Roe-Jan Historical Society.

Councilperson Tompkins asked what the standards are set by the board of directors of the RJHS.

Mrs. Mettler answers none at the moment. The committee has been in limbo because of the rejecting of the bids. I think the board should go ahead with the roof to show that the town is serious about finishing the building.

Councilperson Gabaccia said that the letter is more about getting the board to move on the project instead of having the tail wag the dog because of one individual.

The board said they are all committed to the project.

Supervisor Crowley asked the Lawyer to contact Mr. Ryan's office and have an answer by May 8<sup>th</sup> meeting.

Councilperson Gabaccia said if we ever take on another project in the future that we examine the potential financial outlay at the start before we take it on.

Councilperson Gabaccia said they would know by May 15<sup>th</sup> if they will receive the Hamburger Helper Grant of \$15,000.

Councilperson Gabaccia asked Mrs. Mettler if she could get more information in regards to future cost on the school house, so the board could anticipate what they might incur down the road.

Supervisor Crowley read a resolution concerning appointments of Police Commissioners.

Councilperson Gabaccia said were selecting the third option which New York State 150 allows us, I thought that was what we originally set up at January meeting.

Supervisor Crowley said at March meeting we talked about 2 people and Councilperson Sacks recommend that I or Councilperson Tompkins take the third position because of police experience; Councilperson Tompkins couldn't because of conflict with Sheriff's so I took it. Last meeting Councilperson Gabaccia brought up if it was a 3 member board, it had to be a commissioner and 2 board members, that's not the case?

Councilperson Gabaccia said there are three options. The problem was you being Supervisor on the board, as you can only be sole commissioner.

Supervisor Crowley said if passed this could be anyone.

Attorney Thiemann said they have to be an elector of the town.

Councilperson Sacks said he's against that. It shouldn't be three board members. Does this mandate we always have three?

Attorney Thiemann said you have three unless you decide to make a change, under town law 152 sub-section 2 it's either one member or three; it doesn't mean you can't opt out of 152. To do that, the general municipal law this is one of the areas where you can create a board of commissioners to suit the town. At this point, it's three but doesn't mean you can't change it.

Councilperson Sacks responded he likes three.

Councilperson Sacks said he was concerned that a Town Board in the future will appoint three board members and that seems inappropriate.

Councilperson Tompkins said he believes in two civilians and one elector.

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

WHEREAS, Section 150(2) of the New York Town Law provides that a Town Board may establish a board of police commissioner for the Town and appoint either one or three police commissioners who shall at the time of their appointment and throughout their term of office be electors of such Town and,

WHEREAS, the Town of Copake has created and wishes to continue to use a board of police commissioners which consist of three (3) members, and

WHEREAS, Section 150 of the New York Town Law does not require that the Town Supervisor or any Town Board member serve as part of a three member board of police commissioners, and

WHEREAS, the Town Board believes it would be in the best interest of the Town of Copake to allow all town residents to be considered for appointment as police commissioner in order to obtain the best candidates for said positions(s) and not to require that any particular Town official be a member of the board of police commissioners,

NOW, THERFORE, it is hereby resolved by the Town Board that the Town of Copake shall continue to have three member board of police commissioners, with the only restrictions on appointments being that the said applicant and police commissioner be at the time of appointment and throughout his or her term of office an elector of the Town of Copake.

Dated April 25, 2008  
Resolution # 11

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

Supervisor Crowley said as it stands now I took the third police commissioner, what is the board's pleasure.

Councilperson Sacks replied to stick with what you said last meeting and give it to a citizen.

Supervisor Crowley said he will step down from the Police Commission and interview the letters of interest they have received.

Supervisor Crowley said he's received complaints about the length of the board meetings; he's e-mailed people on ideas on how to address it.

Councilperson Sacks said in other towns people are given 3 minutes on public comment.

Supervisor Crowley said in Ghent they have public forum at beginning of meeting and limited to 15 minutes, with 2 minutes per person.

Councilperson Gabaccia said her concern is when passing a resolution.

Supervisor Crowley said to note on agenda the resolution so they can speak on it.

A motion was made by Supervisor Crowley seconded by Councilperson Sacks to amend Article Three, Section V to read as follows.

Conduct of business at Town Board meetings will begin with a call to order and will include, in an order to be determined by the Supervisor, or in his or the Deputy Supervisor's absence, the temporary Chairperson of the meeting the following:

Reading and approval of the minutes. Reading of the minutes may be dispensed with by a motion and majority vote of the board.

#### Correspondence

Correspondence shall be attached to the minutes.

#### Councilperson's reports

#### Department Head report's

#### Committee reports

#### Old Business

Matters considered at previous Board meeting may be brought up by any Board member for further discussion.

#### New Business

New Business may be raised by any Board member for discussion by the entire board.

#### Introduction and Consideration of new ordinances and laws.

Such matters having been previously introduced and discussed in public hearings.

#### Resolutions

Each resolution shall be read in its entirety and voted on by roll call vote.

#### Public Forum

The Board will designate at least 15 minutes during the meeting for any audience member to raise questions and comments in open forum. Questions will be directly addressed to the Supervisor who may chose to answer or defer to appropriate board member or personnel. There will be no discussion or debate between members of the audience.

#### Approval of bills.

#### Adjournment.

Motion carried.

Supervisor Crowley said Steve Savarese, due to health, withdrew his name from the Planning Board.

Councilperson Gabaccia asked if we legally have to consider it a new opening.

Attorney Thiemann said being you advertised twice you do have an applicant pool and you could fill from those applicants.

Councilperson Gabaccia said she would like to show support of the Planning Board and appoint George Filipovits.

A motion was made by Councilperson Gabaccia seconded by Councilperson Sacks to appoint George Filipovits to the fifth seat on the Planning Board. His term will expire 12/31/2013.

Supervisor Crowley asked if they can fill all three (3) tonight.

Attorney Theimann said you completed the process under town policy so YES.

Councilperson Gabaccia said there a current advertisement in paper that extends the date to the 31<sup>st</sup>.

Supervisor Crowley asked under whose authority was that.

Councilperson Gabaccia replied Marcia Becker placed ad in paper and was okayed by Attorney. Attorney Thiemann said she asked if it could be put out for additional applicants but was it authorized by Town Board.

Supervisor Crowley said it was agreed at last meeting the Town Clerk will put one ad for all openings and had to be in by noon today.

Motion on floor for appointment of George Filipovits

Councilperson Gabaccia Yes

Councilperson Sacks Yes

Councilperson Tompkins No

Councilperson Kiernan No

Supervisor Crowley No

A motion was made by Councilperson Tompkins seconded by Councilperson Kiernan to go into executive session. Motion carried. Marcia Becker was asked to attend the executive session.

A motion was made by Councilperson Tompkins seconded by Councilperson Kiernan to return to special meeting. Motion carried.

A motion was made by Councilperson Tompkins seconded by Councilperson Gabaccia to appoint Edwin Pilch to the fifth seat on the Planning Board. Motion carried. His term will expire 12/31/2011.

A motion was made by Councilperson Tompkins seconded by Councilperson Kiernan to appoint George Filipovits to the Planning Board, his term will expire 12/31/2013, and John Bruise, his term will expire 12/31/2014. Motion carried. Councilperson Gabaccia voted no.

A motion was made by Councilperson Sacks seconded by Councilperson Kiernan the meeting be adjourned. Motion carried.

Respectfully submitted,

