

TOWN BOARD
APRIL 9, 2009

At the regular meeting of the Town Board of the Town of Copake the following were present:

Supervisor Crowley, Councilman Tompkins, Councilman Kiernan, Councilwoman Gabaccia and Councilman Sacks.

Supervisor Crowley opened the meeting at 7:30 p.m. with 21 people present.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks the minutes of March 13, 2009 be accepted as written with the following amendments.

Councilwoman Gabaccia - page 2 add that *Youth Court is not a town entity.*

Councilman Sacks – page 5 *Councilman Sacks and Dan Tompkins met with solar contractors.*

Page 8 *be sure digital marker is set on the date.*

Motion carried.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia the minutes of special meeting March 27 be accepted as written with the following amendments.

Councilman Sacks – Page 1 insert *there is lot to be said about local insurance companies who hire local people, grammar.*

Councilwoman Gabaccia – page 1 *add Councilwoman Gabaccia suggested we create section in policy manual regarding the use of town property by non town entities.*

Page 3 amend the motion for executive session to read *to discuss personal matter on a particular employee regarding possible disciplinary actions.*

Councilman Sacks – Page 1 I understand it should read *various groups would be covered if town gave approval.* Supervisor Crowley said will clarify that after I read a correspondence from Mr. Kneller.

Motion carried.

The following correspondence was read:

Kirk Kneller, Brad peck, Inc.

This letter serves as a follow up to our discussion regarding the above use of Town facilities by outside for and non-profit groups.

I reviewed you questions and concerns with our underwriter, Cheryle Tercek, and have been told that your carrier views any non town employees or

committee members as volunteers while conducting an activity which benefits the town or one of its departments, hence coverage is affordable.

Should the town wish to allow various groups to use the facilities if their function does not benefit the Town yet benefits that group, this would also be covered yet advisable to request insurance coverage with limits of \$1,000,000 of general liability and name the town as an additional insured on said policy. The town's insurance still would provide coverage yet would be considered primary in the event of a loss. When a group has its own insurance, the additional insured status provides the primary coverage under the groups policy thereby keeping the Town's policy claim free, thus the reasoning for the additional insured endorsement.

The decision to allow a group to use town facilities which has no insurance is up to the Town Board and should be decided based upon the risk that the group using the facilities impose upon the Town. An example would be as follows, a local boy scout holding an administrative meeting would be considered low hazard as opposed to an outside skate club with no insurance using the skate board park for a weekend long competition would be high hazard.

In closing, the Town facilities should be used by its tax paying residents to the extent that it does not put the Town at risk and makes sense to further the community and enhance the way of life in the Town.

As always, should you have any questions please don't hesitate to give my office a call.

NYS Department of Ag & Markets – A follow up to correspondence from the department dated March 11, 2009 to clarify that the Department of Ag & Markets Law (AML) 305-a review concerning Mr. Salvatore Cascino and 13 Lackawanna Properties, LLC is on-going.

Copake Park Commission – Requesting appointment of Nicole Banyard and Scott Swenson to Commission.

Zoning Board of Appeals – requesting appointment of Hilarie Thomas to fill the position of ZBA Board member and Michael DiPeri to fill the position of Alternate.

Copake Ethics Board – Requesting 2 locking file drawers.

Park Commission – Announcing Easter Egg Hunt Saturday April 11th, Tractor Pull May 17th, Kelly Miller Circus July 6th, and Trash & Treasures July 11th.

Highway Department – went out 42 times using 2,733 yards of 50/50 mix of sand/salt, 7,313 gallons of liquid calcium chloride while consuming 5,611.9 gallons of fuel. With breakdowns and everything Mother Nature threw at us we were able to keep roads safe for all.

New York State Compensation Plan – Option of adopting the NYS Deferred Compensation Plan. There is no employer cost to offer the plan.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to offer the Deferred Compensation Plan to employees. Motion carried.

Copake Planning Board - Thanking the board for their support shown to the Planning Board with regard to the Ag & Markets review of 13 Lackawanna Farm.

Charter Communication – Testing done by FCC met requirements.

Councilman Sacks said they met the minimum requirements have lowest band within country. Voluntary Chapter 11 - will still get service on 6 months extension with contracts.

Supervisor Crowley read statement for Kevin Thiemann in reference to abandoned vehicles.

The law that applies in this case is section 1224 of the Vehicle and Traffic Law. Under section 1224 (2), ownership of an abandoned vehicle vests with the town without further action provided that the vehicle does not have numbered plates at the time of abandoned and has a wholesale value of less than \$1,250.00. The town is not required to obtain title to the vehicle if the vehicle is sold or otherwise disposed of as junk or salvage, dismantled for use as other than a motor vehicle or destroyed. I obtained a statement of abandoned vehicle (form MV-37) form DMV in Hudson which can be used to dispose of a vehicle which is worth \$1,250 or less, is ten or more model years old and has been abandoned for at least one month. Based upon the information provided by Larry Proper, I believe this form could be used by the town if it wishes to sell the vehicles to a dismantler. Other provisions of section 1224 may apply depending on what the Town wants to do.

It should be noted that under Section 1224 (6) (b) any proceeds from the sale of an abandoned vehicle, less any expenses occurred by the town, are to be held by the town for the benefit of the vehicle owner for a period of one year. If the proceeds are not claimed by owner within the one year period the proceeds are then to be transferred to the general fund.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia to direct Highway Superintendent Proper to go forward with the vehicles. Motion carried.

Councilman Sacks read letter from Copake Falls Day Committee with concern that the Copake Town Board questioned the inclusion of two local merchants placards on our new Welcome To Copake Falls sign (see attached).

Supervisor Crowley recused himself as he works for the State Park. Councilwoman Gabaccia recused herself as one of the signs is her employer. Councilman Sacks said he's for leaving the signs the way they are.

Councilman Tompkins said he has no problem with the signs. Ed Ferratto said we are presently asking people to remove signs that aren't on the property where the business is. What's good for one is good for another. The signs on 22 direct the people to business, they are on state property. Joe LaPorta said the triangle in Copake Falls is a veteran's memorial and if you're going to allow signs there they should also be allowed at the clock. Kevin looked into law, signs for Little League should not be allowed as it violates your own zoning. The law says no advertising sign for business shall be located except on property where business is located. You need to do more research.

Councilwoman Gabaccia read letter from John Cady in reference to Black Grocery Road Bridge, Stimulus Projects.

Supervisor Crowley responded he put form for recommendation of stimulus in everyone boxes. Ken Flood was at the March EAB meeting and extended the deadline to turn in the form. I e-mailed the EAB. USDA has not announced when they will be accepting grants.

Councilman Tompkins, Ken Flood said if we missed the first deadline there would be a second, etc. The insurance money from the Black Grocery Bridge went into the County General fund, I feel It should have come back to town. Supervisor Crowley said there were copies of petition to reconsider rebuilding the bridge sent to County Highway, I talked to Dave Robinson asked him to investigate his answer was they were going to fix the bridge but the town board told him to take it down.

Councilman Gabaccia said they were told the bridge had to come down because structurally it was unsafe. The letter is suggesting that the town submit directly for the stimulus.

Supervisor Crowley suggested the EAB start a sub committee for the stimulus. Councilman Sacks said he researched the bridge project and its very complicated we would have to go through eminent domain, if we rebuilt, law would require turn lights, there's no room for light, we would have to move 22 east and nursery would lose part of his property. Would love to have bridge back but it could take ten years.

Public Forum:

Mr. Wassenhove spoke about the closing of Pine Haven Nursing Home and moving to another location. Petition with 3,000 signatures against moving the home.

Read letter from employee of Pine Haven, with many reasons why the home should stay in Philmont.

Presented board with resolution to keep home in Philmont.

The following resolution was offered by Councilman Kiernan seconded by Councilman Tompkins.

WHEREAS, the Columbia County Board of Supervisors is considering a plan to close the Pine Haven Nursing in the Village of Philmont, and relocate the Pine haven Nursing Home to the Town of Kinderhook; and

WHEREAS, the Village Board of the Village of Philmont, the Village Board of the Village of Valatie and the Town Board of the Town of Claverack have passed resolutions opposing the closing of the Pine Haven Home and relocating it; and

WHEREAS, the elected officials of those Boards have discussed this matter among themselves and with many members of the public; and

WHEREAS, the proposed closing of the Pine Haven Home and its relocation would have a significant, negative impact on the Village of Philmont, the Town of Claverack and the Village of Valatie, resulting in the loss of jobs and the loss of revenue to the people, the businesses and the government in these communities; and

WHEREAS, this nation is facing the worst economic crisis since the Great Depression and the effects of this crisis are felt by every citizen of the County of Columbia; and

WHEREAS, the Town Board of the Town of Copake does not believe that any community in Columbia County should suffer needless economic losses in these troubled times:

NOW THEREFORE, BE IT RESOLVED THAT the Town Board of the Town of Copake demands that the Board of Supervisors of the County of Columbia immediately remove from consideration the closing of Pine Haven Home in the Village of Philmont and its relocation to the Town of Kinderhook.

Dated April 9, 2009	Supervisor Crowley	Yes
Resolution # 6	Councilman Tompkins	Yes
	Councilman Kiernan	Yes
	Councilwoman Gabaccia	Yes
	Councilman Sacks	Yes

George Filipovits said he would like to see more communication between the board and the voters, we read in the newspaper what is going on with our board, it not fair to taxpayers.

Supervisor Crowley said the town was not broke last year, as far as arrest - the constitution states you're innocent till proven guilty and it's a private matter, as abuse of power, I don't know what abuse was.

Karen Hallenbeck reported Copake Community Chest will be hosting dance on April 25, 2009. Supervisor Crowley explained Copake Community Chest is a newly formed, not for profit organization and its purpose is to augment any areas in the town that needs their assistance – seniors, park, etc..

New Business:

Councilwoman Gabaccia brought up the budget and the fact that a year end report has not been received from the accountant. She suggested taking a look at the River Street contract as well as the Health Insurance and Social Security.

Councilwoman Gabaccia also stated Jane Peck has requested use of the town's GIS system to prepare maps for Copake Falls Day and has offered to do the same for Copake Days. Town Board gave their approval.

Councilman Sacks explained Charter Communication is in Chapter 11.

Councilwoman Gabaccia reported on the Energy Audit: Four suggestions were made: 1) Improve air conditioning, 2) Programmable thermostats, 3) Weather strip front door, 4) Install window shades.

Joe LaPorta, Motor Vehicle Storage Task Force: Reported that all paperwork with recommendations has been sent to town attorney who will advise task force if these recommendations would be legal. Once attorney has reviewed, the Task Force will sit with the two business owners from the south end of town and discuss changes. There are a lot of problems there because the town has not stayed consistent with their dealings with these two businesses.

Also, Joe checked central vacuum in town hall. He cleaned out hoses, replaced bag, etc.

Also, Joe checked on legality of putting signs up at park on ball field. Attorney's position is, according to town zoning, the signs should not be allowed.

Ed Ferratto, ZEO: Reported on Old Craryville Store. Letter from engineer who evaluated building. Will communicate with owner and explain he will have to get further details from engineer before making any changes.

Also, rats have been reported at Copake General Store and Copake Inn. Asked public to contact him if anyone sees them again and Health Department will be contacted.

Appointments:

ZBA: Motion made by Councilman Sacks, seconded by Councilwoman Gabaccia to appoint Hilarie Thomas as member and Michael DePeri as alternate to ZBA. Motion carried.

Park: Motion made by Councilman Tompkins, seconded by Councilwoman Gabaccia to appoint Nicole Banyard and Scott Swenson to Park Commission. Motion carried.

Ombudsman: Motion made by Councilman Sacks, seconded by Councilwoman Gabbaccia to appoint Karen Hallenbeck as Ombudsman. Motion carried.

Resolutions:

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

RESOLVED: Whereas, the speed limit on County Route 7A from Snyder Pond Road south to Tamarac Road is presently 45 miles per hour and,

Whereas, because of the development that has occurred on this stretch of County Route 7A, and the location of emergency vehicles on said highway, the safety of the present speed limit has become a serious concern,

It is hereby resolved that the Town Board of Copake requests that Columbia County take the necessary steps to reduce the speed limit on County Route 7A to 35 miles per hour from a point starting at Snyder Pond Road and continuing south to Tamarac Road.

It is further resolved that a copy of this resolution be sent to the Chairman of the Board of Supervisors of Columbia County and to the Columbia County Traffic Safety Board.

Dated: April 9, 2009	Supervisor Crowley	YES
Resolution #7	Councilwoman Gabaccia	YES
	Councilman Sacks	YES
	Councilman Tompkins	YES
	Councilman Kiernan	YES

Committee Reports:

Harvey Weber, Columbia County Environmental Committee: April 27th at 7:00 meeting –get on agenda to explain what has been going on with Mr. Cascino, DEC, etc.

Department Head Reports:

Jeff Nayer, ZBA: looking at by-laws and possible changes.

Marcia Becker, Planning: Mr. Wiener brought house plans into Building Inspector. He has not paid the \$10,000 owed to the town for last review. Asked for guidance on whether this new permit should be considered while this amount is outstanding. Supervisor Crowley suggested Marcia call Kevin Thiemann, Town Attorney.

Discussion followed on escrow monies and how they are handled by the town. Supervisor Crowley suggested Marcia contact Planning Board Attorney, Mr.

Howard, for advice on setting a town policy on handling escrow monies, and bring a recommendation to the board.

Councilperson Reports:

Councilman Kiernan: Spoke to Fisheries & Wildlife. They will come down April 16th to tour the stream and take pictures. There are several major issues that need repair.

Councilperson Gabaccia: May 1st is "response" date for the Cascino case.

Paying of Bills:

Motion made by Councilperson Sacks, seconded by Councilwoman Gabaccia the bills from general abstract # 4 and highway abstract # 4 be paid. Motion carried.

Motion made by Councilperson Tompkins, seconded by Councilwoman Gabaccia to enter into executive session to discuss litigation.

A motion was made by Councilman Kiernan seconded by Councilman Sacks to return to regular meeting. Motion carried.

A motion was made by Councilman Sacks seconded by Councilman Tompkins the meeting be adjourned. Motion carried.

Respectfully submitted,