

TOWN BOARD  
May 14, 2009  
REGULAR MEETING

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

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

Supervisor Crowley opened the meeting at 7:30 p.m. with 36 people present.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks the minutes of April 9, 2009, be accepted as written with an amendment on page 3 Councilman Sacks said “they met the minimum requirements have lowest **broad band.**” Motion carried.

A motion was made by Councilman Gabaccia seconded by Councilman Sacks the minutes of April 18, 2009 be accepted as written. Motion carried.

Supervisor Crowley congratulated Brandon Alberg for Columbia County Youth Advisor Board recognition.

The following correspondence was read:

VFW Post 7955 – Invite to annual Memorial Day Services Monday May 25, 2009.

Assemblyman Molinaro - Copy of letter sent to Dean Knox Traffic Safety Board in support of Town’s request for a speed reduction on Columbia County 7A between Snyder Pond Road and Tamarac Road

Camphill Village – Gratitude from everyone who lives in Camphill for the professional and wonderful support the police gave during an incident on April 25<sup>th</sup>.

Economic Advisory Board. – Request for appointment of Robert Rosegarten and Regina Awe to Board.

Planning Board – Thank you to Councilwoman Gabaccia for her support for the Board in general and particularly during its review and final decision on the 13 Lackawanna Properties 2008 site plan.

NYSDEC – Copy of permit for work to treat up to 55 acres of Copake Lake with Renovate 3 and Aquathol K.

Assesmblyman Molinaro – Community Smart Communities program.  
Copy to Harvey Weber Environmental Committee.

NYSDEC – Notification Taconic Shores Property Owners Association applied for permit to treat Robinson Pond.

State Board of Real Property Services – Certificate of final special franchise full value for town assessment rolls.

Community Rescue Squad - Letter informing the Town how they stand on the process of establishing a special Ambulance Joint Tax District.

Planning Board – George Filipovits will be attending public hearing on April 14<sup>th</sup> on petition to close Nicholson Road.

Assemblyman Molinaro – CHIPS funds expected to be received \$102,284.

Morris Ordovery - Letter referring to the town board handling of stimulus funds.

Columbia Planning and Economic Development, Ken Flood – Updating the town’s request for American Recovery and Reinvestment Act funds as well as a timeline for what I have accomplished.

Larry Proper – Re: Transportation and Appropriations Funding request, I am not aware of any towns in our County that are receiving funding for road work under this plan at this time.

Supervisor Crowley asked about the \$2,000.00 that was put aside in the EAB for joint town grant writers.

Morris Ordovery responded the other Town have-not cooperated.

Charles Dodson said grants were sought and none were fruitful, proposals were added to Senator Saland member bill all members funds were stopped, called to check on status its still active and we hope to get the funding.

Councilman Sacks said we need to be more aggressive when requests come.

Supervisor Crowley said the EAB created a stimulus sub committee.

Morris Ordovery asked why we aren’t putting together a group of experts to help with this stimulus package.

Supervisor Crowley said the EAB did a good job on the three proposals sent to Ken Flood.

Charles Dodson said he spent hours with engineers, no person with any of these categories sits on the board it’s not 2 hours a month spent on the board its tens of hours.

Supervisor Crowley read correspondence from John Keeler requesting the board take some positive action on the conditions and exposures at the highway garage.

John Keeler said as of today the highway garage has been cleaned up - would like to know the cost for clean up in labor, fuel, and cost of dumping fee.

Carol Sacks read letter from Sue Kibler contributing a painting of Copake Town Clock to the town.

Diana Wilson said she still has light in her bedroom and living room.  
Town Clerk will contact NYSEG to see about replacing the other light.

Deb Cohen asked the Town Board to pass resolution in support of the NYS Senate Bill #S2568 and Assembly Bill # A02596

The following resolution was offered by Councilman Sacks seconded by Councilwoman Gabaccia.

RESOLUTION IN SUPPORT OF THE NEW YORK STATE SENATE BILL #S2568 and ASSEMBLY BILL #A02596, Both known as the Child Victims act, a bill to extend the stature of limitations on sex crimes committed against children.

WHEREAS, the current New York Sate statute of limitations on the prosecution of sex crimes committed against children is currently five years from the age of majority, and,

WHEREAS, the statute of limitations is one of the shortest in the country, and

WHEREAS, FBI studies show that one in five children will be sexually abused by the age of 18, and,

WHEREAS, sexual predators are known to abuse multiple victims; and,

WHEREAS, numerous studies have shown that victims of childhood sexual abuse typically cannot come forward for decades after the abuse occurred because they are literally disabled from getting to court, because it is difficult for them to understand the magnitude of the harm which caused them to lose their childhood and that significant problems in adult life were caused by childhood abuse, and,

WHEREAS, in addition to the psychological issues that can prevent many victims from coming forward within the current time, limit, intimidation by abusers and their protectors is also a significant factor in the delay, and

WHEREAS, legislation is currently pending in both the New York State Assembly and New York State to extend the criminal and civil statue of limitations on these claims and to open a one year window in which previously time-barred victims can file civil suits, and

WHEREAS, there are no state or local fiscal implications for this bill,

NOW THEREFORE, let it be known that the Town Board of the Town of Copake hereby supports New York State Assembly Bill #A2695 and New York State Senate Bill S2568 and urges their swift enactment by the State of New York without amendment.

Resolution # 8  
Dated May 14, 2009

Supervisor Crowley	Yes
Councilman Tompkins	Yes
Councilman Kiernan	Yes
Councilwoman Gabaccia	Yes
Councilman Sacks	Yes

Hank Rothvoss said he's looking into buying a farm in Copake, are you allowed to bury stone walls and cut trees down? Supervisor Crowley suggested he make an appointment with Marcia Becker. Can't bury C&D.

George Filipovits asked if the Deputy Building Inspector is paid while he's in Florida. Supervisor Crowley said he's salaried.

Councilman Sacks said the signs in Copake Falls are run by the State surrounded by 344 and the only one who has jurisdiction is the state and they have given their approval for the signs

Councilman Sacks reported Charter Communication is still in restructuring. Intend to get additional six months extension.

Joe LaPorta, Motor Vehicle Task Force, handed recommendations to town board to go over for the Motor Vehicle Storage Permits.

The task force met with Jims Auto and Mike Lindig - they looked over the recommendations said they could comply. If adopted your Zoning Officer will have to go out and address. Deals were made by different boards during the years suggest that if adopted everyone must live with it.

Councilwoman Gabaccia asked if it was mentioned that their licenses from DMV be attached to their permit.

Joe LaPorta said both have licenses for NYS to sell vehicles.

Jim said if needed he would get dismantlers permit.

Supervisor Crowley said the board will look over motor vehicle storage permit changes and address it at the next meeting.

Councilwoman Gabaccia drafted from Kirk Knellers letter use of Town Property and Buildings by non-Town Employees or Committee members to be added to the policy manual.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia the use of town property and buildings by non-employees or committee members be added to the policy manual. Motion carried.

Councilman Sacks asked about the Emergency Management Plan. He would like to accept responsibility to finish it and deliver a preliminary plan in a month and get it done in 60 days.

Councilman Tompkins agreed.

Supervisor Crowley said we saved over 250 lbs of propane by closing on Fridays. Starting June 1<sup>st</sup> the Town Hall we be opened on Fridays.

Councilwoman Gabaccia asked about the fees and service charges for the Planning Board.

Supervisor Crowley said he asked Marcia to contact their Attorney.

George Filipovits said the planning board is not a collection agency it would be up to Town Board.

Joe LaPorta said there is nothing in your zoning pertaining to collections of fees; suggest you look into it as possible.

Supervisor Crowley will contact Attorney.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to appoint Lonny Kalfus to the Conservation Resource Committee. Motion carried.

A motion was made by Supervisor Crowley seconded by Councilwoman Gabaccia to appoint Robert Rosegarten and Regina Awe to the Economic Advisory Board. Their terms will expire December 31, 2009. Motion carried.

George Filipovits – Planning Board, two minor subdivisions, one boundary line adjustment, and one site plan review.

Harvey Weber – Environmental, looking into wood burning furnaces.

Charles Dodson – Comprehensive Planning, will be issuing survey before next meeting mailed out by end of month. Input will be helpful for the Comp Planning.

Councilwoman Gabaccia read the following statement:

As many of you are aware from the recent newspaper reports Salvatore Cascino's attorney, Dennis Schlenker, has filed a Notice of Claim against myself and Town of Copake regarding an alleged comment attributed to me by the Register Star. First and foremost, I wish to assure all citizens that this frivolous suit will be handled by the Town's insurance company which has selected an extremely experienced legal firm from Albany: Bailey, Kelleher and Johnson. I have already been contacted by the firm and they are preparing to defend the Town. We will not be incurring any expenses regarding this matter.

As regards to this venal attack on myself and the Town of Copake, I can only view this as an attempt to silence me. This Board needs to speak up and speak loudly that it will not be intimidated by such tactics. To sit in silence would be to admit either defeat or complicity, neither of which should be acceptable to the citizens of this Town.

For the record, I have never referred to Mr. Cascino as a criminal. My exact words when interviewed by a novice reporter were that Mr. Cascino was an individual with "a proven track record for breaking the law". And what a documented track record it is. I would now like to read into the public record, Planning Board attorney Lawrence Howard's

recent letter to Ag & Markets director William Kimball. Statements of fact in this letter are supported by documentation. (see attached)

In conclusion, a legal tactic which attempts to injure the Town of Copake financially as well as to impugn my reputation by referring to my actions as malicious and reckless is just that: a legal tactic. I have no need to call Mr. Cascino any names. The public's perception of Mr. Cascino has been and will be defined by his actions and the actions of those who are allied with him. And any actions will always speak louder than words, just as past behavior is the best predictor of future behavior. I will not be intimidated nor will I cease to stand up to protect the Town which raised me.

Councilman Tompkins will e-mail solar companies for drafts.

Councilman Kiernan sent report to DEC for stream work approval.

Supervisor Crowley reported Governor Paterson is recommending reducing the star exemption by 11%. The County discussed a resolution.

A motion was made by Councilman Sacks seconded by Councilman Kiernan the bills from general abstract # 5 and highway abstract #5 be paid. Motion carried.

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