

COPAKE TOWN BOARD
REGULAR MEETING AUGUST 14, 2008

A regular meeting of the Town Board of the Town of Copake held at the Town Hall Copake, NY, on August 14, 2008.

Present: Deputy Supervisor Wayne Miller
Councilwoman Linda Gabaccia
Councilman Robert Sacks
Councilman Daniel Tompkins
Councilman Walter Kiernan
Highway Superintendent Proper

Absent: Supervisor Crowley

Deputy Supervisor Miller opened the meeting at 7:30 pm with 58 people present.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins the minutes of July 10, 2008, be approved. Motion carried.

CORRESPONDENCE:

Councilman Sacks read the following correspondence:

1. From Taconic Shores Board – Letter notifying town board their board banned the use of outdoor wood burning furnaces & asked to discuss the issue for the town.

Councilman Sacks suggested the Environmental Committee look at it and make a recommendation to the board.

2. From Carol Allen: Letter suggesting all public buildings be open to public at all hours during the winter due to fuel, etc.

Councilman Sacks read letter of response to him (see attached). Councilwoman Gabaccia suggested creating a page on web-site for plan.

Councilman Tompkins suggested calling meeting to go over the plan.

3. From Timothy and Judy Boomer – Letter expressing their views that the towns must be more aggressive in its legal and enforcement actions as it relates to Salvatore Cascino and the so-called farming activities conducted on his property in the Town of Copake.

Councilwoman Gabaccia read the following correspondence:

1. From Gail Garrett – Letter in reference to prohibiting of horse back riding in Hillsdale Park. Riders have been using these trails for a long time.

Councilwoman Gabaccia asked Deputy Miller to bring the letter to the steering committee's attention.

Deputy Miller said multiple use trails are being discussed, they asked them not to use trails until things are straightened out.

Councilman Tompkins said he didn't want to see the committee sit on it, it should be addressed now.

Deputy Miller suggested a letter from the board. Councilwoman Gabaccia said she would draft the letter suggesting the Town Board would like to pursue the matter and encourage the creation of paths for horse back riding.

2. From Community Rescue Squad – Letter asking Town for more financial support in the 2009 budget. Councilman Tompkins asked why hasn't County taken a bigger role suggested asking our Supervisor to reopen the County wide Rescue Squad.

Councilman Sacks suggested the board write a strong resolution in support of County-wide action. He will take the responsibility to write a memorandum.

3. From Lynn Hotaling Deputy Clerk – Letter answering questions John Keeler asked at the July Town Board meeting in reference to Town employee's hours and health benefits.

Councilman Tompkins reported the Alternative Energy Committee has not met due to vacations; will be meeting in near future. Encouraged everyone to look at "T-Bone Pickens" web-site.

Deputy Miller read the following correspondence:

1. Roeliff Jansen Historical Society – Letter asking for reimbursement of \$16,814.00 amount donated for renovation of School House which is to be returned to foundations and individuals.

2. From Ultra Clean - Bid of \$1,552.76 for carpet cleaning in town hall. Board decided to budget for it next year.

3. Copake Falls Community Day – Requesting \$1,200.00 in funds to help with Community Day.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to allot \$1,200.00 from celebrations for Copake Falls Community Day. Motion carried.

4. From Copake Fire District – Letter stating the 2008 budget check was short \$745.00 asking authorization to process the check.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia that a check in the amount of \$745.00 be issued to the Copake Fire District. Motion carried.

5. From Columbia County September 11th Memorial Fund – Letter inviting the community to the memorial's unveiling September 7, 2008 at 1 PM in Valatie, also asking for full support for the project.

6. Pace University - Thank you for becoming a sponsor of the Land Use Law Center's.

7. From John Ohlerich - Letter in regards to outside lighting on 1817 State Route 23, requested a notice of violation be issued and enforced per Code 232.27 and 232-14 par 1 in reference to neon signs.

8. From Building Department - Request for increase in zoning fees.

Deputy Miller said that would be taken up at the organizational meeting.

9. From Columbia Land Conservancy – Tax incentives for conservation easements.

Dave Pfaff from Young Citizens Committee introduced seven (7) students who are serving on his committee. They requested \$500.00 to pursue activities more teenage friendly, dances, trips etc. Councilman Sacks said the board will appoint a liaison for the committee. Councilwoman Gabaccia said there are funds from Friday-Nite blast.

A motion was made by Councilman Sacks seconded by Councilman Tompkins to go into executive session on personnel matters at 8:10 pm. Motion carried.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to return to regular meeting at 8:28 pm. Motion carried.

PUBLIC FORUM:

Resident Fran Miller asked what the meeting with Kevin O'Neal, Marcia Becker, Linda Gabaccia, Reggie Crowley and maybe Edgar Masters was in reference to.

Councilwoman Gabaccia said Kevin O' Neal requested a meeting with Marcia Becker about getting on the agenda for Housing Resources, Marcia requested my presence there as liaison. Kevin O'Neal also notified the Supervisor to be present. The reason Marcia invited me is that neither one of use will meet with the Supervisor alone anymore. Mr. O'Neal I felt was suppose to be there to explain the funds he owed the town and still not paid and update us on getting back on the agenda, he showed letter to Supervisor which he questioned him about regarding where he stood on Housing Resources issue. I was not privy to contents of letter. I took from the meeting the understanding that the Supervisor was playing both sides of fence. I indicated at that point its inappropriate for the town board members because of possible article 78 issue in the future to weigh in on the housing project, at which point the meeting concluded and Mr. O'Neal indicated he will be getting funds to pay the town.

Mrs. Miller asked if it was an informal meeting and private in nature.

Councilwoman Gabaccia replied yes, it was not public nor was it advertised.

Mrs. Miller said I personally believe the meeting was far from transparent. And I think in order not to have liability it should have been open to everyone.

Councilwoman Gabaccia agreed and said that Kevin O'Neal set the meeting up with the Supervisor.

Mrs. Miller also questioned what the escrow money is for and Councilwoman Gabaccia responded that she believes it was for work already completed. She also pointed out that finance charges should be assessed on the money that is overdue. Attorney Kevin Thiemann suggested the town pass a resolution that anyone owing the Town of Copake escrow money could be assessed finance charges.

Resident John Keeler addressed the board with several suggestions including locks on thermostats in the Town Hall; a 4-day work week for town employees; gates at the Highway Garage; employees paying into their Health Benefits.

Councilwoman Gabaccia made motion to allow Highway Superintendent Proper to appeal for bids for electrically-controlled gates at the Highway, seconded by Councilman Tompkins. Motion carried.

Resident Harvey Weber suggested now would be the time for the town to put a moratorium in place on construction.

Resident Karen Hallenbeck questioned whether the town is doing anything about the light at the town hall.

Resident Jeff Nayer suggested the town consider replacing rugs and have them cleaned twice a year. He also suggested the Mastercard/Visa sign in the courtroom be removed.

Resident Roberta Roll asked Councilperson Tompkins to work on the lighting situation at the town hall and follow up with Vana about her contact with NYSEG.

Resident Wayne Miller asked if the board has looked at the Budget since we are past the 6-month timeframe. Councilperson Gabaccia said the board will look at it in public at the September meeting.

Park Chairperson Krista Goodacre questioned the money being offered to the teens at tonight's meeting from "park money" as Councilperson Gabaccia stated. Gabaccia explained it is leftover from Friday Night Blast.

Barbara Filipovits mentioned the Park Commission has no idea about the park money since they do not receive a monthly statement and requested such from now on. Councilperson Tompkins will follow up with accountant for a breakdown of funds.

George Filipovits mentioned he was the only fireman to work at the Carnival this year as he had no help from anyone else. He also suggested the public vote on whether employees pay into their benefits. Attorney Thiemann will check to see if its permissible to go to referendum.

Dave Robinson and Dean Knox from Columbia County Highway Department gave a presentation on the projects to be done here in town over next few years including updating the hamlet, Brown's Dam, Empire Road, and the reconstruction/widening of Rte. 7A, and also answered questions from the public including Harvey Weber who asked if the dam will handle the work to be done. Mr. Knox said the information regarding that research will be forwarded to Sean McClain at Taconic Shores.

Comprehensive Planning Committee: Jeanne Mettler spoke at length on the committee's plans and goals. She reported the committee has concluded that it is critical for the town to adopt a Comprehensive Plan and they must hire a professional consultant. Chairperson Mettler requested the town board support the decision of the committee to retain the services of a professional consultant and to allot \$30, 000 in 2009 for such services.

Councilperson Gabaccia made motion for town to retain professional consultant for Comprehensive Planning Committee, Councilperson Sacks seconded. Motion carried.

Councilperson Gabaccia made motion to budget \$30,000 in 2009 for professional consultant, Councilperson Sacks seconded. Motion carried.

VFW: Arnold Anderson, Commander, introduced members present in audience and recapped for the public the achievements and services of the organization. He concluded with a proposal to the town board to donate the West Copake Firehouse to the VFW.

OLD BUSINESS:

Attorney Kevin Thiemann explained the process of relinquishing the West Copake Firehouse: 1) The board would have to make the decision that the building is no longer needed by town; 2) An appraisal would be needed to learn fair market value of building; 3) Heirs to original grantors of the property would have to be contacted since the deed included a "Right of Reversion"; 4) Approval of State Legislature would be necessary since the property was *given* to town.

Mr. Thiemann will contact attorney who did title work and find out who holds right of reversion. Councilman Sacks stressed the importance of having this information in a timely manner.

APPOINTMENTS:

Councilperson Gabaccia made motion to appoint Ken Phesay to Assessor's office, seconded by Councilperson Tompkins. Motion carried.

COMMITTEE REPORTS:

Senior Committee: Harvey Weber updated the audience on future events including a Golden Harvest Dance and a Winterwalk in Manhattan.

Environmental Committee: Harvey Weber explained the Rural Water Survey is ready to begin.

EAB: Charles Dodson stated the meeting minutes are now up on the website and there has been a huge increase of visits to the web.

Conservation Resource Committee: Stuart Carduner stated they have three new members and they are going "full steam ahead".

Police Commission: Jeff Nayer announced first meeting will be held in September and will hold quarterly meetings. Also speed trap has been moved to Farm Rd.

Statement read by Councilperson Sacks regarding Copake Valley Farms:

There was a special meeting about Copake Valley Farms on August 2nd, which packed this building to standing room only. The public's opinion was unanimous and vocal. They want the town board, and all other elected officials to continue to do everything in their power to hold Salvatore Cascino responsible for his actions and his disregard of federal, state and local laws.

So the question is how do we do that?

In response to an editorial in the Independent Newspaper, I wrote a letter to the editor about Salvatore Cascino and Copake Valley Farms that publicly sought greater participation of our Assembly and Senate officials.

That letter brought an immediate reply to the newspaper from our Assemblyman.

Here are the opening remarks of his reply:

Last week Copake Town Councilman Robert Sacks wrote a letter to this newspaper of his frustration regarding Sal Cascino and activities occurring at Copake Valley Farm.

Senator Saland and I agree. Mr. Cascino must be held accountable and his activities must comply with local, state and federal laws. He is responsible for adhering to all appropriate codes and regulations. Columbia County Judge Jonathon Nichols and Office of Attorney General have decided clearly on the matter. Further, we recognize the ongoing concern for strict enforcement.

“Frustrated by lack of progress, concerns remain about enforcement and Mr. Cascino’s adherence to local, state and federal regulations. For these reasons, we have requested a thorough investigation of Mr. Cascino’s activities and responsibilities under the law by the Attorney General, Department of Environmental Conservation and Environmental Protection Agency.” End quote.

Friends and neighbors, this is what a single letter can do. I have several suggestions tonight to create an agenda for seeking what we all want, proper and continuous enforcement of local, state and federal regulations.

- 1) We all need to write letters. To the newspapers and to all elected officials.
- 2) This Town Board must pas a resolution seeking in no uncertain terms the strict enforcement of all local, state and federal laws by Sal Cascino and Copake Valley Farms, which must be sent to our senators, assemblymen, the Attorney General, the Department of Environmental Conservation, and the Environmental Protection Agency.
- 3) This board should appoint an official representative from the Town Board to reach out to other municipalities that have been affected by Sal Cascino and attempt to create a unified coalition that can share information and seek redress by the Attorney General, the DEC and EPA.
- 4) We need the townspeople to organize a neighborhood watch. It has already been documented that Sal Cascino is not only dumping at Copake Valley Farm but also in several other places in Copake. This is an unacceptable new development, and it will take the public’s help to watchdog what is going on.

Councilman Sacks read the following resolution for board approval:

The Town Board of Copake resolves to authorize Bob Sacks to officially reach out on Copake’s behalf to other municipalities that have been adversely affected by Sal Cascino and his various corporations, and in so doing, to organize a multi-town task force to coordinate effects seeking appropriate paths for the enforcement of all local, state and federal laws.

Councilwoman Gabaccia said we have documentation of this going on in other towns so it makes sense to out reach with them.

Councilwoman Gabaccia said she makes a motion if you’re willing to do out reach to other towns she would be happy to support Councilman Sacks to the position.

Councilman Tompkins asked what the status of his complaint against you.

Councilman Sacks replied non-existent. We have no proof he ever made complaint.

Councilman Sacks said we know a lot about what's going on here but not in Millerton, and the don't know in great detail what we're facing. I'm trying to get the Attorney General's attention.

Councilman Tompkins said he's already involved and he's in litigation.

Councilwoman Gabaccia said there's a consent decree, which is just one portion of our problems with Mr. Casino.

Harvey Weber said you can approach the other towns as a citizen.

Councilman Sacks said the government finds it very important that they are behind any motion, if board supports officially a research with others towns we can present to government, it has clout.

Councilman Tompkins said he would like to table the motion until the Supervisor is present.

Councilman Sacks said we need to act now it's been going on to long.

Councilman Tompkins said when the Supervisor returns maybe we could have a special meeting.

Statement read by Councilperson Gabaccia regarding Salvatore Cascino :

For those of you who may have felt that one voice cannot make a difference, there is positive news to report tonight regarding the town of Copake's litigation with Salvatore Cascino. The joining together of all your single voices which results in the town-wide meeting August 2nd, 2008, and the resulting coverage by both the Independent and WAMC has been notified. First of all, coincidentally or not, we now have court date schedules before Judge Nichols on October 29th and 30th to hear our motions regarding contempt charges for Salvatore Cascino's ongoing violation of the temporary Restraining Order which exists for 13 Lackawanna Properties. I have also had conversations this week with both the Attorney General's Office and with the Department of Environmental Conservation and both departments mentioned that they were aware of the coverage this issue is receiving. As of today, the Attorney General's office is awaiting reply from Salvatore Cascino's attorney regarding his failure to offer a timely and proper remediation plan by deadlines set for the area on his property where the illegal bridge was built. In regard to the consent decree, I have been informed that Salvatore Cascino has yet again changed attorneys and will now be represented by Ms. Ann Kirshner currently representing Cascino's interest before the Planning Board. Your Attorney for the town, Carl Whitbeck is drafting the additional contempt charges requested by resolution at the last Town Board meeting and will be coordinating with the Attorney General's office in regard to the remediation areas at Salvatore Cascino's

property. Several citizens who have witnessed and documented TRO violations have and will be deposed.

Your Town Board has reviewed additional communications from Cascino's attorneys, but we are awaiting their review before we are at liberty to comment on them in a public forum.

The citizens of Copake have momentum and it is a momentum which must be maintained if we are to prevail.

Councilwoman Gabaccia offered the following resolution for consideration seconded by Councilman Sacks.

BE IT RESOLVED THAT:

1. The Copake Town Board, on behalf of the citizens of Copake directs Attorney Whitbeck to vigorously pursue the legal action pending against Salvatore Cascino which is currently before State Supreme Court Judge Jonathan Nichols.
2. The Copake Town Board emphatically supports efforts of our State Senator and Assemblyman in their petition to State Attorney General Andrew Cuomo to fully investigate Salvatore Cascino and his many business entities and the board directs the Town Supervisor to write a letter of support on behalf of the Copake Citizenry. That letter to be submitted to the editors of the Independent and the Register Star for publication in their respective newspapers.

Motion carried. Councilman Kiernan abstained.

A motion was made by Councilman Sacks seconded by Councilman Kiernan the bills from general abstract # 8 and highway abstract # 8 be paid. Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan the meeting be adjourned at 10:25 pm. Motion carried.

Respectfully submitted,