

COPAKE TOWN BOARD
Organizational Meeting
January 3, 2009

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

Supervisor Crowley, Councilwoman Gabaccia, Councilman Sacks, Councilman Tompkins, Councilman Kiernan, and Highway Superintendent Proper.

Judge Herman swearing in of elected Assessor David Gordineer.

Supervisor Crowley opened the meeting at 9:10 am with 40 people present.

Flora Berquist asked to explain how decision was made to reduce the one Court Clerk hours and removal of benefits, when at the same time the second court Clerk receives the same salary and hours. Where does the savings comes in and how decision was made.

Supervisor Crowley said the board has said over scheduling of court clerks, its up to Judges, the only thing by state judiciary law we can do is set budget for them.

There's been a drop in case loads 50% over the three years. When I first started there was one part time clerk in 2003.

Councilwoman Gabaccia: Back in 2003 the designations were Court Clerk and Deputy Court Clerk, and I would like to comment that you, being a previous Judge and your close association with two of the clerks involved in being appointed, I think you need to recuse yourself on this matter because I don't believe you can be fair and impartial on it.

Supervisor Crowley said I think I can. Prior to 2003 we had two clerks, in 2002 the board decided to create a position of administrative clerk, 15 hours in court and 10 hours in other departments where needed. In 2007 the board appointed Mrs. Glover at \$8,000.00 a year; instead of appointing the previous clerk they appointed Ms. Harvender at \$13.40 an hour budgeted for 26 hours a week in the court, which was a little over \$18,00.00 year - a 60% pay hike for one clerk. In March 2007, Ms. Harvender resigned and Ms. Mc Dermott was hired to replace her. I believe theres no need for a full time clerk. At budget hearing we sat with Judges and Judge Herman requested the full time clerk remain, Judge Spencer indicated he did not believe there was a need for a full time clerk.

Councilwoman Gabaccia stated at that point in time Judge Spencer had been sitting on bench less then one year as opposed to Judge Herman who has been sitting on bench close to three years.

Supervisor Crowley said he went back through minutes and no motion was made to create full time Court Clerk, so that position never existed, so we felt it was fair both clerks be paid a salary as their responsibilities are the same.

Councilman Sacks said in your own comment the Judges decide we just finance the court so you do not need motion from board to create a full time position, the Judges do it on there own. Supervisor Crowley: you must create a position to fund it.

Supervisor Crowley said that's basically how it came about; from my experience both clerks have identical duties. We looked at case load - they were equal and that's how we came to decision. It was recommendation from Judge Herman it be retained and Judge Spencer said it was not needed.

Councilwoman Gabaccia: the initial submission from the court submitted by Judge Spencer left all the Court Clerk hours same as they were last year , same pay, same hours.

Councilman Sacks pointed out the building department case load is down to a fraction of what it was, why haven't we addressed that department if its strictly case load, my interpretation is not everything is case load – we're here to supply service to the people and the fulltime court employee is service to the public and the building department at certain hours is a service to public.

Councilwoman Gabaccia: its also about retaining good employees and one of the things Larry has done very well is when he defends his department and guarantees hiss men get raises, he's attempting to keep good employees in a job so they don't leave us and we do not have high turn over, I believe that is part of one of the factors that should be considered in the court position.

Supervisor Crowley: my duty and the duty of this board is to spend the taxpayer money in the most fiscal responsible way, it's my opinion its up to the board.

Judge Herman: I've never been consulted regarding any ones vacation time or leave of absence. The current situation is extension of status quo when I took office.

I didn't want to come in and change the way it was run so I went along with it. No one has come to me and asked do you approve of pay or leave of absence.

Supervisor Crowley: that is up to Judges, if you do not agree with someone's time off, that's up to the Judges, its up to you to schedule Court Clerks.

Councilwoman Gabaccia: what the public is referencing here is for a period of time one of the Court Clerks was on salary which she continued to collect when we paid someone else when she was away.

Joe LaPorta asked how do you know how long they are working, is there a time clock.

Supervisor Crowley: They are not working.

Jeff Nayer: you need to take the person's name out of this and talk position only. If Judge Herman does not run next year the new Judge can hire who he wants. Why don't you hire one full time clerk?

Mac Simms most towns have Sole Assessor because its economical, I wish you'd reconsider this.

Supervisor Crowley: it was voted down on referendum, I'm all for Sole Assessor.

Margaret McDermott read letters of support from State Trooper Debra Benzinger and an out of townner who was aided by her. She also presented the board with a copy of a petition with 46 Copake residents' signatures.

George Filipovits: I disagree with Sole Assessor. Our tax money should stay in the town. One Court Clerk - wouldn't you eliminate the part time position before the full time?

Councilwoman Gabaccia asked if we will be addressing the motor vehicle storage permits. Decided to wait till town board meeting.

Highway Superintendent Proper appointed William Gregory Deputy Superintendent.

A motion was made by Councilman Tompkins seconded by Councilman Kiernan to appoint Kevin Thiemann Town Attorney. Motion carried. Councilwoman Gabaccia and Councilman Sacks voted no.

A motion was made by Councilman Gabaccia seconded by Councilman Tompkins to retain the law offices of Rapport, Meyers, Whitbeck, Shaw & Rodenhausen, LLP as town council for the Cascino case. Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to appoint Lawrence Howard Attorney for Planning Board. Motion carried.

Councilman Tompkins asked why we have three Attorneys.

Marcia Becker said Lawrence Howard is specialist in land use.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to appoint Independent as the official newspaper for the Town of Copake.

A discussion followed.

Motion denied, Supervisor Crowley, Councilman Tompkins and Kiernan voted no.

A motion was made by Councilman Kiernan seconded by Councilman Tompkins to appoint the Register Star as official newspaper for the Town of Copake. Motion carried. Councilwoman Gabaccia and Councilman Sacks voted no. Councilman Sacks commented wrong move.

A motion was made by Councilman Kiernan seconded by Councilman Tompkins the First Niagara Bank be designated as official depository for Fire & Lights, Highway, Town Clerk, Tax Collector and General funds for the year 2009. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia the second Thursday of the month be designated as the regular board meeting of the Town Board and that the meeting be called to order at 7:30 pm with the exception of the March, June, September and December meetings to be held on the second Saturday of these months at 9:00 am. Motion carried.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to designate Copake Town Hall as District # 1 polling place and Copake Town Hall District # 2 polling place for 2009. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilman Kiernan to appoint Mark Fitzgerald as Town Accountant. Motion carried. Councilwoman Gabaccia and Councilman Sacks voted no.

Supervisor Crowley will serve as budget officer for 2009.

A motion was made by Councilman Kiernan seconded by Councilman Tompkins to appoint Ralph Shadic Building Inspector, Donald Shadic Deputy. Motion carried.

Councilman Sacks congratulated Ralph Shadic on his certification.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to appoint Vana Hotaling as Registrar of Vital Statistics and Lawrence Proper and Lynn Hotaling Deputy Registrars. Motion carried.

A motion was made by Councilman Gabaccia seconded by Councilman Kiernan to appoint Edward Ferratto as Zoning Enforcement Officer. Motion carried.

A motion was made by Councilman Kiernan seconded by Councilwoman Gabaccia to appoint Mike Bradway Park Superintendent. Motion carried.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to appoint Wes Powell Dog Control Officer, Enumerator. Motion carried.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to appoint Columbia Greene Humane Society as Town Shelter for the Town of Copake for 2009. Motion carried.

Supervisor Crowley appointed Joseph LaPorta Deputy Supervisor for the year 2009.

Supervisor Crowley said advertised for Court Officer, did not receive any letters, Officer in Charge Lopez said he would assign a Police Officer.

A motion was made by Councilman Sacks seconded by Councilwoman Gabaccia to appoint Gloria Lyons historian. Motion carried

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to appoint Robin Bruce Individual-in-Charge/Williams Cemetery. Motion carried.

A motion was made by Councilman Sacks seconded by Councilman Kiernan to appoint William Kane Chairman Board of Assessors. Motion carried.
Supervisor Crowley commended Barbara and Bill doing a fantastic job.

A motion was made by Councilman Tompkins seconded by Councilman Kiernan to appoint Robert Lopez Police Officer in Charge. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia to appoint Lisa DeRocha Custodian. Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to appoint Theresa Traver ZBA secretary. Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to appoint Lisa Deonti Planning Board secretary. Motion carried.

A motion was made by Councilman Kiernan seconded by Councilwoman Gabaccia to appoint Jeffrey Nayer, Wayne Miller and Jan Near Police Commissioners. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilman Kiernan to appoint Harvey Weber to Board of Assessment Review. Motion carried.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia to appoint Marcia Peteroy, Milbrey Zelly and Christopher Quinby to Economic Advisory Board. Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins to reappoint Shawn McClain to the Zoning Board of Appeals. Motion carried.

Supervisor Crowley appointed the following Town Board Members as liaisons to the following committees:

Town Board to Street Lights and Insurance

Councilwoman Gabaccia and Councilman Tompkins to Economic Advisory Board.

Town Board to Highway refuge and auditing

Councilman Sacks to Zoning.

Councilwoman Gabaccia to Planning

Councilman Tompkins to Park 'n Rec's

Councilman Sacks to Environmental

Councilman Kiernan to Code of Ethics

Councilman Kiernan Conservation Resource Committee.

Supervisor Crowley said he didn't appoint anyone to Comprehensive Planning because he believes its one board that should be non political as possible, they're well on there way, have a very good start. If need advice of town board they can call them.

The following resolution was offered by Councilwoman Gabaccia seconded by Councilman Tompkins:

RESOLVED: That we the members of the Town Board of the Town of Copake do hereby authorize Supervisor Crowley to invest Town funds for the year 2009 in day of deposit and day of withdrawal of C.D. accounts.

Resolution # 1
January 3, 2009

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|-----------------------|-----|
| Supervisor Crowley | Yes |
| Councilman Tompkins | Yes |
| Councilman Kiernan | Yes |
| Councilwoman Gabaccia | Yes |

Councilman Sacks Yes

Town Clerk Hotaling read the following resolution:

RESOLVED, that we the members of the Town Board of the Town of Copake do hereby affix the following salaries for the year beginning January 1, 2009, at the amounts respectfully stated and that the salaries for the following employees be paid at the time specified:

| | | |
|--------------------------|------------------|---|
| Highway Superintendent | \$25,355 | bi-monthly |
| Supervisor | \$12,875 | bi-monthly |
| Justice (2) | \$10,300 | monthly |
| Council (4) | \$ 3,605 | monthly |
| Town Clerk/Collector | \$28,664 | monthly |
| Deputy TC | \$ 5,300 | Bi-monthly |
| Deputy TC | \$14.00 per hour | bi-monthly |
| Assessor Chairman | \$ 7,500 | monthly |
| Assessor (1) | \$ 7,000 | monthly |
| New elected Assessor | \$ 6,000 | monthly |
| | | Increase to \$7,000 upon Completion of 3 courses |
| Building Inspector | \$9,500 | monthly |
| Deput Inspector | \$6465 | monthly |
| Court clerk (2) | \$8,000 | monthly |
| Substitute Court Clerk | \$13.80 per hour | |
| Budget Officer | \$500 | monthly |
| Hitroian | \$400 | paid in November |
| ZEO | \$9550 | monthly |
| Park Superintendent | \$7725 | bi-monthly |
| Court Officer | \$13.90 per hour | bi-monthly |
| Police | \$13.90 per hour | bi-monthly |
| | | +step program |
| Police Officer in Charge | \$10,000 | bi-monthly |
| Custodian | \$15,000 | monthly |
| Dog control/Enumerator | \$4,300 | monthly |
| Planning Secretary | \$13.80 per hour | bi-monthly |
| ZBA Secretary | \$13.80 per hour | bi-monthly |

Councilman Sacks: Court Clerk - we just established the Judges make the decision - we don't make decision on who gets what. Shouldn't be monthly.

Councilwoman Gabaccia said in past we have allowed our Judges to determine the hours and when the court will be open and funded by their

recommendations I would like to see that happens here. Kick it back to Judges to discuss the hours they would like their court to be open and send back to us for funding, if need be increase that line in budget.

Councilman Tompkins said he supports Margaret and would like everyone to know that now, why drag out if money in unexpended balance lets transfer.

Supervisor Crowley asked are you recommending a creation of full time Court Clerk position.

Councilman Tompkins : When I researched, I never saw position - if need be, lets create one.

A motion was made by Councilman Tompkins seconded by Councilwoman Gabaccia to create a full time Court Clerk position and retain one part time position at \$13.80 per hour. Full time will put in 30 hours a week. Judges will determine part time hours not to exceed 30 hour per week.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins to affix the salaries for the year 2009 with the exception of Court Clerks until the board receives recommendation from Judges at next meeting. Motion carried.

Town Clerk Hotaling appointed Lawrence Proper and Lynn Hotaling as Deputy Clerks.

Councilwoman Gabaccia said she did letter for Charter Communications.

Councilman Sacks:

At the last town hall meeting a question came from a citizen asking, what the board thought was its best accomplishments in 2008.

I thought I would take a few moments to reflect on that question, and the Town Board's actual accomplishments for the past year.

I have been on this board for three years. Two of these years were with a completely different set of Republicans. In those years, we accomplished some wonderful resolutions and action for the benefit of the town of Copake. We established an Ethics Board where none had existed before. We started a committee for the environment which has accomplished some great work for the protection of the town including a ground water study of the Copake aquifer now nearing completion. We created a formal Copake town policy manual, where none had existed before, to establish the rules and policies of how our government should operate. We established the need in 2007 for the creation for a comprehensive planning committee which is now in process. We tried very

hard to bring the 7A gateway into Copake into an orderly and clean looking environment. In this I will admit a great disappointment, but not for lack of trying. After some considerable negotiations we established a clear set of rules and had an agreement that was signed by Jim's Auto Body but the rules and agreed upon stipulations were never followed. Again we tried to fix a bad situation.

We established a Building Oversight Committee which coordinated the work of the planning, Zoning departments. After successfully creating interoffice workflows the committee was dissolved.

We established a tenant landlord committee and a committee for seniors. We did all this at no cost to the town and at the same time more then tripling the volunteerism rate.

Now we get to what has this new board of Republicans and Democrats accomplished in 2008. The answer is little to nothing.

This year I challenge the board not to revitalize the entire downtown in one year, but to fix the outside of one single building at the heart of Copake. The donation to \$1,500 that the owner of the said building gave to the Republicans political campaign could of gone a long way to fixing the appearance of the heart of Copake.

I also challenge the board in 2009 to bring order to growing chaos of vehicle storage in the gateway to Copake on Route 7A. These small challenges are possible if we work together with a common purpose...to help Copake to the best of our abilities. These small changes will show that we have accomplished something positive rather than nothing, at the end of 2009.

I will do my part to help in any way I can.

A motion was made by Supervisor Crowley seconded by Councilman Tompkins the Highway Employees will be allowed 11 paid holidays: New Years Day, Martin Luther King Day, Presidents Day, Memorial Day, July 4th, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Friday following Thanksgiving, and Christmas Day. Motion carried.

A motion was made by Supervisor Crowley seconded by Councilwoman Gabaccia that all Town Highway employees receive a 3% raise, Deputy Supervisor \$20.21 /hour; Shop Foremen \$17.71/hour; Road Foremen \$17.95; MEO \$17.71/hour; New MEO \$15.48/hour ; part-timers \$11-\$13 per hour. Highway employees are given six sick days per year with two additional added if they don't use any within the years and up to 150 accumulated; three personal days; vacation days as follows: after one year – one week; after two years and up to ten years – two weeks; after ten years and up to fifteen years – three weeks and after

fifteen years – four weeks vacation. All vacation time must be used by January 31, 2010. Motion carried.

Councilwoman Gabaccia thanked Supervisor for continuing to appoint her to EAB and Planning Board as liaison.

Supervisor Crowley thanked David Gordineer and wished him luck.

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

Respectfully submitted,