

**PUBLIC HEARING  
TOWN BOARD MEETING**

February 11, 2010

**PRESENT**

Supervisor Crowley  
Councilwoman Gabaccia  
Councilman Sacks  
Councilman Tompkins  
Councilman Kiernan  
Highway Superintendent Gregory  
Attorney Rappleyea

**ACTION ITEMS**

Councilman Sacks, check with manufacturer on time clocks.

Supervisor Crowley opened the hearing at 7:15 pm. with 27 people present.

The purpose of the hearing is continuance of Local Law # 1 of 2010, amending the Zoning Law to include regulations concerning outdoor wood boilers.

Harvey Weber, County said our resolution is the best in the County, in favor of Local Law.

Supervisor Crowley thanked the Environmental Committee, Councilwoman Gabaccia, and Councilman Tompkins.

Morris Ordovery, how are you getting the word out to people who have existing wood burners?

Attorney, no requirements from the town; the Building Inspectors and ZEO as they drive around can check, also word of mouth.

Councilman Tompkins, put ad in paper.

Ed Ferratto, ZEO, you keep using my name but I'm not in the Local Law. We can amend it tonight.

Jeff Nayer, if OWB exists already why you are making them get building permits, and what about electrical inspection.

Ralph Platt, wouldn't the existing be grandfathered?

Joe LaPorta, they would have to change to comply with the existing changes, but not start from scratch.

Councilwoman Gabaccia, the whole idea was we didn't want to be punitive with people that already had them.

Jeff Nayer, I don't understand why they would need site plan review, the process would be go to building inspector if they meet the set backs they get a building permit if not to ZBA , how much power do you want to give somebody. Are we going to charge also? At the Town Board meeting you agreed not to go for screening. It doesn't matter what the Town Board wants the Planning Board can do what they want.

Attorney Rappleyea the Town Board and Planning Board are separate entities, the Planning Board can make a separate decision they don't need Town Board approval.

Councilwoman Gabaccia, the recommendation from Lawrence Howard was that we make it site plan review as opposed to special use permit.

Attorney Rappleyea, when the town includes action of any kind under site-plan review its because people can have a visual impact control over it.

Jeff Nayer , cost of site-plan review is another \$100.00.

Joe LaPorta, I don't think everyone should have to go for site-plan review, you're making it difficult for people.

Councilman Tompkins, County recommends site-plan review and possible state and federal.

Karen Hallenbeck, do you need a plan for a pool?

Marcia Becker, No.

Supervisor Crowley, if you take out site plan review and State adds it we would need to put back in.

Jeff Nayer, chimney height must be 12 ft above ground, some will not burn, should read 12' or per manufacturer's specifications.

Chimney, should be rewritten, 2ft higher than anything within a 10ft horizontal plan that is the law.

Need block out date say May 15<sup>th</sup> to Sept 15<sup>th</sup>. That's the time peoples' windows are open.

Councilwoman Gabaccia, the setback requirements addresses the year round use adequately.

Marcia Becker, the advantage of site-plan review is that we can look at each case individually.

Supervisor Crowley asked the board's opinion on black out dates.

Councilwoman Gabaccia, leave it the way it is, as we made a move to more efficient burners.

Attorney Rappleyea, the minor changes are just minor but if we add black out dates that would be a substantial change, need another public hearing.

Supervisor Crowley closed public hearing at 7:35 p.m.

Supervisor Crowley opened the regular meeting at 7:40 p.m.

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks to accept the minutes of January 14, 2010 and accept them as written. Motion carried.

#### CORRESPONDENCE

1. Harvey Weber - Taconic Hills CSD agrees that it will permit, to the extend of its availability, and upon request of the Red Cross, the use of its facilities by Red Cross as mass shelters or service centers for victims of disaster.
2. Larry & Linda Eckler – Opposed to Local Law # 1 for 2010 OWB.
3. NYSERDA – Set aside funds to provide an incentive award amount of \$123,200 for the installation of a 24.64kW, grid-connected PV system for Town Hall.
4. Jeanne Mettler – Comprehensive Plan Committee supports the appointment of Advisory Committee to confer with Columbia County regarding planned highway project for the center of Copake.
5. John Keeler – Four local Towns cut cost by sharing Assessors.

Councilwoman Gabaccia read the following correspondence.

1. Copake Planning Board – Planning Board has seven (7) on-going applications, in order to avoid duplicate expenses; the same experts continue consulting on these projects.
2. Copake Planning Board – Recommends the repeal of Chapter 156 and Local Law # 2 and that the Junkyard and Motor Vehicle Storage Permits be regulated by zoning and administered by the Copake Building Department.
3. Lawrence Howard – Planning Board has requested an opinion regarding Chapter 156, junkyards and Motor Vehicle Storage Areas and its recent amendment.

Supervisor Crowley asked the letters from the Planning Board be forwarded to Town's Attorney for his input.

## PUBLIC FOURM

John Keeler - Highway Superintendent found storage for the Park Commission at garage.

Harvey Weber – Presented a petition to the board with 67 signatures in support of Karen Hallenbeck as Town Ombudsman.

Jeff Nayer – Add to action items, after 3 years we have time clocks that don't work.

Discussion followed.

Councilman Sacks, will contact manufacturer.

Diane Wilson – When application is before Planning Board can they declare it abandoned when there is no activity within a certain amount of time.

Attorney Rappleyea there's nothing specific, the town board can pass a local law.

Supervisor Crowley, have attorney write law and set date for special meeting.

Marcia Becker, as far as time frame it's the size of the project and how much money has been invested already.

Supervisor Crowley set a public hearing for Local Law #2 on March 1, 2010 at 5:00 p.m. with special meeting to follow.

Morris Ordovery, you're setting yourself up for an article 78, terminate someone's rights.

Marcia Becker, what about the big developer who has escrow and because of economy it's not active now.

Attorney Rappleyea, if open application we can send letter with local law, you wouldn't be denying application you simply deem it abandoned.

John Belfonte, we're living in a recession, its tough for builders, sellers and everyone, we don't want to chase people out of here, we want to bring them in. The more laws you bring in is harder for the builders. People are having a tough time finding money.

Supervisor Crowley, have Attorney write the law and will address at public hearing.

Ian Jarvis, the letter you read from Planning Board in reference to Junk Yard permits, does that mean I can apply for a permit.

Councilwoman Gabaccia, yes that's how I read it.

## ACTION ITEMS

Supervisor Crowley- spoke to Senator Saland and Assemblyman Molinaro about waste oil burner, passed information on to Highway Superintendent Gregory.

Councilwoman Gabaccia – playing phone tag with Robert Freeman on date for forum.

Councilman Sacks, under action items I'd like to ask the Attorney if he contacted Attorney Thiemann.

Attorney Rappleyea, collected all the files on West Copake Fire house.

Councilman Sacks, did you meet with the Park Commission?

Attorney Rappleyea, I tried, I came to Town Hall instead of Park building.

Councilman Sacks, add to action item about the \$15,000 Cascino has not paid the Planning Board. He will send him a letter.

Attorney Rappleyea, talked with Attorney Thiemann about West Copake Firehouse, will have to get approval from legislator and application to Supreme Court.

Supervisor Crowley, legislation in session now could we ask for legislation from our Senator and Assemblyman for authorization to sell if we so desire.

Attorney Rappleyea, I believe so, it depends on what the legislative puts in, they could give you a time period.

Councilman Sacks, it's not a lot to gain by selling it now, in ten years or so we might want a park in West Copake. There's no long term plan by selling it.

Councilwoman Gabaccia, the last time I mentioned the concern about selling town property while we're in the process of Comp Planning. Carry over item.

## OLD BUSINESS

Supervisor Crowley, in ATT budget for 2010 for cell towers, no time line.

Morris Ordovery, it's not an ATT tower, it's a combined use tower.

Deputy Supervisor LaPorta, Jim Jeffery told him they will be doing a survey of Copake for placement of tower.

John Keeler, had three meetings at the town highway.

Jeff Nayer will update the board on waste oil furnace.

Joe LaPorta will speak on limiting disposal material at garage to residents only setting aside money collected toward building a new garage.

Chris Quinby, control on dumpsters etc.

Jeff Nayer, reevaluate the boiler at garage not a dire emergency. Waste oil furnace is not used as main supply for heat, waste oil in two bays at a cost around \$10,000, 2.5 year pay back. It does not qualify for RP10 grant. Supervisor Crowley, spoke with Molinaro on grants, no promises when we decide what we want to apply for they will need information ASAP. Jeff and Linda wrote proposal for heating system for grant.

Joe LaPorta, looking at a way to control that only Copake residents are allowed to dump at Town Garage, in code book it states no dumping shall be allowed on town property therefore you're violating your own code you might want to look at modifying. I don't know how you would designate who is a resident.

John Keeler, on clean up day other towns come and we're paying for the removal.

Councilman Sacks, Larry Proper always said its better at the highway instead of roadway.

Joe LaPorta, could we start a capital account for addition at highway garage.

Attorney Rappleyea you would need a resolution subject to permissive referendum for every deposit and withdrawal.

Chris Quinby, can money from sale of scrap metal go into account.

John Keeler, we will check into the cost of the addition.

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan to amend the motion at the organizational meeting pertaining to accumulated sick days for highway from a limit of 150 to 160. Motion carried.

The following resolution was offered by Councilman Kiernan seconded by Councilman Tompkins to pay off the \$100,000.00 loan from Greene County Bank.

Resolution # 6	Supervisor Crowley	Yes
Dated February 11, 2010	Councilman Tompkins	Yes
	Councilman Kiernan	Yes
	Councilwoman Gabaccia	Yes
	Councilman Sacks	Yes

A motion was made by Councilwoman Gabaccia seconded by Councilman Kiernan to transfer \$12,206.67 from trust and agency to general fund. Motion carried.

Attorney Rappleyea went over short environmental form for Local Law #2 with the board for approval.

A motion was made by Councilman Sacks seconded by Councilman Kiernan there will be no environmental impact as result of Local Law # 2 for the Town Of Copake. Motion carried.

A motion was made by Councilwoman Gabaccia seconded by Councilman Tompkins to accept Local Law # 2 for the Town of Copake subject to the changes, including the ZEO and Building Inspector and per manufacturer's specs. Motion carried.

Supervisor Crowley, have one applicant for Board of Assessment review, will set date for interview.

Supervisor Crowley, on appointment of Ombudsman, I recuse myself as one of the applicants is my minister.

Councilman Sacks made a motion seconded by Councilwoman Gabaccia to appoint John Thompson Ombudsman.

Discussion followed.

Councilman Tompkins, met with Father John can't support due to positive neutrality.

Councilwoman Gabaccia, read about positive neutrality, I get the point if the job involves counseling you would want them to have their choice of denomination. The ombudsman position is being a facilitator helping someone deal with committees, not personal counseling.

Councilman Tompkins, if he's asked want denomination he's from would we be violating someone's rights.

Councilman Sacks, would you ask someone if he's democrat and violate his right because he's being interviewed by a republican. You have no right to ask someone his religion.

Councilman Tompkins, I think he would better serve our town in crisis intervention. We've had a number of people singled out and possibly their credibility destroyed. When I talked with Father John, he's a fine man and I wouldn't want him exposed to that, I saw what happened with the last Ombudsman.

Councilwoman Gabaccia, I think that would be his choice to make.

Unfortunately, it comes with the territory.

Councilman Tompkins, I don't support either of the candidates, I don't think we even need an Ombudsman, if someone has a problem they can contact the board. In regards to Father John I say no and Karen Hallenbeck also no.

Councilman Kiernan, I feel the same way as Councilman Tompkins, if someone has a problem I would want them to come to us. I don't support either of the candidates.

Councilwoman Gabaccia, asked Attorney are we legally within our bounds rejecting someone upon religious belief serving as Ombudsman?

Attorney Rappleyea, It's an involved question and I'm not prepared to answer.

The following is the vote for the motion on the floor:

Councilwoman Gabaccia, yes

Councilman Sacks, yes

Councilman Tompkins, no

Councilman Kiernan, no

Motion declined.

Councilman Tompkins made a motion he does not support Karen Hallenbeck as Ombudsman.

Karen Hallenbeck, if I was appointed I was going to decline. Remove my name from position.

Supervisor Crowley, town policy states the Town Board appoint an Ombudsman, perhaps we should amend to read *may* appoint.

## **COMMITTEE REPORTS**

Harvey Weber, Environmental Committee

Looking into grant for arsenic.

Two meetings with County.

West Copake garage be park.

Ralph Platt, Park ' n Rec's

Movie night 60 people

Circus July 5, 2010

Sam's card working Walmart card pay pal

Doing away with coke machines and purchasing soda at Sam's.

Supervisor Crowley, leave it up to the Commission to decide.

ZEO Ed Ferratto, after tragedy in our town 1,000's of pounds of cows were buried in our town  
 Councilman Kiernan, they are not poison once they decompose, they were buried together for the heat to decompose.

Assessor Filipovits, short on help, all exemptions in.

Harvey Weber, the town needs a social net to reach out to people.  
 Councilwoman Gabaccia, talked with mental health in suicide unit, they are looking into bringing crises unit to Copake.

Highway Superintendent Gregory  
 Highway men pulled motor saved \$4,400  
 Trucks out for bid

Councilman Sacks, Google announced program for broadband, looking for municipally to experiment with, Councilwoman Gabaccia and I are filling out forms.

Supervisor Crowley asked Councilman Sacks to be point man for the census all information will go to him.

A motion was made by Councilman Kiernan seconded by Councilman Tompkins to go into executive session on hiring and firing specific employees. Motion carried.

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

A motion was made by Councilwoman Gabaccia seconded by Councilman Sacks the bills from general# 2 and highway # 2 be paid . Motion carried.

Supervisor Crowley, \$20,963.78 in trust and agency for escrow account, need motion to transfer to general.

A motion was made by Supervisor Crowley seconded by Councilman Kiernan to make the following budget transfers.

From Trust n' Agency to General fund \$20,963.78  
 From General Fund to Youth Program A7310 \$3,911.00.

Motion carried.

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

Respectfully submitted,

