

Town Board Meeting  
Thursday, September 8, 2022  
7:00pm

*This meeting is being held "in-person" in Town Hall. The access information for the meeting has been posted and there are members of the public present virtually.*

Members Present: Supervisor Mettler, Councilperson Wolf, Councilperson Gansowski (*virtually*), Councilperson Judd, and Councilperson Sullivan.

Present: Town Clerk Lynn Connolly, Highway Superintendent Bill Gregory

**Call to Order**

Supervisor Mettler opens the Town Board meeting with the Pledge of Allegiance at 7:00 pm.

**Approval of Minutes**

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to waive a further reading and accept the Minutes as written for the Public Hearing and Town Board meeting of Saturday, August 13, 2022.

All in favor. Motion was approved.

**Announcements**

The Town Clerk's office still has masks and Covid tests available.

The Roe Jan Ramble is scheduled for Saturday, September 17, 2022.

On Saturday, September 10, 2022, there will be a workshop on the NY Forward Grant from 9am until 11am at the Town Hall. Remote access will be available.

On Tuesday, September 20, 2022 at 10:00am there will be a Special Town Board meeting followed by a budget workshop. Remote access will be available.

Supervisor Mettler mentions that there has been a steady flow of visitors to the Historic Exhibit which can be seen whenever the Town Hall is open.

**Correspondence**

From-Several letters regarding the speed on County Route 7A which will be discussed later in the Agenda

From- NYS Parks, Rec & Historic Preservation, letter regarding the Sweet Homestead

From-Ned Schneir, letter regarding planting more trees which will be forwarded to the Conservation Advisory Committee

From-The Columbia Land Conservancy, letter announcing opportunity for Columbia County municipalities to apply for Municipal Mini-Grants which will be forwarded to the Conservation Advisory Committee

From-Edgar Masters Chair of the Conservation Advisory Committee, letter regarding recommendation to the Historic Preservation Committee

From-Charter Communication, three letters regarding schedule change

From-Grant Langdon, 32 items and correspondence, plus many emails

Attorney Tingley announces that back in 2021, three property owners filed proceeding challenging their assessment. They initially lost at the hearing level and challenged that decision collectively in an Article 78 proceeding against the town that was filed in February. The town did oppose this and worked with the Assessor to file proposition papers and a decision was received this afternoon in which the court dismissed the petition and found in the town's favor. It remains to be seen whether or not there will be an appeal taken.

### **Supervisor's Report**

Supervisor Mettler reads a [letter](#) from Catherine Mikic regarding Sweet Homestead being added to the National Register.

Supervisor Mettler reports that the Town Board has been very busy working on the budget but this evening she speaks of what happened in the world today that was important:

Queen Elizabeth died today at the age of 96, having been queen for seven decades. Of course I liked the fact that she was a strong woman leader, but additionally, I, like the rest of the world, loved her fidelity, her sense of duty, and her love for her country. History swirled around her and she remained true to the role to which she had been called.

So I am not asking for a moment of silence or that we close by singing God Save the Queen, but I just think that moments like this are worth noting.

### **Solar Report September 2022-Councilperson Wolf**

Councilperson Wolf reports that there have been no new filings with the NYS Office of Renewable Energy Siting ("ORES") since Hecate's August 3rd Affidavit of Service claiming that it had served copies of its updated siting application on all who are entitled to receive it.

Under ORES' regulations, which were written for it by an energy industry consultant that lists Hecate as one of its clients, ORES has 60 days to determine whether Hecate's application is now "complete". If ORES fails to make a completeness determination within 60 days of receiving this latest set of filings,

the application must automatically be deemed “complete” and a draft siting permit will be issued by ORES.

So, by early next month, we should learn what ORES does next. There are three possibilities: (1) It could determine that Hecate’s application is “complete” and grant a draft siting permit; (2) it could issue another “Notice of Incomplete Application” — as it did on May 9th — and require Hecate to address whatever deficiencies ORES identifies; or, (3) it could make no determination at all, which would mean that Hecate’s application automatically would be deemed complete, and a draft permit would be issued. We’ll soon find out.

However it happens, if ORES does issue a draft siting permit, it will have to ignore the many, many comments from Copakeans who have written ORES to raise personal concerns and objections to the proposed Shepherd’s Run utility-scale solar facility. To quote, in part, from one such comment:

Our house in Craryville is sited directly across the street from one of the proposed fields. It has been in my wife's family for almost 80 years...They are proposing to put solar fields on prime farmland, wetlands, next to a bird sanctuary and in a village that's primary economy is tourism and agriculture. At what point will common sense prevail?? NY is a huge state with far more appropriate locations. But the profit margin may be impacted and that is what drove the location of the site to begin with. [And] now we have a global food shortage. Drought is destroying of farmland in the western United States...and we desperately need to preserve the prime farmland of Copake and New York State. Using prime farmland for solar facilities, renders this farmland useless for 20-30 years or until the solar panels are removed, and is short-sighted.

The comment concludes:

Hecate has refused to incorporate recommendations from the working group which underlines their motives are solely short-term and profit-based. Respectfully, please do the right thing and stop this project.

At previous Town Board meetings, I have bemoaned Hecate’s unwillingness to adopt recommendations from the *ad hoc* Working Group, citing in particular the proposed creation of a 300-acre community-accessible green space to protect view sheds, effectively screen many of the solar arrays from nearby homes, and offer nature walks and bicycling trails to Copakeans and visitors. I’ve said it before and I’ll say it again: implementation of this idea could turn Shepherd’s Run from an eyesore into a tourist attraction. Another important recommendation from the Working Group is that Hecate should provide financial compensation for homeowners with properties that would be most directly and adversely impacted by Shepherd’s Run. Our attorney’s review of Hecate’s updated submissions confirms that it refused to incorporate these sensible recommendations into its siting application.

Hecate’s position remains unchanged: we’re doing this, Copake, and we’re doing it on our terms, and our terms alone.

Something else bears repeating: We are not climate change deniers. We will do our fair share. We just want the State and Hecate to treat us fairly.

As proposed, Shepherd’s Run is still too big and still wrongly sited. So we will continue to fight. Together with our co-petitioners, we have appealed a lower court decision in a case challenging the ORES regulations. And, if ORES should issue a draft siting permit to Hecate, we are prepared to challenge it in a separate lawsuit.

Hecate refuses to implement common-sense solutions that would balance the need for renewable energy with the reasonable accommodations Copake seeks. So we are left with no choice, and we will continue to fight to preserve Copake's cherished local character and rural environment.

## **Public Forum**

Bill Newcomb, Copake resident mentions that he just got back from the Chatham Fair and walked by Democratic booths and introduced himself to whoever was there and he saw posters of several representatives including Assemblymember Didi Barrett and Senator Michelle Hinchey and he asked when they were going to be there and was told Saturday. Mr. Newcomb expressed that he was from Copake and would like to meet with them and on Saturday, in came Ms. Barrett, Ms. Hinchey and the Chairman of AG and Markets. Business cards were exchanged and they discussed farmland, community, and tourism. Mr. Newcomb invited them to come to Copake to give them a tour and show them what we have and hopefully what we will continue to have. Mr. Newcomb has not yet received an answer why they would put something like this (Shepherd's Run) in a residential area. Mr. Newcomb has several other questions for the representatives and awaits their call.

Mr. Newcomb mentions that his term is about to expire and he will send a letter to the Town Board.

Lindsey LeBrecht thanks the Town and all that they are doing for this. It is mindboggling that if you don't answer something, something automatically gets approved. Please keep up the fight, everybody is behind the Town.

Ms. LeBrecht mentions that she was told that there was another solar fire in Massachusetts today and all they could do was sit there and wait for someone to come and turn off whatever they had to turn off. Our school is in jeopardy if they to the field over there. Heaven forbid there's a fire and the smoke goes into the air handler system. It is just not well thought out.

## **New Business**

- a. Cold Storage Building-Request to advertise for Bids-Highway Superintendent Bill Gregory**  
Highway Superintendent Gregory states that it was back in March that this was first brought to the Town Board with the idea of constructing a cold storage building at the Highway Department so that they can get all of their equipment out of the weather throughout the year. In April, the Town Board gave Highway Superintendent Gregory permission to enter into agreement with CPL Engineering which they have. They have worked the last several months on drawing up plans for this construction. The plans are nearly complete and Highway Superintendent Gregory would like to confirm with the Town Board to proceed and when these plans are completed be able to advertise for bids based on the plans drawn up by CPL Engineering. CPL Engineering will shepherd the town through the process.

A motion was made by Supervisor Mettler and seconded by Councilperson Wolf that the Town Board authorize the Highway Superintendent to direct CPL Engineering to advertise for bids based on the plans they have prepared, and further that the cost of this cold storage garage shall be covered with funds from our Fund balance.

All in favor. Motion approved.

**b. NY Forward-Roberta Roll**

Ms. Roll states that

A motion was made by Supervisor and seconded by Councilperson to

All in favor. Motion approved.

**c. Request to Lower Speed Limit on County Route 7A**

Supervisor Mettler states that she has received several emails and letters regarding the speed limit, one of which was not in favor of lowering the speed limit.

Supervisor Mettler notes that in spite of the new law which has been passed suggesting that municipalities can lower the speed limit to 25 MPH, the process is still the same, a town must apply to the county and then to the DOT to request a change in the speed limit.

**d. Engineer Proposal for Energy Audit of Town Hall and Park Building-Councilperson Gansowski**

Supervisor Mettler states that we have three air conditioning units for the Town Hall building. In August, one of the three units for this building stopped functioning. We had a leak and Freon was leaking and it would have cost \$1000 to refill it. A new unit would cost almost \$10,000.

We have also had a longstanding problem with uneven cooling in the summer, where some offices are so cold that the occupants open the windows. We were told it would cost \$1650 to fix that.

It has been decided that the most prudent thing was to pause and engage the services of an engineer to assess the situation. Should we replace one unit or three units? The Town Board also thought that an engineer could address other issues which would make the Town Hall and the Town Park Building more energy efficient and climate smart.

Stosh reached out to Dan LaBreck, a senior mechanical designer with GPI and he visited the Town Hall and Park Building last week. He has given us a preliminary proposal to do give a quote. The town has \$8000 from a grant for the Climate smart project. Supervisor Mettler has reached out and been assured that the grant period has been extended. The grant does not require further bidding and the project described would fall within the parameters of the grant.

We are now waiting for a final proposal from GPI, including whether they can get any funding from a NYSERDA grant.

A brief conversation ensued and this will be tabled until October.

**e. Sophos Contract**

Ms. Connolly states that the town has received a three year renewal contract for Ransomware through Columbia County MIS and Layer 3 Technologies and asks for the approval of the Town Board.

A motion was made by Councilperson Judd and seconded by Councilperson Sullivan to approve the Layer 3 Technologies quote in the amount of \$972.

All in favor. Motion approved.

**f. Procurement Issues**

Supervisor Mettler states that the town's procurement policy was adopted in 1992 and the dollar levels which serve as thresholds for the procedures required are really outdated. Supervisor Mettler has asked Jon Tingley to address this.

Mr. Tingley states that he first wants to note that the town's procurement policy is that it is actually in the Town's Code and when it is in the code and you want to change it you have to do that by Local Law and the issue that arises with changing a procurement policy that is adopted by Local Law is that it is subject to additional procedure requirements that could make it more difficult to adopt an amendment than if it was adopted by resolution. It is important to note that there are some towns that choose to keep it in the code because it is easily accessible to the public, they are willing to keep it there notwithstanding the difficulty in changing it but there are other municipalities that choose to have their procurement policies adopted by resolution so that it is more easily amended from time to time.

Mr. Tingley recommends that the Town Board should take into consideration whether it wants to keep it in the code or whether it wants to repeal it from the code and just adopt it by resolution. That is kind of the first 30,000ft view of what changes might be made in the procurement policy.

Mr. Tingley states that this next issue is a significant issue. The state law provides for competitive bidding under the General Municipal Law where a purchased contract is \$20,000 or more or a public works contract is \$35,000 or more. The town's procurement policy currently states that if a purchase contract is over \$10,000 and your public works contract is over \$20,000 then you have to competitively bid it under General Municipal Law 103. Mr. Tingley's suggestion is that be changed and rather than to set an amount basically to incorporate by reference the amount stated in state law which will most likely be changed in the next few years.

Mr. Tingley has also looked at other areas of the procurement policy that might deserve attention in part because when you amend the procurement policy that's adopted by local law you would want to do what you can do in one effort so that you don't have to go through the process multiple times. Besides the bidding threshold that Mr. Tingley noticed was the various levels of amounts to be spent and the process for obtaining competitive proposals. There are a number of typo's and inconsistencies in that section of the procurement policy. Mr. Tingley then gives examples.

Mr. Tingley states that the town's procurement policy provides for purchasers discretion up to \$1,000, no need to get written solicitation and between that and \$3,000 give or take, there is a requirement to get some quotes and then above \$3,000 then there is a higher level to get quotes (a written proposal, an RFP, and things of that nature).

Mr. Tingley states that when you think about the level of \$3,000 to put out an RFP for something that might be \$3,200 for instance, Mr. Tingley thinks that the Town Board should consider whether or not the effort in putting together an RFP and soliciting written quotes at that level is still appropriate in light of the fact this was the same level set in 1992 by the town.

Mr. Tingley thinks it is important for the Town Board to address two other potential aspects. One is addressing what kind of documentation requirements will be required when someone is seeking the Town Board's approval to authorize a purchase in terms of demonstrating satisfaction of the procurement policy and ensuring that the list of exemptions from the procurement policy is consistent with what the town wants and consistent with state law.

Mr. Tingley recommends to the Town Board to consider addressing the above mentioned and thinks it is important at minimum to update the bidding threshold and to correct the RFP quote thresholds as well.

A brief discussion ensued and Supervisor Mettler asks Mr. Tingley for his suggestion.

Mr. Tingley suggests to the Town Board that they should repeal that chapter of the code and adopt it by resolution.

Supervisor Mettler asks Mr. Tingley to prepare a resolution for the October meeting.

**g. Website: How many years of Minutes do we keep on the website-Lynn Connolly**

Mr. Tingley's suggestion is that once minutes are put on the website, that barring some logistical hurdle, they just be maintained in perpetuity on the website. If it becomes overly burdensome we then reassess.

**h. Cleaners at Town Park Building**

Supervisor Mettler states that Gwen Menshenfriend is working with Bob Callahan to address this and they will get back to the Town Board on this.

**i. Vacancies on Planning Board ZBA, Ethics, BAR, Park Commission**

A motion was made by Supervisor Mettler and seconded by Councilperson Wolf to authorize the Town Clerk to advertise for the Planning Board, ZBA, Ethics, BAR, and Park Commission in both the Register Star and the Columbia Paper to fill these vacancies.

All in favor. Motion approved.

**j. Larry Proper Event**

Supervisor Mettler states that she and Ms. Connolly have spoken with Teri Proper and confirmed the date of this dedication to be on Saturday, November 26, 2022. The time is to be determined.

**k. Guidelines for Remote Participation at Town Board Meetings**

Supervisor Mettler states that the guideline for remote participation is still in progress. There was a brief discussion regarding what the extraordinary circumstances are. This issue will be readdressed at the October Town Board meeting.

**l. Park Superintendent Vacancy**

A motion was made by Councilperson Gansowski and seconded by Councilperson Judd to approve and advertise the job description and authorize the Town Clerk to post ads in the Register Star and Columbia Paper returnable by October 1, 2022.

All in favor. Motion approved.

**m. Cannabis/Zoning Code Update-Supervisor Mettler**

Supervisor Mettler updates the Town Board and introduces A Local Law to Amend the Copake Zoning Code in Relation to Cannabis Retail Businesses prepared by Ken Dow. This local law has been posted and distributed to the Town Board. A Public Hearing for will be scheduled for Thursday, October 13, 2022 at 6:45pm.

**n. Color Printer-Lynn Clerk**

Ms. Connolly requests permission from the Town Board to order a color printer at the cost of \$632 for the Town Clerk's office to replace the one that was previously there that has broken and cannot be fixed per Columbia County MIS.

A motion was made by Supervisor Mettler and seconded by Councilperson Wolf to authorize the Town Clerk to purchase a color printer HP Laser Jet Pro MFD M283fdw at the cost of \$645.

All in favor. Motion approved.

**o. Capital District Training**

Supervisor Mettler mentions that Erin Reis would like to attend the 2022 Capitol District Conference on October 3-5. The conference cost is \$375. This will be split between the three different towns that Ms. Reis works for.

A motion was made by Councilperson Gansowski and seconded by Councilperson Wolf to authorize Ms. Reis to go to this conference, to pay the cost of the training of \$125, and to pay for 1/3<sup>rd</sup> of her mileage.

All in favor. Motion approved.

**Old Business**

**a. Generator for Town Hall and Park Building-Councilperson Gansowski**

Councilperson Gansowski states that they are going to hold off on replacing the line to the pump house to the main building where the generators are until after the Roe Jan Ramble.

**Resolutions**

Resolution To Request and Establish a Lower Speed Limit on County Route 7A from the Hamlet of Copake to the Hamlet of West Copake

**Town of Copake**

**RESOLUTION**

**NO. 27 of September 8, 2022**

**To request and establish a lower Speed Limit on County Route 7A from the Hamlet of Copake to the Hamlet of West Copake**

**WHEREAS**, the speed limit on County Route 7A between the Hamlet of Copake and the Hamlet of West Copake is currently 55 MPH, and

**WHEREAS**, over the past several decades the number of houses in this area has increased, and therefore, there are far more driveways and many more pedestrians than in past years, and



**WHEREAS**, this section of County Route 7A is a popular route for cyclists and there are many cyclists traveling on this section of road, and

**WHEREAS**, on June 20, 2021, there was a serious accident on County Route 7A in the vicinity of Waldorf Ridge Road, involving a Copake woman riding her bicycle and a motor vehicle which struck her from behind. The resulting accident caused the Copake resident to be hospitalized and suffer severe injuries including a concussion, T12 spinal fracture and multiple fractures, and abrasions, and

**WHEREAS**, on July 31, 2022, at approximately 10:50 a.m., there was a fatal accident which took place at the intersection of County Route 7A and Tamarac Road involving an automobile and a motorcycle, a preliminary investigation of which determined that the driver of the vehicle, failed to yield when attempting to make a left to travel westbound on County Route 7A and cut into the path of the motorcycle, and

**WHEREAS**, the Town Board of the Town of Copake has received many letters and comments from local residents who are concerned about the speed of vehicles travelling on County Route 7A and have urged the Board to petition the Department of Transportation to lower the speed in order to prevent further accidents and in order to protect the safety of motorists, pedestrians and bicyclists;

**NOW, THEREFORE,**

It is hereby **RESOLVED** that we, the members of the Town Board of the Town of Copake do hereby petition the Department of Transportation of the State of New York, pursuant to Section 1622.1 of the Vehicle and Traffic Law to request and establish a lower maximum speed at which vehicles may proceed on County Route 7A in the Town of Copake, to wit; that the current 55 MPH speed zone as it exists on County Route 7A between the Hamlet of Copake and the Hamlet of West Copake be reduced to a lower speed.

Roll Call Vote The foregoing Resolution, offered by Supervisor Mettler and seconded by Councilperson Gansowski, was duly put to a roll call vote as follows:

Resolution #27

Dated September 8, 2022

Copake, New York

Roll Call Vote.

Supervisor Mettler	yes
Councilperson Wolf	yes
Councilperson Gansowski	yes
Councilperson Judd	yes
Councilperson Sullivan	yes

All in favor. Motion approved.

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Lynn M. Connolly, Town Clerk  
(seal)

Resolution To Declare Two Replaced Generators as Surplus and Authorize Their Sale at Auction

**TOWN OF COPEN**

**RESOLUTION**

**Number 28 of September 8, 2022**

**To Declare Two Replaced Generators as Surplus and Authorize Their Sale at Auction**

**WHEREAS**, the Town has recently installed two (2) new generators, one to replace the existing generator at the Town Hall (a 2001 Olympian Model G20F3 bearing Serial No. OLY00000CNGF00181) and one the replace the existing generator at the Park Building (a 1993 Olympian Model CG20 bearing Serial No. 2008892) (hereinafter, such replaced generators collectively referred to as the "Equipment"); and

**WHEREAS**, in light of the installation of the new generators, the Equipment will no longer be needed by the Town, and the Town Board seeks to declare such Equipment as surplus and to authorize the disposal thereof by sale at auction; now, therefore,

It is hereby **RESOLVED**, that the Town Board declares that the Equipment is surplus equipment that is no longer needed by the Town; and

It is hereby **FURTHER RESOLVED**, that the Town Board authorizes the Town Supervisor, and any designee(s) thereof, to sell the Equipment at auction.

Roll Call Vote The foregoing Resolution, offered by Councilperson Gansowski and seconded by Councilperson Judd, was duly put to a roll call vote as follows:

Resolution #28  
Dated September 8, 2022  
Copake, New York

Roll Call Vote.	Supervisor Mettler	yes
	Councilperson Wolf	yes
	Councilperson Gansowski	yes
	Councilperson Judd	yes
	Councilperson Sullivan	yes

All in favor. Motion approved.

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Lynn M. Connolly, Town Clerk

(seal)  
September 8, 2022

**Appointments**

The Conservation Advisory Committee has recommended to the Town Board that Jed Luchow be appointed as members of the Historic Preservation Committee.

A motion was made by Councilperson and seconded by Councilperson to appoint Jed Luchow and as a member of the Historic Preservation Commission.

All in favor. Motion approved.

### **Budget**

**a. Preliminary Budget to Actual Report-August**

Supervisor Mettler states that this meeting is taking place on September 8<sup>th</sup> which is the earliest date in the month by which one of these meeting can be held. Supervisor Mettler has been in touch with Bob Patterson about the budget to actual reports. Supervisor Mettler had some questions and it was to hurried to try to work it out. This will be table until the next meeting.

**b. Approval to post as Final on the town website-No action taken**

**c. Budget Workshop-September 20, 2022**

### **Councilpersons' Reports**

Councilperson Gansowski reports that there were everything is going okay in the ZBA.

Councilperson Gansowski has been working with Highway Superintendent Gregory with the generators and the cold storage building.

Councilperson Sullivan reports that Park Commission had a very successful concert series. The Park Commission has a meeting next Monday.

Councilperson Sullivan mentions the bandstand and Bob Haight is working on this.

Supervisor Mettler mentions the NY Forward Program for the bandstand.

Councilperson Judd reports that he attended the Planning Board meeting. Sal Casino wants to build more things. Grey Davis proposed a major subdivision of upscale housing off of Lake View Road at Copake Lake.

Councilperson Wolf reports that CEDAC met yesterday and Roberta Roll reminded attendees about the public engagement event at Town Hall on Saturday, September 10th from 9:00am until 11:00pm. Ms. Roll is working with Margaret Irwin NY Forward grant application. Tom Goldsworthy is working on several possible interests in the Roe Jan School.

Councilperson Wolf reports that the RAC did not meet this past month.

Councilperson Wolf mentions that regarding the Short Term Working Group, the next meeting is scheduled for Tuesday, September 20<sup>th</sup> at 4:00pm.

### **Public Forum**

None

**Approval of Bills**

Supervisor Mettler states that the bills will be available on Monday for the Town Board to review.

**Next Meeting Date**

Thursday, October 13, 2022, 7:00pm

**Executive Session**

A motion was made by Supervisor Mettler and seconded by Councilperson Sullivan to discuss the employment history of a particular person.

All in favor. Motion approved.

A motion was made by Supervisor Mettler and seconded by Councilperson Wolf to come out of Executive Session at 9:15pm and come back into the Town Board Meeting of Thursday, September 8, 2022.

There were no votes or decisions.

All in favor.

**Adjournment**

A motion was made by Councilperson Sullivan and seconded by Councilperson Gansowski to adjourn the meeting.

All in favor. Motion was approved.

Respectfully submitted,

Lynn Connolly  
Town Clerk