

Town Board Meeting
Thursday, November 10, 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, Councilperson Judd, and Councilperson Sullivan.

Present: Town Clerk Lynn Connolly, Attorney Jon Tingley (*virtually*).

Call to Order

Supervisor Mettler calls the November 10, 2022 Town Board meeting to order and welcomes everyone. Supervisor Mettler welcomes the Meenagh family to this special evening.

Supervisor Mettler calls on Sergeant Major Flaherty to ask the Cub, Boy, and Girl Scout Troop's to come in to the meeting room.

Supervisor Mettler welcomes everyone again to the November meeting. This meeting is being conducted in person but remote access has been posted. This meeting is being recorded and the video conference will be posted on the town website within five business days.

Supervisor Mettler introduces members of the following Troop's: Cub Scout Pack #2130, Boy Scout Troop #752, as well as Den Leader, Kirsten Pace, Caroline O'Neil and others and the VFW to whom Supervisor Mettler is very grateful.

Supervisor Mettler asks the Boy Scouts to lead us in the Pledge of Allegiance.

Proclamation in Honor of Eugene F. Meenagh

PROCLAMATION

Whereas, Eugene F. Meenagh, the son of Eugene F. Meenagh and Catherine Meenagh, was born in New York City on October 4, 1922, grew up in the Bronx and graduated from Mount Saint Michaels High School, and

Whereas, upon graduation from high school in 1940, he was accepted into Fordham University but postponed his college career due to World War II, and

Whereas, in 1942, at Mitchel Field Hempstead, L.I. Eugene Meenagh enlisted in the Army Air Corps, and was deployed to the China-Burma-India Theater of Operations where he served as an aircraft mechanic working on C-47s cargo planes, and

Whereas, Corporal Meenagh and his family paid the ultimate price of war when he lost his brother, 1st Lieutenant William F. Meenagh, a B-17E Navigator who was classified as Missing-In-Action after a bombing mission in the Pacific Theater on September 17, 1942 and is memorialized at the Manila American Cemetery in the Philippines and

Whereas, after World War II, Corporal Meenagh returned to New York City where he attended Fordham University on the GI Bill and earned a Bachelor of Science Degree in Chemistry, and

Whereas, in 1948 Eugene Meenagh was accepted into the New York Police Department and served his beloved city as one of their Finest for 38 years, rising to the rank of Detective Lieutenant, and

Whereas, upon retirement from the NYPD in 1985, Eugene Meenagh became a permanent resident of Copake, and was elected Copake Town Justice and served two terms in the 1990s, and

Whereas, Eugene Meenagh was married to the former Mary Catherine King until her death in 1999 and together they have seven children, nine grandchildren, thirteen great-grandchildren, and three great-great-grandchildren,

NOW THEREFORE, we the Members of the Copake Town Board do hereby express gratitude to **EUGENE F. MEENAGH**, a member of the Greatest Generation, for a life of patriotism and community involvement, and on behalf of the Town of Copake, congratulate him on the celebration of his 100th birthday and **do hereby proclaim Veterans Day, Friday November 11, 2022 as EUGENE F. MEENAGH DAY in the Town of Copake.**

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

All in favor. The Proclamation is adopted.

Supervisor Mettler introduces Sergeant Major Gary Flaherty, Director of Columbia County Veteran Services, escorts Mr. Meenagh to the front of the room to accept his proclamation.

With great pride, Supervisor Mettler and the Town Board present Corporal Meenagh his Proclamation.

Corporal Meenagh accepts his Proclamation with a brief moment of thanks and humble pride.

Approval of Minutes

A motion was made by Councilperson Gansowski and seconded by Councilperson Wolf to waive a further reading and accept the Minutes as written for the Public Hearing's and Town Board meeting of Thursday, October 13, 2022 and the Special Town Board meeting of Wednesday, October 26, 2022.

All in favor. Motion was approved.

Announcements

Supervisor Mettler announces that a Resolution was passed at our Special Town Board Meeting on October 26, 2022 to participate in Operation Green Light, a nationwide initiative to honor Veterans and raise awareness. The light in the Town Hall vestibule has been changed to green and will stay that way until Saturday.

Supervisor Mettler announces that the Grange is hosting this year's Holiday Tree's and is selling dedication spots which are available at the Town Clerk's Office.

The Larry Proper Memorial will be Saturday, November 26, 2022 at 10:00am at Town Hall followed by light refreshments.

Thanksgiving Dinner put on by the West Copake Reformed Church will be Thursday, November 24, 2022 at the Copake Memorial Park from 2:00pm until 4:00pm, free of charge, walk-ins welcome.

The 2022 Light Parade will be held on Saturday, December 10, 2022.

Correspondence

From-Sensible Solar for Rural New York, letter regarding Shepard's Run

From-Meredith Kane, letter regarding THE Roe Jan Housing Task Force

From-Columbia Land Conservancy, letter regarding Mini Grant Program

From- Columbia County Board of Supervisors, Matt Murell, letter regarding MIS-Cyber Security

From-The Association of Towns, regarding assigning a delegate to attend the Annual Business Meeting February 19-22, 2023, 2023 Training School

From-Conservation Advisory Committee, email regarding recycling recommendation

From-Columbia County Planning Board, letter regarding Town of Copake Local Law 2022 Cannabis Retail Business

From-Department of Transportation, letter regarding traffic study request

From-Office of NYS Comptroller, email regarding annual financial information

From-Charter Communications, two letters regarding updated channels

From-Grant Langdon, over 30 letters and emails that are kept on file at the Town Hall

Supervisor's Report

An update for our last meeting.

At our last meeting I reported that at the October Board of Supervisors meeting I had spoken against and voted against a resolution to eliminate \$1 tags for garbage. With the elimination of the \$1 tag, the cheapest tag would be \$3 which could be used for a bag up to 30 gallons.

It is true that Columbia County has been losing a large amount of money on Solid Waste. This “hemorrhaging” has been attributed to the people who toss in garbage without any tags, or toss in big bags with only a \$1 tag.

Before the full board I argued that eliminating the \$1 tag would only penalize the people who were obeying the rules and that it would not resolve the cheating which would continue. Several supervisors joined me in voting no, and one or two abstained-but the Resolution passed.

But, I can now report, the Solid Waste Department has reversed their policy. At the Public Works Committee on October 25, 2022, Department Head Jolene Race reported that they were able to buy 7 gallon bags to be sold for \$1.00. A Resolution in favor of that passed in Committee and was adopted by the full board last night.

If you still have \$1 tags you can use them while they last- and those are for bags up to 13 gallons. Starting in the near future however, 7 gallon bags will be available for \$1.00. This is a smaller bag than the tag allowed. On the other hand you do not have to buy plastic bags at the supermarket.

This is not the end of the discussion. Recycling and disposal of garbage is expensive for the County and has gotten more expensive. So I do not know where this will all end. But for the time being- you can buy a \$1 bag.

Solar Report November 2022-Councilperson Wolf

We find ourselves waiting for the next shoes to drop.

First, we expect that Hecate Energy Columbia County will soon be filing its third siting application submission to the NYS Office of Renewable Energy Siting (“ORES”). As I reported last month, ORES issued to Hecate a second “Notice of Incomplete Application,” meaning that Hecate had not provided sufficient, detailed information in its Shepherd’s Run application to enable ORES to conclude that Hecate’s siting permit application was “complete”.

Second, together with our co-petitioners, we are awaiting a response from New York State to our appeal in the pending lawsuit in which we are challenging the process that resulted in the regulations under which ORES operates, and the substance of the regulations themselves. The State requested an extension of time to respond, and we now anticipate that our appeal will be argued sometime in early 2023 before a panel of judges from the Appellate Division, Third Department in Albany.

Regarding the first “shoe” (Hecate’s application): Interestingly, one of the areas ORES pointed to as lacking meaningful information has to do with Hecate’s claimed desire to be a “community partner” with the Town. In response to the first Notice of Incomplete Application, Hecate claimed it had made significant changes to its initial siting application in response to recommendations from the *ad hoc*

Working Group. In response, ORES has told Hecate to “specifically identify and reference the Working Group’s recommendations” that it has incorporated into its application.

Hecate’s response should reveal to ORES what we already know: Hecate has added the “low-hanging fruit” to its application, such as agreeing to use wildlife-friendly fencing, rather than chain-link (a request initially made by this Town Board). What Hecate has been unwilling to include in its application are Working Group proposed changes that would make real differences in the Shepherd’s Run proposal and its impact on nearby homeowners, but which would require Hecate to invest more money in the project: (1) creation of a 300-acre community accessible green space that would protect view sheds, provide effective screening of much of the utility-scale facility from nearby homes, even as it offers nature walks and bicycling trails to Copake residents and visitors; and, (2) Hecate remains unwilling to provide financial compensation to homeowners whose properties would be most directly and adversely affected by Shepherd’s Run.

Regarding the second “shoe” (the lawsuit): Some quick background: In August, this Board voted unanimously to approve the Taghkanic Headwaters Conservation Plan, which, among other things, calls for measures to protect clean water. Last month, we passed a resolution calling on ORES to continue to deem Hecate’s application incomplete unless and until Hecate provides evidence that the construction and operation of Shepherd’s Run “will not negatively impact the Taghkanic Creek Watershed or water quality”...in Columbia County. Underscoring the importance of this issue, Supervisor Mettler sent a similar draft resolution to the City of Hudson, to Hillsdale, Taghkanic and Claverack, and to the County Board of Supervisors for their consideration and hopefully, for adoption.

How ORES is handling this issue provides an example of why we are challenging the ORES regulations. On October 25th, Copake’s solar attorney sent a letter to ORES presenting information “essential to ORES’ review” of Hecate’s siting application. The letter provided ORES with a copy of the Taghkanic Headwaters Conservation Plan (“Plan”), which was created by the Columbia Land Conservancy, working with community volunteers, and adopted by this Town Board. The Plan contains important information about the Taghkanic Creek and watershed areas within the proposed site of Shepherd’s Run, and our attorney, Ben Wisniewski pointed to elements of the siting application for which the Plan’s information is very relevant and should be evaluated by ORES as it considers the “completeness” of Hecate’s application. But here’s the problem: *ORES has failed to post the letter (and the Plan) as a “filed document”, which would make it part of the case record that ORES must review. It hasn’t even filed it with the public comments on the State’s Shepherd’s Run webpage. Publicly, at least, the letter and the Plan seem to have disappeared.*

As our attorney wrote to ORES, “Copake understands that ORES regulations do not provide for Copake’s formal participation in the application scoping and completeness phase of an ORES proceeding...But Copake is also barred from challenging the sufficiency of an application after ORES deems it complete...Taken together, [this] means there is no formal process by which local government can force ORES to account for shortcomings in the scope of an application, or submit evidence of impacts that have not been identified by an applicant or ORES prior to ORES’ issuance of a draft siting permit.” Mr. Wisniewski concluded, “Continued exclusion of local input during the application scoping and completeness phase of ORES proceedings is not in the public interest, and is likely to result in adverse impacts to local communities.”

In other words, by design, ORES’ regulations — written by an industry consultant which has Hecate as a client — prevent Copake from having any input whatsoever into the early, crucial phases of ORES’

consideration of Hecate's siting application. This is one of the critical reasons why Copake and other upstate, rural towns and public-interest non-profits are asking the Court to declare invalid the regulations promulgation process and the regs themselves.

And it is why later this evening we will pass a Resolution supporting Senate Bill S9546, which would repeal 94-c of the Executive Law, eliminate ORES and its regulations, and return the siting process to Public Service Law Article 10's Siting Board. The latter, unlike ORES, would be required to make express findings regarding the environmental impacts of Shepherd's Run. And the Siting Board process, unlike ORES, would allow Copake to oppose Hecate's planned waivers of Copake's zoning provisions at an adjudicated hearing.

Finally, I'd like to thank the nine members of Sensible Solar for Rural New York for their strong letter of support for the Town Board's position on the Shepherd's Run proposal. We continue to believe that it is too big and poorly sited for our small, rural town. And to be clear: we are not negotiating with Hecate, nor have we authorized anyone to do so on the Board's behalf. In fact, I have not been contacted by anyone from Hecate in months.

Department Heads/Committee Reports

None

Public Forum

Lindsey LeBrecht is one of the people from the Sensible Solar Group and they thought it was very important for everyone to hear the letter that was written:

November 9, 2022

Town of Copake Town Board 230 Mountain View Road Copake, NY 12516

Dear Supervisor Mettler and Councilpersons Wolf, Gansowski, Judd and Sullivan:

Sensible Solar for Rural New York (SSRNY) was formed in 2020 by residents of Copake and Columbia County to educate and give voice to our community regarding Hecate Energy's Shepherd's Run solar facility being proposed for development in rural Copake and Craryville, NY.

From the outset, SSRNY has been opposed to the scale of the project and has been concerned about the negative impacts Shepherd's Run will have on our community's farmland, wetlands, streams, wildlife, forests, viewsheds, historic resources, property values, and our agriculture and tourism-dependent economy. Further, our group has, and continues to, support the Copake Town Board in its opposition and litigation to the NYS 94 (C) permitting process.

In addition to our many initial concerns about Shepherd's Run, we recently disseminated information regarding negative impacts of the project on certain of Copake's cultural resources not considered by Hecate in their application. Further, SSRNY members raised another important issue, also not considered, discussed, or addressed by Hecate in their application: potential impacts of the project on the Taghkanic Creek which supplies drinking water for the City of Hudson and other residents of

Columbia County. Given the recently completed Taghkanic Headwaters Conservation Plan which calls for caring for the Taghkanic Watershed and protecting clean water, our concerns about the negative impacts of Shepherd's Run have increased.

In the eight months since Hecate first submitted their application, we understand there has been no sincere, consistent effort by Hecate with the Town of Copake to acknowledge and understand these and other concerns raised or any of the substantive recommendations put forward by the Copake Solar Working Group. In fact, there have been no substantive changes to their plan in either their March 2022 application filing or their July 2022 amended application. A second Notice of Incomplete Application was filed by ORES in September 2022 and we await Hecate's revised application to review.

At this time, we would like to reiterate SSRNY's full support for the Town of Copake's position on this project. We would also like to clarify that SSRNY has not and will not be a party nor have we been asked to be party to any negotiations with Hecate. Further, SSRNY believes that no organization or individual should be negotiating a Host Community Benefit Agreement with Hecate, as only Copake Town officials have standing to do so.

We support the Copake Town Board and trust they will make the best decisions for the citizens of our community.

Sincerely,

Stephen M. Futrell
Darin Johnson
Tom Feeney
Linda Senk
Vicki Sander
Gabrielle Tessler
Lindsay LeBrecht
Richard Hankin
Sara Traberman

Ms. LeBrecht personally speaks that this is the bully of so many people in our area who are devastated by the thought of this happening. We are going to need our agricultural and once it is gone, it's gone and what about the school's water?

New Business

**a. Local Law to Amend the Copake Zoning Code in Relation to Cannabis Retail Businesses-
Supervisor Mettler**

Supervisor Mettler states that she spoke with Ken Dow about the fact that the Local Law to Amend the Copake Zoning Code in Relation to Cannabis Retail Businesses is on the Agenda. This has now been reviewed by the Columbia County Planning Board. The Town Board postponed this last month but which we have now received.

Ken Dow states that Part 1 of the SEQRA forms has already been completed and at this time completes Parts 2 and 3 with the Town Board.

Councilperson Gansowski expresses that he is not for this in any way in the Town of Copake and once you bring it in it will change the town.

A brief conversation ensued.

A motion was made by Supervisor Mettler and seconded by Councilperson Wolf to issue a negative declaration on the SEQRA portion of the above mentioned Local Law.

Four in favor. Councilperson Gansowski abstained. Motion approved.

A brief conversation ensued.

A motion was made by Supervisor Mettler and seconded by Councilperson Wolf to adopt a Local Law to Amend the Copake Zoning Code in Relation to Cannabis Retail Businesses.

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

Four in favor. Motion approved.

b. Engineer Proposal for Energy Audit of Town Hall and Park Building-Melanie Stachowiak, PE LEED AP BD+C, CMVP, M/E Engineering

Supervisor Mettler mentions that to recap, the Town Board has reached a consensus that before we spend any money to replace an air conditioner condenser- or to repair the faulty distribution of air which leaves some offices ice cold in the summer, we should have an engineer to take a look at the Town Hall to see what other repairs or upgrades should be made to both be more energy efficient, save money, and anticipate repairs before they become emergencies. The Town Board did receive a proposal from GPI but the firm they were using for the NYSERDA audit did not meet our expectations at the October meeting. GPI told us that they understood if we went to another firm. We received a recommendation from Vanessa Bertozzi who is working with Dan Haas on the local Champions program. Ms. Bertozzi is on the Village Board in Rhinebeck and that is how she got the name of M/E Engineering. M/E Engineering is a statewide firm. They have submitted a scope of work which demonstrates a much clearer understanding of the audit process. They have submitted a fifty page Flex/Tech study that she will distribute to the Town Board. Supervisor Mettler recommends to the Town Board that we enter into this agreement.

Attorney Tingley recommends to the Town Board to authorize the Supervisor to negotiate and execute the engagement letter.

A motion was made by Councilperson Gansowski and seconded by Councilperson Judd to authorize the Supervisor to negotiate and execute the engagement letter with M/E Engineering.

All in favor. Motion approved.

c. Chargeback Agreement-Community Rescue Squad

A motion was made by Councilperson Wolf and seconded by Councilperson Sullivan to authorize the Supervisor to execute the Chargeback Agreement to authorize the County to collect \$219,319 in taxes to be paid to the Community Rescue Squad.

All in favor. Motion approved.

d. Procurement Policy-Introduction of Local Law

Attorney Tingley gives a recap and advises the Town Board on the next steps which is to introduce the Local Law and to schedule a Public Hearing.

Supervisor Mettler introduces Introductory Local Law Number 3 of 2022, a local law to provide for adoption of procurement policies and procedures by Resolution. A Public Hearing will be set for 6:50pm on December 8, 2022.

Supervisor Mettler states that the Town Board has received Resolution Number 36 of November 10, 2022 To Adopt Procurement Policies and Procedures by Resolution and to Amend the Town of Copake Policy Manual and the Town of Copake's Policies and Procedures.

A motion was made by Supervisor Mettler and seconded by Councilperson Wolf to adopt Resolution Number 36 of November 10, 2022 To Adopt Procurement Policies and Procedures by Resolution and to Amend the Town of Copake Policy Manual.

All in favor. Motion approved.

TOWN OF COPEN
RESOLUTION
Number 36 of November 10, 2022

**To Adopt Procurement Policies and Procedures by Resolution and
to Amend the Town of Copake Policy Manual**

WHEREAS, the Town Board of the Town of Copake is currently considering enactment of Introductory Local Law No. 3 of 2022, which if enacted, would amend Chapter 51 of the Town Code of the Town of Copake to provide for adoption and amendment of procurement policies and procedures by resolution of the Town Board of the Town of Copake pursuant to N.Y. General Municipal Law 104-b; and

WHEREAS, in anticipation of such Introductory Local Law No. 3 of 2022 being enacted and taking effect, the Town Board of the Town of Copake finds it desirable and necessary to have Procurement Policies and Procedures in place, to take effect upon the effective date of said Introductory Local Law No. 3 of 2022, if enacted; and

WHEREAS, in conjunction with the adoption of such Procurement Policies and Procedures, the Town Board of the Town of Copake seeks to make corresponding amendments and additions to the Town of Copake Policy Manual, likewise to take effect upon the effective date of said Introductory Local Law No. 3 of 2022, if enacted; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake hereby adopts the “Town of Copake Procurement Policies and Procedures” annexed hereto, which shall take effect upon the effective date of Introductory Local Law No. 3 of 2022 (or such other or similar local law providing for adoption of procurement policies and procedures by Town Board resolution), if enacted; and

It is hereby further **RESOLVED**, that the Town Board hereby amends the Town of Copake Policy Manual as follows:

1. Upon the effective date of Introductory Local Law No. 3 of 2022 (or such other or similar local law providing for adoption of procurement policies and procedures by Town Board resolution), if enacted, Section VII, Paragraph A is thereupon amended to read in its entirety as follows:

“A. Procurement

Procurement of goods and services will be done in conformity with applicable New York State Law and the Town of Copake Procurement Policies and Procedures, as amended from time to time, a copy of which is included in the Appendices.

2. Upon the effective date of Introductory Local Law No. 3 of 2022 (or such other or similar local law providing for adoption of procurement policies and procedures by Town Board resolution), if enacted, a new Appendix M is thereupon added to consist of a complete copy of the Town of Copake Procurement Policies and Procedures, as adopted herein and as may be amended from time to time.

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

Resolution #36
Dated November 10, 2022
Copake, New York

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

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

e. **Visa Bill-Supervisor Mettler**

Supervisor Mettler states that there have been issues with getting the Visa bill paid in a timely

manner and after speaking with Attorney Tingley, it was suggested to the Town Board to view and print the statement when it becomes available and then the Town Board can okay the bill and it will be paid on time.

After a brief discussion, the Town Board agrees.

f. LED Lighting-Supervisor Mettler

Supervisor Mettler states that last December the Town Board decided to go with LED lights for the hamlet of Copake. Councilperson Gansowski had put a lot of time and effort into this and the Town Board was very clear that they wanted LED lights to save money. In hindsight, Supervisor Mettler was wondering whether the lights that they chose will be too white and harsh.

A motion was made by Supervisor Mettler and seconded by Councilperson Wolf to authorize Supervisor Mettler and Councilperson Gansowski to go back to NYSEG to try to get them to give us 3000 Kelvin lights instead of 4000 Kelvin lights.

All in favor. Motion approved.

g. Copake Memorial Clock

Supervisor Mettler mentions that with the Eastern Daylight Savings time change the clock is supposed to change automatically but it did not. An estimate of \$884 was given to the Town Board for repair.

A motion was made by Councilperson Wolf and seconded by Councilperson Sullivan to approve this estimate and make this repair.

All in favor. Motion approved.

Old Business

a. NYS Deferred Compensation Plan-Supervisor Mettler

Will be done in Resolutions

b. Generator for Town Hall and Park Building-Councilperson Gansowski

Councilperson Gansowski states that Bill Giulian will be here next Wednesday to hook up the generator. Councilperson Gansowski is looking into a yearly maintenance program for the generators.

c. Interviews-Park Superintendent and Bicentennial Committee

Supervisor Mettler mentions that the Park Superintendent and Bicentennial Committee interviews are scheduled for Tuesday, November 22, 2022 at 10:00am but a second date is needed to conclude the interviews. Supervisor Mettler recommends the date of Tuesday, December 6, 2022 at 10:00am. The Town Board agrees on this date. A Public Notice will be posted for this Special Town Board meeting.

Resolutions

a. RESOLUTION Number 32 of November 10, 2022 To Amend Resolution Number 21 of June 9, 2022

Relating to Authorization of Use of ARPA Funds for Purchase of Two (2) Generators

**TOWN OF COPAKE
RESOLUTION
Number 32 of November 10, 2022**

**To Amend Resolution Number 21 of June 9, 2022 Relating to
Authorization of Use of ARPA Funds for Purchase of Two (2) Generators**

WHEREAS, the Town of Copake Town Board adopted Resolution Number 21 of June 9, 2022 authorizing the use of funds received under the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program in the total amount of \$47,862.00 for the purchase of two (2) generators from Cummins Sales and Service; and

WHEREAS, the amount of \$47,862.00 set forth in Resolution Number 21 of June 9, 2022 was incorrect, in that the total amount of such purchase was \$48,862.00; and

WHEREAS, the Town of Copake Town Board desires to correct Resolution Number 21 of June 9, 2022 to reflect that the Town Board intended to authorize the use of funds received under the SLFRF program in the total amount of \$48,862.00 for such purchase; now, therefore,

It is hereby **RESOLVED**, that the Town Board hereby amends the “Resolved” clause of Resolution Number 21 of June 9, 2022 to read in its entirety as follows:

“It is hereby **RESOLVED**, that the Town Board hereby authorizes the expenditure of funds received under the SLFRF program in the total amount of \$48,862.00 for the purchase of two (2) generators from Cummins Sales and Service for installation and use at the Town of Copake Town Hall and the Town of Copake Park Building.”

And it is hereby **FURTHER RESOLVED**, that this Resolution shall be effective immediately upon adoption, and the amendment effected thereby shall thereupon be effective retroactively to the date of adoption of Resolution Number 21 of June 9, 2022.

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 #32
Dated November 10, 2022
Copake, New York

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

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

b. RESOLUTION Number 33 To Adopt the State of New York Deferred Compensation Plan for All Eligible Employees

**TOWN OF COPAKE
RESOLUTION
Number 33 of November 10, 2022**

To Adopt the State of New York Deferred Compensation Plan for All Eligible Employees

WHEREAS, the Town of Copake wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the “Plan”) for voluntary participation of all eligible employees; and

WHEREAS, the Town of Copake is a local public employer eligible to adopt the Plan pursuant to Section 5 of the N.Y. State Finance Law; and

WHEREAS, the Town of Copake has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the N.Y. State Finance Law; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Copake by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement; now, therefore,

It is hereby **RESOLVED**, that the Town of Copake hereby adopts the Plan for the voluntary participation of all eligible employees; and

It is hereby further **RESOLVED**, that the Town Supervisor and such other appropriate officials of the Town of Copake are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and

It is hereby further **RESOLVED**, that the Town Supervisor is authorized to certify, and the Town Board does hereby certify, that the Town of Copake is a public employer within the meaning of Section 5 of the N.Y. State Finance Law and that the adoption of the Plan has received all required approvals of any local governing body or officer and otherwise complies with local law; and

It is hereby further **RESOLVED**, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

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

Resolution #33

Dated November 10, 2022

Copake, New York

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

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

c. RESOLUTION Number 34 To Authorize the Supervisor to Execute a Memorandum of Agreement with Teamsters Local 294 to Authorize Participation of Union Members in the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions

**TOWN OF COPAKE
RESOLUTION
Number 34 of November 10, 2022**

To Authorize the Supervisor to Execute a Memorandum of Agreement with Teamsters Local 294 to Authorize Participation of Union Members in the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions

WHEREAS, the Town of Copake has adopted or wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the “Plan”) for voluntary participation of all eligible employees; and

WHEREAS, the Town of Copake is a party to a Collective Bargaining Agreement with the Teamsters Local 294; and

WHEREAS, N.Y. State Finance Law § 5 provides that employees in a negotiating unit represented by an employee organization which negotiates pursuant to Article 14 of the Civil Service Law shall not be permitted to participate in the Plan until such time as such participation is authorized pursuant to a collectively negotiated agreement between the public employer and the employee organization, provided that the public employer need only negotiate whether or not such employees shall be included in such plan; and

WHEREAS, the Town of Copake hereby desires to permit participation in the Plan by eligible employees who are members of Teamsters Local 294; and

WHEREAS, Teamsters Local 294 has indicated that it desires to permit participation in the Plan by eligible employees who are members of Teamsters Local 294; and now, therefore,

It is hereby **RESOLVED**, that upon election by the Town of Copake to adopt the Plan for voluntary participation of eligible employees of the Town and subject to the consent, if required, of the Deferred

Compensation Plan of the State of New York to the Town of Copake's participation in the Plan, the Town Supervisor is authorized to execute and deliver a Memorandum of Agreement by and between the Town of Copake and Teamsters Local 294 in substantially the form annexed hereto, pursuant to which eligible employees who are members of Teamsters Local 294 are permitted to participate in the Plan; and

It is hereby further **RESOLVED**, that the Town Supervisor and other appropriate officials of the Town of Copake are hereby authorized to take such actions and enter such agreements as may be required or necessary to effectuate the intent and purpose of this Resolution.

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 #34
Dated November 10, 2022
Copake, New York

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

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

d. RESOLUTION Number 35 To Require That Recycling Bins be Placed in all Town-owned Properties

**TOWN OF COPAKE
RESOLUTION
Number 35 of November 10, 2022**

To Require That Recycling Bins be Placed in all Town-owned Properties

WHEREAS, the members of the Climate Smart Task force have observed the current single stream waste disposal process and concluded that it leads to effective recycling; and

WHEREAS, recycling makes use of limited resources and reduces energy use; and

WHEREAS, placing recycling bins next to all trash receptacles makes recycling easier, provides a visual reminder to recycle items when possible, and reminds employees that they work for a government that is committed to the goals of the Climate Smart Communities (CSC) program; now therefore,

It is hereby **RESOLVED**, that the Town hereby establishes a policy requiring recycling bins for all Town-owned properties, to wit: Town Hall, the Town Park Building, Town Garage, and West Copake Storage building, and it is further

RESOLVED, that Copake Policy Manual, Section V Subdivision (E) "Use of Town Facilities" shall be amended in that the following sentence shall be added to that Section:

"Recycling bins shall be placed in the Town Hall, Town Park Building, the Town Garage and the West Copake Storage Building and use of these bins is required".

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

Resolution #35
Dated November 1, 2022
Copake, New York

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

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

e. RESOLUTION Number 36 To Adopt Procurement Policies and Procedures by Resolution and to Amend the Town of Copake Policy Manual

This was done in New Business.

f. RESOLUTION Number 37 To Amend the Policy Manual Regarding payment of Stipends and miscellaneous matters

**TOWN OF COPAKE
RESOLUTION
Number 37 of November 10, 2022**

To Amend the Town of Copake Policy Manual regarding Subcommittees/Task Forces and Stipends

WHEREAS, the Town Board of the Town of Copake finds it desirable to revise and amend the Policy Manual as it relates to subcommittees/task forces, stipends, and correction of section lettering; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake amends the Town of Copake Policy Manual as follows:

1. Section V, Subdivision A, Paragraph 13 of the Policy Manual is amended to read in its entirety as follows:

“It is the responsibility of each board, committee, or commission Chairperson to establish sub-committees and task forces as deemed necessary for the parent group to discharge its responsibilities and to solicit, review and appoint the membership for same.”

2. A new Paragraph 15 is hereby added to Section V, Subdivision A of the Policy Manual to read in its entirety as follows:

“Annual stipends in such amounts as are set at the Organizational Meeting of the Town Board for any given year shall be paid on or before December 31 of such year to the following: Chair and each member of the Planning Board, Chair and each member of the Zoning Board of Appeals, Person in Charge of Williams Cemetery, and Town Historian.”

3. Section V is amended to re-letter Subdivisions C, D, E, and F as follows:

Current Subdivision C, “Freedom of Information Law (FOIL) Officer” shall become new Subdivision B; and

Current Subdivision D, “Use of Employee Vehicle” shall become new Subdivision C; and

Current Subdivision E, “Use of Town Facilities” shall become new Subdivision D; and

Current Subdivision F, “Community Outreach” shall become new Subdivision E.

And it is hereby **FURTHER RESOLVED**, that this Resolution shall be effective immediately upon adoption.

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

Resolution #37

Dated November 10, 2022

Copake, New York

Roll Call Vote.

Supervisor Mettler
Councilperson Wolf

yes
yes

Councilperson Gansowski	yes
Councilperson Judd	yes
Councilperson Sullivan	yes

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

g. RESOLUTION Number 38 To Amend the Policy Manual regarding Health Insurance

**TOWN OF COPAKE
RESOLUTION
Number 38 of November 10, 2022**

To Amend the Town of Copake Policy Manual regarding Health Insurance

WHEREAS, to conform with the Contract between the Town of Copake and the Teamsters Local 294, in effect through December 31, 2024, the Town Board of the Town of Copake finds it desirable to revise and amend Section VI, (C) (1) of the Town of Copake Policy Manual; and

WHEREAS, the Town Board of the Town of Copake finds it desirable to extend Vision insurance offered by the New York State Teamsters Council Health and Hospital Fund to the Town Clerk and Town Superintendent of Highways and to amend the Town of Copake Policy Manual accordingly; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake amends the Town of Copake Policy Manual as follows:

1. The first sentence of Section VI, Subdivision C, Paragraph 1, subparagraph (a) of the Policy Manual is amended to read as follows, with the remainder of subparagraph (a) to remain unchanged:

“Full time employees are eligible for health insurance after 90 days of full time employment, or as may be shortened by statute, law, or regulations.”

2. The first sentence of Section VI, Subdivision C, Paragraph 1, subparagraph (b) of the Policy Manual is amended to read as follows, with the remainder of subparagraph (b) to remain unchanged:

“The Town of Copake shall pay 100% for individual health insurance coverage for the employee and 80% for family coverage for any employee hired or made a full-time employee after January 1, 2011.”

3. Section VI, Subdivision C, Paragraph 1, subparagraph (c) shall be amended to read in its entirety as follows:

“The Town of Copake shall pay for individual or family coverage, as applicable, under the vision insurance offered by the New York State Teamsters Council Health and Hospital Fund for “non-bargaining” employees, for the Town Clerk and the Superintendent of Highways.”

And it is hereby **FURTHER RESOLVED**, that this Resolution shall be effective immediately upon adoption.

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

Resolution #38

Dated November 10, 2022

Copake, New York

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

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

h. RESOLUTION Number 39 To Authorize the Repurchase of Cemetery Plots

TOWN OF COPEN
RESOLUTION
Number 39 of November 10, 2022

To Authorize the Repurchase of Two (2) Burial Sites in the Williams Cemetery

WHEREAS, by a deed dated October 1st, 1998, Francis and Sylvie Mousseron purchased from the Town of Copake four burial sites in the Williams Cemetery, to wit: Lot Nos. 37, 44, 51 and 58, at a total cost of seven hundred fifty-five dollars (\$755.00); and

WHEREAS, Francis and Sylvie Mousseron, desire to sell back to the Town of Copake two burial sites, to wit: Lot Nos. 37 and 44; and

WHEREAS, such deed provides that the burial sites conveyed shall not be sold except through the Town of Copake, which shall have the right to re-purchase such burial sites; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake authorizes the repurchase by the Town of Copake of two burial sites, to wit: Lot Nos. 37 and 44, from Francis and Sylvie Mousseron for a total purchase price of three hundred seventy seven and 50/100 (\$377.50); and

It is hereby further **RESOLVED**, that the Supervisor, Town Clerk, Attorney for the Town, the Officer-in-Charge of the Williams Cemetery, and their respective designee(s), are authorized to execute such further documents and to take such further actions as are reasonable and necessary in order to carry out the intent of this Resolution; and

It is hereby further **RESOLVED**, that this Resolution shall be effective immediately upon adoption.

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 #39

Dated November 10, 2022

Copake, New York

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

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

i. RESOLUTION Number 40 Supporting Senate Bill S9546 which would repeal the Office of Renewable Energy Siting from state law, returning the siting of renewable energy systems to the Article X process that existed for more than a decade

TOWN OF COPEN
RESOLUTION
Number 40 of November 10, 2022

Supporting Senate Bill S9546 which would repeal the Office of Renewable Energy Siting from state law, returning the siting of renewable energy systems to the Article X process that existed for more than a decade

WHEREAS, in 2020, Hecate Energy Columbia County 1 LLC filed pre-application papers seeking a permit from the New York State Siting Board, pursuant to Article 10 of the New York State Public Service Law, to construct the Shepherd's Run Solar Facility;

WHEREAS, the Shepherds Run Facility is to be sited within the Taghkanic Creek Watershed and on prime farmland on hundreds of acres located in the Town of Copake and Hamlet of Craryville, New York; and

WHEREAS, the Copake Town Board unanimously adopted Resolution #21, dated October 28, 2020, opposing the proposed Shepherd’s Run Solar Project on the basis the project does not comply with local laws, conservation plans, and community planning objectives; and

WHEREAS, in 2020 Section 94-c of the Executive Law established a new Office of Renewable Energy Siting (“ORES”) and established a streamlined siting approval process that replaces the Article 10 siting process; and

WHEREAS, Unlike the Siting Board process under Article 10 of the Public Service Law, Section 94-c and ORES regulations do not require ORES to make express findings and determinations regarding the environmental impacts of proposed projects prior to issuing a final permit; and

WHEREAS, unlike the Siting Board process under Article 10 of the Public Service Law, ORES does not provide the Town of Copake the power to oppose waiver of its local laws through an adjudicated hearing; and

WHEREAS, on May 4, 2021 Hecate Energy Columbia County elected to subject its Shepherd’s Run proposal to the 94-c permitting process rather than that of Article 10, and did on March 8, 2022 file a siting permit application with the Office of Renewable Energy Siting pursuant to Section 94-c of the New York State Executive Law; and

WHEREAS, there is now pending in the New York Senate Bill S9546 which would amend the environmental conservation law, in relation to permits for major renewable energy facility sites; and repeal section 94-c of the executive law relating to the major renewable energy development program and would thus return the siting of large scale renewable energy systems to Article 10,

NOW, THEREFORE BE IT

RESOLVED that the Town Board of the Town of Copake urges the New York State Legislature to pass Senate Bill S 95465, repealing Section 94-c of the Executive Law and thus returning the approval of siting of renewable energy systems to the State Siting Board under Article 10 of the Public Service law, thus renewing the Town of Copake’s power to present evidence and argument against waiver of its local laws, zoning powers, and planning objectives.

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

Resolution #40
Dated November 10, 2022
Copake, New York

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

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

j. Resolution Number 41 Supporting Natural Resources Inventory Application for Technical Assistance

TOWN OF COPENNY

RESOLUTION

Number 41 of November 10, 2022

Supporting Natural Resources Inventory Application for Technical Assistance

WHEREAS, a natural resources inventory (NRI) compiles maps and descriptions of natural areas and provides a reference for planning in a community, and

WHEREAS, the purpose of an NRI is to provide information for comprehensive land use and conservation planning, and to allow natural resource information to be included in local planning and zoning; and

WHEREAS, the NYSDEC Hudson River Estuary Program is offering a 1-year technical assistance opportunity for two watershed municipalities to create a basic NRI, at no cost to the Town, but requiring a significant volunteer contribution, and

WHEREAS, three Copake citizens have offered to meet the volunteer requirement and

WHEREAS, to be considered for the technical assistance available from the Hudson River Estuary Program, municipalities are required to submit an application listing 3-5 volunteers, any related land use planning initiatives, and a resolution of support from the municipal governing board by November 30, 2022;

NOW, THEREFORE, BE IT RESOLVED: 1. That the Copake Town Board hereby establishes an NRI Steering Committee, and, with the help of the Conservation Advisory Committee and Climate Smart Task Force, will recruit volunteers to participate in the development of the NRI; and 2. That the Copake Town Board expresses their support for the development of the NRI and authorizes the submission of an application for technical assistance to the Hudson River Estuary Program.

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

Resolution #41

Dated November 10, 2022

Copake, New York

Roll Call Vote.

Supervisor Mettler
Councilperson Wolf

yes
yes

Councilperson Gansowski	yes
Councilperson Judd	yes
Councilperson Sullivan	yes

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

Appointments

Supervisor Mettler mentions that we advertised for the Clerk/Typist position in the Code Enforcement/Building Department office. Erin Reis and Councilperson Gansowski interviewed and liked the candidate. There was a Special Town Board meeting to appoint her but then advised the Supervisor that she could not take the position.

Supervisor Mettler suggests to the Town Board to advertise for the position of Clerk/Typist in the Code Enforcement Office/Building Department. The Town Board agrees.

Budget

a. Transfers-Resolution #42 To Amend the 2022 Budget

Resolution Number 42 To Amend the 2022 Budget

TOWN OF COPEN
RESOLUTION
Number 42 of November 10, 2022
To Amend the 2022 Budget

WHEREAS, the Town Board of the Town of Copake, in furtherance of achieving the goals established in the Town of Copake Fund Balance Policy, seeks to utilize available unappropriated fund balance to pay for unbudgeted expenditures in the General (A) Fund; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake hereby authorizes and directs the appropriation of unappropriated unreserved fund balance in the total amount of \$59,400.00 to increase the following appropriation lines in the 2022 budget by the following amounts:

Increase A16202 (Operation of Plant Equipment) by \$35,400.00
Increase A71402 (Playground and Rec Equipment) by \$11,000.00
Increase A16204 (Operation of Plant Contractual) by \$10,000.00
Increase A16203 (Operation of Plants West Copake) by \$3,000.00

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

Resolution #42

Dated November 10, 2022
Copake, New York

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

Lynn M. Connolly, Town Clerk

(seal)

November 10, 2022

- b. Preliminary Budget to Actual Report-October**
- c. Approval to post as Final on the town website**

Supervisor Mettler has included the cash balances and suggests posting the entire report so that everybody knows exactly where the town stands.

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to approve and post the budget to actual report for October 31, 2022 and to approve and post the cash and fund balances for October 31, 2022.

All in favor. Motion approved.

Councilpersons' Reports

Councilperson Gansowski reports that he had a ZOOM meeting with the local manager and regional managers and planners of NYSEG to find out what was happening with the power outages on Farm Road. It is tied to the expansion of Camp Waubeeka. The electricity from there has probably tripled. NYSEG will meet with Camp Waubeeka as they should be informing NYSEG of what their needs are as well. This should all be settled by May 2023.

Councilperson Gansowski reports that at the ZBA meeting there were couple of small items but there is one major subdivision going in on Copake Lake. The ZBA is seeking one alternate member. The Town Clerk has posted this ad.

Councilperson Gansowski mentions that year's ago, when major subdivisions came into the ZBA you would have to build a playground for kids. In lieu of building a playground, a donation would be given to the Copake Park. Councilperson Gansowski has been in touch with ZBA Chair Haight and Ken Dow regarding this.

Councilperson Sullivan reports that Trunk or Treat was a huge success. The Park Commission is working on the Holiday Light Parade and at the end of the year they will be voting on appointments to the Park Commission. There are still two members needed.

Councilperson Judd reports that the Planning Board met last week and the most notable thing to mention is the major subdivision of Copake Lake going back and forth between the ZBA and Planning Board. There was a presentation on the subdivision and Councilperson Judd mentions that it looks like a very responsible project however the Planning Board hasn't seen a major subdivision in a very long time a Chairperson Haight decided that they would hire an engineer to put another set of eyes on it.

Councilperson Judd mentions that at the Conservation Advisory Committee meeting they heard about the National Resource Inventory and Councilperson Judd spoke about the progress of the electric vehicle charging stations. The Town Clerk received a call today that she gave to Councilperson Judd to follow up on.

Councilperson Wolf reports that the Short Term Rental Working Group met on October 25, 2022. The next meeting is scheduled for November 29, 2022 at which time they will complete a review of a lot of work that was done by Jay Schiff. The Short Term Working Group has scheduled a town hall meeting to get community input to find out what the community thinks of this so that the Short Term Working Group can add that into the mix of information that they already have and report back to the Town Board of any recommendations. This meeting is scheduled for Saturday, December 3, 2022 at 10:00am until 12:00pm at Town Hall. This meeting will have remote access.

Councilperson Wolf reports that CEDAC met on November 2, 2022. They have received a report on additional interest in the Roe Jan School building.

Councilperson Wolf reports that the Roads Advisory Committee will be meeting on Monday, November 21, 2022 at 5:30pm.

Public Forum

None

Approval of Bills

A motion was made by Councilperson Gansowski and seconded by Councilperson Sullivan to approve the Visa bill in the amount of \$290.12.

All in favor. Motion approved.

Next Meeting Date

Thursday, December 8, 2022, 7:00pm

Executive Session

None

Adjournment

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

All in favor. Motion was approved.

Respectfully submitted,

Lynn Connolly
Town Clerk