

Public Hearing & Town Board Meeting
Thursday, July 14, 2022
7:00PM
via Google Meet

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

Present: Town Clerk, Lynn Connolly, Attorney Jonathon Tingley present via Google Meet

Supervisor Mettler states that because of the change of forum, there will be a continuation of the Public Hearing on Introductory Local Law No. 2 of 2022 on Saturday, August 13, 2022 at 8:45am for people to be able to comment publically.

Supervisor Mettler states that the monthly meeting will begin at 7:00pm but before that she opens the Public Hearing at 6:45pm for purposes of receiving public comment on Introductory Local Law No. 2 of 2022, at which time all persons interested therein shall be heard. Introductory Local Law No. 2 of 2022 is a proposed Local Law to authorize members of public bodies of the Town of Copake to participate in meetings via videoconference.

A complete copy of such introductory local law is available by contacting the Town of Copake Town Clerk's Office.

Supervisor Mettler states that this information has been posted on our website and opens the Public Forum.

Public Forum

Bob Haight asks if this is under certain circumstances or can it be any time.

Attorney Tingley states that state law authorizes the town to adopt a local law to allow remote attendance by members of the public body under extraordinary circumstances which are defined in part, under state law which includes, illness, disability, and a couple of other items that are repeated in this local law but it also allows the Town Board to adopt written procedure that further defines what extraordinary circumstances justify remote participation for Town of Copake public bodies.

Supervisor Mettler asks Attorney Tingley to address the question of if the Town Board does adopt this law and set up our own guidelines as to what extraordinary circumstances would be, does that bind the Planning Board, ZBA, and BAR or should the Town Board give them the opportunity to take advantage of this if they wish.

Attorney Tingley states that in his view, it allows the boards to use the ability to have video participation by a member but it doesn't mandate that they do so.

Lindsay LeBrecht mentions concern over the number of absences before the Town Board would review this process within a certain time frame.

Attorney Tingley mentions that the local law doesn't provide for any kind of measurement like that but does not see any prohibition on provisions on how this is going to work if adopted.

Supervisor Mettler states that we had this liberty because we are still in a state of emergency until midnight tonight.

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to continue the Public Hearing on Introductory Local Law No. 2 of 2022 to Saturday, August 13, 2022 at 8:45am for people to be able to comment publically at that time.

Councilperson Wolf requests that the Town Board meeting for Saturday, August 13, 2022 be advertised in the Copake Connection and other outlets to let more people know about it.

Supervisor Mettler will have something added in the Copake Connection.

All in favor. Motion approved.

Attorney Tingley mentions that the Town Clerk should publish a new Public Notice for this meeting which she will do.

Call to Order

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

Supervisor Mettler states that for the record, this meeting was scheduled to meet in person but due to the rising cases of Covid in Copake the Town Board has elected to meet remotely. We are still able to do so because we are still operating under a declaration of emergency that will expire at midnight. This meeting has been posted and the press was notified.

Approval of Minutes

A motion was made by Councilperson Gansowski and seconded by Councilperson Judd to waive a further reading and accept the Minutes as written for the monthly Town Board meeting of June 9, 2022, the Special Town Board meeting of, June 23, 2022 and the Special Town Board Meeting of July 5, 2022.

All in favor. Motion was approved.

Announcements

Supervisor Mettler states that at a presentation of July 13, 2022, the Bank of Greene County's Charitable Foundation gave the town a check for \$1,000 for the Summer Music Program. Supervisor Mettler has thanked them, notified the Park Commission, and we will send the Bank of Greene County a letter of thanks and appreciation.

The expiration dates on the Covid tests that are available in the Town Clerk's office have been extended. There will be an article in the Copake Connection giving the FDA link.

The Columbia County Climate Carnival will be held on Saturday, July 16, 2022 at the Columbia County Fairgrounds.

Supervisor Mettler mentions that Gwen Menshenfriend has joined the meeting. Gwen has been appointed by Supervisor Mettler and approved by the Town Board to serve as the Confidential Administrative Assistant to the Supervisor. Gwen has served as the Bursar at Bard College since 2011. Prior to that, she was Assistant Bursar since 2005. Gwen has deep financial experience. We have received wonderful recommendations as to both her expertise and character. Gwen comes highly recommended to the Town of Copake and we are delighted that she is joining us. Welcome Gwen!

Correspondence

From-Hecate Energy/Shepherd's Run Solar, letter of thanks for Copake resident's feedback

From-The Bank of Greene County, letter regarding check for \$1,000

From-Roe Jan Young at Hearters, Letter of thanks and they are looking for contributions

From-NYS Department of Transportation, letter regarding Transfer Switches

From- Town of Ancram, Public Notice regarding Town of Ancram Zoning Law

From-NYS Parks, Recreation and Historic Preservation, letter regarding the Sweet Homestead nomination

From-Fran Pross, letter regarding the retaining wall on Lakeview Road

From-Columbia County Board of Supervisors, letter regarding county sales tax

From-Michaele Williams-Riordon, Human Resources Manager, Columbia County, letter regarding changes to laws covering Sexual Harassment and retaliation in the workplace

From-Doreen Rappaport, letter of concern regarding Hecate Energy

From-Charter Communications, two letters regarding changes

From-Grant Langdon, twelve items (emails and letters)-40 items from June 9, 2022 that will be kept on file

Supervisor's Report

Tonight you will hear about various positive things that are happening in Copake.

One positive development is that since our June meeting the Town Board held two special meetings to interview candidates who had filed letters of interest regarding the Short Term Rental Working Group. We interviewed 11 very interesting people. Every one of them was qualified and there were several people who were brand new to us-people who had not been previously involved in Copake government.

Frankly, I thought this was very exciting and promising. In the midst of a lot of challenging current events on the national level I think that this level of civic engagement is fabulous. We limited the working group to just five members, and the Board tried to appoint a group which reflected a range of perspectives. But I want to thank each of the candidates for their willingness to serve.

I want to report on two Copake related Resolutions passed by the Board of Supervisors last night. First, as you know, the Town Board nominated Cara Boyle to represent the Town of Copake on the Columbia County Environmental Management Council. By Resolution the Board of Supervisors adopted our nomination and appointed Ms. Boyle.. Our congratulations and thanks to Cara.

Second, by Resolution the Board of Supervisors approved the distribution of mortgage tax monies collected for the first six months of 2022. Copake will receive \$148,714.61- which is the highest being distributed to any Town in the County. The next highest amount went to Hudson and that was 10,000 less than Copake.

All good news. Enjoy the summer.

Solar Report July 2022-Councilperson Wolf

Let me begin with a brief status report on where Hecate's Shepherd's Run application stands at ORES, the State's Office of Renewable Energy Siting — the office that will decide if Hecate's proposal will be built on 228 mostly farmland acres in Craryville. As of this morning, Hecate's siting application remains "incomplete".

ORES issued a "Notice of Incomplete Application" on May 9th, one week after the *ad hoc* "Working Group" — supporters and opponents of Shepherd's Run, public interest groups (Columbia Land Conservancy and Scenic Hudson), volunteer landscape architects and people from Cornell — pointed out to ORES that the application Hecate had filed was missing important, required information. Hecate quickly responded — two days later — to the Working Group's complaint to ORES by submitting 84 additional items to be filed with the application. Even this wasn't enough.

But, we have little reason to believe that ORES will balance the State's renewable energy goals with the adverse impacts of a utility-size power plant on the character and environment of Copake. Under New York law, ORES can override the requirements and objectives Copake's Zoning Code, Farmland Protection Law and Comprehensive Plan if their provisions are "unduly burdensome". And, given its decisions in other cases, we are very concerned that ORES will waive Copake's local laws based solely on Hecate's request and representations, and without even considering what the Town has to say — namely, that our local laws are critical to protecting Copake's rural and agricultural character.

Recently, Hecate sent Copakeans a "Dear Neighbor" letter. The letter tried to establish Hecate as a community partner collaborating with the Working Group to improve the Shepherd's Run proposal. It ticks off a short list of *actual* project improvements: reducing the size from 480 to 220 acres "inside the fence" (it's actually 228 acres and a total of 255 acres that will be permanently disturbed by the project); eliminating battery storage; and, using wildlife-friendly fencing instead of chain-link fencing. Indeed, a reader could well believe that Hecate, Copake and the Working Group are largely in agreement, working together in Kumbaya-like harmony.

But what the letter actually does is present a set of, to use a phrase much in vogue these days, "alternative facts".

The *ad hoc* Group worked very hard, and made a series of smart, forward-thinking recommendations to improve Shepherd's Run. But contrary to Hecate's claims, it has *not* integrated most of the recommendations into its still-incomplete application. Our attorneys conducted a comprehensive review of Hecate's application and submitted to ORES and Hecate the results, which clearly demonstrate that Hecate has chosen not to adopt the vast majority of the recommendations. To give you two examples: one of the Working Group's truly visionary recommendations called for the creation of a 300-acre community-accessible Greenspace to screen many of the solar arrays, and turn Shepherd's Run from an eyesore into a tourist attraction. This recommendation is not included in Hecate's application. And the Working Group recommended financial compensation for homeowners with properties that would be most directly impacted by Shepherd's Run. This too is missing from Hecate's application.

We will post our analysis of Hecate's response to each of the Working Group's recommendations on the Town of Copake website. I invite everyone to check it out, and understand the extent to which the "Dear Neighbor" letter exaggerates Hecate's collaboration.

This Board commends the Working Group for its efforts, supports its recommendations, and urges Hecate to adopt them all.

Thank you.

Department Heads/Committee Reports

None

Public Forum

Kirsten Pace is with the Taconic Hills Youth Soccer League. Typically the league would play out of Taconic Hills but due to new insurance requirements, it is cost prohibited for pretty much any youth organization to operate out of the school. Ms. Pace is requesting that the Youth Soccer League be able to use the Town of Copake's facilities September through the beginning of November. Ms. Pace has emailed the Town regarding this request.

Supervisor Mettler thanks Ms. Pace and states that if the Town Board agrees to this the soccer league must provide to the town a Certificate of Insurance.

Supervisor Mettler states that this will be discussed and decided with the Town Board on at the Special Meeting that she expects to be held on August 2, 2022.

Councilperson Sullivan will check with the school to follow up. She is not aware of any of this.

Councilperson Gansowski has a concern that there is an annual soccer game/barbeque sometime in September that the youth league would have to work around.

Terry Sullivan mentions that she heard about a Beautification Committee that used to be around to help with the landscaping at the clock and the park and some people have expressed an interest in helping with some of this. Ms. Sullivan asks the Town Board if they would want to reinstitute something like that.

Supervisor Mettler states that she thinks Ms. Sullivan is talking about an organization that was run by Alice Belt in the 1990's.

Supervisor Mettler states that if a group of individuals want to get together to volunteer their services or if Ms. Sullivan would like to head start something like this, that would be great.

Supervisor Mettler states that as far as our gardens and lawns, things are different than in recent years but we are doing the best we can and Supervisor Mettler would like to see a Park Superintendent in the future but to date that has not been figured out. At present, we are very happy to have the services of United Lawncare and if there are any other particular issues, please let Supervisor Mettler know.

Lindsay LeBrecht states that words that a lady would use would not fit in with how she feels about Hecate's letter to the community. We've lost Homeland Rule. Saying that Hecate asserts that ORES should disregard the town's communication to Governor Hochul, last Ms. LeBrecht saw, we still had freedom of speech and for somebody to say that we can't reach out as a town because you're representing us, Ms. LeBrecht can't even form words. It is just wrong and what country do we live in? She thought it was the United States of America where we have freedom of speech. Basically they are saying that they can do whatever they want to and Ms. LeBrecht finds it hurtful and this document is

disgraceful and she just wanted to say thank you to continuing to fight. We do have rights, we have rights to reach out to our governor and our other elected officials on other fronts and she is hoping that Sensible Solar for Rural New York is going to come out with something shortly and we need to let Albany know our feelings because this is wrong.

Councilperson Judd states that the objection was not so much that we communicated with the governor but that we included correspondence in our filings with ORES if he remembers what he read correctly.

Councilperson Wolf states that what they are really happened is that they said ORES regulations which we are challenging, do not call for comment from the town on the completeness of an application and therefore, whatever we sent to ORES and the governor should be disregarded and not considered as part of the filing and in fact, our letter is not an officially filed document part of the record but rather as a public comment which is ridiculous and something we are challenging. In the meantime, we have an appeal that is about to be filed in the lawsuit challenging the regulations that ORES adopted both for the substance and for the way for they were adopted. This is something that is ongoing and we are not going to drop.

Ms. LeBrecht is also very concerned with fire prevention.

New Business

a. Report on Park Building Parking Lot-Highway Superintendent Bill Gregory

Highway Superintendent Gregory states that they are nearly complete on this project. The blacktop is down and the lines are painted. The Highway Department significantly improved the access to the building. Five additional handicapped spots have been provided closer to the building.

Supervisor Mettler compliments Highway Superintendent Gregory on the new area to turn around to drop off passengers.

Supervisor Mettler mentions when the Town Board approved this project they did so because they were able to use funds and pay for this completely by use of funds that were surplus funds from 2021.

b. Report on Items to be declared surplus and sold-Highway Superintendent Bill Gregory

Highway Superintendent Gregory states that last fall, early winter the Town Board approved ordering a new John Deere tractor and mowers. They are scheduled to be delivered next week to Hudson River Tractor in Chatham. The Highway Department will no longer need their 1999 CX90 Tractor or McConnell Rear Boom Mower with Side Flail Mower and asks the Town Board to surplus those two items so they can be sold once they receive the delivery of the tractor and new mowers.

**To Approve the Highway Superintendent's Sale of
McConnell Rear Boom Mower and CX90 Case Tractor with Side Flail Mower**

WHEREAS, the Highway Superintendent has determined that, effective upon satisfactory delivery of the new John Deere 6110M tractor, Diamond side mower, and 3 point hitch mower purchased pursuant to Town of Copake Town Board Resolution No. 29 of November 11, 2021 (collectively, the "New Equipment"), a certain McConnell rear boom mower (Serial No. 03RA54-98) and a certain 1999 CX90 Case tractor (Serial No. JJE1008474) (collectively, the "Surplus Equipment") owned by the Town will no longer needed by the Town; and

WHEREAS, the Highway Superintendent seeks Town Board approval to declare such Surplus Equipment as surplus and to authorize the Highway Superintendent to dispose of such Surplus Equipment by sale at auction; now, therefore,

It is hereby **RESOLVED**, that, effective upon delivery of the New Equipment to the satisfaction of the Highway Superintendent, the Town Board declares that the Surplus Equipment is surplus equipment that is no longer needed by the Town; and

It is hereby **FURTHER RESOLVED**, that pursuant to Highway Law § 142(5), the Town Board approves the Highway Superintendent's request that he be permitted to sell the Surplus Equipment at auction, effective upon delivery of the New Equipment to the satisfaction of the Highway Superintendent.

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 #22
Dated July 14, 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)

c. Town Hall Historic Exhibit-Grand Opening Saturday, August 13, 2022 11:30am

Supervisor Mettler states that there will be a story about this in the Copake Connection tomorrow. This event will be held immediately after the Saturday, August 13th Town Board meeting. We will have a short ceremony outside at the doors of the town hall, then we will cut a ribbon and all come in to view the exhibit. The Exhibit will include 24 panels. This is the culmination of almost two year's hard work and many, many hours on the part of the

committee. The committee is made up of Vana Hotaling, Nick Fritsch, and Howard Blue. In regard to the Howard wrote the text and also shared photographs. Nick did the artistic work.

The permanent exhibit also features the enlarged post card collection, contributed by Bob Callahan, two original paintings on loan from artist Nick Fritsch, and paintings by Donna Vreeland and William Vreeland on loan from the Vreeland family.

We expect that this is just the first installation of panels and no doubt there will be a second installation.

We are very proud, and hope we will have good turnout.

d. Short Term Rental Working Group

Supervisor Mettler states that the following five people were appointed to the Short Term Rental Working Group by the Town Board at the last Special Town Board Meeting on July 5, 2022: Signe Adam, Karen Agnifilo, Lindsay LeBrecht, Janice Nelson, and Jay Schiff.

Supervisor Mettler has appointed two liaisons: Councilperson Gansowski and Councilperson Wolf.

Supervisor Mettler has distributed to the Town Board a memo regarding the role of the working group. This is not meant to limit the Working Group's work but it does set forth the questions that the Town Board would like considered.

Councilperson Gansowski mentions that Ken Dow will also be working with this group.

A motion was made by Councilperson Judd and seconded by Councilperson Gansowski to approve the memorandum to be distributed to the Short Term Rental Working Group.

All in favor. Motion approved.

e. Young at Hearters

Supervisor Mettler states that last year Ken Dow adopted an agreement and the Town Board approved a contract between the Young at Hearters and the Town. Supervisor Mettler suggest putting this on the August Agenda so that our attorney can review the contract and the Town Board can agree to the amount that the Town wants to budget for this purpose.

f. Summer Camp

Supervisor Mettler states that she has received an email from Bryan Van Tassel, Summer Camp yesterday and he would like to know if he can use the funds from Rheinstrom Hill so that kids can go on field trips free. This year they would like to go on four field trips plus for the older kids, a trip to Catamount Adventure Park. Supervisor Mettler asked Mr. Van Tassel that considering that we have already spent \$2,380 of the \$7,500, would there be enough money to cover the cost of these other field trips? Mr. Van Tassel thinks so. He cannot be positive because he does not know how many kids will go on a given trip. There are also higher gas prices. Mr. Van Tassel thinks he will have enough money left over plus other smaller donations plus there is money from previous donations plus there are over 90 kids who paid to go to camp.

A motion was made by Supervisor Mettler and seconded by Councilperson Sullivan to approve Camp Director Bryan Van Tassel's request that the Rheinstrom Hill contribution and other contributions to the camp be applied to the cost of field trips so that campers can go on the field trips free of charge.

Councilperson Sullivan asks if there is any extra liability.

Attorney Tingley states that from his recollection is that the camp registration form included an assumption of risk and indemnification of the town for any injury that may occur that arises from the camp operations. Attorney Tingley will double check on this information.

Supervisor Mettler asks Attorney Tingley to check those documents and see if anything should be added.

All in favor. Motion approved.

Old Business

a. Update on Park Bandstand-Councilperson Sullivan

Councilperson Sullivan states that the committee met on Monday but they did not have a quorum so they couldn't vote on anything. Bob Haight was nice enough to come and speak with the Park Commission in regards to the getting pricing of prefabricated band shells. Mr. Haight will pursue that and get back to the Park Commission and Town Board.

Supervisor Mettler adds that Highway Superintendent Gregory has received some information from Sourcewell that will be passed on to Mr. Haight.

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

Councilperson Gansowski states that the generators are installed and working and we now have two generators to surplus.

Highway Superintendent Gregory states that once he gets all of the serial numbers and specs of the two generators, he will be in touch with Attorney Tingley and he can help with the resolution to go forward.

Councilperson Gansowski wants to thank Bill Gregory and his crew for all of their hard work and efforts.

c. Cannabis/Zoning Code update-Supervisor Mettler

Supervisor Mettler states that she has spoken with Ken Dow about this and the adhoc zoning committee met and had a workshop and has made recommendations for changes to our zoning law to accommodate dispensaries. Ken Dow has written a law but advised me that NYS has not yet published guidelines for Micro businesses, so he cannot really include any provisions in the Copake law on that subject. We agreed that he will get a proposed law to us by August. I will introduce it at the August meeting and then we can decide if we want another workshop or whether a hearing in September will be sufficient.

d. Community Choice Aggregation-Schedule Workshop

Supervisor Mettler states that we thought we had something scheduled at the end of July but that did not work out. Supervisor Mettler has reached out to all parties to schedule a Special Town Board meeting followed by a workshop on August 2, 2022 at 4:00pm.

A motion was made by Councilperson Wolf and seconded by Councilperson Judd to schedule a Special Meeting and Workshop for August 2, 2022 at 4:00pm in order to consider the Community Choice Aggregation and any other business which may come before the Town Board.

All in favor. Motion approved.

Resolutions

Resolution to request and establish a Lower Speed Limit on Orphan Farm Road from the intersection with State Route 22 to the end of Orphan Farm Road

TOWN OF COPEN

RESOLUTION

Number 23 of July 14, 2022

To request and establish a Lower Speed Limit on Orphan Farm Road from the intersection with State Route 22 to the end of Orphan Farm Road

That we, the members of the Town Board of the Town of Copake, because it is anticipated that an extension of the Harlem Valley Rail Trail will cross Orphan Farm Road, 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 establish a lower maximum speed at which vehicles may proceed on the entirety of Orphan Farm in the Town of Copake, to wit; that the current 55 MPH speed limit on Orphan Farm be reduced to a lower speed from the intersection with State Route 22 to the end of Orphan Farm Road.

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 #23
Dated July 14, 2022
Copake, New York

Lynn M. Connolly, Town Clerk

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

(seal)

Appointments

None

Budget

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

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to approve the budget to actual report for the month of June and to approve posting the final on the town website.

All in favor. Motion approved.

Councilpersons' Reports

Councilperson Sullivan reports that the Park Commission has had three successful concerts.

Councilperson Sullivan asks the Town Board to consider having a cleaning service to come in to clean the kitchen in the park building. Supervisor Mettler will look into this and asks Councilperson Sullivan for a list of recommendations.

Councilperson Sullivan reports that the Park Commission has a list of members who will attend the concert on Saturday nights.

The Park Commission is requesting a credit card. Supervisor Mettler states that there are procedures in place. The Town Board will discuss this at the next Town Board meeting as new business.

Councilperson Gansowski reports that the ZBA is slowing down and is a bit slower than last year.

Councilperson Gansowski reports that "The Hub" has been gutted.

Councilperson Gansowski reports that he will have information on the new lights at the next meeting.

Councilperson Gansowski reports that he took a ride over to the park to watch the recess of camp and compliments Holly Van Tassel and her counselors for doing a wonderful job.

Councilperson Judd did not attend the Planning Board meeting as he was very ill and contagious.

Councilperson Wolf reports that the RAC will meet again on July 20, 2022. Ray Jurkowski will be present at this meeting.

Councilperson Wolf reports that at the CEDAC meeting, there is continuing interest in the Roe Jan school building. Councilperson Wolf mentions that Roberta Roll is working on a plan to develop an Octoberfest this year.

Bob Haight mentions that the RAC is looking at the “green areas” with the county engineer.

The Park Commission would like to advertise for members. The Town Board agrees.

Councilperson Sullivan is requesting if the town can rent the tents that are at the park two weeks earlier for the Summer Concert Series for the future. Supervisor Mettler suggests coming up with a proposal that covers all of these issues.

Public Forum

Robert Roll mentions that the DRI NY Forward came out just this week. It is recommended sending a letter of intent to apply as soon as possible and asks for the Town Board to do so.

Supervisor Mettler suggests hearing more about this and deciding on this at the Special Meeting on August 2, 2022. All parties agree.

Approval of Bills

Supervisor Mettler states that we’ve been paying our bills every other week.

Next Meeting Date

Saturday, August 13, 2022, 9:00am

Executive Session

None

Adjournment

A motion was made by Councilperson Judd and seconded by Councilperson Wolf to adjourn the meeting.

All in favor. Motion was approved.

Respectfully submitted,

Lynn Connolly

Town Clerk