

Public Hearing/Town Board Meeting
Thursday, February 9, 2023
6:50pm and 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*).

Public Hearing

Supervisor Mettler opens the Public Hearing at 6:50pm and states that this meeting is being held in person in Town Hall but we are allowing remote access. This Public Hearing is being recorded and the recording will be posted online within five business days. Supervisor Mettler opens the Public Hearing on Local Law No. 1 of 2023 A Local Law to Amend Chapter 129 of the Town Code of the Town of Copake. The purpose of this Law is to Amend Chapter 129 of the Town Code of the Town of Copake to update the local code enforcement program of the Town of Copake in accordance with 19NYCRR Section 12003.3.

Attorney Tingley gives an overview of Local Law No. 1 of 2023 A Local Law to Amend Chapter 129 of the Town Code of the Town of Copake.

Supervisor Mettler opens the Public Forum.

Attorney Tingley states that this is mandatory and the town will have to eventually adopt it. Mr. Tingley suggests to the Town Board that if there are no comments tonight that the Town Board, when the time comes later in the meeting, consider approving first a motion to adopt a negative declaration under the state Environmental Quality Review Act and followed by, if the Town Board is in the position to enact it tonight, a motion to enact Introductory Local Law No. 1 of 2023 which can be done tonight once the Public Hearing is closed.

There was no public comment.

Supervisor Mettler closes the Public Hearing at 7:00pm and states that this Local Law will be considered later in the meeting in Old Business.

Call to Order

Supervisor Mettler calls the Town Board meeting to order and states that this meeting is being held in person in Town Hall but we are allowing remote access. This meeting is being recorded and the recording will be posted online within five business days. Supervisor Mettler opens the Town Board meeting with the Pledge of Allegiance.

Approval of Minutes

A motion was made by Councilperson Judd and seconded by Councilperson Wolf to waive a further reading and accept the Minutes as written for the Public Hearing and Town Board meeting of Thursday, January 12, 2023 and the Special Town Board Meeting of Tuesday, January 23, 2023.

All in favor. Motion was approved.

Announcements

Supervisor Mettler announces that she received an email from Columbia County Commissioner, Ray Jurkowski regarding an update on the Valley View Road Bridge.

Correspondence

From-Howard Lawrence, correspondence regarding the Virtus Nostra, LLC major subdivision

From-Highway Superintendent William Gregory, email letter of resignation to the Columbia County Traffic Safety Board

From-Deputy Highway Superintendent Jeremy Holdridge, email letter of interest to represent the Town of Copake on the Columbia County Traffic Safety Board

From-Sensible Solar for Rural New York, copies of several letters written on the Sensible Solar for Rural New York letterhead to the Honorable Didi Barrett who is now Chair of the New York State Standing Committee on Energy, to Honorable Kevin S. Parker, Chair of the NYS Senate of Energy and Telecommunications Committee, and to the Office of Renewable Energy Siting (ORES)

From-Columbia County Supervisor's, letter regarding sales tax

From-Charter Communications, letter regarding notification of channel launch

From-Grant Langdon, over 15 letters and emails. We have received numerous other emails all of which are preserved.

Supervisor's Report

I want to give you an update with regard to the Town's progress on the 2024 road reconstruction. As you know, in 2024 Columbia County will reconstruct County Route 7A in the Hamlet of Copake. The purpose of the project is to resolve drainage issues in the Hamlet and also make pedestrian and motor vehicle traffic more safe. The County is responsible for reconstruction of the roads, drainage and sidewalks; the Town is responsible for streetscape improvements such as streetlights, park benches and municipal parking.

The street design proposed by the County will change traffic patterns and also, since backing out into public roadways is illegal under NYS law, all on-street parking will become parallel. The Town Board is well aware of the concerns this has raised and we are addressing those concerns.

With the support of Columbia County Department of Public Works Commissioner Ray Jurkowski, Chairperson of the Copake Road Advisory Committee Bob Haight and Deputy Supervisor Richard Wolf, I have been in communication with businesses and property owners in Copake as we work towards increasing the availability of off-street municipal parking. The Town owns the municipal lot on Church Street, west of Key Bank, and we intend to both expand and improve that lot. We hope to have that project completed later this year. We are also in conversation with business owners regarding the private lot between the businesses on Main Street. We are proposing a resolution which will increase the availability of parking there, as well.

To accomplish all of this, at a Special Town Board meeting on January 30, the Town Board authorized an RFP seeking engineering and professional assistance for Streetscape and Parking Lot Designs for the Hamlet of Copake. Proposals are due on February 21.

All of which is to say: We understand the public's concerns about parking. We are addressing those concerns. We have the resources to do so because the Town has been saving for this project for a long time.

Solar Update

We have reached a critical juncture in the ongoing Shepherd's Run saga. On January 27th, in response to the New York State Office of Renewable Energy Siting's ("ORES") 2nd Notice of Incomplete Application, Hecate Energy belatedly filed updated Shepherd's Run application materials. The response had been due a month earlier. But the deadline didn't trouble Hecate: it simply declared that it would submit its response when it was ready, not when it was due. Nor did this trouble ORES: it treated Hecate's declaration as a request...and promptly granted it!

So here's where things stand. ORES has 60 days to deem the application "complete" — in which case Hecate would receive a draft siting permit — or "incomplete", which could trigger a third "Notice of Incomplete Application" from ORES. And if ORES fails to reach a determination within 60 days, the ORES regulations deem the application complete by default, and Hecate would receive a draft permit.

About those ORES regulations: Copake, together with 5 other upstate, rural towns and 7 non-profits, has sued to overturn them. *They actually were written by an energy industry consultant which has Hecate as a client.* Not surprisingly, the regulations are biased in favor of developers and against small towns. They facilitate ORES' favoritism towards Hecate and against Copake. Our appeal in the lawsuit will be argued in March.

Copake's solar attorney and our environmental engineering firm are reviewing Hecate's latest, voluminous submissions to ORES. Tonight I will offer some preliminary observations about them.

First, however, for those who may not have been following the Shepherd's Run issue, a brief introduction. Hecate is a Chicago-based energy company, partially owned by a Spanish energy company. Since 2017, its sights have been set on Craryville, with its prime farmland, protected wetlands, the Taghkanic Creek, and a principal gateway to the hamlet of Copake and Copake Lake.

Hecate has identified an 880-acre “Project Area” inside of which it hopes to build a 255-acre “inside-the-fence” utility-scale solar energy facility. And make no mistake: this is no solar “farm”. Hecate’s “Shepherd’s Run” proposal is for the construction of a *factory*. Almost 200,000 solar panels, inverters, mostly underground transmission lines, and access roads. Shepherd’s Run would look nothing like a farm.

This Board has repeatedly argued that the project, as proposed, is poorly sited and too big for our small, rural town. Nonetheless, Hecate pushes ahead, unwilling to abide by Copake’s general zoning and solar facility laws. Instead, it is asking ORES to override our local laws. Hecate wants ORES to declare Copake’s laws “unduly burdensome”, claiming that they impede Hecate’s efforts to help the State reach its laudable goal of quickly reducing dependence on fossil fuels, and that Hecate would lose money if it had to redesign some of its proposal to comply. That’s really what Hecate considers “unduly burdensome.” Hecate seeks to cast itself as the “good guy” —an altruistic, multi-national corporation working to save the planet. It has cast Copake as the “bad guy” in this drama, selfishly standing in the way of progress towards clean energy.

We categorically reject Hecate’s efforts to define itself or us. We know that climate change is an existential threat. We support renewable energy. But we demand that the State’s transition to renewable energy be done sensibly, through collaboration with local towns, not by allowing out-of-state developers to tell us that our rural environment, economy and character must be sacrificed in their quest for corporate profits.

So...why did Craryville become Hecate’s location of choice? What is it about the proposed site, running south from State Route 23 alongside County Route 7, with a substantial portion of the would-be project adjacent to the Taconic Hills Central School buildings and athletic fields? Why site a solar energy factory in a hamlet of a small rural town? Why fill fields that are directly across the road from the homes of long-time residents with solar panels?

The answer is simple. Albany has turned upstate New York into a modern-day version of the Wild West. It is aggressively pushing a misguided strategy to try to achieve its laudable carbon emission reduction goals. It has said to developers, “Identify a location with a substation into which you can funnel electricity from your solar factory. Build your factory on nearby land leased or purchased from (oftentimes) absentee landowners. Don’t worry about local zoning laws. ORES will waive any local requirements that get in the way. And, the State will provide big financial incentives to build your solar factory.” Responsible communities like Copake, who want to do their part to fight climate change, are given no say in where a solar energy factory will be sited or how much land it will gobble up. We are being forced to sacrifice our rural environments and small town character so that clean energy can be supplied to big cities by mega-energy companies whose only guiding principle seems to be: what is the least they need to do to satisfy ORES and generate the biggest profits?

A compelling summary of ORES’ apparent favoring of Hecate and disfavoring Copake was recently presented in letters sent by Sensible Solar for Rural New York to the Chairs of the Assembly’s Standing Committee on Energy, and the Senate’s Energy and Telecommunications Committee. The letters

present “serious concerns ... about questionable behavior” by ORES, some of which I’ve discussed as previous Board meetings. And then there’s a January 27th decision by an ORES administrative law judge (“ALJ”), who discourages us from continuing to raise Copake’s concerns about Hecate’s actions, asserting that “the Town’s filings and Hecate CC’s responses have unnecessarily required the expenditure of significant resources by ORES staff, the ALJs, and others.” In effect, she is saying: How dare Copake press its objections with the very State office that will decide whether Shepherd’s Run gets built in Craryville and, if so, under what conditions? How dare we?

A February 5th letter presented to both ORES and the U.S. Environmental Protection Agency some concerns Sensible Solar identified in its preliminary review of Hecate’s updated application materials. Among their concerns are: planned tree cutting near State regulated Wetlands; planned siting of buried collection lines in violation of Copake’s setback requirements from wetlands and water bodies; Hecate’s minimizing the project’s risks of potential visual impacts on recognized historical properties; intrusion of the project on wildlife habitats; and, Hecate’s failure to respond to either the Taghkanic Headwaters Conservation Plan or Town Historian Howard Blue’s January 10th letter regarding the 1859 occupation of the Niver Farm by members of the Stockbridge-Munsee Community Band of Mohican Indians.

Sensible Solar also noted that recommendations made by the *ad hoc* Working Group were not incorporated into Hecate’s updated application materials. This is an important observation, because it confirms what we have suspected all along about Hecate’s discussions with the Working Group. Hecate’s talks with the Working Group are no substitutes for the lack of ongoing discussions with the Town. Last month, I reported that at a January 10th meeting, Hecate told us it was having “fruitful negotiations” with the Group; we had heard otherwise. And if there was any doubt about whether those talks had been productive, we now have some concrete proof.

Here’s an example: one of the Working Group’s key recommendations was the creation of a 300-acre green space, which would run south with the project along County Route 7, and have bike paths, hiking trails, and nature walks. Not only did this concept have the potential to turn the proposed project from an eyesore into a tourist attraction, it also would effectively have screened the solar arrays from the homes across the road. Well, we can see what became of the green space idea. Look at the pictures Hecate just submitted to ORES: one is a “representative simulation” from the west side of CR 7, looking east. Lots and lots of solar panels — no green space, and virtually no screening! A picture looking east from Freuh Road gives a sense of the vastness of the project, but another, from Connolly Road more realistically presents what the solar panels, and their mounts, would actually look like.

Hecate created these pictures to convince ORES that Shepherd’s Run would have little to no negative visual impact on the project site or the surrounding area. To support this claim, Hecate was required to conduct a “Visual Impact Assessment”. So Hecate’s consultant — not ORES — hired three evaluators, all of whom “have successfully completed ratings on previous solar project applications.” I don’t know why these individuals were picked to perform this assessment. Are they impartial? How could they possibly conclude that almost 200,000 solar panels and equipment would have only a minimal visual impact on the area? Did they even bother to come to Craryville to observe the proposed site and surrounding area? Apparently not: the submission explains that each was given the “representative simulations”

and a Google Earth file “to better understand and visualize the environment around the viewpoint that might not have been captured in the photo itself. Using the terrain features as well as Street View provided the reviewer with the ability to discern if there were other residences or vegetation behind the viewer...”

This is astounding! ORES is being asked to accept the conclusions of Hecate’s hired evaluators who, it seems, never even came to the area they blithely conclude will suffer only minimal adverse visual impact from the proposed solar energy factory.

Two more observations about Hecate’s application update:

First, Hecate writes that “From the outset, (its) priority has been to work in a spirit of collaboration with the host community to gain input on Project development.” This is absurd. Hecate has known all along that Copakeans overwhelmingly agree that its proposal is too big and poorly sited. Webster’s defines “collaboration” as “the act of working together”. There can be no collaboration when one party dictates terms and conditions to the other. And there’s this: Hecate chose to carry on negotiations with the Working Group instead of attempting to engage in discussions with the Town of Copake. They met with us at Town Hall in November, 2021, but never in 2022, except for a brief chat I had over coffee at Alex Campbell’s invitation last April. Hecate and the Town did not meet again until the January Zoom meeting. Hecate’s own updated meeting log confirms this. But presenting accurate information isn’t always important, especially if misinformation better suits one’s purposes. Perhaps that explains why Hecate falsely reported to ORES, “The Applicant met with Town officials to discuss the Project at least nine (9) times during the course of 2022...” Unbelievable!

Second, and finally, whatever happened to “agrivoltaics”? Hecate had been touting a plan to graze sheep (hence the name “Shepherd’s Run”) and plant crops under solar panels on at least 10 acres of Shepherd’s Run. And, if successful, farmed acreage could be increased. So why does the following statement appear in Hecate’s updated submission? “There are 197.69 acres of active agricultural land in the Project Footprint...no active agricultural practices will occur within the fenced area containing the solar arrays during the operation of the Project.”

This is getting more and more interesting.

We will continue to keep you posted.

Due to a power surge, there were technical difficulties.

Department Heads/Committee Reports

None

Public Forum

Lindsay LeBrecht, very proud resident of Copake, NY and one of the original founders of Sensible Solar, reads a statement from Sensible Solar of Rural New York:

On February 5, 2023 Sensible Solar sent a letter to ORES and the US Environmental Protection Agency in response to Hecate's 2nd revised application for the Shepherd's Run Solar Project which was filed January 27, 2023.

The letter was posted on the DPS public website on Feb 6, and copies were sent to Governor Kathy Hochul and Supervisor Jeanne Mettler.

Ms. LeBrecht has hard copies of the letter if anyone wants one.

Ms. LeBrecht reads the opening paragraph to this letter, summarizes the content, and reads the concluding paragraphs.

Ms. LeBrecht thanks the Town Board for all that they are doing regarding this.

Linda Senk, resident and one of the original founders of Sensible Solar, enters into the record a letter sent from Sensible Solar of Rural New York submitted to the New York State Standing Committee on Energy which Assemblymember Didi Barrett is Chair and to the Energy and Telecommunications Committee of the NYS Senate which our Senator, Michelle Hinchey is a member. The letters asks both committees to investigate ORES regarding the 94C permitting process as it relates to the application of Hecate Energy Columbia County One LLC, also called Shepherd's Run. Ms. Senk then highlights areas of this letter where the Sensible Solar for Rural New York committee can explore.

William Newcomb, Copake resident, who some may have seen on TV, who has become the poster child against Shepherd's Run, states that the portion of Birch Hill Road and Route 7 all the way to Taconic Hills School is missing from the pictures that are displayed in the meeting room. Mr. Newcomb states that there have been a lot of people who have been involved with this, about seven organizations and even the Bureau of Indian Affairs. Assemblymember Didi Barrett did come to Copake and Mr. Newcomb gave her the grand tour. At that time she was unaware of the water problem and Mr. Newcomb made the statement that if ORES does not reply within sixty days it is an automatic "gimme" to Hecate. Assemblymember Barrett said in response that that was not going to happen. Mr. Newcomb thinks one of her representatives are here this evening and Mr. Newcomb states to him that he is going to held them to it. Mr. Newcomb has one question that he has asked and never received an answer to which is, how can anyone allow a facility this large to go into a residential farming community where our children and grandchildren live, who play and go to school here with all of the things that they have going on, the water quality? The answer he got was "because we can" and Mr. Newcomb holds that to the Governor and the Lieutenant Governor. He holds Assemblymember Barrett's feet to the fire as well as Senator Michelle Hinchey. Mr. Newcomb has called her office three times and they have yet to get back to him. Mr. Newcomb then reads from his phone a quote by author and philosopher, Ayn Rand from years ago; "we are fast approaching the stage of the ultimate inversion: the stage where the government is free to do anything it pleases, while the citizens may act only by permission; which is the stage of the darkest periods of human history, the stage of rule by brute force."

Mr. Newcomb states that there is nothing worse than a bully and a bully with unlimited power is terrible. Mr. Newcomb thinks Governor Hochul is a bully.

Councilperson Wolf mentions that he heard a comment of someone who will not speak but mentions they have pictures of all of the flooding in the area that will be provided to the Town Board.

Paul Parzuchowski, Birch Hill Road resident, for the record, voices his support for the Town Board's opposition to the Craryville solar plant; let's keep up the fight and convince ORES that Hecate needs to adhere to the town's local laws. Let's keep the land of rural charm from becoming the land of rural waste. Mr. Parzuchowski is very angry and states that we will keep up the fight. Mr. Parzuchowski is also a member of the Birch Hill Road Association and they will keep up the fight and continue on.

Signe Adam, Copake resident, has not been very involved in this issue and she is sorry she hasn't been but is heartened to see how we are all united against this ridiculous project. It is really outrageous that the concerns of the community are ignored. It is unacceptable and Ms. Adam will do what she can to support the Town Board.

Hanna Mandell, Copake resident, reads a poem that she wrote; "Thoughts on a Sunlit Winter's Day."

New Business

a. 2023 Tee removal and Road materials bids-Highway Supervisor Bill Gregory

A motion was made by Supervisor Mettler and seconded by Councilperson Wolf to accept the bids from the Haupt Tree Company John A. Alvarez & Sons, Rambling Properties Package Paving, and A. Colarusso & Son for the materials identified by the Highway Supervisor for each company.

Supervisor Mettler states that for the record, the Town Board has received these bids and the Town Clerk has a record of the original bids.

All in favor. Motion approved.

b. Appointment to Columbia County Traffic Safety Board-Highway Supervisor Bill Gregory

Highway Supervisor Gregory informs the Town Board that he is resigning from the Columbia County Traffic Safety Board and recommends the appointment of Jeremy Holdridge to represent the Town of Copake to the Columbia County Traffic Safety Board.

A motion was made by Supervisor Mettler and seconded by Councilperson Sullivan to accept the resignation of Highway Superintendent Gregory as representative to the Town of Copake to the Columbia County Traffic Safety Board and further, to appoint Jeremy Holdridge to represent the Town of Copake on the Columbia County Traffic Safety Board.

All in favor. Motion approved.

c. H-GAC Contract and Proposal for Band Shell-Park Superintendent Bill Gregory

Highway Supervisor Gregory updates the Town Board regarding the Band shell for the Copake Memorial Park.

A motion was made by Supervisor Mettler and seconded by Councilperson Gansowski to authorize the

Supervisor to execute the Interlocal Contract for Cooperative Purchasing between the Houston-Galveston Area and the Town of Copake.

Supervisor Mettler has forwarded this to Attorney Tingley for review.

Attorney Tingley has reviewed and approved this contract and states that the H-GAC contract meets the requirements of the Procurement Policy.

All in favor. Motion approved.

d. Memorial Garden Design Plan-Park Superintendent Bill Gregory

A motion was made by Councilperson Sullivan and seconded by Councilperson Gansowski to authorize Park Superintendent Gregory to engage Ingersoll Land Care to create a Memorial Garden Design Plan for the cost of \$710.00.

All in favor. Motion approved.

e. RFP for Lawn Mowing Service and advertising hiring of Summer Maintenance Employees

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to authorize Park Superintendent Gregory to put out an RFP for a lawn mowing service and also to advertise for summer maintenance employees.

All in favor. Motion approved.

f. Introductory Local Law No. 2 of 2023-Investment Policy and Designation of Banks

Supervisor Mettler introduces Local Law No. 2 of 2023 A Local Law to Provide for Adoption of Investment Policy and Designation of Bank Depositories by Resolution which has been posted and sets a Public Hearing for the next Town Board meeting on March 9, 2023 at 6:50pm. The Town Board agrees.

g. Introductory Local Law No. 3 of 2023-To Declare Moratorium on Major Subdivisions

Supervisor Mettler introduces Local Law No. 3 of 2023 A Local Law To Enact a Moratorium on Major Subdivisions which has been posted and sets a Public Hearing for February 28, 2023 at 5:30pm followed by a Special Town Board meeting at 5:45pm. The Town Board agrees.

h. Bicentennial Committee

Supervisor Mettler states that the Bicentennial Committee met for the first time on February 1, 2023 with all three honorary Chairs, Edgar Masters, Flora Berquist, and Angelo Valentino in attendance. The meeting was ably chaired by Kellie Nardin who was appointed as Chair by this Town Board. Ms. Nardin was very welcoming of the members and their ideas and Supervisor Mettler has heard a lot of positive feedback after the meeting.

Supervisor Mettler suggests to the Town Board that Cyd McDowell, a Copake resident who made application for membership on this committee but was unavailable for an interview and Maryanne Fallon, a longtime resident who attended the first meeting of the Bicentennial Committee but had not filed a letter of interest, both be appointed as members.

Supervisor Mettler asks Ms. Nardin to address the Town Board which she does.

Ms Nardin recommends to the Town Board to appoint Cyd McDowell and Maryanne Fallon to the Bicentennial Committee.

A motion was made by Supervisor Mettler and seconded by Councilperson Judd to appoint Maryann Fallon and Cyd McDowell to the Copake Bicentennial Committee.

All in favor. Motion approved.

i. **Proposed Subcommittee of Conservation Advisory Committee-Mohican Allyship**

Supervisor Mettler states that the Town Board heard from Bradley Pitts at the January Town Board meeting and in response to his request that the Town create a Committee to consider the history of the Mohican people in our area. Supervisor Mettler contacted Edgar Masters, Chair of the Conservation Advisory Committee who expressed willingness to create a new subcommittee under the umbrella of CAC to study and work on the issues raised by Mr. Pitts.

Supervisor Mettler reads from a statement from Mr. Pitts in which he “proposes that this committee, first, commit itself to researching and learning what allyship with Tribal Nations looks like, hold discussions within the committee, and develop a code of ethics and principals that respect the position of the Stockbridge-Munsee Community as a sovereign, governing body whose core responsibility is to serve their Tribal Citizens first and to respect the time of the Stockbridge-Munsee Community, recommends that the Town Board form the committee and complete these initial steps before reaching out to them.”

Supervisor Mettler states that the newly formed sub-committee should draft a Mission Statement, and that that should be sent to the Town Board.

A motion was made by Councilperson Gansowski and seconded by Councilperson Wolf to authorize the Chair of the Conservation Advisory Committee to create a Committee on Mohican Allyship, to operate as a subcommittee of the Conservation Advisory Committee.

All in favor. Motion approved.

j. **RFP for Copake Hamlet Streetscape**

Supervisor Mettler has already discussed this earlier in the meeting.

k. **CEDAC**

Councilperson Wolf states that the Copake Economic Development Advisory Committee has received a letter of resignation from Nick Smith and asks the Town Board to advertise for this vacancy. The Town Board agrees and the Town Clerk will advertise for this position.

Supervisor Mettler mentions that when CEDAC does the interviews to make sure that the Town Board be invited.

l. **Summer Park Program**

Supervisor Mettler states that Bryan and Hollie Van Tassel have resigned as Summer Park Directors and the town has advertised for these positions. There are two applicants that have

submitted letters of interest and resumes. Supervisor Mettler will reach out to the Town Board to schedule a Special Meeting for these interviews as one of the applicants will not be available for the Special Town Board Meeting that will be scheduled for February 28, 2023.

Supervisor Mettler states that in the last few days she has received paperwork from the Columbia County Department of Health regarding the Summer Camp Program that will need to be filled out. Supervisor Mettler suggests to the Town Board to pay our previous Summer Camp Director to help with the transition, file paperwork and teach the new Director and Assistant how to file the paperwork with the county, and to set up for registration.

A motion was made by Councilperson Sullivan and seconded by Councilperson Gansowski to appoint Bryan Van Tassel to assist in the transition to a 2023 administration of the Summer Park Program and that the Town of Copake pay him \$18.00 per hour for his time subject to attorney review and approval.

All in favor. Motion approved.

Old Business

a. NYS Deferred Compensation Plan-Supervisor Mettler

Supervisor Mettler states that we had a meeting in Town Hall with the Highway Department. This entire program has taken a lot more work than was anticipated. It is far more complicated and complex but the hope is to have people sign up for this soon if they haven't already.

b. Virtus Nosta, LLC, subdivision application

Tabled until the March 9, 2023 Town Board meeting.

c. Sexual Harassment/Workplace Violence Training

Supervisor Mettler will get back to us on this.

d. Local Law No. 1 of 2023 A Local Law to Amend Chapter 129 of the Town Code of the Town of Copake

Attorney Tingley states that all of the procedural steps to adopt Introductory Local Law No. 1 of 2023 A Local Law to Amend Chapter 129 of the Town Code of the Town of Copake have been completed. Attorney Tingley suggests to the Town Board is to complete SEQRA. The first step would be to adopt a motion to approve a negative declaration under SEQRA. Once this is completed Attorney Tingley suggests to the Town Board to make a motion to enact Introductory Local Law No. 1 of 2023 if it is in the position to do so.

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to adopt a negative declaration under SEQRA.

All in favor. Motion approved.

A motion was made by Councilperson Gansowski and seconded by Councilperson Wolf to adopt Local Law No. 1 of 2023 A Local Law to Amend Chapter 129 of the Town Code of the Town of Copake.

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

All in favor. Motion approved.

Resolutions

None

Appointments

None except noted above.

Budget

- a. Preliminary Budget to Actual Report-January**
- b. Agreement to post Budget to Actual Report**

Supervisor Mettler states that this was just received and suggests to the Town Board to table this until the February 28, 2023 Special Town Board Meeting. The Town Board agrees.

Councilpersons' Reports

Councilperson Gansowski reports that Performance Auto did not pass inspection, they are in violation and Code Enforcement Officer Reis will be dealing with this between now and the next Town Board Meeting. The ZBA is still seeking an alternate member. Councilperson Gansowski wants to thank Sensible Solar for their letters, they were phenomenal. Councilperson Gansowski mentions a real estate report from John Avenia that between 2015 and 2019 the average sale of a house was \$239,000. The average between 2020 and 2021 was \$535,000. In 2022 it jumped to \$560,000. Last year the average time for a listing went from 118 days to 77 days. The property in Copake is very valuable and we should treat it as such especially with what is going on with the solar farm.

Councilperson Sullivan states that we have already spoken of the band stand. She reports that the Park Commission met last week to finalize the recommendation to the Town Board regarding the band stand. All of the bands have been booked for the Summer Concert Series. They are still looking for sponsors for some of the bands.

Councilperson Gansowski mentions that he has been working on the issues with Consolidate and it looks like we will be going from copper to fiber coming into the Town Hall building, then to the Highway Department, and then to the Park building.

Councilperson Wolf reports that the Short Term Rental Working Group will hopefully have recommendations by the March 9, 2023 Town Board meeting.

Councilperson Wolf reports that we have already spoke of CEDAC's vacancy.

Councilperson Wolf mentions that regarding the Roads Advisory Committee, Supervisor Mettler already spoke of this earlier in the meeting. There will be another meeting in the next week or two.

Councilperson Judd reports he missed the last Conservation Advisory Committee meeting.

Councilperson Judd reports that the Planning Board did not meet last week because they didn't have enough people for a quarry.

Public Forum

None

Approval of Bills

Supervisor Mettler mentions that Gwen Menshenfriend has been laid up but she is in touch with Robert Patterson and she expects that the check run will be available for Board review this Monday.

Councilperson Judd mentions that he would like to get the electric vehicle charging station moving forward. A brief discussion ensued.

Next Meeting Date

Thursday, March 9, 2023, 7:00pm

Executive Session

None

Adjournment

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

All in favor. Motion approved.

Respectfully submitted,

Lynn Connolly
Town Clerk