

Public Hearing/Town Board Meeting  
Thursday, April 13, 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 6:45pm regarding A LOCAL LAW TO AUTHORIZE THE ISSUANCE OF WAIVERS TO PERMIT OPERATION OF GASOLINE/FUEL-POWERED MOTORS AND MOTOR BOATS ON UPPER RHODA POND IN CONNECTION WITH BONA FIDE ENVIRONMENTAL REMEDIATION AND INVASIVE SPECIES CONTROL PROGRAM ACTIVITIES. This Public Hearing is being held in person in Town Hall but we are allowing remote access. This Public Hearing gives the opportunity for the public to comment both in person and virtually. This Public Hearing is being recorded and the recording will be posted online within five business days. This Public Hearing will be considered later in the meeting.

Supervisor Mettler opens the Public Forum.

Councilperson Gansowski mentions that the reason they need the motor boats is to clean up the weeds.

Signe Adams states that it is only for this effort and not for anything else.

Signe Adams states that they found a contractor to do something called DASH (DIVER ASSISTED SECTION HARVESTING) meaning that they are vacuuming the lake in certain spaces where people want to access. The vacuum is guided by a diver. This is expensive and labor intensive and the gentleman who does the work charges by the hour and if they used an electric boat, it would take longer. So the reason for the gasoline engine is to save money on time, the gasoline engine will not be running most of the time when the suctioning is happening, it is going to be turned off. It is just to get to the location quickly and then to leave the location quickly and get rid of the much and dump it in an appropriate manner which the GEC has circumscribed and they must follow. This is only for this kind of effort.

Supervisor Mettler mentions that this law was drafted by our attorney on behalf of the town but in response to a request from Ms. Adams and others on Upper Rhoda.

Ms. Adams is the president of the Upper Rhoda Lake Association and this is an invasive species plant removal method that is new that the association is trying for the first time and in order to try it efficiently without spending crazy money, this is part of the effort. Ms. Adams constituents on their lake asked Ms. Adams to get this done and she is doing it with the guidance of New York State DEC. Ms. Adams thanks the Town Board.

Supervisor Mettler closes the Public Hearing at 6:55pm.

### **Call to Order**

At 7:00pm Supervisor Mettler calls the Town Board meeting to order. 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 mentions that Councilperson Judd will be attending virtually, he can join in discussions but cannot vote. Supervisor Mettler mentions the Attorney Tingley is here virtually but will need to step away from the meeting for a bit but will rejoin the meeting as soon as he can.

Supervisor Mettler opens the Town Board meeting with the Pledge of Allegiance.

### **Approval of Minutes**

A motion was made by Councilperson Wolf and seconded by Councilperson Sullivan to waive a further reading and accept the Minutes as written for the Public Hearing and Town Board meeting of Thursday, March 9, 2023, the Public Hearing and Special Town Board Meeting of Tuesday, February 28, 2023, and the Special Town Board Meeting of Tuesday, April 11, 2023.

All in favor. Motion was approved.

### **Announcements**

Supervisor Mettler announces that the Columbia County Hazardous Waste Collection Day will be Saturday, April 29, 2023. Please see the town website for further details.

Columbia County will be presenting community listening sessions to deal with substance abuse. There is a listening session in Copake at the firehouse on April 19<sup>th</sup>, 2023. Dinner is provided. Please see the town website for further details.

Supervisor Mettler mentions that we have received a letter from the Bank of Greene County advising that they are awarding us \$1,000 to be used towards the Memorial Garden.

A motion was made by Councilperson Sullivan and seconded by Councilperson Gansowski to accept \$1,000 being contributed by The Bank of Greene County.

All in favor. Motion approved.

Supervisor Mettler mentions that the Board of Supervisors passed a resolution authorizing a contract with A. Colarusso & Son to reconstruct the Valley View Bridge over the Bash Bish in Copake Falls. The price tag was well north of \$2,000,000 and Supervisor Mettler expected to come here this evening to say how happy she was that construction would be beginning imminently but imminently has a lot of different definitions and Supervisor Mettler was advised by the Commissioner of the Columbia County Department of Works today, Ray Jurkowski, that he was contacted by Colarusso to say that there is a

shortage of structural steel, which will hold up the project. Supervisor Mettler is hoping for the project to start later on this year. Supervisor Mettler will be keeping in touch with Mr. Jurkowski and advising the Town Board.

Supervisor Mettler adds that she spoke with Mr. Jurkowski yesterday and in conjunction with the planning and the approval of the reconstruction of the hamlet, an application was being made to SHIPPO which stands for the New York State Historic Preservation Office regarding the clock. The problem is not moving the clock a short distance. The clock is on the National and State Historic Registry. The problem is that the grassy circle is also a part of the National and State Historic Registry and so SHIPPO has taken the position that the change in the circle amounts to what they deem a “loss” which has to be addressed or mitigated. Supervisor Mettler pointed out to Mr. Jurkowski that we weren’t really eliminating the circle we were simply expanding the circle. Mr. Jurkowski stated that that is what the county is arguing as well but SHPO still wants this to be mitigated. Supervisor Mettler states that we always knew that the town of Copake would be responsible for maintaining the green space not realizing that the town doesn’t currently own all of the property between the circle and the Clock Tower Pub. There is a county road there, or county property. Mr. Jurkowski suggested to Supervisor Mettler that the way that this could be mitigated would be for the county to convey this property to the town and then the town will commit itself to maintaining it as a part. The county will do this through a resolution that will be introduced to the Office of Public Works next week and at the May Board of Supervisor’s Meeting and reciprocally they will ask us to pass a resolution where we will accept the ownership of the property. Supervisor Mettler states that we will deal with this in May but because the change in the island, the project is now required to go through something called the Core F Review which includes reviews by NYS DOT, NYS SHPO, and the Federal Highway Administration and based on past projects, it is the opinion of the consultant, GPI, that there will not be final approval until the end of December. Supervisor Mettler thought the project would be started the following spring but no, you still have to do the final design and put the project out to bid, etc. The bottom line is that we will not see construction of County Route 7A until the spring of 2025. So this long awaited project, we have to wait longer. The flip side of that is that our Bicentennial is in 2024 and we had artificially extended the celebration from April 2023 which is the actual date to sometime the following year to have a parade on those new streets. Now, with this development, later on this evening, Supervisor Mettler will ask the Town Board to approve going back to the actual date of the Bicentennial and all of our celebrations will take place within 2023.

### **Correspondence**

From-Conservation Advisory Committee, report

From-Bank of Greene County, letter regarding grant approval

From-Bob Haight, Planning Board Chairman, letter regarding Virtus Nostra, LLC major subdivision

From-Deb Cohen, email regarding resignation on CEDAC

From-Vincent Mazeau, email regarding short term rentals

From-Online Petition (anonymous), supporting Shepherd's Run

From-Steve Sanborn, thank you note regarding the radar signs

From-James MacArthur of the Town of Ancram, invitation for the Town Board to participate in the Memorial Day Parade

From-NYS DEC Permits, Notices of Complete Application for Upper Rhoda Lake Association Inc. and Little Cat Lodge

From-Daniel Schorr, letter which was referred to the Assessor

From-Steve Futrell and Tom Feeney, letter to Inspector General, Lucy Lang written on Sensible Solar stationary, raising concerns of questionable practices during the application process of Hecate including correspondence to Vice Assembly member Didi Barrett detailing some of the same concerns; a copy of the letter to Director Mulvaney, the Executive Director of ORES raising the same concerns

From-Did Barrett, letter that was sent to Carl Hasting referencing the resolution we passed last month regarding Real Property Tax Law 487

Department of Transportation, two letters, one advising us with regard to culverts being repaired on Route 23 and the other a speed reduction denial

From-Grant Langdon, 24 correspondences that are kept on file at the Town Hall

### **Supervisor's Report**

I want to talk about two things- first finances, and then our new Emergency Response Plan.

Later this evening I will also be asking the Board to approve Resolutions to transfer money into our Reserves. I will ask for the following transfers from our unassigned fund balance:

To the Capital Improvement Reserve Fund: \$250,000 which will give us a balance of over \$2,025,000-to the Equipment Reserve Fund \$100,000 – which will give us a balance of about \$1,075,000. To the Repair Reserve fund \$100,000 which will give us a balance of 709,629.

A note about the Capital Reserve balance; We created this Reserve fund in order to be able to pay for the Town's share of the Hamlet reconstruction and to have funds left to help with other projects in the Town. In our 2023 budget, we allocated \$300,000 to build the cold storage building at the highway garage. With the increase in prices which occurred since the pandemic, the new building will exceed the budgeted amount by give or take \$125,000. By July or August we will take \$125,000 back out of the Capital Reserve to help pay for the Cold Storage Building. The point is that we have planned ahead and have the money to address the shortfall.

The transfers we will approve tonight further implement the Fund Balance Policy we passed in January 2022. I recently asked our accountant Robert Patterson to analyze and compare our Fund Balance from 2019 to 2022. His figures demonstrated that in that period of time our Reserves have almost tripled in

amount. Our fund balance policy is working. As of tonight we will have increased the amount in Reserves by over \$2 million dollars. Even though we have spent tax dollars on various projects to improve the Town, our fund balance at the close of 2022 was over a million dollars higher than it was in 2019.

It is true that sales tax and mortgage tax have been high. But the Town has also benefited from interest. Since January 1<sup>st</sup> we have earned over \$32000 in interest. That does not count the interest which we will earn from the million dollars we put into a CD last December. When that comes due in June we will receive approximately \$22,000.

This Board is taking good care of the Town's money. In the 2023 budget, for the first time in my memory, we have budgeted in advance for projects the Board wants to pursue on behalf of Copake. The bottom line is that we are accomplishing positive things in Copake while maintaining the fiscal health of the Town.

Over the past several weeks we have been working on writing a new Emergency Response Plan. The Plan was created with the assistance of Copake Fire Chief John DeRocha and Deputy Fire Chief Randi Shadic as well as Director of the Columbia County Emergency Management Department, David Harrison.

The new plan defines the roles of the Town officials and Town Departments as well as County Departments, the three Fire Departments which serve Copake, and local public and private resources. This plan ensures that in the case of either man-made or natural disaster the Town will respond quickly and effectively in coordination with Fire Departments and other local agencies to safeguard residents.

I especially want to acknowledge the assistance of Fire Chief DeRocha and also Deputy Fire Chief Shadic, who provided a draft which was critical in developing the plan. This new plan will be updated on a regular basis, but I am confident that this plan is flexible and comprehensive enough to serve the Town for years to come.

### **Solar Update**

A lot has happened since my last report. Here are three important developments, in chronological order:

First, on March 27th our appeal in *Town of Copake et al v. NYS Office of Renewable Energy et al* was argued before a panel of justices of the Third Judicial Department in Albany. Attorney Ben Wisniewski's colleague Gary Abraham presented the appellants' arguments in this case, which you will recall, Copake has brought with five other upstate rural towns and seven non-profit organizations. We are challenging and seeking to overturn the regulations under which ORES operates — regulations that were written by an energy industry consultant which has Hecate as one of its clients — because the ORES regulations tilt clearly in favor of developers and against "host communities", which is how the regulations euphemistically refer to towns like Copake whose environment and character are threatened by often multi-national, deep-pocketed energy corporations. The justices will review the oral arguments and excellent briefs submitted by our attorneys, and we await a decision.

Second, on March 28th the NYS Office of Renewable Energy Siting (“ORES”) issued to Hecate a Third “Notice of Incomplete Application” (“NOIA”) containing a 20-page list of deficiencies. More than three years after Hecate representatives announced their intention to construct a 60 Megawatt, utility-scale solar energy factory with 200,000 solar panels, inverters, transmission lines, other components, and access roads, the company has been told — for the third time — that its application for a permit to site “Shepherd’s Run” on approximately 265 acres in Craryville is “incomplete”.

As you know, Hecate wants to put its factory on mostly farmland running south from State Route 23 on both sides of County Route 7, the gateway road into the hamlet of Copake and Copake Lake. Much of the land is prime farmland; the proposed site would be close to designated wetlands; and, the Taghkanic Creek, an important source of Hudson’s drinking water, runs through the proposed site.

For more than three years, this Town Board has been united in its position, supported by most Copakeans, that Shepherd’s Run is too big for our small town and is very poorly sited. We have urged Hecate to make good on its claim that it wants to be a “community partner”. Hecate has met with the *ad hoc* Working Group, which many months ago presented a thoughtful set of recommendations to improve the Shepherd’s Run proposal. We have publicly urged Hecate to adopt them, including creation of a 300-acre green space that would run south along the east side of County Route 7, provide nature trails and bike paths and potentially turn Shepherd’s Run from an eyesore into a tourist attraction. We have called for financial compensation for the homeowners whose properties are across the road from the proposed site and who stand to suffer substantial loss of home property values. We’ve urged Hecate not to cut down acres of carbon-capturing trees.

In this third NOIA, Hecate has been told that it must complete an extensive “To-Do” list before ORES will determine whether the project siting application is “complete”. Among other things, Hecate must: provide additional screening; address — not ignore — the Taghkanic Headwaters Conservation Plan; present scientific studies supporting its claim that the design of the proposed project supposedly improves the functioning of the wetlands, even as Hecate claims it cannot abide by the 100-foot buffer requirement to keep the factory away from wetlands and waterbodies; fully explain, in detail, how the project has been designed and sited to minimize encroachment on prime farmland; and, respond to the NYS Office of Historic Preservation’s letter concluding that the project, as designed and sited, would have an Adverse Impact on some Craryville historical properties.

And one more thing, which I reported on two months ago, regarding why the Hecate proposal is called “Shepherd’s Run”. We had been told that the project would employ “agricvoltaics”, namely that farming — sheep grazing — would take place under solar panels. But in its third updated application, Hecate wrote, “no active agricultural practices will occur within the fenced area containing the solar arrays during the operation of the Project.” Given that sheep grazing is unquestionably a “farming practice”, this inconsistency also caught the attention of ORES. Hecate must update its Agricultural Plan to explain this.

The ORES regulations require Hecate to resubmit within 90 days, but it took longer last time, and the newest ORES list looks to involve lots of research, analysis, and maybe even some redesign of the

proposed site location. Once it receives Hecate's fourth submission, ORES has 60 days to make a "completeness" determination. So, on this goes...

The third and most recent development came two days ago. We received some very welcome news from the administrative law judge ("ALJ") assigned to the Shepherd's Run matter. Hecate is supposed to provide Copake with copies of all the materials it submits to ORES as part of its siting permit application. But our "community partner" has withheld from us important digital data information, contained in what are called "shapefiles", that would enable our environmental engineering firm to identify, among other things, precisely where wetlands, streams and underground waterbodies are located in relation to where Hecate wants to put its factory components and where it wants to drill down and place underground transmission lines. So our attorney made a motion to compel production of the shapefiles. The ALJ granted our motion, and strongly criticized both Hecate *and ORES' staff*. She wrote that Hecate's refusal to provide us with the shapefiles was "unacceptable" as was ORES staff's agreement with Hecate's intention to delay turning over the shapefiles. The ALJ wrote that "the position advanced by both Hecate and ORES staff that the Town must now wait until Hecate responds to the Third NOIA in order to get the digital GIS shapefiles, which ORES staff has had since the filing of the initial Application..." would prevent Copake from conducting a thorough review of Hecate's siting permit application for many months. And the ALJ further admonished Hecate:

Hecate should have asked the Town - and all parties - whether the digital shapefiles should be provided. Instead, Hecate unilaterally decided not to serve this information even when the Town expressly requested it.

...Hecate is cautioned to be more responsive to the Town's legitimate requests for information to which it is clearly entitled as the host municipality. The Town's interest in this proceeding and its participation to date cannot be disputed. Hecate's failure to comply with the ORES regulations... is of concern at this juncture in the proceeding, as is Hecate CC's position in failing to comply with the Town's request for the shapefiles.

At this point, it is reasonable to ask: what is Hecate hiding? Why has it withheld information needed to accurately determine the potential impacts of Shepherd's Run on the environment — the wetlands, Taghkanic Creek, underground waterbodies? And why did ORES staff support Hecate's position that we should not be able to see this data until it might be too late to use it to support Copake's argument that Shepherd's Run should not be sited where Hecate wants to put it?

A review of the shapefiles may provide answers.

### **Department Heads/Committee Reports**

Mary Ann Carrick, new Chair of the Conservation Advisory Committee updates the Town Board on two public programs planned one of which is an Earth Day Event on April 22, 2023, 3:30pm until 5:00pm at the Copake Grange which the Conservation Advisory Committee is cosponsoring and they are asking for

the Town Board's approval of this which they receive. There is a similar event at the Roe Jan Library the following Saturday at 3:00pm. In addition, the Ancram Conservation Advisory Committee is doing the heavy lifting for the Roe Jan Library event and they have asked our committee if we could help pay for a pound of Wildflower seeds for \$240 and they would like us to split the bill. The Town Board agrees.

Ms. Carrick reports that she has been asked to participate on an advisory committee for the Roe Jan Rural Watershed Characterization which will be similar to the Taghkanic Headwaters Plan only instead of a Conservation Plan this is what they are calling a characterization. It comes before they can do the Conservation Plan. Ms. Carrick has attended two meetings and she is asking the Town Board to recognize her participation as the official representative from the Town of Copake. The Town Board agrees. Supervisor Mettler asks Ms. Carrick to just keep in touch with the Town Board which she will.

Ms. Carrick wanted the Town Board to know that Mr. Masters forwarded the letter from Mr. Pitts regarding the Copake Mohican Allyship.

Ms. Carrick lets the Town Board know that they have responded to the Planning Board's requests regarding the major subdivision.

Councilperson Judd mentions that he has met with Mr. Masters and Ms. Carrick and they continue to work on the electric vehicle charging station thought they are in a state of flux. He will continue to update the Town Board.

### **Public Forum**

Lindsey LeBrecht thanks the Town Board for the tireless work that they have done with regards to the proposed solar facility. Switching gears, Ms. LeBrecht states that we need to do something about people leaving their engines running unnecessarily. Maybe something on the county level can be done to make people aware of that. Supervisor Mettler mentions that maybe that is something that the Climate Smart Task Force can address.

Signe Adam, resident, heard Highway Superintendent speaking earlier and thanks the Town Board for the Picklball request. Rob Lazarus asked Ms. Adam to remind the Town Board of this and for some way for the courts to be separate and netting and to address this issue.

### **New Business**

a. **Cold Storage Building Update**

Highway Superintendent Gregory updates the Town Board on the Cold Storage Building and the electrical bid was re-advertised and the bids will be opened on May 4, 2023.

b. **Band Shell**

Tabled.

c. **Memorial Garden Design Plan-Update**

Highway Superintendent Gregory states that the proposal is not quite finished and will report back to the Town Board when it is.



**d. Pickle Ball Court and Ice Rink**

Highway Supervisor Gregory updates the Town Board regarding the Pickle Ball courts. He has signed a contract with CRAFCO.

Highway Supervisor Gregory received two quotes for the paving which he spoke of at the last Town Board meeting. Highway Supervisor Gregory is looking into security gates. He is also looking into two additional courts.

A motion was made by Councilperson and seconded by Councilperson to increase the price of the Pickleball Court by \$1,500 in order to take two make two more courts.

All in favor. Motion approved.

**e. Purchase of Mower for Park**

Highway Supervisor Gregory gives an update of the town mowers.

**TOWN OF COPAKE  
RESOLUTION  
Number 11 of April 13, 2023**

**To Authorize the Purchase of a Zero Turn Mower  
Financed Using Funds from the Town of Copake Equipment Reserve  
Fund, Subject to Permissive Referendum**

**WHEREAS**, the Town Park Superintendent has requested permission to purchase a new Kubota ZD1200 Series zero turn mower for \$17,668.41 pursuant to a quote from Salem Farm Supply, Inc. in Claverack, New York, a copy of which is annexed hereto; and

**WHEREAS**, the purchase of the Kubota ZD1200 Series zero turn mower pursuant to such quote is available as a purchase through a Sourcewell contract; and

**WHEREAS**, the purchase of the Kubota ZD1200 Series zero turn mower through a Sourcewell contract satisfies applicable local and state procurement/purchasing requirements; and

**WHEREAS**, the Town Board finds and determines that the funds of the Town of Copake Equipment Reserve Fund may be used to finance the cost of acquisition of such equipment, subject to all applicable requirements under law, including without limitation, such expenditure being subject to permissive referendum; now, therefore,

It is hereby **RESOLVED**, that the Town Board authorizes the purchase of the Kubota ZD1200 Series zero turn mower at a total purchase price of \$17,668.41 pursuant to the quote from Salem Farm Supply, Inc. in Claverack, New York; and

It is hereby **FURTHER RESOLVED**, that, pursuant to the provisions of section 6-c of the New York State General Municipal Law, the total expenditure of \$17,668.41 for the acquisition of the

Kubota ZD1200 Series zero turn mower is for a proper purpose for which the Town of Copake Equipment Reserve Fund was established; and

It is hereby **FURTHER RESOLVED**, that upon audit and approval of an itemized voucher for such equipment presented to the Town Board, accompanied by a statement of the Park Superintendent approving payment therefor and stating that the subject equipment has actually been delivered, the Town Board authorizes the total expenditure of \$17,668.41 from the Town of Copake Equipment Reserve Fund to finance the acquisition of the Kubota ZD1200 Series zero turn mower pursuant to the annexed quote from Salem Farm Supply, Inc. in Claverack, New York; and

It is hereby **FURTHER RESOLVED**, that this resolution is subject to permissive referendum and shall only take effect as set forth in New York Town Law § 91; and

It is hereby **FURTHER RESOLVED**, that the Town Clerk is hereby directed to, within ten (10) days of the date hereof, post and publish a notice setting forth the date of the adoption of this resolution and containing an abstract of this resolution concisely stating the purpose and effect hereof and stating that the resolution was adopted subject to a permissive referendum.

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 #11  
Dated April 13, 2023  
Copake, New York

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

The Resolution has been adopted.

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Lynn M. Connolly, Town Clerk

(seal)

April 11, 2023

**f. Outside mowing-Acceptance of Proposal**

Highway Supervisor Gregory has shared the two proposals he received with the Town Board

A motion was made by Supervisor Mettler and seconded by Councilperson Judd to accept the proposal from United Lawn Care, LLC to mow certain Town properties (Williams Cemetery, Copake Falls Memorial lawn, Roe Jan Historical Society and the Viewmont Road cud de sac) for a total of \$5516.

All in favor. Motion approved.

**g. Clean-up Day-May 13, 2023-Adoption of Rules**

Highway Supervisor Gregory advises the Town Board of the date, time, and rules of Clean-up Day.

A motion was made by Councilperson Sullivan and seconded by Councilperson Gansowski to schedule Clean-up Day for May 13, 2023 and adopt the rules for Copake Clean-up Day.

All in favor. Motion approved.

**h. Request to purchase materials for 2023 Park Season**

Park Superintendent Gregory requests to purchase mulch for the 2023 Park Season. He has received three quotes that have been distributed to the Town Board.

A motion was made by Councilperson Sullivan and seconded by Councilperson Gansowski to authorize the Park Superintendent to purchase mulch for the 2023 season at a cost not to exceed \$2400.

All in favor. Motion approved.

**i. Copake Gateway Signs**

Councilperson Wolf starts by thanking Gwen Menshenfriend for helping with this project and updates the Town Board on the Copake gateway signs. He and Bob Haight met with a DOT project engineer on site and gave them a verbal approval of sites where these signs are intended. All that they need now is the Town Board's approval to move forward. In the interim, at the last minute, the project engineer who gave them the verbal approval said that a couple of technical issues were raised but yet to be identified. Ms. Menshenfriend is helping move this forward. Councilperson Wolf asks for the Town Boards approval to go ahead with the allocation of this project.

A motion was made by Councilperson Wolf and seconded by Councilperson Sullivan to authorize Councilperson Wolf to spend \$3,500 for the acquisition and installation of four Welcome to Copake gateway signs with NextGen Signs.

All in favor. Motion approved.

**j. Investment Policy**

Attorney Tingley reviews the Investment Policy with the Town Board and suggests the next procedural steps the Town Board should take. The Investment Policy has been distributed to the Town Board this month as well as last month.

There was a brief discussion with Attorney Tingley and the Town Board.

Supervisor Mettler mentions that there is a Resolution at the end of the Agenda where this will be addressed.

**k. No Smoking/Vaping Signs and Policies**

Tabled.

**I. A LOCAL LAW TO AUTHORIZE THE ISSUANCE OF WAIVERS TO PERMIT OPERATION OF GASOLINE/FUEL-POWERED MOTORS AND MOTOR BOATS ON UPPER RHODA POND IN CONNECTION WITH BONA FIDE ENVIRONMENTAL REMEDIATION AND INVASIVE SPECIES CONTROL PROGRAM ACTIVITIES**

Supervisor Mettler states that the Public Hearing was held earlier this evening. There was public comment from Signe Adam.

Attorney Tingley advises the Town Board that there are two steps to this, one is to complete SEQRA Part 2 form, and the other is to adopt the law. The Town Board completes SEQRA Part 2 form with Attorney Tingley. A brief conversation ensued.

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to adopt a negative declaration based on the completion of SEQRA Part 2 and to authorize the Supervisor to execute a negative declaration.

Four in favor. Councilperson Judd abstained. Motion approved.

A motion was made by Supervisor Mettler and seconded by Councilperson Gansowski to enact A LOCAL LAW TO AUTHORIZE THE ISSUANCE OF WAIVERS TO PERMIT OPERATION OF GASOLINE/FUEL-POWERED MOTORS AND MOTOR BOATS ON UPPER RHODA POND IN CONNECTION WITH BONA FIDE ENVIRONMENTAL REMEDIATION AND INVASIVE SPECIES CONTROL PROGRAM ACTIVITIES.

A brief conversation ensued.

All in favor. Motion approved.

**m. Emergency Response Plan**

Supervisor Mettler states that this plan was created with the help of the Copake Fire Department and David Harrison of Columbia County Emergency Management Department. This has been distributed to the Town Board.

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to adopt the Town of Copake Emergency Response Plan.

All in favor. Motion approved.

**n. Software for Code Enforcement**

Councilperson Gansowski discusses updating software for the Code Enforcement Office that would also work in conjunction with the Planning and Zoning Boards. All three departments would need this upgrade.

Supervisor Mettler suggests that her, the Code Enforcement Officer, and Councilperson sit down and discuss this and revisit it at the May 11, 2023 Town Board meeting.

**o. 2023 Summer Park Program**

Supervisor Mettler states that she has met with Summer Camp Director Kaya Sindler and Co-Director Dakota Cutsinger. The dates of the Summer Camp will be July 5th through August 11<sup>th</sup>. Registration for Copake residents will be May 13<sup>th</sup> through June 24th and for nonresidents, June 3<sup>rd</sup> through June 24<sup>th</sup>. Rates are as follows: Residents, \$100 per child or \$250 per family, nonresidents, \$175 per child or \$350 per family. These are the same rates as last year.

Supervisor Mettler mentions that she received a note from the county asking if we want transportation but we only use transportation for trips. This has not been confirmed yet. Supervisor Mettler has made an application to Rheinstrom Hill and asks for approval of the Town Board which she receives.

**p. Report from M/E-Audit of Town Hall**

Supervisor Mettler states that M/E was recommended to the Town Board and a report was supposed to be here but it is not. There was a brief discussion with the Town Board. A Special Town Board meeting will be set for April 18, 2023 at 3:30 to discuss this with M/E Engineering.

**q. Haupt Tree Services**

Supervisor Mettler states that we have used the services of Haupt for many, many, years and approved a bid from Haupt in February. The have now sold out to Bartlett Tree Experts. Highway Supervisor Gregory sought advice from Attorney Tingley.

A motion was made by Councilperson Gansowski and seconded by Councilperson Wolf to approve an assignment to Bartlett Tree Experts of the contract previously awarded to Haupt Tree Company for tree trimming and removal, retroactive to February 24, 2023, conditioned on receipt of a written assumption by Bartlett Tree Experts of the contract awarded to Haupt Tree Company and full compliance with all bid specifications.

All in favor. Motion approved.

A motion was made by Supervisor Mettler and seconded by Councilperson Gansowski to approve payment in the amount of \$3,280.00 to Bartlett Tree Company for tree removal and delimbing of services rendered March 9, 2023.

All in favor. Motion approved.

**r. Ratification of Insurance Application**

Supervisor Mettler has advised the Town Board that we received the paperwork from Kneller Insurance for renewing our insurance. Time did not allow for the Town Board to meet and approve the contract so Supervisor Mettler signed on behalf of the Town.

A motion was made by Councilperson Wolf and seconded by Councilperson Judd to approve and ratify as of March 30, 2023, the Supervisor's execution and submission of the insurance renewal application to Kneller Insurance Agency for Town of Copake insurances to cover the period April 1, 2023 through April 1, 2024.

All in favor. Motion approved.

**s. Wastewater Report**

Supervisor Mettler mentions that Tom Goldsworthy has communicated with the Town Board to hear a presentation from Tighe and Bond- the engineering firm with whom we contracted to do a Wastewater Study at the Town Board meeting on May 11, 2023

**t. Delay in Construction**

Supervisor Mettler states that the Bicentennial Committee, under the leadership of Kellie Nardin, has been envisioning a celebration beginning April 4,.2024 followed by a year and a half

of events with a parade on the new streets as a finale in the Summer of 2025. Instead, when they meet this coming week they will get a new timeline.

A motion was made by Councilperson Sullivan and seconded by Councilperson Wolf to direct the Bicentennial Committee to plan a Bicentennial Celebration which will take place in 2024, as 2024 is in fact, the 200<sup>th</sup> anniversary of the founding of the Town of Copake.

All in favor. Motion approved.

**u. Historic Plaques**

Supervisor Mettler spoke with Rich Edwards of Rheinstrom Hill Community Foundation and asked if they'd be willing to support Copake's Bicentennial and whether we might properly ask for a more substantial contribution this year and he said yes although we should be specific. Supervisor Mettler is asking for the Town Boards approval which she receives.

**Old Business**

**a. Virtus Nosta, LLC, subdivision application**

Tabled.

**b. Sexual Harassment/Workplace Violence-Training**

Tabled.

**c. Zoning Review Workshop**

Supervisor Mettler states that this group, Meredith Kane, Bob Haight, and Dale Peterson did a great job at the workshop. The Town Board had suggested to them to talk with Ken Dow and then come back and talk with the Town Board. A Special Town Board meeting will be scheduled for May 2, 2023 at 4:30pm to further discuss this.

**d. Short Term Rentals**

Councilperson Wolf states that the Short Term Rental Working Group completed its task of recommending actions that the Town Board might take to address the substantial numbers of Copake properties that are being or have been offered for Short Term Rental. The group is recommending that the Town Board provide regulations for Short Term Rentals. The group did not agree on what all these regulations would look like and it now falls on the Town Board. A number of legal issues were found all along the way that will have to be figured out by the Town Board. Councilperson Wolf suggests scheduling a meeting with the Town Board and Ken Dow to discuss these issues and then go back to the Short Term Working Group. The Town Board scheduled a Special Town Board meeting on May 2, 2023 at 5:30 to discuss the Short Term Rental issue with the Short Term Rental Working Group.

**Resolutions**

**TOWN OF COPEN**  
**TOWN OF COPEN**  
**RESOLUTION**

Number 9 of April 13, 2023

**RESOLUTION ADOPTING AN ENERGY BENCHMARKING POLICY  
FOR CERTAIN MUNICIPAL BUILDINGS IN THE TOWN OF COPEN**

**WHEREAS**, Copake's Climate Smart Task Force has completed a Greenhouse Gas Inventory that establishes a baseline for measuring carbon emissions, as well as an initial Benchmarking Report, and

**WHEREAS**, the Town is currently pursuing an Energy Audit, with an eye to saving the Town energy and expenses, and

**WHEREAS**, a Benchmarking Report would track building energy usage for all fuel types, including but not limited to electricity, natural gas, and fuel oil for all buildings that are 1,000 square feet or larger that are owned and occupied by the Town, using the EPA Portfolio Manager, and

**WHEREAS**, Building Reports shall be made available to the Town Board in EPA Portfolio Manager regarding summary statistics for each covered property including Energy Use Intensity, annual greenhouse gas emissions, an energy performance score where available, and other descriptive information as required by EPA Portfolio Manager and for that data to be made available to the public via the internet on an annual basis, and

**WHEREAS**, the Board may exempt a particular municipal building from the benchmarking requirement if the Board determines that it has characteristics that make benchmarking impractical, and

**WHEREAS**, The Town Board, or Climate Smart Task Force as designee shall be the administrator of this policy and insure that the annual task is completed, and

**WHEREAS**, if it is determined by the Supervisor and Town Board that this local policy is not in the best interest of the Town or there is a change in operational structure of the Town government that would make this policy obsolete, they will have the ability to no longer proceed with it, therefore be it

**RESOLVED**, that the policy outlined in this resolution be hereby adopted and established for the Town Board, and be it further

**RESOLVED**, that the Clerk is directed to forward certified copies of this resolution to the appropriate town officials.

**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 No. 9**

Dated April 13, 2023

Copake, New York

Roll Call Vote.

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

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Lynn M. Connolly, Town Clerk

(seal)

April 13, 2023

**TOWN OF COPEN**  
**RESOLUTION**  
**Number 10 of April 13, 2023**

**Resolution Supporting the Copake Clean Heating, Cooling, and Energy Efficiency Campaign**

**WHEREAS**, the Copake Clean Heating, Cooling, and Energy Efficiency Campaign is a short term, local effort administered by the Town of Copake, in conjunction with the Climate Smart Task Force, that brings together potential heat pump customers through widespread outreach and education; and

**WHEREAS**, this model helps customers choose a heat pump or hot water heater sold by NTSETRA approved installers who are offering competitive, transparent pricing; and

**WHEREAS**, a Community Campaign for Clean Heating Cooling & Energy Efficiency is a promotional campaign administered by local municipalities to assist and promote the purchase of heat pumps and the installation of insulation, thereby increasing the energy efficiency of homes;

**WHEREAS**, a Clean Heating, Cooling, and Energy Efficiency Campaign imposes no requirement for customers to enroll in the program, but provides prospective customers with information and a choice to purchase heat pumps or insulation; and

**WHEREAS**, a Clean Heating, Cooling, and Energy Efficiency Campaign is considered a high impact action under the Clean Energy Communities (CEC) program, which, if completed with at least 5 new customers enrolling in the program, would qualify the Town of Copake to be eligible for a \$5,000 grant; and

**WHEREAS**, the New York State Energy Research and Development Authority (NYSERDA) provides technical assistance and other tools and resources to communities in support of Clean Heating, Cooling, and Energy Efficiency Campaigns.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Copake supports, endorses, and is committed to participate in the Copake Clean Heating, Cooling, and Energy Efficiency Campaign.

**BE IT FURTHER RESOLVED**, that the Town of Copake stands ready to assist with community outreach and education in support of the Copake Clean Heating, Cooling, and Energy Efficiency Campaign.



**Roll Call Vote** The foregoing Resolution, offered by \_\_\_\_\_ and seconded \_\_\_\_\_, was duly put to a roll call vote as follows:

**Resolution No. 10**

Dated April 13, 2023

Copake, New York

**Roll Call Vote.**

Supervisor Mettler  
Councilperson Wolf  
Councilperson Gansowski  
Councilperson Judd  
Councilperson Sullivan

\_\_\_\_\_  
Lynn M. Connolly, Town Clerk

A motion was made by Councilperson Sullivan and seconded by Councilperson Gansowski to table Resolution #10 of April 13, 2023.

All in favor. Motion approved.

**TOWN OF COPAKE  
RESOLUTION  
Number 12 of April 13, 2023**

**To Transfer Funds to the Town of Copake Repair Reserve Fund**

**WHEREAS**, the Town of Copake Town Board established the Town of Copake Repair Reserve Fund by resolution dated June 11, 2020; and

**WHEREAS**, the Town of Copake Town Board, in furtherance of achieving the goals established in the Town of Copake Fund Balance Policy, seeks to maintain the Town of Copake Repair Reserve Fund for purposes authorized by law; and

**WHEREAS**, the Town Board of the Town of Copake desires to transfer unallocated funds in the amount of \$100,000.00 to the Town of Copake Repair Reserve Fund; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake hereby authorizes and directs the transfer of funds in the amount of \$100,000.00 from the Town's unallocated fund balance to the Town of Copake Repair Reserve Fund.

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

Resolution #12

Dated April 13, 2023

Copake, New York

**Roll Call Vote.**

Supervisor Mettler	yes
Councilperson Wolf	yes
Councilperson Gansowski	yes

Councilperson Judd	yes
Councilperson Sullivan	yes

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Lynn M. Connolly, Town Clerk

(seal)

April 13, 2023

**TOWN OF COPAKE  
RESOLUTION  
Number 13 of April 13, 2023**

**To Transfer Funds to the Town of Copake Capital Improvement Reserve Fund**

**WHEREAS**, the Town of Copake Town Board established the Town of Copake Capital Improvement Reserve Fund by resolution dated June 9, 2016; and

**WHEREAS**, the Town of Copake Town Board, in furtherance of achieving the goals established in the Town of Copake Fund Balance Policy, seeks to maintain the Town of Copake Capital Improvement Reserve Fund for purposes authorized by law; and

**WHEREAS**, the Town Board of the Town of Copake desires to transfer unallocated funds in the amount of \$250,000.00 to the Town of Copake Capital Improvement Reserve Fund; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake hereby authorizes and directs the transfer of funds in the amount of \$250,000.00 from the Town's unallocated fund balance to the Town of Copake Capital Improvement Reserve Fund.

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 #13  
Dated April 13, 2023  
Copake, New York

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

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Lynn M. Connolly, Town Clerk

(seal)

April 13, 2023

**TOWN OF COPEN**  
**RESOLUTION**  
**Number 14 of April 13, 2023**

**To Transfer Funds to the Town of Copake Equipment Reserve Fund**

**WHEREAS**, the Town of Copake Town Board established the Town of Copake Equipment Reserve Fund by resolution dated June 9, 2016; and

**WHEREAS**, the Town of Copake Town Board, in furtherance of achieving the goals established in the Town of Copake Fund Balance Policy, seeks to maintain the Town of Copake Equipment Reserve Fund for purposes authorized by law; and

**WHEREAS**, the Town Board of the Town of Copake desires to transfer unallocated funds in the amount of \$100,000.00 to the Town of Copake Equipment Reserve Fund; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake hereby authorizes and directs the transfer of funds in the amount of \$100,000.00 from the Town's unallocated fund balance to the Town of Copake Equipment Reserve Fund.

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 #14  
Dated April 13, 2023  
Copake, New York

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

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Lynn M. Connolly, Town Clerk

(seal)

April 13, 2023

**TOWN OF COPEN**  
**RESOLUTION**  
**Number 15 of April 13, 2023**

**To Amend Resolution Number 1.2 of 2023 Relating to Bank Depositories  
to Set Maximum Amount That May Be Kept on Deposit at Any Time**

**WHEREAS**, the Town of Copake Town Board adopted Resolution Number 1.2 of 2023 relating to various Town designations, including designating official depository banks for the Town of Copake; and

**WHEREAS**, N.Y. General Municipal Law § 10 and Town of Copake Town Code § 31-2, as recently amended, provides that the Town Board shall specify the maximum amount which may be kept on deposit at any time in each bank or trust company designated as an official depository bank for the Town of Copake; and

**WHEREAS**, the Town Board of the Town of Copake desires to amend Resolution Number 1.2 of 2023 to specify a maximum amount that may be kept on deposit at any time in each of the official depository banks of the Town of Copake; now, therefore,

It is hereby **RESOLVED**, that Resolution Number 1.2 of 2023 is hereby amended to change the entry for official depositories set forth therein to read as follows, with all other language therein to remain unchanged:

“Official depositories: TD Bank (maximum \$10,000,000)  
Bank of Greene County (maximum \$10,000,000)”

And it is hereby **FURTHER RESOLVED**, that the Town Supervisor is delegated authority to transfer funds by and between the Town’s official depositories, provided that any such deposits kept at either such depository at all times remains within the maximum amount established by the Town Board for such depository and provided that such transfers are consistent with the Town’s Investment Policy.

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 #15  
Dated April 13, 2023  
Copake, New York

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

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Lynn M. Connolly, Town Clerk

(seal)

April 13, 2023

**TOWN OF COPEN**  
**RESOLUTION**

Number 16 of April 13, 2023

**To Adopt Town of Copake Investment Policy by Resolution and  
to Amend the Town of Copake Policy Manual**

**WHEREAS**, the Town Board of the Town of Copake has enacted Local Law No. 4 of 2023, which amends Chapter 31 of the Town Code of the Town of Copake to provide for adoption and amendment, by resolution of the Town Board of the Town of Copake, of a comprehensive investment policy pursuant to N.Y. General Municipal Law § 39; and

**WHEREAS**, the Town Board of the Town of Copake finds it desirable and necessary to update and adopt a comprehensive investment policy; and

**WHEREAS**, in conjunction with the adoption of such comprehensive investment policy, the Town Board of the Town of Copake seeks to make corresponding amendments and additions to the Town of Copake Policy Manual; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake hereby adopts the “Town of Copake Investment Policy” annexed hereto; and

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

1. A new Paragraph K is hereby added to Section VII to read in its entirety as follows:

“K. Deposits and Investments.

Deposits and investments of financial resources of the Town of Copake shall be undertaken in conformity with applicable New York State Law and the Town of Copake Investment Policy, as amended from time to time, a copy of which is included in the Appendices.”

2. A new Appendix N is thereupon added to consist of a complete copy of the Town of Copake Investment Policy, 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 #16  
Dated April 13, 2023  
Copake, New York

Roll Call Vote.

Supervisor Mettler	yes
Councilperson Wolf	yes
Councilperson Gansowski	yes

Councilperson Judd	yes
Councilperson Sullivan	yes

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Lynn M. Connolly, Town Clerk

(seal)

April 13, 2023

### **Appointments**

The Copake Economic Development Advisory Committee recommends that Larry Singer be appointed to their committee.

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to appoint Larry Singer to the Copake Economic Development Advisory Committee.

All in favor. Motion approved.

Supervisor Mettler states that Deb Cohen of the Copake Economic Development Advisory Committee has submitted a resignation letter. Supervisor Mettler has spoken with Chair, Tom Goldsworthy and he asks for the Town to advertise for this applicants. The Town Board approves this.

### **Budget**

- a. Preliminary Budget to Actual Report-March 31, 2023**
- b. Agreement to post Budget to Actual Report**
- c. Reserves-Tabled until April**

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to approve and post the budget to actual report for March 31, 2023.

All in favor. Motion approved.

### **Councilpersons' Reports**

Councilperson Wolf reports that CEDAC met on last Wednesday and there was discussion of recommending Larry Singer and the resignation of Deb Cohen. The Roads Advisory Committee will have a kickoff meeting regarding the road reconstruction project on Monday, April 24, 2023 at 9:30am with the streetscape and parking lot consultants to get their work started and hopefully get moving on the parking lots.

Councilperson Judd states that the Conservation Advisory Committee met and has no notes on that but they are working.

Councilperson Judd states that last night was the Planning Board meeting, much of it being about the development at Copake Lake. Short Term Rentals were discussed. Camphill Village is doing some construction but the majority of the meeting was about Virtus Nostra development of Copake Lake.

Supervisor Mettler mentions that Edgar Masters and Mary Ann Carrick have given the Town Board a proposal with regard, not just to this subdivision, but with regard to an amendment to our law. Supervisor Mettler will fold that into the conversations with regarding zoning.

Councilperson Sullivan reports that she unfortunately missed the last Park Commission meeting. She was not feeling well. The Easter Egg Hunt went very well. The Park Committee made \$397 in raffles and they are selling breakfast and lunch at the tractor-pull on May 21, 2023. The Park Commission is requesting \$500 for supplies for the tractor-pull and the summer concerts.

A motion was made by Supervisor Mettler and seconded by Councilperson Sullivan to approve \$500 out of the Park Fund for food supplies to be used for breakfast and lunch for the tractor-pull on May 21, 2023 and for the Summer Concert Series.

All in favor. Motion approved.

Councilperson Sullivan mentions that the bands are all lined up for the Summer Concert Series but need a few more sponsors. Brianna Hawver was also interviewed and voted into the Park Commission.

Councilperson Gansowski reports that he believes the ZBA has a new applicant for the Alternate Member.

Councilperson Gansowski reports that he is in touch with NYSEG about the power outages on our road. NYSEG will update Councilperson Gansowski and Councilperson Gansowski will stay on top of this and report back to the Town Board.

Councilperson Gansowski stopped into see the seniors at the Town Park and they are doing very well.

Supervisor Mettler mentions to Councilperson Gansowski that they are keeping track of the street lights and it looks like we are saving money.

Councilperson Gansowski mentions that a contractor called him and told him he was stiffed by a customer. He went to Lisa and Judge Thomas in the court and all has been settled with the man paying the contractor. Also, Councilperson Gansowski went to the pancake breakfast at the firehouse in Hillsdale and he received a lot of “thank you’s” for the Town Boards support against the solar farm.

The Town Board had a brief discussion about a laptop for the Administrative Assistant.

The Town Board authorized the Town Clerk to gather information on a new PA system which she will.

### **Public Forum**

Signe Adam mentions that there are about 3,400 people in Copake and for so few people, the Town Board does so much work, she wonders if they appreciate how much the Town Board does.

Ms. Adam thanks the Town Board again for all that they do.

Ms. LeBrecht addresses Councilperson Judd that New York State DEC started a program called Paint Care, recycling made easy. So you are able to drop off paint cans at certain locations. Herrington's is one of the drop-off sites.

**Approval of Bills**

None

**Next Meeting Date**

Thursday, May 11, 2023, 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. Councilperson Judd did not vote. Motion approved.

Respectfully submitted,

Lynn Connolly  
Town Clerk