

Town Board Meeting  
Thursday, February 8, 2024  
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 Wolf, Councilperson Gansowski, Councilperson Judd, Councilperson Haight, and Councilperson Morningstar.

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

**Call to Order**

At 7:00pm, Supervisor Wolf calls the Town Board meeting to order. Supervisor Wolf opens the Town Board meeting with the Pledge of Allegiance.

Supervisor Wolf mentions 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.

**Approval of Minutes**

Supervisor Wolf asks for a motion for approval of minutes for the Organizational Meeting of January 3, 2024 and the Town Board meeting of January 11, 2024.

A motion was made by Councilperson Gansowski and seconded by Councilperson Morningstar to waive a further reading and accept the Minutes as written for the Organizational Meeting of January 3, 2024 and for the Town Board Meeting of January 11, 2024.

All in favor. Motion approved.

**Announcements**

Supervisor Wolf announces that the Columbia County Clerk’s Office is offering document shredding opportunities through the K.I.S.S. program (Keep Identities of Seniors Safe) from March 11 through March 22, 2024, Monday through Thursday 9:00am until 3:00pm and Saturday, 9:00am until 12:00pm. This information has been posted on the town website.

Supervisor Wolf congratulates Stephanie Sharpe, owner of the Copake Railroad Depot. The building was just listed on the National Register of Historic Places.

Supervisor Wolf announces that at 2:00pm on March 17, 2024, the Mohican Allyship Committee will present a program exploring Mohican past, present, and future, at the Roe Jan Historical Society.

Supervisor Wolf announces that at 7:00pm on April 4, 2024, there will be a Special Meeting at Town Hall

commemorating Copake's first Town Hall Meeting exactly 200 years before. Elected officials have been invited. It will be an important event to kick off Copake's Bicentennial year and hopes that everybody will make a special effort to attend.

### **Correspondence**

From- Mike Tucker, Columbia County Economic Development, regarding 5G infrastructure

From- Charter Communications, several notification letters

From-US Department of Commerce, letter regarding boundary changes in Copake

From-Sallie Johnson, Golden Land, letter regarding available land for purchase

From-Central Hudson, notice regarding Municipal Briefings

From-Edgar Masters, copy of a letter concerning the completion of the Harlem Valley Rail Trail in Copake and Hillsdale

From-Marcus J. Molinaro, Congress of the United States, letter congratulating Supervisor Wolf and offered his assistance

From-Hecate Energy, letter regarding their continued interest in developing the Shepherds Run solar project

From-Bradley Pitts, letter regarding his interest in being Chair of the Mohican Allyship Committee

From-Grant Langdon, several email and letters that are kept on file in the Town Clerk's office

Supervisor Wolf states that in the last few hours he received nine emails expressing opposition of Shepherds Run

### **Supervisor's Report**

January was a very eventful month, but not in the way we anticipated. Bill Gregory's Highway crew brought over more than 100 chairs from the Park Building to augment what we already had here, and Bob Callahan set them up in this courtroom (they're still here) so we could accommodate all the people expected to attend the public comment hearings on the Shepherd's Run Solar Project proposal. But less than four hours before they were set to begin, ORES postponed the hearings.

Then came the weather.

You will recall that Copake suffered back-to-back storms, with high winds and mixed precipitation. Some wind gusts apparently exceeded 70 miles per hour. We were hit harder than any other town in Columbia County. Power lines went down, as did some poles. On January 13th, almost 1,400 Copake homes and businesses were without power; we had more than 50% of the county's outages. Roads were blocked by fallen trees and snow drifts. I was in frequent contact with Highway Superintendent

Bill Gregory who, together with the Highway employees, worked tirelessly to clear roads and provide access to NYSEG repair crews.

After speaking with Copake's NYSEG contact and getting not especially encouraging restoration time estimates, I decided to open the Park building as a warming center. Bob Callahan staffed it, and notifications on Facebook, the NYSEG outages web page, and the electronic sign at the Copake Fire Company invited townspeople to come over to the Park to warm up and charge their cell phones until 11 p.m.

The next morning, I called the Fire Department. Chief John DeRocha invited me to tour with him to assess the damage. Taconic Shores was especially hard hit: the roofs of several homes were damaged by falling big fir trees; several cars were crushed; several roads were blocked. Miraculously, there were no reported injuries. We reopened the warming center because there were still more than 200 homes without power. By late afternoon, power had been almost completely restored and, at 5 p.m. we closed the warming center.

I want to publicly thank Bob Callahan, Chief DeRocha, and Bill Gregory and the entire Highway Department for their hard work and cooperation during and after the storms. I also want to acknowledge the guidance of David Harrison, Columbia County's Director of Emergency Management, and NYSEG's Melany Putnam who called me frequently with updates and posted Copake's warming center information on the NYSEG website. Finally, I want to thank the many Copakeans who checked in on their neighbors, shared food, shared warmth if they had generators, and endured a difficult few days with calm and with gratitude for the many people who worked to return Copake to a measure of normalcy.

### **Solar Update**

On Tuesday, the Executive Director of ORES, the New York State Office of Renewable Energy Siting, announced that Hecate's application for a siting permit to construct and operate a 60 Megawatt solar factory in Craryville, known as Shepherd's Run, had been dismissed. According to Ben Wisniewski, our excellent attorney for solar matters, this is the first time a siting application has been dismissed by the State.

In his decision, the Executive Director said dismissal was warranted because Hecate could not meet "all statutory and regulatory requirements" for a final siting permit. In particular, it could not obtain title or a leasehold interest in all of the land parcels upon which the proposed project would sit. He was critical of Hecate's failure to notify ORES when the developer knew its option to lease a 60-acre parcel was expiring. The option expired on September 17, 2023, a month before ORES issued Hecate a draft permit. The clear implication is that ORES would not have issued a draft permit had it known that Hecate did not have control of the 60-acre parcel. In fact, the Executive Director wrote that Hecate should have notified ORES even earlier, in August, 2023, that its option-to-lease agreement with the landowner was expiring and had not been renewed. Had ORES known about this by August 25th, the implication is that ORES would not have issued a Notice of Complete Application at that time. The Executive Director wrote that Hecate's "lack of transparency and timely action" required dismissal of its

application, concluding that “(d)eparting from [ORES’ siting process] to address Hecate’s own mistake is unsupportable as a matter of law, and would adversely impact the integrity of the...process.”

Of course, this decision is welcome. But the saga of Shepherd’s Run is not over. Although the application was dismissed, it was dismissed “without prejudice”. This means Hecate may submit a new application, for a somewhat smaller facility. Hecate has written to me that it will seek approval for a 42 Mw project.

We hope that this time Hecate will work with Copake to address our well-documented concerns about its proposal. This should begin with Hecate’s willingness to incorporate the proposals of the ad hoc Working Group, including creation of a 300-acre public greenspace to effectively shield the facility components, thereby creating nature walks and bicycle paths which would turn Shepherd’s Run, as I’ve said too many times already, “from an eyesore into a tourist attraction.” Hecate also needs to compensate for the homeowners who will be most adversely impacted by the presence of tens of thousands of solar panels directly across the road. Their property values will surely plummet, and they should be compensated.

We will keep you informed of all developments.

Councilperson Gansowski thanks Supervisor Wolf and Ben Wisniewski for all of the efforts and hard work. If it wasn’t for them, we wouldn’t be in this position today.

Supervisor Wolf welcomes former Supervisor, Jeanne Mettler and Pat Placona and states that from the beginning when Ms. Mettler asked him to be the point person on Shepherds Run, the entire Town Board was united and unanimous in the view that this project was wrong, poorly cited, and too big for the town.

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

Highway Superintendent Gregory states that the band shell delivery is supposed to be Monday at 8:30am.

Highway Superintendent Gregory states that he advertised for bids for a tree service and road materials. One bid was received from Bartlett Tree Experts for tree services.

A motion was made by Councilperson Gansowski and seconded by Councilperson Haight to accept the bid from Bartlett Tree Experts.

All in favor. Motion approved.

A motion was made by Councilperson Gansowski and seconded by Councilperson Judd to accept the bids from Red Wing Sand and Gravel and A. Colarusso and Son Inc. for road materials.

All in favor. Motion approved.

Highway Supervisor Gregory mentioned that he received a call from Catapillar and the loader that was supposed to be delivered last June is in Clifton Park and should arrive next week.

Kellie Nardin, Bicentennial Chair states that we are getting close. Ms. Nardin states that Jeanne Mettler, Chair of the Parade Committee, held its first meeting. The parade will be in August and it will be spectacular. The first event will be in March. Ms. Nardin gave copies of invoices for the printing of the tee shirts and hats that will be sold at Bicentennial events. She would like the Town Board to consider how to get people who can't afford a tee shirt or hat to get one. Ms. Nardin mentions the play that Carl Ritchie is writing called "Your Town" which is scheduled for April 5<sup>th</sup> at the Grange. It is about the first Town Hall Meeting in Copake and is well written and very funny. Ms. Nardin encourages everyone to see it.

A motion was made by Councilperson Haight and seconded by Councilperson Morningstar to authorize and execute an agreement for the purchasing of hats and tee shirts for the Bicentennial Committee subject to compliance with the Procurement Policy.

All in favor. Motion approved.

Mary Ann Carrick, Conservation Advisory Committee Chair states that the CAC plans to host two public outreach and engagement events this spring. The first event will be on March 2<sup>nd</sup> at the Copake Grange regarding invasive species. The second event will be on April 22<sup>nd</sup>, collaborating with Friends of Taconic State Park, at the Copake Grange regarding the second Annual Earth Day. The CAC is requesting the Town Board to approve an expense of \$167 which represents one third of the \$500 honorarium.

Ms. Carrick met with the Historic Preservation Committee and they are wrapping up their extraordinarily successful Bicentennial Historic Marker's Program. As part of that process, they have created an inventory of over 134 historic buildings in the town of Copake and 64 property owners have agreed to participate in the Historic Marker's Program which exceeds the committee's expectations of 50! Ms. Carrick explains the process of the Historic Marker's Program.

Ms. Carrick states that the Mohican Allyship Committee appointments have been made with Bradley Pitts as chair. They will be hosting a talk at the Roe Jan Historical Society on March 17, 2024.

Ms. Carrick states that regarding the Climate Smart Task Force, unfortunately the EV chargers are not yet operational but are hoping for next week. Regarding the Climate Smart application, Ms. Carrick does not think that the DEC has reviewed it yet which was submitted at the end of December. A review of the complete application is expected sometime in April.

### **Public Forum**

Jeffrey Dreiblatt, Copake resident, mentions regarding Supervisor Wolf's storm report, the efforts of the Copake Fire District. Supervisor Wolf apologizes for leaving them out of his reports and thanks the Copake Fire District.

Lindsay LeBrecht, Craryville resident, reads a letter from Linda Senk of Sensible Solar for Rural New York.

Karen (Vicky) Sander, Craryville resident, expresses her thanks to this board and to Ms. Mettler, Didi Barrett, Michele Hinchey, Marc Molinaro, and the local town Supervisors who joined in the effort to protect our community. Ms. Sander reads an email from Senator Hinchey regarding her response to the decision made by ORES. Ms. Sander appreciates ORES's decision but disagrees with the fact that they did it without prejudice.

Mary Bradway, Copake resident, shares a quote by Margaret Mead.

Bill Newcomb, Copake resident, states that this is the first time at a meeting that Supervisor Wolf has not fired him up about Hecate. He has been against this project from day one. Mr. Newcomb states that to all of the people who are involved in this fight, it has been an honor and privilege to stand with you.

Catherine Mikic, Copake homeowner, talks of the disingenuous project of Hecate and the historic aspects of it.

Paul Parzuchowski, Copake resident, wants to reconfirm what everyone else was saying tonight; we must continue to fight to object this oversized project and this project needs to be in a more suitable area. Mr. Parzuchowski feels that it was disingenuous of Hecate to neglect to disclose that they no longer controlled the 60 acres.

## **New Business**

### **a. Acceptance of donation**

A motion was made by Councilperson Judd and seconded by Councilperson Gansowski to accept the donation of \$15,000 from Grey Davis and colleagues from the December 28, 2023 End of Year Meeting.

All in favor Motion approved.

### **b. Migratory birds in Copake-Ken Preusser, USDA Wildlife Services**

Ken Preusser discusses and answers questions regarding migratory birds in Copake.

### **c. Plus One ADU Program**

Supervisor Wolf states that with the Town Board's authorization, he wrote a letter supporting Columbia County's application for grant funds to be made eligible to home owners to develop accessory dwelling units on their properties. Our town code already allows accessory dwelling units on their properties and we are encouraging homeowners to apply for these funds if and when these funds become available. If successful, individual home owners will be able to apply for funds to help create affordable housing and accessory dwelling units such as an apartment above the garage or conversion of a large shed into housing. This is consistent with the affordable housing law that we passed last year and also consistent with the short term rental law that will take effect in May because one requirement for developing ADU's under this program is they cannot be used for short term rentals.

### **d. Columbia County All Hazards Mitigation Plan Update**

Supervisor Wolf states that every five years the county updates its coordinated mutual

assistance type natural disaster mitigation plan. At their January meeting, Emergency Management Director David Harrison informed us that each town needed to assign two people to coordinate our response to requests for information sought by the county. Supervisor Wolf has appointed Mary Ann Carrick, Conservation Advisory Committee Chair, as the primary contact person on this and Councilperson Morningstar as the secondary contact person.

e. **Land Acknowledgment language**

Supervisor Wolf states that after consultation with the Town Board, they have unanimously agreed to a request from the Mohican Allyship Committee to authorize the reading of a brief land acknowledgement at the start of the April 4<sup>th</sup> meeting and ceremony commemorating the 200<sup>th</sup> anniversary of Copake's first town meeting. Attorney Tingley has advised the Town Board that they need not approve this language by form of a motion so they will not and it will be read at the April 4<sup>th</sup> meeting.

f. **Park Commission-\$500 request for Easter Egg Hunt Supplies**

A motion was made by Supervisor Wolf and seconded by Councilperson Gansowski to authorize the Park Commission's request of \$500 for the Easter Egg Hunt supplies to be held on Saturday, March 30, 2024.

All in favor. Motion approved.

**Old Business**

a. **Rapid Care Update**

Supervisor Wolf states that he and Ms. Mettler recently met with Kirk Kneller, Chair of Columbia Memorial Hospital to discuss ongoing fundraising efforts to reopen Copake's Rapid Care. Ms. Mettler continues to spearhead the Roe Jan's community efforts to get Rapid Care back. Mr. Kneller has stated that fundraising efforts are continuing and Supervisor Wolf is deferring into the future, any Town Board consideration of whether or not Copake might contribute some funds in order to hasten Rapid Care's return until we learn the results of CMH's latest efforts to obtain private efforts to make this happen. We all remain confident that Rapid Care will be reopening in the very near future.

b. **Bank of Greene County-Grant Application update**

The town of Copake has sought \$2,000 for a grant to help fund the Summer Camp Program. This remains pending.

c. **Short Term Rentals Law-Update**

Supervisor Wolf states that Councilperson Gansowski has been very much involved with him in getting this going. They received a draft contract that they reviewed which was then presented to Attorney Tingley for his review and he suggested many revisions which have been included and with the Town Board's authorization again, sign a contract with Azavar Localgov, the compliance monitoring firm that they have hired to help Copake manage implementation of our new short term rental law. That law takes effect on May 1, 2024. Supervisor Wolf thanks Attorney Tingley for all of his hard work on this and to Ken Dow for his work on the law itself.

There was a brief discussion regarding the Short Term Rental Law.

d. **Farmland Protection Research Group**

Tabled until the next meeting.

e. **Comprehensive Plan**

Tabled until next meeting.

f. **Pro Housing Community Program-update**

New York State has made the Pro Housing Community program a key component of which efforts to spur affordable housing throughout the state. It's requiring towns to get certified as a pro housing community by New York State Homes and Community Renewal Agency as a precondition to even applying for various state grants. The Town Board passed a resolution in October expressing our intention to seek certification. A letter of intent was sent to NYSHCR to indicate our interest and we are in the process now of doing the voluminous paperwork and data analysis that are required. Supervisor Wolf thanks Erin Reis, Code Enforcement Officer who is compiling the needed data and information.

**Resolutions**

**TOWN OF COPAKE  
RESOLUTION  
Number 7 of February 8, 2024**

**To Recognize the Encumbrance of 2023 Appropriation for the  
Purchase of Loader and to Amend the 2024 Budget Accordingly**

**WHEREAS**, on January 12, 2023, the Town Board authorized the purchase of a 2023 938 Loader from Milton CAT; and

**WHEREAS**, the Town of Copake 2023 Budget appropriated \$150,000.00 for highway equipment; and

**WHEREAS**, as of December 31, 2023, the subject loader had not yet been delivered, and accordingly, the appropriation for highway equipment in the 2023 Budget remained unexpended as of such date; and

**WHEREAS**, the Town Board seeks to recognize the encumbrance of the highway equipment funds appropriated in the 2023 budget, and to amend the 2024 Budget accordingly; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake hereby authorizes the encumbrance, effective as of December 31, 2023, of \$150,000.00 in the DA5130.2 appropriation line for the purchase of the subject loader;



And it is hereby **FURTHER RESOLVED**, that the 2024 Budget of the Town of Copake shall be and hereby is amended to make the following changes to recognize such encumbrance and the appropriation of such encumbered funds for the purchase of highway equipment:

<u>Change</u>	<u>Fund/Line</u>	<u>Description of Fund/Line</u>	<u>Amount</u>
Decrease	DA914	Assigned Fund Balance	(\$150,000.00)
Increase	DA5130.2	Equipment	\$150,000.00

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

Resolution #7

Dated February 8, 2024

Copake, New York

Roll Call Vote.

Supervisor Wolf	yes
Councilperson Gansowski	yes
Councilperson Haight	yes
Councilperson Judd	yes
Councilperson Morningstar	yes

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Lynn M. Connolly, Town Clerk

(seal)

February 8, 2024

### **Appointments**

Supervisor Wolf states that as previously mentioned, appointed to Columbia County's Mitigation Plan are Mary Ann Carrick and Will Morningstar.

A motion was made by Councilperson Gansowski and seconded by Councilperson Judd to accept the recommendation of the Bicentennial Committee to appoint Flora Bergquist, Vana Hotaling, Edgar Masters, and Angelo Valentino as Bicentennial Parade Grand Marshals.

All in favor. Motion approved.

### **Budget**

- a. **Preliminary Budget to Actual Report-January 31, 2024**
- b. **Agreement to post Budget to Actual Report**

A motion was made by Councilperson Morningstar and seconded by Councilperson Gansowski to approve and post the budget to actual report for January 31, 2024.

All in favor. Motion approved.

### **Councilpersons' Reports**

Councilperson Haight has nothing to report.

Councilperson Gansowski reports that he stood in for Councilperson Judd at the ZBA meeting. Everything went normally. There were a few new applications.

Councilperson Gansowski reports that he and Supervisor Wolf spent a lot of time working on the short term rentals.

Councilperson Gansowski wanted to mention that the town is down to one dairy farmer, Ken Main's herd. When he came in over eight years ago, there were six dairy farmers. Though Mr. Main has passed away, at one time he had one of the biggest herds east of the Mississippi. We need to keep this farmland going.

Councilperson Judd has nothing to report.

Councilperson Morningstar reports that CEDAC met yesterday. There is a vacant seat that needs to be posted. If anyone is interested, please contact the Town Clerk with a letter of interest.

Councilperson Morningstar states that the first Annual Pickle Ball Tournament will be held on June 1, 2024 with a rain date of June 2, 2024. They are checking on insurance before they launch sponsorship proposals.

Councilperson Morningstar reports that the Roe Jan school has a new broker who has relisted the property. They are hoping for some movement on that front in the future.

Also, CEDAC is starting a small business focus group for small business owners in Copake to get people together to how better assist them in whatever they need in owning their businesses. If anyone is interested, please contact the Town Clerk or CEDAC.

Supervisor Wolf mentions that he toured the school today with Councilpersons Gansowski and Haight, along with Erin Reis.

Councilperson Gansowski states that the bones on the outside look good but you would not believe the mess on the inside. It is unknown how long someone was in there doing the damage. He wishes he had the money that was spent on all of the spray can paint that was used inside the building. It is a shame and heartbreaking.

Councilperson Haight adds that it was just sickening.

### **Executive Session**

At this time, Supervisor Wolf states that there will be a brief Executive Session to discuss litigation matters.

A motion was made by Supervisor Wolf and seconded by Councilperson Gansowski to go into Executive Session to discuss litigation matters.

All in favor. Motion approved.

A motion was made by Councilperson Morningstar and seconded by Councilperson Gansowski to come out of Executive Session.

All in favor. Motion approved.

No decisions were made in Executive Session.

### **Public Forum**

Scott Altman has a brief conversation with the Town Board regarding Hecate.

### **Approval of Bills**

None

### **Next Meeting Date**

Thursday, March 14, 2024, 7:00pm

### **Adjournment**

A motion was made by Councilperson Haight and seconded by Councilperson Morningstar to adjourn the meeting.

All in favor. Motion approved.

Respectfully submitted,

Lynn Connolly  
Town Clerk