Public Hearing/Town Board Meeting
Thursday
October 8, 2026
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 Gabaccia, Councilperson Morningstar, and Councilperson Haight

Present: Deputy Town Clerk Liana Jensen, Attorney Jonathon Tingley (*virtually)*

Public Hearing

Supervisor Wolf opened the Public Hearing at 6:45pm, to consider two proposed local laws, a Local Law Establishing Income Levels for Senior Citizen Real Property Tax Exemption, and a Local Law Establishing Income Levels for Disabled and Low Income Real Property Tax Exemption, for the purpose of public comment.

On the advice of Attorney Tingley, Supervisor Wolf mentions that these two local laws will be amending prior local laws that set rates for income levels for senior citizens real property tax exemptions, and the same for disabled and low income real property tax exemptions. Both laws were republished in the correct form.

Supervisor Wolf notes that regardless of whether there's any public comments this evening, this public hearing will be continued at the November 12, 2026, Town Board meeting,

Public Comment

None

A motion was made by Councilperson Gansowski and seconded by Councilperson Morningstar to adjourn the public hearing until the November 12, 2026 Town Board meeting.

All in favor. Motion approved.

Call to Order

At 7:00pm, Supervisor Wolf calls the Town Board meeting to order, and opens the 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

A motion was made by Councilperson Gabaccia and seconded by Councilperson Gansowski to waive a further reading and accept the Minutes as written for the Town Board Meeting of Thursday, September 10, 2026.

All in favor. Motion approved.

Announcements

Supervisor Wolf announces that the Administrative Law judges recommended denying the Shepherd's Run solar permit due to failure to comply with local flood regulations and wetland laws, citing bad-faith conduct during the adjudication process.

The Roe Jan Ramble was a huge success, raising nearly $25,000 for the Harlem Valley Rail Trail Association.

Upcoming events include a County Hazardous Waste Collection Day on Saturday, October 10th.

There are various celebrations for America's 250th anniversary.

The grand opening of the Hudson Islamic Center will be on Sunday, October 18th.

The Park Commission's Halloween Costume Party will be on Saturday, October 31st from 3-5pm.

The Park Commission's Veteran's Brunch will be on Sunday, November 15th at 11am.

Correspondence

From-Park Commission, Concession stand requests

From-THCSD, request for a Turkey Trot event

From-Bill Boris-Schacter, email, revised proposed contributions and donations to the town

From-Zoning Board of Appeals, memo regarding an increase in the Public Notice publication fee

From-NYAOT, notification regarding insurance alternatives for employees

From-Columbia County Agricultural District, notification regarding Agricultural District Enrollment

From-Park Commission, landscaping requests

Supervisor's Report

We are in the middle of budget season. It began over the summer, as Copake's bookkeeper, Gwen Menshenfriend, and I reviewed the current 2026 budget line by line. How accurate were the budget

allocations that the town board adopted last year? What did our review tell us about what the town's needs are likely to be in 2027?

This is the period during which the town board makes its best, informed guesses about the expenses we will incur next year to keep things running smoothly in Copake. We try to anticipate the revenues we are likely to receive in 2027, and to make sure that we have sufficient funds to cover the town's expenses.

No matter how carefully we plan, unanticipated things happen, and adjustments need to be made throughout the year. These typically take the form of "budget transfers," by which the town board (with advice from our town accountant) moves funds from one budget line to another. To maintain budget transparency, the reason for each transfer is presented, discussed, and voted on by the board. This year, for example, in March, with skyrocketing increases in the price of salt and limited availability, Highway Superintendent Bill Gregory advised that we should increase our salt storage capacity. The board agreed, noting that adequate storage of the salt and sand the highway department uses to keep our roads passable and safe throughout the winter is critically important. We adopted Resolution Number 12 of April 9, 2026, authorizing the purchase and installation of a new salt storage facility.

Construction on the new salt storage building was recently completed, and at the board's October meeting, we adopted a resolution authorizing a budget transfer of slightly more than $132,000 to pay the invoice.

We have been able to maintain sufficient funds to deal with unplanned for, important purchases. This allows us to absorb this significant expense without blowing a hole in the budget.

On the revenue side, there's some good news. Sales tax receipts remain high, and we're beginning to receive Copake's *pro rata* share of Columbia County's 4% occupancy tax on short-term rentals (STRs). The county retains 70% of the gross tax receipts; the balance is distributed among the towns, based upon the income generated by each town's STR properties as compared to all STR-tax income county-wide. We recently received our first STR-tax check for almost $19,000, and Copake is projected to receive at least $30,000 in 2027.

New York State's Town Law governs how we get to Copake's final, adopted budget for 2027, and the process is a bit complicated. The first step is to receive budget requests and estimates from the heads of the town's administrative units (e.g., clerk's office, highway department, building department, assessor, Town court). Gwen Menshenfriend and I, as Copake's budget officer, then meet with the town's accountant, Bob Patterson, and develop the "tentative budget." I present it to the town clerk who, in turn, passes it along to the full town board. The board may make revisions to the tentative budget; changes, if any, are incorporated into the document, now called the "preliminary budget," and returned to the town clerk. The board schedules a public hearing on the preliminary budget. At least five days before the budget hearing, the town clerk publishes a hearing notice. Following the hearing, the board may make final revisions to the preliminary budget.

The final budget must be adopted on or before November 20. We intend to do so at our November 12 board meeting.

Solar Update-May 2026

On October 5, two Administrative Law Judges (ALJs) from the NYS Department of Public Service, Office of Renewable Energy Siting and Electrical Transmission (ORES), issued a remarkable and apparently ground-breaking, 72-page document recommending that the ORES Interim Executive Director (ED) deny Hecate Energy's application for a final siting permit for Shepherd's Run.

The ALJs' "Hearing Report and Recommended Decision" followed an adjudicatory hearing they held on September 14 at Copake Town Hall. More than 100 people attended the 10-hour hearing, listening raptly to testimony from Hecate and ORES witnesses, and from Copake's Shepherd's Run consultant, Johanna Duffy.

The unusual hearing resulted from the ED's August 13 decision calling for testimony on two "significant" factual issues: (1) does the record demonstrate that Hecate complies with Chapter 135 of the Copake Town Code regarding development in a floodplain and, if not, must Hecate seek a permit from the town to put solar facility components in the floodplain?; and (2) whether Hecate's 2020 and 2021 wetlands delineations accurately identify the locations of all wetlands within the proposed Shepherd's Run site. I reported on these issues last month, and will not do that again here, other than to repeat something the ED wrote in his August decision, "Although I am not making any final determination here, *I note that without…further record development a question exists as to whether permit issuance should occur in this matter*." (Emphasis added.)

The ALJs offered a clear answer to that question: *the permit should be denied!* The ALJs wrote that Chapter 135 requires Hecate to apply to Copake for a floodplain construction permit, and "we…find that Hecate's application, and the supplementary submissions in the adjudicatory hearing process, fail to demonstrate that the Project will comply with Chapter 135 and recommend permit denial on that basis…We [also] recommend denial of the Shepherd's Run siting permit based on Hecate's failure to demonstrate compliance with the substantive provisions of New York's wetlands laws and regulations." The ALJs credited the compelling testimony of Ms. Duffy, and rejected testimony offered by Hecate's and ORES' witnesses. The ALJs also included a section entitled "Adverse Inference," which questioned Hecate's good faith throughout the adjudication process. After explicitly requiring Hecate to provide Ms. Duffy with unfettered access to all areas of the proposed site, the ALJs expressed concern that Ms. Duffy testified that she was restricted from some areas "because of the cows." The ALJs concluded, "Hecate's actions during the adjudicatory phase were not in good faith, particularly with respect to its failure to timely and adequately respond to the Town's discovery requests and provide unimpeded access to the site…Moreover, access to the site was not provided until the day before the hearing." The ALJs were exposed to a taste of what we've been saying all along: Hecate is a bad actor.

Some words of praise for our attorney, Ben Wisniewski, who did an extraordinary job preparing the written testimony and rebuttal testimony for the hearing, and in preparing Ms. Duffy for her in-person testimony on the witness stand. Ben handled the hearing in masterful fashion. Copake was well represented, and on behalf of the entire board, I thank him.

Now is not the time for celebration, because the process is not over. It is, however, a time for some thank you's, particularly to the members of Sensible Solar, for their long-term dedication, hard work, and smarts. And a special thank you to B. Docktor, whose photos and drone videos documented the extraordinary and too-frequent flooding in the proposed site area.

I conclude on an optimistic, but cautionary note: no final decision has been reached. The ED will receive comments from Hecate, ORES, and Copake on the ALJ Report and Recommendation. He must issue a final decision no later than October 19. We are hopeful that he will deny Hecate's application and will do so once and for all, by denying "with prejudice." That is the only way the seemingly endless Shepherd's Run saga can finally come to an end, because it will bar Hecate from re-applying. Denying with prejudice will prevent Hecate from having a third bite at the apple.

Department Heads/Committee Reports

CAC

Conservation Advisory Committee Chair Brian Boom presented a $4 million grant opportunity from "The Understory" foundation (formerly Partners for Climate Action Hudson Valley) providing grants ranging from $10,000 to $200,000 with no matching requirements and upfront payment for the Hudson Estuary Resilience Effort. The committee proposed using the funds for ecological education and pollinator gardens across three areas: a narrow strip along the walkway between Empire Road and the municipal parking lot with raised beds and a split-rail fence, a sunny meadow garden outside the town hall, and a moist wetland garden around the fire park pond featuring an engineered wood fiber walkway for accessibility. The designs would not interfere with fire truck access and that the grant would cover two years of maintenance funding, with proposals due by November 18th.

A motion was made by Councilperson Morningstar and seconded by Councilperson Gabaccia to proceed with financial sponsorship of The Understory grant opportunity.

All in favor. Motion approved.

Park Commission

Park Commission Chair Diana Jamieson presented a landscaping proposal for the east side of the community center, requesting $226 for mulch, sand, edging, and fertilizer, alongside $280.88 for eight shrubs to be planted by Highway Department workers under the agreement of Highway Superintendent Bill Gregory, with marigolds to be added in the spring by the Park Commission.

A motion was made by Councilperson Gansowski and seconded by Councilperson Gabaccia to authorize $226 for mulch, sand, edging, and fertilizer, alongside $280.88 for eight shrubs to be planted by Highway Department workers under the agreement of Highway Superintendent Bill Gregory, with marigolds to be added in the spring by the Park Commission.

All in favor. Motion approved.

Ice Cream Maker
Tulip Bulbs
Holiday Lights
Ms. Jamieson reported that the Park Commission's planned tulip festival is on hold until the walking path is finished, local vendors have been identified if the project proceeds, and updates regarding holiday lights and an ice cream maker will be brought back next month.

Deep Fryer
Ms. Jamieson presented a proposal compiled by Danielle Farwell for purchasing a 19-quart deep fryer with lids to be donated to the Park Commission and placed alongside the flat top grill in the park kitchen, noting that used vegetable oil would be recycled in Hudson, and a stainless steel countertop protector would be used.

Board members raised questions regarding ventilation, fan speed settings, weight of the oil, insurance coverage, and Board of Health inspections, prompting the Board to request a complete final plan before the board reconsiders the proposal.

Public Forum

Lindsay LeBrecht praised the community's decade-long fight against the Hecate solar project, commending the impact of consultant Julia McDuffy's evidence and drone footage.

Ms. LeBrecht notes that whether pollinator gardens would attract stinging bees that could affect individuals with allergies.

New Business

a. **Date for 2027 Preliminary Budget Public Hearing**
The Town Board agrees to set the date of October 21, 2026, at 9:00am, for the 2027 budget hearing.

b. **Request by ZBA to Increase Public Notice fee**

A motion was made by Councilperson Gansowski and seconded by Councilperson Gabaccia to increase the Zoning Board of Appeals public notice fee from $15 to $30.

All in favor. Motion approved.

Old Business

a. **Community Preservation Fund**
Councilperson Morningstar stated that because the town previously applied for and did not get a grant to fund a community preservation plan, it is reapplying and it requires passing a resolution. Councilperson Morningstar proposed reaffirming the town board's resolution for a community preservation plan, which designates areas to protect from developments such as solar developers using future property transfer fees. The proposed tax would apply a 1 to 2 percent fee exclusively on the portion of home purchases exceeding the median price in Columbia County (currently $470,000), and a town-wide referendum would be required prior to implementation. Attorney Tingley advised preparing a brief resolution in advance of the upcoming budget public hearing to introduce it formally.

b. **Donations from Picklemania event and Pickleball fees**
Supervisor Wolf presented a memo regarding donations funded by Picklemania events and winter Pickleball player fees, which are held by the Copake Improvement Society. The proposed items include a tennis net for $750 and wind breaks for $500 (both inclusive of shipping but excluding installation), along with $5,000 for shade trees along the park path. A water fountain donation was put on hold due to water quality and filtration issues in the park.

A motion was made by Councilperson Gabaccia and seconded by Councilperson Morningstar to accept the donations from the Picklemania event and Pickleball fees.

All in favor. Motion approved.

Resolutions

TOWN OF COPAKE
RESOLUTION

Number 25 of October 8, 2026
To Establish the Position of Part-time Deputy Planning Board Clerk

WHEREAS, the Copake Town Board recognizes the need to develop and retain sufficient human resources to ensure that the Town's business is accomplished competently and without interruption; and

WHEREAS, the Town Board has determined that the efficiency of the Planning Board will be enhanced by additional clerical support; now, therefore,

It is hereby **RESOLVED** that the Town Board hereby authorizes the creation of the position of Part-time Deputy Planning Clerk; and

It is **FURTHER RESOLVED** that the salary for the Part-time Deputy Planning Clerk shall be $20.16 per hour.

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

Resolution No. 25
Dated October 8, 2026
Copake, New York

Roll Call Vote:	Supervisor Wolf	yes
	Councilperson Gansowski	yes
	Councilperson Gabaccia	yes
	Councilperson Haight	yes
	Councilperson Morningstar	yes

_____
Lynn M. DeRocha, Town Clerk

(seal)

October 8, 2026

TOWN OF COPAKE

RESOLUTION

Number 26 of October 8, 2026

To Establish Fees Pursuant to Town Code §§ 129-18 and 187-3(E)

WHEREAS, pursuant to Town of Copake Town Code §§ 129-18 and 187-3(E), the Town Board is authorized to establish fees for various permits, inspections, certificates, and other matters;

WHEREAS, the Town Board desires to update its currently established fees with respect to an increase in the Zoning Board of Appeals Public Notice publication fee, from $15 to $30, as set forth on the Town of Copake Fee Schedule annexed hereto; now, therefore,

It is hereby **RESOLVED,** that the Town Board of the Town of Copake, hereby adopts and establishes the Town of Copake Zoning Board of Appels Fee Schedule annexed hereto, and

It is hereby **FURTHER RESOLVED,** that the Town of Copake Zoning Board of Appeals Fee Schedule adopted herein shall be deemed to amend those fees applicable only with regard to the items and matters listed thereon, and that all fees relating to items and matters other than those listed on the Town of Copake Fee Schedule adopted herein shall remain unchanged by this resolution.

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

Resolution No. 26
Dated October 8, 2026
Copake, New York

Roll Call Vote.	Supervisor Wolf	yes
	Councilperson Gansowski	yes
	Councilperson Gabaccia	yes
	Councilperson Haight	yes
	Councilperson Morningstar	yes

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Lynn M. DeRocha, Town Clerk

(seal)

October 8, 2026

A motion was made by Councilperson Morningstar and seconded by Councilperson Haight to add Resolution No. 27 of October 8, 2026, to the Agenda.

All in favor. Motion approved.

TOWN OF COPAKE
RESOLUTION

Number 27 of October 8, 2026

To Make a Budget Transfer in the 2026 Budget

WHEREAS, the Town Board desires to make a transfer in the 2026 Budget to ensure adequate appropriation is made to fund a contract for a salt storage building ; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake hereby authorizes and directs the following budget transfer in the adopted 2026 Final Budget:

Change	**Fund/Line**	**Description of Fund/Line**	**Amount**
Decrease	A917	Unassigned Fund Balance	($132,089.04)
Increase	A51322	Garage Capital Outlay	$132,089.04

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

Resolution No. 27
Dated October 8, 2026
Copake, New York

Roll Call Vote:	Supervisor Wolf	yes
	Councilperson Gansowski	yes
	Councilperson Gabaccia	yes
	Councilperson Haight	yes
	Councilperson Morningstar	yes

_____
Lynn M. DeRocha, Town Clerk

(seal)

October 8, 2026

Appointments

The Town Board will continue to advertise for members for the Copake Economic Development Advisory Committee, and the Conservation Advisory Committee. Also, the Historic Preservation Committee is urgently seeking members.

Budget-Approval of Budget to Actual Reports and agreement to post

a. Preliminary Budget to Actual Report-September 30, 2026
b. Agreement to post Budget to Actual Report

A motion was made by Councilperson Gabaccia and seconded by Councilperson Morningstar to approve and post the September 30, 2026 Budget to Actual Report.

All in favor. Motion approved.

Councilpersons' Reports

Councilperson Morningstar reports that CEDAC is figuring out what the next steps are for the group. They have an upcoming interview for a possible new member.

Councilperson Gabaccia reports that the Historic Preservation Committee is still in search of new members. They did not meet last month. The Mohican Allyship Committee is working to establish a date for a presentation by representatives of the Stockbridge-Munsee Community. The Conservations Advisory Committee is working on the Understory Grant. The CAC is also seeking new members. The last NYSERDA fund documents were submitted; $39,000 is expected, with $13,000 already received.

The Roe Jan Resort project in the ZBA is moving through the process focusing on elements of the SCOZ. Facebook proves effective in circulating major events. Councilperson reports the passing of Iris Sachs. There will be a Celebration of Life on October 16th, at St. John's of the Wilderness.

Supervisor Wolf reports the passing of Neil Klein who had been a member of the ZBA for over 10 years.

Supervisor Wolf reports that the Comprehensive Plan Review Committee is continuing to work and the Board should be receiving a draft report by the end of the year or shortly thereafter.

Councilperson Gansowski reports that The Grange will not be handling the Christmas trees this year, he will. The price will remain the same; $60. The trees will be picked up a week after Thanksgiving. Once again, individuals can dedicate a tree, for a fee of $30. Donations will be handled through the Town Clerk's office.

Councilperson Gansowski reports that the Park Commission had a successful, inside concert featuring The Heavenly Echoes. The Park Commission is working on Halloween, Veteran's Day, and Christmas events. Councilperson Gansowski reports the passing of Park Commission Chair Diana Jamison's mother, Shirley Knox. The Knox family donated part of the land that the park sits on.

Councilperson Haight reports that he sat in on the Park Commission meeting and thinks they are going to be a great group.

Public Forum

None

Approval of Bills

Done

Executive Session

None

All in favor. Motion approved.

Next Meeting Date

Thursday, November 12, 2026, 7:00pm

Adjournment

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

All in favor. Motion approved.

Respectfully submitted,

Lynn M. DeRocha