

## Town Board Meeting

Conducted via Zoom Video-Conference

April 14, 2020

Members Present: Supervisor Mettler, Councilperson Wolf, Councilperson Gansowski, and Councilperson Sullivan.

### **Call to Order**

Supervisor Mettler states that this is the first time that the Town of Copake has conducted a meeting via video conference. This meeting is being conducted pursuant to the Executive Order 202.1, relaxing the requirements under the Public Officers Law. This meeting is being recorded, Minutes are being taken, and a transcript will be prepared. Additionally, the public has been invited to attend, they are present here and able to see and listen to the proceedings.

Supervisor Mettler states that with all that is new and different here, we will nonetheless begin this meeting with the Pledge of Allegiance.

### **Approval of Minutes**

A motion was made by Councilperson Wolf and seconded by Councilperson Sullivan to approve and accept the Minutes as written from the March 20, 2020 Town Board Meeting subject to the correction of a couple of minor typo's.

All in favor. Motion was approved.

A motion was made by Councilperson Gansowski and seconded by Councilperson Wolf to approve and accept the Minutes as written from the March 30, 2020 Special Town Board Meeting.

All in favor. Motion carried.

### **Announcements**

Supervisor Mettler reports that all events, gatherings and meetings have been cancelled. Roeliff Jansen Community Library and The Copake Grange have stepped up to offer many programs and services online. Supervisor Mettler invites the community to take a look on the Town website or the Copake Connection that will be published on April 15, 2020.

The Copake Grange is organizing a clean-up day which is April 25, 2020 9:00 a.m.-Noon, check website.

The Copake Grange is also organizing volunteers who are willing and available to deliver both groceries and prescriptions to those who may not be able to get out to go shopping.

### **Correspondence**

From- The Bank of Greene County advising the Town of Copake has been awarded a grant for \$750.00 to support our "Music in the Park" program. This will be added to the Agenda to discuss further.

From- Tracy Hanselman sent a proposal to paint the four faces of the Copake Memorial Clock. This shall be discussed during New Business.

From- The Board of Supervisors sent a copy of a new Resolution which is simply a municipal agreement between the highway departments of Columbia County and the city of Hudson.

From- Grant Langdon, sent two emails, 041020 and 041320

From- Received two emails with regard to Grievance Day, one from Suzette Booy, Director of Columbia County Real Property Tax office and one from Lynn Hotaling, our Assessor that will be addressed later.

From- The Board of Supervisors, a Resolution that was passed last week, showing the mortgage tax money collected in the office of the County Clerk from the six month period from October 1<sup>st</sup> through March 30<sup>th</sup>. The town of Copake gets \$101,316.91.

### **Supervisor's Report**

This is the first time we are conducting a monthly meeting via Zoom. It feels like this may be the first of many such meetings- but that is impossible to know.

In the midst of all this, we are doing everything we can to keep Copake's Town Government up and running, and responsive. You will hear in a few moments how we are confronting the proposed Solar Project.

Meantime, although Town Hall has been closed to the public since Thursday March 19, essential employees have continued to work in Town Hall as necessary but also remotely. Both Lee Heim, our Code Enforcement Officer, and Lynn Hotaling, our Assessor, have kept in touch with the public through emails and telephone, and have also been present in Town Hall when required. We thank them for that.

We are especially indebted to our Town Clerk Lynn Connolly. She has been in Town Hall on her regular schedule and has been available to issue licenses, answer questions, and console callers. If you need her assistance you can reach her by telephone or email. You can also send her documents through the mail or by leaving them in the drop box which is checked six days a week.

Highway Superintendent William Gregory has been pro-active in confronting the impact of this virus on his crew. Understanding that the illness of one member of the crew could result in the quarantine of his entire crew, Bill proposed a plan where his crew would be divided into two teams which would work on alternating schedules. One team works while the other team is "on call." The Town Board approved this approach and it has worked well.

New York State has prohibited most construction and our ZBA and Planning Board have cancelled their meetings until further notice. We will continue to reassess whether and how these Boards may meet in the weeks to come.

I have been attending meetings of the Columbia County Board of Supervisors through conference calls and video-conferencing. We are meeting this Thursday to discuss the financial and budget impact of this crisis on local government. It is projected that sales tax revenue will decrease dramatically. Although CHIPs (Consolidated Local Street and Highway Improvement Program) was included in the 2020 state budget those funds are being withheld. As I know more about how our Town will be impacted I will report back to you.

The Chairman of the Board, Matt Murell is making daily press releases to the public, many of which I have reposted on Facebook or the Special Editions of the Copake Connection. The County has been frustrated with the lack of PPE available. In a recent press release the Chairman wrote: "It's concerning that our state and federal leaders are saying that there's plenty of PPE for everyone, when clearly there is not. There's a disconnect going on somewhere."

Every afternoon the Columbia County Department of Health has issued daily statistics.

As of today at 2:30 p.m., the Department of Health announced the following: In Columbia County, 9 community members have died. There are 97 positive cases. 40 of the 97 cases have recovered. 10 of the positive cases are hospitalized with 4 of them in the ICU. 726 residents have been tested. 101 residents are in mandatory quarantine and 23 under precautionary quarantine. There are 9 residents with suspected, not tested cases. On Fridays, the Board of Supervisors share statistics as to each Town. As of last Friday, there were 4 positive cases in Copake.

As these numbers grow, the heartache and loss must soon or later become personal. Four weeks ago we thought that washing our hands was enough. Now we know that washing hands is just the beginning. We must leave a healthy six feet between us. The CDC has recommended we wear a mask when we go out in public. As of April 12, 2020 the Governor has ordered that all essential employees who work with the public must wear masks. Ultimately the best advice is that we each stay at home.

A month ago when we last met, it was impossible to imagine what life would be like just 30 days later. We will end this meeting with a moment of silence for the nine residents of Columbia County who are no longer with us.

### **Update on Solar Project from Councilperson Wolf**

#### **Developments under Article 10**

At the March 12th meeting of the Copake Town Board, we reported plans by a Chicago-based energy developer, Hecate Energy, to site a large solar facility in Copake. The "Shepherd's Run" facility, situated on 500 acres of Copake farmland within a 900-acre project area, would generate 60 Megawatts of electrical power using 200,000 solar panels. The proposed project area is located near the intersection of State Route 23 and County Route 7, with most of the area located south of 23 and adjacent to 7.

Hecate initiated its project in 2017, obtaining lease agreements with several Copake landowners. It is proceeding under Article 10 of the NYS Public Service Law, which allows developers to largely circumvent local zoning laws and approval processes and to instead obtain authorization to site industrial-scale renewable energy facilities from a State-controlled Siting Board". The Town first learned about Hecate's plans in late January, when its representatives told us they had filed preliminary applications with New York State and had obtained unspecified tax credits.

On January 31, pursuant to Article 10 requirements, Hecate filed its preliminary "Public Involvement Program" ("PIP") plan.

On March 2, Hecate received comments from staff of the NYS Department of Public Service.

On April 1, Hecate filed its required final PIP plan, which lists the following components of the proposed industrial-size solar facility: several solar arrays, with panels seated on steel tracking-mounts that will "follow the sun throughout the day"; a new substation to be constructed next to the existing substation on the north side of Route 23, near County Route 7; a voltage collection system; tie lines connecting to the NYSEG transmission line; a switching station; and, an energy storage system, comprised of lithium-ion battery cells enclosed in modules, stacked in racks inside 53' shipping containers. The containers would be fixed onto concrete foundation pad/piers, and located directly east of the existing NYSEG Craryville substation, along State Route 23.

The next Article 10 development could occur at the end of June, when Hecate could file its "Preliminary Scoping Statement" ("PSS"). The PSS should provide additional details, including where within the 900-acre project area the solar arrays will be placed.

### **Town Board actions**

At its March 12 meeting, the Town Board adopted a resolution opposing the Governor's then-proposed budget amendment, because it would create streamlined procedures that would further erode municipal Home Rule and drastically limit Copake's ability to affect the industrial-size facility siting decision and eliminate our ability to enforce Copake's zoning law, which limits the size of solar facilities to 10 acres.

On April 2, the Town Board hired Benjamin Wisniewski, a partner in the Loughlin Group law firm, to represent Copake as we respond to the Shepherd's Run project proposal. Mr. Wisniewski has considerable experience protecting the interests of municipalities who confront the prospect of "hosting" an industrial-size renewable energy facility.

### **Article 10 or Section 94-c?**

The Governor's proposal was approved as part of the just-adopted State budget. A new Section 94-c of the Executive Law creates an "Office of Renewable Energy Siting" ("ORES"), and reduces the amount of intervener funds available to municipalities to conduct studies and retain legal counsel during siting proceedings. It gives ORES one year to establish rules to implement its siting program. Section 94-c contains a variety of elements designed to speed siting approval, including requirements that ORES must

determine that a siting application is complete within 60 days and make a final siting determination within one year from then. Under the new law, ORES is authorized to ignore any local law it determines to be unreasonably burdensome to the State's renewable energy goals. Furthermore, Section 94-c severely limits judicial review of ORES decisions.

### **Next steps**

Section 94-c authorizes developers who have begun the Article 10 permitting process to switch to the more truncated Section 94-c procedures if they wish. We assume that Hecate will seek to move forward under whichever procedures it determines will yield the speediest siting decision. As noted above, Section 94-c shortens the process, but the process cannot begin until ORES adopts rules. Section 94-c requires that ORES must conduct four public hearings around New York State before adopting siting approval rules. Of course, hearings may be delayed by the ongoing pandemic crisis.

In the meantime, we are consulting with our attorney who is keeping us abreast of developments. We will continue to report as developments warrant.

A motion was made by Councilperson Wolf and seconded by Councilperson Sullivan that the Town Board convenes a Special Meeting via video conference on Thursday, April 23, 2020 at 7:30 p.m. for the purpose of then going into Executive Session to meet with our attorney regarding potential litigation matters.

All in favor. Motion carried.

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

None

### **Public Forum**

Lindsey LeBrecht wanted to inform the Town Board that the people she has been speaking to supports the Town in trying to stop the takeover of farmland into an industrial area and appreciates what the Town is doing.

### **New Business**

**The Painting of the Copake Memorial Clock**-Rus Davis, who is the President of the Copake Community Service Inc., who oversees the care of the clock, advised the Town Board that when they did the other repairs that it was necessary to paint the face of the Memorial Clock. Supervisor Mettler and Rus Davis had a discussion regarding the face painting and they contacted one sign shop that said they could not do it at all and then Rus contacted Tracy Hanselman who gave proposal which was provided to the Town Board members for the painting of the clock for \$800.00.

A motion was made by Councilperson Gansowski and seconded by Councilperson Sullivan to spend \$800.00 and hire Tracey Hanselman to paint the Copake Memorial Clock.

All in favor. Motion carried.

Supervisor Mettler states that the Town received a letter advising us that The Bank of Greene County has awarded us \$750.00 to support our "Music in the Park Program." Some discussion followed regarding payment set up.

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to accept the \$750.00 grant from The Bank of Greene County to sponsor our "Music in the Park Program."

All in favor. Motion carried.

**2020 Copake Park Summer Program**-Supervisor Mettler reported that she wrote a letter to Rheinstrom Hill asking that they award us a grant for \$5,000.00 to support the trips for the Summer Park Program. Supervisor Mettler states she has been in touch with Bryan Van Tassel, who is the Park Director, and they have agreed that the outside date for deciding whether or not the summer program should go forward or not is at the next Town Board meeting which is May 14, 2020.

Discussion followed and will be readdressed at the May 14, 2020 Town Board Meeting.

**The Town Art Committee** will take a look at the various items in Town Hall and make suggestions to the Town Board as to how they might be rearranged, or removed, or whether there should be some new things placed on the walls in the hallways, the courtroom, and the Rheinstrom conference room.

**The Purple Heart Community**-Supervisor Mettler spoke with Haley from Senator Daphne Jordan's office. Senator Jordan is still committed to come to our June 11, 2020 Town Board meeting in order to be here when we pass a resolution to make Copake a Purple Heart Community. A brief discussion followed regarding the Purple Heart Community sign that will be discussed at the May 14, 2020 Town Board Meeting.

Supervisor Mettler reports that the Town hired a new Animal Control Officer, Kyle Miller, who currently works for the Columbia Green Humane Society. Mr. Miller earned a Bachelor of Technology in Wildlife Management degree from SUNY Cobleskill. Mr. Miller has been on the job for two weeks and has already submitted a report to Supervisor Mettler. To learn more about Kyle, please visit the Copake Connection.

## **Old Business**

### **Installation of Fiber Optics at Town Buildings**

Councilperson Gansowski reports that the Town Hall building was completed in March as was the Highway Department. As of Friday, the cable was laid from Mountain View Rd. into the Park Building. Councilperson Gansowski reports that hopefully, by the next Town Board it will be all done.

Supervisor Mettler thanked Councilperson Gansowski for all of his effort and hard work.

### **Light for Flag Pole in front of Town Hall**

Councilperson Gansowski reports that he spoke with Bill Giulian and the light for the flagpole has been ordered but is not in stock and hopefully will be in in another week or so.

Councilperson Wolf adds that he spoke with Bill Giulian regarding the generator outside of the Town Hall building that will be discussed at the next Town Board meeting.

### **Code Violations**

Councilperson Gansowski, the liaison to the Code Enforcement Department, reports that it is time the Town begins clamping down on the violations around the town and the Building Department is in the processes of working on enforcing these violations.

### **Copake Economic Development Advisory Committee**

Supervisor Mettler reports that the Town has had numerous applicants that we will get back to when we get through this situation of Covid-19 for interviews.

### **Motor Vehicle Storage Permit-Performance Auto, 78 Route 7A**

Town Attorney Ken Dow reports that he sent out a certified letter to Performance Auto stating that their permit to operate was not renewed because they were not in full compliance with the conditions of their permit. A small discussion followed and will be readdressed at the next Town Board meeting.

### **Annual Internal Audit**

Councilperson Wolf reports that all departments have been completed but is waiting on just a couple of papers from Town Clerk's office.

Supervisor Mettler thanks Councilperson Wolf as this Audit was a lot of work.

### **Grievance Day**

Supervisor Mettler reports that Grievance Day is May 27, 2020. Supervisor Mettler continues to say that in all likelihood the Board of Assessment Review BAR, with Stephen Hoppe as Chairman, will not be able to meet in person, the Director of Real Property, Suzette Booy has suggested that Grievance Day be conducted remotely. Our Assessor, Lynn Hotaling has agreed and stated that no pre-Grievance Day meetings or conferences will be done in person.

BAR Chairman Hoppe states that he has reached out to the members of the Bar as well as Assessor Hotaling and they are on board with video-conference via Zoom. There will be a test run Video-conference beforehand. Chairman Hoppe states that there will be scheduled times for request by Assessor Hotaling that Grievance Day be conducted via video-conference.

All in favor. Motion carried.

### **Resolutions**

None

### **Appointments**

None

### **Budget**

Supervisor Mettler states that there weren't any budget transfer but reports that the accountant's office has all of the data that they need in order to do the update document to the Annual Financial Report (AUD).

Supervisor Mettler states that in view of the concerns about budget, she wants to say that Copake has significant funds in reserve and so we are in a solid position to deal with any shortfall in revenue. More will be said after we receive AUD from the Town accountant.

### **Councilpersons' Reports**

Councilperson Sullivan reports that The Park Commission has not met since everything was cancelled, same for the Planning Department.

Councilperson Gansowski states that regarding the Casino property, there has been a Stop-Work Order on this site. Councilperson Gansowski continues to say that he has been in touch with Tom McCarthy from Didi Barrett's office who is working with the AG Department to see if they can rescind claiming that he is a farm. The Casino property has been issued a couple violations for working without having any permits.

### **Public Forum**

Steve Hoppe addressed the Town Board to ask that now that the internet has been upgraded at the Town buildings, has there been a discussion to have a public access point.

Supervisor Mettler stated that the Town will look into publicizing that information.

### **Executive Session**

None

### **Approval of Bills**

Supervisor Mettler states that because we would normally have met last week, the bills were prepared last week, and the bills have been paid.

### **Next Town Board Meeting**

May 14, 2020

### **Moment of Silence**

Supervisor Mettler requests a moment of silence for the nine people in Columbia County who have died as a result of this virus.

**Adjournment**

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

Motion was approved.

Respectfully submitted,