

Town Board Meeting

Zoom Video-conference

May 14, 2020

*Supervisor Mettler states that pursuant to the Governor's Executive Order 202.1, this meeting is being conducted via video conference. The invitation to the meeting has been posted, the public is present, and they are both able to see and hear and they will be invited to speak at the Open Forum. There will be minutes for this meeting and this meeting will be recorded.*

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

**Call to Order**

Supervisor Mettler opens the Town Board meeting with the Pledge of Allegiance at 7:00 pm.

**Approval of Minutes**

A motion was made by Councilperson Stosh Gansowski and seconded by Councilperson Wolf to approve and accept the Minutes as written from the April 14, 2020 Town Board Meeting.

All in favor. Motion was approved.

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

All in favor. Motion was approved.

**Announcements**

Supervisor Mettler states that the Town received a delivery of masks that were delivered to her home provided by the County. These masks will be available to the public by putting them outside of Town Hall as we have done before. They will be available starting Saturday, May 16, 2020 from 9:00am-12N and Monday through Thursday between 9:00am and 3:00pm. Supervisor continues stating that there is also hand sanitizer as well with a limit of 10oz. per visit and one pack of masks.

Supervisor Mettler states that the County Department of Health has announced two new testing clinic dates. This information can be found on the Columbia County website.

Supervisor Mettler states that the Town is very grateful to Phil Delea who helped us out with the installation of cable for the installation of internet at the Park building.

**Correspondence**

From-Columbia County Board of Supervisors Resolution No. 147-2020-Authorization to Distribute Mortgage Tax Payment-Copake has received the highest mortgage tax payment than any other town in the county at \$101,339.16.

From-Charter Communications, a couple of letters stating that they are changing a program.

From-Kneller Insurance, a letter explaining that there is an additional premium to the Towns' insurance policy that was explained in a follow up email.

From-Charter Communications, a letter updating changes to their programming.

From-Milbrey Zelle, an email, asking about the CoVid19 testing at the nursing homes in Columbia County.

From-Thomas Goldsworthy, a note to Supervisor Mettler and Art Basin, The Roe Jan Ramble Bike Tour is on hold due to CoVid19.

From-Mary Bradway, an email to Supervisor Mettler regarding her concern over the opening of the two Copake campgrounds. Supervisor Mettler also states that she received a voicemail regarding the same. She states that she will call both to find out their guidelines.

From-Grant Langdon, three emails and one letter.

From-Assemblymember Didi Barrett to Richard Ball, Commissioner of NYS Department of AG & Markets, a letter that will be discussed in New Business.

From-Deborah Cohen, an email to the Town Board regarding the same as the last letter that will be discussed in New Business.

From-Columbia County Emergency Management Office, a letter regarding the cloth masks.

From-NYS Board on Electric, a letter regarding Hecate Energy that Councilperson Wolf will address in his Solar Report.

### **Supervisor's Report**

As we know, the Governor has divided New York State into Regions and declared that the Regions will be allowed to open up depending on their success in meeting seven metrics. We are in the Capital Region and if you go to the Regional Monitoring Dashboard you can see how we stand. As of Wednesday we had achieved five of the seven metrics. We have not yet sufficiently decreased the number of hospitalizations or hospital deaths. But we are moving in the right direction.

Once we meet the seven metrics we will not be allowed an automatic and complete re-opening. As the Governor has said, it is not an "on-off" switch, it is more like a dial. We will be allowed to open up in phases.

Phase 1: Includes construction, manufacturing and select retail (with curbside pickup)

Phase 2: Includes professional services, finance and insurance, retail, administrative support, and real estate/rental leasing

Phase 3: Includes restaurants, food services and hotels

Phase 4: Includes arts, entertainment, recreation and education

Although I cannot predict when we will reach the seven metrics I am happy to say that Columbia County is preparing for that moment. This past Monday was the inaugural meeting of a new Committee called "Columbia Comeback". The committee is chaired by Matt Murell, co-chaired by Jeff Hunt, President of the Columbia County Chamber of Commerce and Michael Tucker President of Columbia County Economic Development. The Committee has representatives of the Columbia County Department of Health, the Columbia County Emergency Management Office, and the Columbia County Tourism Department. There are three members from the Board of Supervisors as well as other County representatives and numerous representatives of local businesses. The goal of the Committee is to help prepare businesses to successfully open up within the CDC guidelines. I am posting Notes from the first meeting as well as the Powerpoint which was shown at the meeting. I am very pleased that this well qualified Committee will spearhead our efforts to be ready to open as soon as we can.

As for Copake-One of the first things this Town Board did this year was to create a Copake Economic Development Advisory Committee. In February we adopted a Mission Statement, we advertised for applicants and we were delighted with the large number of applicants and their obvious expertise and interest. And by the March meeting, CoVid arrived, and we shuttered our doors and put our brand new committee on pause.

With the Columbia Comeback in full swing, I think we need a Copake Comeback too. Tonight I am scheduling a Special Meeting to be held in the last week of May, to interview our applicants for the Economic Development Advisory Committee so that we can appoint them and by mid-June they can meet whether by Zoom or in person.

Already the Mission of this Committee- to support and promote the economic wellbeing of Copake was critical to the Town. Now more than ever, we need their assistance and leadership as we get ready to open our doors- not hastily perhaps but carefully in a way which will insure the long-lasting safety of our community and the economic well-being of our Town.

It seems a lifetime ago that this Board sat down together for the first time. I am proud of what they have accomplished and the way they have worked together. This public health crisis has created challenges that no one could have imagined when we first met in January.

Now as we begin our May meeting, it is our duty to remember all those in Columbia County who have suffered at the hands of this virus. Many have suffered economically, all have suffered emotionally- as we are deprived of the company of our friends and those we love. But too many have also more deeply. As of last Friday, there were 10 positive cases in the Town of Copake. As of 3:00 p.m. today at there are

333 positive case of COVID-19 in Columbia County. Overnight the number of hospitalizations went from 6 to 10. And as of today, there have been 24 fatalities in the County.

As the numbers grow- I am sometimes afraid that we can become numb to this loss of life. But sooner or later for all of us, the loss and the pain becomes real and personal.

We will end this meeting with a moment of silence for those who have lost their lives to this horrible pandemic.

### **May 2020 Solar update from Councilperson Wolf**

As I've been reporting, Chicago-based energy developer, Hecate Energy, is planning to site an industrial-size solar energy facility in Copake. They call it "Shepherds Run". Sited within a 900-acre project area, it would generate 60 megawatts of electrical power using 200,000 solar panels. The proposed site is located near the intersection of State Route 23 and County Route 7, with most of the area located south of 23. And there also may be a series of 53'-long shipping containers housing lithium ion batteries to store electricity. If Hecate includes these in its final plan, they would be fixed onto concrete foundation pads, situated directly east of the existing NYSEG Craryville substation along Route 23.

For now, Hecate is proceeding under a law known as Article 10, which allows developers to largely circumvent local zoning laws and approval processes, and to get State approval instead. As required, Hecate filed a "Public Involvement Program", which broadly outlines Hecate's proposal, but is light on details. At the end of June, it is likely to file a "Preliminary Scoping Statement" ("PSS"), which would likely provide more information.

A letter dated May 5th was sent by the New York State Board on Electric Generation Siting and the Environment to Supervisor Mettler and also to Matt Murrell, Chair of the Columbia County Board of Supervisors. As its name suggests, the Siting Board makes siting decisions on industrial-size renewable energy facilities, largely usurping local authority in the process. The letter was a reminder that Covid-19 notwithstanding, the Siting Board continues to move projects along. It told us what we already knew: that within 15 days of Hecate filing a PSS, Copake and the County must submit nominations for the two ad hoc seats on the seven-person Siting Board that will consider Hecate's application.

On the legislative front, our State Senator, Daphne Jordan is co-sponsoring a bill that would require a municipality to approve by referendum the siting of any large-scale renewable energy facility within its borders. A companion bill recently has been filed in the Assembly, and we have reached out to our Assemblywoman, Didi Barrett, to learn of whatever involvement she might have on the Assembly side. I should add that Senator Jordan's legislative assistant told me he does not think that the Senate bill will make it out of committee this session, due to reductions to the legislative agenda caused by the pandemic.

We continue to explore options with our solar attorney, and continue to learn more about the new law, known as Section 94-c, and plans for a new "Office of Renewable Energy Siting", which would further

reduce Copake's participation in, and ability to influence, siting decisions regarding the Shepherd's Run project.

## **Department Heads/Committee Reports**

### **Public Forum**

Paul Parzuchowski –Resident-asks if anyone has successfully pushed back in the past on Hecate Energy ? The nine hundred acres are literally in his backyard and states that it is going to be a mess and though Paul believes in Solar Energy, but says all in one place doesn't make sense. Paul is hoping the Town does the right thing and the best it can to limit the scope of the project.

Councilmember Wolf responds by saying that there are cases that are pending and working their way through NYS and currently there is a case on appeal and is pending that papers were just filed and that the Town will follow that to see how it may impact what is going on here in Copake.

Linda Senk wants to thank Councilmember Gansowski for getting the road repainted on Route 7.

### **New Business**

- a. **2020 Copake Park Summer Program**-The Columbia County Board of Health, Matt Murell, Chairman of the Board of Supervisors and Rob Lagonia, Chair of Health and Human Services have all issued a Strong recommendation that we not open Town summer camps. The Governor has not weighed in, although that may happen soon. At the Board of Supervisors meeting last night, The Chairman again stated that his recommendation is not to open.

Some towns have already closed. Hillsdale is apparently considering if they can open since all their facilities are outside. In an effort to let parents and counselors know where they stand, New Lebanon voted to close the camp-with the caveat that if things change radically they may open.

Supervisor Mettler has two questions for the Board: 1) Should we close the Summer Park Program? 2) When should the Town Board make that decision?

A discussion followed regarding the safety of the children and the opening of the Summer Park Program with the result of tabling the issue until the next meeting.

- b. **Grant from Bank of Greene County- Music in the Park**—Supervisor Mettler thanks the Bank of Greene County for a grant of \$750 for our Music in the Park Program. Of course the question remains whether we can open. Supervisor Mettler suggests that we ask Chris Quinby and the Park Commission to offer a plan for how they could open safely. I will confer with our Committee on Public Health Emergency and that we table this until the June 11 Town Board meeting.
- c. **AUD Audit 2019 Review Annual Financial Report** – Update Document – for 2019

This report filed with the State on May 1, 2018. It was created by our accountant Icklerr, Torchia, Allen and Churchill. It is a matter of public record and after tonight we will post it on the town website.

Highlights on Page 4 Restricted Fund Balance- the Reserve Funds created and adopted in 2016-Capital Reserve and Equipment Reserve. Total \$1,027,813 Equipment and Capital Improvement- \$103,043

Unassigned Fund Balance-over 3 million. This number includes all of our bank accounts, including checking account. The more accurate number is 2.6 million, which is in a money market in TD bank.

Debt- We have no debt. On page 33 there is an entry of \$129,378. That is actually our net pension liability and compensated absences.

Supervisor Mettler states that the bottom line is that Copake is in a very strong financial position. Last night I was at a County Board of Supervisors meeting. The County and the Towns in Columbia County are very concerned since we anticipate a severe loss in Sales Tax. The BOS approved measures to freeze hiring, and impose furloughs and cut costs. Supervisor Mettler can assure you that Copake is in a very secure position with these ample reserves.

A motion was made by Councilperson Gansowski and seconded by Councilperson Wolf to accept the AUD for December 31, 2019.

All in favor. Motion carried.

Based on the review of the AUD, Supervisor Metter is asking Ken Dow to draft two Resolutions:

- 1) To transfer money into the existing Capital Reserve
- 2) To create a Highway Repair Reserve

Supervisor Mettler states that these Resolutions will be available at least five days before the June 11, 2020 meeting and voted on at the June 11, 2020 Town Board meeting.

#### **d. Purple Heart Sign and Resolution**

Supervisor Mettler states that the sign will cost \$89.81 and that we are still on for June 11 for a small presentation with Daphne Jordan.

Councilperson Sullivan reports that there is no national Purple Heart database. She reached out to Chris Gibson who suggested we get in touch with Antonio Delgado and the Department of Defense for a list of Purple Heart recipients in this area.

Supervisor Mettler will order the sign, and also see if Senator Jordan can attend the June Town Board meeting or July.

**e. Request for Action from Town Board regarding Ag and Market's ruling regarding Copake Valley Far**

Supervisor Mettler states that we have received a report from the CAC – in opposition to the finding by the Department of Ag and Markets that Copake Valley Farm is a farm.

We have been requested by Deb Cohen to consider writing to the Governor to oppose the finding by Ag and Markets and to request that that finding be reversed.

Supervisor Mettler called on Deb Cohen who responded by saying that Sal Casino has been breaking laws in Copake for decades-civil laws, criminal violations, every environmental zoning law that could be named. His operation at Copake Valley Farm is not a farm and anybody going by there can see that. The long history of law breaking speaks to a bad actor and bad faith. Assemblymember Didi Barrett wrote to Commissioner Ball after the determination was granted to Copake Valley Farm that they are a farm operation objected and asked them to reconsider their finding. Deb Cohen is essentially asking for the Town Board to ask the Governor to reverse that determination by AG and Markets.

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to authorize Supervisor Mettler to write to the Governor to express our opposition to the finding by Ag and Markets that Copake Valley Farm is a farming operation and to ask the Governor to take steps to reverse the finding.

All in favor. Motion was approved.

Supervisor Mettler states that Councilperson Gansowski is going to contact Daphne Jordan for her support as well and copy her in on this letter to the Governor.

**f. Request from Conservation Land Conservancy for Letters of Support For Farmland Protection Grants:** High Low Farm, on Weed Mine Road, owned by Gwynneth Pierson; and the Bain Farm, located on the west side of 22, owned by Edgar Masters.

Marissa Cody from the Conservation Land Conservancy explained that the funding for these two separate Farmland Protection Grants comes from NYS through the Department of AG and Markets. These are farm viability Grants that are designed to provide funding to land owners in exchange for selling a portion of their non-agricultural development rights. They are designed to encourage farmers to protect their farms without having to sell them off or subdivide.

Ms. Cody continues to say that The High Low Farm-Pierson Farm is under a dairy specific grant. This is the second time this grant has come out from AG & Markets and it is targeted to dairies. The town is not required to do anything, the Conservation Land Conservancy does all administrative work, however, AG & Markets would like a letter of support from the Town. The County Ag & Farmland Protection Board gave their support letter this morning.

The second grant is for The Bain Farm on the west side of Route 22, Deb & Edgar Master's farm. Ms. Cody states that Land Conservancy is both good farm properties that they would like to see protected. Ms. Cody provided the Town Board with sample support letters.

A motion was made by Councilperson Wolf and seconded by Councilperson Gansowski for Supervisor Mettler to write two letters of support for the High Low Farm and for the Bain Farm to AG & Markets for Farmland Protection Grants.

All in favor. Motion was approved.

#### **g. Town Supervisor Facebook page**

Supervisor Mettler states that always, but especially in these times, communication is very important that the public should know what the town government is doing as well as at the County level.

Supervisor Mettler states that she has been posting on a Facebook page since 2015 that was originally started by the Copake Hamlet Task Force. When the Task force stopped using the Facebook page, Supervisor Mettler continued to post on behalf of Copake. At this time, Supervisor Mettler would like to give that Facebook page a new name, more general name than Copake by Design and be able to post regularly, primarily about Town matters.

A motion was made by Councilperson Gansowski and seconded by Councilperson Sullivan to authorize Supervisor Mettler to conduct and maintain a Facebook page.

All in favor. Motion was approved.

#### **h. Modification of River Street Contract-Roberta Roll**

Roberta Roll states that the \$40,00-Local Waterfront Revitalization Plan Grant that was awarded to the Town was supposed to be matched by the Town dollar for dollar which meant that the Town had to come up with the \$40,000 matching. Part of those matching funds was going to be made by a donation of \$10,400 from River Street Planning. They were to put in that amount and the rest was going to be made up of committee time. In January, Roberta submitted the first payment request after many hours of work but was rejected because they wanted an incredible amount of detail in addition to what was already supplied. Roberta then spoke with Margaret from River Street Planning and she said that she would go back and see what River Street Planning can do about donating more hours because the prospect of making the match through committee hours was looking dimmer and dimmer in light of what the state had said about the payment request. Margaret from River Street Planning has accounted for the bulk of the match. There will be some Project Advisory Committee hours that will be submitted. Also included are the invoices for the postage and the printing and mailing that was done for the public workshop. So now, there has to be an addendum to the contract that the Town has with River Street because the arrangement is now different. The Town now has to say it is okay and we are going to accept these hours from River Street as contractual donated services in addition to their paid services. Roberta has submitted this to the contract office on May 5, 2020 and just got an email back today that saying that it can't even be looked at until the earliest, the end of next week. Roberta thought it would

be helpful if the Town Board can see this now and approve it so that when Contract's finally approves it Roberta can just go ahead and send in the payment request to them so there won't be such a delay because the Town has already paid an invoice to River Street and the Town will not get reimbursed until this payment request has gone in.

A motion was made by Supervisor Mettler and seconded by Councilperson Wolf that unless there are significant changes to the original contract, that the Board approve Roberta Roll send in the payment request.

All in favor. Motion was approved.

### **Old Business**

Light for Flag Pole in front of Town Hall-No new information.

Code Violations-Councilperson Gansowski who is the liaison for the Code Enforcement Officer reports that they are looking at Code Violations throughout the Town.

Copake Economic Development Advisory Committee-Supervisor Mettler would like to start to schedule interviews tentatively on Wednesday, May 27, 2020 between 5:00pm and 7:00pm.

Motor Vehicle Storage Permit-Performance Auto, 78 Route 7A-Ken Dow sent a letter at the Town Boards request and Mr. Lindig has since been in contact with Building Inspector Heim. Councilperson Gansowski will follow up with Building Inspector Heim for an update.

Painting of Copake Memorial Clock-Rus Davis has been in touch with Tracy Hanselman. The clock will probably be done in June.

Town Hall Art Committee-Nick Fritsch states that the committee did get a plan for the hallways however, it would be better when they can actually get into the building. The Art Committee is discussing which forms of artwork display to hang while keeping costs down.

### **Resolutions**

None

### **Appointments**

None

### **Budget**

A motion was made by Councilperson Sullivan and seconded by Councilperson Gansowski to transfer \$5,000 from Contingency line-A1990.47 to Historical Property A7520.4

All in favor. Motion was approved

### **Councilpersons' Reports**

Councilperson Sullivan reports that the Governor has opened tennis courts. Supervisor Mettler states that the Town Board is addressing this and will come up with a solution before the next meeting.

Councilperson Gansowski as liaison to the ZBA, reports that there is a Zoom meeting for the Conservation Advisory Committee Saturday, May 16, 2020 at 9:00am regarding the cell tower, and upcoming ZBA meeting later in the month.

Councilperson Sullivan mentions that there is also a Planning Board Meeting via Zoom on May 21, 2020 at 7:00pm.

Councilperson Wolf reports that in his continuing efforts to learn about the laws governing Solar Energy, he attended a webinar on the new section 94C that is designed to take away even more of our ability to influence the siting and decision making process.

Councilperson Wolf reports that yesterday he was at the Hamlet Revitalization Task Force meeting with a very positive vibe to the meeting.

Councilperson Wolf reports that there has still been no meeting with the Road Advisory Committee.

### **Public Forum**

Lindsey LeBrecht would like to suggest that being proactive that if the park and Town Hall is able to open maybe we should get thermometers. Also, asks if masks are available.

Supervisor Mettler states that this was discussed at the Board of Supervisor's meeting and they will be doing outreach on this subject.

Supervisor Mettler states that masks were delivered and are available.

### **Approval of Bills**

A motion was made by Councilperson Gansowski and seconded by Councilperson Sullivan to pay the bills.

All in favor. Motion was approved.

### **Next Meeting Date-June 11, 2020**

Supervisor Mettler asks for a moment of silence to remember those in Columbia County who have died of CoVid19.

### **Adjournment**

A motion was made by Councilperson Sullivan and was seconded by Councilperson Gansowski that the meeting be adjourned.

All in favor. Motion was approved.

Respectfully submitted,