

Town Board Meeting

Zoom Video-conference

June 11, 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 Gansowski and seconded by Councilperson Sullivan to approve and accept the Minutes as written for the May 14, 2020 Town Board Meeting, Town Board Meeting the May 27, 2020 Special Town Board Meeting, and the June 9, 2020 Special Town Board Meeting.

All in favor. Motion was approved.

Announcements

Primary- June 23, 2020-All Copake voters will vote at Copake Town Hall for Democrats; it is a Presidential Primary. For Republicans it is the Congressional Primary. No voting at the Park Building. For further information visit the Columbia County Board of Elections website.

Correspondence

From-Certificate of Final State Equalization Rate for the 2020 Assessment Roll

From-Housatonic Valley Association-asking the Town for a donation

From-Request for the reduction of the speed limit on Underhill Road-add to New Business at July, 2020 Town Board meeting

From-Grant Langdon-letter dated May 18, 2020, a complaint dated May 22, 2020, and a letter sent to another party that we were copied in on dated May 31, 2020.

From-Rheinstrom Hill Community Foundation-In April, Supervisor Mettler made an application asking Rheinstrom Hill for \$5,000 that would have been applied towards trips for our Summer Camp.

Supervisor's Report

Supervisor Mettler states that at this evening's meeting, the Town Board will be making some important decisions regarding what Town Programs will be cancelled due to Covid19. These are difficult decisions made necessary by the difficult times in which we find ourselves.

In making these public health decisions the Town Board has benefited from the expertise and generosity of our ad hoc Public Health Emergency Task Force. Rus Davis, a pharmacist who owned the Copake Pharmacy and is also a Commissioner with the Copake Fire District, and President of the Board of Directors of the Copake Community Rescue Squad; Janet Mackin who is a nurse with extensive experience in both hospital nursing and education, and Dave Proper who has deep experience in public safety as a Deputy with the Columbia County Sheriff's Department and former Chief of the Copake Fire Company.

Dealing with Covid19 has taken a lot of our time, but I am pleased that this Town Board is also moving ahead on other initiatives. We are especially excited about the appointment of our new Economic Development Advisory Committee. We feel that the competence, vision and expertise of this new committee will open new horizons for Copake.

As for an update on Covid19 in Copake, we take seriously the fact that the number of cases in Copake has continued to grow. Two weeks ago there were 17 positive cases, as of this past Friday there were 19. As has become our tradition in the past few months, we will close our meeting with a moment of silence for those who have died as a result of COVID 19. That number as of this afternoon is: .

Additionally this evening we will remember the contributions of our long time Town historian Gloria Lyons, who died on May 31. Gloria was often at our Town Board meetings- back when we met in Town Hall. She was native of Columbia County, a Roeliff Jansen graduate and an active member of this community and it is fitting to honor her.

June 2020 Solar update from Councilperson Wolf

As Councilperson Wolf has been reporting, Chicago-based energy developer, Hecate Energy's plan to site an industrial-size solar energy facility, "Shepherd's Run", in Copake. Hecate has identified a 900-acre project area, most of which extends south from the intersection of State Route 23 and County Route 7. Hecate's plan calls for the installation of 200,000 solar panels to generate 60 megawatts of electrical power, and may also include a group of 53'-long shipping containers housing lithium ion batteries to store electricity.

In a recent telephone conversation, Hecate's project manager told me that Hecate will continue to seek State approval of the site, under a law known as Article 10, which allows developers to largely circumvent local zoning laws and approval processes.

As I have reported, Hecate, pursuant to Article 10 requirements, filed a Public Involvement Program ("PIP") in which it told NY State that before filing a "Preliminary Scoping Statement" ("PSS"), it would hold two "open house" meetings to answer questions about the proposal from Copake residents and address their concerns. However, due to the pandemic group gatherings of more than ten people are currently prohibited. Consequently, in-person open houses cannot occur at this time.

Nonetheless, within a few weeks, Hecate intends to file its PSS, which may provide information about exactly where, within the project area, the solar panels and other equipment will be placed, and, perhaps, how Hecate will attempt to limit the adverse environmental impacts of the project on wetlands, wildlife, and the view shed. The problem is, that without benefit of input from Town residents, Hecate's PSS will lack the very information its Public Involvement Program plan was designed to obtain to help inform the Scoping Statement.

So, Hecate has changed its approach. Instead of in-person open houses, it is mailing a postcard to many, but not all, Town residents, which will direct recipients to a website where they can learn about the project, ask questions, and submit comments. Hecate will be doing this as a substitute for actual open houses at which Town residents would be able to hear one another's questions and comments, and Hecate's responses. The website will contain photos and information that would have been posted at an in-person open house. A limited number of hardcopy sets of these materials will be made available for townspeople to pick up at Town Hall.

Hecate told the State this approach constitutes a supplement to its once-revised PIP.

We strongly believe Hecate's revised approach is unacceptable. It will not reach all Copake residents, only those with an address that is not more than 2 1/2 miles from the project area boundaries.

It will eliminate the very group interaction an in-person open house would ensure.

Our attorney wrote to Hecate (and the letter has been filed with the State) demanding that the mailing be sent to all Copake residents. He also demanded that Hecate refrain from filing its Preliminary Scoping Statement until 150 days after it filed its "supplemental" PIP with the State, June 4th, as Article 10 requires.

The bottom line is that Hecate should not be allowed to use the pandemic as an excuse to forego the public participation requirements of Article 10. Hecate should wait until gathering restrictions are eased and Copake residents are able to safely meet with Hecate at in-person open houses, as Hecate promised the State, and represented to the Town of Copake, would happen.

What is the rush?

Department Heads/Committee Reports

None

Public Forum

Roberta Roll enquired what the Equalization rate for Copake. Supervisor Mettler replies 99%.

Grant Langdon enquired as to why his petition was not brought up. Supervisor Mettler replies that it was mentioned during Correspondence and was reviewed by the Town Board members where no one has asked that it be placed on the Agenda or takes any further action.

Mr. Langdon then asks the Town Board if they approve of malicious prosecution when Supervisor Mettler replies that the Town Board will not make any statements in regard to malicious prosecution.

Lindsey LeBrecht states that Councilperson Wolfs' Solar Project report was great and totally agrees. She would like to know what is the rush and if things continue the way they are and we go into "Phase 3" we might be able to have larger gatherings and possibly could do something at Taconic Hills in the auditorium and have the seating arranged in such a way to safely distance one another and thinks that it is really important that the community get to speak as a group.

Ruth Ellen Miller would like to know if people have already received the Hecate postcard when Councilperson Wolf replies that yes some people have received the postcard but people in Copake Falls for instance have not because many live beyond the 2 1/2 miles from the eastern most boundary of the project area. Councilperson Wolf goes on to say that he thinks this is uneven and they were mailed out Monday, June 8, 2020 and some people received them and others have not, possibly because of the delivery system.

Mrs. Miller then asks if the mailing was random. Councilperson Wolf responds by saying that it is not supposed to be random even according to their plan. What was supposed to happen was that every address that is within 2 ½ miles of the boundaries of the area that was defined in the plan is supposed to receive a postcard with information directing you to this website.

Mrs. Miller then wants to know that if what is needed is a website directing to their website, why is a postcard needed and why can't anybody get to their website? Councilperson Wolf states that anybody can and explains that what they are doing is setting up a system to substitute for the promised in person meetings, that they were going to have open houses with Copake residents but because of the pandemic that cannot happen, so they created this program of sending things out to people and directing them to the website thinking that that is an adequate substitute for an in person meeting.

Mrs. Miller then asks if the town knows what pieces of property are going to be within the scope of the study area when Councilperson Wolf responds that they know the identity of one of the land owners but in his conversation with the project manager, they were finalizing lease agreements with two or three other, as then, unnamed land owners. Councilperson Wolf goes on to say that we do know from the materials that have been presented so far, there is a map that shows the boundaries that within which it will be.

Mrs. Miller states that she read some of this material and they are trying to keep the names of the people who will be having lease arrangements with the company unknown and wants to know if she is interpreting this correctly and why would that be?

Councilperson Wolf responds by saying that he does not really know exactly why that is the case. Certainly, at least until they have the lease agreements in hand, that maybe they don't want people knowing who they are negotiating with. Once negotiations are completed and it becomes apparent exactly where this will be sited, it will be evident to all of us exactly where it will be and whose land it will be on.

Mrs. Miller then says that that would suggest that these people signing agreements to be something that is welcome by the community.

Councilperson Wolf states that that is a fair assumption.

Supervisor Mettler states that if there are any other questions regarding Hecate, they should be addressed to Councilperson Wolf at his town email but additionally, down the road we will hopefully have some kind of Town meeting addressing this subject with the attorney the Town has obtained.

Lindsey LeBrecht says that the fact that there is no transparency in this whole process is of great concern and that within that 2 ½ mile radius there are properties in Hillsdale and Taghkanic so they are going to be impacted by this project and are they going to be allowed to participate at all?

Councilperson Wolf responds by saying that we are certainly not going to prevent them from expressing their opinion about and will certainly effect the whole area and states again that the statement made to him was that all residents within 2 ½ miles of the project area will receive notification.

New Business

a. Opening of Town Hall- Adoption of Plan

Supervisor Mettler has distributed a memorandum for the approval of the Board. In drafting this protocol she relied on advice from our Task Force as well as the protocol distributed by Matt Murell, Chairman of the County Board of Supervisors. This is a detailed plan, but here are the main points:

The Town Hall will be open to the public on Monday, June 15, 2020 by appointment only.

All visitors must wear a face covering and sign a form to confirm that they do not have symptoms of Covid19.

Visitors will sign in and provide contact information.

Employees will likewise self-report when they report to work to confirm that they are not running a fever.

All employees will be required to wear a face mask whenever anyone is in their office.

Only one person will be allowed to visit in any office.

A Motion was made by Councilperson Gansowski and seconded by Councilperson Wolf for approving the opening plan set forth in my Supervisor's Memorandum dated June 11, 2020 and further, giving Supervisor Mettler the option to modify these procedures as may be necessary based on updates from relevant government agencies and/or as circumstances in Town Hall make certain modifications advisable.

All in favor. Motion approved.

b. 2020 Copake Summer Park Program-

Supervisor Mettler states that about two months ago the Columbia County Department of Health, the Chair of the Board of Supervisors, Matt Murell and Rob Lagonia, the Chair of the Columbia County Committee on Health and Human Services, issued a strong written recommendation that Towns not open Summer Day Camps. Last week, the Governor issued a statement that Camps were allowed to open later on in June. In response to that, Chairman Murell reiterated a strong recommendation that day camps not open. He repeated that strong recommendation as late as yesterday in his press release.

At this time, the State and our Department of Health is still recommending that contact sports not be allowed. Gatherings of more than 10 people are not allowed under the NYS Guidelines. Playgrounds are still closed under the CoVid19 Guidelines.

The Town of Copake Task Force has recommended that in the face of the strong recommendation of the County and the County Department of Health that we not open the Summer Park Program. As difficult as this is, Supervisor Mettler supports this decision.

A Motion was made by Councilperson Wolf and seconded by Councilperson Gansowski that the Town Board cancels the 2020 Copake Summer Day Camp.

All in favor. Motion approved unanimously.

c. Copake Park-

Supervisor Mettler states that the Town Board closed the Copake Park in March. Since then, the Governor has opened tennis courts. The skateboard park is still in question as well. Group sports where there is contact are still prohibited under NYS guidelines. So we cannot open the basketball courts. Soccer is prohibited. Playgrounds are not supposed to be open. The Town of Copake Task Force has recommended that we not open the Park.

A Motion was made by Supervisor Mettler and seconded by Councilperson Sullivan that the Town Board continues to keep the Town Park closed until further notice.

All in favor. Motion approved unanimously.

d. 2020 Music in the Park-

Supervisor Mettler states that we are still in a situation where the New York State guidelines prohibit groups larger than 10. The Task Force has recommended that we cancel the Music Program (the Saturday night concerts). One of the considerations that have been raised by the Task Force is that the Program is funded by donations by local businesses and the Task Force questioned the practice of asking businesses which have been closed down for months to make a donation to the Town's activities.

Supervisor Mettler goes on to say that the Music in the Park Program, has been very successful over the years, in no small part due to the efforts of Chris Quinby who has raised money for this program and also the generosity of local businesses. However, the Task Force has a problem going to local businesses during this time as a many local businesses are suffering.

Supervisor Mettler would note that about a month ago we received a \$750 contribution from the Bank of Greene Count that was earmarked for the Summer Music Program. The Task Force has discussed, and some of the Town Board have wondered that even if the Music in the Park series were cancelled, if things change and ease up, and if conditions permit, maybe the town could do a concert at the end of summer, using that \$750.00 to hire one band which would be popular to a wide cross section of the town residents and have a nice celebration for Copake. Supervisor Metter would need to know if the Park Commission would be willing to work on such a project and also states that it is just too early to know if it is even a possibility and will look into further with the Town Board and Park Commission.

A Motion was made by Councilperson Gansowski and seconded by Councilperson Wolf to cancel the 2020 Summer Music Program.

All in favor. Motion carried unanimously.

Supervisor Mettler stated that they will put the possibility of an August event on as New Business on the July Agenda.

e. Adoption of Purple Heart Resolution and Report on Purple Heart Project-Terry Sullivan

Councilperson Sullivan received the most current letter from Glenn Peck today. There are three recipients for the Town of Copake so far. Councilperson Sullivan reached out to Congressman Delgado's office and there is not a national database as discussed last time but they may be able to access more records through their Public Affairs through the Department of Defense connections as suggested by former Congressman Chris Gibson. Councilperson Sullivan also states that she will contact Gary Flaherty at the Department of Veteran's Affairs to see if there are any other recipients in the area.

Supervisor Mettler adds that the sign has been ordered.

f. Establishment of Repair Reserve Fund and Transfer of funds to Capital Improvement Reserve Fund

Supervisor Mettler states that as we discussed at our last meeting, when we reviewed the 2019 AUD, the town has over \$2,000,000.00 in a money market which is not allocated. To address this situation Supervisor Mettler asked Ken Dow to draft a resolution to create a new reserve fund to be used for repairs.

Ken Dow then explains that the reserve fund can be used for repairs of capital improvements or equipment which are of a type not recurring annually or at shorter intervals. It cannot be used for routine repairs. It is there if something comes up infrequently and unexpectedly and also it refers to capital improvement which includes any physical public betterment or improvement.

Town of Copake

RESOLUTION

Number 10 of 2020

June 11, 2020

**To Establish a Repair Reserve Fund to be Known as
the “Town of Copake Repair Reserve Fund”**

WHEREAS, pursuant to Section 6-d of the New York State General Municipal Law, the Town of Copake is authorized to establish, fund and make use of a Reserve Fund for repairs of capital improvements or equipment, which repairs are of a type not recurring annually or at shorter intervals; and

WHEREAS, pursuant to section 6-c of the General Municipal Law, “capital improvement” includes, but is not limited to, “any physical public betterment or improvement” and “equipment” includes any equipment for which a period of probable usefulness has been provided by law, and

WHEREAS, the Town Board finds it to be prudent and a matter of responsible planning to set aside funds to be used in the event substantial qualifying and non-routine repairs should be necessary;
NOW, THEREFORE,

BE IT RESOLVED, that pursuant to Section 6-d of the General Municipal Law, there is hereby established a repair reserve fund to be known as the “Town of Copake Repair Reserve Fund” (hereinafter “Repair Reserve Fund”). The purpose of this Repair Reserve Fund is to accumulate moneys to finance the cost of repairs of a type not recurring annually or at shorter intervals, which includes such repairs made in relation to any physical public betterment or improvement, and any other repair for which funds may lawfully be expended pursuant to section 6-d of the General Municipal Law; and

BE IT FURTHER RESOLVED, that the Town Board is authorized to make use of funds in the Repair Reserve Fund to the full extent provided by law, including the use of such funds in the case of emergency, subject to the repayment requirements of emergency expenditures and other provisions of section 6-d of the General Municipal Law, and for the appropriation of such funds to a capital reserve fund or a contingency and tax stabilization reserve fund; and

BE IT FURTHER RESOLVED, that the chief fiscal officer is hereby directed to deposit and secure the moneys of this Repair Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Supervisor, as chief fiscal officer of the Town, may invest the moneys in the Repair Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Copake. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Repair Reserve Fund. The chief fiscal officer shall account for the Repair Reserve Fund in a manner which maintains the separate identity of the Repair Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Repair Reserve Fund; and

BE IT FURTHER RESOLVED, that except as otherwise provided by law, expenditures from this Repair Reserve Fund shall be made only for the purpose for which the Repair Reserve Fund is established. No expenditure shall be made from this Repair Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-d of the General Municipal Law or any other law.

June 11, 2020

A Motion was made by Councilperson Wolf and seconded by Councilperson Sullivan to create a Resolution to allocate additional funds to the Town of Copake Capital Improvement Reserve Fund.

Roll Call Vote.

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

All in favor. Resolution passed.

A Motion was made by Supervisor Mettler and seconded by Councilperson Wolf that there will be a transfer of \$300,000.00 from our unallocated funds to be placed in the new reserve fund.

All in favor. Motion approved.

Supervisor Mettler continues to the second Resolution:

Town of Copake

RESOLUTION

Number 11 of 2020

June 11, 2020

To Allocate Additional Funds to the Town of Copake Capital Improvement Reserve Fund

WHEREAS, the Town of Copake established a “Town of Copake Capital Improvement Reserve Fund” by resolution on June 9, 2016; and

WHEREAS, the Town Board of the Town of Copake now anticipates a greater need for expenditures for capital improvements within the Town that are within the scope of such Town of Copake Capital Improvement Reserve Fund than can be paid for with the current level of

funding of such capital reserve fund, including anticipated costs associated with improvements to County Route 7A and the sidewalks and streetscape of the Copake Hamlet, and further for other improvements to Copake Falls and other Hamlets as they may become necessary,

NOW, THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Copake hereby directs the transfer of funds in the amount of \$900,000dollars from the Town’s unallocated fund balance o the Town of Copake Capital Improvement Reserve Fund.

June 11, 2020

A Motion was made by Councilperson Gansowski and seconded by Councilperson Wolf to create a Resolution to allocate additional funds to the Town of Copake Capital Improvement Reserve Fund.

Roll Call Vote.

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

All in favor. Resolution passed.

g. American Flags- Hamlets of Copake and Copake Falls

Supervisor Mettler passed on an estimate from Carrot-Top Industries. The flags included in this estimate are a little smaller but better and will be more resilient.

A Motion was made by Councilperson Gansowski and seconded by Councilperson Sullivan to purchase 100 flags to be used in the hamlet of Copake and Copake Falls, as well as any other miscellaneous parts and equipment for the amount of \$1,492.58 and further, that the flags will be flown from Memorial Day until Labor Day and then put back up for Veterans Day.

All in favor. Motion approved.

h. Payroll Company- Supervisor Mettler reports that Benefit Mall is getting out of the business of doing Payroll. They have referred us to ADP who promises not to raise the rates for 18 months. The Town Board thinks that if anything we will be getting a more state of the art product.

Supervisor Mettler has asked Ken Dow to review the contract.

A Motion was made by Supervisor Mettler and seconded by Councilperson Sullivan that subject to the approval of our attorney Ken Dow, to authorize Supervisor Mettler to sign the Agreement with ADP to

provide that ADP will commence handling our payroll commencing with the Payroll which will be submitted on June 29, 2020.

All in favor. Motion carried unanimously.

Old Business

Light for Flag Pole in front of Town Hall-has been installed and looks beautiful and is all done.

Code Violations- Councilperson Gansowski reports that it will be discussed at Motor Vehicle Storage Permit

Copake Economic Development Advisory Committee-Supervisor Mettler reports that on Tuesday night they held the final interviews, they were held over two different meetings.

Motor Vehicle Storage Permit-Performance Auto, 78 Route 7A-Supervisor Mettler received a call from Mr. Lindig and suggested he write a letter to the Town Board.

Councilperson Gansowski reports that he would have like to have seen more action in cleaning up the storage permit issue.

Mr. Lindig is present via Zoom and has asked the Town Board for more time due to the hardships of the CoVid19 epidemic, bad weather, and family issues.

The Town Board has agreed to give Mr. Lindig until June 22, 2020 to rectify this situation.

Painting of Copake Memorial Clock-there is nothing new.

Town Hall Art Committee-they are waiting until they can meet at Town Hall.

Request for Action from Town Board regarding AG and Market's ruling regarding Copake Valley Farm-we have not heard anything to date except the correspondence from the previous meeting.

Resolutions

Resolutions #'s 10 and 11 as stated above

Appointments

Copake Economic Advisory Development Committee -Appointed- Julie Cohen, Deb Cohen, Kevin Davis, Tom Goldsworthy, Rich Lee, Roberta Roll, and Austin Urban.

A Motion was made by Councilperson Wolf and seconded by Councilperson Gansowski to appoint Thomas Goldsworthy as Chair to the CEADC.

Budget

Supervisor Mettler states there is nothing new.

Councilpersons' Reports

Councilperson Sullivan reports that the Planning Board is having a meeting on June 18, 2020.

Councilperson Gansowski reports that the ZBA had a Zoom meeting and he wanted to mention that Catamount wants to put in a snow tubing park and thinks it would be great.

Councilperson Gansowski reports that the Conservation Committee made a positive suggestion back to the Planning Board regarding the environmental aspects of the cell tower that was very positive.

Public Forum

Grant Langdon wants to know why his bill has not been paid and does not think that the Town Board has given him much respect or any respect whatsoever.

Supervisor Mettler responds by saying that she and the Town Board have treated him with the utmost respect and that she is sorry that he feels this way but that is not what the Town Board would like to convey.

Councilperson Wolf would like to go back to the first Public Forum and make a point about transparency regarding the Hecate project. One of the things that would foster transparency is that when we are holding the Zoom meetings, that we know the identities of people who are joining the meeting.

Roberta Roll would like to thank the Town Board for appointing her to the Copake Economic Advisory Development Committee and looks forward to the first meeting.

Roberta Roll would also ask the Town Board to revisit the Park closing specifically tennis.

Supervisor Mettler responds by saying that it will be revisited at next month's Town Board meeting.

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

Thursday, July 9, 2020

Executive Session

No

Supervisor Mettler asks for a moment of silence to remember those in Columbia County who have died of CoVid19 and separately we are honoring our previous Town Historian Gloria Lyons who has also passed away.

Adjournment

A motion was made by Councilperson Sullivan and seconded by Councilperson Wolf that the Town Board meeting be adjourned.

All in favor. Motion was approved.

Respectfully submitted,