

Town of Canaan, New York

Town Board Regular Meeting Minutes:

March 13, 2023

7:00 PM Regular Meeting (Hybrid: in Person & and on Zoom)

Present:

Supervisor Brenda Adams
Councilperson Ginny Nightingale
Councilperson David Patzwahl
Councilperson William Powers

Absent:

Alan Miller absent / excused

Also in Attendance:

Highway Department Superintendent Stephen Van Tassel
Town Clerk Josh Weisbuch

Audience:

0 in person, 3 via Zoom

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

The Supervisor asked those present to remember friend and neighbor Jeffrey Patzwahl who recently passed.

APPROVALS

MOTION: Approve December 27 Meeting Minutes

Councilperson Nightingale made a motion, seconded by Councilperson Patzwahl to approve the minutes from December 27, 2022 Town Board Meeting. 4 AYES: Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Ginny Nightingale – abstained;
Councilperson David Patzwahl – yes;
Councilperson William Powers – yes; and
Councilperson Alan Miller – absent / excused.

February minutes have not been submitted. Town Clerk Weisbuch said he would make an effort to have them in March. Councilperson Patzwahl requested they be done in time for the March 22nd special meeting.

MOTION: February Bills

Councilperson Nightingale asked about NYSEG bill. Discussion ensued.

Councilperson Patzwahl made a motion, seconded by Councilperson Powers, to approve the February bills. 3 AYES: Motion carried.

Supervisor Brenda Adams – yes;

Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes;
Councilperson William Powers – yes; and
Councilperson Alan Miller – absent / excused.

SUPERVISOR MONTHLY REPORT: Read by Town Clerk

| | |
|---|------------------------|
| TOWN CLERK REVENUES | \$ 227.03 |
| HIGHWAY FUND | \$ 607,921.21 |
| HIGHWAY FUND CAPITAL | \$ \$102,953.48 |
| LIGHTING DISTRICTS | \$ 3,640.61 |
| AMBULANCE AND FIRE DISTRICTS | \$ 300.00 |
| BUILDING INSPECTOR | \$ |
| PLANNING BOARD | \$ 300.00 |
| RECREATION | \$ 3,498.37 |
| COURT REVENUES | \$ 2,625.00 * |
| *2 Both Judges RECEIVED \$2,625.00 Deposited: 3/10 \$2,206.00 -Not Deposited as of 3/13/2023 | |
| ZONING BOARD OF APPEALS | \$ |
| TAX COLLECTOR | \$ |

Monthly financials:

Supervisor Adams noted a possible typo in 120k in sales tax revenues, she will speak with accountant and correct as needed. Supervisor Adams stated that negative 2022 balances would be corrected after the payment of final, encumbered bills. Overages are not due to additional spending but rather to increased cost of fuel and supplies in 2022. There were no other questions on Financials.

RESOLUTIONS & MOTIONS

Revise Resolution #112 of 2022 to update OFA contribution to \$3,000 based on available funds in account.

Councilperson Patzwahl made a motion, seconded by Councilperson Nightingale, to approve the revision. 4 AYES: Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes;
Councilperson William Powers – yes; and
Councilperson Alan Miller – absent / excused.

RESOLUTION #58 Annual Town Board Audit of cash accounts

Be it resolved, the financial records of the Tax Collector, Supervisor, and Town Justices were found to be in order. The records of the Town Clerk were found to be incomplete, a list of items required to complete the audit was identified by the Town Board with further review pending receipt of these items from the Town Clerk.

Councilperson Nightingale made a motion, seconded by Councilperson Patzwahl, to approve. 4 AYES:
Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes;
Councilperson William Powers – yes; and
Councilperson Alan Miller – absent / excused.

RESOLUTION #59 to accept a grant from Partners for Climate Action Hudson Valley

Supervisor Adams thanked the Climate Smart Task Force (CSTF) for their imagination and commitment to move the Stoddard Park renovation to the next level. Partners for Climate Action Hudson Valley has awarded the Canaan CSTF a grant of \$6000 in support of the Park Ecological Restoration Project to expand the restoration of Stoddard Park begun in 2022. The project would include the renovation and replanting of two additional, large neglected beds, native tree plantings, and the removal of European Water Chestnut from Stoddard Pond with the work to be managed by the CSTF and fully funded by the grant with no match required by the town,

Be it resolved, the Town of Canaan is authorized to accept the \$6000 in funding and to modify the budget as stated below:

GF Revenues: A2705C Donations (Park) \$6000
GF Appropriations: A7110.4 Parks \$6000

Councilperson Powers made a motion, seconded by Councilperson Nightingale to approve. 4 AYES:
Motion carried.

And Supervisor Brenda Adams – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes;
Councilperson William Powers – yes; and
Councilperson Alan Miller – absent / excused.

RESOLUTION #60 to appoint Christine Wemple as Planning Board Clerk

The Planning Board Clerk position, currently vacant, provides administrative support and takes minutes for the Planning Board meetings. Be it resolved, that Christine Wemple be appointed, effective immediately, to the Planning Board Clerk Position at \$17.49 per hour, payable quarterly, to fill out a term ending December 31, 2023.

Councilperson Patzwahl made a motion, seconded by Councilperson Nightingale to approve. 4 AYES:
Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes;
Councilperson William Powers – yes; and
Councilperson Alan Miller – absent / excused.

RESOLUTION #61 for the Town Clerk management of Oaths for Public Officials

Supervisor Adams would like to formalize the process for oaths and to clarify the duties of the Town Clerk with regards to oaths of town officials. The Town Clerk has many duties regarding public officers including the administration and filing of oaths of office. All town public officers are required to file an “oath of office” within 30 days of appointment or the commencement of a term of office of an elected official. The Town Clerk is required to provide written notice to the Town Board or other appointing authority when a public officer fails to timely file their oath of office.

Be it resolved, the Town Board requests the Town Clerk notify by email, within ten days of appointment or commencement of term, any newly appointed or elected, re-appointed or re-elected, town officer of said requirement to take an “oath of office” within 30 days, and to regularly follow up by email with any public officer who fails to file an oath until such oath is taken.

Councilperson Nightingale made a motion, seconded by Councilperson Powers to approve. 4 AYES:
Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes;
Councilperson William Powers – yes; and
Councilperson Alan Miller – absent / excused.

Motion to schedule a special meeting to award highway bids on March 22, 2023

A motion was made to hold a special meeting of the Town Board for the purpose of awarding highway bids to be held at 6:30PM on March 22nd.

Councilperson Nightingale made a motion, seconded by Councilperson Patzwahl to approve. 4 AYES:
Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes;
Councilperson William Powers – yes; and
Councilperson Alan Miller – absent / excused.

REPORT FROM COUNTY BOARD OF SUPERVISORS/ Supervisor Adams:

Covid Update/respiratory infections

Number of reported infections are going down, but numbers are not that accurate given that reporting to the health department is no longer required and has largely stopped. Three town employees were recently out with covid.

Resolutions: the Board of Supervisors recently passed a series of resolutions related to the coming NYS budget regarding Medicaid, Part M of Article VII of Revenue Bills (surplus funds from tax sales), the Hinchey Bill S885 for registration, sales tax and occupancy taxes for STRS, support for additional funding for community colleges & opposition to Shepherd’s Run Solar project in Copake.

OLD BUSINESS

Hybrid Meetings

All members of the Board agreed that hybrid meetings should be continued indefinitely considering ongoing, seasonal, public health concerns and because it provides greater access to meetings.

Masks

Supervisor recommended keeping the policy at masks being recommended but not required. All agreed.

BOARD DISCUSSION

The 2022 AUD was filed on time.

Spring newsletter was distributed March 7.

Status of Town Clerk audit / David Patzwahl

Councilperson Patzwahl and Supervisor Adams met with the Town Clerk to review the Town Clerk’s 2022 audit. They reviewed and documented compliance requirements and items required to cure his audit. These items will need to be corrected as soon as possible, and a second audit conducted with results reported to the Town Board. The Town Clerk has agreed to a May timeline to complete the work.

Firefighter , senior and low-income / disabled tax exemptions review

Governor Hochul has proposed to raise senior, fire fighter and low-income / disabled tax exemption ceilings. Supervisor Adams plans to bring this discussion to the board after the budget has passed as income qualifications have yet to be decided. All of the above groups are currently eligible for Canaan and county exemptions with a lower income ceiling.

AOT conference report

Lots of information; training reinforced what we're doing well and where there is more work to be done.

Broadband grant update

Supervisor Adams reports we are waiting to hear from USDA as to next steps in the process.

Planning / ZBA report / Ginny Nightingale

ZBA did not meet this month. The Planning Board is working with owners around lighting upgrades at the ONVO & Sunoco stations. The owners said they are trying to make the lots safe – working on the direction and brightness of lighting, to be safe but reduce glare. Supervisor Adams summarized and spoke further about the lighting issue, how complaints are referred to the CEO and, as appropriate, sent to the Planning Board. Both of these businesses have made changes to their Site Plans which will require further review. Another business has filed for a Site Plan to build a 80 x 120 foot barn.

Climate Smart Task Force / Will Powers

There will be a Community workday April 23, 1 - 3 PM in celebration of Earth Day and to clean up the park in preparation for the Community Gardening Days later in the year. Supervisor Adams noted that formal notice of the town's Bronze Certification is expected shortly. The Town will hold a small ceremony and install a sign at the Earth Day event, Sunday, April 23.

Public Safety / David Patzwahl

The March meeting follows our meeting, will report next month.

Transfer Station / David Patzwahl

There is a new employee at the Transfer Station, the town is not receiving its monthly itemized report; the following numbers are taken from recent invoices. This month MSW numbers are up a ton, following the February increase of 5 tons. The town will need to keep a watchful eye on the overall numbers in light of the increased allowable number of stickers per household and budgeted figures for 2023. Discussion ensued.

Status of Article 78 / case dismissed /notice of placeholder for appeal

Supervisor Adams reported that while the Article 78 proceeding was dismissed, the plaintiffs have filed a placeholder for an appeal and have several months to review the decision and determine if they choose to appeal.

CLC mini grant / update / The original idea for materials to institute a municipal recycling program was likely not to be funded; the Supervisor made a decision to revise the proposal to a request for outreach and support materials for Stoddard Park improvements taking place this year. CLC supported the first park renovation project last year.

Revenue adjustments: 2022 AUD will be adjusted as part of the 2023 AUD to account for the OFA donation adjustment recorded above.

Website survey to staff and committees: coming in March

Supervisor Adams is sending a survey about the website to staff – there is a plan and budgeted amount for the new platform. The goal of the survey is to learn what’s working, what’s not working etc.

Tobacco Policy /location/sign update

A letter was received from Tobacco Free Actions requesting the town update its tobacco free policy for the park and all municipal buildings to include the prohibition of vaping and cannabis use. Discussion ensued. The board agreed to revisit its current policy and start from there. The Supervisor will locate and distribute the current policy for a next conversation.

Summer Youth Program

Supervisor Adams shared information on various county summer job opportunities for young people who are currently enrolled or will be enrolled in a community college, college or university program. There are 12 internships available; April 15th is the deadline for applications. The Supervisor asks that if anyone knows of someone who may be interested to please let her know; the town can make one recommendation.

Conversation on Red Rock Monument

A conversation has begun about the possibility of a private land donation to the town or the Red Rock Historical Society for the land on which the recently restored Red Rock monument is located. This donation will further an application for landmark status for the monument. It’s early days, an offer has not been made as yet as stakeholder conversations continue. Discussion ensued. A proposal is expected before the board in coming months.

ASSESSORS REPORT (See attached)

HIGHWAY SUPERINTENDENT REPORT by Stephen Van Tassel

Activities:

The frost this year has decided to make its appearance short and sweet which has started to become a recurring theme the past few years. Due to the mild temperatures the roads have not been able to freeze as deep as we would hope and are dealing with a reoccurring freeze/thaw cycle causing soft muddy roads. The grader has been out filling in spots on various roads around town that require more attention than others based on their condition.

The trees marked with a red-letter H on them back in 2019-2020 which are majority ash trees are starting to become more of a hazard around town than others because their life expectancy was shortened greatly by the emerald ash borer. I have made a list of the H trees around town and if they are within our right-of-way while we are addressing other trees, we will address removing them as well. I have talked to the NYSEGs Forestry crew who were responsible for marking the trees with the red-letter H and they have informed me there was a program to remove the trees but the program ran out of money soon after the trees were marked. The trees are still on their radar to be removed but from what I have learned they are waiting on funding to continue the program.

I have attended Advocacy Day last Wednesday at the State Capital Building in Albany, this was my first time going since they have canceled the last 3 years because of COVID. We represented DOT Region 8 and made it our goal to speak with senator Robert G. Rolison, representative Didi Barrett, representative Anil Beephan and representative Sarahana Shrestha about increasing the CHIPS program, EWR, Local Pave- NY and Local POP. We are very appreciative Kathy Hochuls executive budget proposal continues its second year of the \$32.8B five-year investment plan for NYSDOT and local road system but with record inflation rates we are seeing almost a 25% reduction in real dollars from local highway maintenance programs.

We have reviewed the cut-off dates for the CHIPS Reimbursement requests for 2023 and expecting to hear what our balances are in April.

I have reached out to a few paving companies for quotes for this upcoming paving season. We are also looking at some dirt roads that would qualify for EWR (Emergency Winter Recovery).

We received quotes back Goolds Wells & Pump and Claverack Well & Pump, my recommendation is to have Goolds service the existing well because they came in with reasonably price while including a 5-year warranty while Claverack did not.

Discussion about approving pump repair and getting bids will take place at the special meeting on March 22, 2023. Need specifics on cost and warranty.

Partners of safety – FMCSA Fed motor carrier safety association - new drug policy. Yearly background check - \$6 per year to do the query – Towns have been slow to adopt another background check to ensure licenses are up to date. County does random drug test. Suggesting every January they do this to make sure licenses are up-to-date.

PUBLIC DISCUSSION

Update on speed limit on 295 / David Patzwahl

The only Public Safety action taken this year was around the intersection of Bells Pond in Columbia County based on the high number of accidents; there were 26 in the past year. Recognition of outgoing chair. No other business. David will follow up on the 295 speed reduction request.

There followed some discussion about a potential new ordinance or zoning change in response to audience concerns about the uses of jake brakes on Route 295.

Next meetings:

March 22, 2023 Special Meeting 6:30 PM, to approve highway bids

April 10, 2023 Regular Town Board Meeting at 7 PM

MOTION to Adjourn at 8:01 pm

Councilperson David Patzwahl made a motion to adjourn seconded by Councilperson Will Powers to adjourn the meeting. 4 AYES- Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes;
Councilperson William Powers – yes; and
Councilperson Alan Miller– absent / excused.

Respectfully submitted,

Rebecca Nebesar
Deputy Clerk II