

Town of Canaan, New York

Town Board Regular Meeting Minutes:

June 12, 2023: 7:00 pm to 8:40 pm

Hybrid Meeting: In Person at Town Hall and via ZOOM
(Note: technical problems with ZOOM video)

Present

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

Absent/Excused

Councilperson: Alan Miller

Also in Attendance:

Town Clerk Joshua Weisbuch
Town Highway Department Superintendent Stephen Van Tassel

Audience: 5

Moment of Silence and Pledge of Allegiance

APPROVALS

MOTION: Approve February 13, April 10, May 8, and May 31 Meeting Minutes

Councilperson David Patzwahl made a motion, seconded by Councilperson Will Powers to approve the minutes from the February 13, April 10, May 8 and May 31 Town Board Meetings. 4 AYES: Motion carried.

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

Board Meeting Minutes from March 13 are still in preparation.

MOTION: May Bills

A transfer station invoice was submitted with only partial supporting documentation. Approval to pay that bill is provisional upon receipt of the remaining documentation. Supervisor Adams has reached out to the vendor for the information. Councilperson Ginny Nightingale made a motion, seconded by Councilperson David Patzwahl to approve the May 2023 bills, including the transfer station bill with the caveat above. 4 AYES - Motion carried.

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

MOTION: Financials

Councilperson Ginny Nightingale made a motion, seconded by Councilperson Will Powers to accept the financials as presented. 4 AYES - Motion carried.

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

SUPERVISOR’S MONTHLY REPORT: read by Town Clerk Joshua Weisbuch

TOWN CLERK REVENUES	\$ 424.73
HIGHWAY FUND	\$ 597,139.97
HIGHWAY FUND CAPITAL	\$ 32,332.54
LIGHTING DISTRICTS	\$ 1,785.31
AMBULANCE AND FIRE DISTRICTS	\$ 300.00
BUILDING INSPECTOR	\$
PLANNING BOARD	\$ 300.00
RECREATION	\$ 3,498.46
COURT REVENUES	\$ 0.00 *
ZONING BOARD OF APPEALS	\$
TAX COLLECTOR	\$

RESOLUTIONS & MOTIONS

RESOLUTION #72 of 2023: Continuation of accounting services

Supervisor Adams explained the circumstances of the need for mid-year change. Councilperson David Patzwahl made a motion, seconded by Councilperson Ginny Nightingale for the transfer and continuation of accounting services from Nelson E. Furlano, who is retiring, to Smith, Watson & Company in Pittsfield, MA for the balance of 2023. 4 AYES - Motion carried.

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

RESOLUTION #73 of 2023: Revised 284 agreement with Highway Department

Highway Superintendent Stephen Van Tassel explained his proposal for 2023 road work and the costs. Discussion ensued. Councilperson David Patzwahl made a motion, seconded by Supervisor Brenda Adams to approve the revised 284 Agreement in the amount of \$176,100 for General Repairs and not to exceed \$287,218 for Permanent Repairs (CHIPS Funded), as proposed by the Highway Superintendent. 4 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Alan Miller – absent/excused

Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

RESOLUTION #74 of 2023: American Red Cross agreement for Swim Program

Councilperson Ginny Nightingale made a motion, seconded by Councilperson Will Powers to approve the American Red Cross training services and materials for the “Learn to Swim” Program at a cost of \$240 for the Town of Canaan Swim Program. 4 AYES - Motion carried.

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

RESOLUTION #75 of 2023: Vision plan renewal for 2023-2024

Councilperson Ginny Nightingale made a motion, seconded by Councilperson David Patzwahl to approve the renewal of the Empire Vision Plan for the 2023-2024 plan year. 4 AYES - Motion carried.

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

MOTION for Public Hearing re: proposed Local Law #1 of 2023; Separation of Town Clerk & Tax Collector Duties

Councilperson Ginny Nightingale made a motion, seconded by Councilperson David Patzwahl to schedule a Public Hearing for Local Law # 1 of 2023. This Local Law is subject to a mandatory referendum according to the provision of Section 10(1)(i) and 10(1)(ii)(a)(1) of the Municipal Home Rule Law, and shall be submitted to the qualified electors of the Town of Canaan for their approval or disapproval at the general election to be held on November 7, 2023. 4 AYES - Motion carried.

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

MOTION for Public Hearing re: proposed Local Law #2 of 2023; reduction of Town Clerk salary commensurate with reduction of duties

Discussion about what other towns pay for similar services, and how the work load is divided in the Town of Canaan between the Town Clerk, the Deputy Clerk/Tax Collector and the new Deputy Clerk 2 position. Councilperson Ginny Nightingale made a motion, seconded by Councilperson David Patzwahl to schedule a public hearing for Local Law #2 of 2023 to reduce the annual salary of the Town Clerk by \$6,200, for the year commencing January 1, 2024 and for the remainder of the Town Clerk’s term, which will be budget neutral with funds allocated as follows: \$5,000 for the Tax Collector and the \$1,200 for the Deputy Clerk 2. This Local Law is subject to a mandatory referendum according to the provision of Town Law Section 27(1) and Section 23(2)(e) of the Municipal Home Rule Law, and shall be submitted to the qualified electors of the Town of Canaan for their approval or disapproval at the general election to be held on November 7, 2023. 4 AYES - Motion carried.

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

MOTION for Public Hearing re: proposed Local Law #3 of 2023; Volunteer Firefighters Property Tax Exemption

Discussion included the changes in NYS law regarding this exemption, the town’s current exemption, benefits of the tax exemption for recruitment and retention of local volunteer firefighters and emergency medical personnel, costs of going to a paid firefighter system, cost to taxpayers and the county’s recent decision to support this exemption. Councilperson David Patzwahl made a motion, seconded by Councilperson Will Powers to schedule a Public Hearing for Local Law# 3 of 2023 to increase the real property tax exemptions provided for volunteer firefighters and emergency medical personnel in accordance with Section 466-A of the Real Property Tax Law. 4 AYES - Motion carried.

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

Motion for Public Hearing re: proposed Local Law #4 of 2023; Low Income Seniors Property Tax Exemption

The purpose of this local law is to recognize and update the real property tax exemptions for senior citizens as authorized under New York Real Property Tax Law 467. Councilperson Ginny Nightingale made a motion, seconded by Councilperson David Patzwahl to schedule a Public Hearing for Local Law #4 of 2023 that will be known as “A Local Law Establishing Income Levels for Senior Citizen Real Property Tax Exemption.” 4 AYES - Motion carried.

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

Motion for Public Hearing re: proposed Local Law #5 of 2023; Disabled and Low Income Property Tax Exemption

The purpose of this local law is to recognize and update the real property tax exemptions for persons with disabilities and limited incomes as authorized under New York Real Property Tax Law 459-c. Supervisor Adams made a motion, seconded by Councilperson Ginny Nightingale to schedule a Public hearing for Local Law #5 of 2023 that will be known as “A Local Law Establishing income Levels for Disabled and Low Income Citizens Real Property Tax Exemption.” 4 AYES - Motion carried.

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

RESOLUTION #81 of 2023: Tree removal by the Highway Department

Councilperson Ginny Nightingale made a motion, seconded by Councilperson Will Powers to authorize the Canaan Highway Department to remove the dead maple tree in front of the Town Hall. 4 AYES - Motion carried.

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

RESOLUTION #82 of 2023: to approve a Memorandum of Understanding (MOU) with the towns of Ghent, Austerlitz, and New Lebanon re: the management of federal grant funds to build out broadband service for "last mile" roads in Ghent, Austerlitz, Canaan and New Lebanon

Councilperson David Patzwahl made a motion, seconded by Councilperson Will Powers to approve the MOU. 4 AYES - Motion carried.

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

**Report from County Board of Supervisors /Brenda Adams
Migrant work group / buses from NYC / other locations**

Recently Hudson Valley counties have been reacting to address the needs of migrants being relocated from NYC to the Hudson Valley. Migrants are being relocated without notice to local municipalities. Columbia County does not have surplus housing services; housing needs for local vulnerable populations already cannot be met within the county. The Chairman of the CC Board of Supervisors has assembled a work group to prepare for such a possibility, which includes various county departments, supervisors, the Mayor of Hudson and representatives from the Sanctuary Movement.

Bus route / NE Columbia County

Supervisors Adams, Hotaling, and Collins have been in discussion with the county for some time about providing bus service to Hudson for access to county services, and in some cases, access to work or job training. There seems to be some interest now to begin a pilot program to provide bus service from New Lebanon, Canaan, Chatham, Ghent to Hudson. There are federal funds available and the timing is good to address this possibility. A survey is being considered to better understand the volume and needs of those who would use the bus.

OLD BUSINESS

Status of Town Clerk audit / material incomplete / review

The Town Clerk and the Supervisor met to discuss the status of the open audit items. The Town Clerk now expects to complete the work in July. Once the work is complete, Councilperson Patzwahl and Supervisor Adams will review the materials and report the findings to the board in August.

Review ongoing virtual or hybrid meeting considerations and mask policy

Consensus: continuing hybrid meetings until further notice, and mask policy continues as optional.

Property Tax Collection YTD

\$2,908,655 collected so far; \$175,198.50 remains uncollected for 58 parcels, which is about 5% of the total. As of June, Columbia County will and take over the remainder of the tax collection and reimburse the town for uncollected amounts.

BOARD DISCUSSION

Highway Superintendent change of term from 2 to 4 years clarification

If approved in the November 2023 election, the four year term will take effect January 1, 2024 .

NYS Grub Chuk Road land donation

The Supervisor and the Highway Superintendent met with the county engineer to review the proposed land donation. The next step seems to be to identify the developers for whom the access would provide an opportunity to further develop their property and to understand their plan, if any, and whether those plans would include an upgrade of the road as part of the development. Discussion ensued about who would maintain the road and to what standards, especially in light of the possible heavy truck traffic on the road. The Supervisor will report back to the board next month.

Broadband grant update

Already covered earlier in the meeting. With a signed MOU, and updated coverage maps, it looks as if things are moving forward.

Street light update

All street light lamps were replaced this month with energy-saving LED bulbs with the result that the town will use less energy and pay less to operate the street lights.

Private land donation / Red Rock monument

A private donor has offered to donate the land for the Red Rock monument to the town. There was discussion about details, particularly maintenance of the monument. The Supervisor would like the language of the agreement to be clear about the monument's future maintenance.

Councilperson Ginny Nightingale made a motion, seconded by Councilperson David Patzwahl to approve the donation of the land subject to clarification of the wording about ownership in the agreement with regards to maintenance of the structure. 4 AYES - Motion carried.

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

Private Road Donation

A local resident has requested information as to the steps to follow to request the town take over private road (Fern Hill). Councilperson David Patzwahl shared some historical background about private developments/developers requesting that the town take over their roads. Discussion ensued, especially about the financial burden of road maintenance. Town road specifications have a higher standard than private roads and can be more expensive to build / maintain. After discussion it was agreed there should be, at a minimum, a consistent process to review these requests. The Supervisor will work with the Highway Superintendent and the attorney, to develop a list of criteria for these requests and report back to the board.

Grievance Day report (previously distributed)

Grievance Day was held and went well, see attached report.

Planning / ZBA report / Ginny

One site plan application was approved; the Sunoco Station still in discussions about lighting upgrades. The ZBA accepted a variance application for a garage at a residence on Route 295. There will be a public hearing on the variance on June 22nd.

Climate Smart Task Force / Will

The Community Gardening day went well with a good turnout. Grant money covered the costs of the plants and other materials. The Canaan Library heat pump was installed and the Canaan Fire Company heat pump installation will take place soon bolstering the number of heat pumps installed in town. Town street light lamp replacement has been completed, all fixtures have been upgraded with LED lamps.

Public Safety / David

The committee met on May 25th. On June 22nd remediation work on Route 295 will begin. The next meeting is July 27th. Discussion ensued about speeding on roads and preparation for grant applications for surplus or remaining FEMA funds. The town is looking at replacement and new generators for the garage and Town Hall respectively.

Recreation /Brenda

Swim lessons have been scheduled and publicized. Five lifeguards have been hired. There will also be a story hour in the park once a week for six weeks, and a classical music concert in the gazebo at the park in August.

Transfer Station / David

Waiting for reports.

ASSESSOR'S REPORT (See Attached)

Kimberly Smith has been very pleased with the new clerk and is providing the new clerk with more training and increasing her responsibilities.

HIGHWAY DEPARTMENT REPORT by Stephen Van Tassel: (See Attached)

Seasonal road and culvert projects underway, paving preparation underway. Additional 2023 CHIPS funding has required an update of the 284 agreement, see above. Lack of rain has warranted the use of calcium chloride to keep the dust down. The crew has taken the new "dig safe" classes which will require annual certification. Sand for the APBA beach has been spread; the Town will be billed in July.

PUBLIC DISCUSSION

There was a question / suggestion about the feasibility of repairing the existing generator and the benefits of same as to operating costs and overall performance.

MOTION to Adjourn at 8:40 pm

Councilperson Ginny Nightingale made a motion, seconded by Councilperson Will Powers to adjourn the meeting. 4 AYES- Motion carried.

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

Next meeting: July 10, 2023 with public hearings on proposed Local Laws held in advance of meeting at 6:45.

Respectfully submitted,

Rebecca Nebesar
Deputy Clerk II