

Town Board Regular Meeting Minutes

March 11, 2024 7:00 – 8:43pm

Hybrid / in person & via Zoom

Present:

Supervisor Brenda Adams
Councilperson David Patzwahl
Councilperson William Powers

Excused:

Councilperson Brian Lifsec
Councilperson Ginny Nightingale

Also in Attendance:

Town Clerk Joshua Weisbuch
Highway Superintendent Stephen Van Tassel
Assessor Kim Smith

Audience: 3 online

Moment of Silence

Supervisor Brenda Adams requested that Jim Hanson be remembered.

Pledge of Allegiance

APPROVALS

Minutes February 12, 2024

Councilperson William Powers made a motion to approve, seconded by Supervisor Brenda Adams. 2 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – abstain; and
Councilperson William Powers – yes.

Bills

Councilperson David Patzwahl made a motion to approve, seconded by Councilperson William Powers. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

YTD Financials

After some comments by Councilperson David Patzwahl about tracking and Supervisor Brenda Adams finding a solution, Councilperson David Patzwahl made a motion to approve, seconded by Councilperson William Powers. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

RESOLUTIONS & MOTIONS

Resolution 64 of 2024 Local Law 1 of 2024 Tax Grievance date

The proposed Local Law 1 of 2024 of the Town of Canaan will modify the tax grievance hearing date of the Board of Assessment Review (BAR) of the Town of Canaan to the first Tuesday after the fourth Tuesday in May. Councilperson David Patzwahl made a motion to table Local Law 1 of 2024 for the purpose of holding the required public hearing on the proposed change at the next town board meeting on April 8, seconded by Councilperson William Powers. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Resolution 65 of 2024 HW Roof Replacement

After many years of weather and repair, the town plans to replace the leaking roof on the Highway Garage. The roof is original to the building (almost 50 years old) and, as the town has been advised, beyond further repair. The roof insulation has deteriorated from age and water damage. The Highway Superintendent has reviewed proposals from multiple bidders. The Paragon Roofing proposal for the work is the lowest bid and includes removal and take away of the current roof and insulation. The town budgeted \$90,000 for the replacement; the remaining funds will need to come from the 1990.4 contingency account. Councilperson William Powers made a motion to authorize the Supervisor to move forward with Paragon Roofing for the roof replacement, at a price not to exceed \$95,000, seconded by Councilperson David Patzwahl. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Resolution 66 of 2024 HW Truck Repair

The Town Highway Department has a vehicle, Truck #8, in need of an outside repair to get it back in service. The truck has been determined to have sufficient value and useful life to merit repair. The Town Highway Department has reviewed three proposals from multiple vendors. Coon Enterprises, LLC was the lowest bid with a proposal of \$10,825.34 accompanied by a one-year service/parts warranty. Supervisor Brenda Adams requested authorization for the Highway Superintendent to move forward with the repair with Coons Enterprises, LLC at a price not to exceed \$10,900. Councilperson David Patzwahl made a motion to approve, seconded by Councilperson William Powers. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

It was additionally commented that the work is expected to be completed in March.

Resolution 67 of 2024 to accept HW Bids

Canaan Highway Superintendent Stephen Van Tassel has advertised, received, and reviewed bids for 2024 purchases of Heavy Equipment, Materials, Hauling, and Services. Highway Supervisor Van Tassel explained the reasoning for the choice of vendors for the various categories and listed the choices of vendors for the benefit of the audience. McCagg is the only new vendor. Some discussion ensued. Councilperson David Patzwahl asked that the bids be accepted and moved to accept them, seconded by Councilperson William Powers. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Resolution 68 of 2024 to appoint Christine (Spee) Braun to ZBA

The Town of Canaan Zoning Board of Appeals has a vacancy created by the resignation of Brian Lossow. Zoning Board of Appeals Chairperson David Cooper has requested that current alternate member, Christine (Spee) Braun, be appointed to fill out the term. Supervisor Brenda Adams requested that Christine (Spee) Braun be appointed, effective immediately, to the Zoning Board of Appeals, to fill out a term ending December 31, 2025. Councilperson William Powers made a motion to approve the appointment, seconded by Supervisor Brenda Adams. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Resolution 69 of 2024 to appoint Kevin Mulholland as ZBA alternate

The Town of Canaan Zoning Board of Appeals has a vacancy for its alternate member created by the appointment of Christine Braun as a regular member. Zoning Board of Appeals Chairperson David Cooper has requested that Kevin Mulholland be appointed, effective immediately, as the Zoning Board of Appeals alternate member, to fill out a term ending December 31, 2025. Supervisor Brenda Adams called for a motion to approve. Councilperson David Patzwahl made a motion to approve the appointment, seconded by Councilperson William Powers. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Resolution 70 of 2024 to purchase electric “supply” power from MEGA / Constellation for town

The volatility of electric “supply” rates has ranged from 9 cents to almost 27 cents per kwh in recent months. The town can respond to this volatility by working with a fixed rate provider via a multi-year contract. The town is currently enrolled in a variable rate plan, month-to-month, with no cancellation charges. The town has solicited prices from multiple providers. MEGA / Constellation offers the best plan with a fixed rate of \$86.41 per mwh (0.08641 kwh) for 30 months when the current public bid ends. Supervisor Brenda Adams would like to move forward

with a contract with MEGA / Constellation for the above rate for a period of 30 months ending October 31, 2026. Supervisor Brenda Adams explained the process for finding the vendor and getting the price. We are in the most expensive market (northeast) in the US. Supervisor Adams called for approval. Councilperson William Powers made a motion to approve, seconded by Councilperson David Patzwahl. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Motion: to submit a letter of intent re Pro-Housing Community

Supervisor Brenda Adams explained the first step to becoming a Pro-Housing Community is to write a non-binding letter of intent. She also enumerated what other local towns are doing, especially New Lebanon, to increase housing stock in their communities. Councilperson William Powers made a motion to submit the non-binding letter of intent, seconded by Councilperson David Patzwahl. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Assessor Kim Smith

Supervisor Brenda Adams welcomed Assessor Kim Smith. Kim Smith reported the 2024 reassessment is substantially complete and notification letters with updated values have been mailed to residents. The process for grievances has been communicated to town residents in the notification letter, in a separate town-wide email, and is posted on the town website. There were questions about tax rate changes and property tax increases which are not the purview of the assessor.

Discussion ensued about the markets in the various Columbia County towns. Assessor Smith passed out a sheet with information showing examples of changes in Canaan. She explained that Canaan property owners should pay attention to the Full Market Value (FMV) amount. If a resident disagrees with the FMV, they should contact her office for an appointment to discuss the value or grieve in May. She reminded the board that she had made interim adjustments to the 2023 roll for a gradual transition to FMV this year, with the hope that sales in a hot Canaan market would cool. Sales have not cooled.

Supervisor Brenda Adams explained that a consultant was hired to help with the reassessment but he was unable to perform his duties. As a result, Kim has been required to do the consultant's work as well as her own at the busiest time of year. The board expressed their appreciation for her professionalism and effort.

Assessor Smith also made the board aware that unscrupulous tax abatement companies are sending mailers to Canaan residents that have caused some panic among residents. An email will be sent to town residents alerting them to this practice. If someone has received such a letter they should reach out to Assessor Smith to review the information. Supervisor Adams thanked Kim and asked for questions from the audience. There were no questions.

OLD BUSINESS

Status of Town Clerk 2022 audit:

The Town Clerk has signed and returned the independent audit report for 2022 including the recommendations for re-assigning staff work. This report will now go to the accountant for adjustments to the FYE 2022 financials and AUD.

Generator & propane tank installation

Generators and propane tanks are on site; the propane tanks will be installed tomorrow.

NLCSD letter for tax exemptions / county resource issue move to late March

This has been moved to late March given the staff shortage at the Office of Real Property.

NYS Grub Chuk Rd land acquisition application

The NYS Thruway Authority has confirmed receipt of the application; the initial review is underway. The process will take several months.

Broadband grant update

The town has been notified the environmental review is underway; this is one of last steps before contract.

Board of Assessment Review meeting date change

The Town of Chatham passed its local law to change its hearing date paving the way for Canaan to move forward with Local Law 1 of 2024 to change its date. Town of Canaan LL1 will be scheduled for a public hearing immediately before the April 8th board meeting.

Review ongoing virtual or hybrid meeting considerations and mask policy

The town board will continue with a voluntary mask policy and hybrid meetings. Masks are available at the Town Hall.

SUPERVISOR'S REPORT / TOWN CLERK: read by Town Clerk Joshua Weisbuch

TOWN CLERK REVENUES	\$296.78
HIGHWAY FUND	\$568,413.33
HIGHWAY FUND CAPITAL	\$32,334.70
LIGHTING DISTRICTS	\$6,563.55
AMBULANCE AND FIRE DISTRICTS	\$300.00
BUILDING INSPECTOR	
PLANNING BOARD	\$300.00
RECREATION	3,498.70
COURT REVENUES	5561.00 *
ZONING BOARD OF APPEALS	
TAX COLLECTOR	

* Fines & Forfeitures - Deposited February, 15th 2024

BOARD DISCUSSION

Vandenburg / Vanderburgh Road name request / winter project / responses coming in

Comments will be accepted through April 30th. The Supervisor has asked the Town Historian, Councilperson Ginny Nightingale, and Councilperson David Patzwahl to reviews the submissions and bring a recommendation to the board in May or June.

Planning / ZBA report / Ginny absent / no report this month

Climate Smart Task Force / Will

At the monthly meeting, Silver certification, the next town goal, was discussed. Tara Donadio of the Capital District Regional Planning Authority provided suggestions for actions the town could take to achieve sufficient points to certify for silver. CARP planning has been substantially completed with Cornell Cooperative Extension and Columbia County; the document has been published online for public comment until March 25th.

Councilperson Will Powers has been appointed as the town representative to the Columbia County Climate Smart Community Task Force. He attended the first meeting this month and is very happy to serve. Community Gardening Day has been scheduled for May 18th at Stoddard Field Park. Supervisor Brenda Adams encouraged the community and board members to reply to the CARP survey.

Public Safety / no meeting this month / letter submitted for onsite meeting

A letter was sent by the supervisor to New York State DOT requesting a site meeting about the long- requested speed reduction on SR 295 from the Mass line to SR22 and the issues associated the Post Road/ SR 295 & CR5 intersection coming south to the light on Route 22.

Transfer Station / Brenda / David

Councilperson David Patzwahl gave an update. C & D volumes have not been properly monitored to bill residents for amounts over the C&D permits. For example, the town pays for one ton on the permit, but some residents have brought more. Under the current system, the town is charged for the unpermitted extra tonnage. The board will investigate steps to remedy this going forward. Supervisor Brenda Adams explained she's received complaints about the driveway and will follow up regarding repairs.

Annual Financial Disclosures due January 15 / updated list sent by Town Clerk

Report from Town Clerk: there are six open disclosures; some oaths of office of elected officials still not yet completed.

Annual Town Financial Report

The town has filed for an extension to file its annual financial report formerly known as the AUD. The state's new software program, a new accounting firm, and the time required to remedy the 2022 Town Clerk audit have caused delays; an extension has been applied for and granted. The new submission date is April 30, 2024.

Community Day Planning

A June 15th event date has been confirmed with a rain date of June 16th. Planning is underway; the anchor food vendor is *The Notorious Bite*. There will also be a hotdog cart.

Stony Kill clean-up (date to be determined) & Community Gardening Day (May 18th) planning underway

Conversations with DEC indicate that materials from storm damage (branches/limbs/debris) as well as trash may be cleared from the creek as long as the banks are not damaged or altered. Volunteers have agreed to help with a clean-up day to remove this material manually.

The Canaan CSTF will hold its first 2024 Community Garden Day on May 18th beginning at 10AM.

Hazard Mitigation survey comment period through March 8th or until link closes

The Hazard Mitigation Plan update is reviewed and revised as necessary every five years. The town, in conjunction with Columbia County and a consultant, will be working on these updates for the next 8-9 months. Municipalities are required to have current plans on file with the state to qualify for FEMA funds.

Citizen Preparedness course scheduled for April 26 @4PM @ Canaan Fire Company

In response to residents' requests and more frequent and more intense weather events, the town is sponsoring an Emergency Preparedness training for residents, organizations and businesses. The training opportunity will be published in the town newsletter and on Facebook. The training is free of charge; advance registration is required.

Pro Housing Community letter / application

Already discussed.

Health insurance renewals / buyout / documents to board

Preliminary health insurance renewal packets have been distributed to the board. Supervisor Brenda Adams would like to have an insurance committee, composed of the supervisor and Councilpersons Will Powers and Brian Lifsec review the materials for recommendations and decision in April.

OWL replacement suggestion

Councilperson Ginny Nightingale suggested to the supervisor (via an earlier phone conversation) that the audio from ZOOM meetings is still poor from the public side. She suggested that the current OWL be replaced with a newer model with microphones. The cost for this is about \$1500. Supervisor Brenda Adams remembered that CC MIS thought the table mics would create interference with the OWL mic system. Discussion ensued. The supervisor agreed to check with CC MIS to see if the town could borrow a newer OWL with multiple mics and see if worked with the table mics before a purchase decision is made.

Supply power agreement

Discussed and decision taken, see Resolution 70 above.

Drainage issue / town culvert on Stonewall Rd

Supervisor Brenda Adams and Highway Supervisor Stephen Van Tassel are looking for

documentation to better understand what permissions were granted, what actions were taken, and the nature of on-going commitments.

CLC letter of support

Supervisor Brenda Adams requested authorization to write a letter of support for a conservation easement project. The letter of support would accompany a CLC application for funding to purchase development rights for land currently in agricultural and managed forestry use. Some discussion ensued having to do with conflicting goals of both encouraging the creation of affordable housing (see above Motion) and limiting the development of land for housing. Supervisor Adams explained that the two are not mutually exclusive; the job of the town is to balance conservation and development, keeping open spaces open and consolidating housing development in areas already having housing. Councilperson David Patzwahl made a motion to authorize Supervisor Brenda Adams to write a letter of support, seconded by Councilperson William Powers. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

CARP (Adaptation & Resiliency Plan)

The comment period is through March 25th.

STR /Occupancy Tax & registration moving forward @ county / Home rule law to Senate & Assembly before end of June 2024 session

Supervisor Brenda Adams explained that Columbia County is considering an Occupancy Tax for hotels, motels and short term rentals. There have been bills in both houses of the New York legislature for the last two years which have not made it out of committee. The CC Occupancy Tax would include a registration process for tax compliance purposes. Municipalities will in turn have their own short term rental laws governing land use issues, noise, and health and safety issues. Towns will be responsible for monitoring compliance in those areas. Health and safety concerns would include smoke alarms, carbon monoxide detectors, adequate water and septic systems, etc. Some discussion ensued.

ASSESSOR'S REPORT (see attached)

Assessor's Report: Assessor Kim Smith present at meeting to update re: Revaluation

HIGHWAY REPORT: Read by Highway Supervisor Stephen van Tassel (see attached)

Summary:

- Due to mild weather, some dirt roads have been impacted. We have been patching them with stone to mitigate mud.
- The Town Hall and Highway Department pads for the generators have been completed and generators set up.
- One of our garage doors at the highway garage is scheduled to be receiving three new panels in April by Madsen Overhead Doors.

- Last Friday we had our 2024 bid opening, Christine imputed the updated prices off the bids into a spreadsheet that is used to categorize who is the lowest and highest so we can make a decision with also taking into consideration other factors presented.
- The half mile mark on top of Dean Hill Road past the 911 address of 134 which is our “seasonal limited-use highway” will begin to maintained from April 1st to November 1st.
- Our new employee started at the highway last Monday and he has been working out very well, and adapting to our dirt road maintenance routines.
- Last week Doug and I attended the annual 2024 Advocacy Day up in Albany, in hopes to strengthen this year’s vision in “PAVING THE WAY IN 2024 for Increased State Funding for Local Roads, Bridges and Culverts... 87% of roads and more than half of the bridges in New York are locally maintained, with just a small fraction of those eligible for federal funding.”
- In appreciation to the crew and I purchased a sign that says “Through These Gates Pass Americas Best Highway Maintenance Workers. (See attached Photo) We also put up a sign that says “Notice Authorized Personnel Only” after a car with Massachusetts plates was seen driving from the salt shed and the crew noticed a shoveled-out spot in the salt pile. Security cameras were discussed.
- Discussions and planning with Trout Unlimited about the Bridge/large box culvert list. Two locations on the list would fit the criteria as of now for severe or moderate blockage and would qualify for funding. Close to 200 crossings in Canaan were surveyed that could meet requirements for these grants. Once the spreadsheet is completed, they will see which locations/projects match both town and aquatic organism fish passage funding criteria. Grants open up in July. If all goes well with the proposal funding, construction could begin in 2025/2026. Supervisor Adams reinforced the importance of doing this.
- June 26th the crew and I will be attending a UDIG safety training at the Ghent Highway garage to keep our certifications up to date, these are required annually.
- We will be changing hours the first week of April (Easter Monday, April 1st) from 7am-3:30am to 6am-4:30am.

PUBLIC DISCUSSION

- Comment about the recent state legislation having to do with the prevailing wage for Hauling of Aggregate Supply and Construction Materials. It will affect bid prices. The town is set for this year, but bids in the future will be affected. Some discussion ensued and it will be looked into.
- Online question about the Vandenburg / Vanderburgh Road name timeline. Supervisor Brenda Adams noted there is still time for public comment (April 30th) and the project will move forward once Councilperson Ginny Nightingale is back.

MOTION TO ADJOURN

Councilperson William Powers made a motion to adjourn, seconded by Councilperson David Patzwahl. 3 AYES - Motion carried.

Supervisor Brenda Adams – yes;
 Councilperson David Patzwahl – yes; and
 Councilperson William Powers – yes.

NEXT MEETING:

Regular Meeting April 8, 2024 at 7 pm / Public Hearing on Local Law#1 to be followed by regular meeting

Respectfully submitted,
Rebecca Nebesar
Deputy clerk 2