

Town Board Regular Meeting Minutes:

November 12, 2024, 7:01 – 9:48 pm

Hybrid Meeting: In person at Town Hall and via ZOOM

Present:

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

Also in Attendance:

Town Clerk Joshua Weisbuch
Highway Superintendent Stephen Van Tassel

Audience: 9 plus 13 online

Moment of Silence Remembering Our Veterans

Supervisor Adams introduced the moment of silence and mentioned the Veteran's Day ceremony that took place yesterday.

Pledge of Allegiance

APPROVALS

Minutes October 14 and October 29

Supervisor Adams called for a motion to approve the October 14 and October 29 Minutes as submitted. Councilperson Nightingale made a motion to approve, seconded by Councilperson Powers. 5 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Brian Lifsec – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Bills

Supervisor Adams asked if everyone had had a chance to look over the bills. They had. She then called for a motion to approve. Councilperson Patzwahl made a motion to approve, seconded by Councilperson Lifsec.

5 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Brian Lifsec – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

YTD Financials

Supervisor Adams reviewed the financials and clarified some items. There was an interruption from the online public having to do with the sound. The issue was fixed and Supervisor Adams summarized what had happened so far. Supervisor Adams asked the board if there were any questions. There were none. She then called for a motion to approve the financials.

Councilperson Lifsec made a motion to approve, seconded by Councilperson Patzwahl.

5 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Brian Lifsec – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

RESOLUTIONS & MOTIONS

Resolution 113 of 2024 to approve 2024 Budget amendments (align with financials)

Supervisor Adams explained that the town has received unbudgeted grant funding from NYSERDA that will be used for the purchase of electric landscaping equipment for the Highway Department. The town committed to a 2024 Highway Garage roof replacement of \$90,000, allocating \$30,000 in the Highway Capital Account and budgeting an additional \$60,000, for that purpose; the accepted bid was \$94,000 necessitating a \$4000 transfer from the Contingency account. The town was awarded certain American Rescue Plan Act (ARPA) funds that must be moved from the Balance Sheet to the 2024 budget as projects are identified and projects funded. Supervisor Adams called for a motion that the Town Board approve the budget amendments. Councilperson Lifsec made a motion to approve, seconded by Councilperson Powers.

5 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Brian Lifsec – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Resolution 114 of 2024 to authorize CEC commitment letter for grant funding

Supervisor Adams explained the reasoning behind the proposals and the state of the planning. She added that the authorization letter was received this afternoon. The funds will be \$110,000.00 with no match from the town. The Town of Canaan believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels and that our response to climate change provides us with an opportunity to save money, and to build livable, energy-independent, and secure communities, vibrant innovative economies, healthy and safe schools, and resilient infrastructures. The Town of Canaan completed certain Clean Energy Communities actions to make it eligible for funding in the amounts of a \$100,000, and a \$10,000 grant for the purposes of reducing energy consumption and reducing the town's carbon footprint, subject to first-come-first serve applications for the funding. The Town of Canaan

completed an Energy Efficiency Study in 2022 that included a number of actions to reduce the town's energy consumption and operating costs. The Climate Smart Task Force reviewed those recommendations and proposes. Supervisor Adams asked if there were any questions and called for a motion that the town board authorize her to sign a letter of commitment for the purchase of solar panels and heat pumps, subject to the receipt of the grant funding. Councilperson Nightingale made a motion to approve, seconded by Councilperson Powers. Thanks were expressed to Supervisor Adams for all the hard work that went into this.

5 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Brian Lifsec – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Resolution 116 of 2024 to approve Transfer Station permit fee

Supervisor Adams explained that the Town of Canaan passed Local Law Number 3 of 2024 to regulate and monitor the use of the Transfer Station. The local law provides for an annual fee for a resident MSW Sticker to be established and/or modified as necessary by resolution of the Canaan Town Board. The proposed \$25.00 fee would be for MSW (household) and C & D waste disposal at the transfer station in Canaan. Also, the town would like to encourage recycling to reduce the volume of waste at the Transfer Station with an incentive. If residents purchase their county recycling permit at the same time as the town transfer station permit, there would be a 5-dollar reduction in the town fee (\$20 instead of \$25). The annual permit fee in Canaan will be used to offset the expense of hiring an employee and to keep the expense budget neutral. An on-site, town employee will be required to provide regular and consistent monitoring of the site to ensure that only residents are using the town option and the option is being used as intended for single resident or business use. It was also noted that trash volume had increased substantially over the years and consistent monitoring is expected to help keep the expenses down. Some discussion ensued. Supervisor Adams called for a motion that the Town Board authorize the Fee Schedule for the Transfer Station permit fee effective January 1, 2025 or commencing with the issuance of the 2025 stickers, whichever is sooner. Councilperson Nightingale made a motion to approve, seconded by Councilperson Patzwahl. 5 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Brian Lifsec – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

A job description is being coordinated with Columbia County Civil Service. Once approved, the job will be posted and the hope is to fill it by January.

Motion to approve 2025 budget

Supervisor Adams asked if everyone had had a chance to look at the budget one last time. She explained that a tenth cemetery mowing was added per the last discussion and the only change. She added that the town did not raise taxes this year, there was applause from the audience. As there were no questions, she called for a motion to adopt the budget. Councilperson Lifsec made a motion to adopt the budget, seconded by Councilperson Nightingale.

5 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Brian Lifsec – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Motion to move the STR law to a Public Hearing

Supervisor Adams ascertained that most of the public in attendance were there because of the proposed Short-Term Rental Law and moved that discussion to the next item on the agenda. The town board finds that it is in the interest of public health, safety, and welfare to regulate through a permitting process the use of short-term rental lodging facilities occurring within the Town of Canaan. She explained Columbia County has initiated a 4% Occupancy Tax that has been approved by the New York State legislature and signed by the Governor. It is a user tax, charged to the guest, and becomes effective January 01, 2025. She noted that Columbia County is the one of the last counties in the state to pass an Occupancy Tax. Notices will be sent to all short-term rental providers in the county and they will need to register with the county for tax collection purposes. The second piece of regulation is a local (Town of Canaan) land use regulation to regulate land use, safe operation, and quality of life, in response to input from the stake holders and neighbors. She told the audience that today's board meeting is not a public hearing, rather it is a workshop and comments will be taken after the conversation, but not during the conversation. There will be a public hearing later once the law is ready in draft form. She asked for comments from the board. Strengths were discussed such as the law does not require anything that would not already be a safety regulation. The majority of the information is in keeping with good neighbor policies and does not impact long-term rentals, and seasonal rentals (over 30 days). The local contact person requirement was praised. It was pointed out that the variance process (through the Zoning Board of Appeals) is helpful in certain situations and the landlord has been operating in good faith. It was brought up that matching septic and well water requirements to the number of beds/bedrooms advertised has been a concern and the law addresses this (e.g. advertising 12 beds with only three bedrooms). The permitting and enforcement will go through the code officer, but for a variance, owners would have to go through the ZBA. Parking on roads is also a concern and is addressed by the law; parking violations would be the purview of the Columbia County Sheriff's department or the NYS troopers. Supervisor Adams brought up a concern that the initial permit will require an inspection but the draft law does not include a requirement for a re-inspection for permit renewals. Instead the proposed law allows the owner to certify through an affidavit that all conditions of the original permit are being met as per the original permit application. She maintained it would be good to have inspections possible in response to complaints. She recommended that an affidavit be created to accompany the permit application and the owner would certify they are still compliant with the requirements for permit renewals. Random

inspections for permit renewals were discussed; the board believed this would be reasonable. Supervisor Adams determined the board had finished discussion and opened the floor to input, first from those in the audience, and next those online, reminding the audience this is not a public hearing but a chance for the board to gather information.

A summary of the questions follows:

- **Can complainants contact the owners?** *It is anticipated the town will hire a 24/7 hotline service for complaints to be logged. The service will contact the local contact person or owner, as per the permit, and resolve the issue.*
- **A local entrepreneur was unhappy about the law coming into effect after he has already invested in his properties with the assumption that there were no short-term rental laws.** *He advocated for grandfathering and was curious about variances. It was clarified that owners can only have one short-term rental, in order to preserve the ability of people to afford to live here and for the town to provide services that rely on residents living and working in the community, such as the fire company and rescue squad. This law will not apply to seasonal or long-term rentals. The permit fee was discussed but has not yet been set; it would probably be the equivalent of a one-night's rental, maybe \$250-\$300; the fee structure is still under discussion.*
- **How would anyone know if a place is being rented as a short-term rental?** *The county has hired a consultant to identify short term rentals county-wide for tax purposes; this information will be shared with the towns. Tracking of the short-term rental sites is done through the various rental platforms.*
- **If someone rents, such as by word-of-mouth, what then? What about LLCs?** *Once received by the town, that information will be forwarded to the county for tax purposes and to the town code enforcement officer for permit purposes. The issue of identifying and managing multiple short-term rentals owned by LLCs is being discussed.*

No further input came from those present in the audience. Councilperson Nightingale then moved to the online questions.

- **A resident was concerned about an across-the-street (from her) rental operation that was questionable and is causing her concern about road use.** *It was advised that she call the Code Enforcement Officer, the Sheriff or the state troopers depending on the issue.*
- **A resident questioned what he considers a right that is now becoming a privilege.** *It was clarified that the right to rent the home is not being taken away. In response it was explained that the town is concerned about declining population due to high costs of housing, in part driven by homes here being treated as income-producing investments. The need for regulation has developed especially for safety issues such as fire hazards. Councilperson Patzwahl explained about the problems with the environment around Queechy Lake. Running a business in a residential area is a concern because it borders on commercial use.*
- **A resident spoke about her experience using Airbnb as a landlord and needed clarification about wording in the law having to do with inspections and the timing of inspections going forward, because she already has commitments for future rentals.** *The board registered her concern and explained the intention is not to disrupt her business or damage online ratings.*
- **An owner on nine acres, spoke and wondered why the need for the law was initiated.** *The response was that residents had come to the town board with concerns. He is*

supportive of the plan to have regulations. He made several points however, such as rather than limit number of bedrooms, consider limiting the number of guests, and he questioned the limit of one rental per owner – what if rentals (more than one) are on one property only? He advocated responsible renting and thinks that if it's done well, renters contribute to the welfare of the community.

- **A family spoke about the commercial use of homes, short-term rentals by non-owner occupied owners at Queechy Shores. There is community property at Queechy Shores and short-term renters think they can use the community property. They should not be able to use the community areas such as the dock. They should be restricted to the house rental only.** *The response was that if there is community owned property, the use of that property is governed by the Homeowners' Association not by the local law. At this point short-term rentals are not being considered a commercial use. Zoning is not being substantially changed, short-term rentals will be incorporated in the zoning table as permitted uses in all zoning districts.*
- **An owner spoke as someone who owns a second home in Canaan but also rents it as a STR which makes it affordable for his family. He appreciates the effort to regulate. He pointed out that they have insurance on the property through Airbnb and that the local law needs to address the potential for duplicative insurance policies.** *It was clarified that proof of insurance that meets the town requirement is all that is required.*

In summation, the ability to operate a Short-Term Rental in the Town of Canaan is considered a privilege, not a right. In an effort to balance multiple needs: to level the playing field for affordable housing, to preserve the ability for law-abiding property owners to make a return on a home and pay mortgages, and to maintain the opportunity for the town and surrounding areas to have the benefits of visitors. The Town of Canaan may issue, limit, discontinue, suspend and or revoke short-term rental permits. Everyone being heard, the audience was thanked for coming and for their input.

OLD BUSINESS

Broadband grant update / review completed / updated MOU for contract coming soon
Supervisor Adams briefly summarized. Moving but slowly.

Routes 295 & 22; Routes 295 and CR5 & Post Rd, SR 295 & Vandenburg, SR 22 & Love's / site meeting held October 29 w/ NYS DOT

Supervisor Adams said things are moving forward with a good site meeting that included the Town Supervisor, Highway Superintendent and Councilperson Patzwahl, the town representative to the Traffic Safety Board, and two engineers from NYS DOT. They visited and reviewed various locations, 22 & 295, 295 & Vandenburg Rd, 22 & the B3 exchange, and the 295/CR5/Post Rd intersection. The area at Love's was of particular concern with trucks regularly turning into the oncoming traffic lane to make right-angle turns. An initial reply to town concerns from NYS DOT is expected in 4 to 6 weeks.

Vandenburg Rd – intersection safety conversations continue / see above

Discussion continues, permission from the state has been requested for residents to install a

mirror and for better warning signage.

Implementation of Local Law #3 of 2024 / next steps / civil service job description / sign / handout

Supervisor Adams said an email response came from the Columbia County civil service coordinator. There needs to be a new job description created because there is nothing currently in the civil service listings that accurately describes the job requirements. Signage needs to be created, and a handout to explain the rules. Supervisor Adams is looking for volunteers to put together the wording for the sign and the handout. She would like ideas/wording to be sent to Christine Wemple. The handout will be given out when the permit is purchased. Councilperson Patzwahl will take care of the sign that will be posted at the Transfer Station. It needs to be big enough. There will be software updates to the Town Clerk's software for reporting the sale of the permits. Deputy Town Clerk O'Grady will coordinate with vendor.

Hazard Mitigation Plan update / revised timeline

Supervisor Adams pointed out that Canaan is one of four towns in the county who completed their submission by September 30th. The timeline has been moved out, to complete data gathering, new deadline for draft is early next year.

STR /Occupancy Tax & registration moving forward / draft local law review

Supervisor Adams suggested that scheduling a date for the public hearing be moved to the December meeting given the input the board received tonight. That will give the board time to continue its research and revise, if appropriate, the draft. The board agreed. That will mean a public hearing will move to early 2025. Meanwhile she will have a list of the comments put together to identify what needs to be researched and discussed further. Notice of the public hearing, when scheduled, will be advertised in the paper, posted on the website and sent via email to those on the town email list.

Strategic Plan update / proposals attached

Supervisor Adams previously distributed the responses to the request for proposals from planning consultants. This discussion will be part of ARPA funding review.

Resolution 115 of 2024 to approve ARPA projects

Update: The carpet has been measured and ordered and the Town Clerk's office furniture has been specified and will be ordered this week.

ARPA projects review & discussion

Playground equipment

Councilperson Nightingale showed diagrams and presented equipment and quotes from Willy Goat (metal and plastic materials) and Bear's Playground (cedar) "Proudest Monkey Village", and New York company, at \$21,007, which she recommends. She also looked at and communicated with several other companies. The cedar will need about \$1,000 annual maintenance and should last 10 to 20 years depending on maintenance. Supervisor Adams made a motion to approve the Bear's Playground, seconded by Councilperson Nightingale. 5 AYES - Motion carried.

Supervisor Brenda Adams – yes;

Councilperson Brian Lifsec – yes;

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

Strategic Plan consultant

Community Planning & Environmental Associates / Nan Stolzenberg is the recommendation of the working group. The board reviewed and briefly discussed the recommended proposal. The town could purchase the primary proposal plus two additional services and stay within its budget. The planning group recommends two or all three of the following: **Build-Out Analysis** - how to balance increase housing construction with conservation and determine the stress points; **Environmental Sensitivity** map and a **Solar Capacity Map**. The Build-Out is the one most favored by the board, and Environmental Sensitivity, which would consolidate work from recent plans in the comprehensive planning process. The usefulness of the Solar Capacity Map was also discussed. Future Occupancy Tax money for this type of work was recommended. Supervisor Adams called for a motion to use the \$30,270.00 in ARPA funds to hire Community Planning and Environmental Associates. Councilperson Nightingale made a motion, seconded by Councilperson Lifsec. 5 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Brian Lifsec – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

Tennis / basketball court upgrades

No vendor has been identified despite consistent efforts to recruit proposals. The prices in hand were briefly discussed. Costs could be about \$40,000.00 per court, well over projected budget. Nothing has been decided yet, other ways to approach the project were discussed. Contractors seem busy with bigger jobs. In order to spend the money by December the project may need to be broken up into two parts.

County Engineer / Red Rock drainage issue / site visit October 22 awaiting letter from county engineer

Supervisor Adams and Highway Superintendent Van Tassel have met with the county engineer. He will send a letter outlining his findings / response to resident's engineer.

Recommendation that we establish a Fund Balance Policy / table for December

Tabled until December pending receipt of document from accountant.

Transportation Survey distributed via town email

Supervisor Adams is enthusiastic about getting a transportation loop from Chatham to New Lebanon to Canaan. There has been a lot of interest from the senior population in Canaan. She encouraged people to fill out the survey so planners can assess local interest / needs.

Veteran's wreath laying at Monument Monday, November 11 @ 2:00 PM

There was a very nice ceremony. Former Town Supervisor Gary Flaherty showed up as a guest.

Town Hall closed November 11, 28 & 29 for holidays

Canaan Post Office retail window / outreach to Congressman Molinaro

Many residents rely on the Canaan post office for their mail delivery and retail services. The town supervisor has reached to Congressman Molinaro's office to facilitate the assignment / hiring of an employee for this site. The congressman's office believes they can provide assistance.

Supervisor Adams brought up the recent daytime structure fire on Cherry Lane in New Lebanon. The building appeared to have twenty plus bedrooms; it was unclear if this capacity had been approved / recently inspected by the Town of New Lebanon. Canaan & Red Rock firefighters were onsite for ten hours along with responders from New Lebanon and two other companies. The type of construction, density, and narrow, constricted hallways posed a risk for firefighters. Councilperson Lifsec, a Red Rock firefighter who was on site, said this is a reminder about the importance of regulating the numbers of beds and bedrooms, and the lack of local manpower for handling this type of fire. Over 220,000 gallons of water were used, completely draining a local water source. Limited numbers of New Lebanon firefighters were available at the time of the fire in New Lebanon, triggering automatic multiple responses to the fire. Also, the brush fires in the southern part of the state have drawn on local resources with men and equipment deployments to those fires. There are studies in progress about availability of resources and preparedness in rural counties.

BOARD DISCUSSION

Planning / ZBA Report / Ginny

Planning: ONVO is planning a renovation of their site across from Love's to include a Burger King and a new convenience store. There does not seem to be any plans at this time to do anything with the deteriorating restaurant next door (they own the land). A traffic study was done. They believe their application is complete.

ZBA: A variance was issued for a garage. An application was submitted for a solar array on private residential property. It is not a completed application yet.

Climate Smart Task Force / Brenda

Supervisor Adams thanked the task force for their work on the Clean Energy Communities proposals. There have been about six meetings, awaiting information from NYSERDA as to whether proposals will be funded.

Public Safety / David

Have not met yet this month. Councilperson Patzwahl will carry the town resolution requesting a speed reduction on SR22 @B3 to the meeting.

Transfer Station / David

The transfer Station is down overall 8 tons from this time last year.

ASSESSOR'S REPORT (see attached)

There was some discussion about the equalization rate and reevaluations. It does not look like a reevaluation will be needed for 2025.

HIGHWAY REPORT / highlights read by Highway Superintendent Van Tassel

Summary:

- We've received our annual 200 ton minimum of salt this year and sand is still being delivered. I have made a call to cut both short because we are nearing the full mark in the salt shed. We historically have ordered 1500 ton; last year we used around 1200 ton.
- The new tractor has been delivered and has been put to work keeping ditches clean, preventing leaf dams and culverts plugging up, all helping to making the roads ready for grading next year.
- The roof project has been successfully completed. Left-over insulation and one extra roofing sheet can be used on surrounding open wall spaces to replace the current insulation. The extra roof can be used over the generator, as the current eave doesn't completely overhang.
- I have been seeking grant money to remove dead ash trees from our roads. I have created a list of dead roadside ash trees that need clearing.
- T-Mobile called about providing service. I referred them to Brenda, unsure if theirs is similar to First net which AT&T offers. First net is a nationwide wireless network that provides communication services to first responders and the public safety community.
- Last month two representatives from NYSDOT, David, Brenda and I attended meetings at four locations around town: 22/295, CT 5/295/Post Rd, 22/Peaceful Valley and Vandenburg/295. We discussed speed limits, parking, line of sight issues, truck traffic, traffic patterns, accident data, signage and road designs. David and I looked at accident data put together by NYSDOT at both locations 22/295 and Peaceful Valley/22. I believe there is additional information that should be looked at that can help us in making this intersection safer. NYSDOT bases its decisions on federal standards. While federal standards provide a broad framework, local municipalities often have a deeper understanding of specific issues affecting their communities. It is crucial for NYSDOT to incorporate local insights and key points into their decision-making. Additionally, reaching out for input from local emergency services, like fire companies, EMS, Columbia County Sheriffs and NYS Troopers, could help. The most needed question to be asked is if the intersection is safe, adequate and or reliable to handle the businesses established there. Traffic volume, accident rates and infrastructure are key factors, as is preparing for future uses and requirements. Reducing the speed limit in the area can help decrease the likelihood and severity of accidents.
- I have been talking with representatives from a software company called Helixintel that provides a free computerized maintenance management system platform to all NYMIR customers. This platform offers a better way track equipment and vehicle maintenance as well as managing work orders, equipment/vehicle inventories, parts, supplies, tasks and properties. Because I believe we can benefit, I will be attending few trainings. Having a digital copy and central hub for all our costs/operating expenditures would greatly improve our record keeping.
- Additional inventory lists that could help keep track of what we maintain, own, manage and allocate large amount of funds to include: Guiderail, CSX crossing, Signs, Speed Limit. We already have created the following inventories: Culvert, Bridge, Equipment Replacement Schedule and Road. This will not only help me but future superintendents.
- The new handheld radios and the radio in Truck #1 have been reprogramed with the "Canaan Talk around Channel" which allows us to communicate to each other in town since we are still waiting for the New Canaan High Band Frequency from the FCC. I will be dropping off one of the handheld radios to Brenda so her office has backup communication during emergencies, power outages etc.

- The old tower site in New Lebanon has been moved to the new, better location off of County Route 5. This move took around three days to complete. I was last told it would cost around \$2,500 to have your own frequency put on it.

The effectiveness of the new leaf blower was discussed.

PUBLIC DISCUSSION

There was no further discussion. The board expressed appreciation for the input of the public on the proposed Short-Term Rental Law.

MOTION TO ADJOURN

There being no further business, Supervisor Adams called for a motion to adjourn at 9:48. Councilperson Nightingale made a motion to adjourn, seconded by Councilperson Powers. 5 AYES - Motion carried.

Supervisor Brenda Adams – yes;
Councilperson Brian Lifsec – yes;
Councilperson Ginny Nightingale – yes;
Councilperson David Patzwahl – yes; and
Councilperson William Powers – yes.

NEXT MEETING

Regular Meeting December 9, 2024 at 7 PM

Respectfully submitted,
Rebecca Nebesar
Deputy Clerk 2