

## **Town Board Regular Meeting Minutes:**

**December 9, 2024, 7:04 – 9:02 pm**

Hybrid Meeting: In person at Town Hall and via ZOOM

### **Present:**

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

### **Excused:**

Councilperson William Powers

### **Also in Attendance:**

Town Clerk Joshua Weisbuch  
Highway Superintendent Stephen Van Tassel

**Audience:** 10 plus 13 online

### **Moment of Silence**

### **Pledge of Allegiance**

Supervisor Adams welcomed the audience. She observed that there were many in attendance who are there about the Short-Term Rental law that is being workshopped. She explained that this is a December business meeting and not a public hearing. To accommodate the crowd, she requested the board move this item up on the agenda to allow for public discussion as soon as possible. The board agreed.

## **APPROVALS**

### **Minutes November 12**

Supervisor Adams asked if everyone had a chance to review the minutes and if there were any questions or comments. There were none. She called for a motion to approve the November 12 Minutes. Councilperson Lifsec made a motion to approve, seconded by Councilperson Nightingale. 4 AYES - Motion carried.

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

### **Bills**

Supervisor Adams asked if all had a chance to look over the bills and if there were any questions or comments. There were no questions. She then called for a motion to approve. Councilperson Patzwahl made a motion to approve, seconded by Councilperson Lifsec. 4 AYES - Motion carried.

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

### **YTD Financials**

Supervisor Adams reviewed the financials. Supervisor Adams asked the board if there were any questions other than the end-of-the-year housekeeping, the scheduling of which was briefly discussed. She then called for a motion to accept the financials as presented. Councilperson Lifsec made a motion to accept, seconded by Councilperson Nightingale. 4 AYES - Motion carried.

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

### **RESOLUTIONS & MOTIONS**

**Resolution 117 of 2024** to approve 2024 Budget amendments (align with financials & incorporate ARPA expenses)

Supervisor Adams explained the town hired a new accounting firm that resulted in additional accounting and payroll fees. Also, the highway department's decision to join a union resulted in unbudgeted fees for a contract negotiation. Higher costs and fees have resulted in minor adjustments to contractual accounts and dues. 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 requested that the Town Board authorize her to make the attached budget amendments. Supervisor Adams called for a motion that the Town Board approve the budget amendments. Councilperson Patzwahl made a motion to approve the end-of-the-year budget clean up, seconded by Councilperson Nightingale. 4 AYES - Motion carried.

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

With the verbal approval of the board, Supervisor Adams moved Resolution 118 discussion to later in the "Old Business" portion of the meeting.

**Resolution 119 of 2024** to appoint Tom Potter to the CC Environmental Council

Article 47, Section 47-0105 of the Environmental Conservation Law states that the Environmental Management Council shall consist of one (1) member from each, city, town and village. There is a Town of Canaan vacancy on the Environmental Council. Thomas Potter has ably served on the Town of Canaan Climate Smart Task Force and wishes to further serve in this capacity. Supervisor Adams requested that Thomas Potter be appointed to the Columbia County Environmental Council for a two-year term, subject to approval of the Columbia County Board of

Supervisors and called for a motion. Councilperson Nightingale made a motion to approve, seconded by Councilperson Lifsec. 4 AYES - Motion carried.

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

**Resolution 120 of 2024** to re-appoint Sallie LaValle to the BAR

The term of Sallie LaValle, a member of the Town of Canaan’s Board of Assessment Review (BAR) since 2014, expired on September 30, 2024. The Chairman of the BAR, Paul Deres, recommended the reappointment of Mrs. LaValle for another five-year term. She is a great asset to the Board with an extensive knowledge of the subject matter and dedication to the Town, and further, has taken all required trainings to be a member in good standing, Supervisor Adams requested that Sallie LaValle be re-appointed, effective October 1, 2024 to the Town of Canaan Board of Assessment Review for a five-year term ending September 30, 2029. Councilperson Patzwahl spoke up to thank Sallie Lavalle for doing a great job over the years and then made a motion to approve, seconded by Councilperson Lifsec. 4 AYES - Motion carried.

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

**Resolution 121 of 2024** to approve the Columbia Greene Humane Society contract

Supervisor Adams explained the Columbia Greene Humane Society / SPCA, provides dog rescue services for the Town of Canaan. The Town Board has determined that it is in the public interest to enter into a contract with said Columbia Greene Humane Society / SPCA for another year. Supervisor Adams requested the Town Board authorize her to sign a one-year agreement to provide rescue services for the year of 2025. This year’s cost will be unchanged except for the daily night fee that will be increased by \$10/night. Supervisor Adams called for a motion to approve. Councilperson Lifsec made a motion to approve, seconded by Councilperson Patzwahl. 4 AYES - Motion carried.

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

**Resolution 122 of 2024** Transfer of Funds to HRA accounts

Supervisor Adams explained the Town Board replenishes the Health Reimbursement Account on an “as needed” basis. There is a low balance in the account which needs to be replenished. Supervisor Adams requested approval to transfer \$20,000 to the HRA account, allocating \$10,000 to the General Fund and \$10,000 to the Highway Fund. Supervisor Adams called for a motion to approve. Councilperson Lifsec made a motion to approve, seconded by Councilperson Nightingale. 4 AYES - Motion carried.

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

**Motion** to approve the NYS Retirement payment

Supervisor Adams explained costs are up by about 11% and that if the town makes the payment in December there is a cash discount rather than if the bill is paid in February of the following year. Councilperson Patzwahl expressed it is a prudent thing to do and made a motion to approve, seconded by Councilperson Nightingale. 4 AYES - Motion carried.

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

Supervisor Adams requested permission from the board to table the next Motion until after the discussion with the public present and on Zoom. The board agreed.

**STR /Occupancy Tax / local law review / public comment / open issues**

Supervisor Adams ascertained that board members had read the draft STR Law and opened the floor to public comment with the understanding this is not a public hearing. She further requested that in the interest of time if anyone present or on Zoom sent a letter that they defer to those who had not. The number of letters was counted: 30 comments have already been collected.

- One person in the audience added to his letter with a concern about the restriction of one short-term rental per person, he thinks the restriction could pose a legal problem for the town.

There being no other meeting comments, online comments were requested. It appeared that most online had already written letters.

- One person online sent a letter, but had a question about the wording of a section of the draft law having to do with the distinction between residential use and home-based business, asserting that definitions are really important.

Councilperson Nightingale responded that this is a good point and commented that the town zoning laws may need to be adjusted.

- Another person from Queechy Shores spoke and thinks the word “business” needs to be in the mix.

Supervisor Adams assured those present that the board will read and consider all comments and letters before the next draft of the proposed law. Councilperson Patzwahl expressed the town’s desire to move the process along and take into account all opinions, recognizing that not everyone will agree. Additional comments can be sent as follows:

[supervisor@canaannewyork.org](mailto:supervisor@canaannewyork.org)

The Town Hall address is on the website; snail mail and dropping letters by the Town Hall are other ways to communicate with the Town Board.

In response to the November comments, Supervisor Adams brought up the idea of a grace period for owners with more than one pre-existing Short Term Rental. Should the law specify the number of allowed rentals per owner, a grace period of a year or so would be a good idea to give owners

time to consider other options (residency, seasonal rentals, long term rentals, or sale of property) for their property(s). The board had not been able to confirm the number of short-term rentals active in the town because not all are on VRBO or Airbnb.

- A person in the audience had a question about long-term rentals.

Supervisor Adams explained that any rental over 30 days (seasonal, monthly, annual etc) is not subject to the STR Law.

Councilperson Patzwahl explained the goal of the law is to restrict and regulate properties in Canaan that are being rented more like hotels. The town wants to allow short-term rentals to help supplement incomes to enable people to live here, to pay their bills.

Councilperson Lifsec told a story to illustrate the strain on the town's resources when owners are absent. Canaan and Red Rock fire companies were seven hours into managing a crash site with a fatal accident when another call came in from six people in a short-term rental. They had burned a turkey and set off a central alarm that they did not know how to turn off. The owner could not be reached to input the code to turn off the alarm.

The ratio of number of bedrooms to number of guests was brought up by several letter-writers. There is a proposed variance process that gives some flexibility. Exceptions, when there are well-documented records, can be granted by the ZBA.

"Non-conforming use" was also discussed.

Inspection requirement discussion

New permits will require a short safety inspection — for the items listed in the law.

Further inspections up for discussion:

- not required for permit renewal if accompanied by a signed affidavit that states that residence is compliant & nothing has changed;
- the town would retain the right for random renewal inspections to ensure compliance;
- in response to a complaint. The board discussed inspections in response to complaints.

A Zoom participant complained about the sound quality (another audience member brought this up later as well) and went on to question the one-property rule. He thinks, as a two-property owner, there is a lack of logic in the rule restricting to one property per owner. He pointed out the number of people and number of cars should be the crux of the concern. He is worried that well-meaning, responsible owners are being unfairly squeezed out.

Councilperson Nightingale explained the town has a zoning law with permitted uses. There is much more renting going on nowadays. The town is trying to catch up with current conditions.

Supervisor Adams reminded the audience there is a variance process. The town cannot write a law for every circumstance. The law is broad, but there is flexibility through the variance process with the ZBA.

Councilperson Patzwahl summarized that it seems like all the concerns have been expressed and that the process is moving forward. Councilperson Nightingale added that insurance, the local contact person requirement, instructions and rules for renters, and hotline are important items in the law because not every STR is through VRBO or Airbnb that provide insurance and require safety plans and rules etc.

- A person in the audience asked if it has been established that a person who owns a property but does not live here, is it a “business?”

The town allows home-based businesses in residential areas as an exception. It depends on the type of business and the impact on neighbors. There is a distinction is between “commercial business” and “home-based business.”

- An audience member commended the board for its efforts in really digging into the issue. He recommends that the owner should be required to live on the property for four months because there would be community connection. Absentee owners involved with rentals is a problem.

**Motion** to move the STR Law to a Public Hearing

After everyone was heard Supervisor Adams concluded the comment period. She summarized the changes to the proposed draft of the law: add language regarding a grace period, amend the inspections section to include the affidavit for renewals, the town right for random inspection of renewals for compliance purposes and for complaints. Councilperson Patzwahl made a motion to schedule a Public Hearing for the January meeting, seconded by Councilperson Nightingale. 4 AYES - Motion carried.

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

The proposed STR Law is on the Canaan Town website and will be updated before the January meeting. Supervisor Adams clarified that the proposed STR Law will not be on the agenda for the end-of year December meeting. Discussion will resume at the January 13<sup>th</sup> public hearing. After that, the board will either pass the law or further amend the law based on the public discussion. There is a process before the law becomes official; it has to be filed with the state. In addition, separate from the town law, there is a Columbia County Occupancy Tax Law, a 4% user tax on the short term rentals that goes into effect on January 1, 2025.

**OLD BUSINESS**

**Broadband grant update / review completed / updated MOU for contract coming soon**

Supervisor Adams briefly summarized that more documents have been signed.

**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 an email was received from one of the engineers in Poughkeepsie. They are reviewing the files and have a concern about the position of a privately owned mirror on SR295 near Vandenburg Road. She asked that Highway Superintendent Van Tassel and Councilperson Patzwahl look at the state right of way maps and advise if there is a solution. Supervisor Adams sent a letter about the speed reduction to NYS DOT.

## **Vandenburg Rd – intersection safety conversations continue / see above**

### **Implementation of Local Law #3 of 2024 / civil service job description / advertise the position/ sign / handout**

With the assistance of CC Civil Service, Supervisor Adams completed the job description and will post on the website after the holidays and maybe through email outreach. The handout explaining transfer station rules is ready to go out to print. Councilperson Patzwahl has put together some language for initial signage.

### **Hazard Mitigation Plan update / revised timeline**

Supervisor Adams said the timeline has been delayed by the engineering firm, more to follow next month.

### **CEC grant funding for \$110,000 / qualified approval / call with grantor to be scheduled in next few weeks**

Supervisor Adams explained the call will hopefully be scheduled between now and the end of 2024. She is cautiously optimistic the funding will come through for solar panels for the highway garage and heat pumps at the Town Hall. The funding will cover the full cost. She praised the Climate Smart Task Force for their work on this.

### **ARPA projects review & discussion**

Councilperson Lifsec spoke on the pickle ball court: three estimates came in. Secured a formal proposal for \$24,875.86. Supervisor Adams went over some other items that are on the list and approved. There is still \$19,225 available that she would like to use for updating the code books that haven't been updated since 2007, for about \$15,000. The code book document would be updated and available online digitally. Some old office furniture will go to the town garage and the rest will have a removal cost, or could be first offered to the public for free. Portable generators will also be purchased for emergency use for at-risk, homebound residents. At the special meeting in December, all the costs and purchases should be accounted for.

### **Resolution 118 of 2024 to approve ARPA projects purchases**

Supervisor Adams explained the Town of Canaan has American Rescue Plan Act (ARPA) funds that may be used for the public good including purchases that upgrade the quality of services, reduce costs and/or provide operational efficiencies. The Town of Canaan must expend those funds before December 31, 2024, or, be under contract with vendors by December 31, 2024 to expend those funds before December 31, 2025. The Town of Canaan has selected vendors from quotes from NYS contract or from two vendors for the same or equivalent goods or services depending on the project. Supervisor Adams asked for authorization to move forward with the purchase of furniture removal; meeting room painting; repairs and painting at the library; resurfacing and painting the basketball court; and volunteer appreciation. Councilperson Nightingale made a motion to approve, seconded by Councilperson Patzwahl. 4 AYES - Motion carried.

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

Supervisor Adams thanked everyone for their work. There was brief discussion about other purchases.

#### **Strategic Plan update / committee appointments / data gathering begins**

Supervisor Adams affirmed that all have read the contract for the planning consultant. There is a project timeline. She reminded all to get back to her with suggestions for the committee members who will meet in January.

#### **County Engineer / Red Rock drainage issue / letter from county engineer**

A letter addressing the drainage issue was received recently from the county engineer Ray Jurkowski. After review, the homeowner is expected to reply.

#### **Draft Fund Balance Policy**

Supervisor Adams suggested that this will be taken up in January or February. Meanwhile, she would like the board to read it and send in comments.

#### **Accountant recommendations for the 2024 Cash Audits**

Supervisor Adams has sent the board some links for review standards and she has discussed the recommendations with the accountant. The cash audits will be scheduled in late January or early February. Brief discussion ensued.

#### **Town Hall will be closed December 25 & January 1, 2025 (*note this is a correction of times posted on agenda*)**

#### **Vacancies: Planning Board, Senior Advisory Council, Ethics Committee, Planning & Zoning Clerk**

Supervisor Adams reviewed the vacancies that need to be filled and what is happening in the interim.

#### **Columbia Board of Supervisors Report**

The tax levy is going up 2.9% primarily because of unfunded mandates, new rules for service provider staffing ratios, higher costs, etc. Additional 2024 revenues kept the tax increase lower than it would have been otherwise.

#### **BOARD DISCUSSION / Committee Reports**

##### **Planning / ZBA Report / Ginny**

Working on the ONVO application, now considered complete, to improve sight lines, increase loading zone areas, and restrict backing out into the highway using barriers.

The solar array on private residential property is moving forward.

##### **Climate Smart Task Force / Will (excused)**

Supervisor Adams spoke. The \$110,000 grant has been the focus of the task force's work for the last month. The next meeting will be a discussion of 2025 goals including qualification for Silver certification.



### **Public Safety / David**

The Bridge for NY funding applications: four have been accepted. Work on culverts are the plan. The speed limits on various roads are moving along.

All pedestrian crossing signs need to be in compliance and say "yield for pedestrians" not "stop for pedestrians in the walkway."

Vandals have been defacing and stealing signs in the county. It was noted that several signs along SR295 in Canaan are missing the letter "C", this is thought to be age, not vandalism.

### **Transfer Station / David**

The Transfer Station is down 3 tons on C & D, down 1.5 tons on household waste, and 4.5 tons over all. 575 tons in December so far as compared with 535 last year. We are 42 tons over from where we were last year. The hope is that with the new policy and a monitor, there will be a reduction in waste. The tonnage rate will go up as of January 1, 2025. As to the employee, there is a plan for support and information in the form of handouts and a sign that has been approved by the transfer station owner.

### **TOWN HISTORIAN ANNUAL REPORT** presented by Dodie Gearing

Historian Gearing is very happy to be the historian, and had a wonderful year. There was a Purple Heart ceremony, a Veteran's Day ceremony, and a *People Places and Things* pamphlet created. Historian Gearing also designed a 4<sup>th</sup> grade curriculum book that she has distributed to every 4<sup>th</sup> grade teacher in the county, including home schools. She did research on 27 different family names. She spoke about the new biography of Martin Van Buren and doing archeological digs. She will make a book about the artifacts discovered. There are 17 cemeteries in the Town of Canaan. The Historical Society, with help from ten boy scouts, cleaned the DeWitt Brown cemetery. She plans to continue next year and the board thanked her wholeheartedly.

Councilperson Nightingale shared that Jeannie Bowerman suggested putting a notice in the Free Store with a list of the office furniture; someone might come and take it. All thought this a good idea.

### **ASSESSOR'S REPORT** (sent via email; see attached)

There were no questions.

### **HIGHWAY REPORT** (sent via email and in person, read by Highway Superintendent Van Tassel

#### **Summary:**

- Road crews were out half a dozen times since Thanksgiving, including Thanksgiving Day and the day after.
- Our new hired employee returned to work last Tuesday; I received a note from his doctor clearing him to return to work.
- we had 2 small sections of guiderail installed around town because of increasing safety concerns. Large culvert replacement jobs sometimes remove trees that have acted as a natural barrier. Blind corners are another concern that can warrant either guiderail, arrow signs/warning signs, reflective markers, tree removal and widening the road at the corner to improve visibility.
- We have been reorganizing in the shop (utilizing all the space that has become available after the roof job) and in the pole barn, where the new tractor will be stored. I have added some bird netting to the front of the building to keep the pigeons from roosting on the mezzanine

inside, where pigeons have made a mess that we will be cleaning. The roof work comes with a 10-year workmanship guarantee and I was told the material comes with a 35-year warranty.

- Mark Meppen stopped by the shop to look at our water heater that has a small leak.
- Brenda has informed me Ben from B&D Electric will be stopping by to look at our fuse panels at the garage, so he can provide an estimate to move the fuse panels outside the bathroom.
- I purchased an airless paint sprayer so we now have the ability to undercoat all the trucks and equipment thoroughly.
- Our trucks and equipment replacement schedule has been updated with the purchase of the new John Deere tractor. In 2025 there are no pieces of trucks or equipment scheduled to be replaced. Truck# 12, our 2012 Ford F550 will probably need replacing in the years of 2027-2032. Truck #8 falls into that category too.
- Last month with the help of the Town of Chatham Highway Department we spent a few days grinding stumps around town in preparation for winter plowing.
- Helixintel update: Christine and I met with a representative for one last training session that was more of a broad overview. Christine and I will be the admins to this program; we will be going over our inventory lists, replacement schedules, insurance lists, vendor lists etc. Helixintel will then input all this information into the program for us, which is a service they also provide. Unfortunately, I received an email last week from Helixintel that one of the services within the program called "Savings Scout" that would have provided searches for relevant incentives based on "their industry, location, and property needs" is no longer being offered.
- The Annual Certification of Local Highway Mileage (our Local Highway Inventory from NYS which is used to calculate how much CHIPS funding we will receive every year) is in. I will be going over the list with Councilperson Patzwahl to note any changes etc., to meet the deadline of January 16, 2025. Walker Lane is not a town road.

There was a brief discussion about road designations.

Councilperson Patzwahl mentioned an equipment malfunction recently: an indicator light was not working properly, the dump truck bucket was not completely lowered and hit the garage doorway. There will be repair costs, but the crew has done some of the repair already to keep the cost down.

## **PUBLIC DISCUSSION**

The audience was asked if there were any further comments. There were none.

## **End of Year Meeting**

The time and date for the meeting was decided for Monday December 23 at 5:30 PM.

## **MOTION TO ADJOURN**

Supervisor Adams called for a motion to adjourn. Councilperson Lifsec made a motion to adjourn, seconded by Councilperson Patzwahl. 4 AYES - Motion carried.

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

**NEXT MEETING**

End-of -the-year Meeting December 23, 2024 at 5:30 PM

January Public Hearing LL #4 of 2024 & Organizational Meeting January 13, 2025 at 7PM

Respectfully submitted,

Rebecca Nebesar

Deputy Clerk 2