

**Approved**

**April 9, 2024**

**March 11, 2024  
Town of Taghkanic  
Town Board Meeting**

**Note all documents in these minutes may be clicked on and enlarged for easier reading**

Town Board Members audited and signed vouchers March 11, 2024.

**7 pm:** The Taghkanic Town Board held its Regular meeting on the above date with a combination of Supervisor Skoda, Board Members, Town Clerk, 7 residents at the Taghkanic Town Hall and 6 residents attending via Zoom. **Supervisor Ryan Skoda** opened the meeting with the Pledge of Allegiance and moment of silence.

<b>Present:</b>	Ryan Skoda	Supervisor	
	Elisabeth Albert	Board Member	
	Perry Ascher	Board Member	
	Doug Craig	Board Member	<b>ZOOM</b>
	Linda Mirabelli	Board Member	
	Cheryl Rogers	Clerk	

**Guest Speaker:**

- ✦ Hannah Calhoun, Executive Director of Columbia County Greene Addiction Coalition
  - ✓ Offering a Drug awareness Public informational meeting for the town residents.
  - ✓ Town Board all agreed.
- ✦ Ray Colgrove, Sopok Road, damage of resident sign (Sunbeam Lodge)
  - ✓ Supervisor Ryan Skoda will make the Highway Department aware of the problem.

**Supervisor Ryan Skoda then asked for a motion to approve the following minutes:**

**February 12, 2024:** Town Board Regular meeting minutes were accepted as written on a motion by **Board Member Linda Mirabelli** seconded by **Board Member Elisabeth Albert**.

**Approved**      5 Aye            (Ryan, Elisabeth, Perry, Doug, Linda)  
                         0 Nays  
                         0 Absent

**February 19, 2024:** Town Board STR review meeting minutes were accepted as written on a motion by **Board Member Linda Mirabelli** seconded by **Board Member Elisabeth Albert**.

**Approved**      5 Aye            (Ryan, Elisabeth, Perry, Doug, Linda)  
                         0 Nays  
                         0 Absent

**The Correspondence:**

- 1.Ray Colgrove, Sopok Road
- 2.NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**Board Member Linda Mirabelli** motioned to grant permission with a simple consent for angler access along the portion of the Taghkanic Creek on the town hall property parcel ID # 172.-2-30, seconded by **Board Member Elisabeth Albert**.

**Approved**      5 Aye            (Ryan, Elisabeth, Perry, Doug, Linda)

0 Nays  
0 Absent

- 3.EVOLIS VISION
- 4.Columbia Land Conservancy
- 5.Ron Bel Bruno, Ronadale Lane

- ✚ James Longo, Ron Bel Bruno, and Dan Saunders wanting answers to the work promised to be done on Ronadale Lane. James Longo it is a very dangerous situation that we have now made you aware of. He is willing to provide his time and equipment if the town will provide the material.
- ✚ **Supervisor Ryan Skoda:** Ryan is aware of the condition of the road, and that there needs to be a culvert replaced which we have already. I have been sending the guys over with gravel with hopes it will help until we get some nice days.

**Reports from the Boards:**

**Animal Control:** *Kyle Miller*, report submitted as follows

**ZBA:** *James Romaine*, Chair, no report.

**Planning Board:** *Katherine Bainer*, Chair report submitted.

Taghkanic Planning Board Report for February 2024  
There were no meetings in February.

**Assessor:** *Craig Surprise* report submitted.

**ZEO/CEO/Building Inspector:** *Dennis Callahan* report submitted.

**Historian:** *Nancy Griffith*, no report submitted.

**Traffic Safety Board:** *Board Member Linda Swartz*, report submitted as follows.

The next meeting of the Columbia County Traffic Safety Board is scheduled for March 28, 2024.

**Environmental Management Council:** *Robert Brush* no report submitted:

**Office for the Aging:** *Celine Kagan*, no meeting to report.

**Clerk/Collector:** *Cheryl Rogers*, reports were submitted to the Board.

**Supervisor:** *Ryan Skoda*, report submitted.

TOWN OF TAGHKANIC  
CASH AND FUND BALANCE  
FEBRUARY 29, 2024

**A FUND-GENERAL FUND CASH**

CD 0116	502,087.54
CD 0117	502,087.54
OPERATING MULTIFUND	278,527.05
MONEY MARKET MULTIFUND	1,176,952.08
HRA BANK ACCOUNT	2,177.09
PETTY CASH	200.00
<b>TOTAL</b>	<b>2,462,031.30</b>

<b>A-FUND BALANCE AS OF 12.31.2023</b>	1,420,386.39 A
NET SURPLUS/(DEFICIT) THROUGH 01.31.2024	86,007.41
<b>FUND BALANCE AS OF 02.29.2024</b>	<b>1,506,393.80</b>

**DA FUND-HIGHWAY FUND CASH**

CD 0118	504,253.82
OPERATING MULTIFUND	15,196.94
MONEY MARKET MULTIFUND	273,004.50
<b>TOTAL</b>	<b>792,455.26</b>

<b>DA-FUND BALANCE AS OF 12.31.2023</b>	<b>936,348.97 B</b>
NET SURPLUS/(DEFICIT) THROUGH 01.31.2024	470,738.21
<b>FUND BALANCE AS OF 02.29.2024</b>	<b>1,407,087.18</b>

**Highway: Roberts Burns**, report submitted:

Taghkanic Highway Report March 2024

Replaced culvert on Sopok Rd and Craryville Rd  
Truck 3, 2005 International 5-ton dump truck, towed to Hillsdale repair and required work was performed.  
Poured concrete pad for installation of standby generator  
Continued removal of brush and tree limbs from highway ROW  
Minor roadwork to repair winter damage preformed on New Forge II, Ronadale, Manor Rock, Craryville, Sheldon  
Superintendents truck taken to D&E repair to have sander fixed (electronic)  
Started the process of removing excess sand from roadway  
Removed deceased tree from town hall

**Advisory Board reports:**

**Financial Advisory Committee Report:** *Board Member Linda Mirabelli* reported the financial committee will be meeting February 14, 2024.

**Conservation Advisory Committee/Climate Smart Community:**

Report of the Climate Smart Communities Task Force Feb 22 2024 Meeting

- Bets spoke about the plan that is developing to plant trees at Taconic State Park. Eli indicated that Gallatin will most likely join Taghkanic in the activity. Gallatin is doing trail work in the park on May 11th, filling in muddy trails with gravel and that sort of thing. This was considered to be a good date to combine both activities. Peter will check with the CLC to see if there are any grants available. He has also mentioned this activity to Troy, who is now the director of the CLC. They hold land (ca. 140 acres) adjacent to the park that will ultimately go to the TSP and which will require some degree of reforestation. The CLC has a modest grant program, maybe up to \$1k. They may fund trees for this parcel of land. Trees for Tribs is another potential source of trees, stakes, and tubes. The dead line has passed, but Bets will reach out to them anyway to see if they would consider the site (does TSP have sites that are consistent with TFT planting?).
- No update on the EMC.
- Doug announced that the Taghkanic CSC was notified that our recent submission of our Clean Heating and Cooling results were accepted by NYSERDA, pushing our CEC score beyond 3000 points and making us eligible to apply for a \$50K grant. He also indicated some optimism that we would learn this week about the status of our grant application to PCA for funding to cover solar panels and heat pumps at the town garage. (Spoiler alert: found out the next day that we were denied this time.)
- Bets went over the status of preparations for the Feb 28 Taghkanic Talk / Energy Forum. Everything seems to be in place, pizza arranged, a few posters to still be put up. There will be presentations by Paul Stathis (heat pumps), Allie Naganuma (Community Solar campaign), Christina Bonsack/Fiona Hynes (weatherization).
- Perry announced there will be a Repair Café at the Claverack Library on June 1st. Taghkanic will help by looking locally for repair coaches.
- Doug reminded folks that we need to prepare for how we would use any grant funds that we receive. Our stretch-goal this year is to attain 5000 points by Oct 1, which would enable us to apply for an additional \$100K grant.

**Digital Communication Advisory Committee:** Nadja Palenzuela meeting held March 1, 2024, working on changing the presents of Tgazetta and Instagram so the information is shared. Proposing a logo change open to suggestion from the residents.

**Old Business:**

1. **Update on Zoning Review:** *Supervisor Ryan Skoda:* Attorney Fitzsimmons goal timeline is to have it to us by June 1<sup>st</sup>.

## 2. LL # 1 -2024 Supervisor Ryan Skoda: Memo from Attorney Fitzsimmons

I was able to review the last version of the STR law with the minutes of your meeting of February 19, 2024. Having reviewed prior versions, knowing your intentions, this law has come together very well. I was able to read the law from front to back and it gives a clear understanding of the requirements and expectations for STR use in the town.

I do offer the following for some minor revisions for your consideration:

### **Section 2(8) reads:**

1. Owner: The natural person or persons holding title to the Dwelling, or, if the property is held by a partnership or LLC of one or more trustees, the beneficiary Owner or Owners shall be understood to be the Owner for the purposes of this definition.

### **I would propose:**

1. Owner: The natural person or persons holding title to the Dwelling, or, if the property is held by a partnership, corporation, trust or other entity, the beneficiary Owner or Owners of such entity shall be deemed to be the responsible Owner for the purposes of this law.

### **Section 4(B)(4)(d) reads:**

- d. The Owner shall provide an attestation that the property meets Town requirements or limits for the appropriate category of STR property, as provided herein.

In reading this sentence, I was not sure what the attestation would be. I didn't like "requirements or limits" in the alternative. Should the language be?

- d. The Owner shall provide an attestation that the property meets the Town requirements as set forth in this law, as either a hosted STR or un-hosted STR, and they shall represent with the attestation that the property complies with the requirements as provided herein.

Section 14 Reads.

### **Section 14. GROUNDS FOR SUSPENSION OR REVOCATION OF PERMIT.**

- A. The Code Enforcement Office may immediately suspend a Short-Term Rental Permit based on any of the following grounds:
  1. Applicant has falsified or failed to provide information in the application for a permit or the application for permit renewal.
  2. Applicant failed to meet or comply with any of the requirements of this Section.
  3. Owner is in violation of any provision of the Town of Taghkanic Zoning Code.
  4. Owner has violated any provision of the Penal Code of the State of New York, which violation occurred at, or related to, the occupancy of the Short-Term Rental.
  5. Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

Using the term "violation" may open you up to a challenge for issuing a suspension. Legally, you can only have a founded violation after a court adjudicates one. Meaning a charge, a court proceeding, and a verdict finding a violation. By example, if a police officer uses radar to clock a speeder, they pull the speeder over, give them a ticket, they go on their way, go to court, and may later be convicted of the violation of speeding. i.e. you are innocent until proven guilty. It can't be a summary suspension without due process if you say it is based upon a "violation". Also, using the term "discretion" for the CEO's determination to suspend, gives him much more latitude legally to temporarily suspend a permit. A permit suspension is a much lessor penalty than finding a violation, which a court must do.

### **I would propose:**

- A. In the discretion of the Code Enforcement Officer, a Short-Term Rental Permit may be immediately suspended based on any of the following grounds:
  1. Applicant falsified or failed to provide information in the application for a permit or the application for permit renewal.
  2. Applicant failed to meet or comply with any of the requirements of this law.
  3. Owner is not in compliance with any provision of the Town of Taghkanic Zoning Code.
  4. Owner is not in compliance with any provision of the Penal Code of the State of New York, which condition occurred at, or related to, the occupancy of the Short-Term Rental.
  5. Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.
- B. Such suspension shall remain in effect, and the STR shall not operate, until such time the condition or conditions are remedied, and the CEO finds compliance.
- C. Nothing in this section shall prevent the Town from ensuring compliance or undertaking enforcement by any other means. The Town shall have any other and further remedies at law or otherwise now existing or as may hereafter be provided for under the laws of the State of New York, and any and all such remedies shall be deemed cumulative, and the pursuit of any remedies shall not be construed as an election or the waiver of the right to pursue any and all others.

Section 15, entitled Validity and Severability, provides that if any section or provision of the law is challenged and found invalid, then the rest of the law remains in effect. If for some reason the law is challenged and a key provision is overturned, the town could consider a temporary STR moratorium while re-evaluating the law.

If you should have any questions or comments, please feel free to contact me for further information.

The Board all agreed that Attorney Fitzsimmons proposed changes were spot-on. **Board Member Elisabeth Albert** motioned to have Attorney Fitzsimmons add his proposed changes and to setup into Local Law format for the Public Hearing to be held Tuesday April 9<sup>th</sup> at 6:30pm, seconded by **Board Member Perry Ascher**.

**Approved**      5 Aye            (Ryan, Elisabeth, Perry, Doug, Linda)  
                         0 Nays  
                         0 Absent

April 8, 2024 meeting was change to Tuesday April 9, 2024 as one of the Board Members was not able to make the Monday meeting.

3. **Zoom Account:** **Board Member Elisabeth Albert** reported the town ZOOM account is in place and working tonight.
4. **Update on Letters sent to Sands and Jutkofsky:** **Board Member Linda Mirabelli**, letters have been sent out, I have not received any response as of yet.  
    ✚ **Supervisor Ryan Skoda:** reach out again in a couple weeks.
5. **ADU:** **Supervisor Ryan Skoda:** **Board Member Elisabeth Albert**, Chris Brown had no recommendations. Joyce did send me some information and I will forward that on to all of you.  
    ✚ **Board Member Perry Ascher:** has there been any progress at the county level on the STR tax?  
    ✚ **Supervisor Ryan Skoda:** the Occupancy Charge Review Committee has been formed and meet last week.

**New Business:**

- A. **May 2024 Calendar:** **Board Member Linda Mirabelli** motioned to accept the May 2024 calendar as presented, seconded by **Board Member Perry Ascher**.

**Approved**      5 Aye            (Ryan, Elisabeth, Perry, Doug, Linda)  
                         0 Nays  
                         0 Absent

**The bills were audited and approved for payment as follows:**

- ✚ **February 24, 2024 Abstract:** on a motion by **Board Member Linda Mirabelli**, was approved for payment, seconded by **Board Member Perry Ascher**.

2024 General Fund Vouchers	#	52	-	59	\$	3,099.89
2024 Highway Fund Vouchers	#		-		\$	

**Approved**      5 Aye (Ryan, Elisabeth, Perry, Doug, Linda)  
                         0 Nays  
                         0 Absent

- ✚ **March 11, 2024 Abstract:** on a motion by **Board Member Linda Mirabelli**, was approved for payment, seconded by **Board Member Perry Ascher**.

2024 General Fund Vouchers	#	60	-	87	\$	22,466.71
2024 Highway Fund Vouchers	#	15	-	28	\$	48,934.21

**Approved**      5 Aye (Ryan, Elisabeth, Perry, Doug, Linda)

0 Nays  
0 Absent

- ✦ **March 11, 2024 Replacement check Abstract:** on a motion by **Board Member Linda Mirabelli**, was approved for payment, seconded by **Board Member Perry Ascher**.

Replacement check General Fund	#	-	\$	5,393.00
Replacement check Fund Vouchers	#	-	\$	1,755.04

Approved 5 Aye (**Ryan, Elisabeth, Perry, Doug, Linda**)  
0 Nays  
0 Absent

The following people commented during the fifteen minute public comment:

- ✦ **Board Member Perry Ascher:** Is there some kind of filming happening on Old Route 82?
- ✦ **Supervisor Ryan Skoda:** yes, there is.
- ✦ **Clerk Rogers:** I was contacted a few months ago asking about any regulations or permits regarding filming, I referred them to ZEO Callahan. I also recommended they contact the Sheriff's and/or the State Troops for traffic control.
- ✦ **Board Member Perry Ascher:** Kurk Kneller contacted me with an update on the Copake Rapid Care, they are in the process of staffing and hope to be open by May 1<sup>st</sup>.
- ✦ **Joanne Klein:** will the new proposed LL 1-24 be posted on the website?
- ✦ **Supervisor Ryan Skoda:** yes
- ✦ **Supervisor Ryan Skoda:** we have received an answer from the Comptroller concerning the fire district, we have been given the go ahead for finalize.
- ✦ **Arthur Griffith:** who is our Resident Deputy Sheriff? Who are the Liaisons for the fire company, and has work been started on the Re-Val?
- ✦ **Supervisor Ryan Skoda:** Resident Deputy Sheriff: have not been informed, Fire: Ryan, Dennis, Betsy, Re-Val work has started.
- ✦ **Arthur Griffith:** Roeliff Jansen Historical Society Presents Mohican Heritage: Past, Present and future Sunday March 17, 2024 at 2 pm.

8:55 Executive Session: **Board Member Linda Mirabelli** motioned to go into Executive Session to discuss personnel, seconded by **Board Member Perry Ascher**.

Approved 5 Aye (**Ryan, Elisabeth, Perry, Doug, Linda**)  
0 Nays  
0 Absent

9:28 Executive Session: **Board Member Linda Mirabelli** motioned to close Executive Session, seconded by **Board Member Perry Ascher**.

Approved 5 Aye (**Ryan, Elisabeth, Perry, Doug, Linda**)  
0 Nays  
0 Absent

With no further business, on a motion by **Board Member Linda Mirabelli**, seconded by **Board Member Perry Ascher** the meeting was adjourned at 9:28 pm, carried unanimously by

all members present. The next Regular meeting will be **April 9, 2024** at the Taghkanic Town Hall.

**Audience at Town Hall:** Scott Schneider      Arthur Griffith      Hannah Colhoun      Ray Colgrove  
James Longo      Ron Bel Bruno      Dan Saunders

**Audience via Zoom:** Kara Gilmore      Nadja Palenzuela      Celine Kagan      Joanne Klein  
Merridith Glabman      Sherrill Kurland      Doug Craig