

**TOWN OF CHATHAM
TOWN BOARD MEETING
June 21, 2012**

A Regular Meeting of the Town of Chatham Town Board was held on June 21, 2012 at 7:00PM at the town hall at 488 Route 295, Chatham, NY.

PRESENT: Supervisor Jesse DeGroot, Councilman Jean Rohde, Councilman Maria Lull, Councilman Henry Swartz (arrived at 7:25PM), Councilman Bob Balcom, Comptroller Earl Kelsey, Highway Superintendent Joe Rickert, Town Clerk Beth Anne Rippel, Town Attorney Tal Rappleyea, members of the Chatham High School Varsity Girls Softball team, East Chatham Fire Company members, community members and press

ABSENT:

Supervisor Jesse DeGroot called the meeting to order at 7:00 PM and led pledge to the flag.

Supervisor DeGroot and members of the Town Board recognized the Chatham Varsity Girls Softball team for their tremendous accomplishment in winning the New York State Class B Championship title.

The Public Hearing on the CAC was re-opened at 7:02 PM and closed at 7:05 PM.

The Public Hearing to consider the borrowing of funds by the East Chatham Fire Company Inc. for the construction of an addition to the firehouse located at 14 Frisbee St. in East Chatham was opened at 7:05 PM. Dick Alford presented the board with the loan commitment from the Bank of Greene County for their review. The Public Hearing was closed at 7:12 PM

CORRESPONDENCE

- A. Charter Communications, re: a rate increase
- B. Bob Leary, re: the proposed motocross track before the Town of Stephentown Zoning Board of Appeals.

PUBLIC COMMENT

NONE

REPORTS

- A. Highway – report on file. Repair on bridges on Seven Bridges Rd. to begin. #2 and #6 will need new I beams and #3 will need a new deck which was budgeted for. Decking material will go from steel to wood.
- B. Recreation Department – report on file.
- C. Code Enforcement/Zoning Enforcement – report on file
- D. Dog Control – report on file. DCO will be on vacation 7/10/12 through 7/16/12
- E. EMC –Deidre Henderson informed the board that the GIS CD and book has arrived. She attended the Watershed tour which was quite informative. Ms. Henderson asked if the board had looked at the energy recommendations survey she had given them a few months back. She will provide another if they need one.
- F. Justice Court – report on file

G. Assessor –No news.

H. ZIC –They have worked on the CAC proposed law. Tal will incorporate their recommendations and present to the board for review.

I. Supervisor –none

J. Comptroller –report on file

NEW BUSINESS

A. East Chatham Fire Company

B. NYSEG town lighting proposal will need further consideration. Questions on what's done with the old bulbs. DO they have a cooperative. The Board would like to bring NYSEG in to talk about the audit.

C. ICLEI membership

OLD BUSINESS

A. Proposed Conservation Advisory Council, CAC.

RESOLUTIONS

RES. #70-12 Supervisor DeGrootd offered RES. #70-12 to recognize the accomplishments of the Chatham Varsity Girls Softball team and moved its adoption:

WHEREAS, the Town of Chatham values the excellence exhibited in those who live, work, and play in its environs, and **WHEREAS**, the 2012 Chatham Girls Varsity Softball Team, led by Head Coach JB Brantley, Assistant Coach Dan Gregg, Assistant Coach Jodi Sullivan, Assistant Coach Pete Minahan, and with Cheyenne Shufelt as scorekeeper and Ahenk Yakar as team manager, with the team roster composed of co-captain Courtney Mesick, co-captain Karsyn Sawyer, Leah Layton, Lindsey Skype, Kayla Doty, Caitlin Gilligan, Michaela Smith, Karlee Shields, Erica French, Hannah Gregg, Allison Mesick, Kaitlin Pearson, Maddy Minahan, Karey Jornov, and Sam Zucco, and **WHEREAS**, 2012 Chatham Girls Varsity Softball Team emerged as the winners of the Patroon Conference, local Sectional completion, state Regional competition, and ultimately as New York State Class B champions, and **WHEREAS**, the 2012 Chatham Girls Varsity Softball Team was recognized as a “Scholar Athlete” team by the New York State Public High School Athletic Association, which teams earn by achieving at least a 90 grade point average overall, **THEREFORE**, Be It Resolved that the Town of Chatham recognizes the tremendous accomplishments of this team, and wishes everyone involved continued success in the future. **ADOPTED** this **21st** day of **June, 2012** at the meeting of the Town of Chatham Town Board. Councilman Rohde seconded the motion

VOTE: Ayes; DeGrootd, Rohde, Lull, Swartz, Balcom

Nays; None

Resolution adopted

RES. #71-12 to enter into an agreement with George DeRatafia to allow the highway department to remove rock from his property. Councilman Rodhe offered RES. #71-12 and moved its adoption: **THIS AGREEMENT, entered into this 21st day of June, 2012, by and between the Town of Chatham, New York (“the Town”), a municipal corporation organized and existing under the laws of the State of New York at 488 Route 295, Chatham, NY 12307 and George Lucien DeRatafia, (the “Property Owner”), at** ;

WITNESSETH, that the Town and the Property Owner, for the consideration hereinafter named, agree as follows

ARTICLE I. WORK TO BE DONE AND CONSIDERATION THEREFOR

The Property Owner agrees: to allow the Highway Department to remove rock to the Town of Chatham and County of Columbia. For such services the Property Owner shall be paid the sum of

§ 1.00 (One Dollar). The Property Owner agrees to allow the Highway Department to enter onto lands for the purpose of removing rock and dumping clean fill. The intent of the property owner is to benefit the town and is not meant to be an equal transaction. The property owner has previously given the town (87) eighty-seven loads of rock in exchange for clean fill.

This agreement will become void on December 31, 2012.

ARTICLE 2. PERMITS AND REGULATIONS: None.

ARTICLE 3. INDEMNITY AND SAVE HARMLESS AGREEMENT

The Property Owner agrees to indemnify and save the Town, its officers, agents and employees harmless from any liability imposed upon the Town, its officers, agents and/or employees arising from the negligence, active or passive, of the Property Owner.

ARTICLE 4. NO ASSIGNMENT

In accordance with the provisions of section 109 of the General Municipal Law, the Property Owner is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this Agreement, or its power to execute this Agreement, to another person or corporation without the previous consent in writing of the Town.

ARTICLE 5. AUTHORITY FOR EXECUTION ON BEHALF OF THE TOWN

The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town Chatham at a meeting thereof held on **June 21, 2012**. **Jesse DeGroodt, Supervisor**, whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an Agreement on behalf of the Town. This instrument shall be executed in duplicate. At least one copy shall be permanently filed, after execution thereof, in the office of the Town Clerk of the Town.

ARTICLE 6. NOTICES

Any and all notices and payments required hereunder shall be addressed as follows, or to such other address as may hereafter be designated in writing by either party hereto:

To Town: Town of Chatham, 488 Route 295, Chatham, NY 12307
To Property Owner: George Lucien DeRatafia; DBA: Lucien Farms, 207 Ashley Hill Road, Old Chatham, NY 12136

ARTICLE 7. WAIVER

No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

ARTICLE 8. MODIFICATION

This Agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.

ARTICLE 9. APPLICABLE LAW

This Agreement is governed by the laws of the State of New York.

IN WITNESS WHEREOF, the Town of Chatham has caused its corporate seal to be affixed hereto and these presents to be signed by **Jesse DeGroodt, Supervisor**, duly authorized to do so, and to be attested to by the Chatham Town Clerk, and the Property Owner has caused its corporate seal to be affixed hereto and these presents to be signed by its President or other authorized officer, agent or representative, the day and year first above written.

JESSE DeGROODT, SUPERVISOR

GEORGE LUCIEN DERATAFIA, PROPERTY OWNER

State of New York)
County of Columbia) ss.:

On the 21 day of June in the year 2012 before me came, the undersigned, a Notary Public in and for the said State, personally appeared Jesse DeGroodt personally known to me or proved to me on the basis of satisfactory evidence to the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York)
County of) ss.:

On the day of in the year 2012 before me came, the undersigned, a Notary Public in and for the said State, personally appeared George Lucien DeRatafia, personally known to me or proved to me on the basis of satisfactory evidence to the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

Councilman Swartz seconded the motion.

VOTE: Ayes; DeGroodt, Rohde, Lull, Swartz, Balcom
Nays; None Resolution adopted

RES. #72-12 to approve borrowing by the East Chatham Fire Company, Inc. for renovations and improvements. Councilman DeGroodt offered RES. #72-12 and moved its adoption: THEREAS, the East Chatham Fire Company, Inc. (hereinafter the “Fire Company”) has requested the Town of Chatham to approve borrowing by the Fire Company from The Bank of Greene County in the amount up to \$300,000.00 toward renovations and improvements for its existing firehouse located on Frisbee Street in the Town of Chatham, and WHEREAS, in accordance with Internal Revenue Code Section 147 (f) and Internal Revenue Code Section 150 (e), such borrowing may be made through the issuance by the Fire Company of tax exempt obligations, thereby resulting in a lower interest rate to the Fire Company, provided however, that such borrowing is approved by the local municipality having jurisdiction, in this case, the Town of Chatham, and WHEREAS, the Town Board wishes to facilitate this borrowing so that the Fire Company can proceed to improve its firehouse and to borrow money to do so at the lowest available interest rate, and WHEREAS, such improvements will benefit the residents of the Town of Chatham and are supported by the Town Board, NOW, THEREFORE, BE IT RESOLVED by the Chatham Town Board that the Town of Chatham does hereby approve the borrowing by the East Chatham Fire Company, Inc. from The Bank of Greene County for improvements to its existing firehouse located on Frisbee Street in the Town of Chatham in the maximum amount of \$300,000.00, and BE IT FURTHER RESOLVED, that this approval is contingent upon the following requirements:

a. The Town of Chatham shall not be a participant in the financing in any manner but rather this approval is made solely in order to facilitate the borrowing by the Fire Company. Accordingly, the Town of Chatham shall have no obligations or liabilities in connection with such borrowing.

b. The Fire Company shall comply with all applicable laws, rules and regulations in connection with said borrowing and in connection with the contracting for the performance of such renovations and improvements.

AND BE IT FURTHER RESOLVED that, pursuant to these terms and conditions, the Town Supervisor be and he is hereby authorized to issue a letter of approval in accordance with the requirements of the applicable sections of the Internal Revenue Code. Councilman Lull seconded the motion.

VOTE: Ayes; DeGroot, Rohde, Lull, Swartz, Balcom
 Nays; None Resolution adopted

RES. # 73-12 to approve the standard work day for appointed and elected officials.

Supervisor DeGroot offered RES. #73-12 and moved its adoption:

BE IT RESOLVED, that the Town of Chatham hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

Title	Name	Standard Work Day	Term Begins/Ends	Uses Time Keeping System	Days/ Month
ELECTED					
Supervisor	Jesse DeGroot	6	1/1/2012-12/31/2015	Y	20
Hwy Superintendent	Joseph Rickert	8	1/1/2010-12/31/2013	Y	20
Town Clerk	Beth Anne Rippel	8	1/1/2010-12/31/2013	N	20
APPOINTED					
Hwy MEO	Timothy Laraway	8	01/01/2012-12/31/2012	Y	20
Hwy MEO	Gary Wheeler	8	01/01/2012-12/31/2012	Y	20
Hwy MEO	Darrell Dutcher	8	01/01/2012-12/31/2012	Y	20
Hwy MEO	Timothy Calyer	8	01/01/2012-12/31/2012	Y	20
Hwy MEO	John Blasi	8	01/01/2012-12/31/2012	Y	20
Hwy MEO	Matthew Rickert	8	01/01/2012-12/31/2012	Y	20
Hwy MEO	Richard O'Dell	8	01/01/2012-12/31/2012	Y	20
Hwy MEO	Kenneth O'Dell	8	01/01/2012-12/31/2012	Y	20
Hwy MEO	William Magill	8	01/01/2012-12/31/2012	Y	20
Hwy MEO	Timothy Lyons	8	01/01/2012-12/31/2012	Y	20
Hwy MEO	Timothy Laraway, Jr.	8	01/01/2012-12/31/2012	Y	20
Maintenance Worker	Lawrence Stupplebeen	8	01/01/2012-12/31/2012	Y	20
Secretary	Tammy Shaw	8	01/01/2012-12/31/2012	Y	20
CEO	Walt Simonsmeier	8	01/01/2012-12/31/2012	Y	16
Recreation Director	Shari Dixon Franks	8	01/01/2012-12/31/2012	Y	16
Court Clerk	Sandy LeClair	8	01/01/2012-12/31/2012	Y	20
Maintenance Worker	Nicholas Baccaro, Jr.	8	04/01/2012-10/31/2012	Y	20

APPOINTED					Days/ Annual
Zoning Board Member	Mitchell Khosrova	7	01/01/2007-12/31/2013	N	4

Councilman Balcom seconded the motion.

VOTE: Ayes; DeGroot, Rohde, Lull, Swartz, Balcom
 Nays; none Resolution adopted

RES. #74-12 to accept the May 17, 2012 Town Board meeting minutes. Councilman Rohde offered RES. #74-12 and moved its adoption to accept the May 17, 2012 Town Board minutes. Councilman Balcom seconded the motion.

VOTE: Ayes; DeGroot, Rohde, Lull, Swartz, Balcom
Nays; none Resolution adopted

RES. #75-12 to discontinue any and all association/membership with ICLEI, Local Governments for Sustainability. Supervisor DeGroot offered RES. #75-12 and moved its adoption to discontinue any and all association/membership with ICLEI. Councilman Swartz seconded the motion.

VOTE: Ayes; DeGroot, Rohde, Lull, Swartz, Balcom
Nays; none Resolution adopted

PUBLIC COMMENT

Councilman Swartz would like to thank the anonymous donor who graciously had name plates made for each board member.

Motion was made by Councilman Swartz, seconded by Councilman Rohde to adjourn at 8:05 PM. Motion carried.

Respectfully submitted by,

Beth Anne Rippel