

**TOWN OF CHATHAM
SPECIAL TOWN BOARD MEETING
July 2, 2012**

A Special Meeting of the Town of Chatham Town Board was held on July 2, 2012 at the town hall at 7:30 PM to discuss the White Mills Road Bridge replacement project.

PRESENT: Supervisor Jesse DeGroot, Councilman Jean Rohde, Councilman Henry Swartz, Councilman Bob Balcom, Highway Superintendent Joe Rickert, Comptroller Earl Kelsey, Town Attorney Tal Rapple, Town Clerk Beth Anne Rippel

ABSENT: Councilman Maria Lull

Also present were Byron Raych, project engineer from Barton & Loguidice and Jim Deloria of R.K. Hite, the firm subcontracted by B&L for the right-of-way certificate and Keith Stubblebean, a resident of the Golden Acres Mobile Home park most effected by the bridge closure.

Supervisor Jesse DeGroot called the meeting to order at 7:30 PM. The pledge to the flag was led by Councilman Swartz.

Owner #1, Frank Prevratil estate:

- In 2009 property owner Frank Prevratil was contacted with regards to a right-of-way needed in order to move forward with the bridge replacement over CSX railroad tracks on White Mills Rd.
- A title search was done. There are tax and mortgage liens on the property. The Town is able to get partial release from Columbia County and from the mortgage holder.
- An appraisal is done to determine property value. That appraisal is reviewed by another appraiser.
- Mr. Prevratil passed away before the right-of-way could be settled. The Town had approached the executor with an offer but due to a disagreement amongst heirs Mr. Prevratil's estate ended up in the court system. Neither side could agree on how to convey the easement to the Town.
- The Town had discussed eminent domain in the past but didn't want to take that route at the time. However, due to the critical situation and the need to expedite the bridge replacement the Town board unanimously decided to move ahead and take possession of the private property for the greater good of all residents. Compensation for the property (amount to be determined) will be held by the court in an interest bearing account for up to three years. At any time during the three years the funds may be claimed by the heirs to Mr. Prevratil's estate.
- According to Jim Deloria eminent domain process will take between 45 to 60 days.

RES. #76-12 to authorize R.K. Hite to move forward with eminent domain proceedings. Councilman Balcom offered RES. #76-12 and moved its adoption to authorize R.K. Hite to move forward with eminent domain proceedings on property currently owned by the estate of Frank Prevratil. Attaining ownership of said property (app. 2/10 of an acre in total) is necessary in-order to replace the White Mills Rd. bridge. Councilman Rohde seconded the motion.

VOTE AYES: DeGroot, Balcom, Rohde, Swartz
NAYS: None Resolution adopted

Owner #2, CSX

- In order for the Town to proceed with the project CSX is requiring an upfront payment of \$200,000 as part of the construction agreement. CSX will also require a permanent easement for future maintenance.
- CSX will not give the Town the right-of-way until they pay the \$200,000.00. DOT will not release funding until the Town has all the right-of-way agreements signed.
- There is concern that the \$200,000.00 will not be reimbursable under the Federal Grant Program.
- DOT and CSX each have their own reviewing agencies.
- According to NYS Railroad law the bridge is owned by CSX and the roadway over the bridge is owned by the Town.
- CSX will require the Town to take ownership of the bridge. Therefore taking on repair and maintenance. A future fund will be designated for that purpose.

Supervisor DeGroot will contact CSX and Congressman Chris Gibson's office and Byron Raych will bring Dean Knox from DOT together to discuss these points and hopefully try to reach some sort of agreement.

After some discussion the Board unanimously agreed to take ownership of the bridge.

RES. #77-12 to take ownership of the White Mills Rd. bridge over the CSX railroad tracks. Councilman Swartz offered RES. #77-12 and moved its adoption for the Town to take ownership of the White Mills Rd. bridge as required by CSX. Councilman Balcom seconded the motion.

VOTE AYES: DeGroot, Balcom, Rohde, Swartz
NAYS: None Resolution adopted

Motion was made by Councilman Swartz and seconded by Councilman Rohde to adjourn at 8:30 PM

Respectfully submitted,

Beth Anne Rippel, Town Clerk