

**TOWN OF CHATHAM**  
**REGULAR TOWN BOARD MEETING**  
**October 18, 2012**  
**7:00 P.M.**

A Regular Meeting of the Town of Chatham Town Board was held on October 18, 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 , Councilman Bob Balcom, Comptroller Earl Kelsey, Highway Superintendent Joe Rickert, Recreation Director Shari Franks, Town Clerk Beth Anne Rippel, Town Attorney Tal Rappleyea

**ABSENT:**

- Supervisor DeGroot called the meeting to order and led the pledge to the flag.
- **Public Hearing** on the proposed CAC local law was reopened.
  - Councilman Balcom...letter on the CAC law is on file
    - review §134, powers and duties.
    - Why do we have to carry this out by local law and not by resolution?
    - There seems to be a part missing in the proposed law.
    - The word “shall” is not permissive.
    - Would like to see a reference to 12F of the GML or make changes to reflect 12F of GML.

**Public Hearing** was closed at 7:05 P.M.

**CORRESPONDENCE**

A. Georgene Gardner re: proposed CAC law.

**PUBLIC COMMENT**

None

**REPORTS**

A. Highway – report on file

Bridge updates can be found on the highway Facebook and on the Town website.

B. Recreation Department – report on file

C. Code Enforcement/Zoning Enforcement – report on file

D. Dog Control – report on file

E. EMC – In light of the TCI fire EMC will be meeting on Monday with the County BOS to make their recommendations.

After the meeting with Dr. David Carpenter there is concern over the handling of testing following the fire. Dioxins are more of a worry than PCB's.

F. Justice Court - report on file

G. Assessors

H. Zoning Implementation Committee – Met on October 17<sup>th</sup>. They are working on the “use” category and have reviewed the cell tower and mining law. The committee will meet Nov. 7<sup>th</sup>, Dec. 5<sup>th</sup> and 19<sup>th</sup>.

I. Supervisor – The County is working on the budget.

J. Comptroller – report on file

## **NEW BUSINESS**

A. Columbia County Soil and Water presentation by Laura Sager, Exec. Director.

- CCSW was established in 1952.
- They are largely County funded but rely heavily on grant money.
- Their main focus is on environmental education working with school groups, common interest groups off site as well as at Mud Creek.
- CCSW works with municipalities on various environmental projects, just call.
- More information can be found on their website.

B. Begin solicitation process for upcoming town audit.

- There is a process to follow, Attorney Rappleyea and Supervisor DeGrootd will investigate and bring back their findings to the next regular meeting.

C. eWASTE is an electronics recycling company looking for sites to collect electronic waste. There is no cost to the Town. Bins would left at the Highway garage and would be accessible to the public during regular garage hours.

**RES. #96-12** to enter into a contract with eWASTE for electronics recycling. Supervisor DeGrootd offered RES. #96-12 and moved its adoption to enter into a contract with eWASTE for electronics recycling at no cost to the Town. Councilman Swartz seconded the motion.

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

Nays; None

Resolution adopted.

## **OLD BUSINESS**

A. Proposed Conservation Advisory Council law.

**RES. #97-12** to adopt the proposed Conservation Advisory Council local law #4-12. Supervisor DeGrootd offered RES. #97-12 and moved to adopt the proposed Conservation Advisory Council local law #4-12. Councilman Swartz seconded the motion. Copy attached.

**RES. #98-12** to table proposed RES. #97-12. Councilman Balcom offered RES. #98-12 and moved its adoption to table proposed RES. #97-12. Councilman Rohde seconded the motion.

VOTE: Ayes; Balcom

Nays; DeGrootd, Rohde, Lull, Swartz

Resolution rejected.

Councilman Rohde and Councilman Balcom would like to see further evaluation and discussion on the CAC. The CAC law is a work in progress and can be amended if and when necessary. The next task is to solicit CAC members.

Vote was held on RES. #97-12

VOTE: Ayes; DeGrootd, Rohde, Lull, Swartz

Nays; Balcom

Resolution adopted.

B. 2013 preliminary town budget

Discussion is ongoing regarding renovations/construction on the pavilion at the Park. Councilmen Swartz and Lull feel that the focus should be on programs that currently exist and not on community programs as a whole.

They want to see figures on what it would cost to replace just the pavilion. Perhaps a pole barn style building. Councilman Balcom would like to see the pavilion replaced with the thought of being able to expand down the road. Comptroller Kelsey stated that the interest rates are relatively low; borrowing could be either bonds or BANS.

### **NEW BUSINESS**

-According to Attorney Rappleyea there is a group asking to hold a 2 day event sometime in 2013. Would the town board consider a new local law to amend the current "public assembly" law to allow this type of an event?

-Wendy Carroll would like to do a presentation to the TB, ZBA and PB on GIS mapping. December 6<sup>th</sup> at 7 PM.

**RES. #99-12** to schedule a public hearing on the Tax Cap override. Supervisor DeGrootd offered RES. #99-12 and moved its adoption to schedule a public hearing on the Tax Cap override on November 15, 2012 at 7:00 PM. Councilman Swartz seconded the motion.

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

Nays; None

Resolution adopted.

**RES. #100-12** to schedule a public hearing on the 2013 preliminary budget. Supervisor DeGrootd offered RES. #100-12 and moved its adoption to schedule a public hearing on the 2013preliminary budget on November 15, 2012 at 7:05 PM. Councilman Rohde seconded the motion.

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

Nays; None

Resolution adopted.

Motion was made by Supervisor DeGrootd to enter into executive session at 8:50 P.M. for the purpose of discussing matters leading to the appointment/employment of a particular person to fill the comptroller's position as well as potential litigation for damages done to town owned property by a public utility. Councilman Lull seconded the motion. Motion carried.

Motion was made by Supervisor Jesse DeGrootd to leave executive session at 9:05 PM. Councilman Rohde seconded the motion. Motion carried.

**RES. #101-12** to approve the minutes of the September 20, 2012 regular town board meeting and the October 4, 2012 and October 11, 2012 special town board meetings. Councilman Rohde offered RES. #101-12 and moved its adoption to approve the minutes of the September 20, 2012 regular town board meeting and the October 4, 2012 and October 11, 2012 special town board meetings. Councilman Swartz seconded the motion.

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

**RES. #102-12** to authorize the comptroller to make amendments to budget appropriations. Supervisor DeGroot offered RES. #102-12 and moved its adoption to authorize the comptroller to make amendments to budget appropriations. From A7140.2 To A7140.4 for playground/recreation EQ to CE to cover increased operating costs with equipment funds not used for a total of \$2,000.00. Councilman Rohde seconded the motion

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

**RES. #103-12** to appoint Debbie Cesternino deputy comptroller. Supervisor DeGroot offered RES. #103-12 and moved its adoption to appoint Debby Cesternino deputy comptroller effective 10-19-12 at a rate of \$800.00 until December 31, 2012. Councilman Swartz seconded the motion.

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

## **PUBLIC COMMENT**

Deidre Henderson is disappointed with the CAC law.

Motion was made by Councilman Swartz and seconded by Councilman Rohde to adjourn at 9:06 PM, motion carried.

Respectfully submitted by,

Beth Anne Rippel, Town Clerk

## **Local Law #3-12 Conservation Advisory Council**

### **§ 134-1. Creation of Conservation Advisory Council.**

The Town Board of the Town of Chatham, pursuant to the authority conferred upon it by § 51, subdivision 5, of the Town Law and § 239-x of the General Municipal Law of the State of New York, hereby confirms the creation of the Town of Chatham Conservation Advisory Council (“Council”) as set forth in creation of Local Law #1 of 1989, except as amended from time to time and set forth herein to advise the Town Board in the development, management and protection of the town’s natural resources.

### **§ 134-2. Membership; term; vacancies.**

The Council shall consist of seven members who shall be appointed by the Town Board. Of the seven members first appointed, three shall be appointed for one-year terms, and four shall be appointed for two-year terms. Two of the members may be between ages sixteen and twenty-one years of age, as ex officio members. Any resident, over age sixteen, of the Town of Chatham shall be eligible for appointment as a member or ex officio member, as the case may be, of the council. Vacancies shall be filled by the Town Board. The Town Board shall, at its annual organizational meeting, appoint the Chairman of the Council. The Town Board

shall have the authority to remove any member of said council so appointed for cause, after a public hearing, if requested. A vacancy shall be filled for the unexpired term in the same manner as an original appointment.

**§ 134-3. Conduct of meetings.**

The Council shall adopt its own rules and procedures for the conduct of its meetings. It shall appoint a recording secretary and keep accurate records of its meetings and activities and provide a copy of such records to the Town Board on a monthly basis.

**§ 134-4. Powers and duties.**

The Council shall have all of the powers and duties:

- (a) Conduct researches into the land area of the municipality for which it was created;
- (b) It may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work upon approval of the Town Board;
- (c) It shall keep an inventory and map as defined in section two hundred thirty-nine-y of this article, of all open areas within the municipality with the plan of obtaining information pertinent to proper utilization of such open lands including lands owned by the state, any other municipality with the state or by the particular municipality itself;
- (d) It shall keep an inventory and map of all open marsh lands, swamps and all other wet lands in a like manner, and may recommend to the governing body of the municipality a program for ecologically suitable utilization of all such areas;
- (e) It may, in carrying out its powers and duties and upon approval of the Town Board, request the New York State Department of Environmental Conservation to:
  - a. Prepare reports outlining objectives, priorities and proposed relationships of the council to the Town Board;
  - b. Prepare a description of work to be undertaken, advantageous techniques to be used and suggested roles of council members;
  - c. Provide research on conservation facts and procedures;
  - d. Provide, on a consulting basis, technical and research assistance as may be required to assist the council in carrying out its work and to enable the council to offer recommendations to the Town Board;
  - e. Describe particular areas of natural resources within the town which require particular attention by the Council.
- (f) It may accept by gift, grant, bequest, or otherwise, money or other personal property in the name of the municipality, for use in furtherance of the provisions herein and in accordance with the annual budget set by the Town Board.
- (g) In addition to the foregoing, carry out any other duties, tasks, or responsibilities, consistent with the objectives of this law, assigned to it by local law enacted by the Town Board.

**§ 134-5. Annual report.**

The Council shall submit an annual report to the Town Board, not later than the 31<sup>st</sup> day of December of each year, outlining its activities during the preceding year and containing such recommendations to the Town Board as the Council feels necessary or desirable.

**§ 134-6 Compensation and expenses.**

No member of the Council shall be compensated for his or her services hereunder, but the reasonable and necessary expenses of the Council may be incurred as a general town charge upon the taxable property of the town outside any

incorporated village, to the extent of any appropriation that may be made therefore by the Town Board.

§ 134-7 Notification

Within thirty days following the establishment of the Council, written notification hereof shall be sent by the Town Board to the state commissioner of environmental conservation.