

TOWN OF CHATHAM  
Town Hall, 488 Route 295, Chatham, NY 12037

REGULAR TOWN BOARD MEETING

And

Public Hearing on the proposed Public Assemblage/Mass Gathering Law, 7:00 p.m.

Public Hearing on the Niverville Fire Dept. 2013 contract, 7:05 p.m.

Public Hearing on the Tri-Village Fire Company 2013 contract, 7:10 p.m.

December 20, 2012

**PRESENT:** Supervisor Jesse DeGrootd, Councilman Maria Lull, Councilman Jean Rohde, Councilman Henry Swartz, Councilman Bob Balcom, Comptroller Earl Kelsey, Highway Superintendent Joe Rickert, Town Attorney Tal Rappleyea, Debbie Cesternino, CEO Walt Simonsmeier, Planning Board Chairman Marilyn Cohen, PB Deputy Donna Staron

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

The **public hearing** on the proposed Public Assemblage/Mass Gathering law was opened at 7 p.m.

- Marilyn Cohen submitted written comment from the Planning Board and one thing they would like to change is for the TB to issue the permits. Comment on file.
- Tal Rappleyea has taken suggestions from the ZIC and they are also asking that the Town Board issue the permits.

There was no further comment. The public hearing will remain open.

The **public hearing** was opened at 7:09 p.m. for the purpose of considering the 2013 fire protection contract between the Niverville Fire Dept. Inc. and the Town for an annual sum of \$17, 300.00. There was no comment and the public hearing was closed at 7:09 p.m.

The **public hearing** was opened at 7:10 p.m. for the purpose of considering the 2013 fire protection contract between the Tri-Village Fire Company and the Town for an annual sum of \$185,000.00. There was no comment and the public hearing was closed at 7:10 p.m.

**CORRESPONDENCE**

A. Marilyn Cohen re: her letter of resignation as clerk to the building department and the ZBA effective January 1, 2013.

**REPORTS**

A. Highway- report on file.

- Supervisor DeGrootd and Highway Super. Rickert spoke with CSX about the bridge in East Chatham. CSX is open to replacing the bridge over the railroad tracks but will expect the Town to take ownership once it has been replaced. Highway Super. Rickert would like to maintain the current 18' width with some possible changes to the approach.

**RES. #115-12** to purchase a 1977 Dodge/Pierce 4x4. Supervisor DeGrootd offered RES. #115-12 and moved its adoption to authorize the Highway Superintendent to purchase a 1977 Dodge Power Wagon 4x4 for \$3,800.00. Councilman Rohde seconded the motion.

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

**RES. #116-12** to remove the JD 544G loader and CAT excavator from the highway inventory. Supervisor DeGrootd offered RES. #116.-12 and moved its adoption to authorize the Highway Superintendent to removal of (one) 1997 JD 544G Loader, VIN#DW544GD560970 and (one) 2001CAT Excavator, VIN#CAT0M312C6TL0153, from Highway inventory and to sell as surplus. Councilman Swartz seconded the motion.

-Revenue will go back into the capital account when the equipment is sold.

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

**RES #117-12** to authorize the Highway Superintendent to purchase a 2013 CASE 621F Front End Loader, on State contract #PC65315 for the sum of \$138,382.78 after January 1, 2013. Supervisor DeGroot offered RES. #117-12 and moved its adoption to authorize the Highway Superintendent to purchase a 2013 CASE 621F Front End Loader, on State contract #PC65315 for the sum of \$138,382.78 after January 1, 2013. Councilman Rohde seconded the motion.

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

B. Recreation Department – report on file

C. Code Enforcement/Zoning Enforcement – report on file

CEO Walt Simonsmeier is asking the Board's permission to proceed with legal action, after January 1, 2013, on 3 properties which have had repeated code violations over the years.

**RES. #118-12** to authorize CEO, Walt Simonsmeier, to proceed with legal action against James Dalzell for code violations. Councilman Swartz offered RES. #118-12 and moved its adoption to authorize CEO, Walt Simonsmeier, to proceed with legal action against James Dalzell for code violations, property located at 193 Highland Rd. Chatham, NY, Tax map #56.-1-15. Councilman Lull seconded the motion.

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

**RES. #119-12** to authorize CEO, Walt Simonsmeier, to proceed with legal action against Edward Rymanowski for code violations. Councilman Swartz offered RES. #119-12 and moved its adoption to authorize CEO, Walt Simonsmeier, to proceed with legal action against Edward Rymanowski, property located at 1421 Albany Tpk., Malden Bridge, NY, tax map #5.-1-2. Councilman Balcom seconded the motion.

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

**RES. #120-12** to authorize CEO, Walt Simonsmeier, to proceed with legal action against Jeffrey Mickle for code violations. Supervisor DeGroot offered RES. #120-12 and moved its adoption to authorize CEO, Walt Simonsmeier, to proceed with legal action against Jeffrey Mickle, 418 Albany Tpk. Old Chatham, tax map #26.-1-80. Councilman Rohde seconded the motion.

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

D. Dog Control – report on file

E. Environmental Management Council- no report

F. Justice Court – report on file

G. Assessors – no report

H. Zoning Implementation Committee – their meeting focused on the proposed mass gathering law. The next meeting will be on January 16, 2013

**RES. #121-12** to appoint Aven Kerr to fill the vacancy on the Zoning Implementation Committee. Councilman Swartz offered RES. #121-12 and moved its adoption to appoint Aven Kerr to fill the vacancy on the Zoning Implementation Committee left by the resignation of Marilyn Cohen. Supervisor DeGroot seconded the motion.

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

I. Supervisor (county business) the County budget looks as though it is going down by about .25%.

J. Town Comptroller – report on file

**RES. #122-12** to authorize the Comptroller to make amendments to budget appropriations. Supervisor DeGrootd offered RES. #122-12 and moved its adoption to authorize the Comptroller to make amendments to budget appropriations as follows;

**Whereas,** The Chatham Town Board authorizes the Town Comptroller to make the following Amendments to Budget Appropriations:

<b>From</b>	<b>To</b>		
A1990.4	A1315.4	Fr Contingency to Comptroller PS To Cover Deputy Comptroller	\$ 900.00
A1990.4	A1010.4	Fr Contingency to Town Board CE To cover remaining Legal Costs/Zoning Implementation Committee	11,000.00
A1990.4	A9030.8	Fr Contingency to Soc.Security (Town Share) Increased spending above Budget	4,000.00
A1355.4	A1355.1	Fr Assessors CE To Assessors PS To Cover increased Cost for BAR	900.00
A5010.1	A5010.4	Fr Supt.of Highway PS to Supt. of Highway CE To cover increased spending	600.00
A7140.2	A7140.1	Fr Playground/Rec. EQ to Playground Rec. PS To cover increased Personnel Costs	4,400.00
B8020.4	B9030.8	Fr Planning CE to Soc. Security (Town Share) To cover increased spending	2,000.00
DB5142.1	DB5110.4	Fr Snow Removal PS to General Repair CE To Cover Unexpected Appropriations	20,000.00
DB9030.8	DB9010.8	Fr Social Security(Town Share) to State Retirement Due to increase in Annual Retirement Billing 2012	500.00
DB9030.8	DB9010.8	Fr Social Security(Town Share) to Unemployment Ins No Budget for Unemployment Ins.	100.00
		<b>TOTAL FUNDS</b>	<b>\$ <u>44,400.00</u></b>

Councilman Swartz seconded the motion.

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

**RES. #123-12** to create a finance/capital projects committee composed of Town Board members.

Councilman Balcom offered Supervisor DeGrootd seconded the motion.

-Councilman Lull would like to propose a meeting schedule

-The schedule can be discussed at the January 3, 2013 organizational meeting.

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

**NEW BUSINESS**

A. Long-range financial planning.

B. Set date of organizational meeting for Thursday, January 3, 2013 at 7 p.m.  
C. Rensselaer County humane society contract  
The board would like to be sure this is a “no-kill” shelter.

## **OLD BUSINESS**

A. Town audit

**RES. #124-12** to accept RFPs for a town audit. Councilman Swartz offered RES. #124-12 and moved its adoption to accept RFPs for a town audit which will go out the first week in January 2013. Councilman Balcom seconded the motion.

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

B. Planning board vacancy.

There have been 2 letters of interest regarding the planning board vacancy. Interviews will be scheduled for January 17, 2013, prior to the regular Town board meeting.

## **RESOLUTIONS**

**RES. #125-12** to approve the minutes of the November 15, 2012 regular town board meeting and the December 6, 2012 workshop meeting. Supervisor DeGroot offered RES. #125-12 and moved its adoption to approve the minutes of the November 15, 2012 regular town board meeting and the December 6, 2012 workshop meeting.

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

**RES. #126-12** to adopt proposed changes to the town personnel policy. Supervisor DeGroot offered RES. #126-12 and moved its adoption to adopt changes to the town personnel policy and to change the word “accountant” to “comptroller” in Section 3. Councilman Balcom seconded the motion.

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

**RES. #127-12** to waive the dog licensing fee for therapy dogs. Supervisor DeGroot offered RES. #127-12 and moved its adoption to waive the dog licensing fee for therapy dogs. Councilman Balcom seconded the motion.

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

## **PUBLIC COMMENT**

None

Motion was made by Supervisor DeGroot to enter into executive session at 8:10 p.m. under Public Officers law section 105. To discuss; e. collective negotiations pursuant to article fourteen of the civil service law, and f. the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Councilman Swartz seconded the motion. Motion carried.

Motion was made by Supervisor Jesse DeGroot to leave executive session at 8:30 p.m. Councilman Swartz seconded the motion. Motion carried.

Motion was made by Councilman Swartz and seconded by Councilman Rohde to close the meeting at 8:30 p.m. Motion carried.

Respectfully submitted by,

Beth Anne Rippel

Town Clerk/Tax Collector