

TOWN OF CHATHAM TOWN BOARD MEETING
August 18, 2011

The regular meeting of the Town of Chatham, Town Board was held on Thursday August 19, 2011 at 7:00 pm. Present were: Supervisor – Jesse DeGroot, Councilman – Maria Lull, Councilman – Henry Swartz, Deputy Town Clerk – Gail Wessot, Town Attorney – Tal Rappleyea, Highway Supt. – Joe Rickert, and others.

Absent: Councilman Rohde, Councilman Meyn

Supervisor DeGroot opened the meeting at 7:00 pm. The pledge to the flag was led by Supervisor DeGroot.

A Public Hearing was opened at 7:02 pm for Local Law #2 regarding the appointment of a sole appointed assessor. There was no comment and the hearing was closed at 7:03 pm.

CORRESPONDENCE

- A. Darreb Ninmicht and Tom Cicero: letter commending the Town Highway Department on the work done replacing the culvert on Harris Road.

Public Comment: None

REPORTS

HIGHWAY report on file. Town Attorney Tal Rappleyea will write letter to DEC re: failed safety inspection of Old Chatham Dam. Letter will include previous report from engineering firm of Barton and Loguidice.

RECREATION DIRECTOR report on file. Rec. Director Shari Franks spoke of speeding issues throughout park. Highway Superintendent is looking into portable speed bumps to help alleviate this safety problem.

JUSTICE report on file.

COMPTROLLER report on file.

Code Enforcement/Zoning Enforcement report on file

Dog Control DCO Wes Powell presented the Board with a letter/contract agreement from the Rensselaer County Humane Society regarding contracting with them. Town Attorney Tal Rappleyea will review the contract and the Board will make a decision based on his findings.

Environmental Management Committee no report

Assessors no report

Supervisor county business

Zoning Implementation Committee on file. Chairman Jim Temple – next meeting will be on Monday, August 22, 2011

NEW BUSINESS

- A. **Stockport Creek Watershed Alliance** – Fran Martino did a presentation explaining what the Watershed Alliance is about as far as educational programs, stream cleanups, and general public awareness. Ms. Martino asked the Board for permission to place a sign on 295 to help bring awareness to the Alliance. Supervisor DeGroot explained the problem the Town has regarding signs but added that he would discuss this with the Code Enforcement Officer. Supervisor DeGroot told Ms. Martino that she was more than welcome to place a placard and flyers inside the Town Hall.
- B. **Travel Trailer Campgrounds, storage facilities** – Town Attorney Tal Rappleyea explained to the Board that a Zoning Board Application requesting permission to have a travel trailer storage facility for travel trailers was not an allowable use based on the Zoning Board’s interpretation of that definition. Tal Rappleyea will be suggesting alternative wording for this section of the zoning code. Tal added that there is presently a section in the Town’s Comprehensive Plan that deals with “preserving existing barns”. Jim Temple, Chairman of the Zoning Implementation Committee, said the committee would work on the definitions at the August 22 Committee meeting.
- C. **Establishment of Finance Committee** - Supervisor DeGroot appointed Councilman Henry Swartz and Councilman Jean Rohde to finance committee

Old Business

Res. #78-11 – to accept bids for winter sand for the period of 9/1/2011 – 8/31/2012.

Supervisor DeGrootd offered Res #78 and moved its adoption that
 WHEREAS, the Chatham Town Board accepts bids for Winter Sand for the period from
 September 1, 2011 through April 1, 2012, and

WHEREAS, the Chatham Town Board awards portions of the bids below to more than one
 bidder based upon availability, location of material, location of potential job sites, and

THEREFORE, BE IT RESOLVED, that the Chatham Town Board accepts the bids as
 follows:

- 1. Bob Boll Excavating: \$9.40 per ton/FOB
- 2. Rifenburg Construction, Inc.: \$7.85 per ton/FOB
- 3. John R. Senter: \$7.60 per ton/FOB

Councilman Swartz seconded the motion.

Vote:

Ayes: Supervisor DeGrootd, Councilman Lull, Councilman Swartz

Nays: none

Resolution adopted.

Res. #79-11 to adopt minutes

Councilman Lull offered Res. #79 and moved its adoption to accept the minutes of July
 21, 2011 Town Board meeting as written.

Councilman Swartz seconded the motion.

Ayes: Supervisor DeGrootd, Councilman Lull, Councilman Swartz

Nays: none

Resolution was adopted.

Res. #80-11 to approve amendment to budget appropriations

Supervisor DeGrootd offered Res. #80 and moved its adoption that Whereas, The
 Chatham town Board authorizes the Town Comptroller to make the following Amendments to
 Budget Appropriations:

From	To		
A1990.4	A3510.4	Fr Contingency To Dog Control CE	1,000.00
		To Establish a Budget for Contractual Expenses	
		for 2011. No Expenditures where anticipated in the	
		original budget	
		TOTAL FUNDS	\$ <u>1,000.00</u>

Councilman Swartz seconded the motion.

Ayes: Supervisor DeGrootd, Councilman Lull, Councilman Swartz

Nays: none

Resolution was adopted.

Res. #81-11 to accept Local Law No.2 establishing single appointed assessor

Supervisor offered Res. #81 and moved its adoption to accept Local Law No. 2 as described
 below:

**TOWN OF CHATHAM
 LOCAL LAW NO. 2 OF 2011**

A local law to establish the office of single appointed assessor pursuant to Real Property Tax
 Law, §328.

Be it enacted by the town board of the Town of Chatham as follows:

Section I. Title:

A local law to establish the office of single appointed assessor pursuant to Real Property Tax Law, §328.

Section II. Authority:

This local law is adopted pursuant to Real Property Tax Law, §328

Section III. Intent:

It is the intent of this local law to abolish the board of three elected assessors in the Town of Chatham and to substitute therefore a single appointed assessor to be appointed pursuant to Real Property Tax Law, §310.

Section IV. Abolition of the Offices of the Board of Three Elected Assessors.

The offices of the three elected assessors as previously established and continued by the Town of Chatham are hereby abolished. The terms of office of the board of three elected assessors shall terminate on December thirty-first of the year in which this local law shall take effect.

In the place and stead of the board of three elected assessors, the Town of Chatham shall have one (1) single assessor to be appointed by the town board of the Town of Chatham.

Section V. Inconsistency:

All other local laws and ordinances of the Town of Chatham that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section VI. Savings Clause:

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VII Referendum

Pursuant to Chapter 521 of the Laws of 2006, this local law shall not be subject to a referendum.

Section VIII Effective Date:

This local law shall take effect in accordance with the requirements of the General Municipal Law.

Councilman Lull seconded.

Ayes: Supervisor DeGroot, Councilman Lull, Councilman Swartz

Nays: none

Resolution adopted

PUBLIC COMMENT:

Jim Temple – With regard to the Old Chatham Dam failed safety inspection: the Town needs to have an emergency plan in place for the possible failure of the Old Chatham Dam. Mr. Temple suggested that if the water reaches a dangerous level the Highway Superintendent could be alerted and take the necessary steps to alleviate the problem. Highway Superintendent, Joe Rickert, responded saying that the Department of Conservation prevents him from problem solving, therefore this would not be viable.

Jim Temple – concerns over appointment of sole assessor. Mr. Temple wanted the Town Board to consider the scenario of having a sole assessor when a friend or relative of that assessor has to have his/her property assessed. His concern was that there may be favoritism on the part of the assessor toward family/friends. Town Attorney Tal Rappleyea put this concern to rest by

stating that this scenario would never come to being, as another town's assessor would handle the situation.

Motion was made by Councilman Lull, seconded by Councilman Swartz, and carried to adjourn at 8:00 pm.

Respectfully submitted by, Gail Wessot, Deputy Town Clerk