

**TOWN OF CHATHAM TOWN BOARD MEETING  
JANUARY 21, 2010**

The regular meeting of the Town of Chatham, Town Board was held on Thursday January 21, 2010 at the town hall. Present were: Supervisor – Jesse DeGroot, Councilman Maria Lull, Councilman - Jean Rohde, Councilman – Henry Swartz, Jr., Town Attorney – Tal Rappleyea, Comptroller – Earl Kelsey, Highway Supt. – Joe Rickert, Planning Board Chairman – Jack Schultz, Recreation Director, Shari Franks, Town Clerk – Beth Anne Rippel and several others

Supervisor DeGroot opened the meeting at 7:00 pm and Councilman Swartz led the pledge to the flag.

**CORRESPONDENCE**

**Beth Anne Rippel**, resignation from the Town Board

**Maria Lull**, resignation from the Planning Board

**Walt Simonsmeier** - Code Enforcement Office, requesting permission to attend a conference in Lake Placid 2/28/10 – 3/4/2010 to fulfill NYS continuing education requirements. Cost \$639.96 plus mileage, to be divided between the Town of Chatham and the Town of Ghent.

**PUBLIC COMMENT – None**

**REPORTS**

- Highway – report on file

- Justice Court – report on file

- Supervisor- Supervisor DeGroot reported on the staffing shortage at the Department of Social Services.

- Recreation Department – report on file

- Town Comptroller – report on file

**NEW BUSINESS**

**RES. #40-10** to appoint Aven Kerr to fill a Planning Board vacancy.

Councilman Lull offered Res. #40, no second

**RES. #41-10** to appoint Marilyn Cohen to fill a Planning Board vacancy.

Councilman Rohde offered Res. #40 and moved its adoption to appoint Marilyn Cohen to the Planning Board. Councilman Swartz seconded the motion

**Vote:** Ayes; Supervisor DeGroot, Councilman Rohde, Councilman Swartz.

Nays; Councilman Lull, the resolution was adopted.

**RES. #42-10** to appoint Tom Meyn to fill a Town Board vacancy.

Councilman Lull offered Res. #42 and moved its adoption to appoint Tom Meyn to fill a Town Board vacancy. Councilman Swartz seconded the motion.

**Vote:** Ayes; Councilman Lull, Councilman Swartz

Nays; Supervisor DeGroot, Councilman Rohde

**RES. #43-10** to solicit applications to fill a Town Board vacancy.

Councilman Swartz offered Res. #43 and moved its adoption to solicit applications to fill a Town Board vacancy. Councilman Rohde seconded the motion.

**Vote:** Ayes; DeGroot, Lull, Rohde, Swartz.

Nays, none Resolution adopted.

**RES. #44-10** to advertise Town Board vacancy.

Supervisor DeGroot offered Res. #44 and moved its adoption to advertise in the newspapers the Town Board vacancy and set a deadline, to submit applications, of February 12, 2010 at 5pm. Councilman Rohde seconded the motion.

**Vote:** Ayes; DeGroot, Lull, Rohde and Swartz

Nays; None Resolution adopted

**RES. #45-10** parking lot committee appoint

Supervisor DeGroot offered Res. #45 and moved its adoption to appoint Henry Swartz and Beth Anne Rippel to the parking lot committee. Councilman Swartz seconded the motion.

**Vote:** Ayes; DeGroot, Lull, Rohde, Swartz

Nays; none Resolution adopted

**RES. #46-10** second deputy town clerk appointment

Supervisor DeGroot offered Res. #45 and moved its adoption to appoint Carol Gregg, second deputy town clerk at \$12.00 per hour on an as needed basis. Councilman Swartz seconded the motion.

**Vote:** Ayes; DeGroot, Lull, Rohde, Swartz

Nays; None Resolution adopted.  
**(Resolution #47-10, see below)**

**RES. #48-10** to correct DCO, CEO and deputy town clerk salaries.

Supervisor DeGrootd offered Res. #48 and moved its adoption to correct the DCO, CEO and deputy town clerk salaries as follows;

**WHEREAS**, the 2010 salaries of certain positions were incorrectly stated at the January 4, 2010, town board organizational meeting ,

**WHEREAS**, corrections for 2010 salaries of said employees are to be made as follows:

1 - 1<sup>st</sup> Deputy Town Clerk: stated as \$13.00 per hour; should read \$12.50 per hour.

2 - Code Enforcement Officer: stated as \$33,990 annually; should read \$35,010 annually.

3 - Dog Control Officer: stated as \$5,490.00 annually; should read \$5,655.00 annually.

**NOW THEREFORE BE IT RESOLVED**, that the Chatham Town Board make the above changes to the 2010 salary schedule.

Dated this 21<sup>st</sup> day of January, 2010. Councilman Swartz seconded the motion

**Vote:** Ayes; DeGrootd, Lull, Rohde, Swartz

Nays: None Resolution adopted.

### **OLD BUSINESS**

Outdoor wood boilers- Deirdre Henderson brought the board up to speed on outdoor wood boilers. DEC currently does not have regulations in place governing the use of outdoor boilers. Copake has such legislation on the books, Kinderhook has a moratorium in place. Tal Rappleyea will forward a copy of Copake's outdoor boiler law to the board.

As per Councilman Lull the Red Cross gave a presentation to the Rotary and is looking to recruit volunteers Town wide.

**RES. #49-10** to approve the December 17, 2009 and January 4, 2010 organizational meeting minutes.

Councilman Rohde offered Res. #49 and moved its adoption to approve the December 17, 2009 and the January 4, 2010 organizational meeting minutes. Councilman Swartz seconded the motion.

**Vote:** Ayes; DeGrootd, Lull, Rohde, Swartz

Nays; None Resolution adopted

**RES. #47-10** White Mills Road Marchiselli Program Funding.

Supervisor DeGrootd offered Res. #47 and moved its adoption authorizing the implementation and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project and appropriating funds therefore.

**WHEREAS**, a Project for White Mills Road over CSC Railroad (BIN 2222160) in the Town of Chatham, Columbia County PIN 8759.38 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

**WHEREAS**, Resolution No. 9807 adopted by the Town of Chatham on May 31, 2007 approved and agreed to advance the Project by making a commitment of 100 % of the non-federal share of the costs of preliminary engineering and right-of-way incidental work.

**WHEREAS**, the Town of Chatham desires to advance the project by making a commitment of 100% of the non-federal share of costs of right-of-way acquisition work for the Project of portions thereof.

**NOW, THEREFORE**, the Chatham Town Board , duly convened does hereby

**RESOLVE**, that the Chatham Town Board hereby approves the above subject project; and it is hereby further

**RESOLVED**, that the Chatham Town Board hereby authorizes the Town of Chatham to pay in the first instance 100% of the federal and non-federal share of the cost of the right-of-way acquisition work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$18,050 (\$243,050 minus previous \$225,000) is hereby appropriated from DA5120.4 and made available to cover the cost of participation in the above phases of the Project; and it is further

**RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Chatham Town Board shall convene as soon as possible to appropriate said excess amount upon the notification by the Town Supervisor thereof, and it is further

**RESOLVED**, that the Town Supervisor of the Town of Chatham be and is hereby authorized to execute all necessary Agreements, certifications or reimbursements requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Chatham with the NYS Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

**RESOLVED**, that in addition to the Town Supervisor, the Following municipal titles: Commissioner of Public Works, Town Engineer, Town Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

**RESOLVED**, that a certified copy of this resolution be filed with New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

**RESOLVED**, this Resolution shall take effect immediately

Councilman Rohde seconded the motion

**Votes:** Ayes; DeGroot, Lull, Rohde, Lull

Nays; None Resolution adopted

**RES. #50-10** amendments to the Town of Chatham Cafeteria Plan

Supervisor DeGroot offered Res. #50 and moved adoption of the amendment to the Town of Chatham Cafeteria Plan ("Plan") to reflect certain provisions of Michelle's Law, the Mental Health Parity and Addiction Equity Act of 2008, and GINA (Genetic Information Nondiscrimination Act of 2008). The Employer intends this amendment as good faith compliance with the requirements of these provisions. This amendment shall take effect beginning on or after January 1, 2010.

Councilman Swartz seconded the motion

**Vote:** Ayes; DeGroot, Lull, Rohde, Swartz

Nays; None Resolution adopted.

**RES #51-10** amends 2009 budget appropriations.

Councilman Rohde offered Res. #51 to amend 2009 budget appropriations as follows;

From	To		
A1990.4	A1220.1	Fr Contingency to Supervisor PS To cover year end P/R accrual not budgeted	100.00
A1990.4	A1220.2	Fr. Contingency to Supervisor EQ To cover Replacement of damaged computer not budgeted	800.00
A1620.2	A1620.1	Fr Building EQ to Building PS To cover year end P/R accrual not budgeted	800.00
DA5140.4	DA5142.4	Fr Brush & Weed (Misc.)to snow removal CE To cover anticipated expenses for balance year	6,151.96
DB5130.4	DB5142.4	Fr machinery CE to snow removal CE To cover unanticipated costs.	3000.00
		<b>TOTAL FUNDS</b>	<b>\$10,851.96</b>

Councilman Swartz seconded the motion

**Votes:** Ayes; DeGroot, Lull, Rohde, Swartz,

Nays; None Resolution adopted

**RES #51-10** to increase appropriations in DB5130.2 and DB5110.4

Supervisor DeGroot offered Res. #51 and moved adoption to increase appropriations in DB5130.2 and DB5110.4 as follows;

**WHEREAS**, the FEMA grant associated with the December 2008 storm is in excess of \$197,000.

**WHEREAS**, the 2009 Highway Fund "DB" General Repairs CE (DB5110.4) expenditures for general repairs are projected to exceed funds appropriated by \$40,000.

**THEREFORE**, be it resolved that the Town Board authorizes the Town Comptroller to increase the 2009 appropriations for Highway Fund "DB" General Repairs CE(DB5110.4) \$40,000 to cover current and future expenditures.

Councilman Swartz seconded the motion.

**Vote:** Ayes; DeGroot, Lull Rohde, Swartz

Nays; None Resolution adopted

**WHEREAS**, the FEMA Grant associated with the December 2008 storm is in excess of \$197,000.

**WHEREAS**, the 2009 Highway Fund “DB” Machinery EQ (DB5130.2) expenditures for equipment are projected to exceed funds appropriated by \$25,000.

**THEREFORE**, be it resolved that, the Town Board authorizes the Town Comptroller to increase the 2009 appropriations for Highway Fund “DB” Machinery EQ ((DB5130.2) \$25,000 to cover current expenditures.

Councilman Swartz seconded the motion.

Vote: Ayes; DeGroot, Lull Rohde, Swartz

Nays; None Resolution adopted

**Public Comment** none

Motion was made by Councilman Lull, seconded by Councilman Rohde and carried to adjourn at 7:51pm.

Respectfully submitted by,

Beth Anne Rippel  
Town Clerk