

**TOWN OF CHATHAM  
TOWN BOARD MEETING  
FEBRUARY 21, 2013  
7:00 p.m.**

**PRESENT:**

Supervisor Jesse DeGrootd  
Councilman Maria Lull  
Councilman Bob Balcom  
Councilman Jean Rohde  
PB Chair Marilyn Cohen  
Bonnie Schoonmaker

Barbara Fischer  
Councilman Henry Swartz  
Town Attorney Tal Rappleyea,  
Highway Superintendent Joe Rickert  
Honorable James Borgia-Forster  
Honorable Jason Shaw  
Community members

**ABSENT:** Councilman Jean Rohde

**CALL TO ORDER:** Supervisor DeGrootd called the February 21, 2013 meeting to order at 7 p.m. and led the pledge to the flag.

**PUBLIC HEARING:** re-opened from 12-20-12 on the proposed Public Assembly Law.

-Tal stated that the proposed public assembly law is composed of comments and recommendations gathered from the Planning and Zoning boards and ZIC. The proposed law will go to the County Planning Board for review and will be brought back for a vote at the March 21<sup>st</sup> town board meeting.

-Marilyn Cohen, PB chairman, feels that the planning board should not issue permits for mass gatherings since they are not an enforcing body. The board can do site plan reviews, subdivisions and investigative research pertaining to the application but they do not want to issue the final public assembly permit.

-Councilman Lull stated that the planning board is well fortified with engineers, attorneys and a great board, they'll be up for a challenge.

-Councilman Swartz would like the proposed law to go to the County immediately so the town board can take action on it next month.

The Public Hearing will remain open.....

**CORRESPONDENCE:**

None

**PUBLIC COMMENT:**

-Maril Dunham and her husband reside 6 Pratt Rd., off Rte. 66 in Malden Bridge. Pratt road is seasonal and in past years the Town was plowing up to Mr. Allen's property and turning around. This year Mr. Allen does not want the Town to use his yard to turn around so the Town highway dept. now plows through to the end. Mr. Dunham feels that since the Town is plowing the entire road it has invited criminal activity, speeding and dumping and law enforcement has been doing

nothing to stop it. He would like to see the road closed to eliminate these issues. Mr. Dunham asked why the plow truck couldn't plow straight ahead and back out onto Rte. 66 or push the snow to the left instead of into his yard and driveway.

-Highway Super. Joe Rickert stated that backing out onto a state highway is dangerous and illegal and making a U turn is no longer possible. He has no other choice but to plow through. If the Dunhams would like to have the road closed they will have to initiate the process and circulate a letter to every resident on Pratt Rd. asking for support of the closure. All residents have to be in total agreement. The road closure procedure can be found in NYS Highway Law.

-Councilman Swartz said that there had been arrests in conjunction with the dumping on Pratt Rd. and that the police are monitoring the area.

## **REPORTS:**

A. Highway-report on file

B. Recreation – report on file

C. Code Enforcement/Zoning Enforcement – report on file

D. Dog Control – report on file

E. EMC – no report

F. Justice –report on file

-The court is ready for their annual audit so Town Comptroller Debbie Cesternino is welcome at any time.

-The Honorables Jason Shaw and James Borgia-Forster reported that the court is now meeting 2 times per month. They have been able to iron out the timing with the DA. He will arrive at 4 PM, one hour prior to the 5 PM court start time.

-Sandy LeClair and Joan Goold, the court clerks, do a great job. They are extremely efficient and move things along very quickly.

-There are no bench conferences and everything that needs to be said is said so everyone can hear.

-Court officers are Village of Chatham police officers paid for by the Town of Chatham. They are essential for keeping order and providing security while court is in session.

G. Assessors- no report

H. ZIC- Councilman Swartz stated that the committee has been working on site plan revisions and have started on the Agriculture section.

- Bob Linville is resigning from the committee. The committee will be searching for someone to fill the vacancy. March meetings will be held on the 6<sup>th</sup> and the 21<sup>st</sup> at 7PM.

-Tal has the rough draft of the zoning changes up to this point.

I. Supervisor – NYS SAFE ACT is the topic of discussion. The County has considered drafting a resolution to ask the legislature to go back and look at the way in which this bill was passed. What do County residents think about the process? They're still undecided as to the course of action they'll take.

J. Town Comptroller – report on file. Councilman Lull thanked Debbie Cesternino for her report.

## **NEW BUSINESS**

A. Town audit RFPs.

Two RFPs were received. Debbie Cesternino reviewed the RFPs and recommended

Pattison, Koskey, Howe and Bucci, CPA's, PC. They were a bit less expensive than Sickler, Torchia, Allen & Churchill, CPA's, PC.

#### B. Proposed dog census

Under New York State Ag. And Markets law all dogs over 4 months of age are required to be licensed in the municipality in which they reside. Best guess is that there are approximately 500 or so unlicensed dogs in the Town of Chatham. The Town Clerk's office will begin work on conducting a dog census this spring. The first step is publicity regarding the forthcoming census. Second step is a household mailing pertaining to licensing requirements and grace period to license without penalty. Third step will be an actual physical door to door count conducted by the Animal Control officer. At that point dog owners found to be harboring unlicensed dogs will be issued court appearance tickets and fined.

### **OLD BUSINESS**

#### A. Planning board vacancy

**RES. #52-13** to appoint Bonnie Schoonmaker to the Planning Board. Supervisor DeGroot offered RES. #52-13 and moved its adoption to appoint Bonnie Schoonmaker to the Planning Board to fill the seat left vacant by the resignation of Bill Bulick. Term will expire December 31, 2016. Councilman Swartz seconded the motion.

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

#### B. Proposed public assembly law

-The proposed law will be sent to the County for review.

### **RESOLUTIONS**

**RES #53-13** to approve the minutes of the January 17, 2013 regular town board meeting and the January 25, 2013 special town board meeting and the January 31, 2013 special town board meeting. Supervisor DeGroot offered RES. #53-13 and moved its adoption to approve the minutes of the January 17, 2013 regular town board meeting and the January 25, 2013 special town board meeting and the January 31, 2013 special town board meeting. Councilman Swartz seconded the motion.

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

**RES. #54-13** to appoint Barbara Fischer clerk to the Zoning Board. Supervisor DeGroot offered RES. #54-13 and moved its adoption to appoint Barbara Fischer secretary to the Zoning Board at a rate of \$10.00 per hour at a maximum of 5 hours per week. Councilman Balcom seconded the motion.

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

**RES. #55-13** Supervisor DeGroot offered RES. #55-13 and moved its adoption; **WHEREAS**, the Chatham Town Board Adopted Resolution #21-13 to pay Town Clerk/Tax Collector, Town Supervisor, Court Clerks, Court Laborer, Planning and Zoning Board secretary, First Deputy

Town Clerk, Zoning and Code Enforcement Clerk, Zoning and Code Enforcement Officer, Assessor Clerk, Town Custodian, Highway Superintendent, Deputy Highway Superintendent, Highway Clerk, Confidential Secretary, Highway Employees, Recreation Director and Recreation Employees, bi-weekly and **THEREFORE**, the Chatham Town Board authorizes the Town Comptroller to be added to the list of employees to be paid bi-weekly. Councilman Balcom seconded the motion.

**VOTE:** Ayes DeGrootd, Swartz, Lull, Balcom, Rohde ..... Nays: None Resolution adopted.

**RES. #56-13** Supervisor DeGrootd offered RES. #56-13 and moved its adoption; **WHEREAS**, the Chatham Town Board authorizes the Town Comptroller to make the following amendments to 2012 budget appropriations:

From	To	REASON	Amount
A1110.4	A1110.1	Cover yr. end accruals	\$ 1,500.00
A1315.2	A1315.1	Cover yr. end accruals	\$ 260.00
A1315.4	A1315.1	Cover yr. end accruals	\$ 760.00
A1355.2	A1355.1	Cover yr. end accruals	\$ 350.00
A1620.4	A1620.1	Increased Spending	\$ 200.00
A1910.4	A5010.1	Year end Accruals	\$ 1,000.00
A9010.8	A9060.8	Increased Spending	\$ 300.00
B8020.4	B9060.8	Increased Spending	\$ 700.00
DB5130.2	DB5130.4	Increased Spending	<u>\$15,000.00</u>
		<b>TOTAL FUNDS</b>	<b>\$20,070.00</b>

Councilman Swartz seconded the motion.

**VOTE:** Ayes DeGrootd, Swartz, Lull, Balcom, Rohde ..... Nays: None Resolution adopted.

**RES. 57-13** to authorize the new limit for the health flex spending account. Supervisor DeGrootd offered RES. #57-13 and moved its adoption; **WHEREAS**, the Chatham Town Board authorizes the new limit for the health flexible spending account for Cafeteria Plan, and **WHEREAS**, the Chatham Town Board authorizes the limit to be no more than \$2500.00 in salary reductions that can be contributed by a participant to the health flexible spending account/Cafeteria Plan, and **THEREFORE**, the Chatham Town Board authorized the \$2500.00 Health Flexible Spending account amendment for the Town of Chatham’s cafeteria plan effective January 1, 2013. Councilman Balcom seconded the motion.

**VOTE:** Ayes DeGrootd, Swartz, Lull, Balcom, Rohde ..... Nays: None Resolution adopted

**RES. #58-13** to extend retainer the agreement with Barton & Loguidice. Supervisor DeGrootd offered RES. # 58-13 and moved its adoption to extend retainer agreement with Barton & Loguidice. Councilman Swartz seconded the motion.

**VOTE:** Ayes DeGrootd, Swartz, Lull, Balcom, Rohde ..... Nays: None Resolution adopted

**RES. #59-13** Supervisor DeGrootd offered RES. #59-13 and moved its adoption; **WHEREAS**, the accepted bid for Guard Rail on March 15, 2012 is allowed for extension of bid for one year at the existing prices acceptable to the Town of Chatham and vendor, and **WHEREAS**, the Chatham Town Board accepts extension of contract for guard rail from April 1, 2013-March 31, 2014 from Town & County Bridge and Rail, Albany, NY, and **THEREFORE**, be it resolved that the Chatham Town Board accepts the following March 15, 2012 bid of Guard Rail to be extended from April 1, 2013 through March 31, 2014:

Material:	New:	Used:
W-Beam:	\$ 6.74/ft.	\$ 3.87/ft.
Box Beam:	\$ 25.94/ft.	\$21.00/ft.
3" I Post:	\$ 45.22/ea.	\$16.94/ft.
Single Buffer Ends:	\$ 49.00/ea.	n/a
Concrete Anchors:	\$457.00/ea.	n/a
Type I Ends:	\$324.00/ea.	n/a
W-Beam radius:	\$ 9.47/ft.	n/a
Box Beam radius:	\$ 32.00/ft.	n/a
W-Beam Rail	\$ 6.25/ft	n/a
Box Beam Rail	\$7.50/ft	n/a
Posts only		\$275.00/hr.

Councilman Swartz seconded the motion.

**VOTE:** Ayes DeGrootd, Swartz, Lull, Balcom, Rohde ..... Nays: None Resolution adopted.

**RES. #60-13** Supervisor DeGrootd offered RES. #60-13 and moved its adoption; **WHEREAS**, the Chatham Town Board accepts the bid for (Three) 2013 Ford F-350 4x4 Pick-up Trucks from Carbone Auto Group, located at 5700 Horatio Street, Utica, NY for the sum not to exceed \$81,722.00, and **THEREFORE**, be it resolved that the Chatham Town Board accepts the bid for (Three) 2013 Ford F-350 4x4 Pick-up Trucks from Carbone Auto Group, located at 5700 Horatio Street, Utica, NY for the sum not to exceed \$81,722.00, and for delivery in 2013 and shall be purchased with a 2013 BAN note subject to a permissive referendum. Councilman Swartz seconded the motion.

**VOTE:** Ayes DeGrootd, Swartz, Lull, Balcom, Rohde ..... Nays: None Resolution adopted.

**RES. #61-13** Supervisor DeGrootd offered RES. #61-13 and moved its adoption; **WHEREAS**, the Chatham Town Board accepts the Oneida County Bid (Contract #1571) for (One) 2014 GU713 Mack Granite Dump Truck from Beam Mack Sales & Service, Inc., located at 6260 East Malloy Road, East Syracuse, NY for the sum not to exceed \$112,291.65, and **THEREFORE**, be it resolved that the Chatham Town Board accepts the Oneida County bid (Contract #1571) for (One) 2014 GU713 Mack Granite Dump Truck, from Beam Mack Sales & Service, Inc., located

at 6260 East Malloy Road, East Syracuse, NY for the sum not to exceed \$112,291.65 for delivery in 2013 and shall be purchased with a 2013 BAN note subject to a permissive referendum. Councilman Swartz seconded the motion.

**VOTE:** Ayes DeGrootd, Swartz, Lull, Balcom, Rohde ..... Nays: None Resolution adopted.

**RES. #62-13** Supervisor DeGrootd offered RES. #62-13 and moved its adoption; **WHEREAS**, the Chatham Town Board accepts the Oneida County Bid (Contract #1606) for truck body, light, plow and wing equipment for new 2014 GU712 Mack Granite Dump Truck from Henderson Truck Equipment, located at 22686 Fisher Road, Watertown, NY for the sum not to exceed \$78,312.41, and **THEREFORE**, be it resolved that the Chatham Town Board accepts the Oneida County bid (Contract #1606) for truck body, light, plow and wing equipment for new 2014 GU712 Mack Granite Dump Truck from Henderson Truck Equipment, located at 22686 Fisher Road, Watertown, NY for the sum not to exceed \$78,312.41, for delivery in 2013 and shall be purchased with a 2013 BAN note subject to a permissive referendum. Councilman Swartz seconded the motion.

**VOTE:** Ayes DeGrootd, Swartz, Lull, Balcom, Rohde ..... Nays: None Resolution adopted.

**RES. #63-13** Supervisor DeGrootd offered RES. #63-13 and moved its adoption; **WHEREAS**, the Chatham Town Board accepts the Oneida County Bid (Contract #1604) for (One) 2014 GU712 Mack Granite Dump Truck from Beam Mack Sales & Service, Inc., located at 6260 East Malloy Road, East Syracuse, NY for the sum not to exceed \$106,658.53, and **THEREFORE**, be it resolved that the Chatham Town Board accepts the Oneida County bid (Contract #1604) for (One) 2014 GU712 Mack Granite Dump Truck, from Beam Mack Sales & Service, Inc., located at 6260 East Malloy Road, East Syracuse, NY for the sum not to exceed \$106,658.53 for delivery in 2013 and shall be purchased with a 2013 BAN note subject to a permissive referendum. Councilman Swartz seconded the motion.

**VOTE:** Ayes DeGrootd, Swartz, Lull, Balcom, Rohde ..... Nays: None Resolution adopted.

**RES. #64-13** Supervisor DeGrootd offered RES. #64-13 and moved its adoption; **WHEREAS**, the Chatham Town Board accepts the Oneida County Bid (Contract #1606) for truck body, light, plow and wing equipment for new 2014 GU713 Mack Granite Dump Truck from Henderson Truck Equipment, located at 22686 Fisher Road, Watertown, NY for the sum not to exceed \$83,851.75, and **THEREFORE**, be it resolved that the Chatham Town Board accepts the Oneida County bid (Contract #1606) for truck body, light, plow and wing equipment for new 2014 GU713 Mack Granite Dump Truck from Henderson Truck Equipment, located at 22686 Fisher Road, Watertown, NY for the sum not to exceed \$83,851.75, for delivery in 2013 and shall be purchased with a 2013 BAN note subject to a permissive referendum. Councilman Swartz seconded the motion.

**VOTE:** Ayes DeGrootd, Swartz, Lull, Balcom, Rohde ..... Nays: None Resolution adopted.

## **PUBLIC COMMENT**

-Kate Butler told the Town Board that it was their duty to pass a resolution requesting that the NYS legislature repeal the SAFE Act. Unfunded mandates are a drain and Albany needs to stay out of our pockets.

-Karen Malina asked if there was list of unfunded mandates. The Board responded that it would be very difficult to create such a list. One such mandate did come to mind however. It is a NYS law that requires dog licensing. In 2011 NYS dissolved their dog licensing program. The State requires the municipalities to license dogs with no funding from the State to cover the program. This is only one example of an unfunded mandate.

-David Levow asked Joe how the salt and sand was holding up as compared to last year. Joe said there was salt left and he will be reordering now for next year. The sand is about  $\frac{3}{4}$  gone. Its comparable to last year's use. Is it possible to get the Comptrollers report on the website?

-In the future, when requesting RFP's, ask for them electronically.

## **EXECUTIVE SESSION**

Motion was made by Supervisor DeGroot to enter into executive session at 8:45 p.m. under Public Officers law section 105 (h) for the purpose of discussing the proposed acquisition, sale or lease of real property in connection with the East Chatham (Albany Turnpike) CSX Bridge. Councilman Swartz seconded the motion. Motion carried.

Motion was made by Supervisor DeGroot to leave executive session at 8:55 p.m. Councilman Swartz seconded the motion. Motion carried.

Motion was made by Councilman Swartz and seconded by Councilman Lull to adjourn at 8:55 p.m. Motion carried.

Respectfully submitted by,

Beth Anne Rippel