

TOWN OF CHATHAM  
488 Route 295  
CHATHAM, NY 12037  
REGULAR TOWN BOARD MEETING  
July 18, 2013, 7:00PM

**PRESENT:**

Supervisor Jesse DeGroot  
Councilman Henry Swartz  
Councilman Maria Lull  
Councilman Jean Rohde  
Town Attorney, Tal Rappleyea  
Earl Kelsey, Doris Appel, David Levow, Clint Whittemore

**ABSENT:**

Councilman Bob Balcom

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

**CORRESPONDENCE**

- A. Laurence Turk, re: the increase in traffic noise on Rte. 295 entering the Village. Mr. Turk feels that the increase in noise has a lot to do with the use of the "jake brake" and is requesting a sign which would ban it's use.
- B. Clint and Kate Whittemore re: changing Zaenglein Road to Whittemore Road.
- C. Don Perry, re: the enforcement of Town maintenance code section on weeds and the NYS Fire Code as it deals with vegetation.

**PUBLIC COMMENT**

-David Levow was pleased to see that the Aud Report for 2012 had been filed with the State.

The Finance committee will be reviewing the report when they meet on the 28<sup>th</sup>.

**REPORTS**

- A. Highway - report on file
  - White Mills Rd. Bridge bid opening will take place on August 31, 2013. The project will take app. 6 months, 3 months in the fall of 2013 and 3 months in the spring of 2014.
  - The East Chatham Bridge project is in mid-design. There have apparently been problems with the pedestrian walkway. The bridge should be in place by the end of the year.
- B. Recreation - report on file
- C. Code Enforcement/Zoning Enforcement - report on file
- D. Dog Control - no report
- E. Environmental Management Council - report on file
- F. Justice - report on file
- G. Assessors
- H. Zoning Implementation Committee - the committee has been working on the forestry and timbering aspect of the code. They are especially concerned about the negative impacts clear cutting has caused to the environment.
  - Bob Johnson has resigned from the committee. They will be searching for another member.
  - The next ZIC meeting will be held on August 7, at 6:30 PM.
- I. Supervisor - Supervisor DeGroot stated that the County has ramped up their efforts to collect back property taxes and has so far collected about 2 million dollars.
- J. Comptroller - report on file

**NEW BUSINESS**

- A. Town of Ulysses amicus brief re: home rule

**RES. #96-13** to join the Town of Ulysses in filing an Amicus Curiae or "friend of the court". Supervisor DeGroot offered RES. #96-13 and moved its adoption; to approve

becoming an Amicus Curiae in actions involving municipal Home Rule pending before NYS Appellate Courts,

**WHEREAS**, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws were challenged in court by opponents claims that the Towns did not have the power to regulate natural gas drilling as a land use through zoning; and

**WHEREAS**, the Town of Ulysses filed an amicus curiae or “friend of the court” brief in both lawsuits in support of its sister Towns in order to reassert the right of each municipality throughout New York State to determine what land uses are appropriate in its community through municipal home rule law powers granted by the NYS Constitution and the NYS Municipal Home Rule Law; and

**WHEREAS**, the Town of Chatham joined with the Town of Ulysses and a coalition of over 50 other municipalities from across the State to file these amicus curiae briefs in the Appellate Division, Third Department in 2012; and

**WHEREAS**, the Appellate Division, Third Department, ruled in favor of the Towns of Dryden and Middlefield in the matters of Norse Energy Corporation USA v. Town of Dryden et al., and Cooperstown Holstein Association v. Town of Middlefield; and

**WHEREAS**, the Norse Energy Corporation and the Cooperstown Holstein Association (“Appellants”) recently filed motions for leave to appeal each decision to the Court of Appeals – the State’s highest court; and

**WHEREAS**, if the Appellants are granted leave to appeal to the Court of Appeals, the Town of Ulysses will seek leave to file amicus curiae brief(s) with the Court and will file such brief(s) if leave is granted; and

**WHEREAS**, the Town of Ulysses has requested that other municipalities in the State consider joining the municipal coalition supporting the Ulysses’ amicus brief(s) to send a powerful statement to the Court of Appeals, the NYS Department of Environmental Conservation and the NYS Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling - or any other land use - is appropriate for its citizens.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Town of Chatham hereby determines that it is in the public interest of the citizens of the Town to support municipal home rule by joining in the amicus brief(s) being filed in the Court of Appeals by the Town of Ulysses and a coalition of municipalities from across the State.

2. The Town of Chatham hereby authorizes and directs the Supervisor cause to be completed any and all such further documents and papers in the name and on behalf of the Town as the Supervisor deems necessary or appropriate to carry into effect the foregoing resolution.

3. The Town will promptly send a certified copy of this resolution to the Town of Ulysses, 10 Elm St, Trumansburg, NY 14886. Councilman Swartz seconded the motion.

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

Resolution to rename Zaenglein Rd., Whittemore Rd. . Resolution tabled until the correct process has been identified and proper language is drafted. Who will pay for the new sign? The Town should not be responsible for the expense.

**RES. #97-13** to hold a Public Hearing on the East Chatham Fire Co., Inc. 2014 fire protection contract. Supervisor DeGroot offered Reso. #97-13 and moved its adoption to hold a Public Hearing on the 2014 East Chatham Fire Co., Inc fire protection contract on October 17, 2013 at 7:00 PM at the Town Hall. Councilman Rohde seconded the motion.

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

**OLD BUSINESS**

A. Town health insurance re: personnel policy

## **RESOLUTIONS**

**RES. #98-13** to approve the minutes of the June 20, 2013 regular town board meeting and the July 16, 2013 special town board meeting. Supervisor DeGroot offered Res. #98-13 and moved its adoption to approve the minutes of the June 20, 2013 regular town board meeting and the July 16, 2013 special town board meeting. Councilman Lull seconded the motion.

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

## **PUBLIC COMMENT**

-The Board was asked whether the Crellin Park pond pavilion, which was demolished this past spring, would be replaced. The answer is not at this time. The building is still in the preliminary planning stages.

## **EXECUTIVE SESSION**

Motion was made by Supervisor DeGroot to enter into executive session at 7:15 p.m. under Public Officers law section 105 (1) (d) for the purpose of "discussing proposed, pending or current litigation" Councilman Rohde seconded the motion. Motion carried.

Motion was made by Supervisor DeGroot to leave executive session at 7:30 p.m. Councilman Rohde seconded the motion. Motion carried.

**RES. #99-13** to authorize an audit of the "j" fund, which is administered by the Village of Chatham. Supervisor DeGroot offered Res. #99-13 and moved its adoption to authorize an audit of the "j" fund which is administered by the Village of Chatham. Costs not to exceed \$1,500.00. Councilman Rohde seconded the motion.

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

Motion was made by Supervisor DeGroot and seconded by Councilman Swartz to adjourn at 7:35 p.m. Motion carried.

Respectfully submitted by,

Beth Anne Rippel  
Town Clerk/Tax Collector