

**TOWN OF CHATHAM
SPECIAL TOWN BOARD MEETING**

January 31, 2013
9 A.M.

A Special Meeting of the Town of Chatham Town Board was held on January 31, 2013 at the town hall at 9:00 A.M.

PRESENT:

Supervisor Jesse DeGrootd
Councilman Henry Swartz (9:15)
Councilman Maria Lull
Councilman Bob Balcom
Councilman Jean Rohde
Highway Superintendent Joe Rickert

Town Attorney Tal Rappleyea
Byron Raych of Barton & Loguidice
Community members

Supervisor DeGrootd called the meeting to order at 9:00 A.M. and led the pledge to the flag.

RES. #48-13 offered by Supervisor DeGrootd and moved its adoption; WHEREAS, the Chatham Town Board rescinds RES. #47-13. WHEREAS, the Chatham Town Board authorizes the Highway Superintendent to purchase (one) used Road Paver at a cost not to exceed \$30,000.00, THEREFORE be it resolved, that the Chatham Town Board authorizes the Highway Superintendent to purchase (one) used Rod Paver at a cost not to exceed \$30,000 and shall be purchased with a 2013 BAN note subject to a permissive referendum. Councilman Balcom seconded the motion.

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

RES. #49-13 offered by Councilman Lull and moved its adoption; WHEREAS, the Chatham Town Board accepts the bid for (One) Used 2002 Leeboy 8500 Low Deck Road Paver from Donald E. Earing, Jr./ DE Paving & Excavating, PO Box 591, Rensselaer, New York for a sum of \$28,000. Councilman Rohde seconded the motion.

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

RES. #50-13 offered by Supervisor DeGrootd and moved its adoption; WHEREAS, the Chatham Town Board accepts the sole bid for the sale of (One) Used 2001 CAT M312 Excavator, VIN# CAT0M312C6TL0153, with dozer blade, (2) spare tires, (72") Ditching Bucket and a (30") Digging Bucket, sold "as is" "where is" to Park East Sales, LLC, 1175 Hoosick Road, Troy, NY 12180 for a bid price of \$ 37,175.00. Councilman Lull seconded the motion

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

PUBLIC COMMENT on the CSX bridge in East Chatham;

-In opening Attorney Rappleyea stated that CSX was considering closing the Albany Turnpike Bridge in East Chatham due to its deteriorating condition. The Town has no influence in negotiations since the bridge is owned by CSX. But over the past several months ongoing dialogue between the Town and CSX has led to a decision by CSX to replace the bridge. CSX has offered a 14' wide, single lane bridge with a 5' walkway.

-A 17' wide, 2 lane bridge would be the optimal choice for the Town but CSX rejected that possibility. Restoring the bridge to accommodate 9 tons is not an option either since school buses, Town highway vehicles, fire trucks and larger vehicles would not be able to cross. Diverting large vehicles onto side roads in order to circumnavigate the bridge would cause undue stress on roads which weren't intended for that type and volume of traffic.

-Councilman Lull asked what would happen if the Town were to decline CSX's offer of a 14' wide bridge and decide to sue. Mr. Dorsey also wanted to know what would happen if the Town were to initiate a lawsuit. Attorney Rappleyea said that the Town could bring action in Supreme Court in Columbia County. Cause of action would center on breach of Railroad law requiring them to maintain, not replace the bridge. A motion to

move this to federal court would come next, giving CSX the advantage. This could take up to 5 years and could prove very costly to the Town.

-Supervisor DeGroot feels that if the Town does not act now and accept the offer of the 14' wide bridge, at no cost to the Town, which is what's currently on the table, they may never hear from CSX again.

- Byron Raych stated that if the Town were to pursue a 17' wide bridge there would need to be modifications to the abutments in order to support the additional weight. This could cost the Town upwards of \$700,000.00. The Town would also have to have a geotechnical investigation done, at the Town's expense, to determine whether or not the footings could hold, another \$50,000.00 in addition to the cost of the bridge. Money the Town just doesn't have.

-Highway Super. Rickert stated that traffic control would be the Town's responsibility once the 14' bridge has been installed. Stop signs or traffic lights will control the traffic.

-A 17' wide bridge would be higher thus requiring an intersection change, DOT approval and additional cost to the Town.

-The timeframe on this project would be a mid-March start date with the bridge reopening by the first day of school in September 2013.

-A resident asked if there could be a cost share between the Town and CSX in order to get the 17' wide bridge. The answer is no, CSX is not interested in entertaining this idea. Costs to the Town associated with this option make it unaffordable.

- Does the Town have any plans to fix the intersection on the approach to the bridge off State Route 295? There are several ideas but all would involve DOT and their approval. It's difficult to put a \$ figure on that at this point.

-Mr. Jackson, an Old Chatham business owner, noted that a 3 month inconvenience far outweighed the possibility of a 5 year bridge closure if the Town were to pursue this in court.

-Councilman Swartz stated that the Town doesn't have any choice but to accept the current offer by CSX for a 14' wide bridge replacement.

-Councilman Lull doesn't like the Town being held hostage but the Town doesn't have the resources to defend itself in this case.

-Councilman Balcom noted that this is the last railroad bridge needing attention. It's unfortunate that the Town didn't know that CSX would make an offer or it could have had more time to prepare.

RES. #51-13 to accept the offer made by CSX to replace the Albany Turnpike Bridge in East Chatham with a new 14' wide, single lane bridge and 5' walkway at no cost to the Town. Supervisor DeGroot offered RES. #51-13 and moved its adoption to accept the offer made by CSX to replace the Albany Turnpike Bridge in East Chatham with a new 14' wide, single lane bridge and 5' walkway at no cost to the Town. Councilman Swartz seconded the motion. (Begrudgingly)

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

Councilman Balcom brought updated the board on the CIRD grant application and the collaboration between the Village of Chatham, Town of Chatham and the Town of Ghent if they're interested in participating. The Town board will need a resolution in support of the grant application. Shari Franks will be organizing meetings.

Motion made by Supervisor DeGroot and seconded by Councilman Rohde to adjourn at
9:45 A.M. Motion carried.

Respectfully submitted by,