

TOWN OF CHATHAM
488 Route 295
CHATHAM, NY 12037

REGULAR TOWN BOARD MEETING
July 17, 2014 7:00PM

PRESENT:

Supervisor Jesse DeGroot, Councilman Henry Swartz, Jr., Councilman Maria Lull, Attorney Tal Rappleyea, Town Clerk Beth Anne Rippel, Justice James Borgia-Forster

ABSENT: Councilman Jean Rohde, Councilman Bob Balcom

Others Present: Ray Schrenkeisen, Eric Tozer (B&L), George Hebard, Cynthia Valles, Vince Pecoraro, Richard Juliano, Emilia Teasdale,

Supervisor DeGroot called the meeting to order and led the pledge to the flag.

CORRESPONDENCE

A. NYSEG re: Notice of informational Open Houses and Impending Settlement Negotiations.

B. Elizabeth Thomas, re: Home Rule decision and thank you for signing on to their amicus brief.

PUBLIC COMMENT

None

REPORTS

A. Highway - report on file

B. Recreation - no report

C. Code Enforcement/Zoning Enforcement - report on file

D. Animal Control - report on file

E. Environmental - no report

F. Justice Court - report on file

Justice James Borgia-Forster would like to see security door/window come to some sort of conclusion. Eric Tozer from B&L covered several scenarios using the security window which has already been purchased. Given the concrete/plaster construction of the walls of the court office at the Tracey, installing the window in the wall is not feasible. The window could be custom fitted into a new door, which will be costly. Justice Borgia-Forster stated that he gave the Board information on a security door which the Town of New Lebanon had installed in their court for about \$5,200.00. Councilman Swartz stated that maybe the best way to go is to sell the window and go with the door idea. A new price quote for a security door will be sought. Supervisor DeGroot will check into the installation costs.

G. Assessor - no report

H. Zoning Implementation Committee - Working on special uses and ridge lines. Mr. Meltz will be at the August 6th meeting to go over mapping. The Committee will be taking fieldtrips to visit approximately 75 ridgelines which had been included in the Comp. Plan.

I. Supervisor -

J. Town Comptroller - report on file

K. Town Clerk - 2014 tax collection period ended on May 31 and all unpaid taxes were turned over to the CC Treasurer for collection.

NEW BUSINESS

A. Town email usage (Rick Juliano, Columbia County MIS)

-Mr. Juliano spoke to the Board about the need for a unified email system which would make archiving much more efficient. The Board may want to look into Google Apps for Governments, which is what the County uses. Supervisor DeGroot suggested a workshop meeting as the venue to discuss the options.

OLD BUSINESS

A. East Chatham Bridge- survey

RESOLUTIONS

RES. #89-14 to accept the proposal from B&L for the design and survey of the East

Chatham Bridge/Cty Rt. 9 intersection. Councilman Swartz offered RES. #89-14 and moved its adoption to accept the proposal from B&L for the design and survey of the East Chatham Bridge/Cty Rt. 9 intersection. Councilman Lull seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull NAYS: None Resolution adopted

-Several people spoke out about the dangerous intersection brought about by the new one lane bridge. One resident stated that a one lane bridge was "ridiculous" and asked why the Board Ok'd the bridge to begin with. Supervisor DeGroot reminded the group that CSX paid for the bridge. The Town could not afford upwards of \$750,000.00 to do the project themselves. The Town had 2 options, either take what CSX was going to offer or have no bridge at all. If the Town were to take on the costs associated with the construction of a new 2 lane bridge the cost to taxpayers would mean a 100% increase in their taxes.

-CSX was under no obligation to replace the deteriorating bridge so if the Town wanted a bridge they had to accept the one lane bridge CSX was offering.

-A resident asked if there was any way the Town can "go after" those who did the bridge approach design. He imagined that if the Town is going to have to fix the problems it was going to cost tax payers money.

-Mr. Schrenkeisen voiced his displeasure with the Board for not approving changes to the littering law, the Board is not dealing with the trash can issue. He feels that the Board was elected to do what the people wanted. The main point is that proving that a resident's trash cans were left out for more than 72 hours is almost impossible. Although the 72 hour limit was good in theory it would be impossible to present defensible proof in a court of law.

RESOLUTIONS

RES. #90-14 to approve the minutes of the May 21, 2014 special town board meeting and the June 19, 2014 regular meeting. Councilman Lull offered RES. #90-14 and moved its adoption to approve the minutes of the May 21, 2014 special town board meeting and the June 19, 2014 regular meeting. Councilman Swartz seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull NAYS: None Resolution adopted

RES. #91-14 to authorize Justice Borgia-Forster to attend NYS Magistrates Association conference at the Albany Hilton, Sept. 28 - Oct. 1, 2014. Total cost \$80.00 as budgeted. Councilman Swartz offered RES. #91-14 and moved its adoption to authorize Justice Borgia Forster to attend the NYS Magistrates Association conference at the Albany Hilton, Sept. 28 - Oct. 1, 2014. Total cost \$80.00 as budgeted. Councilman Lull seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull NAYS: None Resolution adopted

RES. #92-14 to authorize Court Clerks, Sandy LeClair and Joan Goold to attend NYS Court Clerks conference at the Albany Hilton, Sept. 28 - Oct. 1, 2014. Total cost \$194.00 as budgeted. Councilman Swartz offered RES. #92-14 and moved its adoption to authorize Court Clerks, Sandy LeClair and Joan Goold to attend NYS Court Clerks conference at the Albany Hilton, Sept. 28 - Oct. 1, 2014. Total cost \$194.00 as budgeted. Councilman Lull seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull NAYS: None Resolution adopted

RES. #93-14 to remove 4 lever voting machines (AVM's), serial numbers: #139695, #139696, #139697 and #139698 from Town inventory and transfer

them into the custody of the Columbia County Board of Elections. Councilman Swartz offered RES. #93-14 and moved its adoption to remove 4 lever voting machines (AVM's), serial numbers: #39695, #139696, #139697 and #139698 from Town inventory and transfer them into the custody of the Columbia County Board of Elections. Councilman Lull seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull NAYS: None Resolution adopted

RES. #94-14 offered by Councilman Lull and moved to adoption.

CONSENT TO ASSIGNMENT AND CHANGE OF CONTROL

WHEREAS, Charter Communications Entertainment I, LLC ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the Town of Chatham, NY (the "Franchise Authority") and to operate and maintain a cable television system therein; and WHEREAS, Charter Communications, Inc. ("Charter") is the ultimate parent company of Franchisee; and WHEREAS, Franchisee has files and FCC Form 394 with the Franchise Authority with respect thereto; and WHEREAS, the Franchise Authority has considered and approves the Transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CHATHAM AS FOLLOWS:

1. The foregoing recitals are approved and incorporated herein by reference.
2. The Franchise Authority consents to the Transaction.
3. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this resolution, all action necessary to approve the pro forma assignment of the Franchisee and change of control of the new Franchisee to Comcast has been duly and validly taken.
4. Comcast or New Franchisee may (a) assign or transfer its assets, including the Franchise provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled under common control with Comcast; (b) restructure debt or change ownership interests among existing equity participants in Comcast; (c) pledge or grant a security interest to any lender(s) of Comcast's assets, including, but not limited to, the Franchise, or of interest in Comcast, for purposes of securing any indebtedness; and (d) sell equity interests in Comcast or any of Comcast's affiliates.
5. Upon closing of the transaction, New Franchisee shall remain bound by the lawful terms and conditions of the Franchise.
6. This Resolution shall be deemed effective upon adoption.
7. This Resolution shall have the force of a continuing agreement with New Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of the New Franchisee and Comcast.

Councilman Swartz seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull NAYS: None Resolution adopted

EXECUTIVE SESSION

On a motion by Councilman Swartz, seconded by Councilman Lull, and carried the Town Board entered executive session at 8:00 PM in accordance with Public Officers Law §105 (1) (f) for the purpose of discussing medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. On a resolution, #95-14, made by Councilman Swartz, seconded by Councilman Lull, and carried, the Board adopted resolution #95-14.

VOTE AYE: DeGroot, Swartz, Lull NAY: None Resolution adopted

Motion was made by Councilman Swartz, seconded by Councilman Lull to leave executive session at 8:10 PM. Motion carried.

Motion was made by Councilman Swartz, seconded by Councilman Lull to adjourn at 8:10 PM. Motion carried.

Respectfully Submitted,

Beth Anne Rippel
Town Clerk