

REGULAR TOWN BOARD MEETING
TOWN OF CHATHAM
488 Route 295, Chatham, NY 12037
March 19, 2015
7:00 P.M.

The meeting was held at the East Chatham Fire House, Frisbee Street, East Chatham NY.

PRESENT: Supervisor Jesse DeGroot, Councilman Jean Rohde, Councilman Maria Lull, Councilman Henry Swartz, Town Clerk Beth Anne Rippel, Highway Superintendent Joe Rickert, Town Attorney Tal Rappleyea, Elizabeth & Julia Horst, Joan Goold

ABSENT: Councilman Bob Balcom

Others present: Tom Baird of Barton & Loguidice, Anita Bell, Douglas & Pamela Dunavin, Joan Shatney, Leona Scarpinato, Michael Hart, Tom, Lynn, Cody & Austin Mitchison, Karen Murphy, Jim Johnson, Victoria Besterman, Matthew Pirrone, Emilia Teasdale, Vince Pecoraro and others.

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

OLD BUSINESS

A. Albany Turnpike Bridge Intersection

Tom Baird from Barton & Loguidice explained the background story when the Town initially asked their consultants if they could put together a proposal on how to improve the road situation in East Chatham. The company came up with two ideas. One, a temporary plan could be put in place quickly at a cost of \$4,500 to the Town. Two, a permanent long-term plan would cost \$65,000 to \$75,000. After further explaining the two plans before the Public with the help of several poster boards depicting the road sites, Baird opened the meeting to the floor, fielding comments and questions from the Town Board and other Town employees, residents of East Chatham proper, volunteers from the East Chatham Fire Department, and members of the Thomas Road Conservation Alliance.

Highway Superintendent Joe Rickert made a few additional comments about that the bridge project and road restructuring, noting that while the solution is not going to give drivers more sight distance, they hope the intersection will be improved. He encouraged individuals to give any suggestions in addition to questions or critical remarks.

Jim Johnson from the Alliance asked if there was any way to recover the costs, especially since the bridge had just been completed. **Baird** explained that the bridge replacement project was a big fight from the beginning since CSX did not want to pay for it. Since the intersection is an independent project from the bridge, it cannot be viewed as a malpractice issue, and it is also an existing condition from how the roads were originally laid out.

Matthew Pirrone from East Chatham FD asked if there was any data about accidents at this intersection that would lead the Town to make a change. In his 38 years living in the area, he never saw an accident at this intersection. **Baird** replied that as the plan is developed, if needed, there will be an accident analysis conducted later on. **Pirrone** again asked what the accident data was to date and why it would lead to a change. **Rickert** noted that in his years of living in the Post Office, he only knew of one accident. However, in speaking for the Town, he explained that many residents have complained about the sight distance on the bridge and in his daily travels back and forth across the bridge daily, he knows there will be close calls because it is a one-way bridge. From his observation, Rickert also stated that drivers appear to be more cautious based on an absence of skid marks, but the reason this project was started is because it is a dangerous intersection. **Pirrone** spoke at length about the roundabout situation in the Village of Chatham and how he believed the changes negatively impacted the roads. He concluded his rambling story with a remark that he thought the Town should be concerned with an actual problem and not just a worry. **Councilman Swartz** explained that the Board heard a lot of concerned comments from the Public and decided it was time to address the situation by slowing down and controlling the intersection.

A local couple remarked that changing the intersection would not impact the way that crazy drivers operate their vehicles.

Planning Board Member Mike Hart restated the costs of the projects, the temporary fix for \$4500 and the permanent fix for \$65,000 to \$75,000 that included finishing the sidewalk to nowhere. As a resident of Rock City Road, Hart explained that in his travels back and forth, he always avoids the little ramp. While he realizes the sight distance issue cannot be completely fixed, the proposed change can maximize the available sight distance by eliminating the ramp. He said that he believed the temporary option is well-spent money even though it may cause the Highway Department some issues with snow removal. Hart also mentioned some of the problems with CSX but concluded that he wanted to let the Board and the Public know that the temporary plan is a great idea. While it requires \$4500 out-of-pocket, it would resolve the issue in a positive way.

An unidentified man asked if it was possible to make the short ramp a one-way exit and the longer ramp a one-way entrance, which would alleviate some of the problems. **Baird** replied that it was a good question but that it would not work according to road design standards because both roads are main highways and the Town cannot make modifications by putting up one-way signs.

A local woman mentioned that she liked the simpler plan that is less expensive, but asked if the Town would be required to pay all of the costs for the permanent project or if the State would also contribute. **Baird** replied that the Highway Safety Improvement Fund usually is not available unless there is a serious accident history at an intersection, which is not applicable in this case. **The woman** also asked about the sight distance approaching the bridge, since she lives on SR 295 and notices how cars drive extremely fast, wondering if the work would only be done on the ramp area of the bridge and not on the other end. **Baird** explained that the project includes measures to eliminate the shoulder on SR 295, restripe the road, put in grass, and thus prevent drivers from using that as a slip ramp off the bridge. **The woman** recommended that the 35mph speed limit be pushed further west past the I-90 overpass since some people go through the area around 60mph and also pass other drivers on double lines on almost a daily basis. **Baird** mentioned that changing speed limits on a state highway is nearly impossible. **The woman** thanked the troopers who patrol the area, stating that they cannot write the tickets fast enough. **Resident Deputy Chad Shufelt** mentioned that traffic has actually slowed down within the last month because they regularly patrol the area, especially on Friday nights and on Sundays.

An unidentified East Chatham FD volunteer noted that it would be advisable to have a signal to stop traffic before coming to the bridge during an emergency situation, since otherwise it is only a matter of time until a head-on collision occurs. **Matthew Pirrone** disagreed, mentioning that the only way to deal with the problem is for drivers to look before they cross the bridge since a light or signal is not going to solve the issue. He also mentioned various possibilities and the problem with large vehicles and so on. **Baird** responded that the main issue at stake is changing the intersection as a preventative issue.

An unidentified woman asked if the plan contains any stop signs and suggested that the Town consider placing a stop sign before getting on the bridge. She also asked about the walkway on the bridge that goes to nowhere. **Baird** replied that there are no stop signs until one comes down to SR 295, but the stop sign suggestion is something that can be discussed. He also explained that the walkway issue is one that is addressed in the permanent plan. Following another question about the walkway, Baird also explained that due to the difficult situation the Town faced with the railroad, it was not completed and stopped at the end of CSX's property line.

Another woman asked what the primary differences between the temporary and permanent plans, and what it meant that the less expensive plan is temporary. **Baird** explained some of the details of the permanent project, particularly in regards to barriers, pavement removal, and putting in grass. He stated that the temporary project could be in place indefinitely, as long as the barrels and barriers hold and the road is restriped occasionally. **Councilman Swartz** added that the temporary option would enable the Town to learn whether or not the plan would actually work and if it would be a safer intersection without spending all of the money required by the permanent plan. If the less expensive plan is put in place and works, then the Town can look into getting funds for the permanent project.

An unidentified woman noted that the walkway is not safe because it requires one to jump over a rail, go down the hill in the grass, and so on. She wondered how this happened. **Baird**

explained that the walkway was there because the railroad put it in to the end of their property line. Since it was such a fight between the Town and CSX, the Town accepted it even though it was not complete. **Supervisor DeGroot** noted that the railroad was a reluctant company to do business with. **Another unidentified woman** asked if the walkway was safe to walk on, since the paper said that it is better to drive rather than walk. **Baird** mentioned that while the pedestrian always has the right-of-way, as the paper tried to explain, it is not a very safe walkway and though he cannot give legal advice he recommends not using it.

Matthew Pirrone asked if there was a yield sign going up toward the shortcut. **Joe Rickert** replied that there is a stop-sign. **Pirrone** went on to explain at length that he was very disappointed with the bridge results and how the project was handled. He also stated that for emergency situations, the railroad would have been liable if something serious happened. **Supervisor DeGroot** noted that Congressman Gibson and other local leaders were heavily involved in the project. **Pirrone** asked if the bridge needed to be maintained in the future, how the Town would address that responsibility. **DeGroot** replied that the bridge has not been formally conveyed to the Town.

Mike Hart asked about the possibility of putting in the temporary plan and then later installing the permanent project in increments, giving the Town a cost how much each phase would cost. He gave an idea of what he was thinking each phase would be, such as completing the walkway, removing the pavement, giving the Highway an area for snow removal, and so on. **Baird** agreed that this could be a possibility. Some related discussion ensued. **Councilman Swartz** noted that the Board is looking at the temporary option to see if it will work, and then they can consider the permanent plan if indeed it does.

Supervisor DeGroot interrupted the comments to allow **David of the East Chatham FD** to welcome everyone to the building, point out the exit doors and restrooms, and thank everyone for holding the meeting at the fire hall.

Tom Baird moved on to address another intersection between SR 295, Frisbee Street, and Tomkins Road/County Road 9.

Matthew Pirrone went on at length to asked if there a problem in this particular intersection and suggested speed limit changes instead of changing the road structure. **Baird** noted that a fatality occurred when two cars coming from Frisbee and Tomkins/CR 9 collided. **Councilman Swartz** added that speed is not the major concern in such types of intersection accidents. **Baird** stated that the intersection is confusing and the Town is seeking to address the problem by removing the confusion and offer better traffic control.

An unidentified man wondered what was driving this particular change, if it was only because there are changes happening near the bridge. He also stated that he was displeased that the intersection problem was not addressed closer to the time of accident. **Joe Rickert** explained that the Town is seeking to prevent problems from happening in the future, since there is no control of vehicles coming off of SR 295 or CR 9/Tomkins. In addition, he noted that the whole area requires 45 minutes to plow the snow, and it would be helpful to eliminate certain portions of the road to detract from that plowing issue. Rickert gave further insight about the accident and how Frisbee Street has visibility issues. **Baird** also stated that he has worked on around 100 intersections and while some of them had an accident from up to five or ten years before addressing the problem, obtaining funding and working with the state and federal government often takes a lot of time.

An unidentified man stated that he disagreed with some of the previous comments made by members of the public but completely concurred with the statements that the intersection has a lack of good control. He added that the change sounds like a good idea and that the only way he has avoided certain accidents is because he knows about the danger of that area. **Another identified man** commented that taking a left onto Frisbee Street might be a problem. **Matthew Pirrone** protested again, remarking once more that the plan was too busy because of the roads coming to T's, and he did not like the thought of having to maneuver a fire truck around them. **Baird** wondered if the local residents would prefer a roundabout. A loud outburst of protest ensued, drowning out further comment for a time.

A local man spoke in support of the change since he knows that tractor trailers are unable to make the right hand turning coming off of Frisbee Street. He did not know if trucks cannot make the turn off of CR 9/Tomkins, but he knows there is a problem at that intersection. **Baird** noted that one telephone pole will have to be relocated.

An unidentified man from before spoke out again that he still does not see how the change will help with accidents, causing **Baird** to explain the plan again and how it will reduce confusion. **Resident Deputy Chad Shufelt** added that the stop sign on Frisbee was added some years ago to help the situation, but there is still no control. **An unidentified woman** asked if it would work to put a stop sign on CR 9/Tomkins.,

An unidentified woman asked what the cost of the project would be. **Baird** stated that it would be \$150,000, or up to \$250,000 with a contractor. He also explained, when asked why it would cost that much and if the State would help with funding, that removing pavement and restructuring the roads takes quite a bit of effort and that it is not easy to get State funding for such projects.

Mike Hart noted that since the cat was let out of the bag about the costs and that this is a totally independent project from the bridge intersection, he does not know if it is a good idea or not to proceed with the changes. He remembers only one call to this location in 19 years, but in considering what Joe Rickert said about plowing, that is a cost to the Town that can be avoided. He suggested that the records from the last 20 years be analyzed and further input from the Public and from the Town Board be gathered before making a decision. **Supervisor DeGroot** stated that a lot of people thought the same way about the project and even considered putting up a survey on the website to gather comments since not everyone local attended the meeting or is aware about the situation. **Baird** stated that if this project is going to seek federal funding, it will have to start somewhere. He added that, typically, when federal funding is obtained, the local municipality pays five cents to the dollar. **DeGroot** noted that it was more than that.

An unidentified man commented that the proposed change would decrease the confusion to the intersection, even if it requires a fire truck driver to take several turns.

Matthew Pirrone spoke in regards to available funding and reminded the public that funding is actually provided by the taxpayer. He demanded to know what the difference was if money was coming from the taxpayer's right pocket or left pocket. **Baird** noted that if the money is not spent locally, it will be spent other places.

An unidentified woman asked how long each of the bridge intersection projects would take and if the roads would be closed. **Joe Rickert** replied that the temporary plan would take a few days and the permanent plan would require much longer, but that the roads would not be completely closed since they are main highways.

Supervisor DeGroot thanked **Baird** for taking the time for the meeting and answering questions. **Councilman Swartz** stated that the Board would give everyone several minutes to leave if they chose to then continue with the rest of the meeting.

CORRESPONDENCE

A. Charter Communications, re: lineup change.

PUBLIC COMMENT

Supervisor DeGroot opened the first Public Comment section to anyone who wished to make comments about anything Town related.

Karen Murphy with the Alliance spoke in opposition to Life Serve Youth Foundation and owner Adam Slone, stating that she wished to make three comments. **One**, in regards to the two resolutions on the Board's agenda, Murphy stated that she was aware from a FOIL request that Adam Slone asked the Board for a hardship waiver to the moratorium in the form of a one-page letter. Murphy had sent a letter of response dated March 17th in order to point out that an application for a hardship should list the details with supporting documentation and other proof, all of which would be provided to the Board before any Public Hearing. Murphy stated that since

she understood that the current resolution for a Public Hearing was presented without a complete and approved submission, she asked that the resolution be marked off the calendar at this point until proof is submitted to give her and other opponents time to look at the evidence and respond to the application. **Two**, regarding the Zoning Implementation Committee, Murphy stated that a Town employee had previously told her that ZIC meetings were open to the public, but when several individuals attempted to attend, the meetings were announced to be closed. According to the laws on open government, Murphy stated that where there is government representation, meetings should be posted publically, opened to the public, and public minutes should be available, particularly when committees are discussing zoning matters. She said that the most important thing is that the public should be able to see the minutes to such meetings, and though she did not check the website, she wants them to appear online. **Three**, Murphy noted that she was aware that Adam Slone was obligated to provide the Town with a \$5000 escrow account as of August 2014, and since she was certain that the money had been spent multiple times over, she requested that the Town seek an accountant to check where that escrow money current is, and if it is already depleted, that Adam Slone reimburse the Town in full.

Attorney Tal Rappleyea offered to address all of those issues, to which the Board agreed. **One**, in regards to the application, Rappleyea noted that the law states that the individual applying for a hardship will supply evidence at the Public Hearing. [A fire call interrupted the meeting and covered the rude comments made by the Alliance that the law did not state such.] Rappleyea continued after a minute that the Board has the application in the form of the letter and the applicant's attorney also provided some additional information, proving that they have submitted sufficient information to schedule the Public Hearing. **Two**, Rappleyea explained that he conducted a lot of research in regards to open meetings and that there are two separate options regarding committees not being covered by an open meetings law. For the Town, the ZIC agreed to keep their meetings closed in order to help with the flow of information, various discussions, and completion of the work. Rappleyea also noted that the ZIC had been working for three years and always had minutes available, but since the Town had heard this complaint just now, the minutes are now up on the website. **Three**, the escrow account had been depleted but there was a check waiting at the Town Hall in Rappleyea's mailbox, which he gave to the Town Clerk this very evening, so there is now a zero balance.

Tom and Lyn Mitchison with grandsons Austin and Cody presented a case regarding their property on Bashford Road. Lyn Mitchison read a prepared statement about the trouble they were facing when trying to subdivide the land for the two grandsons and build on a portion of it because of the zoning regulations. The Mitchisons brought up some maps and sketches before the Board to explain their situation. **Attorney Rappleyea** provided some further information, stating that both the Planning and Zoning Boards were sympathetic to their plight and that the ZIC had discussed the matter the night before. He recommended that the Mitchisons consider a conservation subdivision, which had been on the books for 10 years and was never used but could work for their case based on several areas that cannot be built on. Rappleyea concluded that while the Town Board does not have jurisdiction over planning and zoning matters, he referred the Mitchisons back to the Building Department and recommended that they attend the next Zoning Board meeting to talk to the Chairman and other members.

Jim Johnson with the Alliance stated that he came before the Town Board two months ago to talk about the moratorium. First, he heard talk about the Zoning Implementation Committee report that was imminent, or coming within weeks, and now he heard that the meetings were secret. Johnson was very disappointed that there was no public attendance for the ZIC meetings and said it seemed like a big mystery, which did not give much confidence to people about the Town because secrets did not seem fitting. He did not think that people like it. Johnson asked Attorney Rappleyea about the two opinions that the committees should be closed and if he could share details with them. **Rappleyea** said that he could, and then **Johnson** asked if there was anything else that was closed, except for the personnel issue before the Board. **Rappleyea** stated that he was not sure if there were other committees. **Supervisor DeGroot** explained that the Board said a month ago that the ZIC would be meeting for another six to nine months and there were no other committees. **Johnson** asked when the public has the chance to see the product of the ZIC and if the public would have any input? **DeGroot** responded that when the ZIC work is finished and comes to the Board, then the public will be able to address the report.

Joan with the Alliance asked about the two opinions. **Rappleyea** replied that the opinions stated that because the way the committee is set up without a quorum of Town Board officials the

meetings are not required to be open. **Joan** stated that the meetings *could* be open. **Councilman Swartz** noted that it took eight years for the Comprehensive Plan to get to where it is now and if the ZIC opens their meetings, it will be dragged on further.

Jim Johnson interjected that there was no end product in sight, it was being dragged on, and everyone was headed on a collision course. **Swartz** responded that the finished document will be open for all kinds of discussion but right now it is in the works. **Johnson** stated that he was very concerned about where it was going since the moratorium will be over in 12 months and the ZIC report will be finished in nine months. **Swartz** again replied that the report cannot be brought out in pieces.

Karen Murphy stated that since there was no ban to these meetings to be open, she was a little concerned about what Attorney Rappleyea was saying since there was a government quorum of six out of the nine members (two from the Town Board, two from the Zoning Board, and two from the Planning Board), which was a public body functioning on a government topic. She explained at length that the Board needed to see what the people were saying, hear what was in everyone's interest, and allow for people to sit in the meeting and write down comments on paper that would cause no disruptions or additional time. Murphy concluded that she did not want it to be secret. **Supervisor DeGroot** and **Attorney Rappleyea** both stated that it was not secret.

Jim Johnson interjected that the minutes were only available after three years. **Rappleyea** replied that no one asked prior to that. **Swartz** added that the Alliance only cared now because it dealt with something that affected them personally. **Joan** asked why the Town did not start with the open meetings now to make people feel like they were part of the process. The Town Board had no comment. **Councilwoman Rohde** explained that the Comprehensive Plan took eight years, the ZIC has to implement the Plan after going through everything with a fine tooth comb, and it takes forever. She also stated that they had been working on definitions but it took forever to get everyone's input.

Karen Murphy replied that she understood and appreciated the immense effort conducted by the ZIC but wished they would get what they asked for in having open meetings. **Supervisor DeGroot** answered by saying that the ZIC was run by a chairman and he did not believe it was his role to see what the chairman was doing or how the other members did their job because he trusted their judgment. In addition, he stated that if the ZIC chose to conduct their meetings in a certain way that was up to them, so he was not going to request that they open their meetings. **Councilwoman Lull** stated that if the Board has enough citizens to ask for open meetings, what would be the difference if meetings were opened or closed. **Councilman Swartz** replied that he could feel the ZIC out at the next meeting if they want to open up their meetings. He explained that, to date, all the ZIC's decisions were made unanimously, which was rare for nine people to agree on everything, but that they were working very hard to keep it that way. Swartz concluded that while the ZIC had previously decided to keep it closed in order to be more productive, he would mention it to them and see if the group decided as a whole to open the meeting to the public.

John Wapner with the Alliance stated that what they were trying to achieve was some kind of consensus in the community, since they were primarily concerned that the Town headed toward some awful collision course over a zoning code that was highly conflicted and would consequently be highly contested after being processed by the ZIC. **Councilman Swartz** replied in agreement, noting that there was no way everyone in the Town would agree with the nine people on the ZIC. **Wapner** interjected, demanding to be heard for the remainder of his allotted time. He stated that, by opening the meetings to the public and giving everyone knowledge of what was going on, when it became a public document there would be a better understanding. Wapner continued that the Alliance were the people living on Thomas Road, that they did not want the tennis camp, that the camp would lead everyone back exactly where we came because of the land use issue with RL-1, and that everything that they were trying to work on resulted in a split of responsibility and lack of communication.

Karen Murphy stated that Attorney Rappleyea mentioned that he wrote the hardship provision for the moratorium. She explained that the Alliance understood in writing according to the local law that the proof of hardship had to be provided ahead of time. [Murphy read part of the preamble to the local law for the Board.] She continued that Adam Slone was required to fill out

an application with proof in it to go to the Board for consideration, while the Board was operation in reverse by having a public hearing first, and that there was no other way to read the law. Murphy did not understand how Rappleyea said there was sufficient proof of a hardship and how the Board could hold a hearing without that information. She asked where the proof was. **Attorney Rappleyea** replied that he did not have it but there was a letter supplied by the applicant's attorney to the Board. He went on to explain that Murphy was not reading the full law, since the preamble did not include the instructions but the next paragraph did. [He read the paragraph.] **Murphy** replied that the law was clear that the evidence had to be in the application, but **Rappleyea** replied that it was clear to him that it came during the public hearing. **Murphy** concluded that the hearing should be over in one night, which is why advanced notice was so important, and that the cost to the Town was staggering. **Supervisor DeGroot** asked about this cost. **Murphy** replied that unneeded public hearings cause an unnecessary and staggering cost. **DeGroot** asked what was staggering. **Murphy** replied that time and energy was staggering. **Councilwoman Lull** asked if the Board had time to make a decision after the hearing. **Attorney Rappleyea** replied that the Board had 15 days. **Lull** explained that she would like the Board to have time to address counter-arguments. **DeGroot** suggested that the Board discuss this matter during the resolution section. The rest of the Board agreed and the Public Comment section was closed.

REPORTS

- A. Highway
- B. Recreation Department – report on file
- C. Code Enforcement/Zoning Enforcement – report on file
- D. Dog Control – report on file
- E. Environmental Management Council
- F. Justice Court – report on file
- G. Assessors - stated that the deadline for exemptions was on March 1st and their office is currently processing those applications. The Assessor recently completed 30 hours' worth of credits and she took a course on the fundamentals of assessment.
- H. Zoning Implementation Committee – the committee is still working on definitions.
- I. Supervisor (county business) – the County has hired a broadband consultant who will moved forward with options for the region. There are details and budgetary issues to work out but at least it's moving.
- J. Town Comptroller – report on file
- K. Citizens Finance Committee
- L. Town Clerk

NEW BUSINESS

Councilwoman Maria Lull gave an update about the Chatham Farm Film Festival that was held the past Sunday. She noted that it was a great time with nine films, two of which had been aired on PBS. In addition, about 250 to 300 people were in attendance and enjoyed a free reception afterwards. Lull gave recognition to the Committee that worked very hard on the event, especially to their chair, Mary Gail Biebel.

RESOLUTIONS

RES. #60-15 to approve the minutes of the February 19, 2015, regular town board meeting, and the March 10, 2105, special town board meeting. Councilman Swartz offered RES. #60-15 and moved its adoption to approve the minutes of the February 19, 2015, regular town board meeting and the March 10, 2105, special town board meeting. Councilman Lull seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull, Rohde NAYES: None Resolution adopted

RES. #61-15 to Set a Public Hearing Date.

Supervisor DeGroot moved to set March 31, 2015, at 7 PM at the North Chatham Firehouse as the hearing date, time, and location for the Life Serve Youth Foundation application hearing for the hardship waiver on Local Law #1-2015. Councilman Swartz seconded the motion, and the resolution was opened for discussion.

Councilwoman Lull noted that she would like to see the hardship evidence along with a new application because the old application was rescinded, including proof of hardship, financial information, and anything else the application can give in advance so that the Board understands the whole story. Supervisor DeGrootd offered for clarification that, from the date the Board received the complete hardship application, there are 30 days to schedule a hearing. So the Board must define a “complete application”. Lull replied that there was certain information given to the Zoning Board that was considered complete, but she would like to see hardship proved according to dollars and cents. Councilwoman Rohde stated that they are talking about two applications—one that went to the Zoning Board and was rescinded, and the second that is before them now for a hardship. A discussion ensued about whether or not the Board would view the application that was previously before the Zoning Board alongside the hardship application or not. Attorney Rappleyea advised that this was irrelevant because the moratorium was in effect. DeGrootd mentioned that he would like to see financial details because that is what hardship means to him as there are no health risks involved. The letter from Mr. Howard did not include financial details. Rohde replied that those things will be presented at the hearing. Lull added that the Board needs to come up with criteria for hardship and then make that information public so it can be counterbalanced. DeGrootd noted that everything is not going to be done in one evening, it will require multiple meetings. Rohde stated that the Board did not supply a specific application so they should accept the letter as sufficient. Rappleyea provided information about related cases and how all three attorneys involved are researching together to lay the groundwork for standards as the only case that is potentially similar was from 30 years ago. He also mentioned that hardship is certainly fiscal or economic but can include other considerations. Councilman Swartz asked about the Board’s responsibility to make a decision. Rappleyea explained that the decision clock would not start until the hearing process is finished. He added that he agreed with Karen Murphy that it is a hard situation, emotional and draining work, but it is the Board’s job to address it over time. Lull asked if the Board should prepare hardship criteria or leave it to the applicant. Rappleyea replied that according to what he has seen, the Board would look at the evidence provided, while also considering other details in regards to variances and land uses. He concluded that the Board could not decide arbitrarily but there is much flexibility because the law does not specifically state only one kind of hardship. The Board agreed to vote on the resolution and that they would not need to set a date for a decision until the public hearings were completed.

VOTE

AYES: DeGrootd, Swartz, Lull, Rohde NAYES: None Resolution adopted

RES. #62-15 to authorize Town Comptroller Deborah Cesternino to attend the 15th annual Town Finance School annual conference May 7th-8th at the Gideon Putnam in Saratoga Springs. The cost of the classes is \$225.00 and room \$149.00. Supervisor DeGrootd offered RES. #62-15 and moved its adoption to authorize Town Comptroller Deborah Cesternino to attend the 15th annual Town Finance School annual conference May 7th-8th at the Gideon Putnam in Saratoga Springs. The cost of the classes is \$225.00 and room \$149.00. Councilman Swartz seconded the motion.

VOTE

AYES: DeGrootd, Swartz, Lull, Rohde NAYES: None Resolution adopted

RES. #63-15 amendments to budget appropriations. Supervisor DeGrootd offered RES. #63-15 and moved its adoption to authorize the Town Comptroller to make the following budget appropriations:

FROM	TO		
A1355.2	A1355.1	FR Assessors CE to Assessors PS	\$50.96
		to cover increased spending.	
DB5142.1	DB5130.4	FR Snow removal PS to machinery CE	\$250.00
		to cover increased spending.	

Councilman Rohde seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull, Rohde NAYES: None Resolution adopted

RES. #64-25 to accept winter sand bid. Supervisor DeGroot offered RES. #64.15 and moved its adoption. WHEREAS, the accepted bid from Polaro Sand & Gravel for Winter Sand on March 20, 2014 (Res.#58-14) 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 from Polaro Sand & Gravel, POB ox 265, Poestenkill I NY for Winter Sand from April 1, 2015 – March 31, 2016, and THEREFORE, be it resolved that the Chatham Town Board accepts the one year bid extension from March 20, 2014 bid (Res.#58-14) for Winter Sand for the bid price of \$ 7.15/ton FOB and \$11 . 90/ton delivered to be extended from April 1, 2015 through March 31, 2016. Councilman Rohde seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull, Rohde NAYES: None Resolution adopted

RES. #65-15 to accept calcium chloride bid. Supervisor DeGroot offered RES. #65-15 and moved its adoption. WHEREAS, the accepted bid from Peckham Materials for Calcium Chloride on March 20,2014 (Res.#58-14) 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 from Peckham Material, 20 Haarlem Avenue, White Plains NY for Calcium Chloride from April, 2015 -March 31, 2016 and THEREFORE, be it resolved that the Chatham Town Board accepts the one year bid extension from March 20, 2014 bid (Res.#58-14) for Winter/Summer Calcium Chloride delivered and Summer Calcium Chloride delivered and applied for the bid price of \$.847 /gallon to be extended from April 1, 2015 through March 31, 2016. Councilman Swartz seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull, Rohde NAYES: None Resolution adopted

RES #66-15 offered by Supervisor DeGroot and moved to adoption. WHEREAS, the Highway Fund “DB” has received \$15,127.82 from insurance recovery and other sources of revenues are projected to exceed budget for the year 2015, and

WHEREAS, the Highway Superintendent requests the total amount of \$15,127.82 be transferred to Fund Account DB5130.4 for repairs to be made to vehicles from the following insurance claims:

Insurance claim# TCHTM-2015-002-001 for the sum of \$5,933.17 (Truck# 75)

Insurance claim# TCHTM-2015-001-001 for the sum of \$5,462.10 (Truck# 84)

Insurance claim# TCHTM-2014-002-001 for the sum of \$3,732.55 (Truck# 82)

THEREFORE, be it resolved that the Chatham Town Board authorizes the Highway Fund “DB” appropriations are increased as follows for vehicle repairs:

FROM: DB2680 **TO:** DB5130.4 **AMOUNT:** \$15,127.82

Councilman Rohde seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull, Rohde NAYES: None Resolution adopted

RES #67-15 offered by Supervisor DeGroot and moved to adoption.

WHEREAS, the Chatham Town Board accepted Resolution #43-15 on January 15, 2015 as follows: RES. #43-15 offered by Supervisor DeGroot and moved to adoption. WHEREAS, it has been the policy of the Highway Superintendent to trade highway labor and/or equipment with other towns when it has been of benefit to the Town of Chatham, and NOW, THEREFORE BE IT RESOLVED that the Chatham Town Board authorizes the Highway Superintendent to continue this policy with all Town and Villages in Columbia County, New York for the year 2015.

Councilman Balcom seconded the motion. *VOTE: Ayes: DeGrootd, Lull, Balcom, Rohde*
Nays: None Resolution adopted

WHEREAS, the Highway Superintendent requests Resolution #43-15 to be rescinded due to an Inter-Municipal Cooperation Agreement to be adopted in its place, and THEREFORE, be it resolved that resolution # 43-15 passed at the Regular Town Board Meeting held on January 20, 2015 be and is hereby rescinded. Councilman Rohde seconded the motion.

VOTE

AYES: DeGrootd, Swartz, Lull, Rohde NAYES: None Resolution adopted

RES. #68-15 offered by Supervisor DeGrootd and moved to adoption. WHEREAS, the Superintendent of Highways request to enter into a (5) five-year Inter Municipal agreement by and between County of Columbia, the(18) eighteen towns, (3) three Villages and the City of Hudson located in the County of Columbia, for the purpose of, but not limited to, the general maintenance, construction and repair of municipal roads highway bridges and property, and THERERFORE, be it resolved the Chatham Town Board authorizes the Superintendent of Highways to enter into a (5) five year Inter Municipal agreement by and between the County of Columbia, eighteen Towns, three Villages and the City of Hudson located in the County of Columbia. Councilman Rohde seconded the motion.

VOTE

AYES: DeGrootd, Swartz, Lull, Rohde NAYES: None Resolution adopted

RES #69-15 offered by Supervisor DeGrootd and moved to adoption.

WHEREAS, the Chatham Town Board accepts bids for Miscellaneous Aggregate, Bituminous Material, Trucking and Guardrail & Post Installation for the period from April 1,2015 through March 31, 2016, and WHEREAS, the Chatham Town Board awards portions of the bids to more than one bidder based upon availability, location of material location of potential job sites and/or price of the various materials from lowest bidder to highest bidder, and THEREFORE, BE IT RESOLVED, the Chatham Town Board accepts the following Bids for miscellaneous aggregates bituminous material, trucking and guardrail& post installation for the period April 1 ,2015 through March 31, 2016.

MATERIAL	BID ACCEPTED FROM:	FOB	DELIVERED
A. MISC. AGGREGATES			
Washed Stone:			
#1A	A Colarusso	\$10.75/ton	\$ 14.95/ton Bemiss
#1	Rifenburg Construction	\$ 7.35/ton	\$ 12.65/ton Bemiss
#2	Rifenburg Construction	\$ 7.35/ton	\$ 12.65/ton Bemiss
#3	Rifenburg Construction	\$ 7.85/ton	\$ 13.15/ton Bemiss
Rip Rap	Troy Sand & Gravel	\$ 9.00/ton	\$ 12.50/ton Troy Sand
Stone Fill	Troy Sand & Gravel	\$ 9.00/ton	\$ 12.50/ton Troy Sand
Crusher Run	Callanan(S.Bethlehem) Rifenburg Construction Troy Sand & Gravel	\$ 6.00/ton \$ 7.15/ton \$ 7.50/ton	\$ 12.45/ton Bemiss \$ 11.00/ton Troy Sand
Stone Dust	Callanan (S. Bethlehem) Rifenburg Construction Troy Sand & Gravel	\$ 5.00/ton \$ 6.25/ton \$ 6.50/ton	\$ 11.55/ton Bemiss \$ 10.00/ton Troy Sand
Shale	Bob Boll Excavating	\$ 7.50/ton	\$ 10.70/ton Bemiss
Bank Run Gravel	Rifenburg Construction	\$ 3.65/ton	\$ 8.95/ton Bemiss
Item #4 Gravel	Polaro Sand & Gravel Rifenburg Construction Bob Boll Excavating	\$ 5.75/ton \$ 5.85/ton \$10.35/ton	\$ 10.25/ton Polaro \$ 11.15/ton Bemiss \$ 13.55/ton Bemiss
1" Gravel	Polaro Sand & Gravel	\$ 5.75/ton	\$ 10.25/ton Polaro

	Bob Boll Excavating	\$10.35/ton	\$ 13.55/ton Bemiss
Cobble Stone	Rifenburg Construction Polaro Sand & Gravel A Colarusso	\$ 5.95/ton \$ 6.25/ton \$ 7.25/ton	\$ 11.25/ton Bemiss \$ 10.75/ton Polaro \$ 12.60/ton Bemiss
B. BITUMINOUS			
Dense Binder	New Castle Asphalt	\$ 48.00/ton	
7F Top Coat	Troy Sand & Gravel	\$ 53.99/ton	
6F Top Coat	Troy Sand & Gravel	\$ 50.99/ton	
Cold Mix	A Colarusso	\$ 77.00/ton	
C. TRUCKING			
Tri-Axle	Troy Sand & Gravel Polaro Sand & Gravel A Colarusso	\$ 80.00/hr. \$ 85.00/hr. \$ 87.50/hr.	
Tandem Axle	Troy Sand & Gravel Bemiss Trucking	\$ 75.00/hr. \$110.00/hr.	
Tractor Trailer	Troy Sand & Gravel A Colarusso Bemiss Trucking	\$112.00/hr. \$120.00/hr. \$125.00/hr.	

MATERIAL	BID ACCEPTED FROM:	FOB	DELIVERED
D. GUARDRAIL & POST INSTALLATION			
	Town & County Bridge & Rail	Unit Price New	Unit Price Used
W-Beam Guide Rail		\$ 5.55/ft	\$ 3.07
Box Beam Guide Rail		\$ 24.00/ft	\$21.00
3" I Posts		\$ 39.90/ea	\$16.40
Single Buffer Ends		\$ 42.00/ea	n/a
Concrete Anchor		\$447.00/ea	n/a
Type I Ends		\$317.00/ea	n/a
W-Beam Radius Rail		\$ 9.44/ft	n/a
Box Beam Radius Rail		\$ 29.00/ft	n/a
Complete Layout/installation			
W-beam Rail/Posts		\$ 7.25/ft	n/a
Box Beam Rail/Posts		\$ 8.75/ft	n/a
Layout/Installation Posts Only		n/a	\$ 269.00/hr

Councilman Rohde seconded the motion.

VOTE

AYES: DeGroot, Swartz, Lull, Rohde NAYES: None Resolution adopted

PUBLIC COMMENT

Emelia Teasdale from the Paper asked what the next step with the bridge intersection would be, if there would be another public hearing. **Supervisor DeGroot** stated that he was willing to

go forward with the temporary plan and see what happens. The rest of the Board asked if he was offering a resolution.

RES. #70-15

Supervisor DeGrootd offered a resolution to allow the Highway Superintendent go forward with the Temporary Plan at the East Chatham bridge intersection. Councilwoman Lull seconded the motion.

VOTE

AYES: DeGrootd, Swartz, Lull, Rohde NAYES: None Resolution adopted

EXECUTIVE SESSION

On motion by Supervisor DeGrootd, seconded by Councilman Swartz and carried the Town Board entered executive session at 9:35 p.m. in accordance with Public Officers law §105 (1) (f) for the purpose of discussing “the medical, financial, credit or employment history of a particular person or relating to appointment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.”

Motion was made by Supervisor DeGrootd, seconded by Councilman Swartz to leave executive session at 9:43 p.m. . Motion carried.

RES #71-15 to increase the part time Deputy Court Clerk wages. Supervisor DeGrootd offered RES. #71-15 and moved its adoption to increase the part time Deputy Court Clerk’s hourly wage from \$14.33/hr. to \$19.54/hr. and add 3 additional vacation days per year, retroactive to January 19, 2015. Councilman Swartz seconded the motion.

VOTE

AYES: DeGrootd, Swartz, Lull, Rohde NAYES: None Resolution adopted

Motion to adjourn at 9:45 p.m. was made by Supervisor DeGrootd and seconded by Councilman Rohde. Motion carried.

Respectfully submitted by,

Beth Anne Rippel, Elizabeth Horst
Town Clerk/Deputy Town Clerk