

REGULAR TOWN BOARD MEETING
TOWN OF CHATHAM
488 Route 295, Chatham, NY 12037
May 21, 2015
7:00 P.M.

PRESENT: Supervisor Jesse DeGroot, Councilman Jean Rohde, Councilman Maria Lull, Councilman Bob Balcom, Councilman Henry Swartz, Town Clerk Beth Anne Rippel, , Assessor Dan Horst, Assessor Julia Horst, Town Attorney Tal Rapplelea

Others present: Liz Chapman and Carol Pinkowski representatives for Office for the Aging, TRCA and other community members

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

CORRESPONDENCE

A. Charter Communications, re: Comcast merger application withdrawal

B. Randi Walker, re: climate change resolution

C. Linda Ziskind ltr. w/petition, re: Requesting the Board take immediate action to correct a failure on the part of the Tri-Village Fire Co. to adopt the State ordered code of ethics for its officers and employees and members.

PUBLIC COMMENT

- Linda Ziskind asked about the continuation of the public hearing on the hardship waiver for the tennis camp. Supervisor DeGroot stated that it may or may not come back next month. The two month adjournment from the hardship waiver request was a mutual agreement between the Board and Mr. Slone and that two months brings us to June.

- Ziskind stated that a committee was formed to talk about tennis courts at Crellin Park, how does that impact what relationship that has to determining whether there is a hardship or not? DeGroot stated that it really doesn't at the moment. And probably won't in June either. Slone gave the Town time to not worry about the camp issue while they discussed tennis courts. It seems like a conflict of interest to be working out the details on tennis courts at the Park while still working on details to put the rest of the camp on his property. This may or may not be the case but it appears like the Town is trading the tennis courts for influence.

- DeGroot said that right now we are working on tennis courts at the Park.

- Ziskind asked if Slone has said that if he doesn't get the special use permit will he still build tennis courts at the Park. DeGroot said they haven't gotten to that yet, they're still discussing how all this might work.

- Jim Johnson read from his prepared letter stating that a group of residents emailed the Board with concerns about the Tri-Village Fire Company. They believe the Fire Company lacks a State mandated Code of Ethics and also feel that it is a conflict of interest for the fire chief to be living

and working as caretaker on Mr. Slone's property while speaking on behalf of the TVFC. These two issues were brought to the attention of David Ross, President of the company who chose to do nothing. They would like the Town Board to clean this up.

REPORTS

A. Highway – report on file

B. Recreation Department – report on file

C. Code Enforcement/Zoning Enforcement – report on file

D. Dog Control – report on file

E. Environmental Management Council – Deidre Henderson reported that water tests have been done by the EPA on effluent from the Dewey Loeffel Landfill and there was no evidence of classified chemicals, it looks good. The Task Force report will be delivered to the County next week and they don't see a need to continue the work of the Task force but recommend that there be future monitoring of the DL. The County is continuing with the source water study. The NYS Rural Water Association, with additional funding, is continuing their work on our area. The Hudson River Estuary program of DEC along with Cornell Cooperative Extension produced a book on line for municipalities to do a natural resources inventory using the template.

Please consider passing the Climate Change resolution, it was passed by the Village of Cooperstown.

- Jan Storm, an Environmental Biologist and a long time Chatham resident presented the Board with a proposal and resolution on Climate Change. She is very concerned about climate.

There are four points;

1. Climate Change is real caused by human activities.

2. The impact of Climate change is a threat to us now with the extreme weather and disease vectors.

3. Need to take action now.

4. There are solutions if we move to green energy. We need to build support at the community level.

The resolution before the Board asked the Town to do two things....

1. Urge the county, state and federal governments to promote and encourage the reduction of greenhouse gases and improve the efficiency of energy systems and develop and install renewable energy systems.

2. Indicate that we are ready to work with any level of government to achieve the goals.

By passing this resolution it would give support to Congress Gibson that the community is behind him.

- Councilman Swartz asked how many other towns have they approached with this proposal. Henderson said there are 6 or 7 towns so far.

- Lull asked what the next step would be. Storm said this was intended to open up dialogue and help communities become Climate Smart. This will help with funding if the Town was a climate smart community.

- Henderson said that the Cooperstown was working on non-profit solar project to make energy available. There are a whole range of programs available to climate smart communities.
- Lull asked Henderson if she thought this would fall under the CAC, Henderson believes it could.
- Swartz said that we currently do not have a CAC but asked Jan if she would consider sitting on the committee, she said she would be interested. DeGrootdt feels we can handle this on our own and if we wait to form a CAC it could be years before this gets moving. Swartz does not want to discourage anyone from becoming a CAC member of the committee
- DeGrootdt and the Board would like to have a chance to go over the Climate Change resolution and material they were handed this evening and bring it back to the June meeting.
- Lull asked Rappleyea to advise.
- Councilman Balcom wants to review the CAC language.

F. Justice Court – report on file

G. Assessors – Dan Horst addressed the Board regarding the Solar Exemption. The bottom line is that the Town does not offer a solar exemption due to the fact that when a resident installs solar panels there is no increase in their assessment. The County gives the towns the option to decide whether or not they want to give an exemption for solar panels. Dan does not recommend any changes. Grievance Day is Tuesday, the information is out there.

H. Zoning Implementation Committee – Rappleyea said the committee is still working on mapping and what future zoning will look like, special use permit standards. There has been a request from the ZB asking the Town Board to come up with a way to deal with complaints during off hours. Maybe an on call Code Enforcement person or the Village police could respond to complaints. But regardless of the solution it will cost the Town money.

I. Supervisor (county business) – there are 4 applicants for the Comptroller vacancy. A special meeting will be scheduled for Monday, June 8, 2015 at 5:30 PM, conducted in executive session..

J. Town Comptroller- report on file

K. Town Clerk – The tax collection period will end on May 31 and the books will be turned over to the County Treasurer on June 8.

L. Citizen Finance Committee – will be meeting to discuss the Tracy Memorial.

NEW BUSINESS

A. Peddler permits. CEO Walt Simonsmeier suggested the Town look into requiring businesses to apply for a Peddler Permit when going door- to- door in Town. Attorney Rappleyea presented the Board with some sample language from other towns. We do not need as comprehensive a law as a city does but we need some guidelines. Lull preferred the Greenville example and the Town could set its own fees. DeGrootdt will check with Simonsmeier and get his input. Rappleyea states that the Town can set fees by resolution outside of the local law. He will draft the language and bring it back to the Board in June.

Rohde asked who would handle enforcement; Swartz stated that it would be up the police agencies. Simonsmeier would just issue the permits.

B. Office for the Aging representatives.- Liz Chapman and Carol Pinkowski are the representatives for the County Office for the Aging. Chapman said that they meet on the first Monday of the month in Hudson. Chatham area seniors responded to a survey put out by the County. Pinkowski served with Kinderhook for 5 years. Swartz asked if there was anything the Town could do for them. The Town of Chatham does help the Chatham/Ghent senior group which has a membership of about 80 people. Swartz said that he has met with the Village mayor and they were looking into space for seniors to meet Chapman suggested a mailing to area seniors outlining programs which may be of interest to them. Computer based information is not always ideal for senior citizens.

C. Columbia County Traffic Safety Board representative.

RES. #77-15 to name Henry Swartz as representative to the Columbia County Traffic Safety Board. DeGrootd offered RES. #77-15 and moved its adoption to name Henry Swartz as representative to the Columbia County Traffic Safety Board for an unspecified term. Councilman Lull seconded the motion.

VOTE

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

D. Government Efficiency Plan.

RES. #78 -15 to authorize the Town of Chatham to participate in the Local Government Efficiency Plan.

Councilman Swartz offered RES. #78-15 and moved its adoption.

WHEREAS, the State of New York has required each local government unit to file a Government Efficiency Plan with the New York State Division of Budget (DOB) and **WHEREAS**, the County is looking to be the lead governmental unit for filing the Plan, now therefore be it

RESOLVED that the Town of Chatham hereby agrees to work with the County and submit ideas for the Plan which will save at least 1% of the 2014 combined tax levy amount of all participants, and be it further **RESOLVED**, that the Town of Chatham agrees to make its best effort to implement the Plan beginning in 2017 to 2019, and be it further **RESOLVED**, that the Town of Chatham Board authorizes their Chief Financial Officer to certify the Government Efficiency Plan. Councilman Lull seconded the motion.

VOTE

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

E. ASA Network (broadband services).Joe Platkin stated that their company is working on solving the broadband gap in rural locations. They are a for profit company with a social mission. They are a Wireless Internet Service Provider, aka WISP. They use the “white space” to transmit signal. It goes through walls foliage etc.. They are currently working on Harmon Heights tower. They will roll out in late June. \$39.00/first 12 months at 6MG. After the first year it will be \$49.00/month. They are asking people to go to their website and sign up so they can determine where the need is.

QUESTIONS/COMMENTS

- One resident felt this was expensive.
 - Platkin stated they start with Wi-Fi then use the white space. It's an antenna system
 - Lull asked where else are they currently providing internet service and why did they choose Chatham. They are working in Gallatin and Copake and they chose Chatham due to the topography and the need
 - Swartz asked if they were going to start with the Town Hall to show others how it works, set an example.
 - Platkin - They're working with Insight Computers.
 - What does this thing look like? It's a box and antenna which is mounted on the house. If it's successful here they will branch out.
 - Rappleyea asked if they were regulated by the PCS. Platkin said no, they are not telecommunications providers. They have to register with the FCC
- F. Set date/time for comptroller interviews. Monday June 8, 2015, 5:30 PM

OLD BUSINESS

A. Proposed zoning change. Rappleyea will notice all concerned.

RES #79-15 to schedule a public hearing on a zoning change. Supervisor DeGroot offered RES. #79-15 and moved its adoption to schedule a Public Hearing for June 18, 2015 at 7:00PM to amend the zoning law to expand the RL-2 zone applicable to the parcel currently nearing the tax map number 14.-1-6.210 on a proposed zoning change. Councilman Rohde seconded the motion.

VOTE

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

The old committee charged with review and consideration of constructing 5 new tennis courts at Crellin Park will be disbanded and a new committee will be formed to determine whether the courts will fit into the recreation plan of the Park and also how it could fit with the school district. The new committee will consist of Rec. Director Shari Franks, Supervisor DeGroot, Kathy Kramer, Adam Slone, Sally Veillette, Mahlon Richards, Ted Kolankowski (B&L) and a representative from CCSD.

RESOLUTIONS

RES. #80-15 to approve the minutes of the April 16, 2015, regular town board meeting, the April 28, 2015 special town board meeting, and the May 7, 2015, town board workshop meeting. Supervisor DeGroot offered RES. #80-15 and moved its adoption to approve the minutes of the April 16, 2015, regular town board meeting, the April 28, 2015 special town board meeting, and the May 7, 2015, town board workshop meeting. Councilman Lull seconded the motion.

VOTE

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

RES. #81-15 to accept the Curtis Lumber bid for roofing materials. Supervisor DeGroot offered RES. #81-15 and moved its adoption to accept the bid from Curtis Lumber C. Inc. 657 Columbia

TPK. Castleton, NY for roofing material for the sum of \$11,662.24. Councilman Rohde seconded the motion.

VOTE

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

PUBLIC COMMENT

- Linda Ziskind asked the Board to schedule the last part of the public hearing for Adam Slone
- Supervisor DeGroot stated that it's not up to us. The request has to come from Mr. Slone.
- Ziskind said that since it was decided jointly to put off the PH the can't the Board schedule the rest of the PH?
- DeGroot - Slone initially requested the waiver and asked for a two month adjournment to investigate other options for the camp. We can't force him back to the table.
- Sally Veillette stated Slone wanted to collaborate with the Town and it was Councilman Balcom who initially came up with the idea of putting the tennis courts at Crellin Park. In a conversation with Slone, Balcom and Swartz proposed the idea. to Slone. Slone will still want the camp on 206 Thomas Rd.

- Ziskind asked if in the conversation with Slone has there been any discussion on his intentions for the courts if he doesn't get the special use permit. The first committee was created to discuss the tennis courts and there was to be other discussion.
- Rappleyea said there were no contingencies.
- DeGroot stated that they attempted to have other discussion but it didn't go anywhere.
- Ziskind said that Slone threw Karen Murphy off the committee because he didn't like her suggestions.
- DeGroot said that no one was thrown off the committee; we have a new committee now. - There could potentially be 5 new courts built at Crellin Park since the two existing courts are in rough shape. We have to look at maintenance down the road. There's interest from the school district since their tennis courts aren't in good shape either. But we don't know if it will work for anyone but we won't know unless we talk about it.
- Veillette stated that the adjournment was an opportunity for the Town to see what another strategy would look like.
- Heather Uhlar said she was confused. We're looking into the possibility of creating tennis courts but not addressing the fact that Slone wants to put dormitories on his property. What reason would Slone have to give courts to the Town if he doesn't have his dormitories? Slone clearly doesn't have a hardship. This looks like a bribe, if he gives the Town courts he gets his camp.
- DeGroot stated that Slone has been cooperative in collaborating with the Town on this idea.
- Veillette stated that Slone would prefer to have the tennis courts on Thomas Rd., it's better for the kids . He's trying to find a workable solution.
- Deirdre Henderson stated that the Town has to be sensitive to the appearance that Slone is doing this to for the Town in order to get his initial project approved. There is the appearance of

impropriety could arise and the Board needs to think carefully about it. DeGroot said that was just what they are doing.

- DeGroot said that the same folks who are complaining about what we're doing are the very same people who asked the Board to work with the applicant to see what could happen and that's what they are doing. It doesn't mean the Town has guaranteed him anything nor has Slone guaranteed the Town anything, it's a discussion.

- Uhlar said that if the dorms are still going to be on Thomas Rd. there will be an increase in traffic since the campers will have to be transported to Crellin Park to use the tennis courts. The idea was to limit usage of the dirt roads.

- Judy Schoenfeld from Chatham Center asked why the Board wasn't going to vote on the Climate Change resolution that was proposed. Why was it tabled? The Board wanted to actually read it before they make any decision since they didn't all have the information before the meeting. It will be on the agenda next month.

- Councilman Swartz spoke in defense of the Tri-Village Fire Company. Swartz spoke to David Ross, President, in regards to a telephone conversation Ross had with a town resident pertaining to the departments supposed lack of a state mandated "Code of Ethics". They do not have a Code of Ethics; they have what is called a Code of Conduct. The conversation ended abruptly and Ross was not able to impart that information to the caller. The fire chief made a statement, not speaking for himself but speaking for the fire department. The fire dept. stands behind that statement that the department can supply EMS and fire service anywhere in the Tri-Village fire district.

- Ziskind said that John Wapner asked Ross to see a copy of the Code of Ethics, to which Ross replied that they never had one. Ziskind felt at that point Ross should have said they had a Code of Conduct but the conversation ended.

- Swartz stated that at that point Ross hung up because he was being treated rudely.

- Ziskind said that the fire chief made his statement after he was offered a house and a job by Slone.

- Swartz said that the statement was true, the fire company can make it up to the top of the hill.

- Veillette suggested that the Town look into some sort of way to let the residents know there is something happening at the town hall. Perhaps a flag or sign board visible to passing motorists.

Motion to adjourn at 8:45 PM was made by Councilman Swartz and seconded by Councilman Balcom. Motion carried.

Respectfully submitted by,

Beth Anne Rippel
Town Clerk/Tax Collector