

TOWN OF CHATHAM  
488 Rte. 295, Chatham, NY 12037  
November 19, 2015  
Regular Town Board Meeting 7PM  
Public Hearings  
Local Law #3-15 Peddlers Permit  
Local Law #4-15 Tax Cap Override

**PRESENT:** Supervisor Jesse DeGroot, Councilman Henry Swartz Councilman Maria Lull, Councilman Bob Balcom, Councilman Jean Rohde, Town Clerk Beth Anne Rippel, Highway Superintendent Joe Rickert, Recreation Director Shari Franks and Assessor Clerk Julia Horst, Brian Fitzgerald

**ABSENT:**

**Others Present:** David Levow, Landra Haber, Karen Murphy and others

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

**Public Hearing** on the Peddler's Permit LL #3-15 was opened at 7:01 PM. Rappleyea gave a brief overview. There was no comment and the hearing was closed at 7:05 PM

**Public Hearing** on LL #4-15 to Override the Tax Cap Levy Limit Established in GML §3-c was opened at 7:05 PM .

DeGroot stated that it's .73% so the proposed tax rate levy is 2.4. There was no further comment and the public hearing was closed at 7:07 PM.

**CORRESPONDENCE**

A.CEO/ Building Inspector Walt Simonsmeier will be retiring on December 31, 2015.

B. Adelle Kleiman-Levine handed in the petitions which had been delivered to Senator Marchione in October.

**PUBLIC COMMENT**

**Kleiman-Levine** asked where things stand with DOT. DeGroot stated that Senator Marchione is leading the charge at this point.

**REPORTS**

A. Highway report on file. Joe said things are quiet. Swartz asked about speed sign theft.

**RES. #116-15** to authorize B&L to prepare the response not to exceed \$2,500.00 DeGroot offered RES. #116-15 and moved its adoption to have B&L prepare the response not to exceed \$2,500.00. Councilman Rohde seconded the motion.

**VOTE**

AYES: DeGroot, Swartz, Lull, Balcom    NAY: None    Resolution adopted

B. Recreation Department

C. Code Enforcement/Zoning Enforcement

D. Dog Control

- E. Environmental Management Council
- F. Climate Smart Community Nothing new.
- G. Justice Court report on file

Supervisor DeGrootd called the meeting to order at 6:00 P.M. and led the pledge to the flag.

#### EXECUTIVE SESSION

On a motion by Supervisor DeGrootd, second by Councilman Balcom and carried the Town Board entered executive session at 7:10 PM in accordance with Public Officers Law §105 (1) for the purpose of discussing; (f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion.....

Motion was made by Supervisor DeGrootd, seconded by Councilman Swartz to leave executive session at 7:45 PM. Motion carried.

#### H. Assessors

I. Zoning Implementation Committee From the meeting of the 18th, the group is in the process of reading it and some people are getting back to me. They will make their reviews, get back to Tal by the 9th, and then we will meet on the 16th. After it is completed, we turn it over to the Town for the Planning Board and County to review, and then see where it goes from there.

J. Supervisor (county business) DeGrootd said he unfortunately missed the last meeting.

K. Town Comptroller No report.

L. Town Clerk : Rippel stated that she is preparing for the 2016 tax season and that she will be in the office the following day until 4:00 PM for any hunters who want to pick up their last-minute licenses for the first day of rifle season opening on Saturday.

#### NEW BUSINESS

A. Planning board appointment. Supervisor DeGrootd stated that the Board is seeking to fill the seat of Antonie Ooms. They received an application from Cindy Myers and interviewed her once. He moved to appoint her to that term. The question was raised about the Planning Board's opinion was about her appointment. DeGrootd stated that the Planning Board Chairman is in favor of Cindy Myers. The motion was passed unanimously.

**RES. #117-15** to appoint Cindy Meyers to fill an unexpired term on the Planning Board, 2014-2020. Supervisor DeGrootd offered RES. #117-15 and moved its adoption to appoint Cindy Meyers to fill an unexpired term on the Planning Board, 2014-2020. Councilman Lull seconded the motion.

#### VOTE

AYE: DeGrootd, Swartz, Lull, Balcom, Rohde NAY: None Resolution adopted.

#### OLD BUSINESS

A. Noise enforcement/developer's agreement.

Town Attorney Tal Rappleyea spoke about the project: Working on the final pieces of the puzzle for PS21 as they are building the facility now. For the overall enforcement process, the Zoning Board of Appeals, Planning Board, and developers thought it was an appropriate move, especially to create a

stronger bond for enforcement between the property owner and the Town. It was hard to find a foothold for enforcement, but now you have an agreement between the owner, the developer, and the Town. In addition to the standard language, the project also has a new noise protocol, so if people think there are violations they can be reported immediately. If a program is too loud and there is a complaint about it, the noise can be lowered mid-program.

**Balcom:** One comment, it would be helpful to make the language clear about the way testing is done and changes are made until testing can be done.

**Rappleyea:** That was run by the council and they are in agreement.

**DeGrootd** was satisfied.

**Swartz :** Received comments from Trisha Lasky via email from back in October 10 and was curious if we ever answered her concerns.

**Rappleyea:** Some changes were already incorporated into the latest document. The sound and other engineers worked together and the costs came out of escrow account so it did not cost the Town a penny. The agreement was to make sure we have a further mechanism to address sound conditions.

**Lull** asked Rappleyea if he could respond in writing to the concerns.

**Rappleyea** agreed: The Zoning Board of Appeals decided to approve a special use permit before any of the programs could be held at the site. After they broke ground, they completed the procedure but they knew that they could not hold a program until the Town's plan was in place.

**Swartz** thanked Rappleyea and stated that he just resent the original email to the Board.

**Balcom** asked if a motion had been made previously on this issue. **Rappleyea** replied that the project had been tabled.

**RES. #118-15** to accept the Developers Agreement. Supervisor DeGrootd offered RES. #118-15 and moved its adoption to accept the Developers Agreement. Councilman Balcom seconded the motion. Balcom commented at length about the amazing detail within the 45-page exhaustive document. He praised the advocate and the Zoning Board of Appeals for doing their best on the issue, and then stated that the initial concept of having a testing protocol in place that includes several scientific factors in place is excellent. While he understood that all the conditions cannot be covered, they did their best and he was really impressed.

VOTE

AYE: DeGrootd, Swartz, Lull, Balcom, Rohde    NAY: None    Resolution adopted

B. Peddler's permit.

**RES. 119-15** to adopt LL #3-15 to Regulate Peddlers and Solicitors within the Town of Chatham.

Supervisor DeGrootd offered RES. #119-15 and moved its adoption to adopt LL #3-15 to Regulate Peddlers and Solicitors within the Town of Chatham. Councilman Swartz seconded the motion.

Discussion: Balcom asked if post signs at the entrances to the Town, we'll have to figure out where to post them.

VOTE

AYE: DeGrootd, Swartz, Lull, Balcom, Rohde    NAY: None    Resolution adopted

C. Dean Hurley property/Rider's Mills rail bed.

**DeGroodt** stated that the Riders Mills' rail bed issue was back on the agenda. He did not know what the Board was intending to do with the issue, but asked for an explanation and offered it up for discussion.

**Lull** explained that she visited the site physically because the owner did not like the lake that had been created on his property from the collapsed culvert. She mentioned that the Town owns the railroad bed so she asked the property owner to attend the meeting in order to petition the Board. She concluded that the Town may be hearing from the attorney.

[An unidentified male] asked what the property owner's proposal included.

**Lull:** There may be some grants available, and since a lot of officials agreed that the situation is impacting the green brook, the Town is the responsible party to take initiative to help him out.

**DeGroodt:** The Town looked at the issue last year and was not able to do anything with the rail bed.

**Rappleyea** agreed: The Town could not find the rationale to proceed at that point.

**DeGroodt:** Highway Superintendent Joseph Rickert obtained a report about restoring the rail bed, but the Town was under no obligation to carry it out.

**Lull:** The owner was not asking to restore the railroad bed. He wanted to open it up so that the water can flow and his land can dry out since the railroad bed is damming it up.

**Rickert:** He had looked into the matter last year and the DEC gave him a price tag, but the Highway Department would have had to slope it and that would cause erosion. It was not a simple matter of digging a trench and letting it go because the DEC would not allow that. Besides, it would set a bad precedent since the whole railroad bed is in bad shape and many culverts run through it.

**Lull** explained that she was giving the Town a report that the land owner is going to take some action here.

**Rickert** stated that what action he would take is up to him.

**Swartz** stated that someone could look into grants.

**Rickert** offered his opinion: The Town should go after the power company since they have a history of going in and fixing things.

**Lull** objected that the power company only has an easement.

**Rickert:** That is what the power company does, allow contractors to go in and fix it even if it breaks their own rules.

**Swartz:** The Town should put the land up for sale since it appeared doubtful if the rail trail will ever extend and it will only keep costing the Town and taxpayers money.

**Lull** asked how the Town even ended up with the railroad.

**DeGroodt** replied that it was abandoned and the Town wound up with it.

**Swartz:** Look into the situation and see if the Town could sell it.

**Lull** agreed to do some research.

D. 2016 budget.

**DeGroodt** mentioned one change under the Fire Districts, since the correct amount is \$72,951.00 for the North Chatham Fire District. No other comments on that issue.

**DeGroodt** raised the salary issue, first mentioning that he agreed with Councilman Swartz's previous opinion that the Board had made a big mistake since they should have fashioned a resolution instead of skewing the pay scale all out of whack and setting a negative precedent. He mentioned that back when the Board took money from the Recreation Director last year, no one said anything about that, so he did not feel sympathetic but thought that the Board brought this on themselves and they have to be more mindful not to let this kind of thing happen in the future. He concluded that he thinks it goes almost to the point where the Board is showing favoritism and that is not good at all.

Recreation Director Shari Franks stated that it is disgusting.

**Rohde** added that it is not fair, and that she did not feel comfortable putting the raise in the way it is and only giving everyone else a 1% raise.

**Franks:** It is demoralizing and humiliating.

**DeGroodt** told Franks not to speak out of order.

**Rohde** added that she could not vote for the budget with that salary remaining at that level.

**DeGroodt** stated that he previously proposed that the Board cut the raise in half to what it was months ago, since he would be much happier with that, even though it still did not solve anything.

**Rohde** agreed, saying that she did not feel comfortable with it at all.

**DeGroodt** agreed, then asking if there was anything else in the budget that the Board wished to discuss.

**Attorney Rappleyea** reminded the Board that when they are ready to vote on the budget, they will need to vote on the 2% tax cap first.

**RES. #120-15** to adopt LL #4-15 to Override the Tax Cap Levy Limit Established in GML §3-. DeGroodt offered RES. 120-15 and moved to adopt LL #4-15 to Override the Tax Cap Levy Limit Established in GML §3. Councilwoman Rohde seconded the motion. There was no discussion.

VOTE

Ayes: DeGroodt, Balcom, Swartz, Rohde

Nay: Lull

Resolution adopted

**RES. #121-15** Councilman Swartz moved to adopt the 2016 Budget. Councilman Balcom seconded the motion.

Discussion:

Supervisor DeGroodt stated his thought that the Board should do in the future what they said they would do in the past, which is seriously look at the pay scale for all employees from all angles. The

motion was not carried.

VOTE

Aye: Swartz            Nays: DeGrootd, Balcom, Lull, Rohde      Resolution was not adopted

Swartz mentioned that the reason he voted aye for the budget is because it's the only thing the Board has before them and none of the members proposed any specific changes or amendments to fix the issues. DeGrootd agreed.

## RESOLUTIONS

A. **RES. #122-15** to accept the minutes of the October 15, 2015, regular town board meeting. Supervisor DeGrootd offered RES. #122-15 and moved its adoption to accept the minutes of the October 15, 2015 regular town board meeting. Councilman Balcom seconded the motion.

VOTE

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

B. **RES. #123-15** to pay the following at the earlier dates specified: December's monthly and annual payroll on December 18, 2015; health insurance buy-backs and longevity bonuses on December 4, 2015; to pay NYS Retirement early. Supervisor DeGrootd offered RES. #123-15 and moved its adoption to pay the following at the earlier dates specified: December's monthly and annual payroll on December 18, 2015; health insurance buy-backs and longevity bonuses on December 4, 2015; to pay NYS Retirement early. Councilman Balcom seconded the motion.

VOTE

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

## PUBLIC COMMENT

**Chris Spencer**, a new resident Pond Hill Road in Chatham explained his situation: His children attend Chatham Elementary School and they happen to live close enough to the school to be picked up by the bus but far enough away that there are no sidewalks. The Board agreed that it was an uncomfortable and potentially dangerous situation, especially in the winter. Councilman Swartz asked if Spencer had spoken to the School Board, and Spencer stated that he had met with the principal who stated that she was unable to do anything. Swartz explained that he has had dealings with schools, principal, and school boards, and usually only the latter is able to do anything. Spencer agreed to address the issue before the School Board and the Board wished him success.

**Recreation Director Shari Franks** stated that she believed she spoke for most of the Town employees that everyone is disconcerted about the 35% increase in salary for one employee. She thanked Councilwoman Rohde for speaking out about the issue, and mentioned that the Board said nothing when her salary had been slashed and everyone else was given a 1% raise. Further, she wondered why a 35% increase had been given to someone who had not worked for that many years while the Court Clerk had been around much longer. She concluded that the situation stinks, and is totally irrational and ridiculous.

**DeGroodt** stated that it is not a good idea to get into an argument and Attorney Rappleyea advised the Board to be careful with personnel issues.

**Balcom** stated that he thought it was important to look at each situation on a case-by-case basis, evaluating the responsibilities that go with the job, how the job relates to the employer, and all the elements. Then they had to look at where there are discrepancies and fix them.

**Franks** asked if he had done that, since she had not seen any job evaluations.

**Highway Secretary Tammy Shaw** added that he had admitted the stakes and asked why they had not been changed. She mentioned that she had \$1.50 per hour cut from her salary in 2014, and all of the employees were tired of seeing that happen.

**Franks** did not understand why the second court clerk's job was more important than everyone else's, especially since hers as Recreation Director was caring for children and making sure they did not drown.

**Shaw** agreed, adding that seniority needs to be a part of the equation as was explained in the last meeting.

**Balcom** stated that he did not want to get into an argument, but advised them to consider the example of school teachers: A teacher who works 30 years finally gets to a salary of \$80,000, but they are essentially not doing anything different than someone who has worked 5, 10, or 15 years. Since it would not work to pay everyone \$80,000 right off the bat, the school would defer the compensation by having a salary schedule and finding the happy medium so that everything is at a manageable level. The way he saw it was that every job has a value so the Board needs to go back and look at all of them.

**Franks** raised the example of why the Planning Board and Zoning Board of Appeals clerks are paid different amounts and asked why.

**Balcom** said that he did not know.

**Franks** said that this is what was so frustrating: Nobody knows what is going on, which was particularly evident in the elections. She accused Balcom of not knowing what goes on at the Town.

**Balcom** said that he did not want to get into an argument.

**Franks** reiterated that she was arguing because it needed to be argued.

**Shaw** added that the morale is currently very bad for the town employees, the worst it has been in her 16 years working for the Town.

**Franks** agreed, adding that she has been with the Town for 8 years and she has never seen it this bad.

**Shaw** asked Balcom that, if he admitted that they made a mistake, then why it was not changed so that the second court clerk's salary is brought back down to the amount it is supposed to be at.

**Balcom** said that he never said that.

**Gary Wemple** said that Balcom did not vote for it in the budget, since he stopped the vote in the budget.

Balcom denied the charges, saying that he stated his reasons at the last meeting.

**Wemple** replied that he heard from the last meeting that it was a mistake and it never should have been done. He told Balcom to go back and correct the issue since he had the authority to.

**Shaw** added that the Board is more or less saying that there is only one valuable person working for the Town. Wemple agreed, saying that in any job or industry, this action is unprecedented. Shaw said that the Highway Superintendent only got a 1%. Wemple added that he did not know who even came up with 5% idea since it was absolutely ridiculous.

**Balcom** began to explain but Attorney Rappleyea cautioned the Board about what they said about personnel issues, though it was a discussion that has to be had.

Supervisor DeGrootd asked if the Board wanted to enter Executive Session since they were headed that way anyway. He began to explain to Gary Wemple how the situation had come about, but Balcom advised him not to and Rappleyea stated that the Board should discuss it privately first.

#### **EXECUTIVE SESSION**

On a motion by Supervisor DeGrootd, second by Councilman Rohde and carried the Town Board entered executive session at 8:30 PM in accordance with Public Officers Law §105 (1) for the purpose of discussing; (f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion.....

Motion was made by Councilman Swartz, seconded by Councilman Balcom to leave executive session at 8:45 PM. Motion carried.

Motion was made by Supervisor DeGrootd, seconded by Councilman Balcom to adjourn at 8:45 PM. Motion carried.

Respectfully submitted by,

Beth Anne Rippel, RMC  
Town Clerk