

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

**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, Mike Hart, Marilyn Cohen,

**Others present:** Cynthia Bobseine, John Wapner, Jim Johnson, Heather Uhlar, Vince Pecoraro, Tim & Dallas Briney, Karen Murphy, Emilia Teasdale, Linda Ziskind

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

Tom Baird from Barton & Loguidice presented the proposed changes for the East Chatham bridge approach as well as the proposed changes for the intersection across Rt. 295 from the bridge. Refer to diagrams.

1. Standard intersection configuration, bringing traffic down to a 90 degree angle at 295 for optimal site distance from the left and right.
2. Control speed on the bridge approach
3. Traffic calming configuration to slow people down.

The temporary fix to the bridge approach intersection will cost about \$4,500K using town forces. The permanent fix to the bridge approach intersection will cost about \$50K

- Highway Super. Rickert is not in favor of a temporary fix. He would like to see the job completed. If we have to go through the permitting process with DOT we might as well do it once. Ultimately DOT will have the final say whether or not they will agree to the temporary solution. Budget wise the Town might have to go with the temporary solution now. Joe has met with DOT on this already so they have it on the radar. But with the way this winter is going there won't be any money left in the highway budget for the project.

- Councilman Lull wants a temporary fix now for safety's sake and a permanent fix when it's been budgeted for in 2016. The rest of the Board concurred.

The proposed changes to the Frisbee St. /Cty 9 intersection will cost about \$150K using town forces. It will involve a 90 degree angle with full stop off Frisbee St. and maximize sight distance from both directions. Refer to diagram.

The recommendation is to do it in 2 phases. Phase 1 would be the bridge approach project and phase 2 will be the Frisbee/Cty 9 /295 intersections.

A community discussion will be held to answer question/concerns regarding the proposed projects. The venue will most likely be the East Chatham Fire house and the date is to be determined.

### **CORRESPONDENCE**

A. 22 letters in favor of the moratorium and 2 letters opposed to the moratorium.

### **PUBLIC COMMENT**

Mike Hart asked if the proposed projects could be split into separate projects. Yes' they will be.

### **REPORTS**

A. Highway – report on file

-The Town Board thanked the Highway Super. and his crew for all their hard work in keeping up with the winter weather. Councilman Lull stated that residents have told her how happy they are with the snow removal throughout this winter season.

- Councilman Balcom was appreciative of the Highway Facebook page which keeps residents up on what's going on at the highway garage.

- Super Rickert stated that the salt shed which holds 5,000 tons of material is empty and we normally do not empty it in a winter season. This winter is not over yet so filling it back up in this year's budget will have an impact on the projects/repairs slated to be completed this summer. It will be 37K just for the sand alone not including the salt to mix with it. They're into the spare

outside pile now which was set aside to use for summer cold patch. Highway Super. is very concerned about the spring time thawing and the road conditions.

- 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
- H. Zoning Implementation Committee – no report
- I. Supervisor – Meeting at 401 State St. Hudson, Feb. 23<sup>rd</sup> at 6:30pm regarding Pine Haven.
- J. Town Comptroller- report on file
- K. Town Clerk

The East Chatham Fire house is available to host the Town Board meeting on March 19, we'll take the show on the road so to speak.

## **NEW BUSINESS**

### **OLD BUSINESS**

#### **A. Proposed Moratorium**

**RES #50-15** to adopt Local Law #1-15 as written. Councilman Balcom offered RES. #50-15 and moved its adoption. Councilman Rohde seconded the motion.

TOWN OF CHATHAM  
LOCAL LAW # 1 OF 2015  
(with hardship, section 5)

Be it enacted by the Town Board of the Town of Chatham as follows:

#### **Section 1. Title.**

This Local Law shall be referred to as the “Local Law Imposing a Temporary Twelve Month Moratorium on Special Use Permits and Site Plan Review for Parcels Located on Unpaved Town Roads.”

#### **Section 2. Purpose and Intent.**

Pursuant to the statutory powers vested in the Town of Chatham by the Municipal Home Rule Law of the State of New York, to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary twelve (12) month moratorium on the review and/or approval of any new Special Use Permit and Site Plan Approval Applications for parcels of land located on any unpaved town road in the Town.

The Town Board has adopted a new Comprehensive Plan and is now in the process of implementing an extensive zoning revision. The Comprehensive Plan emphasized among other things, the importance of protecting and maintaining the Town's numerous unpaved roads which are in integral part of the Town's rural character.

The zoning revision process is nearing the end, which is expected to result in the enactment of many new zoning provisions including more specific special use and site plan approval standards.

The Town Board finds and determines that based upon several recent applications and/or inquiries currently before the Town relating to commercial and other activities on town roads and the opinion of the Town Highway Superintendent that such applications and/or inquiries, if approved, could have a deleterious effect on town's unpaved roads. Additionally, the Town Board finds that there are many large parcels of land for sale which are located on the town's unpaved roads and which if sold and converted to commercial and other use(s) could have a deleterious effect on those town roads and ultimately be at odds with the zoning revisions.

The Town Board further finds and determines that it needs the period of time covered by the moratorium imposed herein in order to carefully complete the enactment of the necessary zoning revisions, including but not limited to, drafting proposed amendments to existing Town Local Laws, including zoning, schedule and hold the required public hearing on either amendments to existing Local Laws or the enactment of new Local Laws, perform the appropriate environmental reviews thereof, comply with applicable provisions of law, adopt the Local Law(s), and file the same with the Secretary of State of the State of New York.

#### **Section 3. Scope of Controls.**

A. During the effective period of this Local Law, the Town Board and/or any other municipal body, including but not limited to the Zoning Board of Appeals, Planning Board and the Building Department, shall not begin or continue to review applications for or grant any approvals relating to a Special Use Permit or Site Plan Approval on parcels of land which are located on an unpaved town road.

B. No new applications for a Special Use Permit or for Site Plan Review for parcels located on an unpaved town road shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

C. The Town Board reserves the right to direct the Town Building Inspector/Code Enforcement Officer/Zoning Enforcement Officer to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

D. Definitions. For the purposes of this local law, all terms utilized herein shall be defined in accordance with the Town of Chatham Zoning Law.

#### **Section 4. Term.**

The moratorium imposed by this Local Law shall be in effect for a period of twelve (12) months from the effective date of this Local Law. The Town Board reserves the right to enact subsequent short-term periodic moratoria in the future, in the event it determines that such subsequent local laws or extensions are necessary and in the public's interest. The Board reserves the right to terminate this moratorium prior to the end of the twelve (12) month period in the event that the new zoning revisions are enacted before such expiration.

#### **Section 5. Hardship.**

Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship for a legally operating use. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special use permit, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

**Procedure.** Upon submission of a written application to the Town Clerk by the property owner seeking a variance from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall grant a variance of the application of this Local Law to a particular property, then the Town Board shall grant a variance of the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

**Supersession.** This variance section and the process and procedure of this Local Law supersede the New York State Town Law §267, 267-a and 267-b in accordance with the powers granted in and pursuant to the provisions of §10 of the Municipal Home Rule Law and §10 of the Statute of Local Governments. It is the intent of the Town Board pursuant to §10 of the Municipal Home Rule Law, to supersede the provisions of the Town Law set forth above relating to the reviewing body and process and procedure governing the granting of variances.

#### **Section 6. Penalties.**

Any person, firm or corporation that shall establish or develop any new use which is defined by the Town of Chatham Zoning Law as Special in violation of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided for in the Town's Zoning Law and by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law.

#### **Section 7. Validity.**

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

#### **Section 8. Effective Date.**

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

### **Discussion**

- Councilman Rohde stated that at the public hearing residents said that they did not know that there was a comprehensive plan and those who did know the plan existed didn't know where things stood or even if it had been worked on. Yes, the committee has been reviewing and rewriting the zoning code as it pertains to the comprehensive plan which is taking a considerable amount of time. They are taking their time to get it right. If the committee finishes the zoning code rewrite before the moratorium is up then the Board can lift the moratorium.

- Councilman Lull said that Councilmen Rohde and Swartz have worked very hard on the ZIC for a number of years. The committee is comprised of volunteers who are working their hardest and doing their best to get the rewrite done, they want to do the right thing. The timeframe may have been aggravating to some in Town but it has not been an easy task. The moratorium is a time out so they can complete the work. As the economy grows so does the pressure for future

development. The local law imposing a temporary twelve month moratorium on special use permits and site plan review for parcels located on unpaved town roads with a hardship provision will give the Board the opportunity to work through the process and enact a well thought out and prudent zoning code.

- Councilman Swartz stated that the project that was presented (Life Serve Youth Foundation tennis camp) would have been acceptable under the current and rewritten zoning code. In following the comp. plan this project would have been OK to put there. That being said he is still against a moratorium in any form.

**VOTE:** Ayes: DeGrootd, Lull, Balcom, Rohde Nays: Swartz Resolution adopted

Councilman Balcom was contacted by residents along Rock City Rd. asking about the possibility of lowering the speed limit. Requests for a traffic study should go through the Highway Superintendent .via a TE 9, which will then go to the County. Highway Superintendent Rickert is not in favor of asking the County to do a traffic study. The current speed limit is 45 MPH, which is appropriate for that roadway. Accidents have been few and of the accidents which did occur none were related to the posted speed limit. Speeding is going to occur no matter what the posted speed limit is. This appears to be an enforcement issue. Councilman Swartz suggested contacting the Sheriff/State Troopers to ask if they could step up patrols in that area.

Councilman Swartz talked about the Citizens Finance Committee. He, Councilman Balcom and the committee have been working with Comptroller Cesternino. Deb is easy to talk to and quick to respond to the groups questions and you understand the answers to your questions when you're done.. They're currently addressing several topics: centralized mail for better tracking and better control of vouchers. These new policies are in the works and may be ready for the March meeting. Another discussion was had about the antiquated accounting system. Deb's productivity is suffering due to the 16 years old software she's working with. She and Tammy Shaw have investigated updating the system and the approximate cost could be about 21K. A lease may be another option. Research to continue.

## RESOLUTIONS

**RES. #51-15** to approve the minutes of the January 5, 2015 regular town board meeting, January 28 special town board meeting and the February 5, 2015 workshop meeting. Councilman Lull offered RES. #51-15 and moved its adoption to approve the minutes of the January 5, 2015 regular town board meeting, January 28 special town board meeting and the February 5, 2015 workshop meeting. Councilman Rohde seconded the motion.

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

**RES. #52-15** Amendments to budget appropriations. Supervisor DeGrootd offered RES. #52-15 and moved its adoption. **WHEREAS**, the Chatham Town Board authorizes the Town Comptroller to make the following Amendments to Budget Appropriations:

FROM	TO		
A1355.4	A1355.1	1252.61	FR Assessors CE to Assessors PS
A1355.2	A1355.1	192.39	FR Assessors CE to Assessors PS To cover increased spending
A7140.1	A7140.4	826.16	FR Playgrounds/Recreation PS to playground/Recreation CE  To cover increased spending
A1620.4	A1620.1	1286.91	FR Buildings CE to Buildings PS To cover increased spending
A1990.4		23277.13	Fr contingency account
	A1010.4	4,528.79	To Town Board CE

A1910.4	803.31	To Unallocated Insurance
A5010.1	896.97	To Supt. Of Highways
A9030.8	2,856.38	To Social Security
A9060.8	10,691.68	To Medical Ins.
A9060.8.80	3,500.00	To Medical Ins. To cover increased spending
A1620.4	A1620.1	1,286.91 Fr Buildings CE to Buildings PS To cover increased spending
DB9060.8	8,854.10	Fr Medical Ins
DB9060.8.80	3,500.00	To Medical Ins
DB5130.4	5,354.10	To Machinery CE To cover increased spending
DB5142.1	DB5142.4	11,427.07 To Cover increased spending Councilman Rohde seconded the motion.

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

Supervisor DeGrootd stated that there 4 resolutions for the purchasing of highway equipment. Currently we don't have the financing worked out but the financing was part of the budget discussion. Highway Superintendent has asked to go ahead with the resolutions because we have to have a thirty day permissive referendum with the full knowledge that we are not spending any money until we actually have the money to spend.

**RES. #53-15** Supervisor DeGrootd offered RES. #53-15 and moved its adoption.

**WHEREAS**, the Chatham Town Board accepts the Onondaga County Contract #7823 bid price per specifications for (One) Henderson 10' Plow & MG4 Season Spreader/Dump Body Medium Duty for Terra Star from Henderson Truck Equipment, 22686 Fisher Road, Watertown, NY 13601 for the sum of \$50,610.00, and

**THEREFORE**, be it resolved that the Chatham Town Board accepts the Onondaga County Contract #7823 bid Price per specifications of \$50,610.00 for (One) Henderson 10' Plow & MG4 Season Spreader/Dump Medium Duty for Terra Star from Henderson Truck Equipment, 22686 Fisher Road, Watertown, NY 13601 in 2015 and shall be purchased with a 2015 BAN note subject to a permissive referendum. Seconded by Councilman Lull.

**Discussion** - Councilman Swartz is concerned about the permissive referendums for highway equipment totaling over 161K. The equipment would be purchased with funds obtained by way of a 5 year bond anticipation note. From the meeting the finance committee had with the Comptroller it is possible that the Town may not be able to secure the BAN for the equipment purchases. According to Supervisor DeGrootd Joe knows we're passing the resolutions to get the referendums done and if we are able to do it then we are able to proceed. He has ordering dates he needs to meet or he will lose the current pricing. There will be no ordering until we have the money.

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

**RES. #54-15** Supervisor DeGrootd offered RES. #54-15 and moved its adoption.

**WHEREAS**, the Chatham Town Board accepts the Onondaga County Contract #7974 bid price per specifications for (One) 2015 Terrastar SFA 4x4 Cab Chassis from Navistar, Inc., 399 Albany Shaker Rd, Suite 202, Loudonville, NY for the sum of \$64,750.55, and

**THEREFORE**, be it resolved that the Chatham Town Board accepts the Onondaga County Contract bid Price per specifications of \$64,750.55 for (One) 2015 Terrastar SFA 4x4 Cab Chassis from Navistar, Inc. and shall be purchased with a 2015 BAN note subject to a permissive referendum. Councilman Lull seconded the motion.

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

**RES. #55-15** Supervisor DeGrootd offered RES. #55-15 and moved its adoption.

**WHEREAS**, the Chatham Town Board accepts the Contract price through NJPA (National Joint Powers Alliance Program), Contract # 102811, for (One) 2016 Ford Super Duty F-550

Cab/Chassis from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA for the sum of \$36,997.44 and

**THEREFORE**, be it resolved that the Chatham Town Board accepts the Contract Price of \$ 36,997.44 for (One) 2016 Ford Super Duty F-550 Cab/Chassis from National Auto Fleet Group, delivered in 2015 and shall be purchased with a 2015 BAN note subject to a permissive referendum Councilman Balcom seconded the motion.

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

**RES #56-15** Supervisor DeGrootd offered RES. #56-15 and moved its adoption.

**WHEREAS**, the Chatham Town Board accepts the bid price for (One) AirFlo Truck Body from Checkered Flag Fabrications, 73 Percy Hill Road, Old Chatham, NY for the sum of \$9,670.14, and

**THEREFORE**, be it resolved that the Chatham Town Board accepts the bid price of \$9,670.14 for (One) AirFlo Truck Body from Checkered Flag Fabrications, 73 Percy Hill Road, Old Chatham, NY in 2015 and shall be purchased with a 2015 BAN note subject to a permissive referendum. Councilman Rohde seconded the motion.

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

Supervisor DeGrootd will invite Rick Giuliani from the County to the March meeting to discuss email use.

#### **PUBLIC COMMENT**

None

Motion was made by Councilman Rohde and seconded by Councilman Swartz to adjourn at 8:10 P.M. Motion carried.

Respectfully submitted by,

Beth Anne Rippel  
Town Clerk