

Town of Chatham
488 State Route 295
Chatham, NY 12047

Special Town Board Meeting
January 7, 2016..... 5:35PM
to be conducted in Executive Session

PRESENT: Supervisor Maria Lull, Councilman Bob Balcom, Councilman Henry Swartz and Councilman Landra Haber

OTHERS: Town Board Candidates

Supervisor Lull called the meeting to order at 5:35 P.M. and led the pledge to the flag.

EXECUTIVE SESSION

On a motion by Councilman Balcom, seconded by Councilman Haber and carried, the Town Board entered executive session at 5:35 PM 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 corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Town Board candidate interviews

Motion was made by Councilman Balcom, seconded by Councilman Haber to leave executive session at 7:00 PM. Motion carried.

Minutes submitted by Supervisor Lull.

Town of Chatham
Workshop Board Meeting
January 7, 2016, 7:00 PM

PRESENT: Supervisor Maria Lull, Councilman Bob Balcom, Councilwoman Landra Haber, Councilman Henry Swartz, Assessor Clerk Julia Horst, Tammy Shaw

OTHERS: Wayne Coe, Julia Veronezi, John Wapner, David Levow, Wemples and other community members

Supervisor Lull called the meeting to order at 7:02 PM and led the pledge to the flag.

CORRESPONDENCE

1. Ruling granting motion dated 1/4/16, re NYSEG application that has to be held in advance until an alternative route can be determined

2. Grant Langdon, re petition involving the DA and CNA insurance of Chicago

3. Charter Communication, re pricing adjustments, make sure to pay it on time

4. Zoning Board of Appeals, re two resolutions:

1) Request for the Town Board to reappoint David Everett as Chairman. Lull mentioned that this was done at the Organizational Meeting.

2) Request for the Town Board to reappoint Kary Jablonka to a seat of a fixed term. The Board made no comment on this.

5. Letter prepared by Attorney Tal Rappleyea for the Supervisor and the Planning Board Chair regarding Hesten Stables, re Heather Uhlar's correspondence from the Department of Agriculture and Markets. Lull noted that she wanted to make sure everyone was in agreement before she signed the letter. There were no comments from the Board. Supervisor Lull will therefore sign the letter.

PUBLIC COMMENT

Supervisor Lull read the following statement: "The Chatham Town Board appreciates information received from the public during the Public Comment portion of each meeting, which often is very helpful in the governance of the Town. However, it is sometimes difficult to have a specific or informed response when presented questions in this forum. The Town Board may attempt to respond during the Public Comment period, except as to personnel/employee issues which will not be addressed, but may also defer discussion or response pending a full review of the issues. Additionally, any remarks which may be considered defamatory or stigmatizing are prohibited." There was no public comment.

NEW BUSINESS

Open Town Board Seat

Lull noted that an Executive Session had been previously held to interview three candidates for the open Town Board seat; namely, Wayne Coe, Julia Veronezi, and John Wapner.

Swartz made motion to appoint Julia Veronezi. None of the other Board members seconded the motion, and thus there was no discussion and the motion failed.

RES. #39-16 offered by Councilman Balcom and moved to adoption to appoint John Wapner to fill an unexpired term (up until December 31, 2016) on the Town Board. Councilman Haber seconded the motion.

DISCUSSION

Swartz stated that it looks very wrong, as if Wapner bought his seat on the board by donating \$1000 to Lull's campaign and another \$1000 to the democratic Board members' campaigns. He concluded that it looks really, really bad to put a price tag on a Board seat.

Balcom thanked all three individuals for stepping up for this position, going on at length to explain how this special board seat appointment will work with elections. He stated that he put value in a candidate with strong administrative experience, which he believed that Wapner possesses, going on to explain Wapner's credentials at length. Balcom stated that he foresaw

times when the Board will need someone this year who can build consensus, another thing that he believed Wapner was strong in doing. Balcom concluded that all of the candidates could serve well for the Town's immediate needs but he chose Wapner.

Haber seconded Balcom's statements, and went on to explain how she wished that the Board had more seats to offer and that her first official vote on the Board could be easier to make, since she respected all of the candidates, but that she felt that they needed Wapner.

Lull praised Julia Veronezi and Wayne Coe, and then explained her history of working with Wapner years ago on an ethics committee. She stated that Wapner had a fabulous resume, had leadership skills that were above other skills that the Board might need, had people skills, and had the ability to work through the issues. Lull concluded that she also liked that Wapner was non-affiliated with a political party since though it is not supposed to be political, everything is political, so she felt Wapner would be a good balance for the other Board members' party affiliations.

VOTE

Ayes: Lull, Balcom, Haber Nays: Swartz. Resolution adopted.

Lull suggested bringing Wapner back to the meeting. Balcom agreed and called Wapner.

Fire Department Contracts

Lull stated that she had an understanding that the Board had not asked for Fire Department financials in the past.

Swartz replied that the Board has asked, and that the Town has held back money when they did not receive what was asked for. He confirmed that the Public Hearings are scheduled for the meeting of January 21.

Balcom noted that he had been watching the comptroller's website since the State has started to cite Towns who are approving Fire Departments without reviewing their tax returns.

Swartz stated that if the Town is going to ask details from the Fire Departments, then the Board will have to be specific and provide them with enough time to deliver the information.

Sign from Nancy Scans

Lull stated that Nancy Scans has offered to donate a sign for the Town. Haber asked about the material of the sign. Lull replied that it is not a lawn weather sign, and invited ideas from the Board, such as employee of the month or otherwise. Swartz asked who would be in charge of putting out or taking in the sign. Lull replied that Pete Latham could do it.

Supervisor's Office Equipment

Lull explained that she has been working without a computer since Jesse DeGroot's computer was three or four years old and she told him to take it. She asked for a motion to obtain a new computer.

Town Clerk Beth Anne Rippel informed the Board that DeGroot's computer had been turned in and was at the Town Hall. Swartz stated that it was a Town computer and that he could not keep it. Rippel agreed, explaining to the Supervisor that when an item is on Town inventory, those things are only removed by a Board resolution. She added that the computer's hard drive had been wiped. Swartz noted that this would be a good savings for the Town.

Board Training

Lull asked for a motion that the Supervisor and Councilpersons to go to Association of Towns' training. Town Clerk Rippel explained to the Board how the details of the resolution should read in order to authorize the Board to participate in this training. The Board discussed the details and revised the resolution accordingly.

RES. #40-16 To authorize the Town Board members to attend training
Supervisor Maria Lull moved that the Town Board's new councilpersons and Supervisor be authorized to attend training from the Association of Towns on January 13, 14, and 15, 2016 at the Desmond in Albany. Councilwoman Landra Haber seconded the motion.

VOTE

Ayes: Lull, Balcom, Haber, Swartz Nays: none Resolution adopted.

Building Inspector

Lull stated that with Walt Simonsmeier retiring, she heard from a number of contractors about projects that need to be inspected. She spoke to the County and was recommended Vince Concra to fill the position on an interim and hourly basis. Concra recently began working in Valatie and has been in a number of different towns. Lull stated that she would like to hire him for \$30 an hour on only the building items.

Swartz asked why Concra was chosen and not anyone else who submitted their names. Lull replied that he had the experience, and though she never met him and does not know him, he offered to assist when others recommended him.

Town Clerk Rippel asked several clarifying questions on what his duties would entail. The Board discussed several details and then determined that they would hire him for specific duties with a limit on hours worked.

RES. #41-16 To appoint a Temporary Building Inspector
Supervisor Lull moved that Vince Concra be hired as a temporary building inspector to deal with projects that are already underway for a maximum of 8 hours a week and at a salary of \$30 per hour. Councilman Balcom seconded the motion.

VOTE

Ayes: Lull, Balcom, Haber, Swartz Nays: none Resolution adopted.

Bookkeeper Business

Lull explained that Bookkeeper Tammy Shaw has been doing accounting work for the past 36 weeks. On September 11, 2015, Shaw was paid \$1900.00 for the period beginning April 27 and ending September 4, totaling 19 weeks at \$100 per week. Lull stated that Shaw is now requesting compensation for the additional work that she has done for the past 17 weeks, from September 7, 2015, to January 1, 2016, because the Town's accounting firm has not accomplished any tasks.

Swartz made a motion to reimburse Shaw for her work. Haber seconded the motion. Balcom noted that he would like to amend the motion to include additional payment for as long as Shaw continues the work. Swartz stated that he completely agreed with the amendment and wished to discuss the issue, stated that he believed that the money paid to Shaw should be deducted from the salary that is paid to the accountant who is not doing the work. Lull asked that the resolution be passed first.

RES. #42-16 To Reimburse Bookkeeper Tammy Shaw

Councilman Swartz moved that the Town pay Bookkeeper Tammy Shaw and extra \$100 per week, at a total sum of \$1900.00, for the accounting work done between September 7, 2015, and January 1, 2016, and to continue to pay her \$100 per week as long as she continues to do similar tasks. Councilwoman Haber seconded the motion.

VOTE:

Ayes: Lull, Balcom, Haber, Swartz Nays: none Resolution adopted.

Swartz continued the discussion by stating that he completely agrees with paying Shaw to do the work, but if the accountant is not doing his job, he believes that the money to reimburse Shaw should come from his salary. He urged the Board to not pay him or remove him from the accounting position.

Lull stated that she had serious concern about whether or not the accounting functions for the Town had all been taken care of. To her knowledge, the Town Clerk and Justice Court had not been audited as promised. She stated that she had a meeting with the bookkeeper and the accountant this week, and that the accountant promised to complete work on Friday, January 8, and Friday, January 15. She concluded that if the promises were not kept on those dates, she will inform the Board.

Swartz stated that the Town is still paying the accountant to work, and asked what the next step would be when the deadlines pass and the work is not done. Lull replied that there had been invoices made out that had not been paid. The Town had paid \$11,000 and change, and also \$8000 and change, but there were two other invoices for \$8000 and change and \$1750. Swartz asked if there was an outline on what work had been done. Lull replied in the affirmative but admitted that she did not know if it had been done. Balcom noted that the voucher should suffice, and Swartz explained that this was not something that only two or three people should know about but everyone should be aware. Lull replied that she wanted the Board to be aware and had a financial statement that was prepared by accounting firm.

Swartz asked if there were any other firms that had put their names in for consideration. Lull replied that they put out RFPs but that no one had submitted their applications, so she thought it would be good to run another ad for all of the positions. Haber asked where the Town had advertised. Lull replied that the ad had gone out into the Chatham Courier, Register Star, Columbia Paper, and on the website. Haber suggested advertising in Albany, since it might help to reach a little further afield. Swartz reminded that the Town had personally reached out to firms in the past, since they might not have the practice of looking in the paper, and taking that approach of reaching out to five or six firms throughout the county may get a better response. Lull asked what the Board thought of running the ad once more. Haber replied that the Town should run the ad and also send specific information to individual firms.

RES. #43-16 To Run Advertisement for an Accounting Firm

Councilman Swartz moved that an advertisement be run in the official Town papers in the upcoming week for the position of a Town accounting firm. Councilwoman Haber seconded the motion.

VOTE

Ayes: Lull, Balcom, Haber, Swartz Nays: none. Resolution was adopted.

Paying Employees Monthly

Lull stated that she received a request from the Board of Assessment Review regarding being paid at the end of the year. She noted that she confirmed with the accountant that there is no reason why members of the Board of Assessment Review, Planning Board, Zoning Board of Appeals, and Historian could not be paid on a different basis since they work all year long. Lull stated that she understood that it could be burdensome to pay them on a weekly basis but thinks they should be paid on a monthly basis.

RES. 44-16 To pay Town Employees on a monthly basis

Supervisor Lull moved that the Town Historian and members of the Board of Assessment Review, Planning Board, and Zoning Board of Appeals be paid on a monthly basis. Councilman Balcom seconded the motion.

Vote

Ayes: Lull, Balcom, Haber, Swartz Nays, none. Resolution was adopted.

OLD BUSINESS

Grant for the Justice Court

Lull mentioned that the Town received nice news about the Unified Court System granting Judge Borgia-Forster's application. The UCS will reimburse the Town for the following: \$1500 for computer support, \$18,000 for an elevator lift, \$335.42 for office equipment, and \$3000 for security measures of the safety-glass window put in. Lull stated that the check has not been received yet but that she and James Borgia-Forster will be meeting next week with Tom Curran to discuss the lift issue. Haber asked if the money had to be spent in six months. Lull replied that the Town had 180 days to order the equipment to receive the grant.

OTHER BUSINESS

Town Board Appointment

Lull swore in John Wapner to the position of Town Board Councilman.

Proposed Zoning Code

Swartz reminded the rest of the Board that they forgot to discuss the proposed zoning code and how to proceed. He wondered if they swore in Wapner first so that he had something to say about it.

Haber stated that she and Wapner did not have the document. Lull stated that she would send it to them. Balcom explained the difference between the completed draft form and the red-line version. Swartz noted that the Zoning Implementation Committee was very precise and thorough.

Swartz asked if the document had been put out to the public. Lull replied in the negative and Swartz asked why not. Lull replied that the Board needed to get a grip on it first. Swartz replied that it would save time to put the document out to the public now so that the Board and public can both take time to review it. He thought it was great to have a subsequent meeting for the Board to talk about the document, but said that since it was such a large and long document the public should have a chance at it also.

Balcom stated that he did not disagree but that the Board should wait until all the members can get caught up, to be fair and give it a couple more weeks.

Haber stated that she had not seen the document yet and she felt that she and Wapner should have the opportunity to see it first. She added that she had no problem making it public, probably, since she had not seen it. She said that the Board obviously needed to discuss it and she knew that the ZIC worked on it for a long time so she wanted to make sure that justice is done to it by the board and by the public.

Wapner expressed his concern about waiting to post the document for the next meeting, since the public will not be able to respond to what the Board is doing next if they have not had the chance to view it. If the Board is going to have a discussion with the public well-informed then everyone will need to have read the document. If we wait, people will feel like we do not know what is going on. Lull explained that the Board will not be discussing the document, but rather how it is handled.

Swartz agreed that the Board really needed public input, since the reason the ZIC put the document together is so the public can see review the same information the Board is looking at, and give comments for the ZIC members to respond to. His thought was to get the document out there and receive input. Swartz believed that people are only going to look at the parts that impact them, since not many will read the whole document.

Balcom wondered what document should eventually go up, if it should be the draft or the edits, since he was not sure if people will go into comparison mode. Swartz replied that the draft should be put on the website since the edited form has some errors and will be confusing to read. There was some discussion about the difference between the two documents and the method of reaching them. Swartz concluded that it took the nine members on the ZIC five years to go through the document, and he wondered if it would take another five years for the Board and the public to address the work already done.

Lull stated that she personally did not want to rush into it but wanted the Board to be purposeful and make sure that each step is productive. Swartz reiterated that was why the public needed to see the document. Haber said that the Board should wait until next meeting so that she and Wapner had time to look at the document and get up to speed. Swartz argued that two weeks would not be enough time to bring anyone up to speed. Haber replied that she just needed to have an idea. Swartz said that was fine if it made them comfortable, but that it was a lot of reading.

Haber stated that the Board needed a plan for proceeding. Swartz replied that after the Board received comments from the public then figuring out the proceeding process would be fairly easy since everyone would be happy with the document, though not everyone would ever be happy about everything. Haber said that she wanted to discuss the procedure and timeframe for receiving comments. Balcom referred back to when the Board we passed the Comprehensive Plan, the Steering Committee brought ideas to the Board, then worked on it and received comments, and had the assistance of a consultant. He mentioned that Jesse DeGroot's focus was to make the Comprehensive Plan very readable, which happened, but there is a difference when it becomes law since it takes a long process.

PUBLIC COMMENT

David Levow thanked Swartz and Wapner for their thoughts on the ZIC document, especially since he had a long, uphill battle with the school about transparency. He wanted to remind the Board about a resolution proposed by Maria Lull that any document discussed be put up on the

website by the Friday prior to the meeting. He urged that if the Board was going to discuss the plan in two weeks, then the document should be on the website by the Friday prior.

Lull stated that she did not think the Board would have the document on the website. Levow argued that was the resolution that she introduced to the Board and it was passed last year. Lull replied that they were talking about the ZIC. Levow explained that the resolution stated that anything that would be discussed at a Board meeting would be posted on the website on the previous Friday. Lull replied that the reason the agenda was not on the website was because she started working on Monday, and when she checked with the Attorney, he said the agenda should be posted at the convenience of the Supervisor. Levow said that he was not talking about the agenda, but the document discussed, since the resolution said that any documents discussed should be put up on the website the Friday prior.

Wapner agreed that the Board should make that a responsibility since the spirit of that resolution should be to make it available. He added that it made sense to him, in order to move business forward, make sure that the whole Board looks at the document first, and then put it on the website for people to look at. Wapner believed it was a compromise to give him and Haber time to read it, and then post it on the website the Friday before.

Swartz agreed that it would be good to post the document the Friday before the meeting, but added that the Board can still discuss how they would deal with the document tonight. Lull replied that she wanted to discuss the process on the 21st.

Lull asked Town Clerk Beth Anne Rippel if she remembered the resolution that Levow referenced, whereupon Rippel replied in the affirmative, and Lull asked that Rippel send it to her in the next few days.

Lull asked the Board if they wanted to discuss the document further. Wapner and Haber said they wanted to wait until they had seen it. Swartz said he was confused why it was necessary to read the document prior to discussing setting a procedure in going forward. Lull replied that the Board should take one step at a time.

Linda Wemple asked why the Town paid an accountant firm when one of their own employees could do part of the job for extra money taken from the accountant's pay. She also asked about the ad in the paper that an accounting firm will probably not see and who the Town would reach out to. Lull explained the process and also added that the Town employee does not want the accountant tasks anymore. Swartz added that the employee is very good at what she does and he would like to encourage her to continue, but it has become overwhelming. Lull also stated that the employee had to give up some very important personal time to do her duties so the Town had to take that into consideration. Balcom explained that the Town may still need an inside person to help out depending on County requirements. The woman stated that it may be cost effective to have a Town employee do payroll and other things, based off what she knew from her husband Gary's involvement in the process.

Levow stated that he found the resolution about posting relevant documents on the website from a meeting on September 17, 2015. He read it to the Board. (RES. #109-15)

On a motion by Councilman Swartz, second by Councilman Balcom and carried the meeting was adjourned at 8PM.

Respectfully submitted by,
Beth Anne Rippel,
Town Clerk