

Town of Chatham
488 State Route 295
Chatham, NY 12037

Special Town Board Meeting
Thursday, February 18, 2016, 5:00 PM

PRESENT: Supervisor Maria Lull, Councilman Bob Balcom, Councilwoman Landra Haber, Councilman Henry Swartz, Councilman John Wapner, PB Deputy Chair Donna Staron

CALL TO ORDER: Lull called the meeting to order at 5:30 PM and led the pledge to the flag.

EXECUTIVE SESSION: On a motion by Councilman Balcom and seconded by Councilwoman Haber, the Board carried to enter Executive Session at 5:30 PM, in accordance with Public Officer's Law Section 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. Motion was made by Councilwoman Haber and seconded by Councilman Wapner to leave Executive Session at 6:54 PM. The motion carried.

Regular Town Board Meeting
Thursday, February 18, 2016, 7:00 PM

PRESENT: Supervisor Maria Lull, Councilman Bob Balcom, Councilwoman Landra Haber, Councilman Henry Swartz, Councilman John Wapner, Town Clerk Beth Anne Rippel, Town Attorney Tal Rappleyea, Highway Super. Joe Rickert, PB Deputy Chair Donna Staron, PB member Mike Hart and members of the public.

CALL TO ORDER: Supervisor Lull called the meeting to order at 7:00 PM and Councilwoman Haber led the pledge to the flag.

Public Hearing for the East Chatham Fire Department

Lull read the Public Hearing notice, explained the reason for holding the Hearing to assist the Fire Department in its purchase of a firetruck, and opened the Hearing to the public at 7:02 PM. **Mike Hart** thanked the Board and all the local citizens for considering the proposed resolution, explaining that its intent is to help everyone save money, particularly since the Fire Department would receive a better rate on purchasing a new firetruck.

The Hearing was closed at 7:03 PM.

A representative of the Fire Department spoke positively about their involvement in keeping Chatham safe and sound, including training and participating in the Chatham School District.

RES. #66-16 to authorize the Supervisor to sign the Section 147(f) Approval and Written Agreement for the East Chatham Fire Company, Inc. Councilman Swartz offered RES. 66-16 and moved its adoption to authorize the Supervisor to sign Section 147(f) Approval and Written Agreement for the East Chatham Fire Company, Inc. approving the borrowing by the Fire

Company of money by way of tax obligation, thereby resulting in a lower interest rate. The municipality is not a participant in the financing and incurs no liability or responsibility. The requested municipal approval is sought only so that the Fire Company may obtain the most favorable terms for the purchase of the equipment it needs. Councilwoman Haber seconded the motion.

VOTE Ayes: Lull, Balcom, Haber, Swartz, Wapner Nays: None Resolution adopted.

Public Hearing for Proposed Local Law #1 of 2016

Lull read the notice for the proposed Local Law, which was a continuation on Local Law #1 of 2015 by extending a moratorium on unpaved roads in the Town for 12 months.

Attorney Tal Rappleyea explained two points: 1) The Town is exempt from SEQR requirements for this Local Law. 2) The law requires this information to be sent to the County, but because the County Planning Board could not reach a quorum at their last meeting, no decision was made. Rappleyea recommended that the Board open the Public Hearing, entertain comments, and then hold it open until a following meeting when the Hearing could be closed and the Board could vote on the matter. Local Law #1 of 2015 does not expire until March 25

Lull opened the Hearing at 7:10 PM.

Jim Temple (via Email) wrote in opposition to extending the moratorium for four reasons: 1) The initial moratorium permitted the Board to enact subsequent short-term extensions for six months, but this proposal extends it for a year, 2) The moratorium is unfair toward residents on unpaved roads since it requires them to demonstrate hardship for a special use permit, 3) No specific reason was given for the need to extend the moratorium, and 4) Both Local Laws are examples of government overreach, illegal plunder of property rights, and unfairness.

Heather Uhlar spoke in favor of the moratorium based on her understanding that Town laws needed to match the New York State Agriculture and Markets Law.

Linda Ziskind also spoke in favor, noting that the moratorium was initially enacted so that the Town could finish the new zoning law process.

Karen Murphy spoke in favor, noting the importance of finishing the Comprehensive Plan.

Van Calhoun spoke in agreement with the last three people who supported the moratorium.

Jeff Murdock also agreed with the moratorium extension.

As the Board closed the Hearing, **Rappleyea** suggested scheduling the continuation, adding that the County Planning Board has 30 days to respond and will have another meeting in March.

Lull stated that the Hearing continuation will be on March 17.

Presentation from Trout Unlimited and the New York State Department of Environmental Conservation on Green Brook Culverts: The representatives primarily discussed and identified problems with existing culverts connecting the Town waterways and how to repair them to assist fish and other aquatic creatures. The presentation also included discussion with the Board, Highway Superintendent Joe Rickert, and Town Attorney Tal Rappleyea regarding gravel needs, cost estimates, State regulations, County Highway Department involvement, and other details. Attorney Rappleyea was directed to prepare a resolution for the next meeting to express the Town's support for the Trout Unlimited project after receiving additional information in writing.

CORRESPONDENCE

- Letter on 02/17/16 from Edward Burgess, Office of the State Comptroller, granting the Town's request for a 60-day extension to file an annual financial report by 05/01/16.

PUBLIC COMMENT

Lull read the usual statement.

Matthew Pirrone spoke in regards to the proposed installation of a traffic control device at the Albany Turnpike Bridge. He asked about the accident data at that site and other details pertaining to the same, mentioning that the Department of Transportation considered removing the Village light during the road construction project due to many accidents occurring at intersections. He concluded that he would like to see more data to justify spending \$22,000.

SUBCOMMITTEE REPORTS

Recreation (Wapner and Haber): **Wapner** explained the negotiations with the Morris Memorial Association Board. The Morris Board considered the proposal and decided that they are not interested in running the Summer Program, but they would consider a recreation committee. He emphasized that the focus should be finding a Summer Camp Director by writing a job description, advertising, and interviewing applicants, and that a person should be instated by the third week of March. **Haber** concurred that most important thing is to get a qualified person quickly. **Swartz** asked about the job description and why it appeared incomplete. **Wapner** explained that their information was gathered from Shari Franks and various documents relating to the Program and they were still working on it. **Lull** praised Shari Franks for her cooperation and expressing her desire to help. **Swartz** recognized the Park employees (Ellen Slocum and Rebecca Fey) in attendance and made sure Wapner and Haber were in contact with them.

Citizen's Finance and Planning (Lull and Balcom): **Balcom** explained that the Committee met on February 12 with discussion led by **Michael Richardson**. Several current focuses included restructuring the budget so it is clearer, determining where revenue is coming and going, and discussing civil service jobs. The first project addressed the Town's Personnel Policy and Highway's Teamster Policy and compared them to the samples provided by Michael Richardson from another Town. Balcom concluded that their goal is to be as consistent as possible with every employee, starting with benefits and then moving to other parts. He invited the public to attend the next meeting on February 19, at 8:30 AM.

Special Board Meeting at Highway Garage: The Board discussed the special meeting they held at the Highway Garage on Sunday, February 7. **Lull** emphasized that she was very proud of the Town Highway Department since the guys are great, do a wonderful job, and keep the facility and equipment shiny and clean. **Wapner** praised Superintendent Joe Rickert for clearly knowing what goes on and how to deal with the details of the job.

Zoning Implementation Plans (Balcom): Balcom explained that consultant Nan Stolzenberg was embroiled in the Nassau mining situation since Troy Sand and Gravel sued a number of groups, but that she finished her affidavit recently and the work will take 10 days. He explained that Stolzenberg was confused and requested to have all the maps that accompanied the ZIC report since Don Meltz only had some of them. **Attorney Rappleyea** informed the Board that following some research conducted by him and **Town Clerk Beth Anne Rippel**, they discovered that the Town does have an official zoning map that was completed by Van Alstyne and adopted in 2005. He explained that the large one is a blowup of the smaller official map hanging in the Building Department office. In addition, Rappleyea explained that the Conceptual Zoning Map was what the ZIC recommended as a new zoning map, excluding the two hamlets of

Indian Brook and Rayville. **Swartz** confirmed Rappleyea’s information, stating that the ZIC worked off 15 maps with different conceptual parts but the Conceptual Zoning Map is the main compilation. **Balcom** asked that Rappleyea send him that map since Stolzenberg was having a hard time without that information, and also asked if the Board wanted to hold a special meeting to go through Stolzenberg’s results. **Swartz** strongly advised that Stolzenberg contact Rappleyea directly in order that she receives answers more promptly and also since Rappleyea was a part of the whole process.

REPORTS

A. SHERIFF: None.

B. HIGHWAY: Report on file. Superintendent Joe Rickert explained the report, including “thank you” correspondence from David Rubel about road maintenance on Long View Drive, a permit issued on Rock City Road, an update for the hazardous mitigation plan, an update on the Albany Turnpike Bridge situation including a misplaced resolution from last December’s Board meeting, and resolution requests for materials and guardrail installation. After reading the bidding information and resolution requests, Rickert also gave an update on maintenance, repairs, shared services, and four pending permits.

RES. #67-16 To Accept Bids for Miscellaneous Aggregates and Guardrail

Offered by Councilman Lull

WHEREAS, the Chatham Town Board accepts bids for Miscellaneous Aggregate and Guardrail for the period from April 1, 2016 through March 31, 2017, 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, the Chatham Town Board accepts the following bids for miscellaneous aggregates and guardrail for the period April 1, 2016 through March 31, 2017.

THEREFORE, BE IT RESOLVED, that the Chatham Town Board accepts the bids as follows:

<i>MATERIAL:</i>		<i>BID ACCEPTED FROM:</i>	<i>FOB</i>	<i>DELIVERED</i>
A. <u>Miscellaneous Aggregates</u>				
Washed Stone: #1A	Bidder 1: Bidder 2: Bidder 3:	Rifenburg A Colarusso Troy Sand & Gravel	\$ 6.00/ton \$ 10.75/ton \$ 12.00/ton	\$ 15.20/ton Delivered \$ 15.50/ton Delivered
#1	Bidder 1: Bidder 2: Bidder 3: Bidder 4:	Rifenburg Troy Sand & Gravel Callanan A Colarusso	\$ 6.00/ton \$ 8.50/ton \$ 9.85/ton \$ 10.55/ton	\$ 12.00/ton Delivered \$ 15.00/ton Delivered
#2	Bidder 1: Bidder 2: Bidder 3: Bidder 4:	Rifenburg Callanan Troy Sand & Gravel A Colarusso	\$ 6.00/ton \$ 8.25/ton \$ 8.50/ton \$ 10.30/ton	\$ 12.00/ton Delivered \$ 14.75/ton Delivered
#3	Bidder 1: Bidder 2: Bidder 3: Bidder 4:	Rifenburg Troy Sand & Gravel A Colarusso Callanan	\$ 6.50/ton \$ 8.50/ton \$ 10.30/ton \$ 12.00/ton	\$12.00/ton Delivered \$14.75/ton Delivered

Stone Fill	Bidder 1: Bidder 2: Bidder 3:	Troy Sand & Gravel Callanan A Colarusso	\$ 9.00/ton \$ 10.00/ton \$ 10.90/ton	\$ 12.50/ton Delivered \$ 15.35/ton Delivered	
Crusher Run (Quarry)	Bidder 1: Bidder 2:	Troy Sand & Gravel A Colarusso	\$ 7.50/ton \$ 8.70/ton	\$ 11.00/ton Delivered \$ 13.15/ton Delivered	
Crusher Run (Bank Run)	Bidder 1:	Rifenburg	\$ 6.75/ton		
Stone Dust	Bidder 1: Bidder 2: Bidder 3: Bidder 4:	Callanan Rifenburg Troy Sand & Gravel A Colarusso	\$ 5.00/ton \$ 6.25/ton \$ 6.50/ton \$ 7.10/ton	\$ 10.00/ton Delivered \$ 11.55/ton Delivered	
Bank Run Gravel	Bidder 1: Bidder 2: Bidder 3: Bidder 4: Bidder 5:	Rifenburg Polaro Sand & Gravel A Colarusso Senter Troy Sand & Gravel	\$ 3.75/ton \$ 3.85/ton \$ 5.50/ton \$ 6.50/ton \$ 6.87/ton	\$ 11.00/ton Delivered \$ 10.50/ton Delivered \$ 13.12/ton Delivered	
Item #4 Gravel	Bidder 1: Bidder 2: Bidder 3:	Polaro Sand & Gravel Rifenburg Troy Sand & Gravel	\$ 5.85/ton \$ 5.85/ton \$ 9.37/ton	\$ 15.62/ton Delivered	
1" Gravel	Bidder 1: Bidder 2: Bidder 3:	Polaro Sand & Gravel Senter Bob Boll Excavating	\$ 5.85/ton \$ 9.00/ton \$ 9.75/ton	\$ 13.00/ton Delivered	
MATERIAL:					
B. GUARDRAIL & POST		INSTALLATION	Lengths	Unit Price (New)	Unit Price (Used)
Bidder 1:	Town & County Bridge & Rail				
(Sole Bidder)	W-beam Rail	12'6"	\$5.84/ft	\$3.34/ft	
	Box Beam Rail	18', 24'	\$20.74/ft	\$18.67/ft	
	3" I-Posts		\$40.67/ft	\$15.94/ea	
	Single Buffer Ends		\$43.00/ea	n/a	
	Type I Ends		\$357.00/ea	n/a	
	Radius W-Beam		\$9.67/ft	n/a	
	Radius Box Beam		\$29.00/ft	n/a	
	Complete layout/installation W-Beam Rail/Posts		\$6.45/ft	n/a	
	Complete layout/installation Box Beam Rail/Posts		\$7.75/ft	n/a	
	Layout/Installation Posts Only Prices include all assembly hardware.		n/a	\$294.00/hr	

Councilman Balcom seconded.

VOTE Ayes: Lull, Balcom, Haber, Swartz, Wapner Nays: None Resolution adopted.

C. CODE & ZONING ENFORCEMENT: Report on file.

D. ANIMAL CONTROL: Report on file. **Lull** stated that she talked with ACO Wes Powell and his reports were up to date since December. She told him that the January report should be distributed to the Board and that she would like more detail. **Swartz** asked if Powell was reappointed or if he was working month-to-month. **Lull** replied that he will be reappointed. **Town Clerk Rippel** reminded the Board that he should be reappointed by resolution. **Attorney Rappleyea** explained that under Public Officer Law, if no one else was appointed to the position, the current officer continues and is paid as a hold-over, such as what is currently being done for the Town Planning and Zoning Boards since those officials are definitely needed to continue in those positions. **Rippel** asked to confirm that their oath of office still stood and **Rappleyea** confirmed. **Swartz** noted that he received a January report from Powell on February 11 via an email forwarded by Rippel since he did not have all of the Board members' email addresses. **Balcom** noted that as part of the duties of an ACO, Powell was a certified rabies handler and if anyone had a rabid animal on their property they could call Powell for assistance

E. ENVIRONMENTAL MANAGEMENT COUNCIL: None.

F. JUSTICE COURT: Report on file.

G. ASSESSOR: Report on file. **Lull** also read a reminder to the public that the due date for tax exemptions forms is March 1.

H. SUPERVISOR (COUNTY BUSINESS): No report.

I. COMPTROLLER: No report. **Lull** noted that their Accounting Firm is working on a report since they are still attempting to catch up and that they are changing the software to QuickBooks.

H. TOWN CLERK/TAX COLLECTOR: **Rippel** reported that the 2016 Tax Warrant has been satisfied and a check in the amount of \$2,046,738.69 was turned over to the Supervisor on January 28, 2016. The Tax Collector's office will continue collecting until the end of May.

NEW BUSINESS

New Planning Board Appointment

RES. #68-16: To Appoint a Planning Board Member

Offered by Councilman Swartz, moved to appoint Mike Hart as a member of the Planning Board. Councilman Balcom seconded.

Discussion: **Balcom** mentioned various aspects of the candidates' experience and abilities and the decision in appointing a 7-year member. He praised Mike Hart extensively for his work as chairman on the Steering Committee, work as Town Justice, and experience in the GIS systems and surveying, and concluded that he supported Hart returning to the Planning Board. **Haber** also talked about the decision process and also concluded that she supported Hart. **Wapner** explained that he would abstain from the vote because while Hart had many excellent skills, he did not know the applicants well enough to make an informed decision. He encouraged the rest of the Board not to vote until they had an opportunity to talk with the applicants more and what they had to offer. **Balcom** convinced **Wapner** that he was trying to table the motion on the floor.

Motion to Table Vote: Councilman Wapner motioned to table the vote on the Planning Board appointment. Supervisor Lull seconded the motion.

VOTE Ayes: Lull, Balcom, Haber, Wapner Nays: Swartz . The motion carried.

Swartz stated that he did not understand the issue since the Board interviewed the applicants, agreed to reappoint one candidate, and the application information is adequate in determining who is experienced for the job. He mentioned that even Balcom explained that Mike Hart was the strongest candidate and Robert Walker was next. Swartz asked why the Board was dragging the process out when the proper candidate was before them. **Balcom** stated that if Wapner needed more time, he supported that while Hart continued as a hold-over and the Board would only take one more month to discuss and interview. **Swartz** stated that he would not attend a second interview because the decision was clear to him and would be a waste of his time. The rest of the Board agreed to interview two Planning Board applicants a second time and new Zoning Board applicants at the next meeting, March 3.

OLD BUSINESS

Village-Town Relations: **Lull** informed the Board that Village Mayor Tom Curran sent her an email about a possible meeting between the Town and Village about the Tracy Memorial Village Hall.

Official Town Zoning Map: Already clarified by the Town Attorney under Reports.

RESOLUTIONS

RES. #69-16: To Approve Clerk Minutes

Offered by Councilman Balcom, moved its adoption to approve the Town Clerk's minutes for January 25, 2016. Councilman Wapner seconded the resolution.

VOTE Ayes: Lull, Balcom, Haber, Swartz, Wapner Nays: None Resolution adopted.

RES. #70-16: Resolution to Sign the Abstract

Offered by Councilman Balcom, moved its adoption to sign the abstract Councilwoman Haber seconded the resolution.

VOTE Ayes: Lull, Balcom, Haber, Swartz, Wapner Nays: None Resolution adopted.

PUBLIC COMMENT

Matthew Pirrone spoke again regarding the traffic light situation at the Albany Turnpike Bridge and again asked about the justification is for the proposed modifications. He emphasized the need for discussing this with the community outside of local advertising in the papers, particular based on his understanding of how poorly the Village communicated regarding the DOT project years ago and how infrequently citizens use the paper for information. **Swartz** noted that the Town conducted several Public Hearings on the issue and that the original reason that the Town became involved was because a number of citizens complained about the safety of the Bridge. He recommended that Pirrone talk to the local fire chief who can easily access accident reports through the 911 system.

Cindy Bobsein read a letter from **Patricia Lasky** supporting the moratorium extension and emphasizing that the Town reject all special use permit applications until new zoning is passed.

Rebecca Fey asked about the Summer Recreation Program: 1) If the Board envisioned the daily schedule to remain the same with, for instance, swimming in the morning and tennis and gardening in the afternoon. **Wapner** replied that the Board did not have a change of plan but was

open to the new director suggesting changes that would be in everyone's best interest. 2) If the Board was planning to re-interview other Park positions in addition to looking for the Camp Director. **Haber** replied that it was something to look into, especially if there is a new director who does not know everyone, they should get to know people who are being hired.

MOTION TO ADJOURN: On a motion by Councilwoman Haber, second by Councilman Wapner and carried the meeting was adjourned at 9:22 PM.

Respectfully submitted by,

Beth Anne Rippel, RMC
Town Clerk/Collector