

Town of Chatham
488 State Route 295
Chatham, NY 12037

Special Town Board Meeting

April 7, 2016, 5:15 PM

to be conducted in Executive Session for Attorney interviews

PRESENT: Supervisor Maria Lull, Councilman Bob Balcom, Councilwoman Landra Haber, Councilman Henry Swartz, Councilman John Wapner

CALL TO ORDER: Lull called the regular meeting to order at 5:18 PM and led the pledge to the flag.

EXECUTIVE SESSION: On a motion by Haber, seconded by Wapner, and carried, the Town Board entered executive session at 5:18 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.

A motion was made by Balcom, seconded by Haber, and carried to leave executive session at 6:50 PM.

Submitted by Maria Lull

Town Board Meeting
April 7, 2016, 7:00 PM

PRESENT: Supervisor Maria Lull, Councilman Bob Balcom, Councilwoman Landra Haber, Councilman Henry Swartz, Councilman John Wapner

OTHERS PRESENT: Planning Consultant Nan Stolzenburg and various members of the public attending for the presentation and discussion

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

PUBLIC COMMENT

Lull read her usual statement.

Bill Eimicke, Phelps Road, praised Stolzenburg and the review at length stating that the taxpayers got their money's worth six or sevenfold, and added that he hoped to see clarification on three themes: 1) protection of dirt roads, 2) protection of agricultural character, and 3) reduction of special use permits.

Karen Murphy, Phelps Road, recommended that this stage should include public participation since it is not cumbersome but critical for locals to participate and advised the Board to set up a new committee.

Sue Seneca, Bushnell Road, also praised Stolzenburg for providing a wonderful and thorough report and suggested bringing the public together to check on priorities and concerns. Seneca also recommended testing the efficacy of and implementing the Comprehensive Plan instead of going back six or seven years to revisit details.

Rick Werwaiss, Hamlet of North Chatham, thanked Stolzenburg for her report and expressed his concerns with how the Board will approach the issue of hamlets.

Deirdre Henderson, Chatham Center, praised Stolzenburg at length for her skills and her accomplishments in addressing rural issues. She also talked about the history of the Comprehensive Plan and spoke negatively regarding the efforts of the Zoning Implementation Committee. Henderson concluded that the ZIC report was a great effort but did not accomplish much because of its lack of professionalism and advised the Board to take advantage of the great opportunity to learn from Stolzenburg and other experienced individuals.

Van Calhoun, Bushnell Road, agreed with everyone who spoke thus far and spoke about the history of and the necessity of the Comprehensive Plan, advising the Board to enact it.

Werwaiss agreed with Henderson in advising the Board to hire Stolzenburg to fill in the gaps, agreed with Calhoun about enacting the whole Comprehensive Plan, and threatened that he or others might file an Article 78 against the Town if the Plan is cherry picked and not enacted comprehensively.

Jef Murdock, Reed Road, sent a letter to the Board that was on file. He agreed with everything already said and reiterated that the Board needed to take time to focus on the issues, listen to locals and their concerns, and make compromises in its decision-making but not cherry pick. Murdock raised his concern for the preservation of Chatham's agricultural heritage and open land and spoke at length about the negativity of having rural areas turn into suburbia.

Heather Uhlar, Thomas Road, asked if the Board received her email and if it would be read.

The Board read correspondence from **Melissa Pollack, Linda Ziskind, Heather Uhlar** including a letter from the Department of Agriculture & Markets, and **Randi Walker**, which are on file. A letter from **Jef Murdock** is on file but was not read because he already spoke.

PRESENTATION ON ZONING REVIEW

Nan Stolzenburg, Community Planning and Environmental Associates, gave a presentation to the Board regarding her review and audit of the Zoning Implementation Committee's recommendations for new zoning laws, including a comparison to the Comprehensive Plan and the current zoning laws. The presentation was primarily a repetition of what was stated in her 30-page memo that was submitted in March and posted to the Town website for public review. Stolzenburg's conclusion was that the ZIC's recommendations were not as detailed as the Comprehensive Plan and therefore needed to be edited and tweaked before it was ready for implementation.

The Board allowed time for questions and comments and also discussed some of the suggestions given in looking forward to implementation. Stolzenburg gave several ideas for updating the Comprehensive Plan since several years had already passed, provided insight for forming another committee, and advised that the Board consider updating the Plan and implementing a new Zoning Law simultaneously in order to save time.

There was a prolonged discussion between the Board and the public regarding the proposed committee, including how many members would be on it, what their qualifications would be, and what jobs they would do. There was also talk of how long the committee would work on revisions before the law was ready for implementation. Stolzenburg stated that the initial Comprehensive Plan editing could take six months and the zoning law changes would take longer. Balcom mentioned that the Town did not budget for this work and that while the accountants were reviewing their financial status, the Board would not know where they are until May or later. Stolzenburg provided information regarding possible grants and funding.

There was more discussion regarding the new committee and Balcom was chosen as the Board representative. The public advised having committee members who were part of the Comprehensive Plan Steering Committee, had experience with zoning laws and revision processes, and were entirely in support of the project in order not to slow it down. As a member

on the original ZIC, Swartz advised that people with open minds be chosen so that there was no hidden agenda. Stolzenburg pointed out that there was no legal requirement to have a committee and that if Balcom was chosen to do the job, he could do it on his own before bringing new laws to the Board for approval and adoption. Balcom stated that the key point was to make sure the public was aware of what was going on and allow them to provide comments. Lull felt that the committee needed at least five members including people from the public who had the time and desire to work on the project.

The Board ended the discussion time with the decision that they would address the issue further at a future meeting.

RESOLUTIONS

RESOLUTION #94-16: To Accept Engineering Proposal for the East Chatham Intersection Project

Offered by Councilwoman Landra Haber, moved adoption to accept the proposal by Barton & Loguidice Engineering to provide professional services on the Albany Turnpike Road & NYS Route 295 Intersection to complete the work in East Chatham, not to exceed a budget of \$1500 for their time and materials in accordance with the original billing rates, and to authorize the Town Supervisor to sign the authorization letter.

Councilman Bob Balcom seconded the resolution.

Discussion: Swartz asked what Barton & Loguidice was planning to do that was not already completed after designing the intersection. Lull replied that new work needed to be done including a public hearing and presentation after analysis and reports were gathered from the Department of Transportation. Swartz stated that since those things were already done, he did not see the need to spend another \$15,000. Lull replied that it had not been completed and she ran the resolution by Town Attorney Tal Rappleyea. Swartz asked if this amount of money was budgeted for. Lull replied that the light and the project were not part of the budget because the Town was going to take out a bond. Swartz stated that the Town did not have the money yet since they had not put in for the bond so the Board was going about this in the wrong way. He asked what would happen if the Town did not get the bond they applied for since the project costs \$180,000 and the grant only covers \$100,000. Lull replied that if they did not get the bond, the Town would not do the project, but she considered petitioning CSX to assist with the \$80,000. Swartz wished to clarify that the \$15,000 would come out of the bond and not the budget. Lull agreed. Wapner asked if the resolution could make that detail clear, and if Barton & Loguidice could be informed of the Town's situation. Swartz mentioned that the Town's previous accountant said they were close to the limit of getting bonds and he advised everyone to be certain that the Town would be able to get another bond. Lull suggested tabling the vote and then bringing it back another time.

Motion to Table the Vote: Councilwoman Landra Haber moved to table the vote, Councilman Bob Balcom seconded, and the motion passed unanimously.

RESOLUTION #95-16 To Renew Electric Agreement with Viridian Energy for Twelve Months

Offered by Councilwoman Landra Haber, moved adoption to renew the electric agreement with Viridian Energy for twelve (12) months from April 2016 to April 2017 at a fixed rate of 8.48 kWh for the following four accounts: N01000020426656, N01000006381446, N01000013371646, and N01000015042294.

Councilman Bob Balcom seconded the motion.

VOTE: Ayes All (Balcom, Haber, Lull, Swartz, Wapner) Nays None The resolution was adopted.

RESOLUTION #96-16: To Authorize Planning and Zoning Members to Attend Conference

Offered by Councilman Bob Balcom moved adoption to authorize members of the Planning Board and Zoning Board of Appeals to attend the New York Planning Federation conference from April 17 to April 19 at a cost of \$189.00 per person; specifically, Jeff Lick, Gabrielle Sperry, Kandace Eaton, and Mitchell Khosrova.

Councilwoman Landra Haber seconded the resolution.

Discussion: Wapner asked if Planning and Zoning members chose which conference to attend. Lull replied that all members need education and have the option which conference to attend. Lull also stated that Zoning Board of Appeals Chairman David Everett had been recently awarded with the David Allee Award from the New York Planning Federation, which is given to an outstanding chairman every year.

VOTE: Ayes All (Balcom, Haber, Lull, Swartz, Wapner) **Nays** None The resolution was adopted.

RESOLUTION #97-16: To Authorize Town Supervisor to Attend Annual Town Finance School

Offered by Councilwoman Landra Haber moved adoption to authorize the Town Supervisor to attend the NYS Association of Towns & Office of the State Comptroller 16th Annual Town Finance School on May 12 and May 13 in Saratoga at a cost not to exceed \$500.00.

Councilman Bob Balcom seconded the resolution.

Discussion: Wapner asked if Lull would be getting a bond for the expense.

VOTE: Ayes All (Balcom, Haber, Lull, Swartz, Wapner) **Nays** None The resolution was adopted.

RESOLUTION #98-16: To Authorize a Code Enforcement Officer/Building Inspector Mobile Phone

Offered by Councilman Bob Balcom moved adoption to authorize the Code Enforcement Officer/Building Inspector to obtain a mobile telephone and mobile telephone service to be paid by the Town of Chatham for use only on Town business.

Councilwoman Landra Haber seconded the resolution.

VOTE: Ayes All (Balcom, Haber, Lull, Swartz, Wapner) **Nays** None The resolution was adopted.

MOTION TO ADJOURN: Balcom moved, Haber seconded, and the motion was unanimously carried to adjourn the meeting at 9:16 PM.