

**Town of Chatham
Town Board Meeting
April 21, 2016, 7:00 PM**

PRESENT: Supervisor Maria Lull, Councilman Bob Balcom, Councilman Henry Swartz, Councilman John Wapner Town Clerk Beth Anne Rippel, Attorney Tal Rappleyea, Recreation Director Mike West,

ABSENT: Councilwoman Landra Haber

OTHERS PRESENT: various members of the public

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

PUBLIC HEARING on Local Law #02-16: Dissolution of the position of Comptroller for the Town of Chatham, subject to a Permissive Referendum. Lull opened the hearing at 7:00 PM. There was no comment and the hearing was closed at 7:01 PM.

CORRESPONDENCE

Letter from Town Engineer Patrick Prendergast on proposed improvements for Crellin Park. Lull read the letter and a copy is on file.

PUBLIC COMMENT

Lull read her usual statement.

Brian Albert asked if there were any time restrictions or operational hours on building since construction was happening across the road at 9-10PM and workers cut stone in the early morning. **Swartz** referred him to the Building Department to find out about set hours in the code and, if the workers were in violation, the Building Inspector should do something about it. **Albert** asked about a stop work order on the property and **Lull** replied that the Building Inspector would know. **Albert** related that he did not have much success with the Building Inspector. **Swartz** asked if Vince Concra was still around and **Lull** confirmed that Concra was still working for the Town. **Balcom** said there had been two stop work orders a while back and **Albert** replied that work had never stopped and he knew because he was across the street. He added that the Town was opening themselves up to liability or law suits, and he would like a copy of the stop work orders.

SUB-COMMITTEE REPORTS

Recreation Committee (Haber, Wapner): **Wapner** talked about a recent meeting between the committee about their recreation goals. They are working on publicity for a meeting in early June since they would like to hear from Village residents and seniors as well. There was discussion about the engineer's report and proposed renovations to the Park, which details could be decided at a Town Board meeting the first week of June. **Swartz** asked about what money was set aside from the budget for renovations. **Lull** replied that money would be transferred from the salary line for specific projects.

RESOLUTION #99-16: To Accept Bids for Park Renovations

Offered by Councilman Henry Swartz, moved adoption to accept bids for four specific items recommended by Town Engineer Patrick Prendergast: 1) Equip the main pavilion with lighting and a protective ceiling for \$9260.00, 2) Replace the old swing set with a modern four-swing unit for \$9000.00 with professional installation or \$6500.00 with Town installation and \$3000.00 for wood chips, 3) Install a ceiling for the soccer field pavilion for under \$1000.00, and 4) Replace signs or improve the soccer field with remaining funds.

Councilman Bob Balcom seconded the resolution.

VOTE: **Ayes** All, 4 **Nays** None The resolution was adopted.

Construction Project in Old Chatham: Rappleyea provided Lull with a copy of an email sent by Building Inspector Jim Quinn on March 17 about the property in Old Chatham.

Lull read the report, as follows:

On Friday February 5th 2016 a visit was paid to 632 Albany Turnpike Old Chatham NY. The windows and brick work was completed. We talked to a contractor.

She responded immediately (Monday Feb 8th) after our 1st visit and drove up from New York City and took out a building permit application the next day. She was penalized \$250.00 for not having a building permit. Plans were accepted but her contractor's insurance documentation was still not in and a stop work order was issued on 2/24/2016 for not having all the documentation supplied for the permit. A building permit was issued on 2/25/2016 for a kitchen renovation after the contractor's insurance documentation was supplied.

A stop work order was issued on 2/28/2016 for not having a permit to repair the stairs and put a patio in. A second penalization of \$250.00 was paid by the owner and a second building permit application was filled out with a drawing submitted. A second permit was issued on 2/29/2016 for repairing the front steps and putting in a patio. She has complied with the building department and has obtained building permits as ordered.

On March 11th an inspection of the patio area revealed it has the proper rebar support.

Rappleyea explained that it was the last available report on the situation. **Albert** added that there was a new contractor who said the patio was falling apart. **Lull** thanked him and continued the subcommittee reports.

Citizens Finance and Planning Committee (Balcom): **Balcom** explained that Michael Richardson explained about the budget process in the last meeting. The group decided to form a subcommittee of Jim Johnson, David Levow, and Julia Veronezi to look at the invoices, organize them, and figure out how to reformat the 2016 budget in the most convenient way. The committee will meet on May 2 to focus on figuring out how to expand the budget, explain it to the public, and avoid heavily impacting Town employees.

Comprehensive Plan Advisory Committee (Balcom): **Balcom** related that Nan Stolzenburg needed to decide if she would work with the Town. In the meantime, he wrote a two-page letter that was read to the Board and is on file. The letter included various components: a) Necessity, or the background of the Comprehensive Plan, b) Assigned Charge, or the current tasks to Balcom and a possible committee, c) Assumptions of the Advisory Group, or the ways in which the committee will operate, and d) Possible Recommendations to Spark Advisory Group Discussion. Balcom recommended that the Board make a motion to accept the letter that could facilitate discussion later on.

RESOLUTION #100-16: To Accept Comprehensive Plan Advisory Committee Letter

Offered by Councilman Bob Balcom, moved adoption to accept the Town of Chatham Comprehensive Plan Implementation Ad Hoc Advisory Group letter as a basis for implementing assumptions and recommendations.

Councilman John Wapner seconded the resolution.

VOTE: **Ayes** All, 4 **Nays** None The resolution was adopted.

Communication Committee (Lull): Lull related the events of a meeting on March 25 and emphasized that the point of the committee is to convey awareness in Town business by creating a comprehensive email list in the next six months, sending out regular press releases, and creating a Facebook page. The next meeting for April 25 will focus on creating a Facebook page.

REPORTS

Highway: Report on file.

Code Enforcement/Building Inspector: Report on file. Lull read part of Building Inspector Jim Quinn’s report, noting particularly that he was working on completing 105 permits that should have been closed since there were 160 outstanding permits and added \$270,000 of increased tax revenue to the assessment rolls in the last period.

Justice Court: On file. Lull read the report.

Assessors: On file. Lull read specific details about the tentative roll being available soon and the procedures for Grievance Day on May 24.

Dog Control: On file.

Recreation: West gave his report, firstly explaining his history with the Park and his goals for keeping the Summer Program running. Then he mentioned some of his latest tasks including funding, selecting and rehiring counselors and waterfront staff, fees for the Program including the swimming and gardening elements, meetings with individuals who help with the Park, and rentals. West reviewed the budget and the new hourly rates and will soon be able to determine how many counselors and lifeguards he will be able to hire. There was some discussion of working with the Kinderhook Day Camp and local Little Leagues, setting up a larger recreation meeting with members of the public, renovating certain parts of the Park, and details required by the State regarding counselor-camper ratios.

Supervisor: Lull explained the plan to move the Building Department and Assessor offices in order to put the Town Hall space to its best use. **County Business:** Lull mentioned that they discussed economic and strategic development and she would keep everyone updated.

Town Accounting: Monthly Financial Report & Abstract on file. Lull stated that James Chontos was recently at the Town Hall to review and close the books for 2015.

Town Clerk: Rippel reported that she applied for and was granted a tax collection extension for April and May. She recently attended a conference that was informative and well worth attending.

NEW BUSINESS

Charter Communications Franchise Renewal Negotiations: Report by Town Attorney Tal Rappleyea and discussion with the Board. Lull explained that an agreement with Charter was coming due so asked Rappleyea to investigate the matter. Rappleyea explained the research he conducted, a discussion he had with a representative, information he found about the connection coverage, and details about Charter and Time Warner merging. There was some discussion about the coverage available to residents and the Town buildings. Swartz recommended that the Town obtain proof that Charter completed their prior commitments before renewing any contract, particularly because he was the only Board member in their range and the coverage was not great.

OLD BUSINESS

Tracy Memorial Village Hall: Lull stated that the Board recently had a meeting with the Village of Chatham and had set up another meeting with the Village Trustees and the Friends of the Tracy for May 18 at 7PM. The various groups were planning to put together a core committee to investigate the possibility of renovating the Tracy.

Appointment of Town Attorney: Lull stated that the Town had undergone many changes recently and another change would be for the appointment of another Town Attorney. Lull emphasized that the change was not because of anything negative about Rappleyea but because the Town needed to move along and expand.

RESOLUTION #101-16: To Appoint Town Attorneys

Offered by Supervisor Maria Lull, moved adoption to appoint John Lyons as Land Use Attorney to work very well with Nan Stolzenburg and Sal Ferlazzo for Town Attorney.

Councilman John Wapner seconded the resolution.

Discussion: **Balcom** asked for clarification when the new appointments would begin and **Lull** stated that the new attorneys would begin June 1 because Rappleyea had several things to finish up. **Balcom** stated that he had no basis for knowing if the new appointments would work but in six months the Board would decide again who they wanted as attorney and concluded by praising Lyons for his amazing work and saying that Ferlazzo had a great firm. **Wapner** had no comment. **Swartz** addressed Rappleyea directly and expressed his opinion why he opposed the new appointments; namely, he saw no good reason to let Rappleyea go because of all his excellent work for the Town in the past, Rappleyea could continue to do everything that the new attorneys said they would do, and Rappleyea's prices were better than the new attorneys. Swartz stated that he saw no need to change attorneys and further explained that Balcom had a personal relationship with one attorney, Stolzenburg had a personal relationship with the other, Rappleyea did not fit their plan, and added that he was sorry about the whole matter since it was evident that the way the Board thanked their best employees was by letting them go. **Balcom** claimed that he did not have a personal relationship with either attorney but briefly explained how he knew Ferlazzo and Lyons. **Rappleyea** stated that it was an honor to help and serve the people to Chatham and will work to ease the transition. **Lull** thanked Rappleyea and said he was nothing but professional.

VOTE: **Ayes** Balcom, Lull, Wapner **Nays** Swartz The resolution was adopted.

Albany Turnpike Light and Route 295 Intersection: Lull announced that there would be a Special Town Board Meeting on May 5th at 7PM at the East Chatham Fire House with a presentation by Town Engineers, Barton & Loguidice, on the Albany Turnpike light and Route 295 intersection project. Formal notices will be posted on the website, local newspaper, and at the Town Hall, plus Adelle will post information around Town. Rappleyea reported on refinancing to obtain the extra \$80,000 needed for the project and discussed ways to lower the amount that the Town would need to borrow by discussing matters with CSX and Barton & Loguidice.

RESOLUTION #102-16: To Approve Minutes of February 4, 2016 (Previously approved by Res. #90-16 in the meeting of March 17)

Offered by Councilman Bob Balcom, moved adoption to approve the minutes of the Town Board meeting of February 4, 2016.

Councilman John Wapner seconded the resolution.

VOTE: **Ayes** All, 4 **Nays** None The resolution was adopted.

RESOLUTION #103-16: To Pass Local Law #2-16 to Abolish the Position of Comptroller

Offered by Councilman Bob Balcom, moved adoption to pass Local Law #2 of 2016 to abolish the position of Town Comptroller, subject to a permissive referendum.

Councilman John Wapner seconded the resolution.

VOTE: **Ayes** All, 4 **Nays** None The resolution was adopted.

Additional Discussion: Rappleyea advised the Board that since the Local Law was subject to a permissive referendum, a ten-day notice would be put in the paper to enact the law, upon which time citizens of the Town would have 30 days to file a petition in the Town Clerk's office. If the law was put to a vote in a special election, it would cost several thousand dollars to the Town. The Board discussed various options and decided to rescind the resolution.

RESOLUTION #104-16: To Rescind Res. #103-16 and Local Law #2-16

Offered by Councilman Henry Swartz, moved adoption to rescind Resolution #103 of 2016 as previously passed to accept Local Law #2 of 2016 to abolish the position of Town Comptroller, subject to a permissive referendum.

Councilman Bob Balcom seconded the resolution.

VOTE: **Ayes** All, 4 **Nays** None The resolution was adopted.

RESOLUTION #105-16: To Accept the Abstract and Pay Town Bills

Offered by Councilman Bob Balcom, moved adoption to accept the abstract as presented and pay the Town bills.

Councilman John Wapner seconded the resolution.

VOTE: **Ayes** All, 4 **Nays** None The resolution was adopted.

RESOLUTION #106-16 [Previously #94-16 of April 7, 2016]: 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.

Motion to take from the table: Balcom, Wapner. Resolution on the table.

Discussion: Swartz: in the resolution, the money is from the bond. Lull it will eventually come out of the bond, it will be billed. Swartz did not have money budgeted, check to see if the money is available. Lull said the money was available since they found it. Swartz asked if they found it or they have it. Lull said they had it.

VOTE: **Ayes** All, 4 **Nays** None The resolution was adopted.

RESOLUTION #107-16: To Increase the Hourly Salaries for Recreation Staff

Offered by Councilman Henry Swartz, moved adoption as follows:

WHEREAS, the increase to NYS Minimum Wage from \$8.75 to \$9.00 per hour effective December 31, 2015 has resulted in the need to revise salary rates adopted in the 2016 Town of Chatham Budget for Recreation seasonal positions; and

WHEREAS, the 2016 salaries for the Recreation Counselors, Supervising Counselors, Head Counselor, Waterfront Director and Maintenance Workers need to be revised; and

THEREFORE BE IT RESOLVED, the Chatham Town Board authorizes the increase to the following Recreation seasonal positions as follows:

<i>POSITION</i>	<i>#</i>	<i>2016 BUDGET</i>	<i>REVISED SALARY</i>
<i>Recreation Director</i>	1	\$ 16,500.00	
<i>Recreation Counselors in Training</i>	3	\$ 9.00	\$ 9.00
<i>Recreation Counselors</i>	3	\$ 9.00	\$ 9.25
<i>Supervising Counselors</i>	3	\$ 9.25	\$ 9.50
<i>Head Counselor</i>	1	\$ 9.00	\$ 9.75
<i>Junior Lifeguard</i>	2	\$ 9.00	\$ 9.00
<i>Lifeguard</i>	2	\$ 9.50	\$ 9.50
<i>Supervising Lifeguard</i>	1	\$ 10.00	\$ 10.00
<i>Head Lifeguard</i>	1	\$ 11.50	\$ 11.50
<i>Waterfront Director</i>	1	\$ 12.50	\$ 13.00
<i>Maintenance Worker</i>	1	\$ 15.00	\$ 15.50
<i>Maintenance Worker</i>	1	\$ 13.50	\$ 14.00

Councilman Bob Balcom seconded the resolution.

VOTE: **Ayes** All, 4 **Nays** None The resolution was adopted.

RESOLUTION #108-16: To Sell Surplus Equipment at the Highway Department

Offered by Councilman Bob Balcom, moved adoption as follows:

WHEREAS, Highway Superintendent, Joseph Rickert, advises the Town Board of his intent to sell surplus Town Highway Department equipment pursuant to New York State Highway Law 142 S(5); and

WHEREAS, the Highway Superintendent, Joseph Rickert, has proposed to sell the following equipment as surplus:

- 2000 HE/HA 20-Ton Equipment Trailer VIN # 1D9HH2429YG114002
- 2011 HE/HA 7-Ton Equipment Trailer VIN# 1D9HH1627BG224125
- Alamo Mower

THEREFORE, BE IT RESOLVED, that the Chatham Town Board authorizes the Highway Superintendent to remove the above equipment from Highway Inventory and to sell as surplus equipment.

Councilman Henry Swartz seconded the resolution.

VOTE: **Ayes** All, 4 **Nays** None The resolution was adopted.

PUBLIC COMMENT

Rick Werwaiss spoke regarding the last meeting with Nan Stolzenburg and the comments made that the roles and responsibilities of Planning Board and Zoning Board of Appeals members in the Town of Chatham do not mirror those members of other communities she is more familiar with. Werwaiss wished to know if the Board was interested in determining what the difference was, why Chatham's configuration was preferred to other forms, and if the Town would match the configuration to other towns. **Lull** replied that the Advisory Group will take that question into consideration. **Werwaiss** advised that it ultimately was not a zoning issue but a Town issue. **Balcom** replied that the Comprehensive Plan addresses improving Town functions and that the Advisory Committee will into the issue since it is a very interesting study.

The Board and Mike West discussed a Recreation issue of Kinderhook Day Camp and other baseball regulations.

MOTION TO ADJOURN: Balcom moved, Swartz seconded, and the motion was unanimously carried to adjourn the meeting at 8:25 PM.

Respectfully submitted by,
Beth Anne Rippel, RMC
Town Clerk/Collector