

**TOWN OF CHATHAM
TOWN BOARD MEETING
July 20 2017
6:00 PM**

PRESENT

Supervisor Maria Lull, Councilman Bob Balcom, Councilwoman Landra Haber, Councilman John Wapner, Councilman Henry Swartz, Highway Superintendent Joe Rickert, Attorney Sal Ferlazzo

CALL TO ORDER

Supervisor Lull called to order at 6PM and lead the pledge to the flag.

CORRESPONDENCE

- Letter from Department of Public Service, Michael Corso, Consumer Advocate regarding National Grid's proposed rate increases.

PUBLIC COMMENT 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. It is, however, not intended to be a debate with the public or a question and answer period. Issues raised during the public comment may be addressed by the Board during its regular meeting or by the Supervisor between meetings as necessary. As a courtesy to the other members of the public, there is a 5 minute per person limitation on oral comments for each public comment period. The public is also encouraged to provide the Board with written comments or materials when the subject matter cannot be presented in this time frame. Of course, while the Board discourages any remarks which may be considered defamatory or stigmatizing, it will not restrict the content of the public comment.

PUBLIC COMMENT

Bootie Fenoff, President of the Ghent/Chatham Area Seniors asked why they are required sign an agreement with the Town for \$2,000. when they haven't had to do it in the past. Lull explained that on the advice of Town Attorney Ferlazzo under NYS law the Town cannot give out Town resources without a signed agreement. If the President doesn't want to sign the agreement and the group still wants the money then they could appoint

someone else to sign it. Swartz stated that the Town wants to give the group the \$2,000. but it can't without the signed agreement. Fenoff asked if she signs does the Town still have the money to give them and the answer was "yes". A gentleman in the audience asked who authorized spending \$3000. on a picnic at the park and where did that money come from. . Wapner explained that the Town was loaning the Recreation Commission the money for the event and anticipated sponsorships will be enough to pay back the loan.

Lull moved the meeting along and introduced Tracy Brown, Northeastern Restoration Coordinator – Trout Unlimited. Brown gave the Board an overview of the Green Brook/Riders Mills culvert project which is scheduled for this year. Phase II of the project is slated to begin in 2018. Brown also discussed the Culvert Priority Project for the Town.

SUB-COMMITTEE REPORTS

- Report by Councilwoman Haber and Councilman Wapner regarding the Recreation & Parks Commission. The focus is on Park Day. Rich Krahm deigned the poster and banner. Dave O'Conner is working on sponsorships
- Report by Councilman Balcom on the meetings of the Citizens Finance and Planning Committee. The group discussed recreation and wants to strive for cost neutrality. The Town Board will have to decide how we prioritize recreation. There is pressure for the Town of Chatham to expand since outlying towns no longer have a summer rec. program. Lull said that with the mandated minimum wage increase that means an additional cost to the rec. department is \$2400.
- Report by Councilman Balcom on the Advisory Committee to work with Nan Stolzenburg, Principal Planner. Draft Zoning Code was d delivered to the Town Board, ZB and PB. The schedule is tight so comments should be back by August 3rd. Wapner said it's difficult to read on line and would like print copies.
- Report by Councilwoman Haber & Councilman Swartz on Climate Smart Community Committee. Local Law #3 is fine and we don't need to repass it for NYSERDA. Haber reported that there was an incredible amount of paperwork involved with this grant. Haber asked for extra hours for the Building Department so they can attend

training which is required to accomplish #4. There is a \$50,000 grant, with no match, available if the Town is to become one of the first towns to be certified. Swartz would like to see the Committee come up with a plan.

- Report by Councilwoman Haber on the Communications Committee.
- Report by Councilman Wapner and Councilman Swartz on Road Committee. Wapner reported that they spent time with Cornell placing Town roads into four categories. Then they apply the uses to those roads. Their work should be done by October.

REPORTS

- Highway Department
- Code Enforcement/Building Inspector
- Dog Control
- Environmental Management Council
- Justice Court
- Assessor
- Office of the Aging Advisory Board
- Recreation Director
- Supervisor's Report
- Town Accounting firm – Monthly Financial Report & Abstract
- Town Clerk

All reports are on file.

NEW BUSINESS

- Crellin Park Day scheduled for August 12, 2017.

OLD BUSINESS

- Flying Deer SEQRA review.
Attorneys for FDNC briefed the Board on where the project stands at this point. FD came before the TB in April and was asking for a hardship waiver from the moratorium. This property is in an RL 2 zone and required a special use permit. Changes to the sight are limited. The basic project hasn't changed;

it has just become more fine-tuned. The information is in from DOH, NYS Heritage, Columbia County and Highway Superintendent Joe Rickert. The PB reviewed Part I and circulated Part II, hopefully there will be approval in August. The FDNC has gone through the PB and ZB and are back to the Town Board asking if there is anything else they would like to see so they can proceed to the end. The applicant has spent a lot of money and time and wants to see this finished. Lull asked if FD were to want to make changes in the future would they have to come back to the Zoning Board to which Mr. Matches answered “yes”. Rickert met with the PB and ZB and has proposed a change in the intersection. Since the County owns the triangle they will offer engineering services along with drainage work on Daley Rd. . In Rickert’s opinion FDNC will have low impact on the roads and besides, he has no control over traffic on any roads. There would certainly be more of a traffic impact if the property were to become a residential development. A summer camp which operates 89 days out of the year has very little impact. Ferlazzo told the Board that their jurisdiction covers only the hardship waiver. Lull stated that the TB will consider the decisions of the Zoning and Planning Boards then make their decision.

- Lease with the Village of Chatham for the Justice Court Offices was discussed and approved.
- Town Board receipt of Draft Zoning Law.
- Ben Nagy, from Old Chatham approached the Board in June and proposed signage for the hamlet of Old Chatham. Signs will improve the esthetics of the area and give it its own identity. Funding is from private donations and will cost about \$4000.. Lull said this will need to go to the Building Department. Rickert would like Columbia County DOT to be the lead agency since the installation of signs falls under their jurisdiction. Nagy will follow up with Rickert.
- Rickert reported that there has been a communication from NYS on the East Chatham Bridge and he is not happy. This has gone back and forth 3 or 4 times and each time DOT makes more changes. Asked if the Town is in danger of losing grant money from Senator Kathy Marchione to which he answered “No”. Ferlazzo has some connections in the State and will set up a meeting with B&L, Rickert, Lull and himself to try to get this project moving to completion. Lull has asked Tom Baird of B&L to look into grant money to assist with the project.
- Rickert once again emailed the Board about the gravel situation. He is out of

money in his budget due to budget cuts and there is still work to be done. They will have find money in the budget someplace to cover the needed gravel.

RESOLUTIONS

RES. #123-17 to approve the leasing of the Justice Court Offices and Town Court space from the Village of Chatham.

WHEREAS, the Town of Chatham has been leasing from the Village of Chatham, the second floor of the Tracy Memorial Building, located at 77 Main Street, Chatham, New York for town justice and clerk offices and Town Court, and **WHEREAS**, the Village of Chatham has provided a new lease for the approximate 2200 square feet of floor space on the second floor of the Tracy Memorial Building at a monthly rent of \$1,650.00, and **WHEREAS**, the Town of Chatham and the Village of Chatham wish to enter into a lease agreement for said Town Court and office space for a 1 year period, and **NOW THEREFORE**, be it resolved that the Town Board approves the Village of Chatham lease for a period of 1 year at the monthly rate of \$1,650.00 payable as of August 1, 2017. Offered by Councilwoman Haber, seconded by Councilman Balcom.

Discussion:

Wapner still has an issue with signing a lease on a building space which is not ADA compliant. The Town should be looking elsewhere.

VOTE

Aye: Lull, Balcom, Haber, Wapner Nay: Swartz Resolution adopted.

RES. #126-17 to **readopt** Local Law No. 3 of the year 2017 to permit electric vehicle charging stations as an accessory use in all zoning districts.

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Chatham for a public hearing to be held by said Town Board on June 1, 2017 at 6:00 p.m. at the Town of Chatham Town Hall to hear all interested parties on a proposed Local Law entitled Local Law No. 3 of the year 2017 to permit electric vehicle charging stations as an accessory use in all zoning districts, and **WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of said Town of Chatham, and **WHEREAS**, a public hearing was duly held on June 1, 2017 at 6:00 p.m. at the Town of Chatham Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or

any part thereof, and

WHEREAS, the Town Board passed a resolution enacting Local Law No 3 before receiving the review by the Columbia County Planning Board, and WHEREAS, the Columbia County Planning Board reviewed Local Law No 3 and provided comments and recommendation to the Town Board by letter dated June 21, 2017 WHEREAS, the Town Board of the Town of Chatham, after due deliberation resolves as follows: ***NOW, THEREFORE, BE IT RESOLVED***, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA), it has been determined by the Town Board of the Town of Chatham that adoption of Local Law No 3 of 2017 would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA and therefore, issues a negative declaration with respect to the enactment of such Local Law, and finds it in the best interests of the Town of Chatham to adopt said Local Law, and **BE IT FURTHER RESOLVED**, that the Town Board of the Town of Chatham hereby re-adopts said Local Law known as Local Law No. 3 of the year 2017, a copy of which is attached hereto and made part of this resolution, and **BE IT FURTHER RESOLVED**, that the Town Attorney shall file a report with the Columbia County Department of Planning of the final action taken with respect to Local Law No. 3 of the year 2017, and **BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Chatham, and to give due notice of the adoption of said Local Law to the Secretary of State of New York. Offered by Councilwoman Haber, seconded by Councilman Swartz.

VOTE

Aye: Lull, Balcom, Haber, Wapner, Swartz Nay: None Resolution adopted.

RES. #127-17 to authorize Supervisor to sign the agreement with Bodhi Holistic LLC to operate Stand Up Paddle Board Yoga program at Crellin Park Pond.

WHEREAS, the Town of Chatham (hereinafter the “Town”) is the owner of the real property located in the Town of Chatham, known as Crellin Park, (hereinafter “Premises”), and WHEREAS, Bodhi Holistic, LLC (BH) wishes to operate a Stand Up Paddle Board Yoga class on the waterway at the Premises, **NOW**, therefore, it is hereby **RESOLVED**, the Supervisor is authorized to execute the attached written agreement which grants Bodhi Holist, LLC to operate a Stand- Up Paddle Board Yoga program at Crellin Park under the terms and conditions contained in the attached agreement and it is further **RESOLVED**, that the agreement shall become

effective upon the execution of both parties. Offered by Councilman Balcom, seconded by Councilwoman Haber.

VOTE

Aye: Lull, Balcom, Haber, Wapner, Swartz Nay: None Resolution adopted.

RES. #128-17 to accept the financial abstract as presented to pay the Town's bills. Offered by Councilman Balcom, seconded by Councilwoman Haber.

VOTE

Aye: Lull, Balcom, Haber, Wapner, Swartz Nay: None Resolution adopted.

RES. #129-17 to approve the minutes of the Town Board meetings of June 1 and June 15, 2017. Offered by Councilman Balcom, seconded by Councilwoman Haber

VOTE

Aye: Lull, Balcom, Haber, Wapner, Swartz Nay: None Resolution adopted.

RES. #130-17 to accept the Town accountant's financial report. Offered by Councilwoman Haber, seconded by Councilman Balcom.

VOTE

Aye: Lull, Balcom, Haber, Wapner, Swartz Nay: None Resolution adopted.

RES # 131-2017 Request to purchase F550 Cab & chassis.

WHEREAS, the Superintendent of Highway has requested that the Town Board authorize the purchase of (One) 2017 Ford Super Duty F-550 DRW XL 4WD Cab Chassis from National Auto Fleet Group, and WHEREAS, the Town of Chatham adopted a Bond resolution on March 16, 2017 (Resolution 72-2017) authorizing the acquisition of equipment for highway department purposes and the issuance of serial bonds of the Town of Chatham, Columbia County, New York in an aggregate principal amount not to exceed \$375,000 pursuant to the local finance law to finance the cost thereof, providing that this resolution shall be subject to a permissive referendum, and WHEREAS, the Notice of Bond Resolution has been published in the Register Star and the Columbia Paper and has taken effect after thirty days without being contested, and THEREFORE, be it resolved that the Chatham Town Board accepts the NJPA Contract #120716-NAF bid price per specifications for (One) 2017 Ford Super Duty F-550 DRW XL 4WD Cab Chassis from National Auto Fleet, 490 Auto Center Drive, Watsonville, CA for the total price of \$ 50,824.00.

Offered by Councilwoman Haber, seconded by Councilman Balcom.

VOTE

Aye: Lull, Balcom, Haber, Wapner, Swartz Nay: None Resolution adopted.

RES. #132-17 Request to purchase F550 Body w/accessories.

WHEREAS, the Superintendent of Highway has requested that the Town Board authorize

the purchase of (One) AirFlo PCS-9-3 Dump Body with Accessories for the 2017 Ford F550 Chassis from Checkered Flag Fabrications, and WHEREAS, the Town of Chatham adopted a Bond resolution on March 16, 2017 (Resolution 72-2017) authorizing the acquisition of equipment for highway department purposes and the issuance of serial bonds of the Town of Chatham, Columbia County, New York in an aggregate principal amount not to exceed \$375,000 pursuant to the local finance law to finance the cost thereof, providing that this resolution shall be subject to a permissive referendum, and WHEREAS, the Notice of Bond Resolution has been published in the Register Star and the Columbia Paper and has taken effect after thirty days without being contested, and THEREFORE, BE IT RESOLVED that the Chatham Town Board accepts Bid #658 per specifications for (One) AirFlo PCS Dump Body and Accessories from Checkered Flag Fabrications, 73 Percy Hill Road, Old Chatham, NY for the total price of \$ 9,935.10.

Offered by Councilwoman Haber, seconded by Councilman Balcom.

VOTE

Aye: Lull, Balcom, Haber, Wapner, Swartz Nay: None Resolution adopted.

RES.#133-2017 Request to purchase 9' Fisher Plow for F550.

WHEREAS, the Superintendent of Highway has requested that the Town Board authorize the purchase of (One) 9' Fisher MC Plow to be installed on new 2017 Ford F550 from Checkered Flag Fabrications, and WHEREAS, the Town of Chatham adopted a Bond resolution on March 16, 2017 (Resolution 72-2017) authorizing the acquisition of equipment for highway department purposes and the issuance of serial bonds of the Town of Chatham, Columbia County, New York in an aggregate principal amount not to exceed \$375,000 pursuant to the local finance law to finance the cost thereof, providing that this resolution shall be subject to a permissive referendum, and WHEREAS, the Notice of Bond Resolution has been published in the Register Star and the Columbia Paper and has taken effect after thirty days without being contested, and THEREFORE, BE IT RESOLVED that the Chatham Town Board accepts Bid #660 per specifications for (One) 9' Fisher MC Plow from Checkered Flag Fabrications, 73 Percy Hill Road, Old Chatham, NY for the total price of \$ 5,550.00. Offered by Councilman Balcom, seconded by Councilwoman

Haber.

VOTE

Aye: Lull, Balcom, Haber, Wapner, Swartz Nay: None Resolution adopted.

RES. #134-17 Request to purchase Roller.

WHEREAS, the Superintendent of Highway has requested that the Town Board authorize the purchase of (One) New Hamm HD10 VV Tandem Roller from Finke Equipment, and WHEREAS, the Town of Chatham adopted a Bond resolution on March 16, 2017 (Resolution 72-2017) authorizing the acquisition of equipment for highway department purposes and the issuance of serial bonds of the Town of Chatham, Columbia County, New York in an aggregate principal amount not to exceed \$375,000 pursuant to the local finance law to finance the cost thereof, providing that this resolution shall be subject to a permissive referendum, and WHEREAS, the Notice of Bond Resolution has been published in the Register Star and the Columbia Paper and has taken effect after thirty days without being contested, and THEREFORE, be it resolved that the Chatham Town Board accepts the NJPA Contract #032515-WAI contract price per specifications for (One) New Hamm HD10 VV Tandem Roller for the total price of \$ 41,650.00.

Offered by Councilwoman Haber, seconded by Councilman Balcom.

VOTE

Aye: Lull, Balcom, Haber, Wapner, Swartz Nay: None Resolution adopted.

RES.#135-17 Town Board receipt of the Draft Zoning Law.

Offered by Councilman Balcom. Seconded by Councilwoman Haber.

VOTE

Aye: Lull, Balcom, Haber, Wapner, Swartz Nay: None Resolution adopted.

- Attorney Ferlazzo spoke to the disc golf group and told them that they would need to carry insurance, especially for their large gatherings.
- Ferlazzo will also be reaching out to the State for assistance with CSX.
- Supervisor Lull would like to consider replacing the chairs in the conference room at some point

PUBLIC COMMENT

None

On a motion made by Councilwoman Haber and seconded by Councilman Balcom the meeting was adjourned at 8:55PM. Motion carried.

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

Local Law No. 3 of the Year 2017

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

Town of Chatham

Local Law No. 3 of the year 2017

A local law to permit electric vehicle charging stations as an accessory use in all zoning districts.

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

Section I. Intent:

It is the intent of the Town Board to encourage electric vehicle charging stations as a method of protecting the environment and to encourage the use of said vehicles in the Town by residents and visitors who use such vehicles.

Section II. Definitions:

1. ELECTRIC VEHICLE CHARGING STATION

A system for the charging of an electric vehicle. Components typically include a charging kiosk and a transformer.

2. ELECTRIC VEHICLE CHARGING

The use of an Electric Vehicle Charging Station by which electric vehicles are “fueled” through the transfer of electricity into the vehicle battery.

Section III. Permit:

No person shall install an Electric Vehicle Charging Station within the Town without a permit issued from the Building Department. Charging Station permits shall expire and become invalid unless the authorized installation is completed within six months of written approval. Upon completion of an installation, the permittee must contact the Code Enforcement Officer, and arrange an inspection of the charging station to ensure compliance with all federal, state, and local laws. The application for a permit shall be Two Hundred Dollars (\$200.00).

Section IV. Conditions of Permit:

The following requirements shall apply to all Electric Vehicle Charging Stations.

- (a) All installations must comply with National Electric Code, NFPA 70, and Article 625.
- (b) All installations must comply with the New York State Building Code, New York State Residential Code, New York State Existing Building Code, New York State Fire Code, New York State Plumbing Code, New York State Mechanical Code, New York State Fuel Gas Code, and the New York State Energy Conservation Construction Code.
- (c) Any person installing a Charging Station must, prior to installation, notify the utility providing electric power to the property.
- (d) Each electric vehicle charging station shall include vehicle impact protection (bollards) or a similar structure.
- (e) Components for electric vehicle charging station may encroach up to 36 inches into a required setback or buffer.
- (f) No more than one charging station may be installed on any parcel except for the Business and Industrial District, where two charging stations may be installed on each parcel. Additional stations shall require a special use permit by the Zoning Board of Appeals.
- (g) Notwithstanding any regulation to the contrary, Electric Vehicle Charging shall be a permitted accessory use in all zoning districts.

Section V. Penalties:

Any person who violates this chapter or fails to comply with any of its requirements shall be subject to revocation of the charging station permit and/or the penalties provided in § 180-56 of the Code of the Town of Chatham.

Section VI. Effective Date and Savings Clause:

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

This local law shall take effect immediately upon filing with the Secretary of State.