

**TOWN OF CHATHAM**  
488 State Route 295  
Chatham, NY 12037

**REGULAR TOWN BOARD MEETING**  
**April 20, 2017..... 6:00 PM**

**PRESENT:** Supervisor Maria Lull, Councilman Bob Balcom, Councilwoman Landra Haber, Councilman John Wapner and Councilman Henry Swartz, Town Clerk Beth Anne Rippel

**OTHERS PRESENT:** members of the community

**CALL TO ORDER:** Supervisor Lull called the meeting to order at 6PM and Councilman Wapner led the pledge to the flag.

**PRESENTATION**

Tom Baird and Peter Christiano, engineers with Barton & Loguidice to present changes on Albany Turnpike and Route 295 intersection. As per Lull Tom Baird can't be here until 7 p.m.

**PUBLIC COMMENT**

Lull read the guidelines for public comment.

**SUBCOMMITTEE:**

- **Parks and Recreation Committee:** The Commission has met twice and are focusing on Park Day on August 12<sup>th</sup>. John Wapner suggest they start small
  - 1) Focusing on using the park for different age groups
  - 2) Food
  - 3) MusicThere are proposals for the use of the park. Mike is doing great stuff and positive activity. Landra Haber said we don't have to go beyond our capabilities. Lull suggested fishing and flying kites. Lull has contacted Sheriff Dave Bartlett about using inmates to help with maintenance projects at Crellin Park, Mike West can coordinate that. Wapner suggested approaching different fire companies as food vendors. Maybe Rickert might want to bring a piece of highway equipment to the Park.
- **Citizens Finance and Planning Committee:** Balcom reported that the Committee met on 03-24-17. They will be using the Town of Catskill's policy manual as their template.. Mike Blasl and Tammy Shaw gave the group the latest salary comparison from other towns. The next meeting is on April 28<sup>th</sup>.. Mike Blasl and Tammy Shaw gave them salary comparisons on April 28<sup>th</sup>.
- **Advisory Committee:** Balcom read the progress report.

Progress Update

Comprehensive Plan Implementation Group

April 20, 2017

The town board sub-committee has been meeting 2-3 times per week in a final push to complete its assignment. As you may recall Nan Stolzenburg prepared a scope of work outlining two phases. Phase one would include a review of the work completed by the Zoning Implementation Committee (ZIC) and, using that work as a basis, modifying and improving it to be more in line with the Comprehensive Plan. Specifically this is Chapter 180, Zoning of the town code. There is a critical need to get phase one in place so that site plan review, special use permit, other procedures, and environmental overlays are in place. That would be a huge step forward and a real accomplishment to implement an awful lot in the plan. Originally this work was estimated to be completed and to the town board by the beginning of March.

Phase two would include a much more difficult task of reviewing those components of the town code which were not addressed by ZIC but have been given guidance for modification by the Comprehensive Plan. In other words the basis would be the existing town code, rather than the ZIC document, and where it needs modification to be brought in compliance with the Comprehensive Plan. As phase one was completed and given to the board the sub-committee would immediately begin on phase two as it may be a lengthy process.

The group was nearing completion of phase one focusing on wrapping up the new uses table when, on April 3, member Karen Murphy produced a document to the other committee members outlining uses she wanted addressed as being inappropriate for dirt roads. I suggested that this effort would be more appropriate for phase two (Chapter 164, Road Specifications) as we were focused on Chapter 180. Upon Karen's insistence, and deference to her as a valuable group member, the committee began reviewing the document she produced.

The resulting discussion since that meeting has been extremely difficult. On Monday, April 17, Kandace Eaton served as facilitator to our meeting. Nan Stolzenburg was in attendance. We again attempted review of the uses table attempting to answer Nan's many questions and comments about the work completed. After two hours we had only made it through two items. We ended the meeting requiring each member to review the uses table answering Nan's comments and sending them back to her where she would do her best to finish the document for the group.

As the chair of the committee, as difficult as the last two weeks have been for all members, I feel more strongly than ever that this component belongs in phase two. That would allow us to get the major, and the most important component of the code in the town board's hands almost immediately for their deliberation. But it also provides a terrific opportunity to really review our town roads and how to protect all of them including the dirt roads. Our decision making regarding what use may be too impactful on a dirt road has been subjective. We have not identified standards for what would be the trigger point for a problem. And this may vary from road to road in our town. It would provide us the opportunity to evaluate each road and possibly classify it in degrees of importance to maintaining the scenic beauty of the area, the ability to maintain it, to identify public safety problems, etc. We could create a valuable road inventory to be used in our decision making. This would also serve an extremely valuable service to the town in regards to capital planning. It could be a ground breaking effort. A first for our county. And it is the type of work we excel at here in Chatham. At the completion of this work we could then amend Chapter 180 as necessary should the town board wish to do so.

We may need to again use the highly successful structure of the original plan writing, a steering committee which puts together the work of several sub-committees, to complete phase two. But we must first address the immediate issue of concluding phase one.

Thus I ask the town board to reaffirm its commitment to the scope of work as provided by Nan and direct the Comprehensive Plan Implementation Group to complete the phase one work on Chapter 180 immediately but no later than the regularly scheduled meeting in May.

As the chair of this sub-committee I take full responsibility for the content of this update and it is my best recommendation to the town board at this time.

Best, Bob Balcom

Swartz said they left out an important person when you talk about roads and that is Highway Super. Joe Rickert. Balcom said the Town Board will be calling Joe Rickert in on Phase 2

Lull asked for comment and a lively discussion ensued.

**Swartz** asked Balcom what the Group wants from the Board. Balcom wants the Board to reaffirm that their charge is to complete Phase I immediately. He feels the Group needs to hear that.

After listening to Balcom's letter Swartz stated that he understands what is taking so long, We have to be careful of agendas and we need to think about what's good for the Town.

**Swartz** asked when the Board could expect to see the finished product, Balcom replied by the June workshop meeting.

**Wapner** said that the dirt road discussions developed from the moratorium and this Phase I will still not deal with dirt roads. Many people are concerned about this. When the comp plans was written it wasn't clear, It talks about roads but not the restrictions on them. Wapner said they asked for a finished document which addresses protecting dirt roads and environment and he so far hasn't seen it.

**Lull** asked Balcom to send Wapner that information as well as the Use Tables.

Balcom stated that one year ago the Town Board directed the Group to complete Phase 1. They have gone outside their scope of work and are now behind in their task. This is too serious a subject to be arbitrary. We currently have no road standards. Certain roads may not be proper for certain uses. It's important to get it right. We need to get back on track and he's asking the Board to reaffirm that. What comes out of Phase 2 will be better. But for now they'll focus on finishing Phase 1

Lull wants to formulate a road committee..

Haber stated that she hasn't seen the document and Balcom reminded everyone that the Group has been posting all their work on the website under the link

[www.planningbetterplaces.com](http://www.planningbetterplaces.com)

Swartz wanted to know how different the new Use Table is from the Use table that the ZIC presented. Balcom said it's a different format.

Haber said we've had a moratorium in place for two and a half years and the moratorium put a hold on things until we got the dirt road situation figured out. She wonders if it will hold out until dirt road issue is figured out, but if Phase 1 doesn't include dirt road, then what?

**Balcom** said that Phase I will give oversight to Planning and ZBA because they're the ones who will be interpreting the uses and prevent certain uses. There will be a lot of protections which will work for the Town. Who knows, maybe the roads component will not take as long as some may think. Once the roads committee is done with their work they may want to change Phase I, which will be possible. The Town of Washington is similar to us, they have a scenic road component in their Plan. We can't subjectively pick uses out of the air, we need a thorough review.

**Swartz** said we have to get the road part done or we could be facing legal challenges. People's projects have been on hold because of the moratorium.

**Balcom** said he was not down playing the moratorium because it did give us some time. . We create more problems if we take on more problems (the dirt roads) now.

**Swartz** said the uses on the dirt roads were the big concern. The one thing residents were objecting to in the Town Code was the uses on dirt roads and he wants to know why that was not the first thing to be addressed.

**Balcom** said that wasn't what the Town Board directed them to do.

**Wapner** stated that Balcom was looking at this in a completely distorted way. It was assumed that when the Group undertook this job they would be dealing with dirt roads. So now after 2 ½ years the one thing the Group was put into place to do wasn't addressed . He wants to see the Use Tables and how they deal with dirt roads.

**Balcom** said what they have done does address this but there's more work to be done.

Wapner said then show him the evidence which deals with dirt roads. and how. He won't support this if he doesn't see the proof. He was been to the Group meetings and he doesn't see anything to that effect..

**Swartz** another issues is that we paid Nan 19K to assist this Advisory Group, where's the "bang for the buck" and the previous ZIC work was all done by volunteers. Why is the professional not helping with this?

**Balcom** stated that Nan Stolzenburg is advising them to complete Phase 1.

Rick Werwaiss said that it was money well spent. Things are regularly posted after every meeting. Nan devoted a lot of time to this. Werwaiss suggested that the Board ask Nan for a memo on what's in the Uses Table as it relates to the dirt roads. Read up and familiarize yourselves with the information the Group has made available on the website. Look at the Use Table, Nan has spent a lot of time on them. He is thrilled that the Comp. Plan is being translating into zoning. Finish Phase 1 then move on to Phase II which will deal with dirt roads.

Swartz has seen the Tables and they don't look much different than the ones submitted by the ZIC.

**Randi Walker** didn't think that the Groups sole task was to just protect dirt roads. Their charge was to complete what the ZIC had started. They have to rely on the Comprehensive Plan as the guide; you can't make a "wish list" from something that doesn't exist. It would be helpful if people who lived on dirt roads had been involved in the Comp plan process. Walker is afraid now, that they have a group of people who were not involved in the initial Comp. Plan process who are directing the process in another direction. Giving the PB and ZBA the tools they need will help to protect the dirt roads. but nowhere in the Comp. Plan does it say that we have to preserve dirt roads forever. The Plan is a balance and dirt roads are only one component of it. This is going to pit people against one another. There are so many things in Chapter 180 that have to go through.

**Wapner** interjected and said that was exactly what is going to happen because the Group is not dealing with dirt roads.

**Walker** said that their charge was never to deal with dirt roads.

**Wapner** said that that Randi's statement was inaccurate to say their charge was not to do dirt roads. The moratorium made it clear that the dirt roads had to be considered. The Group has to find a way to include dirt roads in Phase I or they will create "bedlam" here. Saying that it is not addressed in the Comp/ Plan will not cut it.

**Walker** said zoning has to follow the Comprehensive Plan.

**Wapner** believes that there's plenty of info. in the Comp. Plan to deal with dirt roads. **Swartz** agrees with Randi and that they were not tasked with dirt roads but he sees **Wapner's** point, dirt roads prompted this issue and it all stemmed from the Slone tennis camp on Thomas Rd. We can get this thru, but some people will be upset. We will eventually be happy with the results. This Group is not shirking their duties. If we get Phase I done move on to Phase II and then deal with dirt roads. This will not be quick. We can't block everything; Zoning Board has to have power. There are things in place already but it needs updating.

**Lull** asked if the committee can guarantee analysis and firm a commitment.

**Balcom** said results will be better after using all resources such as road committee and Rickert. This is totally subjective at this point.

**Swartz** said this new guideline will only help with special uses and it's mistakes not to use it.

**Balcom** said Rickert really controls what goes on on the dirt roads. Bob Balcom said capital planning will be a tool with new planning. We can understand where development will go.

**Wapner** is not opposed to the road committee. If it is within context of comprehensive plan the roads could have been addressed and they weren't. He hasn't seen any evidence of that.

**Mike Blasl** is concerned the people who wanted waiver will be back and Phase I will not be finished.

**Wapner** said there was never a discussion that they weren't dealing with dirt roads.

**Balcom** said we started work in November 2016, December submitted in 2015. It took time, they needed to review the document, planner reviewed, and then they went two weeks and hired Nan Stolzenburg to accelerate the process. Environmental overlays are done and to say they never dealt with dirt roads in not correct. Bob Balcom said we just didn't do it the way "your group" wanted. John Wapner said it's not "our group" Bob.

**Haber** said Bob Balcom and Randi Walker explained it nicely.

**Walker** said maybe what Joe Rickert will bring forward is the costs per road types.

**Werwaiss** said start roads committee now and work concurrently and share documents. This topic should be dealt with in phase 2 in his opinion. The Board will charge road committee to be finished by September. John Wapner said there needs to be communication, he wants to the Group to tell him what they didn't accomplish and why they didn't accomplish the task.

- Climate Smart Community Committee (Haber): On March 31<sup>st</sup> the Committee submitted a grant to DEC. Next meeting on May 2<sup>nd</sup>. Henry Swartz said the committee will look at "Going Green".
- Communications Committee (Haber): Landra Haber met with Rick Juliano from the County who presented Google Suites, Web and Email. There is lot of compliance issues and advantages to this program. Maria Lull shared services with county. Lull has spoken to a college student about a drone video which can be used as an intro. piece for the Town's website. Cost to the Town will be \$500.00 Next meeting date TBD..

**Tom Baird from B & L-** NYS DOT reviewed their analysis of the Albany turnpike bridge and State Route 295 and have determined that they want more room between State Route 295 and bridge itself. They want to look at traffic counts north and south on St. Rte 295. There is more left hand turns off 295. Forty five thousand for right turn lane which brings the total to Two Hundred Thirty Five Thousand. B & L recommends this design and that's where it stands. Adele asks why B & L is sure that there won't be a problem. It's like DOT sat on these plans. What about a walk way? Tom said it still needs work. The walkway cost was included initially. Lull said CSX executives have changed and Town Attorney Ferlazzo is dealing with them. Tom Baird is looking for ways to restrict large trucks. Henry Swartz explained limited axles. Jim Temple asked who designed the bridge. Tom Baird said Bergman & Associates designed the bridge. Jim Temple said if bridge was two lanes we wouldn't have a problem. If we are going to fix, it fix it right. Everyone gave it 110 percent in the initial plan and build and his is the next step. Every time we add another piece we have to spend more. Leona Scarpinato said weight is not the issue length is. Tom Baird said post limit by size, we'll look for a way to restrict large vehicles. The traffic lights should help with traffic flow with the constant green signal on the 295 side until the red is triggered by a car from Alb. Tpk.

## **REPORTS**

- Highway – Report on file. Computer, network programs and equipment from Verizon to be put in trucks to help manage the crew. Initial set up cost \$2120.00. The annual cost is about \$4400.00. Specifics on file.
- Code Enforcement/Building Inspector
- Dog Control – report on file
- Environmental Management Council
- Justice Court – report on file
- Assessor-Lull read the report. Grievance day is May 23 for 2pm-5pm and 7pm-9pm.
- Office of the Aging Advisory Board
- Recreation Director – report on file
- Supervisor's Report – Report on file. Strike #13
- Town Accounting firm – Monthly Financial Report & Abstract
- Town Clerk – nothing new to report

## **OLD BUSINESS**

- Town Culverts-Rider's Mills Road culvert cost 190K to replace. Lull stated that if we aren't able to get grants through applications submitted by Trout Unlimited we'll have to raise it in taxes. Rickert said one of the culverts is on private property. County Route 13 Culvert #3 Angel Brook site visit April 19 with TU.
- Ghent Chatham Seniors-An agreement was sent by Salvatore Ferlazzo. Millie Hogencamp said they won't sign the agreement. Henry Swartz said we have to make it known that we offered by they won't sign. John Wapner said point them in the right direction for advice.

## **RESOLUTIONS**

### **RES. # 83-17 TO PURCHASE LAPTOP FOR BUILDING DEPT**

Offered y Councilwoman Haber and moved to adoption as follows:

WHEREAS, the Building/Zoning/Planning Department Clerk/Typist is in need of a new laptop, which was not anticipated at the time the 2017 Budget was adopted, and

WHEREAS, funds are available in the Fund B Unreserved Fund Balance in the sum of \$36,443.00 to cover the additional cost, and

WHEREAS, a price quote was received from Technology 4All, Inc. PO Box 485, Ghent, NY 12075 for a Dell Inspiron 17-5000 Series laptop for the sum of \$1169.00, and

THEREFORE, BE IT RESOLVED the Chatham Town Board authorizes the transfers as follows: \$389.66 transferred from the Fund B Unreserved Fund Balance to the Building Department Equipment Expense Account (B3620.2)

\$389.67 transferred from the Fund B Unreserved Fund Balance to the Zoning Department Equipment Expense Account (B8010.2)

\$389.67 transferred from the Fund B Unreserved Fund Balance to the Planning Department Equipment Expense Account (B8020.2)

Councilman Balcom seconded.

### **VOTE**

NAY: Lull Balcom, Haber, Wapner, Swartz    NAY: None    Resolution adopted.

### **RES. # 84-17 TO REMOVE EQUIPMENT FROM HWY INVENTORY**

Offered by Councilwoman Haber and moved to 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:

Truck #58: 2005 International 7600 4x2, VIN# 1HTWZAHR15J038995

Truck #75: 2007 Ford F550, VIN# 1FDAF57P17EA87256

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.    Second by Councilman Balcom.

### **VOTE**

NAY: Lull Balcom, Haber, Wapner, Swartz    NAY: None    Resolution adopted.

### **RES. # 85-17 TO PURCHASE JD COMPACT 50G EXCAVATOR**

Offered by Councilwoman Haber and moved to adoption as follows:

WHEREAS, the Superintendent of Highway has requested that the Town Board authorize the purchase of (One) New JD Compact 50G Excavator from NJPA/State Contract; and

WHEREAS, the Superintendent of Highway has requested the purchase be made from the Highway Unreserved Fund Balance, and

WHEREAS, the Superintendent of Highway has requested the trade-in of (one) 2009 CASE Mini Excavator CX50B, VIN# N9TN8237 in the sum of \$20,000.00, and

THEREFORE, be it resolved that the Chatham Town Board accepts the Contract price through NJPA (National Joint Powers Alliance Program) Contract #032515-JDC, OGS Contract PC67075, for (One) Compact 50G Excavator from John Deere Construction Retail Sales, 1515 Fifth Avenue, Moline, IL 61265 with said trade-in price of \$20,000 for the sum total purchase price of \$ 46,911.75.

Seconded by Councilman Balcom

Discussion: Swartz asked if the money would be coming out of the reserves and Rickert relied that yes, he had 100K in reserve. Wapner asked if this was in the capital plan and Rickert stated that it was not, it is separate from the bonded equipment. Second by Councilman Balcom.

**VOTE**

NAY: Lull Balcom, Haber, Wapner, Swartz    NAY: None    Resolution adopted.

**RES. #86-17 TO APPOINT ACCOUNTING CLERK/TYPIST**

Offered by Councilman Wapner and moved to adoption as follows:

WHEREAS, the Clerk/Typist position for the Accounting Department at (15) hours per week has become vacant effective January 1, 2017 and has resulted in the need to fill the position, and THEREFORE BE IT RESOLVED, the Chatham Town Board appoints David Rubel to the Accounting Clerk/Typist position, (15) hours per week at \$13.50 per hour effective April 17, 2017. Seconded by Councilwoman Haber

Discussion:

Swartz asked who conducted the interviews to which Lull responded that she and Tammy Shaw did.

**VOTE**

NAY: Lull Balcom, Haber, Wapner    NAY: Swartz    Resolution adopted.

**RES. #87-17 TO SEAL BASKETBALL COURSE IN CRELLIN PARK**

Offered by Councilwoman Haber and moved to adoption as follows:

WHEREAS, the Recreation Department was authorized to have the basketball courts sealed in the fall of 2016, however, the work could not be completed at the time as it was too late in the season; and

WHEREAS, funds are available in the General Fund A Contingency account (A1990.400) to cover this costs, and

THEREFORE, BE IT RESOLVED the Chatham Town Board authorizes the transfer as follows: The sum of \$800.00 is hereby transferred from Contingency Account (A1990.400 ) to the Parks Contractual Expense Account (A7110.4) to pay for sealing of the basketball courts at Crellin Park.. Second by Councilman Balcom

**VOTE**

NAY: Lull Balcom, Haber, Wapner, Swartz    NAY: None    Resolution adopted.

**RES. # 88-17** To amend CHIPS 2016 Budget Appropriation  
Councilwoman Haber and moved adoption as follows:

WHEREAS, The Consolidated Highway Improvement Program (CHIPS) funding for 2016-2017 for the Town of Chatham is \$218,967.60, and

WHEREAS, the 2016-2017 New York State Budget included extra funding for the Town of Chatham in the sum of \$49,981.53, for the "PAVE,NY" Funding, and

WHEREAS, the Chatham Town Board budgeted \$218,998.00 for the 2016 CHIPS Funding in the Permanent Improvement EQ (DB5112.2), and

THEREFORE, the Chatham Town Board authorizes the increase to the Permanent Improvement EQ (DB5112.2) budget appropriation by \$49,951.13 for Highway improvement, changing the total budget for (DB5112.2) to \$268,949.13.

Second by Councilman Balcom.

Discussion:

Highway Super Rickert believed that the numbers in the resolution may not be accurate.

Motion was made by Supervisor Lull, second by Councilman Wapner to table until the numbers can be verified. Motion carried

### **RES. #89-17 TO PURCHASE MOWER FOR CRELLIN PARK**

Offered by Councilwoman Haber and moved adoption as follows:

WHEREAS, the Recreation Department has had to make a purchase of (One) TORO Z-Master Mower from ACP Equipment, Inc., 2419 Route 66, Chatham, NY for the sum of \$7,299.00 for Crellin Park, which was not anticipated at the time the 2017 Budget was adopted, and

WHEREAS, funds are available in the General Fund A Contingency account (A1990.400) to cover these additional costs, and

THEREFORE, BE IT RESOLVED the Chatham Town Board authorizes the transfer as follows:

The sum of \$ 7,299.00 is hereby transferred from Contingency Account (A1990.400 ) to the Parks Equipment Expense Account (A7110.2) to pay for said Mower above.

Second by Councilman Balcom.

### **VOTE**

NAY: Lull Balcom, Haber, Wapner, Swartz    NAY: None    Resolution adopted.

### **PUBLIC COMMENT**

Cindy Bobseine emphasized her concern about maintaining dirt roads. Moratorium estimates, specifically, how development could occur on dirt roads. It is essential that Nan's letter very explicitly stated that this has been addressed in phase 1. She supports the road committee. We need something in place before the moratorium expires.

Jim Temple read Steve Winkley's report and wants to know what's happening with it. Bob Balcom said John Lyons will add it to the comprehensive plan by amendment.

Temple believes that it was a mistake to take the Facebook page down. Although he was one of the people whose posts had been censored it was still a way to communicate. Swartz said that the person responding to the posts was not a town employee and did not represent the views of the Board. It was one person's opinion.

Motion was made by Councilman Balcom and seconded by Councilwoman Haber to form a committee to study all Town roads including dirt roads and advise the Board on their findings. Motion carried.

Rickert said he would lend his expertise to the Roads Committee.

Rickert explained that since the Town's gravel bank has been closed we now have to go out of the area to purchase materials for road maintenance, this is costly. We will not be able to continue this expensive practice.

Rickert also wanted it noted that at the last meeting he never said that there would be no impact to the dirt roads with proposed camps/farms on them. Additional traffic will have some sort of an impact, dirt roads are complex.

### **Executive Session**

On a motion by Councilman Swartz and second by Councilwoman Haber the Board entered Executive Session at 8:48 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. Motion carried.

Motion was made by Councilman Swartz, seconded by Councilman Wapner to leave executive session at 9:05pm. Motion carried.

Motion was made by Councilwoman Haber and seconded by Councilman Balcom to adjourn at 9:05. Motion carried.

Respectfully submitted by,

Beth Anne Rippel, RMC  
Town Clerk/Tax Collector