

TOWN OF CHATHAM
488 State Route 295
Chatham, NY 12037

TOWN BOARD MEETING
April 19, 18
6:00 PM

PRESENT: Supervisor Maria Lull, Councilman Bob Balcom, Councilwoman Landra Haber, Councilman John Wapner, Councilman Kevin Weldon, Highway Superintendent Joe Rickert, Recreation Director Mike West, Town Clerk, Beth Anne Rippel

OTHERS PRESENT: NYS Police and representatives and many disc golf players and fans.

Supervisor Lull called the meeting to order at 6 PM and followed with the pledge to the flag.

PUBLIC HEARING

Local Law No. 2 of 18 to permit regulating timbering in the Town of Chatham.

Supervisor Lull opened the Public Hearing at 6PM and asked Town Attorney Sal Ferlazzo for an overview of the timbering law. Ferlazzo explained that the biggest change was regarding clear cutting and exemptions for small timbering jobs. This law is intended to aid in the preservation of town dirt roads. Lull stated that this is on hold pending an opinion from the Columbia County Planning Board. The Public Hearing was closed at 6:14PM.

Lull informed the audience that the Board would discuss the NYS Police building proposal first then move on to discuss the Disc Golf issue. Lull asked everyone to please sign in.

NYS Police Building Proposal

About six weeks ago Lull met with NYS police and their representatives regarding a proposal to build a barracks on what is now Town property adjacent to the Town Hall. They are asking the Town to transfer 3 acres of land to the State for this purpose. There is limited Federal funding available and they can't afford to purchase land and build too. NYS Police typically lease space so this is a new avenue for them. Lull asked how many officers would occupy the building and the answer was about 22. Captain Michael Jankowiak said that this would be their home. Lull commented that this would add more police coverage to the area and cut down on response time. Ferlazzo feels this would be a great benefit to the Town but has some concerns. Lull, speaking for taxpayers, is concerned that if the Town conveys 3 acres of land to the State and later down the road the NYS Police decide to move out what will happen, the Town would be losing out. Lull thought that the Town should get fair market value if the barracks should ever be sold. NYS Police rep. said that the Town would be getting their monies worth over the coming years for the transfer of 3 acres. The Attorney General's office wants "no strings attached". NYS Police are ready to get this process moving. Ferlazzo will be contacting State agencies.

RESOLUTION #83-2018

WHEREAS, the Town owns fee simple title to Real Property known along County Route 295 in the Town of Chatham under Tax No. 56.-1-51.112, including a proposed 3-acre parcel located to the North of the Town Hall separated by a dirt lane formerly known as Birge Hill Road in a 3-acre Industrial Zone (hereinafter the PROPERTY) and WHEREAS, the Town has entered into preliminary discussions with the New York State Police for the transfer of the PROPERTY for use as a New York

State Police Barracks/Station serving the Town of Chatham. NOW, THEREFORE, it is hereby RESOLVED that the Town Supervisor and Town Attorney are authorized to negotiate with New York State Police to obtain a written proposal related to the PROPERTY which shall be presented to the Town Board for consideration and review.

Offered by Councilwoman Haber and seconded by Councilman Wapner.

VOTE

AYE: Lull, Balcom, Haber, Wapner, Weldon NAY: None Resolution adopted

Disc Golf

Lull stated that many people are concerned that the disc golf course will be closed. There have been issues between the disc golf group and the Town for the past two years. Lull stated that at this point no one from disc golf is willing to sign the agreement the Town proposed and they are not willing to take responsibility. Ferlazzo said that all other groups that use Town facilities are required to sign Hold Harmless Agreements and Town Facilities Use Forms and this hasn't happened with the disc golf group. There needs to be structure and a written agreement or the golf course will have to go. This IS an organized use.

Lull read the PCS below.

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.

Lull asked that speakers identify themselves and state where they're from.

PUBLIC COMMENT

Kenji Cline, President of DISCAP, stated that there is no other municipality requiring them to sign an agreement or have insurance (which they don't carry). DisCap creates recreational opportunities. They are a group of volunteers raising money to build disc golf courses. Eugene Gierka said they designed the course and built and maintained by people who are not part of an organized group or club. The idea of taking legal responsibility for the public using public park land is unreasonable. Ferlazzo sent an Agreement for Gierka to review and sign. After review Gierka and others made some changes and sent the agreement back to Lull. Lull had not yet responded to Gierka at this time. DisCap does not actually do the work, volunteers do, cutting the grass and brush etc.. They use experienced people to do any major task such as tree cutting. The Town highway department has helped in the past with this type of thing. Lull responded by saying that the Town highway department is not responsible for taking care of park land. Gierka offered some solutions: the land still needs to be maintained, they'll help raise funds. Lull said that it wasn't a matter of donations, the Town doesn't have the resources and it's not the Town's responsibility to maintain the course. The problem is with the volunteers on Town land as per Ferlazzo, the Town has to protect themselves from liability. The Town needs someone to be able to communicate with. Play on the course has to be stopped or regulated. Shari Franks, Director of Recreation for the Town of Chatham for many years was instrumental in moving the disc golf course forward. She spoke in favor and of the benefits of having this type of recreation in Town. Franks asked the Board to reconsider their resolution which asks the disc golf group to vacate Town park land by June 1. Brandon Wall, a local landscaper, has been mowing the course for the last several years and gave Ferlazzo a copy of his

insurance. The Town will also want him to sign a Hold Harmless Agreement to keep on file. Jeff Arp-Sandal plays here and asked why this property isn't part of the Town Park property as Crellin Park is. This should be under the Park umbrella. Many other residents and nonresidents alike spoke out in favor of the disc golf course and it's benefits to the community. People come from all over, There are couples and families using the trails for walking as well as playing golf. There is a diverse range in athletic abilities from children up through senior citizens. There has got to be a way to work things out says Joel Potts from Kinderhook Lake. James Farrell from Albany comes here all the time and brings friends; Chatham is the place to be. Kevin Pasture said they had circulated a petition and received over 1000 signatures in favor of the Disc Gold Course remaining on Town park land. This is one of the best courses in the State and the volunteers are proud of all they've accomplished. Shari Franks stated that originally they had looked at Crellin Park as a site to build the course but decided that there wasn't enough space. At the beginning of the talks Franks researched other parks and received positive reviews on just what great stewards of the land DisCap was. They have been generous with time and money and it would be a shame to lose them. Erica Balint has no association with DisCap but looks at this as a valuable recreational opportunity. Jeff Arp Sandal said that unlike ball golf everyone can afford to play disc golf. Sarah Chipiro said that the concern seems to be the liability and the Town is looking for golfers to form some kind of a group. Everyone can work together to find a solution to this problem. Supervisor Lull stated that the Town wants set standards and a group to be responsible for the course. Organized events were discussed. DisCap holds a few events a year and Mike West, Recreation Director, was aware of these events. Any other "event" at the disc gold course were "pop up events" and not organized by any group. Cline wants to know where the cutoff is between an event and individual play. Lull couldn't answer. The resolution will be put on hold.

CORRESPONDENCE

Letter from Mary Howard in opposition of the Albany-Hudson Electric Trail

Letter from Stephen Hickey requesting Enhanced Enforcement Patrol speed surveillance in the hamlet of Chatham Center.

SUB-COMMITTEE REPORTS

Report by Councilman Wapner and Councilman Weldon regarding the Recreation & Parks Commission. The Rec Commission is in support of keeping disc golf at the Town Hall. If money is a problem maybe CARP could help. Park Day in in the works, food trucks, sporting events beer etc....

Report by Councilman Balcom on the meetings of the Citizens Finance and Planning Committee. Balcom spoke on the disc golf conversation. There seems to be miscommunication, they need to just form a group. The draft is done. Recommendations on handling fund balances will come from the meeting next week with the accountant. Lull said they need to come to terms on how to pay for equipment and she wants standards for road maintenance. We need a Road Preservation law.

Report by Councilman Balcom on the Comprehensive Plan Implementation Committee.

Report by Councilwoman Haber and Councilman Weldon on Climate Smart Community Committee. EVCS has been installed. Highway was instrumental in the preliminary work to get this up and running. They are now looking at the highway building heating system.. Rickert installed new light bulbs in the conference room.

Report by Councilwoman Haber on the Communications Committee. The website proposal has gone to the Board for review.

REPORTS

Highway Department - on file. Lull spoke to the accountants and Bucci said that a 20 year bond was too long. Town can bond the truck purchases for 5 years and that way they don't have to do a permissive referendum.

Assessor - Report on file

Code Enforcement/Building Inspector - on file

Dog Control on file

Environmental Management Council - Jan Storm is resigning

Finance Department Report - on file

Justice Court -on file

Office of the Aging Advisory Board

Recreation Director - on file

Supervisor's Report

Town Accounting firm - Monthly Financial Report & Abstract - on file

Town Attorney

Town Clerk - KISS program

NEW BUSINESS

The Town of Chatham sponsored Active Shooter Training Class for all full time and part time town employees and volunteer committee members to be held May 16 from 9 AM to 12 noon at the Tri-Village Fire Company. This class is not open to the public.

New York State Police request to build a new building on town land next to the Town Hall.

Viridian Energy contract renewal for electric service to town facilities. Balcom asked for a review since he has heard negative comments on the company.

Columbia County Department of Human Resources Summer Youth Employment Program Nomination.

Report on Mortgage Tax Receipts up over 2017.

OLD BUSINESS

Local Law 2 of 18 on timbering.

DisCap Disc Golf group non-compliance with signing agreement with the Town.

Barton & Loguidice agreement to provide traffic signal design services to finish the Albany Turnpike Road & NY Route 295 Intersection.

RESOLUTIONS

RES. 67-18 to accept the bid for the remediation of the Green Brook culvert project. HOLD

WHEREAS, the Town Board of the Town of Chatham has approved the remediation of the Green Brook culvert on the town owned property located on the abandoned railroad bed and Riders Mills Road based upon a grant through Trout Unlimited Inc. in the amount of \$287,280.00 from New York State Economic Development Corporation, known as the Green Brook Culvert Removal Project, and WHEREAS, Trout Unlimited has had engineering plans prepared to remove a culvert and restore the natural channel to a stream on the Green Brook in the Town of Chatham. This project will stabilize the banks of the Green Brook reducing sediment loading and restore the natural flow of the stream promoting sediment transport and aquatic connectivity, and WHEREAS, the Town Board approved the Trout Unlimited, Inc. request for proposal and letting of bids, and WHEREAS, Mitchison and Sons, Inc. were the only company to bid on the project at a cost of \$208,914.53, and NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes Mitchison and Sons, Inc. the Green Brook Culvert Removal Project on the abandoned railroad bed and Riders Mills Road in the amount of \$208,914.53.

RES. 72-18 to accept the financial Abstract as present to pay the Town's bills.

Motion Made by Haber Seconded by Wapner

VOTE

AYE: Lull, Balcom, Haber, Wapner, Weldon NAY: None RES. adopted

RES. 73-18 to accept the town accountant's financial report of March 31, 18.

Motion Made by Weldon Seconded by Haber

VOTE

AYE: Lull, Balcom, Haber, Wapner, Weldon NAY: None RES. adopted

RES. 74-18 to approve the minutes of the Town Board Meeting(s) of March 15 and April 5, 2018 meetings.

Motion Made by Balcom Seconded by Weldon

VOTE

AYE: Lull, Balcom, Haber, Wapner, Weldon NAY: None RES. adopted

RES. 75-18 to accept guardrail bid.

WHEREAS, the Chatham Town Board accepts the sole bid for Guardrail & Post Installation for the period from May 1, 2018 through April 30, 2019, and

THEREFORE, BE IT RESOLVED the Chatham Town Board awards Town & County Bridge and Rail, PO Box 16395, Albany, NY 12212 as the sole bidder for the following:

MATERIAL	Lengths	Unit Price (New)	Unit Price (Used)
W-beam Rail	12'6"	\$9.25/ft	\$4.75/ft
Box Beam Rail	18', 24'	\$29.75/ft	\$24.50/ft
3" I-Posts		\$57.00/ft	\$22.00/ea
Single Buffer Ends Concrete Anchors (W-beam Rail)		\$ 49.00/ea	n/a
Type I Ends (Box Beam Rail)		\$477.00/ea	n/a
		\$424.00/ea	
W-Beam Rail Radius		\$13.60/ft	n/a
Box Beam Rail Radius		\$39.00/ft	n/a
Complete layout/installation W-Beam Rail/Posts		\$6.95/ft	n/a
Complete layout/installation Box Beam Rail/Posts		\$8.25/ft	n/a
Layout/Installation Posts Only		n/a	\$324.00/hr
Prices include all assembly hardware, angles, plates, etc.			

Motion Made by Weldon Seconded by Haber

VOTE

AYE: Lull, Balcom, Haber, Wapner, Weldon NAY: None RES. adopted

RES. 76-18 to make payment of a DEC grant (North Chatham Fire Company was applicant) that was electronically deposited in Town of Chatham's account in error rather than North Chatham Fire Company in the amount of \$897.00.

WHEREAS, The North Chatham Fire Company submitted a grant application through NYS DEC under the "Town of Chatham" as applicant and using the Town tax ID number, and WHEREAS, The Town of Chatham received an electronic payment in Town's bank account for the sum of \$897.00 from NYS DEC for said grant, and WHEREAS, The North Chatham Fire Company shall submit future grant applications under the North Chatham Fire Company name along with using their own tax ID number; and THEREFORE, BE IT RESOLVED, the Chatham Town Board authorizes the payment of Eight Hundred Ninety Seven Dollars (\$897.00) to be made to the North Chatham Fire Company for the DEC grant money received in error for the North Chatham Fire Company.

Motion Made by Weldon Seconded by Haber

VOTE

AYE: Lull, Balcom, Haber, Wapner, Weldon NAY: None RES. adopted

RES. 77-18 to approve Local Law No. 2 of 18 on timbering. On **Hold**

RES. 78-18 to approve payment to Barton and Loguidice

WHEREAS, Barton & Loguidice, has submitted a Supplemental Agreement to continue to provide professional services in the traffic signal design for the Albany Turnpike Road and NYS Route 295 Intersection with the Town of Chatham, and THEREFORE, BE IT RESOLVED, the Chatham Town Board accepts the proposal by Barton & Loguidice to continue to provide professional services on the Albany Turnpike Road and NYS Route 295 Intersection traffic signal design, not to exceed a budget of \$26,475.00 for their time and materials and to authorize the Town Supervisor to sign the Supplemental Agreement #3 dated March 16, 2018.

Motion Made by Balcom Seconded by Weldon

VOTE

AYE: Lull, Balcom, Haber, Wapner, Weldon NAY: None RES. adopted

RES. 79-18

WHEREAS, the Town of Chatham has engaged Viridian Energy as energy supplier for town facilities, and WHEREAS, the 12-month agreement with Viridian Energy requires renewal, and NOW, THEREFORE, be it RESOLVED, the Town Board directs the Town Supervisor to renew the Viridian Energy agreements on 31 Percy Hill Road, Old Chatham, 2940 State Route 66 A and 2940 S.R. 66, Chatham, 488 State Route 295, Chatham.

Motion Made by Haber Seconded by Weldon

VOTE

AYE: Lull, Balcom, Haber, Wapner, Weldon NAY: None RES. adopted

RES. 80-18

WHEREAS, the Town of Chatham and the Village of Chatham in the past had been an important hub for rail transportation, and WHEREAS, there is a proposal to run a weekend passenger train known as the "Berkshire Flyer" from New York City to Pittsfield, Massachusetts, to encourage tourism in the

Berkshire County economy, and WHEREAS, the Cape Flyer from Boston to Hyannis in Massachusetts has been highly successful and the Berkshire Flyer would be similarly developed on the same concept, and WHEREAS, the Chatham Town Board fully supports this resurgence of train travel and encourages the financial support to launch a pilot program which could lead to service and a train station stop in the Village of Chatham which would lead to an economic improvement to the northern Columbia County, NOW, THEREFORE, be it RESOLVED, the Chatham Town Board fully supports the feasibility study conducted by the Berkshire Regional Planning Commission regarding the Berkshire Flyer train from New York City to Pittsfield, Massachusetts, and encourages other municipal governments in Columbia County who would also enjoy the economic benefit of this project to seek assistance from the New York State Department of Transportation, CSX, Amtrak, and the New York State Legislature, in bringing this potential economic advantage to our communities.

Motion Made by Wapner Seconded by Haber

VOTE

AYE: Lull, Balcom, Haber, Wapner, Weldon NAY: None RES. Adopted

RES. 81-18 Hiring of (Part-time) Court Clerk for Town Court

WHEREAS, the (Part-time) Court Clerk position for the Town Court at (19) hours per week has become vacant and has resulted in the need to fill the position, and WHEREAS, the Town of Chatham has advertised for a (Part-time) Court Clerk, and THEREFORE, BE IT RESOLVED, that the Chatham Town Board authorizes the hiring of Deborah Spaulding as the (Part-time) Court Clerk, at a starting rate of \$15.00 per hour, after one-year probationary period, salary will increase to \$16.00 per hour if the Town is satisfied with employee's performance.

Motion Made by Balcom Seconded by Haber

VOTE

AYE: Lull, Balcom, Haber, Wapner, Weldon NAY: None RES. adopted

RES. 82-18 to withdraw all permission to allow town premise use by DISCAP **HOLD**

WHEREAS, the Town of Chatham (hereinafter the "Town") is the owner of the real property located in the Town of Chatham, known as Town Hall Park, (hereinafter "Premises"); and WHEREAS, the Premises have been used for recreational disc golf events by DISCAP and others and DISCAP has maintained equipment and a shed on the Premises and WHEREAS, DISCAP has not executed a Use Agreement which provides the Town with required legal protections and other terms required for similar users of Town facilities, NOW, THEREFORE, IT IS HEREBY:RESOLVED, that the Town withdraws all permission to allow the Premises to be used by DISCAP and all other persons and entities for use as a Disc Golf Course, effective immediately, and it is further RESOLVED, that DISCAP shall remove all equipment, golf fixtures and personal property, including the shed on the Premises, no later than June 1, 2018.

PUBLIC COMMENT

Lull asked Rickert about sealing the parking lot. Rickert will get quotes.

MOTION TO CLOSE MEETING

On a motion by Weldon and second by Haber the meeting was adjourned at 8:40. Motion carried
Respectfully submitted by, Beth Anne Rippel, RMC, Town Clerk