

June 14, 2012

Mayor Curran opened the Public Hearing at 7:00 pm. The purpose of the Public Hearing is to enact a Local Law amending the Table of Use Regulations under Chapter 110 of the Village of Chatham.

Attendance: Mayor Curran, Trustee DelRossi, Trustee Packet, Trustee Locke, Trustee Morrell, Fire Chief Paul Pratt, Nelson Alford, Esq., Daniel Tuczinski, Esq.(entered late), Treasurer Anne Marshall, reporter from Chatham Courier, Peter Lynch, Esq. from the Schyler Company and 4 members of the audience.

Mr. Alford stated that the Public Hearing is for changing the table of use regulations to require a special use permit which would make the zoning consistent with the C-3 Zoning that exists across the street from the Chatham Plaza.

Mr. Peter Lynch, attorney for the Schyler Company, handed out a letter to the Village Board explaining the legal reasons why the Board should not pass this new legislation. He stated that this prevents the Price Chopper project from going forward as a principally permitted use. Attorney Alford explained to Mr. Lynch that the intent of this Local Law is not to target the Price Chopper project. Mr. Lynch stated that if the Board passed this Local Law, his company would be compelled to bring a declaratory act against the Village. He stated that it is unlawful to stop and target a specific project. Trustee Locke commented to Mr. Lynch that there are currently two projects on now and that these would exclude the pending project. She stated that this is the first small step in revisiting the zoning which is way overdue. Mr. Lynch then commented that if his companies' project was excluded from this Local Law then they would approve it.

Attorney Dan Tuczinski asked the Board to reconsider this law and consider a moratorium. He also stated that there were a lot of people who did not want this project to go through.

Mayor Curran closed the Public Hearing at 7:20 pm.

Mayor Curran opened the regular meeting of the Board of Trustees at 7:30 pm with the Pledge of Allegiance.

Attendance: Trustee Morrell, Trustee Locke, Trustee Packet, Trustee DelRossi, Police Chief Kevin Boehme, Fire Chief Paul Pratt, Village Attorney Nelson Alford, attorney Peter Lynch for Schyler Company, attorney Danile Tuczinski reporters from the Chatham Courier and Columbia Paper and 9 people in the audience.

Mr. Alford read the SEQR Review, State Environmental Quality Review Short Environmental Assessment Form. He stated that this is for use with the Local Law because it is an unlisted action proposing the two changes of use.

Resolution # 208 was made by Trustee DelRossi to pass the SEQR. Trustee Packet seconded the motion. Vote- Trustee Locke, Trustee Morrell, Trustee DelRossi, Trustee Packet-yes, no negative votes.

Resolution #209 was made by Trustee Locke for the consideration of the Local Law to be passed. Trustee Packet seconded the motion. Vote- Trustee Locke, Trustee Packet, Trustee Morrell, Trustee DelRossi- yes, no negative votes.

First Public Comment Period

Mr. and Mrs. James Baker of 33 Thomas Street presented a letter to the Board regarding a complaint from their neighbors Ms. Stephanie Tanaka and Mr. Robert Bemiss of 35 Murray Street. Mrs. Baker expressed concern that her neighbors had not approached them directly with their issues and stated that she and her husband wanted to clarify some of the accusations made towards them.

New Business

Resolution # 210 was made by Trustee Locke to approve the minutes of the May 10th, May 16th and May 24th meetings. Trustee DelRossi seconded the motion. Vote- Trustee Locke, Trustee Morrell, Trustee Packet, Trustee DelRossi; yes- no negative votes.

Committee Reports

Police- Report attached. Chief Boehme presented the Board with a letter regarding granting a leave of absence for Officer Christopher Gardina who will leaving for a position with the Poughkeepsie Police Department. Trustee Lael Locke made a motion to grant Officer Gardina the one year leave of absence. There was no second on this motion. Trustee DelRossi and Trustee Packet stated that they felt Officer Gardina should resign and reapply for an opening if one exists should he return to the police department. Chief Boehme stated that since 1976, the Village Board has granted a one year leave of absence for police officers.

Fire Department Report- Chief Pratt presented, attached.
Wastewater Report- Trustee Morrell presented, attached.
Streets & Snow Removal- Trustee Packet presented, attached.

Old Business

Trustee Packet presented alternatives for the development and operation of the Main Street Parking Lot behind the buildings and the proposed CSX Parking Lot. Mayor Curran presented the Board with a list of questions for the Trustees to think about before getting involved in this project. Trustee Packet stated that Ben Siden from the Laberge Group would charge the Village \$125 an hour for a consultation to determine the parking needs.

Resolution # 211 was made by Trustee Locke to have Ben Siden give the Board a dollar figure to look over the parking area which should include a mileage cost and to give the Board a copy of a powerpoint presentation with suggestions for the parking area. Trustee DelRossi seconded the motion. Vote- Trustee Locke, Trustee DelRossi, Trustee Packet, Trustee Morrell; yes- no negative votes.

The Board continued discussion on whether to accept the STEP Grant at a total of \$6200 for the Police Department to be used for traffic control issues. Chief Boehme stated that this grant is not awarded until October and these funds can't be utilized for a patrol officer to handle complaints. The Board members discussed transferring the amount of the grant to the Fire Department for additional equipment. Chief Boehme stated that if this money is transferred to the Fire Department, he would be short that amount of money by the end of the year. He also stated that 75% of this money is in the 2012 budget or \$4600. This grant may be taken away if it is not used specifically for the STEP Program and the Police Department may be penalized for any future grants they apply for.

Resolution # 212 was made by Trustee DelRossi to accept the STEP grant. and utilize it for traffic control issues. 330 part time hours from the Police Department's 3120.140 budget line will be cut and a transfer of the resulting savings of \$4700 will be transferred to the Fire Department's 3410.2 Equipment line. Trustee Morrell seconded the motion. Vote- Trustee DelRossi, Trustee Packet, Trustee Morrell-yes; Trustee Locke voted no.

Trustee Packet presented a breakdown of a two year refuse contract with Welsh Sanitation. A community meeting may be set up in the fall with Board members and representatives from Welsh Sanitation to educate the public regarding recycling and composting.

Resolution # 213 was made by Trustee Packet to approve Welsh Sanitation with the garbage contract presented at the May 24th meeting. Trustee Morrell seconded the motion. Vote- Trustee Packet, Trustee DelRossi, Trustee Locke, Trustee Morrell- yes; no negative votes.

New Business

The Board began discussion regarding the Wastewater Treatment Plant proposed by Price Chopper with Special Council Cheryl Roberts. Ms. Roberts commented to the Board members that now that the Price Chopper building was re-located, a small part of the building is in the Village of Chatham. Price Chopper now has a right to connect to the water and sewer line. She

stated that Engineer Pat Prendergast informed her that the Village does have the capacity to hook Price Chopper up to the line. Peter Lynch also stated that Price Chopper has a right to hook up to this line and commented that Attorney Roberts has taken the position that this may have to be resolved through litigation.

Resolution # 214 was made by Trustee Packet to go into executive session at 8:50pm to discuss the Wastewater Treatment Plant issue with Price Chopper. Trustee DelRossi seconded the motion. Vote- Trustee Locke, Trustee Morrell, Trustee Packet, Trustee DelRossi-yes, no negative votes.

Resolution # 215 was made by Trustee Locke to come out of executive session at 9:08 pm. Trustee DelRossi seconded the motion. Vote- Trustee Locke, Trustee Packet, Trustee Morrell, Trustee DelRossi- yes; no negative votes.

Resolution # 216 was made by Trustee DelRossi to have attorney Cheryl Roberts negotiate a settlement with Chatham Associates of Albany, LLP and file a notice of appeal. Trustee Morrell seconded the motion. Vote- Trustee Locke, Trustee Morrell, Trustee DelRossi, Trustee Packet-yes; no negative votes.

Treasurer Anne Marshall asked the Board for permission to transfer money to pay the C.E. Rothermel bill from the equipment line in the budget to the miscellaneous line. She stated that this bill can't be included as part of the EFC funding.

Resolution # 217 was made by Trustee DelRossi to have Treasurer Anne Marshall transfer money from the sewer equipment line to the miscellaneous line. Trustee Morrell seconded the motion. Vote- Trustee Locke, Trustee DelRossi, Trustee Packet, Trustee Morrell- yes; no negative votes.

The Board discussed amending the Procurement Policy. Mayor Curran and Treasurer Anne Marshall discussed changing the dollar amount from \$0 to \$99 to \$0 to \$249 which was the original amount in the previous policy.

Resolution # 218 was made by Trustee Packet to change the Procurement Policy dollar amounts to \$0- \$25 and \$26 to \$149 with 2 verbal quotes and to change the second line amount to \$150 to \$1999 with at least three verbal quotes. Trustee DelRossi seconded the motion. Michael Richardson commented that if a department spends more than \$150 over the procurement amount they should consult with a Commissioner of that department. Vote- Trustee Packet, Trustee DelRossi, Trustee Locke, Trustee Morrell- yes; no negative votes.

Trustee Packet presented a proposal for part time help for the DPW Department. Mr. Richardson stated that the Board may want to hire regular part time help or seasonal help at a pay scale of \$10.00 an hour. He also suggested having 1-3 people to pick from to pick up any slack to help with the DPW work. Trustee packet also stated that if a DPW employee has to take personal or sick time, there are no available workers to fill in.

Resolution # 219 was made by Trustee DelRossi to transfer \$3800 from the labor line 5110.12 and create a new line under 5110 for potential "on call" status. The treasurer Anne Marshall and Mr. Richardson will determine what lines to move the money to. Mr. Richardson also stated that this is approved at Civil Service for a temporary seasonal basis. An advertisement will need to be placed in the paper and posted on the bulletin board. Trustee Morrell seconded the motion. Vote- Trustee DelRossi, Trustee Morrell, Trustee Locke, Trustee Packet-ys; no negative votes.

The Board discussed filling the full time Police Officer vacancy. Deputy Chief Mark Leggett sent a letter to Mayor Curran and the Board members asking that the Board consider the option of filling the soon to be vacated full time officer position with another full time officer to promote a positive level of continuity for the Village residents. Chief Boehme stated that the part time officers he currently has have full time jobs and families as well. He would have to fill the position with 4 part time officers as opposed to having one full time officer. Trustee Locke

commented that she was concerned with getting officers that move on after being in Chatham for awhile but she likes having the continuity.

Resolution # 220 was made by Trustee DelRossi to approve hiring part time officers to replace the resigning full-time police officer with part-time officers and transfer the resulting savings of \$17,000 (\$6400 fringe; \$5470 vacation pay; \$5220 hourly differential between full time and part-time pay rate) to the Fire Department's 3410.2 Equipment line. Trustee Morrell seconded the motion. Vote-Trustee DelRossi, Trustee Morrell, Trustee Packet- yes; Trustee Locke voted no.

Other Business

Trustee Locke stated that Lawrence Turk has donated approximately 8-10 Poplar trees to be planted at the park on the end of Locust Street.

Resolution # 221 was made by Trustee Locke to accept the donation of the trees and to talk to Wendy Carroll to see if these trees would be ok to plant in that park area. She also asked for approval to have Mr. Turk plant and maintain these trees. Trustee Packet seconded the motion. Vote- Trustee Locke, Trustee Packet, Trustee Morrell, Trustee DelRossi-yes; no negative votes.

Trustee Packet stated that she and Ed Czyzewski would like to pursue a grant to get a chipper for the DPW Department.

Resolution # 222 was made by Trustee DelRossi to have Trustee Packet and Sewer Plant Operator Ed Czyzewski work on getting a grant for a chipper. Trustee Morrell seconded the motion. Vote- Trustee Packet, Trustee Morrell, Trustee Locke, Trustee DelRossi- yes; no negative votes.

Correspondence

Mayor Curran read a letter from the NYS Department of Transportation regarding resurfacing the road on Route 66 between the Claverack Creek to Route 203.

Resolution # 223 was made by Trustee DelRossi to go into executive session at 10:10 pm. for personnel matters. Trustee Locke seconded the motion. Vote- Trustee DelRossi, Trustee Locke, Trustee Packet, Trustee Morrell- yes; no negative votes.

The following report was made by Trustee DelRossi;

It was moved by Trustee Packet that the Board of Trustees come out of Executive Session at 10:25p.m.; seconded by Trustee DelRossi. Motion unanimously carried.

It was moved by Trustee Locke that the Board of Trustees reconvene their meeting; seconded by Trustee Packet. Motion unanimously carried.

It was moved by Trustee Locke that the Board of Trustees approve the hiring of Erin Costa as the Clerk for the Planning Board and Zoning Board of Appeals effective immediately; seconded by Trustee Morrell. Motion unanimously carried.

It was moved by Trustee DelRossi that the Board of Trustees approve the hiring of Barbara Barrie as a part-time clerk effective immediately; seconded by Trustee Morrell. Motion unanimously carried.

It was moved by Trustee Locke that the meeting be adjourned at 10:30 p.m.; seconded by Trustee DelRossi. Motion unanimously carried.

Respectfully submitted,

Barbara A. Fischer
Village Clerk

