

VILLAGE OF CHATHAM, NEW YORK, BOARD OF TRUSTEES MEETING  
TRACY MEMORIAL BUILDING  
77 MAIN STREET, CHATHAM, NY 12037  
October 18, 2021 7:00 PM EST

MINUTES

**Call to Order:** 6:57pm by Mayor John Howe, and Pledge of Allegiance.

**Present:** Mayor J. Howe; Members P. Minahan, J. Boehme, J. Russell, M. Spock, J. Boehme; Village Clerk D. Kelleher; Village Attorney K. Dow; Town of Chatham Liaison V. Pitkin; DPW Foreman P. Genovese; CPD Deputy Chief J. Alessi; Absent CFD Chief E. Barnes, Building Inspector/Codes Enforcement Officer E. Reis.

**First Public Comment (limited to 15 minutes):** Town of Chatham Liaison V. Pitkin mentioned to the Board that the Clerk D. Kelleher will be updating the Village webpage with a link to the Town of Chatham Comprehensive plan survey.

**Reports of Commissioners and Committees:**

- Building Inspector: Erin Reis. Building Department Report read by Mayor J. Howe.
- Wastewater/Water Commissioner: Trustee Jodie Russell. DPW report given by Foreman P. Genovese.
- Streets & Snow Removal Commissioner: Trustee Jaimee Boehme. DPW report given by Foreman P. Genovese.
- Police Commissioner: Pete Minahan. CPD Report given by J. Alessi.
- Fire Commissioner: Trustee Melony Spock. CFD Report read by M. Spock.

**Approve the Minutes**

*-September 13, 2021 Board Meeting.* So moved by J. Boehme, seconded by M. Spock. Approved by all.

**Introduction/Presentation of Local Law Number 2 of 2021 "To Opt-Out of Allowing Cannabis Retail Dispensaries and/or On-Site Consumption Establishments"**, a copy attached hereto, and read out loud by Mayor J. Howe. Public Hearing to be held 6:30pm, on the evening of 11/8/21 Board of Trustees meeting.

**New Business:**

1. **Resolution 1-** To approve one time **sewer relief** in the amount of **\$216.37 Donna Carlucci at 43 Kinderhook Street** for an outdoor spigot leak. So moved by J. Russell, seconded by P. Minahan. Approved by all.
2. **Resolution 2 -** To approve one time **sewer relief** in the amount of **\$3304.44 to Gage Rommel at 68 Kinderhook St** for a water leak. So moved by J. Boehme, seconded by J. Russell. Approved by all.
3. **Resolution 3 –** To approve one time **sewer relief** in the amount of **\$1,851.26 to Melanie Hoopes at 50 Church Street** for an undetected external water leak. So moved by P. Minahan, seconded by J. Russell. Approved by all.
4. **Resolution 4 –** To approve one time **sewer relief** in the amount of **\$160.30 to Rebecca Doyle at 136 Hudson Ave** for swimming pool refill. So moved by M. Spock, seconded by P. Minahan. Approved by all.
5. **Resolution 5 –** To approve one time **sewer relief** in the amount of **\$95.92 to Linda and Edward Nesbitt at 19 Murray Street** for weather related pool damages refill. So moved by J. Boehme, seconded by M. Spock. Approved by all.
6. **Resolution 6 –** To approve and accept the membership of **Andrew Elliot to the Ocean Fire Company for the Chatham Fire Department.** So moved by M. Spock, seconded by P. Minahan. Approved by all.
7. **Resolution 7 –** To approve the **suspension of the 2-hour Parking Law** in the Village of Chatham during the **Columbia Film Festival** from Friday, October 22, 2021 – Sunday, October 31, 2021. So moved by M. Spock, seconded by J. Boehme. Approved by all.

**8. Resolution 8** – To approve the **Tracy Memorial Hall**, 77 Main Street, Chatham, NY as the **polling place for the Village** elections on **Tuesday, March 15, 2022 from 12:00 noon until 9:00 p.m.** So moved by J. Russell, seconded by M. Spock. Approved by all.

**9. Resolution 9** – To authorize the Mayor to sign a **Bond Counsel Services agreement** between **Rodenhausen Chale & Polidoro, LLP** and the Village of Chatham, dated September 3, 2021. So moved by P. Minahan, seconded by J. Russell. Approved by all.

**10. Resolution 10** – To authorize the **Chatham Police Department to close a section of Kinderhook Street from Woodbridge Ave to Park Row on Sunday, October 31, 2021 between the hours of 4pm and 9pm.** So moved by P. Minahan, seconded by J. Russell. Approved by all.

**11. Resolution 11** – To approve and adopt **“Resolution Exempting Certain CCPB Referrals Mandated by General Municipal Law Section 239-m”**; a copy of which is attached hereto. So moved by J. Russell, seconded by M. Spock. Approved by all.

**12. Resolution 12** – To revise the **Village Credit Card Policy**; a copy of which is attached hereto. So moved by J. Boehme, seconded by M. Spock. Approved by all.

**13. Resolution 13** – To approve the Village of Chatham Utility Deferred Payment Agreement. *The deferred payment agreement is in-process and will be moved to November 8, 2021 agenda. There was no vote or action taken by the Board.*

**14. Resolution 14** – To hire **John Bartholomew** to work 8-hours per week, at a rate of \$23.69 per hour. So moved by J. Boehme, seconded by M. Spock. Approved by all.

**Items for Discussion:**

- *Village Insurance policy – For agenda 11/8/21 to approve the renewal proposal from Metzwood Insurance for Liability Insurance through Trident Public Risk Solutions, for coverage from November 10, 2021 – November 10, 2022.*
- *Clock Tower – Electric: Mayor J. Howe notes that The Village has agreed to put in an electric meter for the Clock Tower, and has agreed to pick up the cost of the electricity for the Clock Tower.*
- *Course Announcement: Columbia County Emergency Management Incident Command System (ICS) Overview for Senior Officials (I-402) - Mayor J. Howe reads the information letter and encourages anyone interested to register and attend. November 18, 2021, 6:30pm-10:00pm, Columbia County Fire Training Center; 50 Grandinetti Drive, Ghent, NY 12075.*

**Second Public Comment Period (limited to 15 minutes):** None.


**Executive session:** To discuss the employment history of a particular person(s), or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person(s).

----Motion to enter into Executive session by M. Spock, seconded by J. Boehme. Approved by all 7:49pm.

----Motion to leave Executive Session and go back into regular open meeting by J. Russell, seconded by P. Minahan. Approved by all at 8:10pm.

**Adjournment:** *Motion to adjourn by M. Spock, seconded by J. Boehme. Approved by all at 8:24pm.*

**Next meeting:** November 8, 2021, 7:00pm; with Public Hearing beginning at 6:30pm

Respectfully submitted,  
Desiree Kelleher   
Village Clerk

Local Law No. \_\_\_ of 2021

## A Local Law Opting Out of Retail Dispensary and On-site Consumption of Cannabis

[DATE] \_\_\_\_\_, 2021

BE IT ENACTED by the Board of Trustees of the Village of Chatham, as follows:

### Section 1. Legislative Findings and Intent.

The State of New York enacted the New York State Cannabis Law, effective March 31, 2021, which provides for the licensing and establishment of, among other things, the retail sale and on-site consumption of certain cannabis-based products. Section one hundred thirty-one of such law authorizes any town, city, or village to enact a local law requesting that the New York State licensing body, the “Cannabis Control Board,” prohibit the licensing of such cannabis establishments and thereby prohibit the establishment of cannabis retail sale dispensaries and on-site consumption establishment within the requesting municipality, provided a local law to such effect is enacted between March 31, 2021, the effective date of the Cannabis Law, and December 31, 2021, and further provided that such local law shall be subject to permissive referendum.

Section one hundred thirty-one of the Cannabis Law further provides that no law opting out of Cannabis licensing may be enacted by a municipality after December 31, 2021, but an “opt-out” law that is enacted prior to December 31, 2021 may later be repealed and rescinded. Therefore, the enactment of this local law is reversible, but a failure to enact this local law prior to December 31, 2021 cannot later be remedied.

The Board of Trustees of the Village of Chatham finds that the uncertainties about the potential effects of the permitting of cannabis retail sale and on-site consumption, as well as the zoning considerations that may be warranted in relation to establishments of such sale and consumption, invite further consideration before an irrevocable decision is made. Therefore, in the interest in prudence and to allow a period of time for careful consideration of the potential effects of cannabis establishments and of appropriate zoning or other permissible regulations as may be allowed under law, the Village Board of Trustees enacts this revocable local law requesting that licenses for cannabis retail and on-site consumption not be issued unless and until this local law is repealed.

Section 2. Enacting as an unconsolidated local law of the Village of Chatham the “Opt-out” provision of section 131 of the New York State Cannabis Law, to request the cannabis control board to prohibit the establishment of retail dispensary licenses and/or on-site consumption licenses within the Village of Chatham.

As authorized by Section one hundred thirty-one of the New York State Cannabis Law, the Village of Chatham hereby requests the New York State cannabis control board to prohibit the establishment of retail dispensary licenses and/or on-site consumption licenses

contained in article four of the Cannabis Law, within the jurisdiction of the Village of Chatham.

Section 3. Authorization.

This local law is enacted pursuant to the provisions of section 131 of the New York Cannabis Law, the New York Municipal Home Rule Law and section 4-412 of the New York Village Law.

Section 4. Effective Date.

This local law shall take effect December 20, 2021, unless within thirty days after its adoption there be filed with the Village Clerk a petition signed and acknowledged by electors of the village in number equal to at least twenty per centum of such electors in the village, as shown on the register of electors for the previous general village election, protesting against its enactment and requesting that it be submitted to the electors of the Village for their approval or disapproval, in which case it shall take effect upon its approval by the affirmative vote of a majority of the qualified electors of such village voting on such proposition.

McKinney's Consolidated Laws of New York Annotated  
Cannabis Law (Refs & Annos)  
Chapter 7-a. Of the Consolidated Laws  
Article 6. General Provisions

McKinney's Cannabis Law § 131

§ 131. Local opt-out; municipal control and preemption

Effective: March 31, 2021

Currentness

1. The licensure and establishment of a retail dispensary license and/or on-site consumption license under the provisions of article four of this chapter authorizing the retail sale of adult-use cannabis to cannabis consumers shall not be applicable to a town, city or village which, after the effective date of this chapter, and, on or before the later of December thirty-first, two thousand twenty-one or nine months after the effective date of this section, adopts a local law, subject to permissive referendum governed by section twenty-four of the municipal home rule law, requesting the cannabis control board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses contained in article four of this chapter, within the jurisdiction of the town, city or village. Provided, however, that any town law shall apply to the area of the town outside of any village within such town. No local law may be adopted after the later of December thirty-first, two thousand twenty-one or nine months after the effective date of this section prohibiting the establishment of retail dispensary licenses and/or on-site consumption licenses; provided, however, that a local law repealing such prohibition may be adopted after such date.
2. Except as provided for in subdivision one of this section, all county, town, city and village governing bodies are hereby preempted from adopting any law, rule, ordinance, regulation or prohibition pertaining to the operation or licensure of registered organizations, adult-use cannabis licenses or cannabinoid hemp licenses. However, towns, cities and villages may pass local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption site, provided such law or regulation does not make the operation of such licensed retail dispensaries or on-site consumption sites unreasonably impracticable as determined by the board.

**Credits**

(Added L.2021, c. 92, § 2, eff. March 31, 2021.)

McKinney's Cannabis Law § 131, NY CANBS § 131

Current through L.2021, chapters 1 to 429. Some statute sections may be more current, see credits for details.

## Resolution Exempting Certain CCPD Referrals Mandated by General Municipal Law Section 239-m

**WHEREAS**, New York State General Municipal Law Section 239-m requires that certain zoning actions be referred to the County Planning Board before any action is taken by the city, town or village having jurisdiction, and

**WHEREAS**, many of these mandated referrals have no identifiable countywide or inter-community impact, and

**WHEREAS**, New York State General Municipal Law, Section 239-m-3-c, allows the municipality having jurisdiction and the County Planning Board to enter into an agreement that exempts certain actions from mandatory referral, and

**WHEREAS**, the Columbia County Planning Board has determined that the following actions will not have an identified countywide or inter-community impact:

1. Any area variance seeking relief from a front yard, side yard or rear yard setback on an existing or prior approved parcel
2. Any variance, site plan review or special permit for an oversized sign, for additional signage in excess of what is permitted in a specific zone or any sign that exceeds the maximum allowed height.
3. Any variance, site plan review or special permit required for the conversion of a single family residence into a two family residence, providing provisions are included in the local ordinance for Health Department approval of any on-lot system serving such conversion.
4. Any variance, site plan review or special permit required for any temporary use established pursuant to the provisions of the local ordinance.
5. Any variance required for any fence including height, setback, materials or construction methods, except that no fence required by the N.Y.S. Uniform Fire Prevention and Building Code shall be the subject of any variance considered by the local Zoning Board of Appeals.
6. Any variance, site plan review or special permit required pursuant to a Historic District Review that deals with architectural details, signage, materials or features of an existing or new structure.
7. Any area variance required for the creation of an undersized parcel via the sub-division process, providing the Health Department has approved the on-lot well and septic system locations.
8. Any variance, site plan review or special permit required for the expansion of an existing business or commercial use providing the expansion is located in the side or rear yard of the parcel and that the expansion does not exceed 50% of the existing building size.
9. Any variance, site plan review or special permit required to establish a permitted home occupation within an existing residence or accessory structure.
10. Any variance, site plan review or special permit required for the replacement of an existing mobile home with another.

11. Any area variance, site plan review or special permit required for the erection of any permitted accessory structure or use within the required side or rear yards of an existing parcel.
12. Any variance, site plan review or special permit required to establish more than one residence on a single parcel providing that each residence is located in a manner that would allow for a theoretical sub-division at a future date.
13. Any variance, site plan review or special permit for a mining operation of a scale that would not require a Mined Land Reclamation Permit from N.Y.S.D.E.C.
14. Any action by a local municipal board that would establish a temporary developmental moratorium providing the length of the moratorium does not exceed three (3) months.
15. Any area variance, site plan review or special permit required for the installation of any type of radio communication antenna, but not including cellular or digital telephone towers or other personal wireless communications facilities.
16. Any variance, site plan review or special permit required for the installation of any requirements pursuant to the American Disabilities Act.
17. Any variance, site plan review or special permit required for the creation of a pond, provided no N.Y.S.D.E.C. permit is required due to the limited size and/or location of the pond.
18. Any variance, site plan review or special permit required for the establishment of a residential use on the second floor of a structure whose ground floor is occupied by a business or commercial use.
19. Any variance, site plan review or special permit required to establish a dwelling unit that is smaller in size than allowed by the local zoning ordinance.
20. Any variance, site plan review or special permit required to establish a second or subsequent business entity, not exceeding 10,000 square feet, operated by the owners of and located on an active farm operation.
21. Any variance, site plan review or special permit required to establish a residential solar energy system that provides energy for the use of the property

Now, therefore, be it **RESOLVED**, that the Board of Trustees of the Village of Chatham, does hereby concur that the aforementioned exemptions do not have an identified countywide or inter-community impact and agree that such actions shall no longer be referred to the Columbia County Planning Board for review and recommendation, and be it further

**RESOLVED**, that the Board of Trustees of the Village of Chatham, hereby reserves the right to request a review and recommendation on any of the aforementioned exempt actions, if in their opinion such review and recommendation are warranted due to the specific circumstances of the requested action.

10/18/21

# Board of Trustees Village of Chatham

## RESOLUTION

Number \_\_\_\_ of October 18, 2021

### To Revise the Village Credit Card Policy

**WHEREAS**, the Board of Trustees previously adopted, on May 13, 2019, a credit card policy; and

**WHEREAS**, the Board of Trustees finds that certain modifications of such credit card policy will better serve the needs and interests of the Village;

**Now, therefore, BE IT RESOLVED**, that the Board of Trustees of the Village of Chatham modifies the Village Credit Card Policy to read as follows:

The Board of Trustees authorizes the continued maintenance of one credit card account with cards to be issued by the Bank of Greene County, for use solely for Village business, which shall be subject to the following controls and limitations:

- The credit limit on the card account shall be two thousand five hundred dollars (\$2,500.00), provided that such limit may be temporarily increased in the case of an emergency, upon approval of the Mayor or Treasurer.
- There may be two physical credit cards: one of which shall be imprinted with the name of John Howe, Mayor, and the other with the name of Peter Minahan, Deputy Mayor, while such persons hold such positions. The names on the cards shall be updated as needed to bear the names of the serving Mayor and Deputy Mayor, respectively.
- The credit cards shall be locked in a designated file or drawer in the office of the Village Clerk, under supervision of the Village Clerk.
- Every purchase or transaction must be approved in advance by the Treasurer.
- Telephone or online transactions shall be executed by the Village Clerk or Mayor.
- In the event it is necessary to use the card for an in-store purchase or transaction outside of the Village Clerk’s office, a Village officer or employee may be designated by the Mayor to remove the card from the Clerk’s office and shall be provided written authorization from the Mayor to sign for the off-premises transaction.
- In every case, a printed, itemized receipt shall be immediately returned to the Village Clerk and a copy promptly provided to the Treasurer.

**BE IT FURTHER RESOLVED**, that the Mayor and Deputy Mayor are authorized, as “Business Officers” or otherwise, to execute documents necessary to establish such credit



card account with the Bank of Greene County, and they and the Village Clerk, Village Treasurer, and Village attorney are authorized and directed to carry out such actions as are necessary to implement the purposes of this Resolution.

October 18, 2021

Village of Chatham, New York  
Tracy Memorial Village Hall  
77 Main Street  
Chatham, NY 12037