

**CHATHAM TOWN BOARD MEETING  
APRIL 19, 2007**

The regular meeting of the Chatham Town Board was held on April 19, 2007 at 7:00 pm at the Town Hall. Present were the following: Supervisor DeGroot, Councilwoman Beth Anne Rippel, Councilman Don Hegeman, Councilwoman Jean Rohde, Deputy Clerk Elizabeth Horst, Assessor Daniel Horst, Highway Superintendent Joseph Rickert, and several others.

Supervisor DeGroot opened the meeting at 7:00 p.m. and the pledge to the flag was led by Councilman Hegeman.

The first Public Hearing on Local Law #3 regarding Administration and enforcement of the New York State Uniform Fire Prevention and Building Code was opened at 7:01 p.m. As there was no comment, it was closed at 7:02 p.m.

***Correspondence***

1. Chatham Central Alumni Association, regarding Arbor Day celebration
2. Daniel Horst, regarding proposed transfer tax (not mentioned in board meeting)
3. New York State Department of Agriculture & Markets, regarding Columbia-Greene Humane Society
4. Congresswoman Kirsten Gillibrand, regarding Crellin Park sidewalk/parking lot enclosure appropriation request
5. Barton & Loguidice, regarding Mirror Pond/Albany Turnpike Engineering Site Assessment Review
6. Healthcare Consortium, regarding Long Term Care insurance

The second Public Hearing on Local Law #4 regarding Livestock Committee recommendations was opened at 7:10 p.m.

- **Mary Gail Beibel**, representing the Livestock Committee, stated that she and the other members of the committee created the document in question as a list of recommendations that addressed two points. One, what non-pet animals referred to as domestic livestock should be allowed in the hamlets? Two, what should be the consequence if someone violates the law of animals in the hamlets?
- **Town Attorney Tal Rappleyea** mentioned that he worked with the recommendations to remove their “nebulosity” and thus created Local Law #4. On the Livestock Committee’s second point, he thought that the best legal way to prevent problems is to require a building permit from the Code Enforcement Officer. If an individual is not satisfied with the permit, they have the option to go to the Zoning Board of Appeals and request a variance.
- **John Fiorello** has been a resident of Chatham for 35 years and while he praised the Town Board for what it was trying to do, found five objections in the proposed local law:
  1. It does not address or consider a particular size of a parcel. Example: a person living in a hamlet with 30 acres of land should not have the same limitations as an individual with half an acre.
  2. There needs to be some kind of equation for a tradeoff between animals, since, for example, it is not logical nor practical for a person to have 1 horse per family member, 6 sheep, 6 chickens, etc. all on one acre.
  3. The phrase “not traditionally considered as pets” or “nuisance animals” is unfair since some individuals keep certain animals that they call pets. For instance, his wife raises and likes guinea fowl as they control the tick population and thereby reduce the spread of Lyme disease.
  4. If such a law passes for hamlets, there will be regulations on only 15 to 20 percent of land in Chatham. What Chatham needs is a basic containment law for the whole of land—hamlet, rural, etc.
  5. The law states that animals or a building housing animals needs to be a certain distance from the “primary residence” of a neighbor; however, this needs to be redefined when the neighbors’ Chatham residence is a second home.
- **Town Assessor Dan Horst**, regarding Fiorello’s first point, provided information regarding the sizes of parcels in the hamlets. Horst stated that in Chatham’s hamlet zones there are 264 property parcels less than one acre, 134 parcels between one and five acres, and 49 parcels larger than five acres with the largest plot having 113 acres.
- **Chloe Barker-Benfield** read her story of her chickens, gave other examples of town zoning and animals, and stated that she was proud of the town of Chatham in its attempt to permanently fix the problem.

- **Jim McKay** stated that he thought the new local law was a good step in the right direction. However, McKay believed it wasn't fair to bar animals from 100 year floodplains and regulate wetlands in the way the law specified. Instead, he was for some kind of accommodation depending on a property owner's square footage of land.
- **Randi Walker** brought up a question about the floodplains, asking if it was necessary to prohibit animals from such an area. Walker stated that she understood the importance of environmental protection but wondered if it was different when flooding was only a 1% chance. Also, Walker explained how she loved the sounds of roosters, guinea fowl, and other domestic livestock even though they were considered nuisance animals. She suggested that the town introduce or allow a neighbor agreement. Walker brought up the example of her property, which is not in a hamlet, and her neighbor's property, which is in a hamlet. She could offer to house her neighbors' animals, since they are no longer allowed to keep them on their property.
- **Pat Collins** said she found out a month ago that she was in a hamlet after years of living in an agricultural area with animals and farming. Collins stated that her neighborhood did not have cluster housing, a gas station, or any other characteristics common of a hamlet. Thus she requested that the "new hamlet" could be exempted from the rules.
- **Patricia McKay** raised the issue about those who owned animals from back before the hamlets were established in 1972. She thought that while grandfathering-in should be a possibility to a certain extent, she was still concerned about the details of that procedure for those who had that option.
- **Dan Horst** found out that he was in a hamlet not too long ago and that immediately presented a problem since he has about 100 animals on his property—rabbits, chickens, goats, and other animals for milk and meat—plus 9 children. In Horst's perspective, this is another thing that is absolutely unfair to residents in Chatham. He became an assessor to help pay for his house and raising animals is part of his livelihood to help save money. Another issue Horst brought up about the proposed local law is that it describes buck goats and roosters as nuisance pets—but in all practicality, it is necessary for his family to keep male animals in order to produce more animals. Horst stated that he doesn't believe it is the town's business to get involved in managing animals nor is it right for him to be required to apply for a building permit and list all the animals that he has on his property. He added that the Code and Zoning Enforcement Officer has enough to do already and shouldn't have to keep track of all the animals in the town. Horst concluded that he believes, and has stated before, that it is up to neighbors to solve their problems and if that doesn't work, then there should be help from the town.
- **Mary Gail Beibel** spoke in correction of something that Mr. Horst said, stating that the Committee was not in favor of issuing zoning permits for animals. Beibel added that as of right now and the current law, anyone with animals in the hamlet is in violation and their proposal is something that would fix this problem.
- **Eric Ooms** added that yes, those who have animals *are* in violation and this law would actually help matters. Some discussion followed about it.
- **Victor Borghi** had several complaints about what he was hearing. He believed that everyone is living in a socialist state and people need to wake up. Borghi stated that if someone has a chicken on their property and the law says they are not allowed to have it, then that law needs to be changed. Borghi said that the biggest problems with bees, bears, and other animals weren't even being addressed, but instead, the town is trying to take away animals and take the livelihood from people who are trying to feed the nation. He stated that research is beginning to show the possibility of cell phone frequencies harming bees so that they do not return to their colonies. As an amateur radio man, he knows that frequencies can kill people. In conclusion, Borghi said that everyone has to wake up—the town board, the whole community, and the nation—since more laws do not help anything but actually suppress and enslave those who are trying to do some good.
- **Jean Rohde** added a note about the proposed local law and said that this is not etched in stone, but basically a guideline so that people can add their opinions and it can be changed to better suit the town.
- **Jesse DeGroot** agreed, stating that the proposition was just something to work with and that it could be shaped to something better soon.

The Town Board agreed to table the hearing for one month, setting the new public hearing for the next board meeting on May 17<sup>th</sup>, 2007. In the meantime, the proposed local law would be sent back to the Livestock Committee for revisions.

**Public Comment**

Mary Gail Beibel asked if the town garbage pickup was still going on and if she could drop trash off at the town or highway garage. The Town Board and Highway Superintendent affirmed that she could do so and that they would extend roadside cleanup week to the end of the month.

**Reports**

## 1. Highway

Superintendent Joseph Rickert presented his report to the board and discussed several issues including a problem of flooding on several roads because of beaver dams in Old Chatham and on Bacchus Pond. Rickert received a letter from Barton & Loguidice with their recommendation for Old Chatham to replace the existing culvert with a larger structure. In his opinion, Rickert agrees a bigger culvert is a good idea, but the beavers need to be taken care of. He will contact the Department of Environmental Conservation to request permission to remove the beaver dam. Another topic Rickert brought to the board was to extend the roadside cleanup to a longer amount of time. In 2006, approximately 113 bags were collected from Chatham residents; whereas, the roadside cleanup week in 2007 only brought in 40 bags. Rickert requested that the cleanup be extended to the end of the month and the Town Board agreed.

The rest of the Highway Report is on file in the Town Clerk's Office.

## 2. Justice Court

The March 2007 justice financial report is on file.

The Town Board discussed the new justice that will be instated, Judge Michael A. Hart, on Monday, April 23, 2007, at 11:00am at the Town Hall.

## 3. Comprehensive Plan Committee

Jean Rohde and Randi Walker informed the Board that the committee was currently discussing certain issues and working to rank their priorities. One of the things they are working on is creating workshops to explain their agenda to the public.

## 4. Recreation Department

The Board discussed the meeting on Wednesday, April 17 with 30 to 40 people and how things went well there. They agreed that they now needed money figures and to get everything public. The Recreation Director's Report is on file.

**New Business**

## 1. Administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Local Law #4-07)

**Resolution #81-07 To accept Local Law #4-07.**

Offered by Councilwoman Rippel, moved adoption to accept Local Law #4-07, Administration and enforcement of the New York State Uniform Fire Prevention and Building Code. Copy of the Law is on file.

Councilwoman Rohde seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

2. The Livestock Committee recommendations were sent back to the committee for further revisions after the public hearing.
3. Crellin Park: Lawn care contract and waste contract

**Resolution #82-07 To accept purchase of lawn mover for Crellin Park on state contract.**

Offered by Supervisor DeGroot, moved adoption to accept the purchase of the Toro Z Master Z558, 28 HP, Kawasaki, 72" cut (Turbo Fource Deck—includes \$500 optional suspension seat) from Air Compressor Plus on state contract for \$8000.

Councilwoman Rippel seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

**Resolution #83-07 To accept Crellin Park waste contract.**

Offered by Supervisor DeGroot, moved adoption to accept Crellin Park waste contract by acquiring the use of two (2) 3-yard dumpsters on a seasonal basis, emptied once a week for \$85.00 a month each from Carmen Barbato, Inc.

Councilman Hegeman seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

#### 4. Dog Control Officer

The Town Board spoke with Erin Carroll, the dog control officer for Stuyvesant and Kinderhook, who had sent in her résumé for the Board's review. The Board agreed to accept her as Dog Control Officer for the Town of Chatham.

#### **Resolution #84-07 To appoint Dog Control Officer.**

Offered by Councilman Hegeman, moved adoption to appoint Erin Carroll as the Town of Chatham Dog Control Officer at an annual salary of \$5,150.00.

Councilwoman Rohde seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

#### 5. Chatham Central School District Budget Presentation

Scott Hunter and Elizabeth McFarlane presented the budget for the Chatham Central School District and allowed for questions from the public. Hunter stated that he brought good, and better, news to Chatham; namely, the school district will be adopting new policies including special education programs for middle school students, career internships for high school students, and new academic challenges for special education students. Hunter went on to say that while CCSD will require \$26 million for their programs and state aid covers a good amount of it, there will be a 6.88% increase on the taxes. McFarlane said that 68% of the funds come from the town and the rest is from the state. Hunter spoke of the good graduation rates in CCSD, including 80% of students that get regents diploma and 80% of students that are accepted at colleges to go on to a career, join the military, etc. There will be two board seats up for election and other information will come out soon. The budget vote day is May 18.

**Randi Walker** asked why there is an education decline rate in CCSD? Hunter replied that the elementary school attendance rate is declining because birthrates are declining and families are moving out of the community.

**Jesse DeGroot** stated that education now is a lot better than from his graduation era. Hunter and McFarlane agreed, saying that when people say that education costs so much, they believe that ignorance costs a lot more.

#### 6. LOSAP Program

Supervisor DeGroot stated that he had a request from the Niverville Fire Department regarding the LOSAP Program. Since he did not have much information on it, John Zimmerman will appear at the next Town Board Meeting to speak about it. DeGroot also stated that he wished to get input from the Town Comptroller on this issue when he recovers from his surgery.

#### 7. AFLAC

Supervisor DeGroot had a visit from AFLAC representatives who introduced benefits from their company and wished to know if the town wanted to get involved with their programs. This issue will return for the May board meeting.

### **Old Business**

#### 1. Town Hall sound system/taping of meetings

The board discussed the new sound system that Country House Radio Shack installed. Councilwoman Rippel asked what their goals were—would the sound system be used as permanent records, a supplement to the clerk's minutes, or something else? Supervisor DeGroot stated that for now it would be an experiment to see how it worked out and then they would decide at a later time.

#### **Resolution #85-07 To rescind resolution #48-07.**

Offered by Councilwoman Rohde, moved adoption to rescind Resolution #48-07 regarding training providers for the Zoning Board of Appeals and Planning Board members.

Councilwoman Rippel seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

#### **Resolution #86-07 To state acceptable programs for Planning Board and Zoning Board of**

Appeals Members.

Offered by Councilwoman Rohde, moved adoption to accept the attached resolution:

**Acceptable Training for Planning Board and Zoning Board of Appeals Members**

**WHEREAS**, the Chatham Town Board desires to assist its members of the Zoning Board of Appeals and Planning Board in receiving said training,

**WHEREAS** Town Law Sections 267 and 271, Village Law Sections 7-712 and 7-718, and General City Law Sections 27 and 81 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

**WHEREAS** the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such a board if they have not completed the training required by law; and

**WHEREAS** the above sections of state law provide that the legislative body of the town, village, and city specifies which activities qualify as training to satisfy the state requirements; and

**NOW, THEREFORE**, be it

**RESOLVED**, that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1) The New York State Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Hudson River Valley Greenway; and
- 2) The New York State Association of Towns, the New York Conference of Mayors, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections, and the Metro New York Chapter of the American Planning Association and its sections; and
- 3) The Capital District Regional Planning Commission, Central New York Regional Planning and Development Board, Herkimer-Oneida Counties Comprehensive Planning Program, Lake Champlain-Lake George Regional Planning Board, Long Island Regional Planning Board, Southern Tier Central Regional Planning and Development Board, Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, Hudson Valley Regional Council, Tug Hill Commission, Adirondack Park Agency, New York State Bar Association, and Lorman; and
- 4) The Columbia County Planning Federation, Columbia County Planning Department(s); and Columbia County Soil and Water Conservation districts; and
- 5) The Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension; and
- 6) On-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy;

**AND LET IT FURTHER** be

**RESOLVED**, that other training activities may be approved on a case-by-base basis by the Town Board/Village Board of Trustees/City Council upon the request of a planning board or zoning board of appeals member; and be it further

**RESOLVED**, that any new member appointed to fill the last \_\_\_ months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and be it further

**RESOLVED**, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and be it further

**RESOLVED**, that the Department of Planning shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointment.

Councilwoman Rippel seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

**Resolution #87-07 to authorize the removal of dump truck from highway inventory.**

Offered by Councilwoman Rippel, moved adoption to authorize the removal of a 1989

international dump truck from the Chatham Highway Department's inventory.

Councilman Hegeman seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

**Resolution #88-07 To accept the meeting minutes of March 25, 2007.**

Offered by Councilwoman Rohde, moved adoption to approve the minutes of the February 15, 2007, regular town board meeting.

Councilman Hegeman seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

***Public Comment***

**Dan Horst** stated that he stuck his neck out this evening, but he had a reason for doing so. Before he bought his house, he checked the zoning and saw that it was labeled as rural, not a hamlet. Horst said he believed that many people who are living in noncompliance—either knowingly or unintentionally—are afraid of the law and thus will not speak at the town board meeting.

**Supervisor DeGrootd** stopped to explain to the board that he and Horst found out that their area of Highland Road is in a hamlet, which they did not know before. DeGrootd went on to say that while at first they considered grandfathering-in certain properties as an option, they decided it would not be the best thing to do.

**Horst** also stated that as an assessor, he found out certain things, such as, in one of their tax programs, the maps are different than the new map that states his area is in a hamlet. He requested that a moratorium for enforcement be placed on the hamlet zones until something can be figured out. He specifically told the board that the two sides are in violation—himself and many others who own animals in hamlets *and* the board for not doing something about it. The board agreed and Supervisor DeGrootd stated that he would speak to the Town Attorney about that suggestion.

A motion was made by Supervisor DeGrootd, seconded by Councilwoman Rippel, and carried to go into executive session at 8:40 p.m. to discuss negotiations and personnel.

At 9:40 p.m., Councilwoman Rippel made a motion to close the executive session. It was seconded by Supervisor DeGrootd and carried.

Councilman Hegeman made a motion, Councilwoman Rohde seconded, and it carried to adjourn the April 19, 2007 Town Board Meeting at 9:40p.m.

Respectfully submitted by,

Elizabeth Horst  
Deputy Clerk