

CHATHAM TOWN BOARD MEETING
JUNE 21, 2007

The regular meeting of the Chatham Town Board was held on June 21, 2007 at 7:00 pm at the Town Hall. Present were the following: Supervisor Jesse DeGroot, Councilman Don Hegeman, Councilman Bob Balcom, Councilwoman Beth Ann Rippel, Town Attorney Tal Rappleyea, Assessor Dan Horst, Deputy Town Clerk Elizabeth Horst, Recreation Director Shari Franks, Code Enforcement Officer Walt Simonsmeier, and several others. Councilwoman Jean Rohde was absent.

Supervisor DeGroot opened the meeting at 7:00 pm and Councilman Hegeman led the pledge to the flag.

The Town Board opened *Public Hearing on Local Law #5 to Accept Alternates to the Planning Board and Zoning Board of Appeals* at 7:03 pm. There were no comments and the hearing was closed at 7:04 pm.

Correspondence

1. Jim McKay, re: Livestock Committee recommendations
2. Fran Sindlinger, re: Livestock Committee recommendations
3. Mary Gail Biebel, re: Livestock Committee recommendations
4. Susannah and Ira Marks, re: Proposed livestock law
5. Judy Grunberg, re: Proposed livestock law

Recreation Department Report

Recreation Director Shari Franks gave her report to the Board. A copy is on file in the Town Clerk's office.

The Town Board resumed *Public Hearing on Local Law #6 to accept Livestock Committee Recommendations* at 7:10pm.

Mary Gail Biebel, a Livestock Committee member, stated that the committee's mission from the Town Board was not whether domestic livestock was to be allowed in hamlets but how they were to be permitted through a series of recommendations. The new recommendations that the committee brought to the public applied to 80% of Chatham landowner situations and while it cannot apply to everyone, Biebel stated that she hoped the Zoning Board of Appeals would be willing to work with those who need variances. Also, she added that one significant change abolished the regulations of Q3 floodplains but referred to rules for wetlands.

Attorney Tal Rappleyea added to Biebel's information, stating that the reason variances were not directly referred to in the local law was that it is a legal term and there could easily be some confusion between use and area variances.

Bob Port, from Route 203, stated that he is strongly against farm animals in H-1 and H-2, especially around the area of Kinderhook Lake. He stated that introducing animals into hamlet areas is a radical change that will change real estate values, which is a bad idea.

Nancy Baker had a question for Mr. Port, but Supervisor DeGroot stated that questions and comments could only be directed toward the board. Baker agreed and stated that if animals are there when people purchase a property, there shouldn't have to be changes because of a new person moving in.

Greg Messina, from Eberly Extension and Electric Park area, asked about the background behind the laws forbidding livestock in the hamlets. He asked, "Why was this law enacted?" and "What was it protecting?" He assumed there could be many reasons, such as people were breaking existing laws or the big attraction of the lake caused a problem with animals living around it, or situations in the tight neighborhood. Messina concluded that his area was a lake community, not a farming community.

Pat Collins stated that she lived in a hamlet on River Road, albeit an unusual one with lots of land. She told the Board that they need to do something about hamlet and parcel size, since it doesn't make sense for her to be under the same constraints as someone from the Kinderhook lake neighborhood. Collins also said that if need be, her area should be allowed a variance because it is so different.

Fran Sindlinger, also a member of the Livestock Committee, stated that she understands the mission of Chatham Keep Farming and the diversity of the people and properties. Sindlinger said it is difficult to balance between freedoms and regulations because of various issues like wetlands, setbacks, etc. The recommendations need fine-tuning because of details like the dangers of water quality, such as run-off from farms. She is looking for input from people so the committee can further work with the details of the recommendations.

Mary Grandy said that she is opposed to livestock. She has a grandchild and asked that if chickens are allowed in the Kinderhook Lake area and varmints come, how long will it be until that situation is remedied? Also, Grandy asked if there will be a need for an increase of code enforcement officers since there will be many arising situations, especially because this area is close to a lake.

Dan Horst introduced himself as living in a “hamlet”. He said that while town calls his neighborhood a hamlet, Webster’s dictionary does not; obviously there are a lot of various opinions on this issue. Horst stated that when he moved into Chatham, he assumed that owning animals was okay, except perhaps in the village. He informed the Board that they seriously had his prayers and recommendations as they attempt to sort through all the opinions and details. Horst added that if any local law under consideration gives people an option of a variance, that immediately raises a red flag for him. He suggested that the law should be looked at more seriously and modified. What is important, he continued, is to give people the freedom to do what they want on their own properties. If there is a problem with neighbors, they have to work that out amongst themselves. Horst said several times that issues between neighbors should be a separate matter. He gave an example, stating that he raises bees and when neighbors get stung, honey goes a long way to remedy that situation. In conclusion, Horst told the Board that neighbors should solve their own problems but in an extreme case, the Town should have the authority to step in.

Jim McKay stated that while there were some improvements with the recommendations, the current draft is baroque and would be difficult for many to accept. Regarding the lake and protecting water quality, he stated that the problem clearly is septic from human waste and not from animals. McKay added that on one side of the lake, the Town of Kinderhook even recognizes that it is a big problem and he doesn’t believe it is any different on the Chatham side of the lake.

Lynn Skordilis spoke regarding the lake and water quality. She stated that while septic is an issue, she has a problem controlling weeds because she is afraid that by putting fertilizer on her lawn, it will create a problem with run-off into the lake. Skordilis added that allowing livestock would be increasing the already bad situation at Kinderhook Lake; therefore, she is against it.

Jim Temple has been a resident of Chatham since 1948. He has lived in Kinderhook Lake, although “not in the water,” and thus understands the situation. Temple asked the Board to repeal the existing law that prohibits residents from owning livestock in hamlet areas. He didn’t know where the law came from and didn’t know if it can be changed, adding that he had little hope that it *will* be abolished. Under the committee’s definitions, Temple stated that he objected to the wording under “Acre” since he feels that the Town does not need to redefine the true number of square footage in one acre. He also had several points regarding the new recommendations, as follows:

- 1) Temple challenged the meaning of “domestic livestock”. He stated that if a comet were to strike the kennels at the Old Chatham Hunt Club and all the dogs were killed, would they be allowed to bring more in, as pets? Or would the dogs be considered livestock?
- 2) When it states that the recommendations apply to single-family residents in hamlets, does that mean multi-family homes are allowed to have livestock?
- 3) Regarding the minimum setback of 10 feet between animals and a property line, Temple raised the issue that many barns in North Chatham hamlets are set close to property lines—even within a foot. He asked if that meant that one side of the barn could not house animals?
- 4) Also, regarding the minimum setback of 100 feet from wetlands or water, Temple asked, where did that number come from? Several people answered him, saying that it was New York State law. Temple objected that if indeed this is a state law, why does it need to be in this specific law? He recommended that the committee use the state/federal law and not complicate this particular situation any more than it already is.
- 5) Temple also had an issue with the topic of people being allowed to have “nuisance animals”. He asked what exactly the committee meant by that, quipping, “Have you ever chased by a moose?”

Supervisor DeGroot thanked Jim Temple for his comments, but reminded him of the three-minute limit, which he had passed. DeGroot asked Temple if he would be willing to put the rest of his recommendations in writing and submit them to the Board. Temple agreed.

Mary Grandy asked whether the easement on a property was included in acreage. Attorney Rappleyea answered her question, stating that yes, it was.

Randi Walker stated that she enjoys living in a rural area, such as being next to a neighbor who owns a rooster. She also said that she does not mind smell of manure and chose Chatham over an area like Clifton Park because of the agricultural heritage that Chatham has. Walker stated that if the recommendations of the Comprehensive Plan go through and the hamlet areas are extended, she hopes that provisions will be made for people who wish to work together, such as her and her neighbor, in order that people can keep their animals.

Terry Buck lives in the village and went through the Zoning Board of Appeals over keeping her chickens and goats. She stated that she knows of the concern of migratory birds and disease that they may carry. Buck reminded the Board that yes, this is a concern, but there is a big difference by comparison of 4 chickens in a lake neighborhood and 150 geese around Crellin Park. It worries her that people are picking on chickens, which are not big animals and are very low maintenance, and that people go on to pick on each other. Buck stated that the Kinderhook Lake area it is *not* overcrowded with animals and that animals are not the big problem. Rather, she concluded, the problem is that there are too many *people*.

Berit Allard stated that she doesn't want to sound too sentimental but she had something to say to the Board. Allard lives on 24 Eberle Road Extension and is a kindergarten teacher at Ichabod Crane Central School. She supports neighbors to make good choices in their lives and feels that the Town should make the right choice not to bring animals into her community. Allard stated that she hoped everyone would just reach down inside of themselves and develop a sense of caring for the community. She concluded that she just hoped everyone would not fight over this but just feel what was right for the town and themselves.

Greg Messina presented his concerns regarding avian flu. He stated that he heard a lot about this disease through NPR, which he feels is a credible source. Messina encouraged people to take what NPR says serious, to not make fun of those who are concerned about birds carrying diseases and to realize the true threat that is facing Chatham.

Pat Collins gave her opinion that people should look at other side of coin; to think about what their neighbors are going through, whether they do or do not have animals—whether they are for or against having animals in the area. She said it is better to sit down, talk about it, and work it out instead of fighting.

The Town Board agreed to recess the Public Hearing at 7:45 pm.

Supervisor DeGroot advised that the Town Attorney and Livestock Committee should sit down and work together to come up with a viable solution.

Mary Gail Biebel stated that she heard a lot from people tonight who did not want animals at all in the hamlets. She reminded everyone that the charge from the Board was that not *if* animals should be in the hamlets. There *will be* animals, but the issue is *how* they will be allowed. Also, it is not about *if* there will be some regulations, but *what* ones? Biebel asked the Board, "Is the charge the same? Or has it changed?"

Supervisor DeGroot spoke, affirming with the other Town Board members that, yes, the charge to the Livestock Committee is the same.

Reports

1. Highway (The Superintendent's report is on file.)

Highway Superintendent Joe Rickert spoke with the Town Board and handed in his report. Regarding the bids for the 1989 dump truck, Rickert stated that there were no bids the second time the truck was offered and he was considering sending it to the County Auction. The Board also suggested for him to look into an online auction.

2. Building Department (Report from the Building Inspector is on file.)
3. Justice Court (The clerk's report is on file.)
4. Supervisor (County business)

Supervisor DeGroot stated that the county is fairly quiet except for the recent passing of Bill Banks, Supervisor of the Town of Clermont.

5. Comprehensive Plan Committee

Van Calhoun read a memo to the Town Board (on file). He also spoke on behalf of Dr. Ira Marks and Chairwoman Mary Gail Biebel.

Kari Jablonka also spoke up, stating that doing the vision was easy, but the hard part was figuring out what the details mean. His opinion was that the committee's recommendations—keeping farming part of Chatham, expanding open space, etc.—all have to be taken into consideration. Jablonka also credited Biebel for her hard work and endurance.

Randi Walker agreed, saying that although she was not part of the committee in the beginning and joined later on in the process, she was impressed that Biebel was chosen as a leader.

New Business

1. Resignation of Town Historian

Supervisor DeGroot stated that he spoke with Elizabeth Horst who informed him she will be stepping down as Town Historian. He asked Horst if she could provide the Board with a letter of resignation with an effective date. Horst agreed and stated she would get one to the Board soon.

2. Reality Check

Four teens from Reality Check made a presentation before the Board regarding their stance against tobacco in kid-rated movies. The Board responded favorably and agreed to pass a resolution to endorse their efforts.

Resolution #101-07 To Endorse Reality Check in their Efforts to Support Smokefree Movies.

Offered by Councilman Balcom, moved adoption to endorse Reality Check as follows:

Whereas tobacco use is the number one preventable cause of death and disability;

Whereas youth ages 12-20 are one-sixth of the population but buy more than a quarter of all movie tickets;

Whereas half the tobacco shots in the ten top-grossing movies released from May 2002 to May 2003 were in youth-accessible and youth-marketed G, PG, and PG 13 films;

Whereas 80 percent of the ten highest-grossing PG-13 movies and videos released in 1996-1997 and 1999-2000 featured smoking; and 85 percent of the twenty-five top grossing Hollywood films from 1988 to 1997 dramatized the use of tobacco, the highest rate in half a century;

Whereas exposure to smoking in movies recruits more than half (52%) of new adolescent smokers;

Whereas everyday 1,070 teens light up their first cigarettes because of smoking in the movies – and 340 of them will die prematurely as a result;

Whereas the tobacco industry has a long, documented history of encouraging smoking in movies and lying about it;

Whereas the 1999 Federal Trade Commission report documented that cigar industry spending on “celebrity endorsement, and appearances, and payment for produce placement in movies and television more than doubled between 1996 and 1997;”

Whereas smoking in television ads for movies, significantly greater in ads for movies that show a particular tobacco brand, reach the vast majority of children and adolescents;

Whereas the World Health Organization, American Medical Association, American Academy of Pediatrics, American Legacy Foundation, American Academy of Allergy, Asthma, and Immunology, Society for Adolescent Medicine and others – including the Los Angeles Department of Health Services, US Public Interest Research Group and Interfaith Center for Corporate Responsibility – have endorsed the smokefree movies solution;

Whereas twenty-seven state Attorneys General have written the Motion Picture Association of America urging Hollywood to play an active role in reducing the number of children who smoke because of smoking in the movies;

Whereas the University of California San Francisco has been running an educational and advocacy campaign, Smoke Free Movies, designed to reduce the value of American movies as promotional devices for the tobacco industry through four simple, voluntary actions by the motion picture industry:

Rate New Smoking Movies “R”

Any film that shows or implies tobacco should be rated “R.” The only exceptions should be when the presentation of tobacco clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent smoking of a real historical figure.

Certify No Pay-Offs

The producers should post a certificate in the credits at the end of the movies declaring that nobody on the production received anything of value (cash money, free cigarettes or other gifts, free publicity, interest-free loans or anything else) from anyone in exchange for using or displaying tobacco.

Require Strong Anti-Smoking Ads

Studios and theaters should require a genuinely strong anti-smoking ad (not one produced by a tobacco company) to run before any film with any tobacco presence, regardless of its MPAA rating.

Stop Identifying Tobacco Brands

There should be no tobacco brand identification nor the presence of tobacco brand imagery (such as billboards) in the background of any movie scene.

Now, therefore, be it resolved that the Town of Chatham Board of Supervisors endorses the four objectives of the Smoke Free Movies campaign.

Be it further resolved that this resolution shall be transmitted to the Motion Picture Association of America; to major motion picture studios and their parent corporations (Warner Bros., owned by TimeWarner; Disney and Miramax, owned by The Walt Disney Company; DreamWorks SKG; 20th Century Fox, owned by News Corporation; Columbia, owned by Sony Corporation of America; Universal, owned by General Electric; Paramount, owned by National Amusements; MGM, controlled by Tracinda); the state Attorney General; our U.S. Senators and Congressional Representatives; and the University of California-San Francisco Smoke Free Movies project.

Councilwoman Rippel seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

Old Business: Crellin Park EAF Grant Proposal.

Resolution #102-07 To make the Town of Chatham the lead agency on Crellin Park.

Offered by Councilwoman Rippel, moved adoption to make the Town of Chatham the lead agency on grant funding in all dealings concerning Crellin Park.

Councilman Balcom seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

Resolution #103-07 To pass the Short Environmental Assessment Form.

Offered by Councilwoman Rippel, moved adoption to pass the Short Environmental Assessment Form for Phase I of Crellin Park grant, duly signed and dated by Supervisor DeGroot.

Councilman Hegeman seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

Resolution #104-07 To approve the application for Grant Funding under the 2007 Environmental Protection Fund to facilitate Phase I of Crellin Park's Master Plan.

Offered by Councilwoman Rippel, moved adoption to approve the application for Grant Funding under the 2007 Environmental Protection Fund to facilitate Phase I of Crellin Park's Master Plan as follows:

Whereas, that the Town of Chatham has undertaken a two year planning process to determine public interest and preference for the amenities at Crellin Park and; that the plan was developed with extensive public input and support through public visioning sessions and interviews with stakeholders who utilize and support the local recreational facilities; and that the plan meets with the goals of the Town of Chatham parks and Recreation Master Plan and the Chatham Comprehensive Plan; and that Sunoco Crellin Inc. made a generous donation of 20.12 acres of land formerly leased by the Town as part of the park property and now is owned in fee simple. Therefore, the Town of Chatham fully supports the development of Phase I of the Crellin Park Master Plan and an application for additional crucial funding from the 2007 New York State Environmental Protection Fund as a catalyst to begin implementation of the Crellin Park Master Plan.

Councilman Hegeman seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

Resolution #105-07 To approve the Town Clerk's minutes of two board meetings.

Offered by Councilman Balcom, moved adoption to approve the minutes of the May 17, 2007, regular town board meeting, and the minutes of the June 4, 2007, special town board meeting.

Councilwoman Rippel seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

Resolution #106-07 To approve the Town Comptroller's report.

Offered by Councilwoman Rippel, moved adoption to approve the Town Comptroller's report.

Councilman Balcom seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

Public Comment

Eric Ooms stated that he tried to come to the hearing early last night to look at the book but came in late and wasn't able to. He encouraged the board to hear people who didn't have enough extra funds to pay the \$22 fee.

Jack Schultz told the Board that he was concerned regarding what would happen to wells and septic for many people who are changing from part-time to full-time housing in Chatham.

Dan Horst drove 270 miles to come to the Board Meeting and participate in the Public Hearing on Livestock. He said that it was well worth the trip!

Jim Temple had some comments on the Comprehensive Plan and the meeting he attended on Wednesday evening. He asked for an extension of time to counter the actions being prepared to go to the Town Board. Temple stated that after having read the plans very carefully, twice, he did not understand them. However, from what he did gather, the Comprehensive Plan Committee was attempting to encourage more rapid development in hamlet areas, which he stated would be unwise. Partly, Temple said that this would be expanding water and sewer districts, and also, it would be creating something with no previous information on the costs or time on such a project. He provided a clipping from the New York Times on an area that created a new water and sewer district with prices attached to them. Temple also stated that two elderly people, his neighbors, were at the meeting as well and raised the issue of how confused they were by the executive summary. He assumed that these people represented most of the community residents and stated that the Town needs to get people to understand these plans. Temple asked Van Calhoun, a committee member, on one point concerning the plan. He asked if the Comprehensive Committee was attempting to reduce the number of houses built while expanding hamlet areas, which Calhoun admitted the answer to be yes. Temple concluded with an argument, asking, What does it mean if you find a bear with a wet nose? He answered, You are too close to the bear! He then stated that the Comprehensive Plan was like a bear with a wet nose. The bear—or in other words, the plan—is too close, and will cause a big problem.

Van Calhoun, in response to Jim Temple, stated that he didn't think the people read the plan well if they did not understand it.

Resolution #107-07 To approve Local Law #5.

Offered by Councilwoman Rippel, moved adoption to approve Local Law #5 regarding the appointment of alternate members to the Planning Board and Zoning Board of Appeals.

Councilman Hegeman seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

Supervisor DeGroot made a motion to enter executive session to discuss personnel relating to the potential appointment, discharge, or compensation of a specific individual. Councilwoman Rippel seconded and it was carried at 8:55 pm.

Supervisor DeGroot made a motion, Councilwoman Rippel seconded, and it was carried to leave executive session at 9:10 pm.

Resolution #108-07 To commence the discharge of Mr. Gary Wheeler.

Offered by Councilwoman Rippel, moved adoption that based upon the circumstances of Mr. Gary Wheeler's arrest and employment history, the Town Board thought it appropriate to commence the discharge of Mr. Wheeler and directed the Highway Superintendent and Town Attorney to do so.

Councilman Balcom seconded the motion.

Vote: Ayes, all present

Nays, none

The resolution was adopted.

Councilwoman Rippel made a motion, Councilman Hegeman seconded, and it carried to adjourn the June 21, 2007 Town Board Meeting at 9:12 pm.

Respectfully submitted by,

Elizabeth Horst
Deputy Town Clerk