

**TOWN OF CHATHAM
REGULAR BOARD MEETING
December 18, 2008 ~ 7:00 PM**

Board Present:

Supervisor Jesse DeGroot
Councilman Beth Ann Rippel
Councilman Don Hegeman
Councilman Bob Balcom
Councilwoman Jean Rohde

Board Absent: None**Others Present:**

Earle Kelsey (Comptroller) Dan Horst (Assessor)
Jack Schultz (Planning) David Everett (Zoning)
Tal Rappleyea, Esq. John Hanna (Planning)

PUBLIC HEARINGS FOR 2009 FIRE CONTRACTS AT 6:45 PM

- **East Chatham:** The Town Board opened a Public Hearing on the East Chatham fire contract for 2009 in the amount of \$55,420.00 at 6:49 pm. There was no comment.
- **Kinderhook Lake:** The Town Board opened a Public Hearing on the Kinderhook Lake fire contract for 2009 in the amount of \$17,200.00 at 6:50 pm. There was no comment.
- **Red Rock:** The Town Board opened a Public Hearing on the Red Rock fire contract for 2009 at 6:51 pm. There was no comment.

CALL TO ORDER: Supervisor DeGroot called the meeting to order at 7:00 PM.

PLEDGE TO FLAG: Councilman Hegeman led the pledge to the flag.

PUBLIC HEARING ON THE DRAFT COMPREHENSIVE PLAN AT 7:00 PM

Bob Balcom thanked all the people who worked on the Comprehensive Plan for 5 years.

David Everett, Chairman of the ZBA, requested time for his Board to meet before the Town Board considered the plan further since the ZBA had only received notice that the Comprehensive Plan was available 2 weeks ago. In addition, Everett had personal comments on several problematic issues in the plan: 1) The requirement for Planning Board approval for building certain structures on a private property, 2) The size limitation for homes in hamlet zones, 3) The requirement for buffers around wetlands and streams that are already in place by New York State DEC and US Army Corps, and 4) The allowance of only one recreational use per property.

Lee Smith stated that it was no one's business to regulate certain personal things.

Unidentified woman (1) commented in favor of stricter environmental laws.

Everett noted that while he also is in favor of regulations, it is unnecessary for the Town to create laws that are already in place by the State.

Antonie Ooms agreed with Everett's statement because of farming regulations.

David Levow cautioned the Town in regulating the people merely for regulation's sake.

Jack Schultz stated that the Planning Board would also like the opportunity to meet before the Town Board discusses this further. He viewed the Plan as seeking to turn the Town into a museum instead of looking out for the future.

Melissa Pollack stated that, as a member of one of the original committees, the Plan is a guideline with a basic vision for the future of the Town.

Randi Walker encouraged the Board to pass the Plan because she felt it had been dragged out long enough. In addition, she stated that the Zoning and Planning Board should have deadlines to submit their comments to the Town Board, state regulations do not adequately protect the Town, and property rights were taken away when the Zoning Code went into place.

David Levow disagreed that the Zoning Code took all the property rights away. **David Everett** stated that while property rights are protected by Zoning Code, if it were to change according to the Plan, many rights would be lost. **Melissa Pollack** stated that the Plan will implement a combination of regulations and rights.

Jack Schultz had several comments regarding the problems in the Plan in regards to infrastructure, elder housing, hamlets, and regulations.

Unidentified woman (2) had several questions regarding how the Plan could be passed. The Town Board and Tal Rappleyea explained that the Board could accept the Plan and pass local laws based on the specifics of the Plan.

There was more discussion regarding regulations in the Plan, the poor approach to infrastructure, and the problem that real costs were not really ever addressed.

John Hanna delivered several comments to the Board in regards to sewage, viability of farming, public transportation, windmills and solar arrays, accessory residences, and architectural review. He provided his notes to the Board and a copy is on file.

David Everett asked if the SEQR form for the Comprehensive Plan had been done and Tal Rappleyea stated that he would look into it for the Board. Additionally, several people mentioned that they would like to see certain county entities and conservation groups give their opinions on this plan. There was also mention of the Columbia County Land Conservancy in its relation to the Comprehensive Plans deal and land acquisition, donation, and potential expansion. The Town Board discussed the importance of communicating with and working alongside surrounding towns and villages during this process.

Bob Balcom mentioned that the same arguments and objections to the Plan heard from this public hearing were raised from the beginning. **Lee Smith** asked for an example and **David Everett** stated as a previous committee member that there never was any definite agreement about particulars because conclusions were always changing in the midst of disagreements.

There was more discussion about the process of adopting the Plan. **David Levow** suggested that the Town take more aggressive efforts in notifying the public. **Randi Walker** requested that the Town pass the Plan and not drag it on any longer.

David Everett stated that it would be helpful to his Board and the Planning Board to have hard copies of the Plan and see the differences between the current and proposed Comprehensive Plan.

There was discussion regarding the methods used in the creation of the Comprehensive Plan. **Earle Kelsey** spoke against the Plan's elimination of open space in the hamlets that residents currently enjoy. **Jack Schultz** noted that the Town should take a careful look at the other areas that the consultant has worked through and what problems they now experience. There was more discussion regarding the consultant and communication between the three boards. **Earle Kelsey** spoke in favor of the Town Board taking the time to work on the Plan and get it right instead of rushing it along. **Melissa Pollack** asked for the Board's commitment to put an article in the paper instead of only a short notice. It was also noted that the Town Board may need to refer the new revised Plan to the County.

The Town Board agreed to give the Zoning Board of Appeals and Planning Board a chance to discuss the Plan and submit comments. The Town Board also decided to discuss any and all comments at their February workshop meeting and then reopen the public hearing at the regular February meeting. The public hearing was tabled at 8:30 PM.

CORRESPONDENCE

1. Charter Communications, re: 2009 pricing.
2. Jim Temple, re: Town budgets.
3. The Independent, re: legal notices.
4. Hudson Valley Regional Council, re: 2010 census.
5. Ira Marks, re: Comprehensive Plan.
6. Jim Temple, re: Comprehensive Plan.
7. John Hanna, re: Comprehensive Plan. (Delivered in person.)

PUBLIC COMMENT

There was a brief discussion about the new phone system, the answering machine messages, and the power outage causing personal messages to be erased.

REPORTS

1. Highway: A copy of the report is on file.
2. Code Enforcement/Zoning Enforcement: A copy of the report is on file.
3. Justice Court: A copy of the report is on file.
4. Recreation Department: A copy of the report is on file.

NEW BUSINESS

1. The Town Board set the 2009 Organizational Meeting on Tuesday the 6th of January at 6:00 PM.
2. The Town Board set up public hearings on new local laws for the 15th of January at 7:00 PM before the regular meeting.
3. Fire Protection Contracts

RESOLUTION #115-08 to accept the East Chatham Fire Protection Contract for 2009.

Offered by Councilwoman Rohde, moved adoption to accept the East Chatham Fire Protection Contract for 2009 in the amount of \$55,420.

Councilman Balcom seconded the motion.

Vote: Supervisor DeGroot, aye; Councilwoman Rippel, aye; Councilman Balcom, aye; Councilman Hegeman, aye; and Councilwoman Rohde, aye.
The resolution was adopted.

RESOLUTION #116-08 to accept the Kinderhook Lake Fire Protection Contract for 2009.
Offered by Councilwoman Rohde, moved adoption to accept the Kinderhook Lake District Fire Protection Contract for 2009 in the amount of \$17,200.

Councilman Balcom seconded the motion.

Vote: Supervisor DeGroot, aye; Councilwoman Rippel, aye; Councilman Balcom, aye; Councilman Hegeman, aye; and Councilwoman Rohde, aye.
The resolution was adopted.

OLD BUSINESS

1. Comprehensive Plan. The Board agreed to reopen the Public Hearing after comments are received by the other boards and a workshop meeting is held to discuss the recommendations.
2. Building Permit Fees. The Board is awaiting information from the Town Attorney.

RESOLUTION #117-08 to approve the Town Clerk's minutes.

Offered by Councilman Hegeman, moved adoption to approve the minutes of the November 20, 2008, Town Board meeting.

Councilwoman Rohde seconded the motion.

Vote: Supervisor DeGroot, aye; Councilwoman Rippel, aye; Councilman Balcom, aye; Councilman Hegeman, aye; and Councilwoman Rohde, aye.
The resolution was adopted.

RESOLUTION #118-08 to amend budget appropriations.

Offered by Supervisor DeGroot, moved adoption as follows:

Whereas, the Chatham Town Board authorizes the Town Comptroller to make the following Amendments to Budget Appropriations:

From	To	Amount
A1410.4	A1410.1	\$8,000.00
A1990.4	A5132.4	5,000.00
DB9010.8	DB5130.4	10,000.00
	Total Funds	\$23,000.00

Councilwoman Rippel seconded the motion.

Vote: Supervisor DeGroot, aye; Councilwoman Rippel, aye; Councilman Balcom, aye; Councilman Hegeman, aye; and Councilwoman Rohde, aye.
The resolution was adopted.

RESOLUTION #118-08 to accept the Town Comptroller's report.

Offered by Supervisor DeGroot, moved adoption to accept the Town Comptroller's report.

Councilwoman Rippel seconded the motion.

Vote: Supervisor DeGroot, aye; Councilwoman Rippel, aye; Councilman Balcom, aye; Councilman Hegeman, aye; and Councilwoman Rohde, aye.
The resolution was adopted.

MOTION TO CLOSE MEETING: Councilwoman Rippel moved, Councilman Balcom seconded, and it was carried to adjourn the Town Board meeting of December 18, 2008, at 8:45 PM.

Respectfully submitted,

Elizabeth Horst
Deputy Town Clerk