

**TOWN OF CHATHAM  
REGULAR TOWN BOARD MEETING**

**And**

**Public Hearing to override the tax levy limit at 7:00 p.m.  
Public Hearing on the 2013 Preliminary Budget at 7:05 p.m.**

November 15, 2012

Town Hall, 488 Route 295, Chatham, NY 12037

**PRESENT:** Supervisor Jesse DeGroot, Councilman Maria Lull, Councilman Jean Rohde, Councilman Henry Swartz, Councilman Bob Balcom, Comptroller Earl Kelsey, Highway Superintendent Joe Rickert, Town Attorney Tal Rapple, Jeff Lick, Mike Hart, Debby Cesternino and 4 community members.

Supervisor Jesse DeGroot called the meeting to order at 7:00 PM and led the pledge to the flag.

The Public Hearing to override the tax levy limit was opened at 7:00 p.m.

- Supervisor DeGroot stated that the increase in the 2013 budget would be about 4.8% per assessed valuation which would mean 10 to 11 cent increase per thousand dollars.
- The tax levy limit override, as established in General Municipal Law §3-c, would need to be voted on each year and passed with a 60% majority vote of the board.
- Mr. Hart asked if the board needs to set a limit on the tax levy increase at the time of the override. The answer is no.
- A resident asked the board to be fiscally responsible and work diligently to keep taxes low in order to attract business to the area.

There was no further comment and the public hearing was closed at 7:15 p.m.

The public hearing on the 2013 preliminary budget was opened at 7:15 p.m.

- Jeff Lick spoke about the need for the Town to have a 5 year budget plan and recommends asking town residents for their input and expertise with the budget process. He would like to see the budget in a user friendly format and see more shared services in order to save money.
- Not enough is being done to attract new business to the area.

There was no further comment and the public hearing was closed at 7:25 p.m.

**CORRESPONDENCE**

- A. W. Cody Anderson, re: his frustration with Charter Communications.
- B. Jeff Lick, re: his recommendations on the 2013 budget and budget process.
- C. Wendy Carroll, re: the habitat summary presentation.
- D. George Hagel, re: his Riders Mills property which he no longer wishes to own.

**REPORTS**

- A. Highway- report on file. Start date for the White Mills Rd. bridge project is on track for April or early May 2013.
- B. Recreation Department – report on file
- C. Code Enforcement/Zoning Enforcement – report on file

- D. Dog Control – report on file
- E. Environmental Management Council- no report
- F. Justice Court – report on file
- G. Assessors – no report
- H. Zoning Implementation Committee – the committee is 2/3 to ¾ of the way through the recommendations- finish off review of “site plan review law” . They will hand it over to the Zoning Board for their review. The next meeting is December 19, 2012.
- I. Supervisor (county business) the County budget looks as though it is going down by about .25%.
- J. Town Comptroller – report on file

**NEW BUSINESS**

- A. Property tax cap override

**RES. #106-12** to adopt Local Law #4-12 to override the tax levy limit as established in General Municipal Law §3-c. Supervisor DeGrootd offered RES. #106-12 and moved its adoption to override the tax levy limit as established in General Municipal Law §3-c. Councilman Rohde seconded the motion.

VOTE: Ayes; DeGrootd, Swartz, Balcom, Rohde  
 Nays; Lull                      Resolution adopted.

**TOWN OF CHATHAM  
 LOCAL LAW NO. 4 FOR THE YEAR 2012  
 A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED  
 IN GENERAL MUNICIPAL LAW §3-c**

Be it enacted by the Town Board of the Town of Chatham as follows:

**Section 1. Legislative Intent:** It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Chatham pursuant to General Municipal law §3-c, and to allow the Town of Chatham to adopt a budget for the fiscal year beginning January 1, 2013 and ending December 31, 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

**Section 2. Authority:** This local law is adopted pursuant to subdivision 5 of General Municipal law §3-c, which expressly authorizes the Town board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.

**Section 3. Tax Levy Limit Override:** The Town Board of the Town of Chatham, County of Columbia is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability:** If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date:** This local law shall take effect immediately upon filing with the Secretary of State.

## **OLD BUSINESS**

### A. Town Audit

- Supervisor DeGrootd stated that audits are done with an outgoing comptroller and/or supervisor. Money has been budgeted for 2013 for that reason.

### B. 2013 town budget

**RES. #107-12** to clarify spending and borrowing as intended in the 2013 budget. Supervisor DeGrootd offered RES. #107-12 and moved its adoption to clarify spending and borrowing as intended in the 2013 budget as follows: borrow 1.2 million dollars for highway equipment purchase/repairs, \$300,000.00 to replace the pond pavilion at Crellin Park and use \$100,000.00 from the tax stabilization account for 2013. Councilman Swartz seconded the motion.

VOTE: Ayes; DeGrootd, Swartz, Balcom, Rohde  
Nays; Lull Resolution adopted.

**RES. #108-12** to adopt the Town of Chatham 2013 budget. Supervisor DeGrootd offered RES. #108-12 and moved to adopt the Town of Chatham 2013 budget. Councilman Rohde seconded the motion.

### Budget Discussion

- Councilman Balcom stated that the budget is not sustainable and that the Town will be looking at a 3% increase for next year as it stands. He would not vote “yes” on the budget unless the board agrees to establish a finance committee and put a 5 year plan in place. Excluding collective bargaining, salaries for Town employees need to get a “hair cut”.
- Councilman Lull agrees with Councilman Balcom. She feels her questions have not been answered regarding the pay for the engineers, the boards, attorney, etc. She is not sure where to cut spending though. The Town needs to look at the “big picture”. The park program is too expensive and putting up a new building does not sit well. But since it is in the budget Councilman Lull wants to form a committee to oversee the new building project. It’s nice the budget is under 5% but she will still not vote “yes”.
- Councilman Swartz agrees with a 5 year budget plan.
- Councilman Rohde stated that there has not been much of a budget increase over the last 3 years and this is a wakeup call. The Town needs to be more proactive in their budgeting and agrees with creating 5 year plan.

- Supervisor DeGrootd would like to have the finance committee more involved with the comptroller's office. He agrees with the need for a 5 year plan.
- Councilman Balcom said they need to go deeper than the finance committee and tap into the experts in the community.
- Councilman Swartz stated that board members can't just say "change it". They need to show how and where changes could be made to make effective budget cuts.
- Highway Super. Rickert stated that highway is the largest portion of the Town's budget and during difficult fiscal times the department takes the biggest hit. Super. Rickert has worked hard at making cuts in order to help keep taxes low. There have been cuts to personnel and he put the equipment maintenance/replacement schedule on hold for several years in order to save money. The next thing to look at if asked to make any further cuts will be to services provided by the highway department.
- Comptroller Kelsey stated that revenue applied to the budget is 40% and it's pretty much fixed. With a 3% inflationary figure you have to be at 6% tax increase. The Town taxes have not increased proportionately over the years.
- Councilman Balcom stated that the Town needs to find new revenue sources.

VOTE: Ayes; DeGrootd, Swartz, Rohde  
 Nays; Lull, Balcom                      Resolution adopted.

Proposed Local Law #5-12, the Public Assemblies/Mass Gathering law has been brought to the board for their consideration. It will be turned over the Planning Board for their review as well. This new local law will replace the existing public assemblies law.

**RES. #109-12** to schedule a public hearing on proposed Local Law #5-12, Public Assemblage/Mass Gathering. Supervisor DeGrootd offered RES. #109-12 and moved its adoption to schedule a public hearing on proposed Local Law #5-12, Public Assemblage/Mass Gathering for December 20, 2012 at 7:00 PM. Councilman Swartz seconded the motion.

VOTE: Ayes; DeGrootd, Swartz, Rohde, Balcom, Lull  
 Nays;                      Resolution adopted

**RES. #110-12** to approve the minutes of the October 18, 2012 regular town board meeting, the October 24, 2012 and November 8, 2012 special town board meetings. Supervisor DeGrootd offered RES. #110-12 and moved its adoption to approve the minutes of the October 18, 2012 regular town board meeting, the October 24, 2012 and November 8, 2012 special town board meetings. Councilman Rohde seconded the motion.

VOTE: Ayes; DeGrootd, Swartz, Rohde, Balcom, Lull  
 Nays;                      Resolution adopted

**RES. #111-12** to schedule public hearings for December 20, 2012 for the 2013 Niverville Fire Dept. contract and 2013 Tri-Village Fire Company contract. Supervisor DeGrootd offered RES. #111-12 and moved its adoption to schedule 2 public hearings for December 20, 2012, 7:05 pm

for the 2013 Niverville Fire Dept. contract and 7:10 pm for the 2013 Tri-Village Fire Company contract. Councilman Rohde seconded the motion.

VOTE: Ayes; DeGroot, Swartz, Rohde, Balcom, Lull  
Nays; Resolution adopted

**RES. #112-12** to approve amendments to budget appropriations. Supervisor DeGroot offered RES. #112-12 and moved its adoption:

WHEREAS, the Chatham Town Board authorizes the Town Comptroller to make the following amendments to budget appropriations:

From	To		
A1315.2	A1315.4	Fr. Comptroller EQ to Comptroller CE To cover increased operating costs with equipment. Funds not used	\$200.00
A1990.4	A9010.8	Fr. Contingency to State Retirement Due to increase in annual retirement billing 2012	\$16,000.00
A1990.4	A7510.4	Fr. Contingency to Historian CE No expenses were budgeted	\$20.00
B.9030.8	B.9010.8	Fr. Social Security (town share) to state retirement Due to increase in annual retirement billing 2012	<u>\$2,000.00</u>
		TOTAL FUNDS	\$18,220.00

Councilman Balcom seconded the motion.

VOTE: Ayes; DeGroot, Swartz, Rohde, Balcom, Lull  
Nays; Resolution adopted.

**RES. #113-12** to accept the Town Comptroller's May 2011 justice court audit report. Councilman Swartz offered RES. #113-12 and moved its adoption to accept the Town Comptroller's May 2011 justice court audit report. Councilman Balcom seconded the motion.

VOTE: Ayes; DeGroot, Swartz, Rohde, Balcom, Lull  
Nays; Resolution adopted.

## **PUBLIC COMMENT**

None

Motion was made by Supervisor DeGroot to enter into executive session at 8:30 PM under Public Officers law §105f for the purpose of discussing matters pertaining to medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; Councilman Balcom seconded the motion. Motion carried.

Motion was made by Supervisor Jesse DeGroot to leave executive session at 9:00 PM. Councilman Rohde seconded the motion. Motion carried.

Motion was made by Councilman Swartz and seconded by Councilman Balcom to adjourn at 9:00 PM. Motion carried

Respectfully submitted by,  
Beth Anne Rippel  
Town Clerk