

TOWN OF CHATHAM
TOWN BOARD MEETING
APRIL 18, 2013
7:00 P.M.

PRESENT

Supervisor DeGroot
Councilman Maria Lull
Councilman Jean Rohde
Councilman Bob Balcom
Town Attorney Tal Rappleyea
Community members

ABSENT

Councilman Henry Swartz

CALL TO ORDER

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

CORRESPONDENCE

A. Jim Temple, re: asking the Town board to adopt a resolution that calls for the repeal of the SAFE act.

B. John Cooley, Cynthia and Bob Richardson, Thomas Adcock, Judy Grunberg, Barry Biederman asking the Board not to take any action in regards to the SAFE act.

PUBLIC COMMENT

_Landra Haber and Teresa Barenfeld read prepared statements asking the Board not to take any action in regards to the SAFE act.

-Kate Butler asked the audience if they were happy that the State is spending \$38 million to implement the SAFE act. Residents in attendance stated that, yes, they were in favor of the State spending on this act. Ms. Butler thought that perhaps the money could be spent on education.

REPORTS

A. Highway-report on file

B. Recreation Department- report on file

C. Code Enforcement/Zoning Enforcement- report on file

D. Dog Control- report on file.

E. Environmental management Council -Deidre Henderson updated the Board on TCI and the fracking issue is NYS. She would like to be reappointed to the EMC.

F. Justice Court - report on file

G. Assessors

H. ZIC - The next meeting will be held on May 1st at 6:30 PM.

I. Supervisor - nothing new to report.

J. Town Comptroller - report on file

NEW BUSINESS

A. SAFE act.

-The Board agreed not to take any action.

OLD BUSINESS

A. ZIC vacancy

RES. #81-13 to appoint Jeff Lick to fill the vacancy on the Zoning Implementation Committee (ZIC). Supervisor DeGrootd offered RES. #81-13 and moved its adoption to appoint Jeff Lick to fill the vacancy on the Zoning Implementation Committee. Councilman Rohde seconded the motion.

VOTE:

Ayes DeGrootd, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RES. #82-13 to accept the minutes of the March 21, 2013 regular town board meeting. Supervisor DeGrootd offered RES. #82-13 and moved its adoption to accept the minutes of the March 21, 2013 regular town board meeting. Councilman Balcom seconded the motion.

VOTE:

Ayes: DeGrootd, Lull, Balcom Rohde..... Nays: None..... Resolution adopted

RES #83-13 to declare old computers as surplus and arrange for their disposal. Supervisor DeGrootd offered Res. #83-13 and moved its adoption to declare the old computers as surplus and arrange for their disposal. Councilman Rohde seconded the motion.

VOTE:

Ayes: DeGrootd, Lull, Balcom Rohde..... Nays: None..... Resolution adopted

RES #84-13 to enter into an agreement with Whiteman, Osterman & Hanna to act as bond counsel to the Town. Supervisor DeGrootd offered RES. #84-13 and moved its adoption to enter into an agreement with Whiteman, Osterman & Hanna to act as bond counsel to the Town of Chatham with respect to the proposed issuance by the Town of its general obligation bonds or notes for the purpose of providing funds to pay the cost of the purchase certain trucks. Services as bond counsel with respect to the issuance of the Obligation for the foregoing purpose for the fee of \$2,250.00 (excluding disbursements) disbursements not to exceed \$50.00. Services performed outside the scope of service as bond counsel will be charged at the normal hourly rate. No such work will be undertaken without prior authorization. Complete letter attached. Councilman Rohde seconded the motion.

VOTE:

Ayes: DeGrootd, Lull, Balcom Rohde..... Nays: None..... Resolution adopted

RES #85-13 to authorize the purchase of certain trucks including equipment used in connection therewith, stating the estimated maximum cost of said purchase is \$734,747.52, appropriating said sum therefor and authorizing the issuance of up to \$734,747.52 serial bonds of the town to finance said

appropriations. Supervisor DeGrootd offered RES. #85-13 and moved its adoption;

BOND RESOLUTION OF THE TOWN OF CHATHAM, COLUMBIA COUNTY, NEW YORK, ADOPTED APRIL 18, 2013, AUTHORIZING THE PURCHASE OF CERTAIN TRUCKS INCLUDING EQUIPMENT USED IN CONNECTION THEREWITH, STATING THE ESTIMATED MAXIMUM COST OF SAID PURCHASE IS \$734,747.52, APPROPRIATING SAID SUM THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO \$734,747.52 SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION.

RECITALS:

WHEREAS, the Town Board of the Town of Chatham, Columbia County, New York (the "Town") has determined that it is in the best interests of the residents of the Town to purchase certain trucks for the Town including equipment used in connection therewith as more fully described on Exhibit A attached hereto and made a part hereof (collectively, the "Trucks"); and

WHEREAS, the purchase of the Trucks is a Type II action within the meaning of the State Environmental Quality Review Act and the regulations issued pursuant thereto (collectively, "SEQRA") and, therefore, no further action is required to be taken by the Town Board pursuant to SEQRA;

NOW, THEREFORE, on motion of Supervisor Jesse DeGrootd, seconded by Councilman Bob Balcom, all members present voting on roll call, which resulted as follows:

AYES: DeGrootd, Lull, Balcom, Rohde

NAYES: none

IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHATHAM (BY AT LEAST TWO-THIRDS (2/3) OF THE ENTIRE TOWN BOARD) AS FOLLOWS:

Section 1. The Recitals set forth above are incorporated herein by reference.

Section 2. The Town of Chatham, Columbia County, New York (the "Town") is hereby authorized to undertake the purchase of the Trucks.

Section 3. The estimated maximum cost of purchasing the Trucks, including preliminary costs and costs incidental thereto and the financing thereof, is \$734,747.52 and said amount is hereby appropriated therefore. To finance said appropriation, serial bonds of the Town are hereby authorized to be issued in the aggregate principal amount of \$734,747.52 pursuant to and in accordance with the provisions of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the "Law").

Section 4. The plan of financing includes issuing up to \$734,747.52 aggregate principal amount of serial bonds of the Town in such series and amounts as may be necessary to pay said sum, together with other costs. The serial bonds may (but need not) be issued in the form of a single bond, known as a statutory installment bond, in accordance with Section 62.10 of the Law.

The annual debt service on the bonds may (but need not) be substantially level or declining annual debt service as provided in Section 21.00(d) of the Law. The interest rate on the bonds (and any notes issued in anticipation thereof) may (but need not) be a variable rate of interest as provided in Section 54.90 of the Law.

Section 5. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific objects or purposes which the bonds authorized by the resolution are to be issued is a maximum of fifteen (15) years, within the limitation of Section 11.00(a)(28) of the Law.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to Sections 107.00(d) (4) and (9) of the Law.

(c) The proposed maturity of the bonds and bond anticipation notes authorized by this resolution will not exceed five (5) years.

(d) Pursuant to Section 35.00(b)(1) of the Law, this resolution is not subject to a permissive referendum.

(e) The bonds authorized by this resolution are not private activity bonds as defined in Section 141 of the Internal Revenue Code of 1986, as amended (the "Code").

(f) All of the proceeds of the bonds authorized by this resolution and any notes issued in anticipation of the sale of said bonds shall be used to finance the purchase of the Trucks and to pay costs incidental and preliminary thereto (including, without limitation, costs relating to the issuance of the bonds and any notes issued in anticipation of the issuance of said bonds).

Section 6. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law, shall be issued in fully registered form and shall be general obligations of the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds. To the extent not paid from other sources, provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized, ratified and confirmed, pursuant to, and subject to the restrictions of, Section 165.10 of the Law, for the purchase of the Trucks. As provided in Section 165.10 of the Law, the Town intends to reimburse such funds from the proceeds of the bonds or

notes authorized hereto. This resolution is a declaration of official intent under Section 1.150-2 of the Treasury Regulations issued pursuant to the Code.

Section 8. The Town hereby covenants and agrees with the holders from time to time of the bonds authorized hereby, and any bond anticipation notes issued in anticipation thereof, that the Town will duly and faithfully observe and comply with the provisions of the Code relating to actions which the Town must take or cause to be taken to ensure the status of the interest on the bonds authorized hereby, and any notes issued in anticipation thereof, is excludable from federal income taxation.

Section 9. The Supervisor of the Town, upon the advice of Bond Counsel, is hereby authorized to designate as a “qualified tax-exempt obligation” pursuant to and within the meaning of Section 265(b) of the Code the bonds authorized hereto and any notes issued in anticipation thereof.

Section 10. Subject to the provisions of this resolution and the Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 54.90 to 63.00 of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and content and as to the sale and issuance of the bonds herein authorized and any notes issued in anticipation of such bonds, or the renewals thereof, are hereby delegated to the Supervisor of the Town and the Chief Fiscal Officer of the Town.

Section 11. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 12. The Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, or a summary thereof, in the official newspaper of the Town, said bond resolution to be published together with the Town Clerk’s statutory notice provided by Section 81.00 of the Law.

Section 13. This resolution shall take effect immediately.

Councilman Balcom seconded the motion.

VOTE:

Ayes: DeGroot, Lull, Balcom Rohde..... Nays: None..... Resolution adopted

RES #86-13 to appoint Deidre Henderson to the Environmental Management Council (EMC). Supervisor DeGroot offered Res #86-13 and moved its adoption to appoint Deidre Henderson to the EMC in compliance with the date and term

set by Columbia County, in effect as of March 2012. Councilman Lull seconded the motion.

VOTE:

Ayes: DeGroot, Lull, Balcom Rohde..... Nays: None..... Resolution adopted

EXECUTIVE SESSION

Motion was made by Supervisor DeGroot to enter into executive session at 7:20 p.m. under Public Officers law section 105 (1)(d) for the purpose of discussing pending litigation in relation to a code enforcement matter.

Councilman Balcom seconded the motion. Motion carried.

Motion was made by Supervisor DeGroot to leave executive session at 7:30 p.m. Councilman Balcom seconded the motion. Motion carried.

Motion was made by Councilman Balcom and seconded by Councilman Rohde to adjourn at 7:30 p.m. Motion carried.

Respectfully submitted by,

Beth Anne Rippel