

TOWN OF CHATHAM
488 Route 295
CHATHAM, NY 12037

REGULAR TOWN BOARD MEETING
August 21, 2014 7:00PM

PRESENT: Supervisor Jesse DeGrootd,., Councilman Maria Lull, Councilman Bob Balcom, Councilman Jean Rohde, Highway Superintendent Joe Rickert, Rec. Director Shari Franks, Town Clerk Beth Anne Rippel, Julia Horst

ABSENT: Councilman Henry Swartz, Jr.

Others Present: A large group from "Stop NY Fracked Gas Pipeline"

Supervisor DeGrootd called the meeting to order and led the pledge to the flag.

CORRESPONDENCE

A. Cynthia Valles, re: Albany Turnpike/East Chatham

B. Rebecca McBride

NEW BUSINESS

A. Presentation: by Bruce Shenker of STOP NY Fracked Gas Pipeline.

-Mr. Shenker presented the Board with their information on the proposed Tennessee Gas pipeline expansion. The group is asking the Town Board to read and pass a resolution in opposition to the expansion. Information is on file.

PUBLIC COMMENT

-Keith Stupplebeen questioned the Board on the White Mills Rd. Bridge. Supervisor DeGrootd stated that he is disgusted with the whole process. The bridge is 2" under clearance and CSX halted the project. The bridge belongs to CSX and opening it is strictly in their hands at this point. The Town has not been able to get an answer from CSX.

-Mr. Stupplebeen thanked Highway Super. Joe Rickert for the work he and the crew have done on Lover's Lane and Church Lane.

-Leona Scarpinato voiced her concerns again about the safety of the East Chatham Bridge. Highway Super. assured her that the Town is taking all the necessary steps to correct the situation and straighten out the intersection. He stated that the sidewalk is closed to pedestrians until further notice. This process will take time and we need to be patient. Lowering the speed limit on the bridge might help in the meantime and the Town does have the authority to do so.

-Several people urged the Board to pass their proposed resolution in opposition to the pipeline stating that there is no up-side to the expansion and that the residents of the Town would not benefit in any way.

-Jim Temple asked the Board to use caution when dealing with the pipeline issue, stating that we are all energy consumers.

-Supervisor DeGrootd has asked Kinder-Morgan on at least 3 different occasions to come to a Town meeting and as of yet he has not heard back from them.

REPORTS

A. Highway - report on file. Councilmen Lull and Balcom thanked Joe for the nice job they have done on Rock City and Hartigan roads, it looks great.

B. Recreation - report on file

C. Code Enforcement/Zoning Enforcement - report on file

D. Animal Control - report on file

E. Environmental - Deirdre Henderson reported that there is additional monitoring on the discharge from the Dewey Loeffel landfill. The EPA is monitoring downstream. Columbia County has applied for funding for county wide mapping of source water. Also under discussion are the consequences of using fossil fuels, gas line expansion and oil transport via rail. When spills occur only 10% of the oil is recovered. Emergency services are not equipped to deal with this type of event.

- F. Justice Court -report on file
- G. Assessor - report on file
- H. Zoning Implementation Committee - no report
- I. Supervisor - all is quiet at the County
- J. Town Comptroller - report on file
- K. Town Clerk -

NEW BUSINESS

A. Presentation by the group from "Stop NY Fracked Gas Pipeline". Councilman Balcom would like to discuss this further at the workshop meeting on Sept. 4 at 7PM

OLD BUSINESS

A.

RESOLUTIONS

RES. #96-14 to renew the agreement with Viridian for electric supply for a 12 month fixed plan at 8.99¢ kWh at the 865 Cty. Rte. 13, Old Chatham location. Supervisor DeGrootd offered RES. #96-14 and moved its adoption to renew the agreement with Viridian for electric supply for a 12 month fixed plan at 8.99¢ kWh at the 865 Cty. Rte. 13, Old Chatham location. Councilman Lull seconded the motion.

VOTE

AYES: DeGrootd, Lull, Balcom, Rohde NAYS: None Resolution adopted

RES. #97-14 to reduce the speed limit on the East Chatham Bridge to 5 mph. Supervisor DeGrootd offered RES. #97-14 and moved its adoption to reduce the speed limit on the East Chatham Bridge to 5 mph. Councilman Balcom seconded the motion.

VOTE

AYES: DeGrootd, Lull, Balcom, Rohde NAYS: None Resolution adopted

RES. #98-14 to approve the minutes of the July 17, 2014 regular town board meeting. Supervisor DeGrootd offered RES. #98-14 and moved its adoption to approve the minutes of the July 17, 2014 regular meeting. Councilman Rohde seconded the motion.

VOTE

AYES: DeGrootd, Lull, Balcom, Rohde NAYS: None Resolution adopted

RES. #99-14 to declare the court's security window as surplus. Councilman DeGrootd offered RES. #99-14 and moved its adoption to declare the court's security window as surplus. Councilman Rohde seconded the motion.

VOTE

AYES: DeGrootd, Lull, Balcom, Rohde NAYS: None Resolution adopted

RES #100-14

EXTRACT OF MINUTES OF MEETING OF THE
TOWN BOARD OF THE TOWN OF CHATHAM IN THE
COUNTY OF COLUMBIA, STATE OF NEW YORK

A meeting of the Town Board of the Town of Chatham in the County of Columbia, New York was held in the Town Offices at 488 State Route 295, Chatham, New York 12037 on August 21, 2014 at 7:00 o'clock p.m. (local time).

- PRESENT: Jesse DeGrootd, Supervisor
- Jean Rohde, Councilwoman
- Maria Lull, Councilwoman
- Bob Balcom, Councilman
- ABSENT: Henry Swartz, Jr., Councilman

BOND RESOLUTION

BOND RESOLUTION OF THE TOWN OF CHATHAM, COLUMBIA COUNTY, NEW YORK, ADOPTED AUGUST 21, 2014, AUTHORIZING THE PURCHASE OF CERTAIN MOTOR VEHICLES, INCLUDING EQUIPMENT USED IN CONNECTION THEREWITH, STATING THE ESTIMATED MAXIMUM COST OF SAID PURCHASE IS \$159,756.10, APPROPRIATING SAID SUM THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO \$159,756.10 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 motor vehicles 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 "Motor Vehicles"); and

WHEREAS, the purchase of the Motor Vehicles 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 DeGroot, seconded by Councilman Rhode, all members present voting on roll call, which resulted as follows:

AYES: DeGroot, Lull, Balcom, Rohde

NAYES:

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 Motor Vehicles.

Section 3. The estimated maximum cost of purchasing the Motor Vehicles, including preliminary costs and costs incidental thereto and the financing thereof, is \$159,756.10 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 \$159,756.10 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 \$159,756.10 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. However, the proposed maturity of the bonds and bond anticipation notes authorized by this resolution will not exceed five (5) years.
- (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) Pursuant to Section 35.00(b)(1) of the Law, this resolution is not subject to a permissive referendum.
- (d) 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").
- (e) 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 Motor Vehicles 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 Motor Vehicles. 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. The Town adopted declarations of official intent under Section 1.150-2 of the Treasury Regulations issued pursuant to the Code on March 20, 2014 and June 19, 2014.

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.

CERTIFICATE

I, BETH ANNE RIPPEL, Town Clerk of the Town of Chatham, in the County of Columbia, New York, HEREBY CERTIFY that the foregoing annexed extract of the minutes of a meeting of the Town Board of said Town of Chatham, duly called and held on August 21, 2014 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Town Board had due notice of said meeting and due notice was given to the public and news media as required by Article 7 of the Public Officers Law.

I FURTHER CERTIFY that a quorum of the members of the Board was present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Chatham this 21 day of August, 2014.

Beth Anne Rippel, Town Clerk

-SEAL-

EXHIBIT

A

VEHICLES/EQUIPMENT	COST/REFERENDUM
(1) FORD 2015 950 4x4 Regular Cab Chassis	\$35,415.00
(1) PSC-9 Truck Body	\$8,536.00
(1) Case Maxxum 115Tractor with Diamond Side Boom Mower	\$115,805.10
TOTAL:	\$159,756.10

RES. #101-14 to set the dates of special budget meetings. Supervisor DeGrootd offered RES. #101-14 and moved its adoption to set the dates for special budget meetings for October 6, 13, 20, and 27 at 7PM. Councilman Balcom seconded the motion.

VOTE

AYES: DeGrootd, Lull, Balcom, Rohde NAYS: None Resolution adopted

Motion was made by Councilman Rohde and seconded by Councilman Balcom to adjourn at 8:30PM. Motion carried.

Respectfully submitted by,

Beth Anne Rippel, RMC
Town Clerk/Tax Collector